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A H I S T O R I C A L  
O V E R V I E W O F T H E  
M E T I S P E O P L E

Condensed from "The Metis Cultural  
Awareness Course" July 1981

## Introduction

In 1976, The Association of Metis and Non-Status Indians of Saskatchewan established the Aboriginal Rights Program to undertake research and gather information about the aboriginal rights of the Metis people. The program would provide AMNSIS with information and services in the aboriginal rights area.

The research and information gathering process should be completed by March 1980. It has involved research work into public archives, government documents, church records and many other sources. The information gathered is about Metis history, legal acts and the government's mistreatment of Metis people.

When AMNSIS established the Aboriginal Rights Program, it was recognized that all Saskatchewan Metis must be involved in the aboriginal rights area. This involvement is to be obtained through the Community Consultation Program. In the fall of 1978, some material was field-tested and this topic is the first of the information to be presented for use throughout the province.

Metis people must determine what their aboriginal rights are and how these can be settled and dealt with by government.

The first topic of the Consultation Program is "A Historical Overview of the Metis People" and includes five sections which are:

1. The Development of the Metis Culture
2. Aboriginal Rights in Canada
3. The History of Rupertsland and the Northwest
4. The Metis People and their Conflict with Canada
5. Canada's Dealings with the Metis People

The sections will examine Metis history and culture and the role the Metis played in the development of Canada. They also examine the lifestyle of the Metis and how and why they fought for recognition of their rights.

They will also examine how the Canadian government dealt with the Metis in the 1800's. Finally you will see how the government's mistreatment and neglect has affected the present situation of the Metis.

It is hoped people will learn and benefit from these sections and provide feedback to AMNSIS and the Aboriginal Rights Program.

## Chapter I

In this chapter, you will see what culture is, how culture develops and how culture affects the way we look at ourselves, others and the things around us. You will see how our culture is the way we live and is an important part of who we are. You will see that all people have a culture. We are born into a culture and carry that culture with us through life.

You will review the culture and values of the Indian people who lived in North America 40,000 years before the Europeans came. You will compare this traditional Indian way of life to the way of life of the first Europeans. Then, you will look at the early Metis culture and compare it to the Indian culture and the European culture. You will see how the Metis culture allowed the Metis to become the middleman between the Indians and the Europeans.

Culture is the way of life of a people. All people have culture but it is not the same. Italians are different from Chinese and the Indians are different from Africans. There are differences in the way people live and these can be considered differences in culture. One culture is not better than the other but is simply different. We can not say that European culture is better than Indian culture but we can say that these cultures are different. Why are cultures different?

Cultures develop to satisfy our needs which all human beings have. We need food, shelter and friendship. The way we satisfy these needs is set by our culture. For example, if we again look at the European and Indian cultures, we know that both Europeans and Indians eat but we also know that they eat different things.

Our culture is learned. Almost everything we do or believe in is learned from our parents, members of our family or other members of our own cultural group.

First, we learn the language that our parents speak. We learn to like and dislike certain foods, to make certain kinds of houses and to dress in certain ways. Each culture has its own way of making a living or an economy. The tools used are called its technology. Each culture has its own traditional arts-dancing, singing, and drawing. Cultural values are a very important part of any culture.

All cultures are different from one another, but are made up of the same parts. These parts are language, food, dress, and shelter, customs, traditional arts, economy and technology, and spiritual values and beliefs.

Babies babble all the sounds of the world's languages. Gradually, they learn which sounds are part of their language. By the time they are two or three years old, they speak their own language. At the same time as they are learning their language they are also learning the other parts of their culture. Language is a way for them to learn. It is the most important way in which culture is passed from generation to generation. Learning their language helps children learn those things that are most important to their culture.

For example, Inuits who live in a land of ice and snow have over thirty words to refer to different kinds of ice. These differences are important to them as their very survival depends on their understanding of their surroundings and their ability to use the ice.

Languages are flexible and change as surroundings change. New words develop to describe new experiences. Old words may become less important and people stop using them. For example, few people today have heard of a "Bennett Buggy". During the Depression in the 1930's few people could afford to buy gasoline so they would hitch up horses to their cars. They called this method of transportation a "Bennett Buggy" as R. B. Bennett was the Canadian Prime Minister at that time. The term meant not only an important political idea but an important social and economic fact.

The art of a cultural group includes music, dancing, carving, painting, singing, writing, and other forms of art. Each culture has its own style of art. Canadian society has theatre, literature, symphony, ballet, opera, painting and others which were all brought to this country from Europe. Traditional Indian people had different art forms. They had social music such as grass or round dances as well as religious music for ceremonies such as the sun dance. Their art includes everything from baskets for carrying berries to ceremonial dresses. The materials used were those found about them in nature-natural dyes, roots, barks, porcupine quills, moose hair and skins. What might be called murals today were painted on teepee walls. These paintings told stories from the past or visions of things to come. The arts of all cultures record the story of the people in their effort to meet their needs.

The economy of a people is the way they make their living. It is the way they use the land and resources to satisfy their needs. The tools that they use are their technology.

In some parts of Canada, people make their living by fishing. Fishing is their economy. Their boats and nets are their technology.

In other parts of Canada people work in factories. Wage labour becomes their economy and the tools of the factory are their technology.

We know that farming is important for the country. A farmer lives from growing crops which is his economy. The farm machinery is his technology.

Values and spiritual beliefs are important to people of all cultures. Values are shown in all aspects of culture-housing, clothing, food, traditional arts and the economy. For example, there have been tremendous changes in the values of Canadians concerning modesty. In the old days, dresses were long to cover all of the woman's body. To show your ankle was a sin. Now anything goes.

Some values which are common in Canadian society today are success, money, honesty, law and order, freedom, hard work, and cleanliness. These values are shown in all parts of culture and are evident in the way Canadians view other people. These values are often shown in old sayings such as "Honesty is the best policy"; "Cleanliness is next to godliness"; and, "A job worth doing is worth doing well".

In most cultures, the value system is tied to the spiritual or religious beliefs. For example, for Christian nations, the Ten Commandments serve as the basis of their values. Christians also add the teachings of Christ concerning love to others and those less fortunate. This explains missionaries and Salvation Army missions.

Other religions hold other values. The Indian did not hunt for the sake of hunting, but did so to survive. This affected how they related to and worshipped the land and plant and animal life.

We can see that our culture or way of life is divided up into many parts. These include:

- language
- food
- dress
- economy and technology
- values and spiritual beliefs
- housing
- customs
- traditional art

In the Indian spiritual world, the Creator made a couple who were the Earth and the Sun. The Earth was Woman and the Sun was Man. The marriage of the Earth and the Sun brought forth the World as we know it.

In the beginning the Earth had little meaning so the Earth and the Sun created life-the plants, the animals and Man. This is why the Indian people refer to Mother earth and Father Sun.

Mother Earth gave birth to four orders of things-the physical world, the plant world, the animal world and Man. The order of their birth determined the relationship between the orders.

The physical world--the mountains, rivers, forests and lakes--is the world on which everything else depends. The physical world such as mountains can exist alone. The physical world is next to the Creator. Next came the plant world. The plants are dependent upon the physical world for their life but plants can survive without animals or Man. The animal world is dependent on the plant world but can exist without Man. Finally, Man needs all the others. He cannot survive without the physical world, the plants world and the animal world. Man is the most weak and dependent of all the creatures in the World and cannot survive alone. Man is the last in the order of things.

The Indian's acceptance of his place in the order of things gave him a view of himself as part of the world rather than in control of it. This gave him values and attitudes which determined his behavior. The Indian's view that he was dependent on everything else in the world made him aware of the unity of all things. All life must be in harmony.

This view of the world and his place in it determines the Indian's view of land and resources, economics, government and the way people treat each other.

In the European or Christian religion, God was the Supreme Being who created the world in seven days. He created man in his own image. Therefore, man is next to God in the order of things. It is believed that with God's help man can do anything. He can conquer the physical world, crash through any barriers presented by the plant world and tame the animal for his own purposes.

In economics, the Indians believed in living in harmony with nature. This meant using the land and the resources only for survival. This came from the belief that Mother Earth belonged to all and was needed by her creatures (men, animals and plant life). Men should only take what they needed for their own use. The land and the resources were respected and protected for their children and their children's children.

Europeans, on the other hand, had developed agricultural and industrial economies based on using the land and its resources



for profit with little thought to the effect on their surroundings.

The pollution of air and water, the destruction of the land by over-cultivation and the effects of too many people living in one area were not understood. All these things were ignored in search of profits.

In North America, Europeans established the fur trade to make money. They pressured the Indian people to bring in as many furs as possible to ensure high profits. There was little understanding of the effects of such exploitation of game, fur and other resources. Europeans gave little concern to how Indian people would be affected by the exploitation of resources.

We have identified land use as a separate issue because Indian people have a very different attitude towards land. They believed the land was available to all creatures and therefore, a particular Indian group who occupied an area was not the sole owner. They used the land for their survival and shared it with animals, plants and other people. If other tribes attempted to occupy their area, they would fight to protect it.

Indian people did not usually have individual plots of land. They claimed ownership of the land as a group and the land belonged to everyone.

However, in some areas of British Columbia and areas around the Great Lakes, some individual ownership of land was beginning to develop. This was in areas where people were establishing permanent villages. They lived from the supply of fish and game available in a small area and were beginning to farm. In a farming economy, an individual family had claim to a particular plot of land for its use. In a society which lived in villages, it was also important that an individual family own a plot to build their home.

Indian people in North America did not have government organizations and institutions such as those that exist today. However, they did have their own form of government. They were organized into bands and each band had leaders. These leaders were the chiefs and the elders who had certain roles in leadership and

decision-making. The elders were the historians, legal advisors, marriage counsellors and general advisors. Also the elders and the mothers were the teachers of the children. The Medicine People looked after the health and welfare of everyone.

Government was based on a small community unit. All people were involved in band activities. Decisions were made when everyone agreed to something. Different tribes had different ways of choosing their chiefs. Some were chiefs because their fathers and grandfathers were chiefs. Some were chosen for life. Others were chosen for specific periods such as during a war or a hunt.

In Europe, at this time, countries or nation states existed. These nation states were made up of thousands of people who were subjects of the same leader. This leader, usually called a king, often felt that God had given him his power. He ruled as he pleased without consulting anyone.

Next to the king were the lords or noblemen who owned large estates and had hundreds of peasants working the land. The king had power over everyone. The lords or noblemen had total power and control over everyone working on their estates. The peasants were of little value unless they worked hard and said nothing. As long as they lived on the estate, they were under the control of the nobleman who owned the estate.

In the way that people treated one another, there were some things in common between the European culture and the Indian culture. People related to each other on a one-to-one basis, and man-woman relationships were similar. The family was important in both cultures. Both Indians and Europeans had special occasions such as festivals, ceremonies, and special events.

There were also some very important differences. In the Indian culture, the individual person was important as a part of the group. In European cultures, individuals were encouraged to succeed for themselves. Europeans were expected to compete against each other while Indians were expected to help one another. The wisdom of the elders was respected and

relied upon in Indian culture. In European culture, people retired when they were too old to work.

These comparisons show the similarities and differences, pinpoint where conflicts arose, and make us aware of how Europeans pushed their culture on Indians and what this did to the Indian people.

As mentioned in previous discussion, there were a group of people in the Northwest known as the Metis. There were some cultural differences between these people and the Indian people. The Metis played a role as go-betweens or middlemen between the European culture and the traditional culture of the Indians.

Some of the specific characteristics of the Metis culture differed from both the Indian and the European culture.

The term "Metis" means "mixed blood". These were the children of European fathers and Indian mothers. Not all Metis lived the same lifestyle. Some lived like Indians and others lived with Indian bands. Others lived separately and developed a new Metis culture.

Spiritually, most Metis identified with European religions. Most French Metis were strong Roman Catholics and most English halfbreeds were Anglican. Some Metis combined both the European and Indian belief systems. They still observed Indian ceremonies while practising a European religion.

In economics, the Metis mixed both traditions. They roamed as buffalo hunters but also set up farming communities. At the same time, Metis people worked at new kinds of jobs such as freighting, trading, mission school teaching and manufacturing. Employment with the Hudson's Bay Company allowed some Metis to become a part of the European social system. Generally, they were more competitive and motivated by self-interest than the Indian people.

The Metis often spoke both native and European languages and would often combine French or English with the Indian language.

The clothing style of the Metis was a mixture of both the Indian and European cultures. European clothing consisted of long coats, trousers, boots and hats. The Metis wore beaded buckskin coats similar to the European style. They wore Indian moccasins as well as colorful sashes around their waists. Like their Indian ancestors, the Metis had a strong feeling for color and decoration. For special occasions they often wore beadwork and ornaments. The Metis combined both the usefulness and style of the Indian and European cultures in their clothing.

The Metis had a military-like government on the prairies. Their laws were clearly defined by many Metis settlements and taken seriously by everyone in the communities. They had generals and commanders and the rules were clearly defined in the Laws of the Buffalo Hunt. In the Red River area, Riel, leader of the Provisional Government, led the community using international laws which governed the European nations.

The Metis combined the Indian's respect for nature and European discipline in their law and government. Some communities had laws to govern behavior and in some cases, there were even court martials.

In their relationships with each other, the Metis had similar ideas to both Indians and Europeans with respect to the roles of men, women and children. They lived in communities with rules like the Indians but they worked in European jobs which encouraged self-interest and competition.

The Metis culture was a combination of Indian traditional values and European values. Characteristics of both cultures aided in making the Metis go-betweens between the Indians and the Europeans to bridge the gap between the two cultures.

SUMMARY

In summary, all people have a way of life called their culture. You learn your culture from your parents and people that you grow up with. All members of your own culture have similar cultural ways. All cultures have common parts such as language, food, dress, housing, traditional arts, economy, technology, and spiritual values and beliefs.

In this chapter, we saw some of the traditional values of Indian people in North America. We compared the traditional Indian values with those of Europeans. We saw how these values were similar and how these were different. We looked at the effect of these different values on the Indian people. We saw the Metis culture, the Indian culture, and the European culture. We read the role the Metis played as go-betweens with the European traders and the Indian people.

We saw that it was the differences in the cultural values of the Indians and Europeans which led to conflict. The Europeans imposed their values on the Indian people and caused hardship and frustration for them.

#### DEFINITIONS:

1. Tradition - proven and accepted ways which are handed down from generation to generation.
2. Values - things that have worth; things that are held dear, e.g., honesty, co-operation, harmony with nature.
3. Culture - way of life; e.g., language, art, food, and the way we joke, play, love, etc.
4. Customs - the accepted values or habits that are part of a culture.
5. Middlemen - people who go between two other groups.
6. Need - something that we must have to live such as food, clothing and shelter.
7. Economy - a way of making a living.
8. Technology - the tools or equipment used to make a living.

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## Chapter 2

### Introduction

The purpose of this Chapter is to help you to understand what is meant by aboriginal rights, and where the idea of aboriginal rights came from. We will see how aboriginal rights was discussed by the European rulers and religious leaders. We will see how different European nations developed these ideas and how they used them. As well, we will look at why other nations did not pay any attention to these ideas when they dealt with aboriginal people.

In particular we will look at how ideas about aboriginal rights were applied in what is now Canada, first by the French and English, and then by the Canadian government. We will look at the laws in Canada which deal with aboriginal rights and how the Canadian governments used these laws in its treatments of the Indian and Metis people.

## Chapter 2

For at least 40,000 years the Indian and Inuit peoples lived in North America. They lived in small groups or bands and followed game for their survival. Each band had its own government which governed things concerning everyone in the group. Every member of the band had his or her own job which contributed to the life of the whole community. These bands were strong social groups tied together by their language, culture and traditions.

All the bands in what is now Canada had sovereign rights. They had the right to their own religion, language and education. They had their own government and law enforcement. They had sovereignty over the lands they used and in which they lived. they could hunt and fish when they wished to take care of their needs. For the aboriginal people, these rights were also collective rights. They were rights that belonged to everyone in the group rather than individuals.

At the same time in Europe on the other side of the Atlantic Ocean, people did not know of North America or of the aboriginal people. At this time European thinkers or philosophers were discussing whether the world was flat and how far you could sail out to sea without falling off the edge.

Almost all Europeans were peasants. They did not own any land and worked on small plots growing food which they had to give to the lords. These lords owned large estates where there were hundreds of peasants who did the work for them. The peasants had to pay the lords' rent as well as give them most of what they grew. All they owned were the clothes on their backs which they made themselves.

The European countries such as England, Spain and France were ruled by one person, a king or a queen. This king or queen had total power over everything in the country. Some of these kings were good and wise, but most were selfish and cruel. They were remembered for the numbers of people that they beheaded or tortured. The lords in the country spent most of their time trying to keep the rulers happy and at war with other European countries to gain more land.



In 1492, an Italian, Christopher Columbus, convinced Queen Isabella of Spain that he could reach India by sailing west instead of east as everyone else did. Columbus thought the world was round and because of this, everyone thought he was crazy. Because she wanted Indian spices and Chinese silks, Queen Isabella agreed to send Columbus with three small ships. He had a hard time getting a crew because everyone thought they would fall off the edge of the world. Columbus set sail and finally reached land. He thought he had found India so he called the people there Indians.

The fact that Columbus found a new land and new people created confusion for the European nations. These nations had developed laws to govern the way they acted with each other. This was called International Law. According to International Law, the first European nation to find new land was able to claim sovereign rights to that area. This meant that they could claim the territory as their own. Other European nations recognized that the new territory belonged to them until the territory was captured in war or ceded in some way. However, the European nations had no laws about dealing with aboriginal peoples.

In 1532, a Spanish priest, de Vitoria, who was a teacher at the University of Salamanca in Spain, raised questions about these ideas and these ways of claiming land. He said that such an idea could only apply to a land area where there were no people. If there were already people there, then the people who occupied the area had the first claim to it. He said that their rights were as complete as those of any citizen in any civilized European country and should be recognized as such in law. (See reference 1 and also Native Rights in Canada.)

De Vitoria's teaching started disagreements within the Catholic Church about the practices of European nations. In 1538, the Pope passed a law in which this idea of the rights of the aboriginal people became law. At that time most European nations were Catholic and observed many of the church laws.

Spain was the first country to adopt this idea and to make laws to control the dealings of traders and colonization companies with aboriginal people. Later it ensured that this

church law also became law in the new territories which they claimed as belonging to Spain. For example, in laws applying to the West Indies, the aboriginal people were given full Spanish citizenship rights.

The French, on the other hand, ignored the church laws and the ideas on aboriginal rights and did not at any time adopt them or apply them in their dealings with aboriginal people. they operated on the basis that, if they could conquer the aboriginal people, chase them away, or get the from them by some other means, the land was thing. Aboriginal people were then treated as if they needed to be 'christianized' and 'frenchified' before they could be French citizens.

Great Britain was not a Catholic country but it adopted the idea of aboriginal rights in its dealings with aboriginal peoples in North America. Since Britain was so important in the early history of Canada, we will look at their practices again later.

The Spanish were careful about making laws about aboriginal people. They made it quite clear that their purpose was to get the lands for themselves for trade and settlements. They also made it clear that they were going to get the land be any means possible and at the least cost to the French nation. This meant either war, taking it over or chasing out the original people.

The British, on the other hand, had much experience around the world with colonies. They knew that it was expedient to keep good relationships with the aboriginal people. The British wanted to do two things. One was to trade and the other was to settle. It is difficult to carry on trade with someone you are fighting. It is also difficult to set up safe settlements in a far away country when you are at war with the people of that country. Therefore, the British tried to keep on good terms with aboriginal people and to deep them satisfied.

By recognizing the land claims of the aboriginal people and by arranging to purchase their land from them, they believed they could accomplish these goals. In the early period up to about the 1750's, it was left that arrangements for purchase and compensation would be worked out privately between private individuals or companies and the aboriginal people claiming a

particular land area. (See reference 1 and 2)

In our overview, it has been noted that private buyers would often cheat the aboriginal people. The British government had counted on the local governments in their colonies to exercise some control over these purchases. However, private individuals, corporations and local governments were interested in getting land and the resources for themselves at the lowest price possible. Many of these individuals or corporations were not noted for honesty. They used whatever means possible to get land and resources in ways which would be recognized by British law but which gave as little in return for the land as possible. The ideas on aboriginal rights as they were applied by the British gave no direction on the question of compensation or whether compensation had to be fair and equitable or of equal value. (See reference 3, Extinguishment of Aboriginal Rights)

Therefore, we have instances such as the purchase of Manhattan Island in what is now New York City for \$25, attempts to do away with aboriginal people by introducing diseases and, when they were dead, by claiming their land. The purchase of a half million acres in Manitoba by Lord Sekirk for the price of an annual gift of 100 pound of tobacco is another example of unfair and unequal compensation.

From our overview one can note that there were important differences in the ideas which aboriginal people and Europeans applied to land. Aboriginal people saw land as something which they did not own in the sense that Europeans believed it could be owned. It was something that they shared with all other people and with all living things including plant life. It was something which they were prepared to share with the new European settlers.

When they received payment, it is quite likely that the aboriginal people believed these payments were for the privilege of allowing these newcomers to share the land. It is unlikely that they understood they were giving up their rights to the land and their claim to it forever.

Also, since aboriginal people did not have European ideas of ownership, the idea of compensation for land was one that they did not understand. Another thing which likely influenced the native people was the fact that there seemed to be a plentiful supply of land and resources and therefore they were prepared to share some of their land with the newcomers. This sharing did not seem to be a serious threat to their way of life or to their use of the land at that time.

In the early part of the 18th century, France and Great Britain fought wars in what is now Eastern Canada. As a result, this area was transferred to Great Britain by a treaty. The British began to introduce the ideas on aboriginal rights into Canada when dealing with the aboriginal people in Eastern Canada after they got the territory from France. (See Native Rights in Canada)

Because of problems experienced in Eastern Canada and in the Eastern United States, the British called a conference of their colonies in North America in 1760 to discuss how to deal with the aboriginal peoples. The British wanted all the colonies to adopt a standard practice and rules for dealing with the aboriginal people and to apply these policies and practice in the same way throughout the areas. The colonies could not agree on such rules. Therefore, Great Britain decided to take over complete responsibility for dealing with aboriginal people.

The first step in applying some standard rules was a proclamation dealing with Eastern Canada in 1763, the British passed the Royal Proclamation which is still applied in Canada to this day. That proclamation provided for the rights of the aboriginal people and set out how land would be taken from the aboriginal people and aboriginal rights would be protected.

In 1760 when New France was ceded to Canada by a treaty, a separate agreement was drawn up known as the Articles of Capitulation. These articles provided for aboriginal people to be allowed to continue to live in their ancestral territories and not to be disturbed in their rights.

The specific procedures were set out in The Royal Proclamation and followed in practice for the next 100 years in Canada until responsibility was taken over by the Canadian Governments, and included the following rules:

- (a) that land could only be taken from Indian people by the crown;
- (b) that aboriginal people must consent to giving up their land;
- (c) the terms for giving up land must be agreed to at public meeting with the leaders of all of the people who have an interest in the land;
- (d) these terms must be set down in an agreement which identifies exactly the land area being ceded, the rights being given up, what rights are kept and the compensation to be received by the aboriginal people;
- (e) these agreements must then be approved by a general meeting of the aboriginal people and by the parliament in the case of the British government before they become law.

In Canada these agreements were called treaties. The fact that they were treaties recognized that these agreements were being made between two different nations of people.

The early Indian Acts made provision for the rules outlined by the Royal proclamation. They included the provisions for extinguishments set out in the Royal proclamation. However, little attention was given to two basic ideas; one, that the land to be taken must only be taken with the consent of the aboriginal people, and second, that there be fair and equitable (equal value) compensation. Although the compensation was not specifically dealt with by the Royal Proclamation, there was already international law known as The Law of Nations, which dealt with the compensation. It stated that if anyone's lands or rights were being taken from them, they had to be given equivalent rights or compensation or equal value.

There were several other important ideas introduced in the 1850 Indian Act which are included in all Indian Acts after that time and up to 1951. These were based on the belief that aboriginal people were savages and not capable of caring for themselves. The second belief was that aboriginal rights

limited one's citizenship rights. If aboriginal people wanted full citizenship rights, then they had to sign away their aboriginal rights. These rules seem to go against the Royal Proclamation. The Royal Proclamation made no differences between aboriginal rights and citizenship rights. The British government made British subjects of all people in territories over which it claimed sovereignty. Such people under British land had full citizenship rights.

It will be noted from our review of steps taken by the Canadian government that the basic ideas being used by the government made two classes of people in Canada. These included all immigrants, who considered themselves to be a better class and therefore, entitled to all citizenship rights. The second class were the aboriginal people whom the Europeans considered to be below them and therefore, to be put away on reserves without their citizenship rights.

The government in early times believed that, through education and religion, they could change the way of life and beliefs of the aboriginal people so they would be like Europeans. Then they would give them the vote and full citizenship rights if they signed away their aboriginal rights.

In the early Indian Acts, there were no differences made between the Metis people and the Indian people. They were all defined as Indians by the Indian Act. They could choose to live in so-called civilized communities and would be considered to be white with full citizenship.

The idea of dealing separately with the Metis arose out of events at the Red River in 1869 - 70 which we will study in detail in a later Chapter.

The Canadian government, in dealing with the aboriginal people, established two classes of aboriginal people. The status Indians are Indians registered under the Indian Act and entitled to all of the provisions of this Act. Many of them, particularly in Western Canada, are included in treaties but this is not the case with all state Indians. Many status Indians in Central and Eastern Canada, as well as in British Columbia, do not have any treaties with the government.

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The Metis and non-status Indians did not come under the definition of Indian in the Indian Act. The federal government only provided services for status or treaty Indians. The Metis people had had their own government and saw themselves as a nation. They had strong ideas about their national rights. On this basis, the Canadian government at first attempted to deny them any aboriginal rights. It then tricked them into agreeing to the provisions of the Manitoba Act which the Canadian government believed would extinguish the aboriginal rights of the Metis people at the same time that they dealt with their nationhood rights.

## SUMMARY

In this Chapter one has noted how the colonial nations dealt with new land territories such as Canada and the agreements they had reached between themselves about who had sovereign rights in these territories. You have looked at the development of the idea of aboriginal rights, and how it was used by different colonial nations.

Also examined is how the idea of aboriginal rights was used in North America before the Royal Proclamation. We studied reasons for the the Royal proclamation and the rules included in that Proclamation. You've seen how those rules were introduced into Indian Acts in Canada and how they were used by the Canadian government in its dealings with the Metis people.

As well, we have saw how these policies affected the aboriginal people. It isolated them from other people and kept them poor and uneducated up to the present time. The way in which the Canadian government dealt with the people was a way of keeping the whites and the aboriginal people separated. We will, in a later chapter, see how this idea of separation was further developed after the Northwest Resistance of 1885.



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## Chapter 3

### Introduction

This chapter will show you how the British government tried to control the Northwestern part of what is now Canada. You will learn how the British government gave this area to the Hudson's Bay Company for trading. You will see how the Hudson's Bay Company took over more and more land and became more and more powerful over the years.

We will examine the exploration and fur trading of the Company of New France in the Northwest before 1760, and of the Northwest Company which traded in this area after 1760. We will discuss the competition and wars between these two companies and the Hudson's Bay Company. These companies would involve the Indian and Metis people in this competition and in the trade wars. We will learn the effects of this on the Indian and Metis people.

We will also briefly look at the way of life of the original people in the Northwest and how they got along with the fur trading companies. Then we will look at what happened to them after they began trading with the Europeans.

This Chapter will help you understand the history of the area in which we now live. You will learn of the activities of the colonial nations and what happened to the aboriginal people after the Europeans arrived. You will see how the past has affected who the aboriginal people look upon non-Native people even today.

## Chapter 3

The Hudson's Bay Company was allowed to trade in a very large area known as Rupertsland. The charter allowed the Company to trade in all lands which emptied into Hudson's Bay. However, probably no one knew how much territory that was as no European had travelled there and no maps of the area were available.

Even though kings at the time could grant charters, these had to be approved by the British government. It was not until the late 1690's that the Hudson's Bay Company's charter was put before Parliament for approval. Even then, the charter was only approved for 10 years. After 10 years, the government was supposed to vote again to give the Hudson's Bay Company approval to continue trading. This did not happen. Therefore, after the early 1700's, the Hudson's Bay Company was operating against the law. However, the Company's authority was accepted as no one questioned its right to rule.

At first, the Hudson's Bay Company traded mostly at the mouths of rivers emptying into the Hudson's Bay. They sent explorers up the rivers to make contact with the Native people and to encourage them to bring furs and other goods to the Hudson's Bay trading posts at the mouths of the rivers.

The Hudson's Bay Company officials were not to disturb the Indians, but only to trade with them. If any lands were needed, they were to be taken under the provisions of British Common Law.

Since the Company was not interested in getting land for settlement, there are no records of any agreements or treaties with the Indians for land in Rupertsland.

Over a period of time, the Hudson's Bay Company moved inland and fur trading posts were set up at places such as Norway House, Cumberland House and various other places in Northern Manitoba and Saskatchewan. The Company of New France, which was based in Montreal, carried on trade through much of what is now Northern Quebec, Ontario, and in some parts of Manitoba, Saskatchewan and Alberta. French became the language of trade and business in the Northwest. The presence of this French Company can still be seen in many of the names of places in these areas such as LaLoche, Ile a la Crosse, The Pas, Lac Vert and LaRonge.

When Great Britain and France fought over New France, the result was the defeat of the French at the Battle of the Plains of Abraham at what is now Quebec City. This battle had an influence in the Northwest in the area where we live today.

The French Company of New France had carried on trade in the Northwest and had many fur traders and posts in the region. With the defeat of the French, the Company of New France stopped its fur trade. However, there were French traders in Western Canada at the fur trading posts. They were helped by the Indian and Metis who were their guides, messengers, and freighters. By 1760, there were many Metis who played an important role in the fur trade and in the life of the Northwest. We will look at this development in more detail in another Chapter

When the French Company stopped trading, a group of Scottish-British traders set up a new company in Montreal. This company quickly took over the fur trading empire of the Company of New France. They took over the trading posts and hired the French traders and Indian and Metis people who had worked with the French Company. The Northwest Company carried on trade in the same way as the Company of New France had. They used French as the language of the business.

After the French were defeated, the British claimed the territory which had been claimed by the French. In the late 1790's, the Hudson's Bay Company first moved south into the Red River area and further west and north into the Plains area of Saskatchewan and Alberta.

Between 1760 and 1820, both the Northwest Company and the Hudson's Bay Company carried on fur trading in the Northwest. Their competition became more and more fierce as the Hudson's Bay Company moved into areas claimed by the Northwest Company. The Hudson's Bay Company set up fur trading posts in the same places as the Northwest Company at such places as Portage la Prairie, the Qu'Appelle Lakes, in the Touchwood Hills, and in the Ile-a-la-Crosse area.

The trading posts were usually situated fairly close together. The Hudson's Bay Company learned that in order to compete successfully, they would have to hire the French traders, the Metis, and the Indians as the Northwest Company did. The Hudson's Bay Company also learned that they would have to use French, which was the language of the area.

This rivalry between the fur trading companies broke into open warfare at times. The Metis and the Indians were bribed by one company to take sides against the other company. This caused fighting between different bands of Indians and created a split between the Metis and English halfbreeds.

The companies gave the Native people liquor to win their friendship and to get them to fight against the other company. At times the competing companies would introduce European diseases into the camps of Indian bands and many would die. There are several examples of the two companies bringing blankets from Europe which had been used to cover smallpox victims. They either traded or gave these blankets to Indian people. Since smallpox was unknown in North America, this sickness sometimes killed whole Indian bands.

This period of history in North America is marked with so many terrible acts against the Native people that we can only begin to tell a few of them in our Chapter.

There are reports of the fur trading companies practising slavery and buying and selling Indian women and children. The companies carried out terrible acts against Indians who were not paying debts owed to them. The companies employed enforcers to carry out executions of Indians whom they believed were not paying their debts. This was done to make an example to other Indian people. The fur trading companies were able to keep trading with the Indian people by making the Indian people dependent on them.

The area known as Rupertsland was occupied by many different groups or tribes of Indians. These included Cree, Saulteaux, Sioux, Assiniboine and Chipewyan. Although they did have some things in common such as hunting or transportation, each group or tribe had its own language, customs and beliefs.

The Hudson's Bay Company first dealt with the Cree Indians who lived in the areas now known as Quebec, Ontario, Manitoba and Saskatchewan. As they began trading with the Hudson's Bay Company, Cree Indians became guides for the traders. They accompanied the fur traders to trade with other Indian groups in different areas.

The fur trading companies set up trading posts at major meeting places of Indian tribes. From these posts they had traders go out among the Indians to trade directly. They also encouraged the Indians to bring their furs to the trading posts.

The trading company granted credit for goods to the Indian people before trapping and hunting season. Credit would be given for traps, fish nets, blankets, flour and other goods. The Indian people would pay for these goods at the end of the season with their furs. They charged high prices for goods but gave the Indians low prices for their furs.

When the Indians arrived with their furs, these were graded and a price was given to each pelt. The prices for the pelts were added up and then the cost of the goods already given were then subtracted. If there was anything left over, this was usually given to the Indians in trinkets, beads, liquor or other useless goods.

To carry on their next year's trapping, the Indians were again given credit for traps, guns, bullets and other goods and supplies. Credit was important to the Europeans. It was one way to make sure the Indians brought their furs to them at the end of the season.

Before European arrival, almost all of the Indian peoples' time was spent on survival. The fur trade introduced new goods and tools which changed their way of life. Blankets and clothing could be purchased so they no longer had to make their own from hide and fur. They now used guns for hunting which made it easier to obtain their food supply.

The use of these goods and tools created free time which the Indians had not had before. Some of this time was spent trapping for the fur trade. These changes to the Indian way of life took place rapidly and the Indians did not have time to adjust or develop a new way of life.

The introduction of alcohol created many problems. The Indian had never used alcohol before and the effects of it were strong. With free time on their hands and with the fur traders eagerly supplying alcohol, its use became more and more common. The fur traders used alcohol to encourage Indians to become their allies against competing fur trading companies and other Indian tribes.

In the traditional Indian way of life, everyone in the tribe including old people and children had a place or a role. The old people had a role in the care and raising of children. They taught the children through traditional stories and legends. They were responsible for teaching their culture and values to the younger people. These things were all very important to keep the people close to each other and true to their traditional beliefs.

As the Indians became more dependent on the fur trade, they had less need for the older people. By the late 1700's it was not uncommon for the old people to be left at the fur trading posts when they could no longer hunt and trap. These older people would set up their tents or build more permanent log cabins around the posts. They would then become dependent upon the Hudson's Bay Company for handouts. This was the start of the welfare system among the Indian people.

Summary

In this chapter we learned that the Northwest area in which we now live was originally opened up as a fur trading area. Fur trading was carried on with the Indians for several hundred years before there was any settlement. Fur companies came in with certain goods to trade. They carried on their trading activities to make sure they took many furs from the Indians. To do this, they introduced new tools and alcohol to the Native people and developed friendly dependent relationships with them. They also encouraged the Indians to compete with the tribes that supported other traders.

In addition, we have identified some of the old ways of the Indian people in this area. We saw the effect that the activities of the Europeans had on this way of life. We have also examined the gradual development of the dependency of the Indians on the Europeans. We saw how the Europeans introduced new tools to the Native people. We finally began to realize the effect of the fur trade on the way of life of Indian people and what exists in the rural and urban areas today.



DEFINITIONS:

1. Land Charter - a legal paper by which European rulers granted land ownership and/or trading rights to large land areas. The company granted a charter could carry on trade, buy furs, establish settlements, make laws, etc.
2. Common Law - practices which people and government followed long ago. They became like law and were upheld by courts. They were not written down but because everyone accepted them, they became part of the law; law like the traditional Indians had.

RESOURCES AND REFERENCES:

1. Cultural/Linguistic Map, D.I.A.N.D.
2. Map of Canada and/or historical atlas.
3. Excerpts from a select committee on the Hudson's Bay Company, AMNSIS.
4. Excerpts from the aboriginal committee, AMNSIS.
5. Memorandum by Joseph Cauchon, Commissioner of Dominion Lands, AMNSIS.

## Chapter 4

### Introduction

This chapter will help you become familiar with the government within Rupertsland and the Northwest Territories before 1870. We will examine how Rupertsland was transferred to Canada and the conditions under which the transfer took place.

You will examine the reaction of the Metis people to conditions negotiated between the Hudson's Bay Company, Great Britain and Canada. The actions which the Metis took to prevent the union from taking place prior to their rights being guaranteed will be seen. We will also acknowledge the rights the Metis were asking for, and how the Canadian government tried to prevent the Metis people from protecting their own rights and setting up their own government. The chapter will look at how negotiations took place between Ottawa and the people of the Red River and what happened in these negotiations.

You will see that the provisions of the Manitoba Act cover only the old territory of Assiniboia which became the province of Manitoba. You will become familiar with the fact that the Metis people through out the Northwest outside Manitoba were also concerned about their rights. They petitioned the government on many occasions about their rights, but the government did not listen as the Metis did not receive any response to their petitions between 1870 and 1885. The chapter will look at the events which led up to the return of Riel to Canada in 1884 as the leader of his people. It will also look at Riel's activities during 1884 - 1885 and the eventual battles at Duck Lake, Fish Creek and Batoche.

Finally, you will become familiar with some of the issues in the trial of Riel and the way in which the events of 1885 affected the Metis people.

## Chapter 4

From our previous chapters, you know that the Hudson's Bay Company had a charter to trade in Rupertsland and also to act as government in certain situations. This charter began in 1670 and was granted on a continuing basis (like treaties). It was a different way for the British government to exercise sovereignty. It allowed them to do this without taking any responsibility for the government of the territory. Over the years, the control of the Hudson's Bay Company grew in the Northwest.

In 1867, Canada began discussions with the British government to make Rupertsland part of Canada. It was agreed that sometime in the future Rupertsland would be transferred to Canada. Provision for the transfer was written into the British North American (B.N.A.) Act.

Following the passing of the B.N.A. Act, further negotiations took place and resulted in the Rupertsland transfer agreement. This was the agreement for the transfer of the territory from British sovereignty to Canadian sovereignty. This agreement was negotiated by officials of England, Canada, and the Hudson's Bay Company. The people living in Rupertsland were never asked for their opinion. In fact, they were never told about the negotiations or about the terms of the transfer.

When the Metis people first heard about the plans for the transfer of Rupertsland to Canada, there was concern in the Red River community. However, no action was taken to protect their rights or interests. Their concern increased when the Canadian government started surveying land. At about the same time, the Canadian government crews began construction of a road from Thunder Bay to Red River. The transfer of Rupertsland to Canada had not yet taken place and therefore Canada had no authority or legal right to carry out any government activities in the area. The Canadian government appointed McDougall, a Canadian Member of Parliament, as the Lieutenant-Governor of Rupertsland which made the situation even worse. He was sent to the Red River in the fall of 1869 to establish himself as Lieutenant-Governor with government authority in the area.

At this time, one of the greatest leaders of the Metis struggle, Louis David Riel, began his involvement with his people. Born in Point Douglas in the Red River area on October 22, 1844, he was the son of Jean Louis Riel.

Jean Louis Riel was a respected businessman in the Red River area. In 1849, he had been involved in stopping the Hudson's Bay Company from having complete control over the trade.

Louis Riel received his early education in the Red River area and then attended college in Montreal. When he completed his education, Riel eventually returned to the Red River. Because of his father's respected position, Riel was recognized as a leader.

Many Metis people had become concerned about their rights and their land. Riel began to organize meetings with his people in 1869. In September of 1869, surveyors started to draw survey lines across land already owned and claimed by people living along the Red River. At this point, Riel and his Metis supporters moved in and stopped the surveys. They began to organize in September and in November, they tried to set up their own government to represent the French Metis. In December, a conference involving delegates representing all of the people of the Red River took place and a more permanent government was set up. On November 19, 1869, the Hudson's Bay Company gave up their charter. After that, the Hudson's Bay Company no longer were in control of the area.

The Hudson's Bay Company had had two separate government bodies, one for Rupertsland and one for Assiniboia. The one was called the Council of Rupertsland and was responsible for trade and commerce and whatever government activities were needed in connection with the trade and commerce. The second was the Council of Assiniboia which was responsible for local government activities in the territory of Assiniboia. This was the area granted to Selkirk for the establishment of his Scottish settlers.

In 1869, William McTavish was the Governor of Assiniboia. He had a council made up of local people including white and Metis people and delegates from the Hudson's Bay Company. These delegates were officials of the Hudson's Bay Company such as the sheriff, the judge, and others.

When the community set up its government, several important people from the Council of Assiniboia, including Bannatyne, the sheriff, and Dease, a Hudson's Bay Company employee, joined the provisional government. Although the Council of Assiniboia met several times during this period, they did not try to govern the area. When the Hudson's Bay Company surrendered its charter on November 19, 1869, the Council of Assiniboia also lost its legal right to govern.

The Red River delegates met, formed a permanent government, and approved the first list of rights. There was a split between the English halfbreeds, the French Metis and some of the whites in the community over what type of action to take. Nevertheless, they did agree that union with Canada should not take place until the people of the area had a say in the conditions under which the Red River would join Canada.

Between November 19, 1869, and July 15, 1870, a period of eight months, neither the Hudson's Bay Company nor Great Britain were the government in Rupertsland or the Northwest Territories. The responsibility to establish a government rested with Great Britain since the Hudson's Bay Company had given up its charter. However, Great Britain took no direct action to exercise its authority or to set up any government body to control the area. As a result, the Red River people, on the urging of the former Governor McTavish, formed the provisional government of Rupertsland in January 1870.

There is an international law known as The Law of Nations, which states that if there is no government in a given area, the people of that area can form their own government to protect property and life. That government will be recognized as legal by other governments and the government will gain sovereign rights in the area.

Riel and his followers knew this law and acted on it. Sir John A. Macdonald was aware of this and tried to prevent the people of Red River from setting up their own government. Macdonald always took the public position that the Riel government was not a legal government. He also claimed that the Canadian government had never recognized the provisional government.

This was a public political position since, in negotiations with the delegates from the Red River, Macdonald did recognize that the people of the Red River had set up a civilized government.

The people of the Red River drew up a number of different drafts of their list of rights and finally agreed on the list which was sent with their three delegates to Ottawa in late March of 1870. (See appendix)

The rights which were put forward as necessary and which the delegates wanted guaranteed were nationhood rights. Nowhere in the list did the people make any mention of aboriginal rights.

The list can be divided into the following areas:

- a) language
- b) culture and customs
- c) land rights.

The Metis asked for a guarantee for their language, in education, in the legislature and in the courts. They asked guarantees for their culture when they requested protection for their religion and their language. As well, they wanted guarantees that the normal customs and way of life which form part of their culture would continue. In the area of land rights, they asked for two things. First, that those people who already lived on a piece of land be given title to that land. Second, that the new province of Manitoba would have the same control over the public lands that all of the other provinces (Ontario, Quebec, Nova Scotia, and New Brunswick) had when they joined Canada in 1867.

Father Ritchot was one of the delegates sent from Red River to Ottawa. He kept a personal diary of the negotiation. In his diary he stated that Sir John A. Macdonald and Cartier agreed to most of the articles in the List of Rights. However, they were not prepared to go along with the clause giving the new province control over public lands. Macdonald argued that the government of Canada needed control over public lands. He also argued that his government needed control over the land to build the railway and to extinguish the Indian title.

This land question proved to be a major problem in the negotiations. Ritchot and the other delegates finally agreed to a deal which provided for a block of land, 1.4 million acres, for the children of the Metis people. This block of land made up approximately 25 percent of all the land within the original boundaries of Manitoba. In return for this land, the negotiators gave the right to control the public land of Manitoba to the federal government.

When Ritchot and the delegates saw the final copy of the Manitoba Act, they objected strongly to the clause in the Act which dealt with the land question. The Act said that "Indian Title" was being extinguished. Although Ritchot and Macdonald had discussed Indian title, in his diary Ritchot makes it clear that the aboriginal rights question was quite separate from the question of provincial government control of the public land.

Macdonald and Cartier said that the Members of Parliament would not agree to the Act if it was changed. However, Macdonald and Cartier promised the Red River delegates that they would live up to their agreement. Ritchot finally went along with the proposed Manitoba Act. Even though he had some doubts, he recommended to the provisional government of the Red River that the Manitoba Act should be approved.

Macdonald discussed sending an army to the Red River throughout 1869 - 70. It was still being discussed secretly by him and other officials while he was meeting with the Red River delegates. Ritchot and the other delegates objected to an outside army. They finally agreed with the idea when Macdonald assured them that it was a peace mission.

The army consisted of 350 regulars and 600 volunteers under Colonel Wolseley. The volunteers were mostly young radical Orangemen who had joined the army with the idea that they would settle in the West. The volunteers also had about 150 French Canadians among them.

When Wolseley and his army arrived in the Red River, he quickly dismissed the 600 volunteers but kept the permanent army in the area for a period of approximately two months. Before the weather turned cold in the fall of 1870, Wolseley with his army of regulars returned to the East. Many of the volunteers stayed behind. These volunteers were now no longer part of the army and were very undisciplined. They harassed local people, committed brutal acts, and were very cruel towards the Metis people.

It is clear that Macdonald was never serious about his negotiations or the guarantee of the rights of the Metis people. Macdonald wanted to win Rupertsland and the Northwest Territories for Canada. His letters show that he believed the Metis people could later be swamped by settlers and the Canadian government would end up having its own way.

Within old Manitoba after 1870, 1.4 million acres were distributed to the Metis children. The heads of families were to receive land that they occupied. There was, in addition, a scrip issued to children and heads of families. Most of this land, plus much of the land owned in river lots, passed into the hands of speculators. A good deal of land was acquired by people like Donald Smith, a major owner in the Canadian Pacific Railways and the Bank of Montreal, and a Member of Parliament for a Manitoba seat.



News travelled with the Metis people from the Red River to the Northwest. The Red River was the centre of trade, commerce, culture and education. Freighters came and went from this area regularly to all other communities in the Northwest taking in supplies and bringing out furs, pemmican and buffalo hides. People moved back and forth along these freight lines to visit relatives, take children to school and to do many other things. Therefore, there was a regular news service between the Metis people in the Northwest. They shared the same language, customs, way of life and had similar ideas as to what their role was in the Northwest. They also agreed on what their rights should be.

Beginning in 1873, there were a series of petitions from Metis communities in the Northwest to the government of Canada asking for a guarantee of their rights. In most cases they asked for the same guarantees that were received by the Metis in Manitoba.

The Metis outside of Manitoba asked for the same rights as the Red River Metis which included guarantees of their language, religion, customs, way of life and culture. They wanted a guarantee of ownership of the land on which they lived and a guarantee of land for people who did not have any.

The Metis people did not ask that their aboriginal rights be extinguished nor did they ask for compensation for their aboriginal rights. This does not mean that they did not believe that they had aboriginal rights or that they were not concerned about these rights. Their first concern was with national rights since they saw themselves as a nation of people in the Northwest. They wanted to have the right to set up their own form of government with their own education, religion, courts and business. After they had control of the government and the land, they then could deal with the aboriginal rights that they had as a result of their Indian ancestry.

We have noted that the Government of Canada ignored the petitions of the Metis communities in the Northwest. Although the petitions were always passed on to the government in Ottawa by the Lieutenant-Governor and the Commissioner of Indian Affairs, the government never gave any direct reply to the petitions of the Metis or to the Metis people themselves.

In 1884, Macdonald still stated that if the Metis wanted land, they had two choices open to them. First, they could join the Indian bands and share in the land set aside for Indians as reserves. Second, they could take up a homestead as any other settler. Macdonald was not prepared to see the Metis people receive any special land grants. He was not prepared to allow what had been provided for in the Dominion Land Act through an amendment in 1879.

The Metis people in the Northwest continued to be dissatisfied. The Metis people around Prince Albert and in St. Laurent-Batoche area demanded titles to their river lots. They became particularly concerned in 1884 when they heard rumors that their land was being sold to a land company called the Prince Albert Colonization Company to be sold to settlers. At the same time, the government officials told them that they would get title to their land.

The land company received a land grant for most of the land around St. Laurent and Batoche. The people protested. The townships on the west side of this block of land were taken from the land company and an equal number was added to the east side. The land along the Saskatchewan River was not in the area granted to the Colonization Company, but the land around the Metis community of St. Louis was included in the land grant. The Company even tried to remove the people at St. Louis from their land.

Another of the Metis' peoples great leaders, Gabriel Dumont, began his involvement with his peoples' struggle. Dumont was born in the Red River area and then lived in the Fish Creek area of what is now Saskatchewan. Dumont was famous for his great military abilities. He had led battles against Sioux Indians and had led many buffalo hunts.

When the Metis people of the St. Laurent-Batoche area decided to take action to protect their rights, it was natural that they sought Dumont to help them. Dumont was prepared for an armed resistance if necessary. However, he recognized that although he had military abilities, he did not have the knowledge and education to be a political leader. The Council of St. Laurent agreed to send for Riel who was living in exile in Montana.

Riel had been exiled to Montana in 1875 for his suspected role in the execution of an Orangemen, Thomas Scott, in the Red River. Riel was teaching at a mission school in Montana where many former Red River Metis lived. Riel agreed to return to Canada to help his people struggle for recognition of their rights.

Macdonald did not answer the requests of the Metis people until March of 1885. At that late date, a commission was set up and steps were taken to have a land grant made to the Metis people in the Northwest. The land grant was only one of the concerns of the Metis people. Therefore, Macdonald did not see the real problems. He did not deal with any of the other concerns.

However, Macdonald's action came too late. Steps had already been taken which would lead to the Northwest Rebellion.

The Indian people were also unhappy with their situation. Their ways of survival had been destroyed and many were starving. In March of 1885, Poundmaker, a Cree chief, led his band in an attack against Battleford. Another Cree chief, Big Bear, led his people on an attack against Fort Pitt and at Frog Lake.

Just before this, the Metis, led by Dumont, fought with the North West Mounted Police near Duck Lake. Although outnumbered, they were successful because of Dumont's skilled battle tactics.

The Canadian government became alarmed at this resistance and sent troops to the Northwest to stop the Indian and Metis resistance.

The Battle of Batoche took place in May, 1885. The Metis had 350 men, 200 of whom were well-armed. The army, led by General Middleton, consisted of over 1,500 men who were well-armed.

It took the army four days to overcome the Metis. On May 15, Riel surrendered to the Canadian government and Dumont fled to the United States.

Riel was charged with high treason in Regina. The judge and prosecutors and some of the jury members were Orangemen who wanted to avenge the death of Thomas Scott.

Riel's trial is one of the greatest mockeries in Canadian history. It appeared that the Conservative government and the Orangemen wanted to make Riel appear as a culprit and punish him for all the problems in the West.

The jury found Riel guilty of high treason and recommended mercy. This was ignored. On November 16, 1885, Riel was hung.

The Canadian government had sent 5,000 men and spent 20 million dollars to deal with the North West Resistance. Before this, they had completely ignored the rights of the Indian and Metis.

After the defeat at Batoche and the hanging of Riel, the Metis peoples' efforts to gain recognition of their rights was almost crushed. Increasing settlement pushed the Metis into rural slums and skid row areas. They lived without their land and their rights.

Little effort was made at organizing until the 1930's. The Metis leaders then, as those of the past and present, recognized the importance of the Metis' rights as a nation and the rights to land and self-determination.

Today, the conditions of the Metis remain the same. They have few of the social and economic opportunities that other Canadians have. Many live in poverty and despair. This situation must change. In order to participate in Canadian society, the Metis must have a fair and just settlement of their rights.

## Summary

In this chapter, we have noted that the Canadian government had specific reasons for wanting to join Rupertsland and the Northwest Territories to Canada. These reasons were only discussed with the British government and with the Hudson's Bay Company. Since the fur trade was no longer making money, the Hudson's Bay Company agreed to give up its charter if it received some compensation. The British government, on the other hand, did not want to have a colony to govern so far from England. Therefore, they were quite happy to hand the area over to Canada.

During these negotiations, no one thought that the local people would object to the transfer or would ask that some of their rights be guaranteed.

When the local people did act, the Canadian government reacted in a negative way. It tried to keep down the local people through various dishonest means to achieve their goal of uniting Rupertsland and the Northwest with Canada. This approach did not work and they had to negotiate with the people. However, the Canadian government was not honest in its negotiations.

The government's actions led to many problems within old Manitoba and to further problems in the Northwest. Eventually, they led to the Northwest Rebellion. Once Riel was hanged and Dumont had fled to the United States, the Canadian government believed there would be no more problems. However, this was not true. The Metis people are still here and they suffer from the neglect and indifference of the Canadian government. They also are once again putting forward their demands for the recognition of their rights and for just and fair treatment. The problem has not been solved. Today, Metis people wonder whether the Canadian government will react as the government did in the 1870's and the 1880's, or whether it will react in a more civilized way, and recognize the rights of the Metis people. Metis people must have a guarantee of their rights and be allowed to develop for themselves an acceptable place within Canada.

#### DEFINITIONS:

1. Transfer - the way in which the Hudson's Bay Company gave up its charter right to Rupertsland and by which the British government passes its sovereign claim to Rupertsland to the government of Canada.
2. Resistance - when a group opposes something that is forced upon them. For example, a group takes up arms against the government to obtain their rights.
3. Petition - to ask for something.
4. Delegates - people appointed by the group in power, sometimes known as appointees.
5. Legislature - a meeting of elected government members.
6. Extinguish - when legal title is taken away or ended.
7. Township - a land area six miles square or 36 sections.

#### RESOURCES:

1. The History of the Metis People, by Auguste H. Tremaudan.
2. The Nationhood Claim of the Metis - the Historical and Emperical Basis of the Claim in 1870, Discussion Paper, AMNSIS.
3. The Claim to Nationhood of the Metis in the Northwest, Outside Manitoba.
4. Selected letters from the personal papers of Sir John A. Macdonald, AMNSIS.
5. The Laws of St. Laurent and the Laws of the Buffalo Hunt, AMNSIS.
6. The History of the Metis People, Discussion Paper, AMNSIS.

## Chapter 5

### Introduction

This Chapter will explain that the Canadian government did ~~not~~ consult the Metis people but instead, passed laws to extinguish their aboriginal title. We will see how the Canadian government tried to satisfy the land claims of the Metis people in Manitoba and in the Northwest Territories.

In this Chapter, we will also look at scrip speculation and ~~how~~ scrip was used by speculators to make a great deal of money for themselves or their companies. We will look at how this money was made at the expense of the Metis people and the effect of this speculation on them. Finally, we will see the connections between the speculators and some politicians and senior government officials.



You will remember that the federal government, against the wishes of Father Ritchot and Black, included a clause in the Manitoba Act for the extinguishment of the aboriginal title of the Metis people of Manitoba. You will also recall that we wondered whether or not this clause was legal. It did not follow the requirements of the Royal Proclamation.

In the Manitoba Act, there were provisions made for two kinds of land grants. The first granted title to land where Metis people already lived. This was land along the rivers in the form of river lots and hay lands. A similar grant of land was also given to everyone else who lived on and used such land.

The second grant in the Manitoba Act was 1.4 million acres to the children of the halfbreed heads of families who were born before July 15, 1870. This land was to be set aside as reserves around Metis communities and was to be divided among the children.

In addition to land grants for Metis people provided for in the Manitoba Act, the government, by a special act in 1874, also made provisions for a scrip issue of \$160 to all Metis people.

Similar scrip issues were made to white people as well. The old settlers, the Selkirk settlers, and their children all received scrip. In addition scrip issues went to the volunteers of Wolseley's army who came out to the Red River to fight against the Metis. Land grants were also given to all of the people living in Red River at that time and new residents received grants in the same way that the Metis received land. Therefore, it can not be argued that the land grants to the Metis were an extinguishment of Indian Title since the other people who received such grants did not have any claim to Indian title. Rather, the Metis received land grants for being old settlers of Red River and not to extinguish Indian title.

There are records of the grants of land and scrip. Both the Metis Associations in Manitoba and Saskatchewan are presently studying these documents and grants. We have found that many of the river lots and much of the scrip did not benefit the Metis people as very little stayed in their hands.

Research on the river lots in Manitoba is almost finished. Records show that people like Donald Smith and Dr. Christian Schultz, who were active in the Red River resistance and who later became M.P's for seats in Manitoba, received many of the river lots that should have belonged to Metis people. It is not clear how they acquired these river lots or how they managed to get them registered in their names. However, the records indicate that Donald Smith obtained approximately 10,000 acres in these same communities. Also certain government officials acquired river lots (Lieutenant-Governors Archibald and Morris, for example).

It took the government 10 years to distribute the 1.4 million acres to the children of Metis heads of families. Many of the families could not wait to get their grants but had to earn a living somehow. Since they did not have any land on the Red River, many decided to move further west and north where they could continue their old way of life. In most cases, they sold their land grants to speculators before leaving. At present, we do not know who all of the speculators were; however, we know of Alloway and Champion, Donald Smith, R.C MacDonald and other prominent Winnipeg people who were speculators. We also know that the Mercantile Bank, in Winnipeg, was active in buying scrip.

Scrip came in two forms. The first was land scrip which was a certificate which could only be exchanged for a piece of land in the amount printed on the face of the certificate. Like a cheque, it was made out in the name of the person to whom it was issued. It was only to be registered by that person on a piece of open dominion land. Open dominion land was Crown land which was surveyed and had not been claimed by anyone else or was not set aside for any other purpose.

A second type of scrip was money scrip. These certificates could be redeemed for land that had an equal value to the value of the scrip. This scrip was easily bought and sold and was bought by greedy land speculators and the large banks and trust companies. It was only to be used as an exchange for land.

The records show that in the early days in Manitoba most of the land grants or scrip certificates were bought for a price which varied from 25¢ to 30¢ on the dollar. In other words, an acre of land at that time was valued at \$1 by the government of Canada. Land grants were being bought up by speculators for prices which varied from 25¢ to 30¢ an acre and money scrip was being bought for about the same.

Politicians, government officials and other individuals wanted to obtain land in the Red River and in other areas suitable for farming. They planned to bring in many settlers from Eastern Canada and from Europe. This would increase the prices of land, and those who had land would make a lot of money. By the time the land grants were made to the Metis and all of the other Red River people, and land was set aside for the Hudson's Bay Company and the railway, there was not all that much open dominion land left in Manitoba for settlers. Therefore, land would sell for a good price.

Metis people sold for many reasons. Some wanted to get away from racism by whites in the Red River. Others needed to go somewhere where they could make a living. Some desired to go where they could follow their old ways of life. However, most needed some immediate cash to support themselves until they could obtain work.

Some people moved out of the Red River area when they were surrounded by white settlers and no longer felt comfortable in their communities.

The law did not allow chartered banks to be involved in buying or selling land. However, there is evidence they did buy land scrip and they bought large amounts of money scrip. They sold some of the scrip to incoming settlers and land speculators.

The land grants in Manitoba in the early days were only part of a larger operation of land buying and land speculation in the Northwest.

Up until 1885, Macdonald insisted that Metis people did not have any rights to their land. He said they should get homesteads like other settlers and should not get any special consideration. The Metis people did not accept this. Some people, such as Father Andre, sent the Metis' demands to the government. The government decided to make land grants to the Metis people in the Northwest outside of Manitoba.

The government decided that all grants would be in money scrip. However, when the Metis people at the Qu'Appelle Lakes met with the commissioners, they refused to accept any grants until the government made both land and money scrip available.

A close study of the scrip grants of 1885 through 1887 to the halfbreeds and their children born before July 15, 1870, shows over 90 percent of the grants were in money scrip. Research shows that most of the scrip was brought by the banks and trust companies. One of the most active speculators was the Imperial Bank of Canada. This bank bought the largest amount of money scrip.

Research indicates that the scrip speculators travelled with the commissioners who accepted applications and granted scrip certificates. As certificates were granted, the speculators immediately purchased them from the Metis people.

There are even records of scrip purchased from people two or three years before scrip grants were made. This is particularly true in the case of grants to Metis people living in North and South Dakota of Montana who were entitled to a scrip grant. In other cases, scrip speculators would make a down payment of \$20 or \$25 on a 240 acre scrip certificate with the promise that more money would be paid when the actual scrip was issued. They would have the person who was entitled, sign a power of attorney making them the agent for the Metis person, or sign a 'quit claim deed' transferring the scrip to them. The Metis would never see the speculator again. They did not know what the papers they signed were for, and usually they did not know the speculators or have a way to contact them later. Even if the Metis were able to locate the speculators, there was no legal way that they could get their money since the speculators

always made certain that the papers they had people sign were legal.

Often land speculators would have the individual who would receive scrip sign what was called a 'quit claim deed'. This was a deed which transferred the scrip from the Metis, who owned it, to someone who had bought his or her land grant from him.

The Metis would be asked to sign a blank quit claim deed. The speculator would say that these papers were needed to allow the speculator to act on behalf of the particular Metis. Since the Metis people were French and many had no schooling, they could not read English or understand what the English speculator said. Therefore, they were easily cheated.

With land scrip, the only person who was supposed to register the scrip note was the person whose name was on the certificate. That person was to go to the land titles office, select his or her land, and have the title to that piece of land registered in his or her name. Then, the person received title to the land and only then, could it be sold or transferred to someone else.

With money scrip, the process was much simpler. Whoever had the scrip could register the scrip notes on Land.

Up until the 1890's, the most common scrip was money scrip. At that time, land scrip and money scrip were approximately the same value. Therefore, speculators who were advising the Metis almost always advised them to ask for money scrip. Some people were advised to ask for land scrip by their priests and others who had their best interests at heart. Less than 10 percent of the people took land scrip.

In 1898 and 1899 and in 1900 to 1902, the people began to ask for more land scrip. By 1906, two-thirds of the scrip being issued in connection with Treaty No. 10 was land scrip. This was because land was increasing in value and land scrip was much more valuable to the speculators than money scrip.

Because of demand, land was worth much more than \$1 an acre. It was selling anywhere from \$5 to \$12 an acre and therefore land scrip was much more valuable than was money scrip. Money scrip could be exchanged only for land to the equivalent

value of the scrip. If the land was selling for \$5 an acre and the scrip certificate was worth \$240, then speculators could only get 80 acres of land. However, with a land scrip for 240 acres, they could get 240 acres.

Our study to date shows that speculators used money scrip in many ways. It was used to get timber leases and to pay for leases on pasture and range land. It was also used to get mineral leases, coal leases, and even to pay taxes.

Scrip speculation may not affect the question of whether the aboriginal rights were actually extinguished. If the provisions of the Manitoba Act and the Dominion Land Act were not legal because they did not follow the provisions of the Royal Proclamation, then these facts alone should be sufficient proof to support the argument that the government had no serious intention of extinguishing the aboriginal rights of the Metis people. The government used this way of passing land into the hands of friends, speculators and political supporters.

Further research and further legal advice and opinion is needed before a decision can be made as to how this information can best be used.

SUMMARY

In this Chapter you have learned that the government of Canada used the Manitoba Act and the Dominion Land Act as a method of extinguishing the aboriginal title of the Metis people. There was one other act, a Dominion Act of 1874, which made special provisions for heads of families in Manitoba.

You have also learned that most of this land passed into the hands of land speculators, bankers, merchants and others who took advantage of the needs, the lack of knowledge, and the trusting nature of Metis people.

The Metis people were left poor without land, money, or any meaningful place in the economy of the country. Many land speculators and bankers became rich. Some government officials and politicians who had close connections with land speculators made their fortunes.

You have also learned that the particular act under which the so-called extinguishment took place does not appear to be legal according to provisions in the B.N.A. Act and in the Royal Proclamation. If this is so, then the so-called extinguishment-process did not in fact extinguish the aboriginal title of the Metis people. The speculation shows the dishonesty of the government and of other people who took away the Metis people's rights and land for personal gain and profit.

DEFINITIONS:

1. Homestead - a piece of land which could be claimed by a settler. The land could become his after three years if he turned the soil on 59 acres on a quarter section (160 acres).
2. Quit Claim Deed - a legal paper which the owner of land uses to transfer his land to someone else.
3. Power of Attorney - a legal document giving one person the right to act as the agent for another person.

REFERENCES:

1. The Claim to Nationhood of the Metis in the Northwest, Outside Manitoba; Discussion Paper, AMNSIS.
2. Samples of Land and Money Scrip Certificates.
3. Memorandum of Land Policy, December 1870, Rupertsland.
4. All Western Dollars, by Peter Lowe.



APPENDIX

I

LAWS OF ST. LAURENT

ARTICLE

- #1 On the first Monday of every month, the president and members of his council will assemble in a house decided on before hand by the president, in order to judge the cases that may be submitted to their arbitration.
- #2 Any councillor who cannot be present at the indicated place, unless he is ill, will pay a fine of 5 louis.
- #3 The president who cannot meet his councillors at the appointed place will pay a fine of 5 louis.
- #4 Any captain refusing to execute orders, he will recieve in the name of the Council, shall pay a fine of 5 louis.
- #5 A fine of one and a half louis will be paid by any soldier who refuses to execute the orders of his captain.
- #6 Any person who insults the Council or a member of the council in the public exercise of it's functions shall pay a fine of three louis.
- #7 A fine of one louis will be paid by a person who is guilty of contempt of any member of the council or of one passed in the general assembly.
- #8 Any person wishing to plead shall inform the president before hand and shall deposit with him, as security, the sum of five shillings.
- #9 In every case the plaintiff shall deposit two louis and five shillings with the president to compensate him and the members of his council for their loss of time and at the termination of the case, the person losing it shall pay all of the costs and the plaintiff shall receive back the money deposited if he wins.

## ARTICLE

- #10 Any person who calls the assembly together shall pay five shillings to the president and each member of council if he comes to a compromise with the other side and abandons the prosecution of the case.
- #11 Every witness in a case shall receive two and a half shillings a day.
- #12 Any case, once brought before the council, cannot be judged by any arbitrators outside the council.
- #13 Any person judged by the council will have ten days to make amends with the person with whom the quarrel is after that the council will forcibly execute it's order.
- #14 Any person who has only three animals cannot be forced to give them up in payment of his debts: This does not apply to unmarried men who will be compelled to pay even up to his last animal.
- #15 Any person taking another person's horse without permission will pay a fine of two louis.
- #16 Any contract made without witnesses will be null and void and it's execution cannot be sought for in the Council.
- #17 Any bargain made on a Sunday, even before witnesses, cannot be prosecuted in court.
- #18 Any bargain, contract or sale shall be valid if written in French, English or Indian even if made without witnesses if the plaintiff testifies on oath to the correctness of his account or contract.

## ARTICLE

- #19 When the Canadian Government comes about no one is allowed to dispute decisions of the Council by taking the matters to the Canadian Government, as long as you live in the St. Laurent area you will abide by the council.
- #20 Money contributions shall not exceed on louis and every public tax levied by the council will be for all inhabitants of St. Laurent; those who do not pay the tax will be subject to a heavy fine as decided by the council.
- #21 Any man who dishonors a young girl, under the pretext of marriage and afterwards refuses to marry her will be liable to a fine of fifteen louis; this law applies equally to the cases of married men dishonoring girls.
- #22 Any person who shall defame the character of another person and attack his honour, virtue or principles will be liable to a fine in proportion to the quality and rank of the person attacked or to the degree of injury caused.
- #23 Any person who sets fire to the prairie from the first of August on, will pay a fine of four louis.
- #24 The river ferries shall be free, on Sunday and festival days, for people riding or driving to church, but any person not going to church shall pay as on any other day.
- #25 All horses are free, but the owner whose horse causes injury or annoyance, will be warned and if doesn't tie his horse up he will pay a fine of five shillings a day from the time he warned about his horse.
- #26 If any dogs kill a foal, the owner of the dogs will be held responsible.

## ARTICLE

- #27 Any person who leaves his employer before the time agreed upon will forfeit all of his wages for the complete time: Also any employer who dismisses an employee without proper cause will pay his employee all his wages in full for the complete contract.
- #28 On Sunday no servant will perform any duties but the ones absolutely necessary, however, on urgent occasion the employer can order the servant to look after his horses on Sundays only after the great mass; he shall never prevent him from going to church, at least in the morning.

A P P E N D I X

I I

LAWS FOR THE PRAIRIE & HUNTING

Article

- #1 At the end of April every spring, a general public assembly shall be held in front of the church of the Parish of St. Laurent to fix the time of starting for the prairie.
- #2 No one, unless authorized by the Council, can leave before the time fixed for departure.
- #3 Anyone infringing the provisions of Article #2 shall be liable to a fine which will be determined by council.
- #4 Should a number of men infringe on Article #2 and leave secretly, then the president will order the captains to pursue them and bring them back; and these law breakers will pay the wages of the captain and soldiers who pursued them at the rate of five shillings a man.
- #5 The Council will authorize the fixed time of departure to be accelerated for those who, by reason of want of provisions, wish to go to the prairie to seek for means of living, but at a fixed point they will wait for the rest of the caravan and they cannot go beyond that point.
- #6 Those people, having permission to start in advance, who push ahead and hunt without waiting for a big caravan will pay a large fine which the council shall fix according to the damage caused by them.
- #7 When the caravan of hunters arrive at the rendez-vous the captains, guides, and trackers will be named and the Prairie Laws will be in full effect.
- #8 In the morning no one will start without a signal from the guide and everyone will stop his cart and pitch his tent where the guide suggests.

Article

- #9 All carts will be placed in a circle and the captains and soldiers will check for any breaks in the circle of carts.
- #10 It is forbidden to fire when the animals are announced in the neighborhood and anyone infringing this law will be fined five shillings.
- #11 A captain held off every day will check to see if morning fires are put out and anyone failing to put out his fire will pay five shillings.
- #12 The Council will indicate the time at which the animals will be chased and if there is more than one herd.
- #13 If in the hunt a man is accidentally wounded, then the person who wounded him shall work for him till he is cured.
- #14 If a man kills another man's horse while hunting then he will pay the value of the horse; if the horse is wounded then he will lend a horse to the other till the wounded horse is cured.
- #15 If new animals appear after a run no one will run them without permission from three captains.
- #16 He who, after killing a beast abandon's it on the plain, shall pay a fine of one louis.
- #17 Anyone who steals secretly away to run a herd of beasts, will pay a fine in proportion to the damage caused.
- #18 Anyone starting before the signal is given by the captains will pay a fine of one louis.
- #19 If a soldier fails to go to his sentry duty he will pay a fine of ten shillings: if the offender is a captain he will pay one louis.
- #20 A sentry sleeping at his post, who is a soldier, will pay a fine of five shillings; if a captain - ten shillings and a member of council - one louis.



Article

- #21 If a captain, knowing the faults of his soldiers, does not report them to the council, he will pay a fine of two louis.
- #22 No person or party will be allowed to leave the camp without leave of the council; anyone who does will pay a large fine.
- #23 Any party with independant freedom living in the neighborhood of the great caravan will be warned not to run the beasts beyond the time that is fixed by the Council of the great camp: if they infringe this prohibition then the great camp will ask them to join them and if they don't the great council will make them join by force.
- #24 With a scarcity of animals the great camp will divide with one side going in one direction and the other side in the opposite direction and the minority will be obliged to submit to this decision.
- #25 A general vote at the period of return will determine when every person shall be at liberty and able to go where he pleases.

APPENDIX

III

Laws of St. Albert

"By laws inacted by a committee selected at a public meeting of the citizens of the village of St. Albert. The said by laws to be administered by the magistrates who will be appointed by the citizens or government of the said villages."

- Act #1 - Any person guilty of murder shall be arrested and detained until transportation to Red River, for trial, is ready.
- Act #2 - Each citizen in the village shall pay the sum of three shillings to pay the expenses of transporting any criminal, charged with murder, to Red River for trial.
- Act #3 - Any person threatening to use deadly weapons of any kind against another shall pay a fine of four pounds, ten shillings and costs.
- Act #4 - Any person guilty of assault with weapons shall be fined the sum of four pounds, ten shillings as well as the costs of any damage that occurred from the said assault.
- Act #5 - Any person guilty of assault, even without weapons, shall be fined ten shillings as well as the damages that may have resulted there from.
- Act #6 - Any person having a family who owes a debt and refuses payment thereof, the magistrate upon proper complaint and proof shall levy upon and sell the said debtors property to the extent of two thirds (2/3) if necessary for the satisfaction of the said claims and costs, with the remaining one third being exempt and left to support the said debtors family.
- Act #7 - Any unmarried person owing a debt to another and refusing payment thereof, the said magistrate, upon complaint and proof, may levy upon the said debtor's entire property for satisfaction of the said claim plus costs.
- Act #8 - Any person who makes an engagement with another for certain work

at a certain time and fails to fulfill the said engagement without sufficient cause shall be liable to a fine of one pound, ten shillings and costs.

- Act #9 - Any person making an engagement to work for a certain time for another and leaving the contract uncompleted forfeits compensation for the time he worked under the engagement and if he drew full compensation for only a portion of the work, he will be liable to a fine of one pound ten shillings and costs.
- Act #10- Anyone who catches another's horse or harnesses it without permission of the owner will be fined one pound ten shillings and costs, with half of this sum to be paid to the informer also.
- Act #11- Any person who rides or uses another person's horse without the owner's permission shall be fined four pounds, ten shillings and costs plus any damages done to the horse.
- Act #12- Anyone guilty of stealing a horse shall pay a fine of four pounds, ten shillings and costs plus pay restitution of the horse or payment of its value to the owner.
- Act #13- Anybody who knowingly buys a stolen horse that is branded will give it up to the owner if the owner can properly identify the brand, and if claimed within one year. If the owner claims the horse after one year then he must pay the expenses of the horse to the said person who bought it, only when two witnesses prove the identity of the horse and have made an affidavit before a magistrate to that effect.
- Act #14- Anyone who finds a lost horse on the south side of the North Saskatchewan River and who returns him to its rightful owner, then the owner will give a reward of one pound, ten shillings to that person returning the horse. The said reward is collectable the same as any other debt.

Act #15- Any person or persons guilty of theft or B & E shall be dealt with according to the seriousness of the case and decision of the magistrate.

Act #16- Anyone who knowingly buys stolen goods is liable to a fine of one pound, ten shillings besides paying restitution of the goods or their value.

Act #17- Any person not knowing he's buying stolen goods shall not be obliged to make restitution without getting the cost of the goods he paid.

Act #18- In the case of any damage from horses or cattle to property enclosed by a fence, the owner of the property shall notify the owner of the horses or cattle just once and if the damage happens again than the owner of the cattle or horses will pay the cost of the damage the both times it happened.

Act #19- Damage done to any property, by dogs or pigs, will liable the owner to pay for these damages, unless the pigs or dogs can be proved to be properly restrained then the owner of the damaged property must notify the owner of the said dogs or pigs damage done, then if the damage is repeated, then the owner will pay all damages incurred by them.

Act #20- All fences are to meet these requirements of the By Laws:

1) The rails must be not less than eleven feet long and must not be less than four inches nor more than six inches thick at the small end.

2) Posts are not less than seven feet long and set in the ground at least twelve inches.

3) The panels between the posts not be more than ten feet long and not more than five feet in height.

4) The said posts are to be tied or pinned near the centre and at the top.

5) A fence around a haystack must be five feet from the haystack.

Act #21- Any person guilty of slander or defamation of character shall pay the fine of ten shillings and costs.

Act #22- Any person guilty of seduction under promise of marriage will support the then made child till he/she is old enough to support his/her self

Act #23- Any man guilty of adultery with a married woman, after having been warned by the married woman's husband will be fined the sum of four pounds ten shillings.

Act #24- Anyone who makes a bargain of sale or purchase and fails or refuses to fulfill it will be liable to a fine of one pound, ten shillings.

Act #25- Anyone making a sale or exchange of any animal and not seeing its faults shall return the money, goods or animal unpaid and the person in the wrong shall be fined.

Act #26- Hay reserves shall have a stake, five feet long and four inches square and set in the ground twelve inches, set in each corner of the reserve and anyone cutting hay on a reserve without permission of the owner will forfeit the hay, that is cut, to the owner of the reserve.

Act #27- Anyone guilty of pulling up or destroying stakes, set to outline a hay reserve, shall be fined the sum of one pound, ten shillings and costs.

Act #28- Anyone not having mares of his own will not be allowed to let his stallion run loose after the first of June and anyone letting his stallion loose after the said time will pay the amount of damages done by it.

Act #29- Anyone driving a sleigh of any kind without bells on a public road will be fined three shillings.

- Act #30- Anyone destroying or tearing down a fence without permission of the owner will be fined five pounds and damages.
- Act #31- Anyone dying without having made a will, then the property after all debts are paid, will be divided as follows: one third to the widow and two thirds to be equally divided among the children.
- Act #32- With the death of both parents who leave children, then whoever takes charge of the orphans shall have the use of any property left by the parents until the children come of age at which time the guardian then delivers to them their shares in equal parts.
- Act #33- Anyone wishing to burn his hay field or anything on his land must notify the magistrate who will give public notice at the church door and if anyone sets fire to any bush, woods or grass on the said private or public land they or he will be fined five pounds.
- Act #34- If cattle or horses are being destroyed by wolves the magistrate can give permission to use strychnine to destroy the wolves but under no other condition can strychnine be used.
- Act #35- Any person inciting a party or parties of people to resist the law or disturb the peace will be fined five pounds plus damages for the first case and double in the second case.
- Act #36- All debts due as far back as three years will be collected under the By Law in the same way since the passage of these By Laws.
- Act #37- Any constable who is appointed and does not do his duty will be fined fifteen shillings for each offence.
- Act #38- Any person refusing to assist a constable, when asked to do so by him, will be fined five shillings.
- Act #39- The pay of a constable and assistant will be three shillings a day when on foot and five shillings a day when on horse back.