

Volume
2

Deh Cho Metis Research Project

Case Study: Did Alexis Lafferty extinguish
his aboriginal title and rights?

A Report for the
Deh Cho Metis Research Project
and the
Fort Providence Metis Council - Local No. 57

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Dedication

In memory of ancestors Alexis Lafferty (1862-1928), and Eliza McIver-Lafferty (1869-1909) and to those who confronted Canadian colonial aboriginal policies in the first instance.

This paper is also dedicated to John Coleman Calhoun,(1885-1948) a friend of the Half-breeds, for his foresight, relentless efforts and insistence that justice be served in the name and honour of Canada.

And finally, I also wish to honour the memory of our Metis and First Nations antecedents who were “obligated” to contend with Canadian capitalists in the mid 19th century and the early 20th century.

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Albert J. Lafferty
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Preface:

From the earliest days of Canadian expansion into the west, the new Dominion of Canada also had to acknowledge and treat with a group of peoples who were not Indian, but who were defined in part by their mixed Aboriginal (Indian)-European ancestry and in part by distinctive adaptations, cultures, and identities. These were the Half-breeds or Metis. They too possessed aboriginal title, through their aboriginal mothers and grandmothers.¹

It has also become evident that each party to treaty or scrip, whether aboriginal people or government, misunderstood the intentions of the other party and the agreement. Oral traditions and personal recollection of individuals present at treaty time in 1899 or 1921, are unanimous in stating that land was not discussed. On the contrary, these people believed that they were signing peace treaties and that there would be no restrictions placed on their way of life. The Metis who took land scrip or cash settlements did not understand that they were giving up Aboriginal title. By analogy, scrip could not terminate Metis Aboriginal rights, as treaty had not done so for First Nation's peoples.²

¹ McCormack, Patricia, A. School of Native Studies, University of Alberta, July 1997 Northern Metis, Treaties 8 and No. 11 and the Issuance of Scrip. p 6.

² Payment, Diane
"Treaties and Scrip: The Metis Nation of the Northwest Territories: The Historic Athabasca - Mackenzie"
in Lawrence J. Barkwell, Leah Dorion and Darren F. Prefontaine eds., Metis Legacy (Winnipeg: Pemmican

Introduction:

Historic treaties have been characterized by legal advisors, academics and advocates of First Nations' rights, as the cornerstone of the Crown-Indian relationship. Likewise for the Metis people, historical encounters with Canadian scrip commissions should have been the foundation for a new beginning as these encounters represent the original recognition of Metis aboriginal title and rights by the Crown in right of Canada. Yet as the Metis people across Canada have come to realize, scrip certainly has not been upheld as an indispensable basis for the relationship between Canada and the Metis. On the contrary, for the most part, the history of scrip as a Canadian aboriginal policy has been cloaked in mystery. Upon closer examination and study of the scrip program commencing in Manitoba, across the prairies and into the Mackenzie River District, a story of convoluted policy, corruption, exploitation, fraud, abuse, discrimination, injustice and confusion emerges. Educational advances within the Metis community, in the latter part of the 20th century have sparked a resurgence of interest in Metis history and rights. As a result of this re-awakening and the renaissance of aboriginal rights generally, more light is now being shed on the legacy of scrip which is embodied in the history of the Metis peoples and the Canadian state.

The subject of scrip is largely unknown in the present day Northwest Territories. From an early age, the author heard people in Fort Providence occasionally mention scrip which was "given" to their parents. This was usually in passing and in the context of discussions to do with unrelated events that may have taken place early in the 1920's.

Publications, 2001). pp. 164-166.

Thus the subject of scrip was generally used as a benchmark in reference to events which took place between 1921 and 1924. At times, questions were asked, "I wonder why we did not get scrip? Or why is scrip not paid every year like treaty?". Usually the conversation and discussion concerning scrip would end with "this was before we were born so it was not given to us." This sparked a discernible interest in the subject on the part of the author. After spending considerable time researching the subject matter, it has become increasingly evident to the author that the purpose or implications of scrip were not very well understood by the people affected by its imposition.

With the passing of successive generations of Metis elders, there now seems to be even less knowledge in the North on the subject of scrip which was issued to the Metis people in what was formerly known as the Mackenzie District. For the most part, Metis rights, and the issuance of scrip at the time of Treaties 8 and 11 have been glossed over and obscured. Aboriginal rights discussions in the context of present day negotiations in the Deh Cho tend to focus on the significance of the treaties, with very little knowledge or emphasis on the associated "Half-breed"³ scrip commissions of 1900 and 1921. In fact, it can be said with a degree of certainty that the term "scrip" along with its significance has been hidden in the shadows, and nearly been forgotten by many, including Metis-Dene descendants of scrip recipients themselves. This obvious lack of understanding and misinformation continues to this day.

³McCormack, Patricia,
Northern Metis, Treaties 8 and 11 and the Issuance of Scrip: School of Native Studies,
University of Alberta, July 1997, pp 1. The history of the terminology of "Half-breed" and "Metis" in the
Mackenzie Basin is complex and largely undocumented. Although "Half-breed" is considered pejorative, it was
commonly used simply to denote people of mixed ancestry. In some regions, Half-breed was the term of choice for
people whose European ancestors were Scottish or Orcadian, and Metis, the term for people whose European
ancestors were French. Both terms are used in this paper, respecting the documented historical usages.

As an introduction to the mysterious subject of scrip the following passage was taken from the National Archives website on aboriginal peoples:

Existing scrip records at the National Archives offer primary evidence on the federal treatment of this indigenous group and will eventually constitute a basis from which the Metis can begin building a renewed relationship with the federal government.⁴

This paper will examine, definitions of scrip, its origin, purpose and its application to Metis-Dene descendants here in the North. Up to this point in time, there has been a marked lack of academic research and more general studies related to scrip specifically for Deh Cho Metis-Dene descendants⁵ in the present day Northwest Territories. It is hoped that in addition to serving as an educational resource, this study will provide some insight on the historical events surrounding scrip.

As part of our study of scrip, it is our intention to examine and expose its failure and shortcomings as an aboriginal policy. A selected Northern case study will also establish links between events related to the larger story of scrip on the prairies and how "irregularities" associated with the issuance of scrip on the prairies extended into the Mackenzie District as a result of activities attributed to scrip hunters and syndicates exploiting the disadvantaged position of the Metis people. We will conclude with brief

⁴National Archives of Canada website on Metis scrip. www.archives.ca/02/0201200103/10_e.html

⁵ The terms "Metis-Dene descendants" and "Deh Cho Metis" are used interchangeably in this paper in reference to Deh Cho Citizens who descend from both the historic Metis families who evolved in the Mackenzie District in the late 18th and mid 19th centuries and the Dene.

discussions on how scrip relates to present day descendants of scrip recipients in the context of current negotiations in the Deh Cho region of the Northwest Territories.

Methodology

Research for this study was conducted by consulting primary sources such as archival records at the National Archives of Canada more specifically reference group RG 15. This section contains records and documents of both the Department of Indian Affairs, and the Department of the Interior. Copies of archival documents were copied for additional analysis. Various historical records, published biographies, history books, academic studies, and legal research papers were also consulted for related information concerning the Metis people and scrip. The writer relies on quotes and passages from existing publications and written correspondence to draw on documented information in the historical record concerning the case study of Alexis Lafferty. This approach takes the information provided by the "players" themselves which emphasizes and affirms the authenticity of the scrip story as is being presented by the author. Oral history interviews were also included as part of the study. It should be noted that this paper does not necessarily make technical references to the many pieces of legislation pertaining to Mackenzie District scrip distribution as these have been previously researched and are well documented.

Metis Rights in the Deh Cho - The Historic Mackenzie District

Although, Metis history and issues may not be well understood by many, it is an established fact that the indigenous Metis-Dene descendants of the Mackenzie River basin possess aboriginal rights in their traditional homelands. It is also recognized that in terms of culture and traditions, the Deh Cho Metis have evolved in a distinct way in comparison to their Dene cousins. Although the Dene and Metis may differ in terms of culture and traditions, Metis aboriginal rights have the same origins and basis as Dene rights, therefore they co-exist. Previous academic and legal research analysis along with Canadian government actions have clearly acknowledged the existence of indigenous Metis rights and aboriginal title in the Mackenzie River District of the Northwest Territories. In his research entitled, *Metis Land Rights in Canada*, Professor Joseph E. Magnet documents the following:

Metis claim aboriginal rights through their Indian ancestry on the same basis as other native peoples; by way of their racial and social history.⁶ The question of aboriginal rights as applied to the Metis people has been explored by Louise Mandell in a separate Commission study. The Metis had a special claim arising out of their heritage and their use and occupation of their territory. Ms. Mandell gave substance of Metis aboriginal rights by exploring the content of the Crown's duty towards aboriginal people's generally. Ms. Mandell maintained that when Canada assumed jurisdiction over Rupert's Land it became constitutionally obliged to:

⁶Magnet, *Joseph Elliot Metis Land Rights in Canada* p. 5
www.constitutional-law.net/metis.html

1) deal fairly and equitably with the aboriginal people; 2) respect the rights of the aboriginal people to the use and occupation of their territory; 3) obtain the consent of the aboriginal people prior to the use of their territory for settlement; and 4) compensate the aboriginal peoples for the use of their territory.⁷

In 1996 the following conclusions were reached by the Royal Commission on Aboriginal Peoples.

The legal rights of the Metis people include the following:

Aboriginal rights are recognized and affirmed by section 35 of the Constitution Act, 1982. They include title to land, resource exploitation, cultural rights and self government. Although only existing rights are so protected, it seems clear that the aboriginal rights of the Metis people have never been fully extinguished. The precise extent to which they may have been extinguished will require careful situation-by-situation analysis. In many cases, however, the continued existence of Metis Aboriginal rights is obvious. Where they do continue to exist, Metis aboriginal rights are independent of the rights of other Aboriginal peoples.⁸

⁷ Ibid.

⁸ Royal Commission on Aboriginal Peoples, Volume 4 - Perspectives and Realities Appendix 5A General Sources of Metis Rights. pp 37.

Definition and development of scrip policy

The requirement or process of negotiating Indian treaties has its roots or origins which stem from the Royal Proclamation of 1763. In 1870, following the crystallization of Canada as a nation state, the Rupert's Land and Northwestern Territory Order was issued. At the time, the young Dominion of Canada agreed to take over the lands formerly under the "jurisdiction" of the Hudson's Bay Company.

As a result, treaties 8 and 11 were negotiated as part of Canada's nation building after confederation. From Canada's perspective, treaties were based on the premise of surrendering and extinguishing aboriginal title. In return, the First Nations peoples were to be compensated, given annuities along with the "selection or claiming of a parcel or parcels of surrendered land" to be set aside in the form of communal enclaves also known as reserves for the native people to live on. In her research on Northern Metis, *Treaties 8 and 11 and the Issuance of Scrip*, Professor Patricia A. McCormack documents the following:

From the earliest days of Canadian expansion into the west, the new Dominion of Canada also had to acknowledge and treat with a group of peoples who were not Indian, but who were defined in part by their mixed Aboriginal (Indian)-European ancestry and in part by distinctive adaptations, cultures, and identities. These were the Half-breeds or Metis. They too possessed aboriginal title, through their aboriginal mothers and

grandmothers.⁹

It must be noted that this period was dominated by British thinking in terms of social evolution. Apparently the British considered themselves to be at the top of the social achievement scale. As part of the racist discourse of this period, it was thought that aboriginal peoples had to take a similar path in order to get to the same level or to achieve the same status as the British. Canadian policy of the day seems to indicate that although the Metis were at times considered to have inherited the worst of both their ancestral races they were still considered to be further advanced along the evolutionary path than the Indians. Furthermore it was thought that the scrip process would aid in their social evolution.¹⁰

The origins of scrip as a policy for dealing with half-breeds has its roots in Manitoba. In the late 1860's the Metis of Red River feared for their future in the midst of the changes associated with the imminent Canadian acquisition of the North-West.¹¹ They organized an armed resistance commonly known as the Red River Rebellion which eventually ensured that Canada would deal with their concerns before the take over of the Northwest Territories. Louis Riel sent three Red River representatives to negotiate Manitoba's entry into Canada upon terms which would protect Metis interests. This is

⁹ McCormack, Patricia, A. School of Native Studies, University of Alberta, July 1997 Northern Metis, Treaties 8 and No. 11 and the Issuance of Scrip. p.6.

¹⁰ibid.

¹¹ Magnet, Joseph, , Metis Land Rights in Canada, Introduction, p 5 www/constitutional-law.net/metis.html.

viewed by some as early self-government and land claims talks with Canada which were intended to satisfy unrest and deal with western alienation.

On this basis there was agreement that 1.4 million acres of land would be set aside to protect Metis land interests in the Red River area. Rather than immediately reserving and providing these lands for the collective Metis community, it is said that Canada breached the terms of the agreement and understanding by subsequently legislating an individual land grant system. The allocations of these individual land grants took many years to implement. Some allege that this was intentional to ensure that the Manitoba Metis did not get the lands they had negotiated for. In an 1870 letter, Prime Minister John A. Macdonald outlined the Dominion government's long term goal regarding Metis lands:

"these impulsive half-breeds....must be kept down by a strong hand until they are swamped by the influx of settlers."¹²

In the meantime, hoards of white European settlers were arriving into the area and eventually they took over most of the Metis' lands in Manitoba.

- **Definitions:**

The term scrip is generally believed to have origins from the term "subscription" , a receipt for a portion of a loan. This term is often mispronounced and misspelled as

¹² Metis Aboriginal Title Research Initiative, Information Sheet, Introduction, History of the Metis, School of Native Studies, University of Alberta.

"scrip". The following are some additional definitions and terms which are used in this study.

Scrip is a certificate giving the owner the right to receive payment later in the form of cash, goods or land. It was used by the government to distribute land to military personnel, veterans, Northwest Mounted Police and Metis; the notes look like paper money and were issued in monetary values of \$ 80.00, \$ 160.00, \$ 240.00 or 80 acres, 160 acres, and 240 acres.¹³

Dominion Land: As far as the author can determine, dominion land was a land mass or area that Canada had obtained title to or "assumed jurisdiction to" by the purported extinguishment of Indian title by way of surrenders in the form of treaties and other means.

Scrip Certificates: The actual notes or pieces of paper that came to be known as scrip. A coupon for dominion land or money to be used for dominion lands.

Scrip was a means for the Canadian government to distribute land to certain groups it wished to reward. Thus it was issued to various members of the military, such as the volunteer officers and soldiers "actively engaged in bearing arms in the suppression of the Indian and half-breed outbreak in 1885."¹⁴ " It was also given to the Metis people in

¹³ Metis Association of Alberta, J. Sawchuk, "scrip," Metis Land Rights in Alberta, Edmonton: Metis Association of Alberta, 1981, pp. 87-117.

¹⁴Ibid.

recognition of their aboriginal rights and the purported extinguishment of such rights. This is the purpose and focus of this study. Throughout its long history of use between 1870 and 1924 there were three types of scrip issued to the Metis.

Land scrip: The first type was what was known as land scrip. It was a certificate which entitled the person who was named on the certificate to a piece of dominion surveyed land. It was issued for a specific amount of dominion land open for homestead entry and could only be located for land in the name of the Metis owner of the certificate. Refer to illustration No. 1.

Money scrip: The second type was known as money scrip. This was like temporary money in the form of a coupon or certificate which was made out to the bearer. It had to be "cashed in." It was intended to be used to purchase what was classified as dominion surveyed land. This type of scrip is defined as personal property; made out to the bearer for a specific amount of money and could be sold for the value it was made out for to anyone willing to buy it or it could be redeemed for a parcel of land. This type of scrip was not considered real estate, rather it was classified as personal property. It should be noted that in terms of disposition there are different laws which apply to real estate versus personal property. Personal property can be sold quite readily. Refer to illustration no. 1a.

Scrip cash grants: The third type was simply a cash grant which was given to Metis individuals in the treaty 11 geographic area of the Mackenzie District. Individual cash payments of \$ 240.00 were eventually made by the treaty party in 1924.

- **Purpose of scrip**

Like the treaties, the issuance of scrip as a Canadian policy or program was based on the concept of extinguishment of aboriginal title. Canada's intention was to have immigrants and settlers populate the west so it had to have authority and jurisdiction before it could open up the land for settlement and development of the natural resources. On this basis, it had to deal with the native peoples. Hence the negotiation of treaties with First Nations and the issuance of scrip to half-breeds.

Evidently, there were two policy streams or approaches for dealing with Indian and Metis aboriginal title. In examining the terms of treaty and scrip policies, it becomes obvious that there was a predetermined means of assessing the aboriginal rights and title of the Dene and Mackenzie River Metis. The issue as to whether scrip extinguished the aboriginal title of the Mackenzie District Metis raises serious legal questions and remains unresolved. In discussing these issues, one must ask whether treaty annuity payments were some sort of compensation for aboriginal title? Or do treaty annuities represent compensation for interference in a way of life? If this is the case than the Metis should also have received similar entitlements in the form of annuities.

- **History of use**

As previously indicated the scrip program was originally introduced in Manitoba to "satisfy and extinguish the Indian title" of half-breeds. It was later implemented across the west in the area that later became the prairie provinces and eventually it was also issued at the same time as treaties 8 and 11 in the what is now the present day

Northwest Territories.

- **The introduction of scrip in the present day Northwest Territories. Where was it offered?**

In 1900 and 1901 the Treaty 8 Athabasca Half-breed Commission issued land and money scrip at Fort Resolution. In 1921, 1922 and 1924, the Treaty 11 - Mackenzie Half-breed Commission took applications and later issued cash grants to some of the Metis in Fort Providence, Fort Simpson, Fort Liard, Fort Rae, Fort Wrigley, Fort Norman, Fort Good Hope, Fort McPherson and Aklavik. Other Metis in these communities who were deemed to be "living the Indian mode of life" were taken under treaty. Under an exceptional authorization by the Federal Government, 1921 cash grants were also paid to Metis in Hay River, Fort Resolution and Fort Smith. This is referenced as a triangular area which is basically the Treaty 8 geographic area within the present day Northwest Territories. These payments were made to Metis families who had originally been missed by the Treaty 8 Athabasca Half-breed Commission in 1900 and 1901.

- **The value of scrip**

The value of scrip was originally set by the Federal government commencing in Manitoba. At the time, the Dominion government had arbitrarily valued land at \$ 1.00 per acre. Accordingly, money scrip certificates were issued in monetary values of \$ 80.00, \$ 160.00, \$ 240.00 and land scrip certificates were issued as follows; 80 acres, 160 acres and 240 acres. These types of scrip notes were issued across the

three prairies provinces and into the Mackenzie District Treaty 8 area which included Fort Resolution. Treaty 11 cash grants of \$ 240.00 were issued to Metis in the Northwest Territories Metis communities previously mentioned. As indicated, cash grants were also paid to some Metis individuals in Fort Resolution in 1924. In their research studies concerning Metis rights in the Mackenzie area, Mr. Nick Sibbeston and Mr. Richard I. Hardy presented the following concerning scrip in the Northwest Territories.

There were in the Mackenzie District 172 half-breed claims allowed, and such claims were satisfied by the payment of \$ 240.00 in cash to each of the claimants, aggregating \$ 41,280.00. Thus for \$ 41, 280.00 the Half-breeds had supposedly given up all their aboriginal rights. What a deal!¹⁵

Thus a very confused chapter in Canadian history was concluded. What had started in Manitoba in 1870 as an attempt to place legal ownership of land into the hands of the Metis evolved into a system of swindles on the prairies and finally into a straight cash pay off, with no option, in the Mackenzie District. The cash pay off in the Mackenzie District was justified by the Government of Canada on the basis that no land was good for farming in the Northwest Territories and therefore, no land was worth anything.¹⁶

¹⁵Sibbeston, Nick, Half-breed Scrip in the Mackenzie Area of the Northwest Territories, A Study for the Metis Association of the Northwest Territories. pp. 2-3.

¹⁶ Hardy, Richard, Metis Rights in the Mackenzie River District of the Northwest Territories. IV. Canadian Legislative Treatment of the Metis. 1980. p. 21.

As we know, there is plenty of valuable land for farming in the Northwest Territories as farming has taken place in the Fort Providence area as well as other locations. Furthermore, it is known that over time the Deh Cho has the potential for the development of its vast resources which are estimated to be worth billions of dollars.

- **Policy basis for offering scrip in the North.**

In preparations and staging for the Treaty 8 and the Athabasca Half-breed Commission, the following statement by way of order in Council No. 918 of 1899 was signed and approved by Wilfred Laurier, the then Prime Minister of Canada.

Whatever rights they have, they have in virtue of their Indian blood; and the first interference with such rights will be when a surrender is effected with the territorial rights of the Indians. It is obvious that while differing in degree, Indian and half-breed rights in an unceded territory must be co-existent, and should be properly extinguished at the same time¹⁷.

- **How was scrip cashed in?**

Land and money scrip notes were expected to be taken to a Dominion lands office to be "cashed in" for a piece of surveyed land. Academic research by Professor Frank Tough and Leah Dorion on the Metis people of Northern Manitoba and Northwest

¹⁷ Hardy, Richard, Metis Rights in the Mackenzie River District of the Northwest Territories. IV. Canadian Legislative Treatment of the Metis. 1980. pp. 16-17.

Saskatchewan, has shown that surveyed lands and dominion lands offices were usually hundreds of miles away from where the Metis claimants were living. Therefore the Metis people in the North would have to give up their way of living to relocate to where surveyed land was available. On this basis, it was concluded that Northern Metis people had little option but to accept token sums of money offered by speculators and travelling syndicates who were backed by business elites further south. It should be noted that following the signing of treaty 11 in 1921, only cash grants were actually paid to Metis individuals.

- **Who took scrip?**

As planned, Treaty Commissioner Henry A. Conroy arrived in Fort Providence in July, 1921, for the purpose of making a treaty. Mr. Conroy had also been appointed to serve as Half-breed commissioner for the Treaty 11 Commission which is also known as the Mackenzie Half-breed Commission. Treaty 11 was negotiated and signed by representatives of the Dene. The scrip policy was then effected and applied in the region for the Metis who were not expected to take treaty.

But who was Indian and who Metis? It was obviously more than a matter of blood, for some Treaty Indians were of mixed racial heritage, in some cases probably genetically and certainly culturally identical to many Metis. Often the division was a matter of choice, and in some cases a matter of chance.¹⁸

¹⁸ Coates and Morrison Treaty 11 Research Report, 1986, p 46.

As we are aware, both scrip and treaty were not of the Metis' making. Accepting treaty meant giving up certain rights which some of the Metis people may not have been willing to give up. These are listed below:

- forfeiture of their economy, way of life and culture.
- the right to own property
- the right to vote
- the right to drink spirits
- their right to work for traders and the government as interpreters etc.

For those who refused to accept treaty as it was offered, cash grants without land were issued. It is obvious that the choices were inequitable.

- **What were the implications of scrip?**

In later years it would be discovered that scrip and treaty had created legal divisions between the so called non-status Metis and Dene in terms of their rights. For the Mackenzie District Metis there were no known public negotiations involved, and no guarantees of certain rights after being given scrip. It is apparent that the long term implications of the scrip policy were not understood by the Metis people of the Mackenzie District. This is likely because there were no negotiations. Unlike treaties which were brought forward with formal prepared documents, scrip involved little or no documents. There is no statement, agreement or declaration of what the Metis were giving up on their applications to participate in the grants which were being offered.

Refer to illustration no. 2 which provides an example of a 1924 application form for participation in a cash grant in the Mackenzie District. All the Metis have to show is a declaration of the individuals applying to participate in the grant and a signed receipt indicating that they received \$ 240.00, two or three years after submitting their application. Refer to illustration no. 3.

It becomes apparent that the scrip policy intended for the Mackenzie District was pre-determined and simply imposed. On this basis, cash grants were distributed to Metis individuals. In this respect, it is submitted that the equitable principles of the Rupert's Land Order were not applied to the Metis. By issuing scrip grants Canada purported to unilaterally extinguish the aboriginal rights and title of the Metis people. This is contrary to the Royal Proclamation of 1763.

- **Why people took scrip?**

Research carried out by the Metis Association of the Northwest Territories in May, 1975 suggests that Metis families accepted scrip which was given to them, as it came to be expected. It had been given elsewhere. Furthermore, it is apparent from the following interviews with scrip recipients of 1921 cash grants that the land was not mentioned, and generally they did not know why the money was paid to them.

Victor Lafferty - Fort Providence

Born - 1887 at Fort Liard

Filled in application in 1921 at Fort Providence and only got paid by two

cheques at Fort Norman in 1924. Nothing was said about why the money was given to half-breeds. He says "they had it all fixed up I guess". There was no choice as to whether they wanted land or money. They did not say that they were giving up land for the money. Everyone expected money as they had heard that scrip was given in Fort Resolution and in areas further south.

He says the signatures are his signature. The witness to his signature when he received the cheques was a priest. He received for himself and four children. This amounted to \$ 1,200.00. He says that year he made \$1600.00 trapping so he says when he got the money " it was good". The signatures are different from 1921 to 1924, but it is due to his own change in writing style.¹⁹

Sarah Sibbeston - Hay River

Born - 1905 at Fort Simpson

Her dad is Jimmy Sibbeston who was born in 1872 and had died in 1974.

She says her dad got scrip for Henry and Mabel. With this money he got a stove and windows for the house in the old Indian Village at Hay River. At the time she got the \$ 240.00 she was 18 years old. She was working at the residential school. Mr. McDougall came to see her, and asked if she

¹⁹ Sibbeston, Nick, Half-breed scrip in the Mackenzie Area, Legal Research Project by the Metis Association of the Northwest Territories. Interview attachments to the report.

wanted cash or wished to put it in the bank.

The \$ 240.00 was a big amount in those days. She had worked for the HBC for two years for \$ 0.50 a day plus room and board. She does not recall signing anything, though she does recognize the person who had witness her signature on the receipt. The money was wrapped in paper. Nothing was said to her as to why she was getting the money. Land was not mentioned.²⁰

In terms of the delivery and issuance of scrip on the prairies, it has been established that the southern scrip experience was marred by corruption. Some have gone as far as to say that the prairie Metis were bilked out of their rights and the scrip program was a sham. There were no lawyers or properly qualified advisors to represent collective Metis interests, and it has now become apparent that the government did not protect their interests as should have been the case. In many situations, Metis families were susceptible to unscrupulous speculators as they were dealt with on a one-to-one basis. We will now turn to a specific case in which we will explore irregularities which penetrated the North at the time of treaty 8 adhesions in 1900.

Case Study: Did Alexis Lafferty extinguish his aboriginal title?

Alexis Lafferty was born at Old Fort Rae in 1862. Old Fort Rae is located at Rae point on the North Arm of Great Slave Lake. He was the son of Louison Laferte dit Lenoir (or

²⁰ Sibbeston, Nick, Metis Association of the Northwest Territories, Half-breed scrip in the Mackenzie Area. Interview attachments at the end of the report.

Lanoix) and Marie Lesperance. The family of Louison Laferte and Marie Lesperance were among the Metis who were at old Fort Rae in the Mackenzie District in the early 19th century. According to his scrip application in 1900, Louison Laferte states that he was born at Great Slave Lake in the Fort Resolution area in 1832.²¹ He signs his application with a mark "x" indicating that he could not read or write which is likely due to the fact that there were no schools in the North during his formative years. According to his application, Louison states that he lived in Fort Simpson, Fort Wrigley, Fort Norman and from 1880 he lived at Old Fort Rae. Louison was the son of Pierre Laferte and Mary Ann Genereux (Genereuse), an aboriginal woman of Cree heritage.

Pierre Laferte and his brother, who was also named Louis Laferte, are reputed to have worked in the Mackenzie District in the 1820's. In this English speaking part of the country, Laferte, a French name, was changed and is now spelt Lafferty.²² Marie Lesperance was either the sister or daughter of guide Alexis Lesperance (1796-1890) who is known to historians as one of the famous boat brigade leaders of the period. Alexis Lesperance travelled the Northern waterways and networks from Red River to Portage La Loche with connections on to the Mackenzie in the early to mid 19th century²³. This establishes and reinforces the historical record that the Metis were a people in motion. In an age before powered boats the Metis travelled great distances along the Northern waterways from the Mackenzie-Great Slave to the Red River country

²¹ NAC Scrip Application, July 25th, 1900, RG 15, Dept. of the Interior. Also available at Fort Providence Metis Council Office.

²² LeMouel, Jean, Bouvier and Laferte, *Early Pioneers of the Mackenzie*, 1973 p. 7.

²³ Payment, Diane, *Lesperance and Laferte (now Lafferty) families, Narrative History of Metis of the Mackenzie Basin. Chapter 5 Metis People in Motion: From Red River to the Mackenzie Basin* 1997 p. 13.

and return.

Oral history indicates that some of the Mackenzie District Metis who were involved in both the wage economy as well as making a living from the land, believed in the concept of a freemen society. In the past, Metis elders sometimes referred to "les gens libre" which is a Michif or Metis French expression meaning "a free people or freemen." It is also known, that the Metis people in the North had a long tradition of being independent and earning their own way from both wage employment and the traditional pursuits of hunting, trapping, fishing and gathering. It appears as though Canadian officials may have had this wage economy in mind, when framing scrip policy for the Mackenzie District. Treaty Commissioner Henry A. Conroy made the following observation and recommendation leading up to the implementation of treaty 11 scrip.

At present, I do not think that there are more than fifteen families who will have to be dealt with by scrip, and these are old and respected families in that country, who could not be expected to enter into treaty. I might even say that some of these families are historic.

The names include the following:

Camsells (sic), Gaudet, Beauvieu (Beaulieu?), Lafferty, McDonald, Smith and Firth, These families and possible some others will have to be given scrip.²⁴

²⁴ Coates and Morrison Treaty 11 Research Report.

It becomes apparent that the application of scrip as a policy intended for the Metis was pre-ordained based on the way some of the Metis people were making their living.

Alexis Lafferty was the ninth child in a family of fourteen. Although, the children of Louison Lanoix dit Laferte are said to be amongst the first students to attend the Sacred Heart School in Fort Providence after it was established by the Grey Nuns in 1867²⁵, the extent of Alexis' formal education is not known. He may have attended the convent school as a boarder for a short time.

1870's - Children of ... Lanoix called Laferte families. [Children often attended school seasonally or irregularly, rarely more than a few years].²⁶

It is more likely that Alexis' education would have been based on traditional knowledge and practical skills which he was taught at home. Throughout his life, Alexis served as an interpreter, guide, hunter, trapper who worked for trading companies and the government. He relied on his knowledge of the land, aboriginal languages and people of the area. The following brief description of Alexis Lafferty was included in the pictorial history of the Metis of the Northwest Territories entitled: Our Metis Heritage....A Portrayal.

²⁵ Transcripts of documents, Names of first students at Sacre-Coeur School in Providence 1867. Archives des Soeurs Grises de Montreal (Grey Nuns) Archives of the Oblats de Marie-Immaculee. Letter from Diane Payment, Parks Canada Historian, December 5th, 2001.

²⁶ibid.

“Alexis worked for the Hudson’s Bay Company during which time he made three trips with the York Boat to Lac La Loche. Later he traded for Hislop and Nagle and went on to “manage”²⁷ the stores at Fort Resolution, Wrigley and then Simpson in 1903. He stayed with Hislop and Nagle until they sold out to Northern Traders. An additional six years was spent as Fire Ranger from Simpson to Providence.”²⁸

During Alexis’ lifetime, the fur trade companies in the North were undergoing changes and new independent companies were being established as competition to the long standing Hudson’s Bay Company.

Early white free traders included George Martin, Colin Fraser, Dick Secord, as well as the more famous Jim Hislop and Ed Nagle. When Hislop and Nagle decided to establish a permanent post in 1893, they engaged Alexis Lafferty from Fort Rae. Lafferty went on to act as an interpreter for Nagle at Resolution.²⁹

Jim Hislop and Ed Nagle were well known independent traders who operated trading

²⁷ It is submitted by the author that due to ambiguity surrounding Alexis Lafferty’s formal education is not likely that conventional management principles and practices would apply here. Therefore the term “manage” in the above context is laymen’s terminology. It likely refers to interpreting or communicating with aboriginal customers in the exchange of furs etc. as was common during the period.

²⁸ Our Metis Heritage ...a portrayal, Editor, Joanne Overvold, Produced by the Metis Association of the Northwest Territories. 1976.

²⁹ Picking Up the Threads, History of the Metis in the Mackenzie Basin. Northern Metis and the Fur Trade, Jennifer L. Bellman & Christopher C. Hanks. Hanks Heritage Consulting. p 38.

posts in the Mackenzie-Great Slave Lake area from 1893 to 1913. During this period they operated posts at Fort Rae, Fort Resolution, Fort Providence, Fort Simpson, Wrigley, Fort Good Hope, Fort Norman [Tulita] as well as in the Fort Liard and Fort Nelson area. Their company Hislop and Nagle has been characterized as one of the most successful independent trading companies in the North of the period. In 1913, Hislop and Nagle sold their business operations to Northern traders. According to the biography of Ed Nagle, Mr. Nagle became friends with Richard Secord in 1882 in Edmonton. Apparently, this would be the beginning of a long business association, trading network and friendship.

- **Scrip Application Process:**

In order to be given scrip Metis were expected to apply for it. Accordingly, those who participated appeared before the Half-breed commissioners to provide personal information, which included; the names of their parents, heritage or tribal origin of their families, occupation, place of residence, marital status, children living and deceased. This information was recorded by the members of the Half-breed commission. It should be noted that in many cases, interpreters were required as the early Metis on the prairies and the Mackenzie District Metis primarily spoke Michif, (Metis French) and aboriginal languages. The Half-breed commissioners usually communicated in English. At the time of the Treaty 8 - Athabasca Half-breed Commission, claimants were to indicate whether they were applying for land or money scrip. The author has observed that; in the case of treaty 11 where land scrip was not offered; the standard answer written on the application form is usually; "I wish to be treated the same as other half-breeds have been treated." The application is signed by the Commissioner along with

two witnesses in order to verify the correctness of the information provided in the application. The Metis claimants then had to wait until the applications were processed by the Department of the Interior. During this period the applications were cross referenced to make sure that the applicants were eligible, and to be sure that they were not being paid twice or had been taken under treaty. On this basis the Department either allowed or disallowed applications.

On July 26th, 1900, at the time of treaty 8 adhesions, Alexis Lafferty and his wife applied for money scrip at Fort Resolution where they were living at the time. Their applications were completed by clerks or representatives of the Athabasca Half-breed Commission and submitted to Half-breed Commissioner Macrae for furtherance. On his application for scrip in 1900, Alexis Lafferty indicates that he lived at Fort Rae, Fort Simpson, Fort Providence and at Fort Resolution from 1882 to 1900. He had married Eliza McIver (also spelt McIvor on some records) at Fort Providence in 1887. Together they raised eight children; Napoleon, Celine, Harriet, Francois - Henri, James, Philip, Jonas and Marie Rose. Three of their other children had died as infants due to illness which was not uncommon at that time. The three youngest children in the family, Philip, Jonas and Marie Rose were born after the issuance of scrip in 1900. Consequently they were deemed not eligible to participate in the scrip program and are not referenced further in this report or historical documents related specifically to Alexis Lafferty's case.

Alexis' wife, Eliza McIver was of Dene (Slavey³⁰) and Metis descent. Eliza's mother was

³⁰ Eliza McIver-Lafferty's Scrip Application, National Archives, File 1169116 RG15, D-II-1, Volume 986.

Marie [Tsankon] Sonte from the Fort Simpson area.³¹ Her father John McIver was a Metis of Scottish/Irish descent who originally came North from Riviere Rouge [Red River] in the employ of the Hudson's Bay Company in 1865³². In Hudson's Bay Company abstracts, John McIver is listed as a contract employee of that year holding the position of middleman.³³ John McIver and Marie [Tsankon] Sonte were married in the Sacred Heart Church at Fort Simpson in 1870 by Father E. Grouard, omi³⁴. Witnesses to this marriage were, Baptiste Lamalice and Joseph Savoyard. Eliza was the only daughter of John McIver and Marie [Tsankon] Sonte who remained in the Mackenzie District as she had married and had her own family. According to family history, her brothers and sisters left with their father John McIver and their mother Marie to the south when he retired from the Hudson's Bay.³⁵

On July 9th, 1902 the Lafferty family received their fourteen money scrip certificates as referenced below. These fourteen money scrip certificates were issued to Alexis, his wife, Eliza and their five minor children as follows:

³¹ Michaud, Raymond, Fort Simpson, Genealogy research on the people of Fort Simpson, Sacred Heart Parish Records - Genealogy Research by Father Posset, omi, Fort Simpson 1977. Copies available at Fort Providence Metis Council Office.

³² Marriage Certificate of John McIver and Marie Sonte, Records Diocese of Mackenzie, Yellowknife, N.W.T. Copy available at Fort Providence Metis Office.

³³ The genealogy of the First Metis Nation, Compiled by D.N. Sprague and R.P. Frye, Table 3., 1983.

³⁴ Marriage certificate of John McIver and Marie Sonte, Diocese of Mackenzie, Yellowknife, N.W.T.

³⁵ Posset's Genealogy Research 1977.

	Value: \$ 160.00	Value: \$ 80.00
Name:	Certificate No.	Certificate No.
Eliza	A 12790	A 4421
Alexis	A 12791	A 4422
Napoleon	A 12792	A 4423
Celine	A 12793	A 4424
Harriet	A 12794	A 4425
Francois Henri	A 12795	A 4426
James	A 12796	A 4427

Evidence of this is provided in the form of signed receipts³⁶ signed by Alexis and his wife Eliza. It should be noted that Eliza McIver-Lafferty signs by making a mark "x" on both her application and her receipts indicating that she could not read or write. Refer to illustrations no. 4 and no. 5 for further detail. As the head of the family, Alexis actually signs his name for his scrip and those of his minor children.

It is not known exactly what took place with the Lafferty family's scrip notes between July, 1902 and April 1906, as there is a gap in the historical record. As we will see later, it appears that the family may have parted with these scrips in an unacceptable way. We will address specific requests which were subsequently filed with the government surrounding these particular scrip certificates. In addition, we will highlight appeals, claims, grievances and allegations associated with the issuance of scrip in the treaty 8 area. The related correspondence included with this file provide some clues as to the

³⁶ Lafferty's Scrip Applications and Correspondence, National Archives, File 1169116 RG15, D-II-1, Volume 986. Copies available at the Fort Providence Metis Council Office.

events which took place. We will start with the following.

On April 4th, 1906 the law firm Short, Cross, & Biggar based in Edmonton write to the Department of the Interior on behalf of Mr. Edmund Nagle. They ask to have five of Mr. Nagle's scrip notes replaced as these had been inadvertently destroyed eighteen months preceding that date. The law firm indicates that Edmund Nagle desires to have land scrip certificates substituted for his lost money scrip notes. They offer to enter into a bond with "sufficient sureties guaranteeing the government against the reappearance at any time of those lost."³⁷ Included with the letter is an affidavit dated April 2nd, 1906. This is signed by Mr. Nagle and Mr. Biggar who also serves as Commissioner [of Oaths] in and for the N.W.T. The following is an excerpt from the affidavit.

2. That in or about the year 1902 there were issued scrip notes to the members of the family of Alexis Lafferty, Eliza Lafferty, his wife, Napoleon Lafferty and Francois Lafferty, his sons, and Saline [Celine] and Harriet Lafferty, his daughters.

3. That the said scrip notes were purchased by the said firm of Hyslop & Nagle, and five of them became my property, the remaining one becoming the property of my partner John Hislop.

³⁷ Lafferty's Scrip Applications and Correspondence, National Archives, File 1169116 RG15, D-II-1, Volume 986. Copies available at Fort Providence Metis Council Office.

4. I do not know which of the notes it was which was not mine.³⁸

On April 4th, 1906 John A. McDougall and Richard Secord both merchants of Edmonton make an oath that they are the proposed sureties on behalf of Edmund Nagle in a \$ 1,200.00 bond. On an additional bond document, Ed Nagle, Richard Secord, and John A. McDougall jointly sign to guarantee the bond. It should be observed that in her report, entitled "In a Class of their Own", A Study of Treaty Ten Metis Scrip Speculators, Northern Saskatchewan, 1906-1912, University of Alberta student Alexandra Robles, identified the law firm, Short Cross and Bigger as having been associated with the business class who were dealing in Metis scrip. In her report Short, Cross and Biggar are listed as being owners of Metis scrip coupons obtained from Half-breeds in Northwest Saskatchewan at the time of treaty 10.

The following citation taken from the National Archives website on scrip provides a plausible reason as to why Edmund Nagle likely wanted to exchange the lost or destroyed money scrip notes for land scrip certificates.

Interestingly, when the settlement process was in full swing and land values had increased, the amount granted to Metis families in money scrip remained frozen at the original award levels. A Metis awarded money scrip in the 1870's had the potential of purchasing a reasonable size homestead, but later in the 1920's when land prices had doubled and tripled, the same scrip note would only purchase a homestead that was a fraction of the

³⁸Ibid.

size.³⁹

On June 4th, 1906, Chief Clerk N.O.Cote, who was a senior official of the Department of the Interior, writes an internal memorandum to Deputy Minister of the Interior, W. W. Cory explaining procedures for dealing with cases of lost money scrip. He advises that more complete descriptions of the lost scrip notes will be required along with a bond of indemnity for twice the value of the notes. This is to be prepared by the Department of Justice as required in the case of a lost cheque but he doubts very much that the Department would advise to treat lost money scrip in the same manner as a lost cheque, the former being payable to the bearer. At that point, Mr. Cote's memo along with the hand written notes of the department's accountant indicate, that the following Lafferty scrip notes had been redeemed. See illustration no. 6.

Name:	Scrip Note:	Value:	Location where redeemed
Napoleon Lafferty	4423	\$80.00	Calgary Dominion Land Office
Celine Lafferty	4424	\$80.00	Red Deer
Harriet Lafferty	12794	\$160.00	Calgary Dominion Land Office
Francois-Henri Lafferty	12795	\$160.00	Calgary Dominion Land Office

Subsequent to this on June 26th, 1906, the Minister of the Interior Frank Oliver writes to Short Cross and Biggar indicating that money scrip cannot be replaced with land scrip. His correspondence provides a list of the fourteen original money scrip notes and their corresponding numbers which had been issued to the family of Alexis Lafferty. Although

³⁹ National Archives of Canada website on Metis scrip. www.archives.ca/02/0201200103/10_e.html

this list includes the four scrip notes which had been redeemed, it does not indicate who was in possession of these particular notes when they were redeemed. He closes his letter by saying that "Ten of the these have not been redeemed and the puzzle is to know which of the ten are the five which have been destroyed."

Short Cross and Biggar then write to Minister Frank Oliver on July 7th, 1906 enclosing a bond for \$ 1200.00 which would become operative upon any more than five of the remaining scrips being redeemed. On July 16th, 1906, Senior Official N.O. Cote issues another internal memo to Frank Oliver's private secretary J.B. Harkin insisting that more details on the lost scrip notes are provided before they can possibly be replaced.

From April 4th, 1906 to April 1st, 1908 there is a series of written exchanges between Short, Cross and Biggar and the Department of the Interior concerning the replacement of the Lafferty scrip notes which had been lost or destroyed by Edmund Nagle. Based on the file correspondence and the series of exchanges, it appears that Federal Crown officials were more concerned about protecting the Department from issuing additional scrip without accounting for the ones alleged to have been lost or destroyed. At the onset of the exchange, Federal Officials accept without question, the fact that Edmund Nagle had possession of Half-breed money scrip notes. There is no apparent concern or regard for the fact that this scrip was no longer in the hands of the aboriginal people and the purpose it was intended for. The ongoing correspondence and interaction appears to take place without consideration for the Metis interest, or their rights as an aboriginal people. In their July 24th, 1906 letter, Short, Cross and Biggar end their correspondence with the following;

It seemed to us that possibly under those circumstances, there could not be much danger in allowing Mr. Nagle credit for \$ 800.00 money scrip. The mere fact that it could not be at the present time allocated to any particular one of the Lafferty's or any particular money scrips already issued, should not present any great difficulty.⁴⁰

The Department of the Interior also appears to be very accommodating to the lawyers acting on behalf of Mr. Nagle. At almost every stage, Chief Clerk N.O. Cote writes an internal memo to various officials within the Department providing instructions as to what action is to be taken. Mr. Cote was one of the pivotal departmental officials overseeing the scrip program. The official response which is then provided by the Department is usually based on his internal memorandum. Where Mr. Nagle and his lawyers provide inaccurate information or a lack of information, the Department furnishes the information required along with necessary action that will satisfy the department in order to facilitate Mr. Nagle's needs. Edmund Nagle and his lawyers then provide the information the Department asks for. This exchange is very telling in terms of the conflict in which the Department of the Interior was operating. On one hand the Department was charged with issuing land to non aboriginal settlers for the "purpose of Dominion" in accordance with Canadian policy. On the other hand, the very same department was also charged with the responsibility of dealing with the aboriginal interests of the Metis people. It becomes apparent that it was almost impossible for the Department of the Interior to carry out their mandate fairly as it dealt with two very different and conflicting interests. As a result, the interests of the disadvantaged position of the Metis were not justly

⁴⁰ National Archives of Canada Department of Interior Dominion Lands Branch File: 1169601.

served or handled properly.

Finally, on March 25th, 1908 the Department of the Interior ends up sending eight replacement scrip notes which Mr. Nagle was seeking. As previously referenced, three of the other Lafferty scrip notes had been redeemed at the Calgary Land office and one has a notation referenced to Red Deer. The files do not indicate who was in possession of these particular scrip notes when these were redeemed. This left two of the original fourteen scrip certificates unaccounted for. Interestingly, Mr. Nagle did not request the scrip notes A 12790 \$ 160.00 and A4421 for \$ 80.00 which had been issued to Eliza Lafferty. It can be assumed that these notes had gone to James Hislop as indicated in Mr. Nagle's initial affidavit.

On November 11th, 1920 approximately eighteen years after parting with his family's scrip certificates, Alexis Lafferty, and a man by the name of Phillip Atkinson presented a petition to The Right Honourable Arthur Meighen, Prime Minister of Canada. They were assisted in writing the petition by a friend John Coleman Calhoun, who was the owner of the King Edward Hotel in Edmonton. Calhoun was a member of the Independent Order of the Odd Fellows. He also served as an Alderman in Edmonton from 1906 to 1908. The following was contained in the petition brought forward:

To The Right Honourable , Arthur Meighen,
Prime Minister of Canada

The Petition of Philip Atkinson and Alexa [Alexis] Lafferty humbly sheweth:

1. That your petitioners are persons of mixed white and Indian blood, residing at or near Fort Resolution, in the Province of Alberta, and that your petitioners have been delegated by a number of persons of mixed white and Indian blood, residing in the environments of Fort Resolution, Fort Smith and Fort Chippewyan, [Chipewyan], seeking re-dress for what they believe to be a real grievance and to ask that justice be done.

2. That during the years 1900 to 1903 His Majesty as represented by the Minister of the Interior for Canada caused to be allotted and issued to persons of mixed white and Indian blood, certificates entitling the person named in such certificates to select, fyle [sic] upon and become the registered land owner of two hundred and forty acres of land, the property of the Dominion of Canada, and situated in the Northwest Territory and open for homestead entry, which said certificates are known as half-breed script [sic].

3. That unscrupulous speculators followed in the wake of the Commission entrusted by the Honourable the Minister of the Interior with delivery of such certificates or half breed script [scrip], and the taking shameful if not even criminal advantage of the illitracy [illiteracy] and ignorance of the half breed, purchased such script [scrip] from the holders, paying

therefor a proportion of the agreed purchase price, and agreeing to pay the balance, together with the expenses of the vendor in travelling to and from the Land office at such time as the vendor might be called upon by the purchaser to come to a Dominion Land office and fyle [file] upon the parcel of land located and selected by the purchaser.

4. Many of the unscrupulous purchasers instead of bringing the vendor to the Land office and paying him or her the expenses of such a trip together with the balance of the agreed purchase price, by fraud, perjury, subornation or perjury and forgery procured other persons to appear at that land office and represent themselves to be the persons named in the script [scrip], and to fyle [file] upon the lands selected or located by the purchaser, and to forge the name of the real vendor to transfers and other documents in connection therewith, thereby committing a fraud upon His Majesty's Government, and a fraud upon the vendor.

5. That in the North country in the neighborhood of Forts Resolution, Smith and Chippewyan [sic] there are several hundred half breeds who have been defrauded and with respect to whose scripts [sic] His Majesty's Government has been defrauded.

And your Petitioners pray that a commission be appointed to enquire into and report upon all fylings [filings] upon Government lands by means of half breed script, [sic], and to cause to punish all persons who may be found to be guilty of fraud or criminal conspiracy, or any other offence, with respect to such fying [sic], and to procure compensation and redress for those of His Majesty's subjects of mixed white and Indian blood who may have been victims of such frauds or conspiracies. ⁴¹

The petitioners had faith in the integrity of the government to protect their interests. On this basis were asking to have action taken to ensure that justice was served for the Metis and in the name of His Majesty's dominion government. They indicated how speculators were committing fraud by impersonating Metis claimants in land offices at locations far away from the homes of the Northern Metis claimants. On November 26th, 1920 an internal memorandum is written by Acting Controller, Gliddon to W.W. Cory, Deputy Minister of the Interior. The memo makes reference to other Metis claims and grievances which resulted in previous court cases which were brought forward by two Metis by the name of Joseph L'Hirondelle and Antoine L'Hirondelle. Both of these cases ended up being dismissed by the court in 1916. According to the correspondence, the Department appears reluctant to take the petitioners' claims to another level in the form of an investigation. Mr. Gliddon provided the following recommendation;

⁴¹ Provincial Archives of Alberta , 68,205/24 (Petition given to Prime Minister Arthur Meighen by J.C. Calhoun, Nov. 11, 1920 on behalf of Alexis Lafferty and Philipp Atkinson).

Many of the Scrip Notes were located and the patents issued nearly 20 years ago. Many of the titles have passed through several hands and to appoint a Commission now to investigate these locations would in my opinion, be very injudicious and the only effect would be to cast a doubt upon and cloud the title to thousands of acres of land without any resulting benefit.⁴²

The Controller of the Department of the Interior closed his December 17th, 1920 letter of reply to the petitioners by indicating that any cases should go through the proper courts. Based on the government's instruction and advice, Mr. John Graham a half-breed returned soldier from Wabasca, Alberta initiated a case of fraud on April 5th, 1921 concerning the fraudulent location of Metis land scrip. The case was against Mr. Richard Secord in the impersonation of Elizabeth Hislop. Elizabeth Hislop of Fort Resolution, N.W.T. was the wife of trader James Hislop.

The preliminary hearing for the case took place in Edmonton Provincial Police Court on April 5th and 15th, 1921. According to the transcripts at this hearing, Richard Secord had asked a Metis woman by the name Flora Taylor (nee Ladoucer) to present herself at the Dominion Lands office to stand in for a dead woman by the name of Elizabeth Heaslip [Hislop]. Before she did this Secord gave her a shawl to put over her head and instructed her to make an "x" when he beckoned her to do so. She went with him to the lands office where Mr. Secord indicated to the lands official that she was Elizabeth Hislop. Later on she asked him why he wanted her to make an "x" when she was able to

⁴² NAC, RG15, Vol. 1142, file 4448060 (Dept. Interior Internal Memo Nov. 26, 1920).

sign her own name. He replied by saying that this was the only way we can obtain scrip for those who have died. The preliminary hearing transcript testimony indicated that during this time in 1903, Elizabeth Hislop was alive and had remained in Fort Rae, N.W.T. and could not have possibly presented herself at an Edmonton land office to locate her scrip.

The fact that Mr. Secord was in possession of land scrip which was originally issued to Mrs. Elizabeth Hislop (nee Houle), a Metis of the Fort Resolution area also suggests that scrip speculation and irregularities had reached the Mackenzie District at the time of treaty 8 adhesions. Mr. Richard Secord did not stand trial as the charges were dropped against him when an amendment was made to the Criminal Code of Canada in June of 1921. This amendment applied to section 1140 of the Criminal Code and subjected the fraudulent location of land scrip to a three year statute of limitation. In his November 11th, 1921 letter open to all Canadians Mr. J.C. Calhoun provides insight and perspective on his view of events which took place concerning Metis rights and their treatment by Canadian officials representing the Crown. Refer to illustration no. 7 for additional detail.

In a book entitled; The Life and times of Richard Secord, Mr. Secord is touted as; A Builder of the Northwest. This biography, written in 1981, was coordinated and partially written by his son Richard Y. Secord.

In 1899, Richard served a term on the Edmonton Town Council, and from 1902 to 1904 was an active member of the North West Territories Legislature, sitting in Regina. However his only attempt to run for Parliament, in 1904, he was decisively defeated by another dynamic

Edmontonian, Frank Oliver.⁴³

Richard Y. Secord served on the National Historic Site and Monuments Board of Canada from 1959 to 1967. In later years a mountain was named after his father Richard Secord Sr.

Mount Secord

Named in 1981 by the Governments of Alberta and British Columbia and the Canadian permanent Committee on Geographical Names to commemorate the contributions made by Richard Secord (1860-1935, a prominent Edmonton pioneer, to the development of Western Canada.⁴⁴

Although Richard Secord Sr. was a prominent Edmonton businessman and politician who is held in high regard by some, it is also known that he was a scrip speculator. Richard Secord's activities have been linked with the business elites and syndicates who were exploiting the Metis people. He later became a millionaire. Mr. Secord's wealth and connections with the business elites gave him influence with some of his friends and associates who later became officials at the highest levels in the Canadian Government. Here is an excerpt from his biography:

In 1899 it was decided that a further disbursement should be made to Metis in Athabasca District as the Indians had just agreed to treaty and

⁴³ Secord Richard Jr. A Builder of the Northwest, The Life and Times of Richard Secord. 1981, p. vi

⁴⁴ Secord Richard Jr. A Builder of the Northwest, The Life and Times of Richard Secord. 1981, p 178.

reservation rights. In Ottawa there was some pressure to prohibit the selling of this scrip without legal aid. In 1899 allotment of scrip that drew the attention the particular attention of McDougall and Secord.⁴⁵

Another possible reason McDougall & Secord decided to invest so heavily in Northern scrip was the fact that so many Metis were in debt to Richard. So eager was Richard to begin negotiations that he joined the Government Commissioners who were distributing scrip on their Northern tour. His first purchase was made on 25 September. Over the next several months, his scrip buying expeditions were undertaken with as much frequency and alacrity as his earlier fur buying trips. Accompanied by his accountant, F.E. Moroney and his driver, Lawrence Rye, he would stuff his satchels full of \$ 5.00 and \$ 10.00 bills and set out by democrat, to deal with the Metis personally. Through Lac La Biche, Fort Chipewyan, Grouard, Lesser Slave Lake, Peace River and Grande Prairie Richard purchased land entitlements at a frantic pace, often travelling on "on the heels of the scrip commissioners". By the summer of 1902, he had established himself as the largest scrip buyer north of Edmonton. At the time he and McDougall owned 47,000 acres of scrip valued at \$ 2.75 an acre. The upshot of the speculation, along with continuing success in the fur, freighting and mercantile businesses was that McDougall and Secord were soon millionaires, and probably the richest men in Edmonton. Their wealth brought its share of controversy, and in later years several litigations would

⁴⁵Secord, Richard, Y. A Builder of the Northwest, This Life and Times of Richard Secord. 1981, p. 78.

be instituted concerning earlier purchases of scrip. However McDougall & Secord were never convicted of wrong doing, and as the years passed the prestige of the partnership increased with its prosperity.⁴⁶

In 1916, Mr. Secord took a business and vacation trip to the United States, Ottawa, and England. Here is a passage from his biography:

He now went to Ottawa to have business meetings with his political associates. Upon arrival there he went to see R.B. Bennett, K.C., the former M.L.A. for Calgary, and now an M.P. for Calgary. Bennett was serving in the position of Director General National Service at the time. It was to be another fourteen years until he became Prime Minister. He and Richard saw eye to eye on most political issues - they were both Conservatives. Additionally, they shared an interest in the C.P.R. and were of the same religious faith; consequently, they had much in common from which they built such straightforward assistance as to how and where Richard could get a passport. On the more serious side, he recorded that R.B. Bennett gave him some letters, his diary entry for 20th April, 1916 reads in part, "...saw Richard Bennett who gave me letters to Sir George Perley, Major-General Carson and Sir Max Aiken" (later to become Lord Beaverbrook). What these letters contained we will never know.⁴⁷

⁴⁶Secord, Richard, Y. A Builder of the Northwest, This Life and Times of Richard Secord. 1981, p. 79.

⁴⁷ Ibid. p. 152

The above illustrates the close affiliation and association Mr. Secord had with Ministers and members of the Canadian Parliament.

Research suggests that the Canadian government knew about the unscrupulous activities of scrip hunters also known as scrip speculators who were effectively robbing the Half-breeds of their entitlements on the prairies. Although this was the case, apparently the scrip Commissioners seemed to encourage the sale of scrip and land as opposed to protecting the Metis' interests in land. By implication and inference, it is submitted that there are strong indications of this which is further reinforced and brought out in the recent Benoit v. Canada case testimony of treaty talks at Lesser Slave Lake in 1899. These inferences are indicated below.

All whether settled or not, will be given scrip for land to the value of \$ 240.00, that is, all born up to the date of signing the treaty. **They can sell that scrip, that is, all of you can do so.** (emphasis by the author)

They can take, if they like, instead of this scrip for 240 acres, lands where they like. After they have located their land, and got their title, they can live on it or sell part, or the whole of it, as they please, but cannot sell the scrip.

They must locate their land, and get their title before selling.⁴⁸

(emphasis by the author)

It is not known exactly how Ed Nagle obtained possession of most of the Lafferty family's

⁴⁸ Transcripts, Benoit v. Her Majesty and the Attorney General of the Province of Alberta. March 7th, 2002 pp58-59.

scrip certificates. In his correspondence to the government Mr. Nagle indicates that he purchased these scrip notes from the Lafferty family with the remaining certificates going to his partner James Hislop. According to family history and written publications, Alexis Lafferty was an employee of Hislop and Nagle for a period of time. Hislop and Nagle may have offered him money for his scrip certificates. Another possible scenario is, Alexis may have been in debt at the Hislop and Nagle trading post and he may have been offered some goods in lieu of the debt for these papers or perhaps we was given additional credit at the post for goods. As there are no known written records, we will likely never determine with certainty the transaction or transactions which took place between Ed Nagle, James Hislop and Alexis Lafferty concerning the Lafferty family's scrip notes.

Ed Nagle's biography implies or hints at the fact that he was also involved in obtaining scrip. It also makes reference to Mr. Secord's exploitation of the Metis in Northern Alberta.

Secord and his associates did not follow the Half-breed Commission to Fort Resolution in 1900. Yet although their business might have profited from it, there is little evidence to suggest that either Hislop or Nagle seriously exploited the opportunity for scrip speculation.⁴⁹

There is some documented oral history that there were scrip hunters or speculators at work in Fort Resolution when money scrip certificates were issued. In his highly

⁴⁹Zinovich, Jordon, Battling the Bay, The Turn of the Century Adventures of Fur Trader Ed Nagle, 1992, p. 180.

acclaimed book entitled; As Long As This Land Shall Last, Historian Rene Fumoleau documents the following:

At Fort Resolution as everywhere else, the Treaty drove an official wedge between Indian and Metis. The payment in full of \$ 240.00 was made in the form of scrip, and profited the Metis very little.

Johnny Beaulieu: (The Treaty Officials) told us that the Treaty Indians and the Metis were on different terms as far as Treaty was concerned - They said that the Metis will get a scrip.....After the treaty was signed, they passed out all the money and my father got a scrip. We did not know what it was or how much it was worth. There was a trader here, and he kept after my father to sell the scrip to him, so my father did, for seventy five dollars.....⁵⁰

Angus Beaulieu: They gave scrip paper to half-breeds. We didn't know what those were about either, but we took it. There was a trader, Hislop and Nagle, who gave the scrip money , \$ 75.00 to the half-breeds.⁵¹

The author submits that by their association with Richard Secord, both Ed Nagle and his partner James Hislop became linked to the scrip syndicates and a certain business class in the south who were dealing in scrip issued to the Metis people on the prairies. This

⁵⁰Fumoleau, Rene, As Long as this Land Shall Last, 1973, p 99.

⁵¹Ibid.

exploitation penetrated the North and extended into the Mackenzie District via the business networks and associations between businessmen such as Edmund Nagle, James Hislop and Richard Secord.

Current research analysis indicates that the story of scrip is only now beginning to emerge in terms of the larger picture. Land and money scrip coupons issued in the prairie provinces are said to have been subject to fraud and abuse. This is well documented and becoming more generally known. Alexis Lafferty's appeals to Ottawa on behalf of the Metis of the North are another testament to the problems arising from the mal-administration of scrip. Their petition and claims represent a significant episode in Metis - Canadian history.

Failure of scrip as an Aboriginal policy

It is highly unlikely that the illiterate Metis understood what they were giving up when they agreed to take scrip. The application procedures developed by the Department were terribly complicated - amounting to several acts of Parliament and some 120 orders in council - and were full of complex legal implications.⁵²

Contemporary Metis view the brief episode whereby their ancestors were dealt with by scrip commissions as simply representing Canada's recognition of Metis aboriginal rights. Recent studies and ongoing research surrounding the issuance of scrip indicate

⁵² National Archives of Canada website on Metis scrip. www.archives.ca/02/0201200103/10_e.html.

that legislation and policies pertaining to scrip were convoluted and extremely difficult to follow through and comprehend. It is apparent that these policies were implemented without the early Metis people's knowledge and understanding. Alexis Lafferty's case is a microcosm of the larger scrip story. It illustrates how the northern Metis and their southern compatriots on the prairies were caught up in an intricate web of government policies, practices and the politics of certain business elites and Canadian capitalists who profited tremendously from the exploitation of the Metis people.

At the time of Alexis' appeals in November 1920, written requests for investigations and justice, were either down played, or diverted by the government of Canada which provided generalized answers in reference to other cases. The government appeared reluctant to take the allegations and claims seriously. Specific answers were not provided and specific action was not taken to deal with their legitimate grievances. The Metis petitioners were directed to the proper courts to deal with their case. Apparently the government seemed confident that any new court cases dealing with scrip would fail based on the Antoine L'Hirondelle and Joseph L'Hirondelle cases which had been dismissed in 1916.

In April 1921 the Secord case is brought forward and preliminary hearings are held. It is a curious thing that while the preliminary hearings were being heard legislation was being contemplated and subsequently introduced in Parliament to ensure that prosecutions dealing with Metis scrip fraud would not be successful. The government of the day was successful in decriminalizing scrip fraud as the bill dealing with section 1140 passed on June 2nd, 1921. This suggests that scrip fraud was likely decriminalized by Canada as a result of influential business people who were implicated in such fraud as a

means of obtaining their wealth. The Royal Commission on Aboriginal peoples makes the following statement in reference to the 1921 criminal code amendment.

One of the most flagrant acts was the 1921 amendment to the Criminal Code that imposed a very short time limitation of three years on anyone wanting to press charges regarding Metis scrip entitlements.⁵³

It is indeed ironic that, the word of the business class was followed when it came to serving the interests of the business and political elite. Yet the word of the businessman and former civic politician J.C. Calhoun representing the interests of the Metis people seems to have been ignored, evaded, or given secondary priority. The story of Alexis Lafferty draws out what can be termed as the "unofficial discriminatory" policies of Canadian officials when it came to dealing with certain white influential businessmen representing their interests on one hand and dealing with the rights of the Metis on the other. Written exchanges surrounding the case exemplifies the disparity and differential treatment between the two.

Accordingly, it becomes increasingly difficult for Metis Leaders and for those who have a broader understanding of the history of scrip to accept that proper answers and treatment were afforded to the appeals of the Metis people concerning their rights. It is therefore submitted that it was the government's duty to protect the interests of the Metis as an aboriginal people, yet the rights of the Metis were mishandled by inept and questionable government practices which permitted fraud and abuse to take place.

⁵³Ibid. p 15

Conclusion

July 2002 marks the 100th anniversary since Alexis Lafferty and his family received and subsequently parted with their scrip certificates in what appears to be a dishonourable way. Due to the mysterious convoluted nature and history of the scrip program, grievances remain within the Metis community including present day Deh Cho Metis-Dene who are the descendants of Alexis and Eliza Lafferty. Furthermore, it is not confidently believed or accepted that Canadian officials properly and justly dealt with Alexis Lafferty's case on behalf of the Northern Metis. The many documented problems and unanswered questions associated with the issuance of scrip to the Metis, basically casts serious doubt on the legitimacy of this aboriginal policy.

After an exhaustive study, the Royal Commission on Aboriginal Peoples reached the following conclusions with regard to the Metis' experience in reference to Canadian scrip policy.

- The Metis were neither consulted about or given an opportunity to negotiate the terms under which their aboriginal title was to be extinguished.
- Compensation to individuals was substituted for the collective right of aboriginal title.
- The land allocated was usually located so far from their homes as to be useless to the Metis, except for the token sums offered by speculators. In some cases they received only cash grants.

-
- The compensation, far from reflecting equitable principles in dealings with Aboriginal people, was discriminatory. It did not treat Metis as well as Indian peoples, in that the land provided was unnegotiated, arbitrary, individualized, non-contiguous, far from the recipients' homes, without protection against non-aboriginals, and without the other benefits accorded Indians, It did not treat the Metis affected as well as the Metis of Manitoba, since the latter had an opportunity to negotiate the terms of their compensation and were in some cases offered land grants in addition to the land on which they had already settled.
 - Sharp dealing and fraud, to which the government of Canada usually turned a blind eye, robbed many Metis individuals of the compensation they were offered.
 - These flaws so basic and so flagrant that they deprived the extinguishment process of all legitimacy. Even if that were not the case legally, it was most certainly the case morally. The attempted extinguishment of Metis Aboriginal rights under the Dominion Lands Act cannot be reconciled with the Crown's fiduciary obligations, the equitable principles referred to in the Rupert's Land Order, or the dictates of common decency.⁵⁴

The case of Alexis Lafferty and Philip Atkinson illustrates how the known irregularities surrounding the scrip program on the prairies had extended into the Mackenzie District in 1900. It also clearly exemplifies the conclusions reached by the Royal Commission.

⁵⁴ Royal Commission on Aboriginal Peoples, Volume 4 - Perspectives and Realities, Appendix 5C, Section 2.4 Conclusions.

Recent court rulings as in the case of the Powleys of Ontario indicate that the Crown had a trust like duty when dealing with the historic Metis community in Sault St. Marie. In the opinion of the author there is little doubt that the Crown's fiduciary duty was breached in Alexis Lafferty's case and those of his fellow compatriots who raised legitimate grievances and claims concerning scrip in the Athabasca-Mackenzie.

One hundred years have passed since the treaty 8 adhesions in the Mackenzie District in Fort Resolution. While on one hand we have First Nations who may feel it is proper to celebrate this occasion with Canada, regrettably such is not the case for some Canada's Northern Metis-Dene descendants who have a sorry history with Canada. These Metis-First Nations descendants have yet to build a renewed relationship with Canada, based on reconciliation, proper recognition, equitable treatment and the just settlements of outstanding aboriginal rights and land claims. It is the contention of the author that the honour of the Crown in right of Canada will continue to remain tarnished until such a time when concrete and meaningful action is taken by Canada to correct these historical wrongs and injustices. Furthermore, Canada's historical treatment of one of its aboriginal peoples who helped build this country must be properly recognized and redressed.

We end with this final quote from Alexis Lafferty and Philip Atkinson's petition to Canada, "And your petitioners will ever pray". With these profound words written and brought forward in 1920, it is submitted that Metis' grievances and outstanding rights obligations which persist from one hundred years ago simply must be reconciled with the honour of the Crown, in the name of Canadians, their country, common decency, and justice for the Deh Cho-Mackenzie District Metis.

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Table of Illustrations

Illustration No. 1

Two examples of land scrip certificates. Typically issued by Half-breed scrip commissions on the Canadian prairies.

Source: Metis Scrip Project (matriX) Native Studies Program Website, University of Alberta.

Illustration No. 1a.

Alexis Lafferty's July 9th, 1902 receipt for money scrip notes no. a12791 and a4422.

Source: National Archives of Canada RG 15.

Illustration No. 2.

A late application (1924) for a treaty 11 cash grant in submitted to Commissioner John A. McDougall in Fort Simpson, in the Mackenzie District. This form is completed in a slightly different manner from 1921 application forms completed by Commissioner Conroy at Fort Providence at the original signing of treaty 11.

Source: National Archives of Canada RG 15.

Illustration No. 3.

A receipt for a cash payment made in purported extinguishment of Metis aboriginal title in the Mackenzie River District, 1924. Receipts were signed three years after original 1921 application for participation in cash grants.

Source: National Archives of Canada RG 15.

Illustration No. 4

The application of Eliza McIver-Lafferty for money scrip in July 1900 at Fort Resolution at the time of treaty 8 adhesions.

Source: National Archives of Canada RG 15.

Illustration No. 5.

Eliza McIver-Lafferty's receipt for money scrip notes issued in July 1902.

Source: National Archives of Canada RG 15.

Illustration No. 6.

Copy of Internal Memo notation from the Department of the Interior's accountant. Handwritten notes indicate locations where some of the Lafferty money scrip certificates had been redeemed.

Source: National Archives of Canada RG 15.

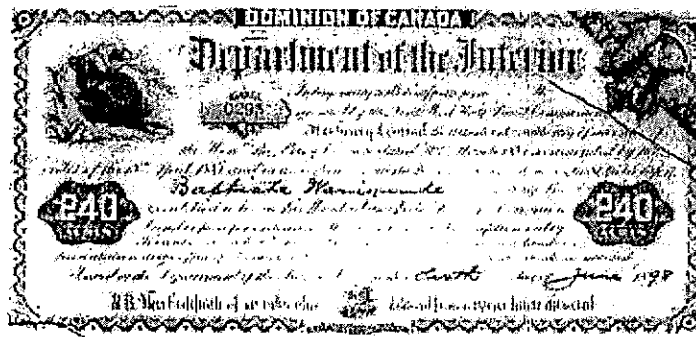
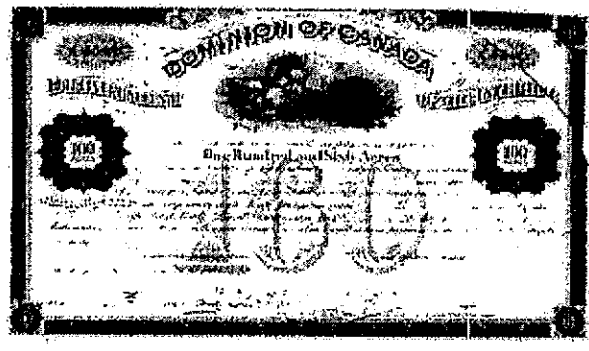
Illustration No. 7.

Letter dated November 20th, 1921, written by John Colman Calhoun to all Canadians.

Source: Provincial Archives of Alberta

Examples of Metis Land Scrip Certificates

- Southern Canada Half Breed Scrip Commissions



Source: Metis Scrip Project (MATRIX)
Native Studies Program
University of Alberta

Example of Money Scrip Coupon /Certificate
Receipts Confirming acceptance
of Scrip Note/Papers

- Treaty 8 - Athabasca Half-Breed Commission - Fort Resolution 1900-1902

103 6 128

Form No. 05.

Department of the Interior.

* SCRIP *

FILE NO 555680

\$240.⁰⁰/₁₀₀

Received from the Honourable the Minister of the Interior, Scrip Notes Nos. A 12791 and A 4422 for \$160.00 and \$80.00 respectively, issued in accordance with the terms of an Order in Council of the 16th March 1901, and as called for by Certificate number — In favour of Alexis Rafferty.

Signed at Resolution the 12th day of July 1901.

Witness: Hugh Richardson

Signature: Alexis Rafferty

Source: National Archives of Canada

Illustration No. 1a

41
Declaration of George Charles Sibley

Concerning my claim to participate in the grant of scrip or land to Half-Breeds of the State of Michigan by Order in Council of 12th April 1827 P.S. 1172

*Incl. to be
 used to
 establish
 descent of
 my father
 from
 the
 original
 grant*

1. What is your name? George Charles Sibley
2. What is your age? 37
3. When and in what place were you born? at Simpson, N.Y. 5th Sept 1858
4. What is the name of your father? Thomas Sibley
5. What was the name of your mother before her marriage? Jane Sibley
6. Is your father a White man, a Half-Breed or an Indian? White man
7. Is your mother a White woman, a Half-Breed or an Indian? White woman
8. Did your father receive scrip or land? If so, state when and where? No
9. Did your mother receive scrip or land? If so, state when and where? No
10. Where have you been living each year since your birth? at Simpson, N.Y.
11. If married, when, where and to whom? yes married to Effie Sibley at Simpson N.Y. Ref 1167601
12. How many children have you living? two
13. What are their names, dates of birth and names of their parents? Edith 11.9.1890 at Simpson N.Y. 26 June 1915
 Clara 7.4.1892 at Simpson N.Y. 26 June 1915

NOTE.—If the application is made on behalf of an aborigine, or on account of a deceased person, the questions should be so altered as to obtain information relating to such aborigine or deceased person. In the case of a deceased person, in addition to the date and place of death it should be stated whether or not the deceased left a will, if so, it should be produced, if not, full particulars of the persons who are the heirs and their full names, residences and places of residence should be given.

SARCA C. SIGRESTA

Illustration No. 2

all
One

17. How many children had you who died? One
 What was the date and place of birth and death of those who died, respectively?
Thompson - 1 year old when she died - 1902

18. Have you ever received land or scrip in Alaska or in the St. W. Territories in acknowledgment of your claim? No

19. Did you ever write for land or scrip before today? If so, state when and where? If not, give your reasons for not having done so. Yes

20. Have you ever received any Indian Treaty money or ever been a member of an Indian Band? If so, produce your Certificate of Enrollment?

21. Mention any names by which you have been known, other than your name given above. No other

22. State anything bearing on your claim that you may wish.
When Mr. Conroy was here in 1901, I was sent to him for information about my claim and he said I should go to the office of the Commissioner of the Interior and get a Certificate of Birth of my children.

Allowance of
Recognition of
 5/21/02
 2/19/02
 George B. Sibberson
 Adeline T. Sibberson
 Frederick T. Sibberson
 Edna A. Sibberson
 Laura A. Sibberson
 Harriet Kaffert - Sibberson
 claim has been acknowledged - Department of the Interior
 Resolution of 1902 - No. 1074
 Controller

Approved
[Signature]
 May 1902

Illustration No. 2 Cont.

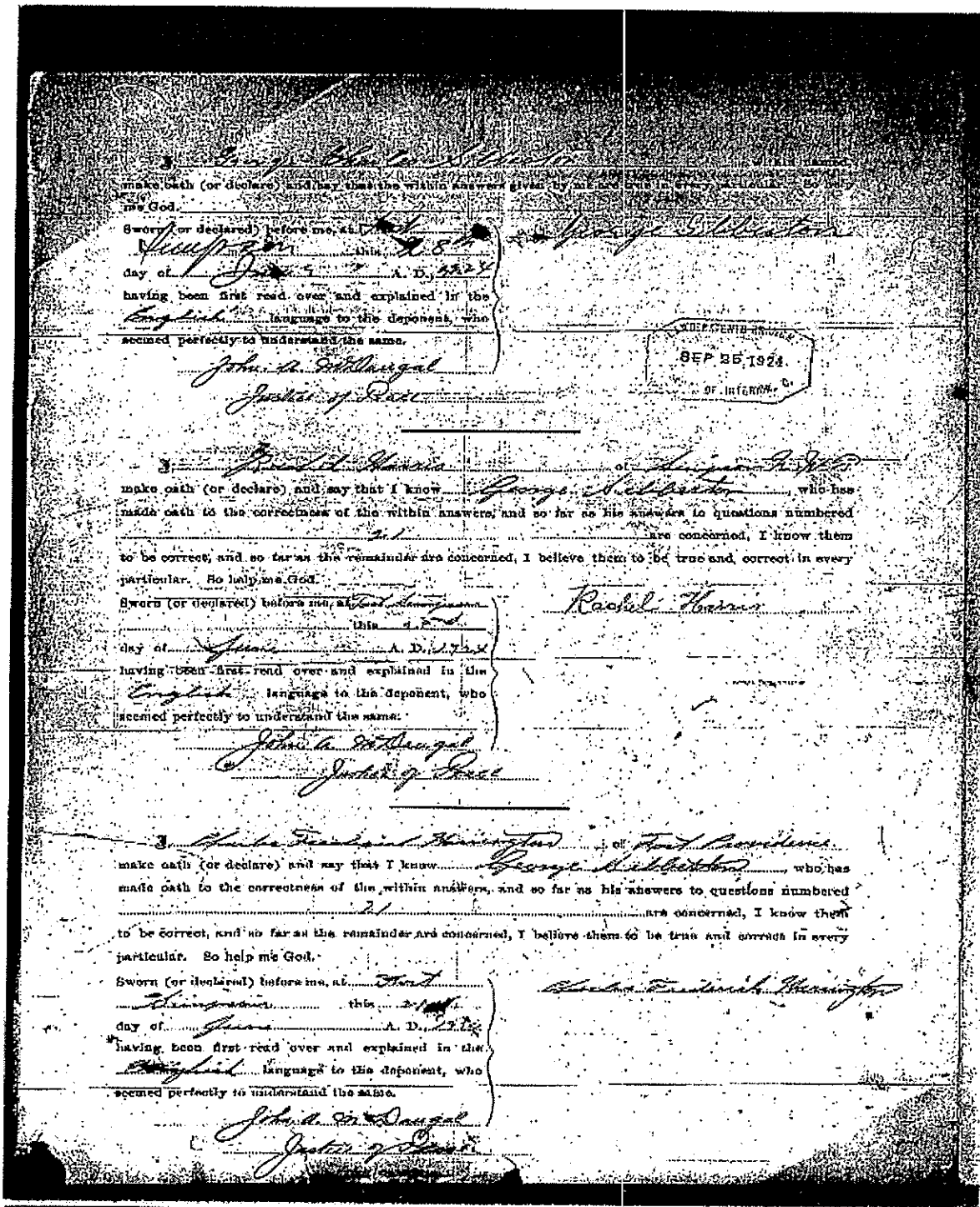


Illustration No. 2 Cont.

Example of Scrip Cash Grant Receipts
- Treaty 11 Commission - Mackenzie River District Half-breeds 1921

DEPARTMENT OF THE INTERIOR.
MACKENZIE RIVER DISTRICT HALFBREEDS

\$240.00 Application No. 18

RECEIVED from the Minister of the Interior the sum of
TWO HUNDRED AND FORTY DOLLARS (\$240.00) in satisfaction
of my claim Marie Bourlier

..... Mrs. Lafferty, wife of Jean Baptiste Bourlier

arising out of the extinguishment of the Indian title, in accordance with the terms of the
Order in Council of the 12th April, 1921, and Section 8, 13-14 George V, Chap. 44,
(1923).

Signed at *Providence* the *seventh*
day of *July* 192*2*

WITNESS: *W. Bourlier* Signature: *Marie Bourlier*

Source: National Archives of Canada

I, Eliza Lafferty ^{swore}
 do hereby declare that I am not participating in any grant
 to Half-Breeds who reside on the 25th July
1890 of those portions of the North-West Territories
ceded by the Indians under treaty with the Govern-
ment of Canada, at Fort Resolution

1. What is your name and P. O. Address? Eliza Lafferty, Fort Resolution via Edmonton
 2. Where and when were you born? at Great Bear Lake Alberta 1869
 3. What was the name of your father? John McLeod
 4. What was the name of your mother before her marriage? Maria
 5. Was your father a Half-Breed or an Indian? Scotchman
 6. Was your mother a Half-Breed or an Indian? Slave Indian
 7. Where have you been living each year since your birth? If at least one was under 18 years of age on the 25th July, 1890, the place of residence of the parents at that date should also be ascertained. at Great Bear Lake Fort Nelson Fort Simpson Peel River & for the last eight years at Resolution
 8. What has been your occupation? wife of Alexis Lafferty
 9. If married, when, where and to whom? married in 1887 at Fort Providence to Alexis Lafferty
 10. How many children have you borne? five
 11. What are their names, dates of birth and names of birthplaces? 1. Napoleon born 1888 at Fort Norman
2. Elvira born 1890 at Fort Resolution
3. Harriet " 1892 " " "
4. Francis Henri " 1893 " Resolution
5. James " 1900 (June 7th) at Fort Resolution
 12. What was the name of that executive trustee or father, as the case may be? Eliza McLeod and Alexis Lafferty

Form No. 143 A.

Illustration No. 4

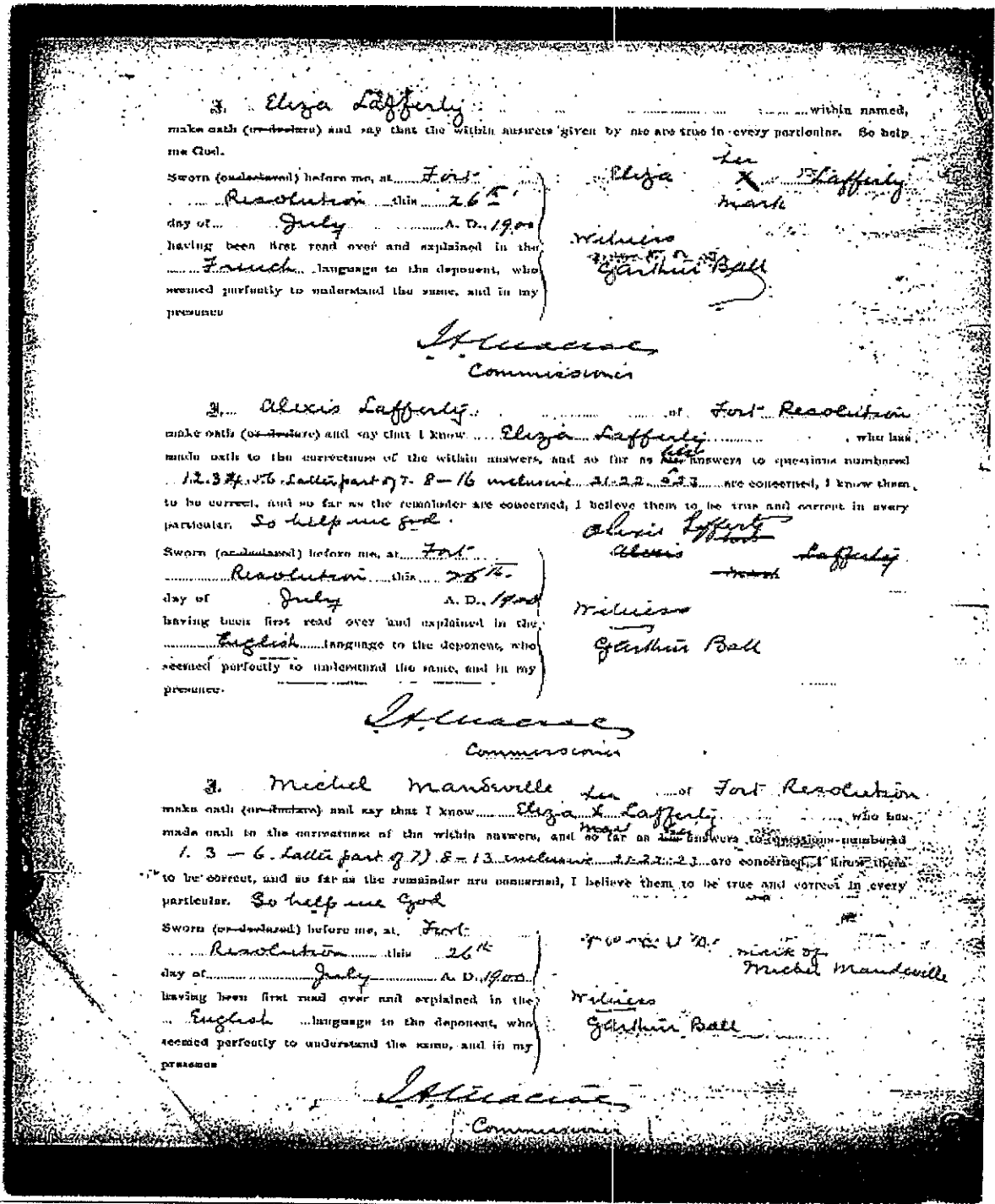


Illustration No. 4 Cont.

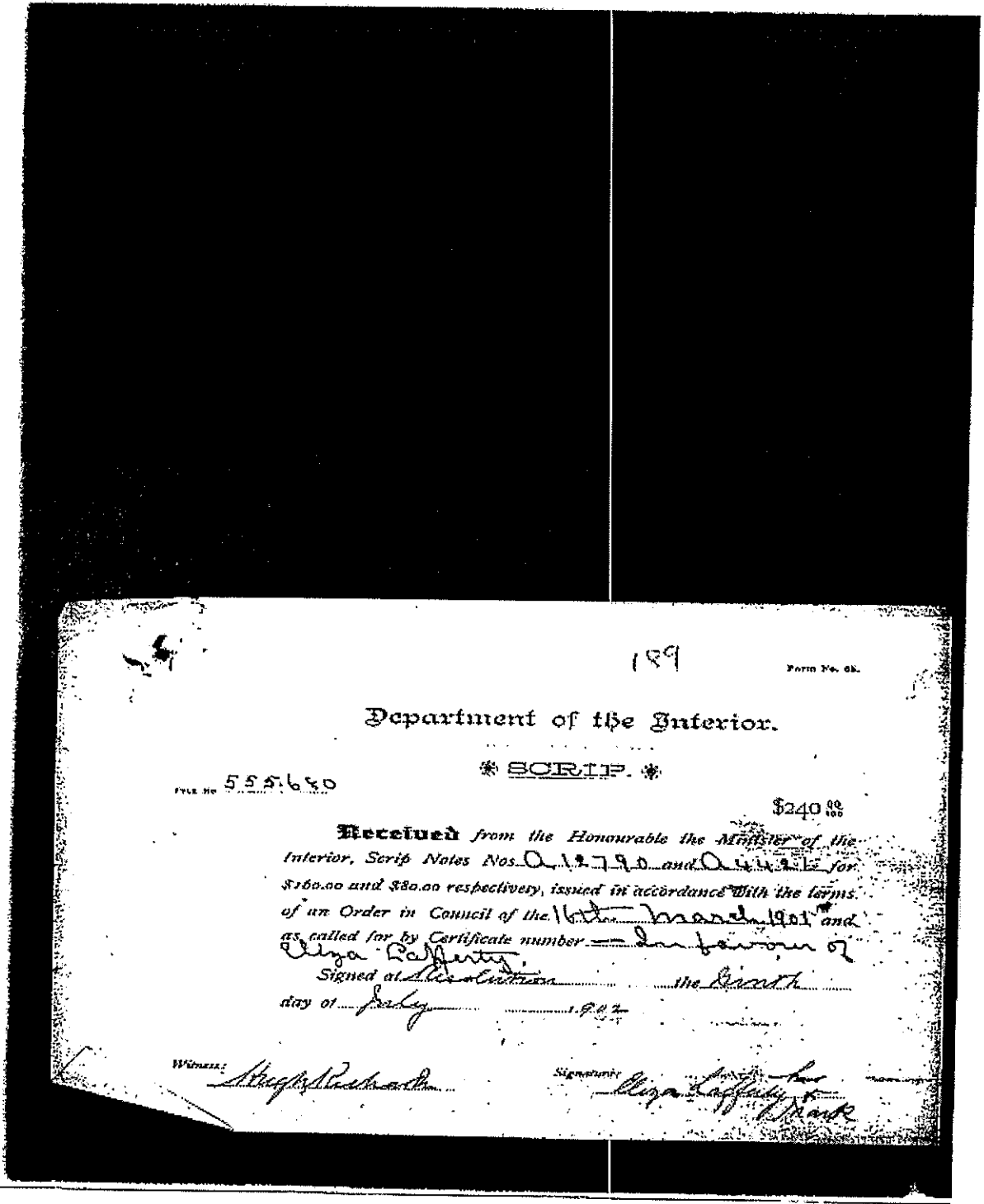


Illustration No. 5

The Accountant

Please say if the following
scrip notes have been
redeemed.

A 12791 for \$160	A 4422 for \$80
A 12792 " \$160	A 4423 " \$80
A 12793 " \$160	A 4424 " \$80
A 12794 " \$160	A 4425 " \$80
A 12795 " \$160	A 4426 " \$80
A 12796 " \$160	A 4427 " \$80
A 12790 " \$160	A 4421 " \$80

File
12/24/6

Above scrip notes still outstanding with the
exception of A 12794 - 12795 for \$160⁰⁰ and A 4425
and 4424 for \$80⁰⁰

H.L.

c/o King Edward Hotel,
Edmonton, Alberta,
November 11th, 1921.

Dear Sir:-

This open letter is addressed to all Canadians who believe that our National honour, our National integrity and our National good name should at all times be kept sweet and clean to all the world and to ourselves.

On May 27th, 1921, the Honourable Sir James Lougheed introduced in the Senate of Canada Bill No. 138, being a Bill for the amendment of the Criminal Code. It had its first reading on that date as appears by Hansard Reports No. 50, Page 676. The second reading was had on May 30th. See Hansard Reports No. 51, Page 699. On June 1st, according to the Hansard Reports of the Senate Debates, No. 53, first page, on motion of Sir James Lougheed the Senate went into committee on Bill No. 138:

"The Honourable the Chairman:-

"It is moved that the following be inserted after Section 24 as 24a, Paragraph 'a' of Section 1140 of the Act is amended by adding thereto the following sub-paragraph:

"(iv) any offence relating to or arising out of the location of land which was paid for in whole or in part by scrip, or was granted upon certificates issued to half-breeds in connection with the extinguishment of Indian titles.

"Hon. Mr. LYNCH-STANSTON: What does all that mean?

"Hon. Sir JAMES LOUGHEED: The intention is that if a prosecution for an offence is not brought within three years of the date of its commission, then it is proscribed. There is no provision for that in the Code at present.

"Hon. Mr. BOSTOCK: From the reading of the clause I did not grasp what the offence really is.

"Hon. Sir JAMES LOUGHEED: This brings it into Section 1140 in the Code, which deals with the limitation of actions. There have been one or two cases brought, going back twenty years, claiming that fraud was committed. Of course, the evidence in connection with them would have disappeared long ago.

"Section 24a was agreed to."

The enclosed correspondence will show that I first wrote to the Honourable Arthur Meighen, Prime Minister of Canada, on August 2nd, 1921. The Premier apparently was in ignorance of the amendment and the letter was forwarded to Sir James Lougheed. On August 22nd I again wrote the Premier enclosing a copy of my former

Illustration No. 7

Accession No. 68.205/24
Provincial Archives of Alberta

letter. In answer to a telegram from me of September 13th the Premier writes that he cannot do more than refer the matter to the Department of Justice, the Minister of which handled the Legislation.

The fact of the matter is that while the Minister of Justice, the Honourable Mr. Dougherty, did handle the Bill in the House of Commons, it originated in the Senate and was fathered by Sir James Loughheed. Notwithstanding this we find the Prime Minister letting out Mr. Dougherty and making Sir James Loughheed Minister of the Interior and appointed as Minister of Justice Sir James Loughheed's Law partner, Mr. R. B. Bennett. The Prime Minister being, as he says, ignorant of the Bill and its effect, must have been deceived by his present Minister of the Interior.

The enactment of this particular piece of iniquitous legislation has the effect of protecting a number of reputed millionaires, the foundation of whose present wealth was built upon scandalous frauds committed against the Halfbreeds to whom land script had been issued by a Government whose duty it was to guard and protect them.

As one particular Edmonton millionaire had already been committed for trial on a charge of uttering a forged document in procuring title to land under Halfbreed script, and as the amendment prohibits the proceeding with the trial to ascertain his guilt or innocence upon a charge which has a maximum penalty of life imprisonment, one need not seek far for the motive behind the amendment.

The passing of this amendment is a scandal which will stink in the nostrils of all decent people with the stench from the rotting and decaying of the honour and integrity of a Government.

A Government has deliberately stepped in and stayed the hand of Justice for the protection of wealthy friends of that Government, who, if they be innocent, would have nothing to fear from our Judges whose sense of personal and public honour is apparently infinitely higher than that of the Government which appoints them.

All decent-minded citizens who take pride in the honour and integrity of their country will see to it that this crime against our National honour shall not go unpunished.

Yours sincerely,

