

AN HISTORICAL INTRODUCTION TO METIS CLAIMS IN CANADA ¹

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ABSTRACT/RESUME

The author reviews the history of Metis claims in Canada, and of government actions since 1870 in which Metis aboriginal rights are recognized. In his conclusion he notes that, although the Metis are included in only two numbered treaties, on the other hand their eligibility is an integral part of the recent Agreements in Quebec.

L'auteur présente un tableau historique général des revendications des Métis au Canada, et des décisions gouvernementales depuis 1870 dans lesquelles les droits aborigènes de cette population sont reconnus. Dans sa conclusion, il constate que, bien qu'il soit question des Métis seulement dans deux traités numérotés, en revanche leur admissibilité fait partie intégrante des conventions récentes au Québec.

As Metis claims are based upon aboriginal title to the soil they share the same origins as Indian and Inuit claims.² Historically, Metis claims took a divergent line after 1870 when the Dominion Government dealt with the Manitoba Metis in a way which at once recognized their claim to share in the aboriginal title and yet departed from the established principles of British North American Indian policy. Before examining this departure, it would be helpful to set out very briefly what had been the traditional Indian policy and the circumstances which led to the departure from it which section 31 of the Manitoba Act represented.

By the eighteenth century British practice in North America had been to recognize an aboriginal interest in the soil which at least amounted to a right of use. This interest was a burden on the Crown's title and was to be extinguished by an agreement with the native peoples which included compensation. It was this body of ideas and practice which had grown up over the years which was incorporated into the Proclamation of 1763. The Proclamation declared that Indian land could not be taken up until Indian title was extinguished and that this could only be done by the Crown at a general meeting with the Indians inhabiting the tract. Meanwhile, Indian lands would be reserved for their use. The emphasis of the Proclamation was upon this rather than upon land surrender, since it came hard on the heels of Pontiac's rebellion. Nevertheless, in reserving to the Indians their traditional lands and laying down a surrender procedure, the Proclamation implicitly recognized an Indian title though its precise nature had not been defined.

When land surrenders became necessary, as they did in Upper Canada, the method laid down in the Proclamation was followed. Representatives of the Crown negotiated with the Indians at a general meeting. Compensation was given in return for the land surrender. In the course of the nineteenth century treaties were made which provided for annuities, reserves of land for the Indians' own use, and the right to hunt and fish over the lands not yet taken up for other purposes.

Indians were not considered aliens. They were, like all Canadians, deemed to be British subjects³ though holding a special status which carried with it both liabilities and privileges. While they did not have the vote and were forbidden to use alcoholic beverages, they were protected by law on their reserve lands from those who might try to take their property from them. Prior to the first consolidated Indian Act in 1876, the specific nature of Indian status derived from a number of statutes. When the Imperial authorities turned over to the colonial governments in 1860 responsibility for Indian affairs, a special branch of the Canadian Government was formed to administer that legislation. At Confederation it was the Indian Affairs Branch of the old Province of Canada which became the Indian Branch of the new Dominion. The headquarters personnel were identical.

Up to the time of the acquisition of the North-West by the Dominion, people of mixed Indian and European blood had not posed a special situation. They had not been sufficiently numerous or significant in the older settled regions to require special treatment. When William Robinson negotiated the

treaties with the Indians of Lakes Huron and Superior in 1850, he stated a policy which followed those lines:

As the half-breeds at Sault Ste. Marie and other places may seek to be recognized by the Government in future payments, it may be well that I should state here the answer that I gave to their demands on the present occasion. I told them I came to treat with the chiefs who were present, that the money would be paid to them - and their receipt was sufficient for me - that when in their possession they might give as much or as little to that class of claimants as they pleased. To this no one, not even their advisers, could object, and I heard no more on the subject. (Morris, 1880:20)

In this statement, Robinson was disclaiming on the part of the Government any special responsibility towards people of mixed blood. He left it to the Indian chiefs to determine which of the Metis claimants would be admitted to the treaty and which would be excluded. There were to be only Indians and other subjects.⁴ The Metis must be one or the other.

This, then, was the background of Indian policy and practice by the time of Confederation. At that time, the British North America Act assigned responsibility for Indians and lands reserved for Indians to the Government of the new Dominion. The Canadian Government accepted the obligation of carrying on the conduct of Indian affairs in accordance with established principles. This was stated in a joint address of both Houses of Parliament to the Queen on December 17th, 1867 on the occasion of petitioning Her Majesty to add to the Dominion the territories of the Hudson's Bay Company.

The address read:

The claims of the Indian Tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

When the Canadian Government acquired the Hudson's Bay Company's territories in 1870 they found there a large Indian population. These Indians lived more in the fashion of their ancestors than the Indians of the older settled regions of Canada, although the native life had been modified by two centuries of the fur trade. Contact between the men of the fur trade and Indian women had also produced a large population of Metis (c.f. Giraud, 1945; Stanley, 1961; Morton, 1957). Some of these people lived amongst the Indians and followed the same manner of life. In the Red River Settlement some Metis were a significant component of the middle and upper classes. But most of them formed a coherent society of their own with a strong group consciousness, even though some were more nomadic than others. Some were chiefly nomadic buffalo-hunters living very much after the fashion of the Indians but separate from

them. Others were more or less settled, doing some gardening or farming, hunting or fishing, and working for wages either regularly or occasionally. Wages were most readily available as tripmen, manning the canoes and York boats which provisioned the fur-trading posts, or as carters on the overland trails.

The Metis feared for their future in the midst of the changes associated with Canadian acquisition of the territory. Some of these changes, the disappearance of the buffalo, the decline of the fur trade, and new transportation routes and methods would have occurred without Canadian participation. They were largely brought about by advancing American settlement to the south. However, in acquiring the North-West the Canadian Government assumed responsibility for the consequences of these changes. In addition, Canada had changes of its own to make, notably the filling up of the country with agricultural settlers. All of these changes, actual and impending, had profound implications for the Metis way of life.

Even before Canada acquired the North-West, fears had been expressed that the buffalo were declining. These fears mounted throughout the 1870's. Between 1879 and 1883 they were finally realized and the magnificent beast upon which much of prairie life had been based had, for all practical purposes, disappeared. This event threatened every class of Metis, although those in Manitoba, who were first affected by the gradual withdrawal of the buffalo towards the western regions, had most adjusted to the changed circumstances either by following the herds westward or by turning to alternative occupations. The adjustment of those who remained in Manitoba was not, however, always a satisfactory one. A source of both provisions and ready cash⁵ had been lost to them and this loss was seldom made up entirely. For those who moved west the problem was simply postponed.

The decline of fur-bearing animals and the retreat northward of the fur trade also represented a loss to the Metis. Here too some of them adjusted by moving north. Although many found employment transporting goods and furs into and out of the northern posts, the changes that were coming about in transportation routes and methods to the North-West from the outside struck a serious blow to the Metis economy. The Hudson's Bay Company had always imported goods and exported fur by sea through Hudson Bay. Between the port of York Factory, Norway House and Red River, York boats had been used, while canoes served the outlying posts. Red River carts travelled overland to those posts which could best be reached in that way. Metis, as well as Indians, had always manned the York boats, canoes, and carts along the fur trade transportation routes. With settlement in the United States to the south and especially the building of railways, it became more economical to import and export through St. Paul (Minneapolis) to the south, and, later, for the further west, through Benton, Montana. As early as 1859, the Hudson's Bay Company was using a steamboat between St. Paul and Fort Garry, while they regularly sent cart trains along the same route. While Metis occupations did not all disappear at once, they were diminishing.

Metis settlements had formed around Red River and later near Fort

Qu'Appelle and Prince Albert and around Edmonton. In all of these areas they had taken up land for farms. While farming was often distinctly secondary to buffalo-hunting or employment for wages, it did offer additional subsistence and, for some, the major means of livelihood. Their lands also formed a home base for the Metis community which permitted their distinctive community life to function. With Canadian settlers beginning to move into the same regions, and many more expected, the Metis felt threatened. Canadian attitudes towards land were acquisitive, aggressive, and pecuniary, compared to the easy-going, live-and-let-live approach of the Metis. The characteristic Canadian attitudes were exemplified in their most extreme form by the land sharks from the east who descended upon the North-West in expectation of quick fortunes from land speculation. Many other persons, whose main concerns or occupations did not centre on land speculation, were yet anxious to do a little on the side. Metis land-holders, usually without clear legal titles to their holdings, were thus subjected to the mounting pressure not only from those who wanted land to farm, but from those who saw it as an easy way to a quick fortune. Many Metis found themselves dispossessed by fraud or knavery or simply through their own naivety. Many of these moved further west, often followed by others who simply became discouraged and sold out what they had.

Although the conditions described above can be found in the 1860's, they did not take full effect until the 1870's and 1880's. The threat, however, was clear to the Metis mind. Being numerous, and holding the balance of power in the Red River Settlement, the Metis, especially those of French origin, forcibly resisted the acquisition of the North-West by the Dominion of Canada in the so-called Red River Rebellion (the first Riel Rebellion) in 1869-70. A provisional government was set up by the Metis in conjunction with some of the other citizens of the Settlement. It was through negotiation with the delegates of that provisional government that the Dominion was finally able to come to terms with the inhabitants of Red River in a way that enabled its officers to take peaceful possession of the new territory.

The results of the negotiations were incorporated into legislation as the Manitoba Act. Although the Dominion Government had originally intended to govern the entire North-West as a single territory for the time-being, the Manitoba Act provided for the establishment of a provincial government for the region immediately around the Red River Settlement, while leaving the remainder of the country as a territory. Other features of the Act were designed to protect the way of life of the French-speaking majority who expected to become a minority shortly as settlers from Ontario moved in.

Most of the provisions of the Act can be traced to demands made by the delegates of the provisional government. The origin of section 31 of the Act is obscure, however.⁶ It reads:

And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-

breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the governor general in Council may from time to time determine (Canada, Statutes).

Whatever the origins of this provision for the Metis, it seemed to be intended to settle their fears that they would be pushed out of their land holdings by aggressive settlers or speculators from Ontario. Even should they manage to keep the home farm, the Metis might well have wondered where their children would settle. Section 31 provided an answer. The children of half-breed heads of families would be given a land grant. One million, four hundred thousand acres would be reserved for the purpose. No doubt it was considered that adult Metis would be sufficiently protected by the provision to secure their holdings to those already in occupation of land.⁷ Section 32 secured the claims of old settlers, while the Act also dealt with claimants to usufructuary rights such as those of hay or common.

The only way in which the Metis claim differed from that of old settlers or holders of common or hay privilege was that, in addition to long residence and usufructuary rights, it was based on aboriginal right. Section S1 begins with the words, "And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province...". In spite of recognition in the Manitoba Act of aboriginal title on the part of the Metis, that group did not acquire Indian status on that account. Once their aboriginal title had been extinguished by a grant of land or scrip,⁸ their status was no different from that of other citizens.

The reason why the Government chose to recognize the Metis title in Manitoba and to extinguish it by a land grant was no doubt their desire to placate the Metis of the Red River Settlement.⁹ Not only were these people numerous and potentially dangerous, but they were believed to have great influence with the Indians. The Riel affair had come about at least in part because the Government had failed to take account of their fears and sensibilities about their land. Section 31 applied only to Manitoba. It is significant that no action was taken, for the time being, to recognize the Metis title in the North-West Territories between 1871 and 1877; the Metis title was ignored until they threatened to make serious trouble for the Government.

A land grant was the cheapest form of extinguishing Metis title. Land grants had been used as part payment to the Hudson's Bay Company and would be used to build railways. To have simply recognized the Metis as Indians would have greatly multiplied the cost of dealing with them. Consequently, the Government chose a course which met the needs of the moment at the least expense.

Since Metis had not generally been recognized as Indians in other parts of Canada, there was good precedent for not doing so in the North-West as well.

The administration of the Metis land grant under the Manitoba Act was exceedingly slow.¹⁰ A report of the Minister of the Interior of January 20th, 1875 stated that it had not been practical to proceed with the allotment of Metis lands because of certain other land claims which awaited decision,¹¹ He recommended the appointment of a Commission to examine claims. This recommendation was approved by Order-in-Council of April 26th, 1875. Commissioners J.M. Machar of Kingston and Matthew Ryan of Montreal were appointed in May and in four months had completed their part of the work.

In his report the following year, the Minister was able to report that most of the claims had been dealt with by the Commissioners.¹² However, only entitlement had been determined; no actual land had been granted. As late as October 31st, 1876, the Surveyor-General had to report that, "No distribution of this grant [half-breed lands] has as yet been made among the claimants". He gave as the reason for this delay the fact that the census having shown fewer claimants than had previously been thought to exist, the size of the allotment of land had been increased from 190 acres to 240 acres. Thus a new division among the claimants of the 1,400,000 acres had been required.¹³ According to Kemp, "From 1876 the history of the settlement of the half-breed grant is one of progress. The drawings and allotment of the lands began on October 30 1876, under Morris' [Alexander Morris, Lieutenant-Governor of Manitoba] supervision" (Kemp, 1954:43).

In 1878, the Dominion Lands Agent at Winnipeg expressed the hope that the work of granting Metis lands would be completed by the end of the year or very shortly afterwards.¹⁴ This hope appears to have been fulfilled, for the Surveyor-General reported on December 31st, 1880 that, "In the year, the allotment of these lands [Grant of Lands to Half-Breed Children] for the following parishes was made, thus completing the allotment of the 1,400,000 acres granted by the Manitoba Act".¹⁵

In spite of this report, many Metis had moved away from Manitoba before receiving their grant and it later became necessary to empower a commission to go into the North-West Territories to investigate claims to grants under the Manitoba Act. Claimants continued to come forward for several years after 1880. In 1885, a deadline for applicants was established to take effect the next year, but even then the issue had to be opened again. It was a long drawn-out affair.

The delays in administering the grant produced much dissatisfaction amongst the Metis which negated the good-will which otherwise might have flowed from the Act. Uncertainties and delays in getting scrip and in redeeming it for land drove down the price which speculators were willing to pay to claimants. These factors also induced many more Metis than might otherwise have done so to part with their claims to speculators for cash rather than wait for their land.¹⁶

It does not appear that the Metis derived much benefit from section 31 of the Manitoba Act in spite of the fact that some speculators were Metis them-

selves. Even Sir John A. Macdonald, Prime Minister at the time the Act was drafted and passed, denied in Parliament that it had been of much use to the Metis people. He used that argument to justify his subsequent refusal or neglect to make a similar grant to the Metis of the North-West Territories.

That the land grant provisions of the Manitoba Act did not serve a very useful purpose for the Metis can be traced to two factors: the nature of the people themselves, and the slowness with which the grants were administered. Living from day to day in the fashion which their traditional manner of life had dictated, the Metis were not accustomed to taking precautions for the distant future. They were no match for the speculators and entrepreneurs who saw in their farms and in their government land grants the foundation of their own fortunes. Moreover, when these grants were delayed for several years, the temptation to accept ready cash from the speculator rather than to look to the fulfillment in the future of a government promise was too great for most of the Metis. They sold the right to the scrip which would have secured a land holding to their children for less than the face value of the scrip itself. Even those who did secure land under the grant often sold it easily, sometimes tempted by the cash offered and sometimes forced to sell because of the burden of taxes which built up on the property. Ordinary citizens in the eyes of the Government, the Metis were not protected by any of the legal stipulations which prevented Indian land and property being alienated from them.¹⁷

During the decade in which the grants of scrip under the Manitoba Act had held the stage for the Manitoba Metis, the Government of Canada was negotiating with the Indians of the North-West towards the extinguishment of the aboriginal title to what was called "the fertile belt" as well as the territory through which an all-Canadian transportation route would have to pass. Knowing little about the territory or the Indians who lived there, the Government proceeded as cautiously as circumstances would allow. Between 1871 and 1877, they had negotiated seven treaties with the Indians of the territory required for settlement and transportation routes. In their view, the Indian title had been extinguished and they were free to grant the unappropriated lands as they saw fit in furtherance of their plans for settlement and development. In examining the negotiation of the treaties from the point of view of Metis claims, it is important to see what was done with regard to them and how the Government decided who was an Indian and who belonged to that class of persons known as "half-breeds" or "Metis".

In its legislation, the Dominion had tried to define the word "Indian" for its own purposes. In that legislation, an Indian was defined as a male person of Indian blood reputed to belong to a particular band and the children and wife of such a person. This definition was accepted for inclusion in the Consolidated Indian legislation known as the Indian Act of 1876. It recognized both racial and social criteria. It was not, however, very exact. It was through the treaties that Indian status was really determined in the North-West where a mixed-blood population was most numerous. Inclusion in a treaty conferred Indian status when band lists were eventually drawn up. The decision for inclusion or exclusion rested generally on the same two factors as the definition, race and social

condition. The emphasis was on the latter. Persons of Indian blood who lived with or were closely identified with Indian bands were often included in treaties, sometimes at the request of the Indians themselves. Borderline persons often were given the choice to make for themselves. Those who had taken scrip were deemed to have made the choice and were ineligible to join a treaty. The Indian Act was amended in 1880 to permit Metis who had entered treaties to withdraw by refunding the annuities received. In 1884, a further amendment permitted withdrawal without repayment. The way some of these decisions were made and the general policy adopted towards Metis in respect of Indian treaties can be observed in Morris' account of the seven numbered treaties.

Treaty One was negotiated at Lower Fort Garry in 1871 to extinguish the Indian title in the territory which included the Province of Manitoba. At this time, section 31 of the Manitoba Act was supposed to serve the same purpose respecting the Metis. Clearly it was not the intention to include Metis generally in the treaty. However, some Metis lived amongst the Indians and called themselves Indians. Simpson, the Indian Commissioner who negotiated this treaty, noted this situation in his report and indicated that he gave these people a choice whether to accept scrip as Metis or to enter the treaty as Indians and continue to have the right to live on their reserves. He explained that most of them had lived all their lives in the Indian communities (Morris, 1880:41).

It would have been impossible to draw definite lines between Indians and Metis in every case in Manitoba. However, the Metis population there formed a distinct social group and, as a class, had no wish to enter treaty or to be identified with the Indians in this way.

At the Treaty Three negotiations east of Manitoba, the Indian spokesmen came forward after the treaty terms had been generally agreed upon and made several additional requests. Amongst them was a request that some Metis be included in the treaty. Morris wrote:

They said there were some ten to twenty families of half-breeds who were recognized as Indians, and lived with them, and they wished them included. I said the treaty was not for whites, but I would recommend that those families should be permitted the option of taking either status as Indians or whites, but that they could not take both (ibid:50).

What Morris was asked to do by the Indians at the Treaty Three negotiations was to allow into the treaty a few families whose kinship with the treaty Indians and whose residence amongst them made them part of the same community. "It is the half-breeds that are actually living amongst us - those that are married to our women" (ibid:69).

At Treaty Four the chiefs asked not that the Metis should be taken into the Treaty but that they should be allowed to hunt. Again, this request was made after they had agreed upon the terms of the treaty (ibid:83).

After the main points of Treaty Six had been settled, one chief, Mistowasis, asked to speak for the Metis who wished to live on the reserves. Morris related

his own reply:

I explained the distinction between the Half-breed people and the Indian Half-breeds who lived amongst the Indians as Indians, and said the Commissioners would consider the case of each of these last on its merits (ibid:186).

Red Pheasant subsequently told Morris that he wanted the claims of the Metis at Battle River to be respected (ibid:193,242). This request appears to refer to their land claims, no doubt against settlers and speculators who were descending on that point since the establishment of the Mounted Police post and its selection as territorial capital.

It is easy to understand why the Saulteaux and the Cree of Treaties Three and Six would have wanted to include some closely-related Metis in the treaties and why they would prefer some requests on their behalf. The Blackfoot nations however, looked upon the Metis as their enemies, related as most of them were to their traditional enemies, the Saulteaux and Cree. No doubt for that reason, at the Treaty Seven negotiations one of the minor Blood chiefs is reported to have spoken against them.

He said the Blackfeet, Bloods, Sarcees and Piegans were all one; but he asked that the Crees and Half-breeds should be sent back to their own country (ibid:257).

Morris, who negotiated four of the seven Indian treaties, described the Metis as falling into three categories: those who have farms in one of the settled communities; those who are entirely identified with the Indians and live with them; and those nomads who live by the chase hut separately from the Indians. He believed the first group would simply continue in their own way. "The second class have been recognized as Indians, and have passed into the bands among whom they reside"(ibid:295). Here, again, Morris recognized the principle that some Metis should be considered Indians. They belonged to an Indian community and failure to grant them the same legal status would have done violence to the integrity of the community.

The great majority of the Metis were not to be taken into Indian treaties. This seems clear enough from the information from Morris quoted above. Had it been the Government's intention to do so, special provision would not have been made for a Metis land grant in the Manitoba Act. The apparent exception presented by the "Halfbreed Adhesion" to Treaty Three needs some explanation, however.

Adhesions to treaties were used as a method of including bands whose signatories were not present at the original negotiations. The "Adhesion by Halfbreeds of Rainy River and Lake" was taken in 1875, two years after Treaty Three had been negotiated. It is unique in that half-breeds were included in the treaty under that name. It should be noted that in 1875 when this adhesion was taken, the Government had not yet recognized Metis title beyond Manitoba.

The best explanation for the existence of this apparent exception to the rule that treaties were not for Metis seems to be in the circumstances in which Treaty Three was negotiated. In 1873, the Commissioners were making the third (possibly the fourth) attempt to get a treaty with the Saulteaux east of Manitoba. The influence of the Metis at that time had been a crucial factor. In response to the Indian request that ten or twenty Metis families be included in the treaty, Morris had promised to recommend that they be given that option. Quite likely, the ten or twenty families referred to were the persons included in the half-breed adhesion of 1875. The size of the reserve allotted to them (approximately 18 square miles) indicates that the band did number between ten and twenty families.

The Indian policy of the Dominion in the North-West was only being developed during the 1870's. The Government still knew little about the area and its people. Under such circumstances, anomalies such as this example can be expected. It deserves further explanation, since questions arise which cannot be answered from the evidence readily available. Why were these people not simply taken into treaty as Indians? Were they indeed the ones referred to in 1873? Was the Government afraid that many more Metis might seek to enter treaties? An examination of this example, if evidence is available, might shed more light on the formation of Dominion Indian and Metis policy.

That this adhesion does not indicate a change in the policy governing the acceptance of Metis generally into treaties is evident from the example of the Lac la Biche band which had been admitted into Treaty Six when it was negotiated in 1876. The following year, David Laird, then Lieutenant-Governor and Indian Superintendent of the North-West Territories, told the Minister of the Interior that this band had subsequently been discovered to be nearly all Metis. When other members of the band who were also Metis were refused admission into the treaty, the chief complained to Laird. "I told him I was of opinion that the Commissioners, when they received him in to the treaty, did not understand that he was a half-breed, and if a mistake had been committed by them, perhaps in ignorance, it was not my duty to widen the error by taking in more of the halfbreed class."¹⁸

The Deputy Minister of the Interior, J.S. Dennis, commented, "I do not think it at all politic, if any other course can be adopted by which half-breeds can be satisfied, that persons of this class should be treated with and paid as Indians".¹⁹ He recognized that the final decision would be that of the Minister. He recommended legislative authority to permit Metis to withdraw from a treaty. This was accepted by the Minister. An amendment of the Indian Act (section 14) to that effect was made in 1880. At first, withdrawal could only be effected after returning all annuities received. Later, this stipulation was removed in the interest of making it easier for Metis to withdraw.

The Indian Act of 1876, while providing for the inclusion of Metis in Indian treaties under exceptional circumstances, had already been clearly worded to exclude them. Clause (e) of section 3 of the 1876 Act read:

Provided also that no half-breed in Manitoba who has shared in

the distribution of half-breed lands shall be accounted an Indian; and that no half-breed head of a family (except the widow of an Indian, or a half-breed who had already been admitted into a treaty), shall, unless under very special circumstances, to be determined by the Superintendent-General or his agent, be accounted an Indian or entitled to be admitted into any Indian treaty.

While some provision had been made for Manitoba Metis, those of the North-West Territories had never been dealt with in respect of aboriginal title. No attempt was ever made to include them generally in the treaties. The Metis would not have accepted that solution in any case. They saw themselves as a separate group, even a nation and most had no wish to enter Indian treaties or even to be treated in the fashion of Indians. They considered themselves superior to Indians. Suggestions that they should be given reserves were haughtily rejected. They did not want to be subjected to the restrictive paternalism applied to Indians. Even measures to prevent their exploitation met with strong disapproval. It had been at the insistence of the Manitoba Metis that scrip was so easily negotiable that it could be readily bought up by speculators. The pattern was later repeated in the Territories.

Many Metis then saw an issue of scrip as a means to ready cash. It was also a question of pride. They considered themselves natives of the country and as much entitled to consideration as the Indians. Nor could the Metis of the Territories understand why they were less entitled to a grant than their Manitoba brethren.

The whole question of land-holding also roused Metis sensibilities. Fearing that their lands might be taken from them by claim-jumpers as had occurred in Manitoba, they wanted to get proper title to them. The only way to get legal title was under the provisions of the Homestead Act. These provided for a three-year waiting period before title could issue. This provision applied to Metis in the same way that it applied to new settlers. Many Metis, having already occupied their lands for more than three years, resented having to wait. As natives of the country, they all resented being placed on the same footing as newcomers, with the result that they often refused to register under the Homestead Act.

The first general acknowledgment by the Government that Metis outside of Manitoba shared Indian title did not come until 1879. The Dominion Lands Act of that year contained the following section:

To satisfy claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient.²⁰

This clause was repeated word for word in the Dominion Lands Act of 1883

as section 81, sub-section(e).

In spite of the authority given to the Government by Parliament to settle with the Metis outside Manitoba by means of a land grant, no action was taken. Numerous petitions were sent to Ottawa by various groups of Metis over several years requesting a settlement,²¹ while leading persons in both ecclesiastical and government service recommended that the Metis claims be attended to. Nothing was done, however, until it became evident that the Metis of the South Saskatchewan settlements were prepared to make trouble. Then on January 28th, 1885, an Order-in-Council authorized the appointment of Commissioners to make an enumeration of Metis resident in the North-West Territories outside of the limits of Manitoba previous to July 15th, 1870.

Once again, expediency had been the prime motive in dealing with the Metis. Again they were dealt with by legislation and orders-in-council. This time, however, Government action was in response to the Metis' own demands. Macdonald told Parliament that he did not believe the scrip would be of any use to them, but he yielded for the sake of peace.²² Accordingly, the North-West Half-Breed Commission of 1885 (the Street Commission) held sittings throughout the whole of the North-West Territories and even dealt with some claimants on the trails.²³ In all, they found 1,686 claims proved and 1,142 persons entitled to land. The difference in these two figures is accounted for by the fact that some claims (e.g. those on behalf of deceased persons) would fall to someone else who probably had his own claim as well. Of the 1,142 persons entitled to land, only 236 actually took it.²⁴

The commissioners reported, however, that because of the disturbed state of the country at the time of their sittings (the Rebellion was in progress), they had been unable to reach the numerous Metis population at Lac la Biche and also that in every locality they visited, there were some persons who from illness, absence or other cause, had been unable to bring their claims before the Commission. Accordingly, by Order-in-Council of March 1st, 1886, Roger Goulet, who had been a member of the 1885 Commission, was appointed Commissioner, with N.O. Coté as secretary, to investigate the remaining claims.

This Commission dealt with 1,414 claims, of which 1,164 were allowed, but did not complete its work that year. An interesting point in the 1886 report is made by Goulet:

It will be observed that the majority of claims which have been preferred this year are from Half-breeds who were previously in receipt of annuities as Indians.²⁵

No doubt the grant of scrip motivated some who had been in the treaties to take advantage of the revision of the Indian Act permitting Metis to withdraw without repaying annuities. Goulet noted that in cases where repayment of annuities had been accepted from such persons previously, it was then paid back to them. He also mentioned that care was taken before persons were allowed to withdraw from a treaty that they were able to support themselves and families without the assistance of the Government and would not have to be taken back

on the reserves.

The following year, the Goulet-Coté Commission reported the completion of the task assigned to it. A further 565 claims of various kinds were investigated. Once again, the proportion of claimants who had withdrawn from treaties was high, 321 compared to 28 who had never taken treaty. The majority of claimants preferred money scrip to land scrip and most of this fell into the hands of speculators.

The Government believed that Indian title to the North-West had been extinguished by the treaties. In its view, the Manitoba scrip issue and that in the Territories had now extinguished the aboriginal title insofar as the Metis were concerned over roughly the same territory. Expediency had predominated over design, particularly in dealing with the Metis, but in retrospect the pattern of what had been done could be discerned. That pattern was applied when the Government next wished to extinguish aboriginal title, this time to the territory north of the limits of Treaty Six to the northern boundary of the Saskatchewan District. The adhesion to Treaty Six of the Indians inhabiting this area was taken in 1889 at Montreal Lake. A precedent was established here in that a separate commission simultaneously heard Metis claims towards the extinguishment of their title by means of an issue of scrip.²⁶

No new Indian treaties were negotiated between 1877 and 1899. In the latter year, mineral discoveries and the prospect of settlement led the Government to negotiate Treaty Eight with the Indians of the Athabasca District. Here the same procedure was followed as at Montreal Lake ten years earlier. Two separate commissions²⁷ were appointed, one to deal with Indians and one with Metis. Although the two groups were dealt with separately and in different ways, they were again dealt with at the same time and for the same purpose. This procedure did emphasize Government recognition of aboriginal title in the soil to both Indians and Metis.

In Athabasca in 1899 also, the good-will of the Metis was required in order that they might be a positive rather than a negative force to influence the Indians in favour of a treaty. The commissioners there changed the wording of the money scrip to read "payable to bearer". In explaining this action to the Minister of the Interior, they wrote:

The strongest consideration, however, which prompted the Commissioners in changing the form of the money certificate was the fact that if the wishes of the Half-breeds in this relation had not been complied with, the success of the Indian Treaty Commission in coming to terms with the Indian bands of the north would have been seriously compromised, as the dissatisfaction of the Half-breeds, who are in a great number of cases allied and in immediate touch with the Indians, would at once have spread amongst the latter and possibly prevented them from coming into treaty.²⁸

The territory ceded by Treaty Eight had not formed part of the region transferred to the Dominion of Canada on July 15th, 1870. Consequently,

claims to scrip were taken from Metis persons resident there at the time of negotiation of the treaty.

At this time the Government decided to allow scrip to Metis born in the organized districts of the Territories between July 15th, 1870 and the end of the year 1885. To hear claims under this new category, two commissions were established in March 1900, each to travel throughout a specific portion of the Territories.²⁹ Nothing better illustrates the ad hoc fashion in which Metis claims were dealt with than the continual widening of the classes of claimants and other changes that were made throughout the whole period.

Once again, as in Manitoba and in 1885 in the Territories, speculators were ready to buy up scrip and the Metis were eager to sell. This would account for the overwhelming preference for money scrip over land scrip. Commissioner McKenna explained that land scrip was non-transferable, whereas the Commission would recognize powers of attorney or assignment with respect to money scrip.³⁰

Just as mineral development had brought about the need for Treaty Eight in 1899, so the mining activity which began about the turn of the century in northern Ontario created the same need there. In 1905, Commissioners were appointed to negotiate for the cession of about 90,000 square miles drained by the Albany and Moose Rivers. Because part of this territory lay within the Province of Ontario, one member of the treaty commission was nominated by that province. In the report of the treaty commissioners found in the Sessional Papers,³¹ no mention whatever is made of Metis.

The following year, the Canadian Government negotiated Treaty Ten in northern Saskatchewan.³² Because of Dominion jurisdiction over lands and resources as well as Indian affairs, no provincial Commissioner seems to have been required there. An order-in-council (P.C. No. 1459) authorized the extinguishment of the Indian and Metis title in that part of Saskatchewan lying north of the 54th parallel and a small adjoining part of Alberta. Insofar as Metis were concerned, the method of doing so was to be by an issue of scrip. The order-in-council provided for scrip redeemable to the amount of \$240 in payment for Dominion land or locatable for 240 acres of Dominion land.³³

J.A.J. McKenna was appointed commissioner to make the treaty with the Indians and to hear and determine Metis claims and to issue scrip to those entitled. He carried out this work during the summer of 1906. The following summer, J.A. Borthwick was appointed commissioner and completed the work by taking further adhesions to the treaty and by continuing to hear Metis claims. There is little in the commissioners' reports to tell us more about the work with the Metis. Commissioner McKenna contented himself with making statements similar to the following: "The people at this point [Portage la Loche] were all half-breeds and were dealt with as such".³⁴ The commissioner who went out the following year to complete the treaty also dealt with Metis. "The Indians of English River and Clear Lake bands not having then arrived, I began taking evidence in connection with claims for scrip preferred by a number of half-breeds from Souris River who did not have a chance of meeting the commissioner of last year at Isle à la Crosse."³⁵

The Metis of the Treaty Ten area appear to have been dealt with as at Montreal Lake in 1889 and at the Treaty Eight negotiations. The order-in-council simply refers to precedents to the south and west and notes that the Indians and Metis "have from time to time pressed their claims for settlement on similar lines". The procedure followed at the making of Treaty Ten seems to have been little more than the continuation of the Metis policy established in 1889 and 1899, which ultimately derives from section 31 of the Manitoba Act.

Some general conclusions can be drawn regarding the claims of the Metis people of Canada and the way in which these have been recognized and dealt with by the Government. Outside the western interior of Canada, they do not appear to have been dealt with at all except insofar as those who lived like and among the Indians were admitted into the Robinson Treaties at the discretion of the chiefs. No special provision was made for dealing with Metis when Treaty Nine was negotiated in Northern Ontario in 1905. The James Bay Agreement, negotiated in the early 1970's marked a reversal of this tradition. Metis were provided for in the agreement signed in 1975, as they were later in 1978 in the Northeastern Quebec Agreement with the Naskapis of Schefferville.

It was in the western interior of Canada that Metis were most numerous and where they formed distinctive communities. They were also considered to be influential with the Indians. On these two accounts, the Government of Canada took some notice of them. They were not, however, treated as Indians. Metis admission into Indian treaties was a practice which was followed only to a limited extent in the new North-West. As in the Robinson treaties, it applied only to those Metis who were most closely identified with the Indians, although some element of choice was permitted. Very clearly, this method was not meant to apply to the entire Metis population. There was no attempt to include them all in treaties. Morris and others stated that the treaties were not for them. The Indian Act of 1876 specifically excluded them except under exceptional circumstances, while amendments in 1880 and 1884 provided for their withdrawal. The Manitoba Act pointed the way to the procedure to be adopted for extinguishment of Metis title.

Metis claims rest upon the same general foundation as those of persons recognized by the Government of Canada as having Indian status. They rest upon governmental recognition of an aboriginal interest in the soil, a usufructuary right constituting a burden on the Crown's title. The Manitoba Act (section 31) recognized aboriginal title in the soil insofar as Manitoba Metis were concerned. It sought to extinguish that title by a land grant through an issue of scrip. This pattern was later extended to the Metis of the North-West Territories and then to those living in territory surrendered by Treaties Eight and Ten.

The procedure adopted for dealing with the Metis was unilateral. It proceeded by legislation and order-in-council. It did not even have the appearance of a negotiated settlement which the treaties had. Metis commissions did not negotiate terms, but simply examined the status of claimants to determine their eligibility to participate in the compensation offered. Indian title was extinguished, in theory at least, from the bottom upwards, while Metis title was

extinguished from the top down.

Furthermore, while the Metis were treated as persons having aboriginal rights, and in that respect different from other Canadians, they were not to form a continuing category of special status persons like the Indians. As a group, they do not have treaty rights, nor does the Indian Act apply to them. Although of part Indian ancestry, they have been treated as being no different from other Canadians.

NOTES

1. Grateful acknowledgment is made to the former Indian Claims Commission (Dr. Lloyd Barber, Commissioner) under whose auspices this paper was originally written. The views expressed are entirely those of the author and were not necessarily those of the Commissioner.
2. In this paper I have used the term "Metis" throughout for the people of mixed Indian and European blood in preference to the more usual nineteenth-century word "half-breed". "Half-breed" has been used, however, wherever the context seemed to require it.
3. A specific Canadian citizenship was not created until the passing of the Canadian Citizenship Act in 1947. On Indians as British subjects, see Morris, 1880:55.
4. The numbers involved according to Robinson were: "on Lake Superior, 1240, including 84 half-breeds; and on Lake Huron 1422, including 200 half-breeds". Morris, 1880:16.
5. The Metis not only ate the fresh meat but dried it to make pemmican. This was stored for winter use, but much of it was sold to the Hudson's Bay Company for the use of fur trade personnel. In this way, as well as by selling the buffalo robes and other furs, the Metis were able to purchase goods.
6. Alexander Mackenzie objected to the idea of reserved lands for the Metis. He claimed it had not been asked for by the people there and he had been unable to discover where the proposal originated. House of Commons Debates 1870, 1502.
7. Grants were subsequently made to heads of families under an 1875 statute entitled "An Act respecting the appropriation of certain Dominion Lands in Manitoba". Sections one and two of the Act extend the Metis grant to heads of families, although the amount is 160 acres of land (instead of 240 for the children) or scrip for \$160 receivable in payment for Dominion lands.

8. Scrip was a form of coupon redeemable in land. Land scrip was good for a stated number of acres, while money scrip had a face value stated in dollars instead of acres.
9. See Macdonald's speech in *House of Commons Debates* 1885, 3113
10. For a detailed account of the administration of the Manitoba land grant, see the article on the subject by H. Douglas Kemp, "Land Grants under the Manitoba Act", (Manitoba Historical and Scientific Society, Series III, No. 9, 1954).
11. *Canada, Sessional Papers* (hereafter cited as 'C.S.P.') 1875, No. 8, Report of the Minister of the Interior.
12. *C.S.P.* 1876, No. 9, Part III, 31.
15. *Ibid.*, 1877, No. 11, Part III, 8.
14. *C.S.P.* 1879, No. 7, Part II, Appendix No. 1
15. *Ibid.*, 1881, No. 5, Surveyor-General's Report.
16. See *House of Commons Debates*, 1885, 3208-09. Mr. Royal who is quoted here was a member for Manitoba and knew the situation at first hand.
17. "3. No conditions of settlement shall be imposed in grants made to half-breeds in pursuance of the provisions of the Act referred to, and there shall be no other restrictions as to their power of dealing with their lands, when granted, than those which the laws of Manitoba may prescribe." *C.S.P.* 1873, No. 45, 3. Morris Zaslow stated that scarcely a quarter of the land grants were taken up and most of those were sold to settlers or speculators (1971).
18. *C.S.P.* 1885, No. 116, 40.
19. *Ibid.*, \$9.
20. *Canada, Statutes*, 1879, 42 Vic., Cap. \$1, sec. 125, sub-sec. (e).
21. See *C.S.P.* 1886, No. 45, for copies of all the petitions received in Ottawa from 1874.
22. *House of Commons Debates*, 1885, 3118.
23. *C.S.P.* 1885, No. 8, Part V.

24. Ibid., 1886, No. 45, 2.
25. Ibid., 1887, No. 7, 77.
26. Ibid., 1889, NO. 15, XXVI and 1890, No. 14.
27. The Walker-Coté Commission dealt with the Metis. See their report in C.S.P. 1900, No. 13, Part VIII.
28. Ibid.
29. For the reports of the McKenna and Walker Commission and the Coté and McLeod Commission, see C.S.P. 1902, No. 25, Part VI.
30. The Canada Gazette, August 17th, 1901, 263, J.A. McKenna to the Minister of the Interior, May 51st, 1901.
31. C.S.P. 1907, No. 27.
32. A small portion of the treaty area is within the Province of Alberta, but all of the remainder is in Saskatchewan.
33. Treaty No. 10 and Reports of Commissioners, (Queen's Printer, 1966).
34. C.S.P. 1909, No. 27, McKenna to the Superintendent-General of Indian Affairs, January 18th, 1907.
35. Ibid., Commissioner Borthwick to the Deputy Superintendent General of Indian Affairs, October 14th, 1907.

CHRONOLOGY AND SUMMARY

to accompany "Historical Introduction
to Metis Claims in Canada"

PART I

BACKGROUND

17th and 18th centuries

The implicit recognition by Britain of an aboriginal title in the soil; the development of an Indian policy with compensation for land surrenders.

1763

The Proclamation of 1763 formally recognized British policy and practice.

19th century

Development of the use of treaties providing for annuities and reserves of land for Indian use.

1850

The Robinson Treaties. Robinson's statement regarding half-breeds which recognized only Indians as having special status. He left it to the Indian chiefs to decide where to place any Metis amongst them.

1860

The transfer from the Imperial authorities to the British North American colonial governments of responsibility for Indian affairs - the formation within the Government of the Province of Canada of an Indian Affairs Branch.

1867

The British North America Act - section 91 (24) assigned to the Dominion Government responsibility for Indians and lands reserved for Indians.

A joint address of both Houses of the Canadian Parliament to the Queen praying for the admission of Rupert's Land and the North-western Territory (Hudson's Bay Company lands) into the Dominion. This address confirmed the Canadian Government's intention to continue the traditional Indian policy.

pre-1870

Cohabitation between the fur trade personnel and Indian women resulted in a large population of Metis in the western interior of Canada. Some lived with the Indians and were hardly, if at all, distinguishable from them. Most of them had a group consciousness that has been termed "nationalism". All suffered from the changes that came about in the later 19th century.

1869-70

The French-speaking Metis of the Red River Settlement resisted the acquisition of the North-West by Canada. A provisional government was set up. Delegates went to Ottawa and the Manitoba Act was drawn up.

1870

The Dominion of Canada acquired jurisdiction over the Hudson's Bay Company's territories on July 15th.

PART II

THE MANITOBA ACT

1870

Section 31 of the Manitoba Act set aside 1,400,000 acres for Metis land grants "towards the extinguishment of the aboriginal title". Grants were to be made to the "children of half-breed heads of families".

1874

An Act respecting the appropriation of certain Dominion Lands in Manitoba. This Act provided grants of 160 acres to half-breed heads of families themselves, thus extending the original grant from the children only to the parents.

1875

The appointment of a Commission to investigate Metis claims under the Manitoba Act. Commissioners Machar and Ryan. In four months they had completed their work having investigated 9,300 claims.

1876

The Minister reported that no land had as yet actually been granted to Metis under the Manitoba Act.

Matthew Ryan was authorized to continue to act as commissioner

for two years to take the evidence of claimants who had left Manitoba for the North-West Territories prior to the sittings of the Half-Breed Grant Commission.

1886

The allotment of the Metis land grant of the 1,400,000 acres was completed as far as it could go. Outstanding claims remained, however.

Modern research has thrown doubt on the claim that the terms of the Manitoba Act were ever fulfilled. As yet nothing conclusive either way has been proven.

Many Metis moved before receiving their grants while those who received scrip often sold it before land was granted for it. Even those who received land often sold it. The final result was that few Metis acquired land holdings or even adequate compensation in lieu of land. Those who profited most from the Metis land grant were speculators.

PART III

THE INDIAN TREATIES

1870

The Indians west of Lake Superior were negotiated with to permit passage of troops and the subject of a treaty was broached by the Government's Commissioner.

Two Manitoba chiefs approached Archibald regarding a treaty.

1871 - 77

The "numbered treaties" One to Seven were negotiated with the Indians from the Lake Superior watershed to the Rocky Mountains. The general policy was that Metis were not included in treaties although a few of those most closely identified with Indian bands were admitted.

1875

The "Half-breed Adhesion" to Treaty Three.

1876

The Indian Act generally excluded Metis from Indian treaties.

1877- 78

Correspondence on the Lac la Biche band of Metis in Treaty Six.

1880

Provision was made in the Indian Act for Metis to withdraw from treaties on repayment of annuities.

1884

This provision was amended to permit withdrawal without refund.

PART IV THE METIS OF THE NORTH-WEST TERRITORIES

1873 - 85

Many petitions from the Metis of the Territories were sent to Ottawa dealing with various grievances. Among them was the repeated request to be treated like their Manitoba brethren. No issue of scrip took place until 1885.

1879

The Dominion Lands Act of that year made provision for grants of land for Metis to extinguish aboriginal title. Nothing was done to implement this section until 1885.

1885

On the eve of the North-West Rebellion the Street Commission was sent out to enumerate the Metis of the Territories born before July 15th, 1870 and to issue scrip to bona fide claimants.

1889

The Montreal Lake adhesion to Treaty Six. On this occasion a precedent was established which was followed hereafter (although Treaty Nine appears to be an exception) in dealing with Metis. Their title was extinguished by a grant of scrip at the same time as Indian title was extinguished by treaty.

1899

Treaty Eight. The procedure outlined above was followed on this occasion during the making of the first new treaty since 1877. As in 1885, money scrip was far more popular than land scrip and most of it was sold to speculators. Once again expediency motivated the Government to grant scrip to the Metis and to make it transferable as they wished it to be.

1900

Eligibility for scrip was extended to all those born in the organized districts of the North-West Territories between July 15th, 1870 and the end of the year 1885. Commissioners were appointed to investigate and adjudicate upon the claims - McKenna - Walker Commission for districts of Assiniboia and Alberta and the Cote - McLeod Commission for the district of Saskatchewan and that portion of the Territories which had since been incorporated into the Province of Manitoba.

1905

Treaty Nine (the James Bay Treaty). Negotiated jointly by the Dominion of Canada and the Province of Ontario. No mention was made of dealing with Metis at the time of negotiating this treaty.

1906

Treaty Ten. The Metis in this area (mostly northern Saskatchewan) were dealt with as they had been previously in the North-West Territories by a grant of scrip for \$240. or 240 acres of land.

CONCLUSIONS :

The Government of Canada, recognized the Metis claim to aboriginal title. This is the same ground on which Indian claims are based. Metis were given land grants towards the extinguishment of their title. They were treated differently from Indians, however. The Government did not negotiate with them. Compensation was granted unilaterally through legislation and orders-in-council. The Government did not recognize Metis as Indians under the Indian Act or under the B.N.A. Act. They did not consider them in any way different from other citizens once their aboriginal title was extinguished.

TABULAR SCHEME OF SCRIP GRANTS TO METIS

DATE OF GRANT	INSTRUMENT OF GRANT	ELIGIBILITY	AMOUNT OF GRANT	PAGE IN ARTICLE	COMMENTS
1870	<p>Manitoba Act (33 Vic. cap. S) sec. 31</p> <p>O.-in-C. of April 25th, 1871. (P.C. 874)</p> <p>O.-in.C. of January 15th 1872</p>	<p>Children of Metis heads of families in Manitoba on July 15th, 1870</p>	<p>A proportion of 1,400,000 acres originally calculated as 140 acres.</p>	9-15	<p>Laid down the regulations for the distribution of the 1,400,000 acres.</p> <p>Provided for a census of Metis having an entitlement under the Manitoba Act.</p>
1874	<p>An Act respecting the appropriation of certain Dominion lands in Manitoba (37 Vic. cap. 20) secs. 1 and 2.</p> <p>O.-in-C. of April 26th, 1875 (P.C. 406)</p> <p>O.-in-C. of May 5th, 1875 (P.C. 440)</p>	<p>Extended Manitoba Act grant to Metis heads of families as well as their children.</p>	<p>160 acres</p> <p>Increased children's grant to 190 acres as a result of of the census,</p>	10 12	<p>Also made provision for commissioners to investigate claims.</p> <p>Appointed Machar and Ryan under P.C. 406 commissioners to investigate Metis claims under the Manitoba Act.</p>

DATE OF GRANT	INSTRUMENT OF GRANT	ELIGIBILITY	AMOUNT OF GRANT	PAGE IN ARTICLE	COMMENTS
	O.-in-C. of March 23rd, 1876				To meet complaints that reserved lands for Metis were interfering with settlement (none had yet been granted) no more tracts were to be reserved but instead scrip was to be issued to satisfy claims under 37 Vic. cap. 20. Assignments of scrip to other parties were not to be recognized by the Department.
	O.-in-C. of September 7th, 1876		Increased children's grant to 240 acres	12	The drawings and allotment of land grants began on October 30th, 1876 under the supervision of Lieutenant-Governor Morris.
	O.-in-C. of April 20th, 1885 (P.C. 810)				Provided for the issue of \$240 scrip redeemable in land for the claims of children proven after the 1,400,000 acres had been exhausted. Also provided a closing date for claims of May 1st, 1886.

DATE OF GRANT	INSTRUMENT OF GRANT	ELIGIBILITY	AMOUNT OF GRANT	PAGE IN ARTICLE	COMMENTS
1885	O.-in-C. of December 4th, 1893 (P.C. 3058) Dominion Lands Act (1883) sec. 81 (e) and O.-in-C. of January 28th 1885.	All Metis resident in the N.W.T. outside the limits of Manitoba on July 15th, 1870.	240 acres	24-27	Rescinded non-recognition by the Department of assignments of scrip as having served any purpose which it might have had in discouraging speculation in scrip ("which is very doubtful"). Legislative authority for this grant of scrip first appeared in the Dominion Lands Act of 1879 but was not acted upon until this Order-in-Council was passed on the eve of the North-West Rebellion.
1889	Dominion Lands Act sec. 90 (f). O.-in-C. of December 14th, 1888.	Extended 1885 grant to Metis resident in area ceded by adhesion to Treaty Six.	same as 1885 grant	27	In 1889 the area ceded by Treaty Six was extended to the northern boundary of the Saskatchewan District. It was decided to hear Metis claims immediately following negotiations with the Indians thus establishing <i>de facto</i> recognition of the principle of estinguishing both kinds of aboriginal claim together.

DATE OF GRANT	INSTRUMENT OF GRANT	ELIGIBILITY	AMOUNT OF GRANT	PAGE IN ARTICLE	COMMENTS
1899	O.-in-C. of May 6th, 1899 (a legislative change was requested to make this grant possible.)	<p>a) All Metis permanently residing in the territory ceded at the time of making the treaty with the Indians.</p> <p>b) By the same Order-in-Council all Metis born between July 15th, 1870 and the end of the year 1885 in the organized districts of the N.W.T. were entitled to the 1885 grant,</p>	240 acres Metis occupiers of land were to be confirmed in possession of 160 acres.	27-28	Metis claims were heard by a commission sitting simultaneously with the Indian Commission negotiating Treaty Eight. The theoretical reasoning behind this procedure was that the territory ceded had not formed part of that transferred on July 15th, 1870. Therefore the treaty marked the first disturbance of proprietary rights. Nor was it a mere extension of the 1885 grant. The real motivation was a fear that the Metis would use their influence with the Indians to prevent negotiation of a treaty.
1906	O.-in-C. of July 20th, 1906. (P.C. 1459)	All Metis permanently residing in the territory ceded at the time of making Treaty Ten.	240 acres	30-31	
1921	O.-in-C. of April 12th, 1921 (P.C. 1172)	All Metis permanently residing in the territory ceded at the time of making Treaty Eleven.	\$240.		It was proposed in the Order-in-Council to amend during the session of Parliament then sitting section

DATE OF GRANT	INSTRUMENT OF GRANT	ELIGIBILITY	AMOUNT OF GRANT	PAGE IN ARTICLE	COMMENTS
					76 (b) of the Dominion Lands Act to permit the grant to be made in money instead of land,

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