

Métis People Part I:

Who are the Métis?

Part one of a two-part series, this resource provides an overview of the Métis, one of the three rights bearing Aboriginal groups recognized under section 35 of the *Constitution Act, 1982*. Entitled “Who are the Métis”, this part discusses who the Métis were historically and who they are today. To help illustrate who the Métis are, the three authors of this resource (and Métis lawyers), at the end provide a description of how they and their families are Métis.

1. Who were the Métis historically?

i. Emergence and Ethnogenesis

While the Métis are a mixed ancestry Indigenous group, one is not Métis solely because they have both First Nation and European ancestry. The Métis people are a “distinctive peoples who, in addition to their mixed ancestry, developed their own customs, way of life, and recognizable group identity separate from their Indian, and European forebears.”¹

The creation of the Métis Nation began with intermarriage between, for the most part, First Nations women and European fur traders in what is called the historic northwest. As intermarriages continued and extensive kinship connections formed, mixed offspring came to view themselves as neither First Nation nor European, leading to the emergence of a distinct Métis identity. This is often referred to as the ethnogenesis of the Métis Nation, which began in mid-1700s.

The Métis have gone by many names:

- The French referred to the Métis as the ‘coureurs de bois’ (forest runners) and ‘bois brulés’ (burnt-wood people) in recognition of their wilderness and darker complexions
- The English, and later the Canadian government, referred to the Métis as ‘halfbreeds.’
- The Cree referred to the Métis as the ‘Otipemisiwak’ (a Cree word meaning ‘the people who govern themselves’ or ‘the independent ones’)
- The Métis have also been referred to as the ‘Flower Beadwork People’ in recognition of their distinct floral beadwork.

¹ *R v Powley*, [2003 SCC 43](#) at para 10.

Their distinct origin led the Métis to have their own:

- Language – Michif, a trade route language formed, generally speaking, from French nouns and Cree verbs
- Flower beadwork style inspired by Anishinaabe and Cree beadwork, and European embroidery
- Transportation devices (York Boats and Red River carts)
- Dancing – Métis jigging, a combination of Scottish jigging and First Nation pow wow dancing
- Governance structures – which began with the rules of the Métis buffalo hunting brigades
- Unique Métis traditional land use practices, legal traditions and systems of land tenure

ii. *A Migratory, Nomadic, and Connected People*

Like their Cree and Anishinaabe kin, the Métis were a very nomadic and mobile people. Métis migration occurred as the fur trade shifted farther west into the northern boreal forest of the northwest.² As they migrated with the fur trade and buffalo, the Métis developed common wintering sites and staging points for Métis hunts, some of which became permanent settlements.³ This cohesive migration led the Métis to develop, in addition to their complex kinship connections, a geosocial relationship that connected the many Métis communities.⁴

The Métis travelled within a well-defined and regionally bound geography, referred to often as the Métis Nation Homeland. While the western and eastern boundaries of the Métis Homeland (i.e., where the Métis emerged, lived, and traversed) is a constant point of debate, the Métis at least created communities across the fur trade routes in the prairies – if there was a fur trade post, there was often a Métis community not far away.

² Jean Teillet, *The Métis of the Northwest: Towards a Definition of a Rights-Bearing Community for a Mobile People* (Masters of Law, University of Toronto, 2008) [unpublished] at 51 [The Métis of the Northwest].

³ Karen Drake & Adam Gaudry, “The lands... belonged to them, once by the Indian title, twice for having defended them... and thrice for having built and lived on them: The Law and Politics of Métis Title” (2016) 54:1 Osgoode Hall LJ 1 at 25.

⁴ Brenda Macdougall & Nicole St. Onge, “Rooted in Mobility: Métis Buffalo Hunting Brigades” (2013) 71 Manitoba History.

iii. Métis Resistances

Not too dissimilar from their First Nation forebearers, a central feature of Métis history is Métis resistance against colonial agendas impacting their way of life. While there are more Métis resistances than those discussed in this resource, the Red River Resistance and Northwest Resistance are the most notable – playing a direct role in the settlement of Canada.

Red River Resistance (1869)

In 1867, the newly formed Dominion of Canada only included the provinces of Upper Canada, Lower Canada, Nova Scotia, and New Brunswick. At the time, Rupert's Land (which generally comprised the Hudson Bay drainage basin) was not a part of Canada but was 'owned' by the Hudson's Bay Company. Shortly after confederation in 1867, the Dominion of Canada 'purchased' Rupert's Land from the Hudson's Bay Company.

Seeing government land surveyors begin to divide up Red River with little regard to existing Métis use and occupancy and land tenure systems, the Métis attempted to block the land transfer and established a provisional government of Red River Métis. The Métis, led by Louis Riel, seized a part of Red River (Upper Fort Garry), and negotiated the formal entry of Manitoba into Canadian Confederation through the *Manitoba Act, 1870*.

Northwest Resistance (1885)

Canada's immediate goal after confederation was to expand and settle into the northwest. To accomplish this goal, Canada needed to open the land up for settlement. To do so, Canada began entering land cessation treaties with First Nations (known today as the historic numbered treaties). Fearful of the influx of settlers and encroachment on their way of life, the Métis in Saskatchewan wanted to have their rights known and respected by the Canadian government. The Métis created another provisional government, this time in Batoche, Saskatchewan.

Soon after the creation of the provisional government, battles between Métis and their First Nation allies (notably Chief Big Bear and Chief Poundmaker's people) and the North-West Mounted Police took place in Duck Lake, Saskatchewan. The Métis and First Nation forces defeated the North-West Mounted Police at Duck Lake, but in response, Canada sent an army of almost 5,000 soldiers. The last battle of the resistance was at Batoche, with the defeat of the Métis and First Nation resistance. Following the defeat, Louis Riel was hung for treason, with Big Bear and Poundmaker imprisoned.

iv. *Halfbreed Scrip*

While prairie First Nations negotiated the numbered treaties with Canada, the Métis were only given the option of what was called halfbreed scrip. Halfbreed scrip was essentially a coupon redeemable in land given to Métis (referred to in law and policy as “halfbreeds” at the time) in exchange for extinguishing Métis “Indian title” to the land. There is little evidence that Métis recipients of scrip were informed of the Crown’s intention to extinguish their “Indian title” by way of the issuance of scrip. The first wave of scrip was issued in an ‘attempt’ to fulfill the 1.4-million-acre Métis children’s grant in section 31 of the *Manitoba Act, 1870*.⁵ The second was issued pursuant to a number of Scrip Commissions under the *Dominion Lands Act* in what was the Northwest Territories from about 1890 until the early 1920’s (today’s Saskatchewan and Alberta, and part of today’s Manitoba and Northwest Territories).

Then-Prime Minister of Canada Wilfred Laurier said the following regarding the purpose of the halfbreed scrip system:

We determined from the outset, when we acquired the territory of the Hudson Bay Company, that we would treat the half-breeds as we would the Indians – that is, as first occupants of the soil. It has been the policy of the British Government from time immemorial not to take possession of any lands without having in some way settled with the first occupants and giving them compensation.⁶

However, the halfbreed scrip system was implemented so poorly by the Canadian government that almost all the Métis were left landless (approximately 90%).⁷ The system was marred by well-known and documented delays, fraud, and inconsistent policies. Most of the land entitlement intended for the Métis ended up in the hands of Canada’s major banks, businesses, and politicians. In 2003, the Supreme Court of Canada acknowledged that:

⁵ Under section 31 of the *Manitoba Act*, Canada promised to set aside 1.4 million acres of land for Métis children; a promise and obligation that was never fulfilled.

⁶ Canada, Parliament, House of Commons Debates, 8th Parl, 4th Sess, Vol 2 (3 July 1899) at 6418.

⁷ Joe Sawchuk, “The Basis of Métis Claims in Alberta: an overview of the MAA Land Claims Research Programme” in *The Métis and the land in Alberta: Lands Claims Project 1879-1980* (Edmonton: Métis Association of Alberta, 1980) 1 at 24.

... the history of scrip speculation and devaluation is a sorry chapter in our nation's history.⁸

2. Who are the Métis today?

Following the 1885 Northwest Resistance, it became impolitic and dangerous to self-identify as Métis publicly, and therefore many hid their identities out of fear of prosecution (referred to as the 'reign of terror').⁹ For instance, many Métis fled Red River and joined their Métis kin and communities that were already established elsewhere in the country.

After an understandable hiatus, starting in the 1920s, Métis began to formally establish governments again – Métis Nation governments. However, because the Canadian government denied having a constitutional responsibility to the Métis,¹⁰ Métis Nation governments began forming as provincially incorporated not for profit entities to advance their rights on a collective basis within colonial legal systems. Today, many Métis Nation governments are working towards self-government recognition through self-government agreements and treaties with the Government of Canada.

Generally speaking, to be Métis an individual has to identify as Métis, have an ancestral connection to an historic rights bearing Métis Nation, and be accepted by a contemporary rights bearing Métis community with continuity to an historic Métis community that predates the assertion of European control in that particular area of Canada. In some instances, the date of effective European control corresponds to the conclusion of Treaty in the region.

The question of who is and who is not Métis is a very complex and nuanced topic. This resource does not aim to offer a definitive answer, but rather to provide valuable context that will help readers better understand and engage with the topic. To offer insight into what it means to be Métis today, the three authors of this resource introduce themselves below.

⁸ *R v Blais*, [2003 SCC 44](#) at para 34.

⁹ Jean Teillet, "Understanding the Historic and Contemporary Métis of the Northwest" (2008) *Canadian Issues* 36 at 37.

¹⁰ An issue that was addressed by the Supreme Court of Canada in *Daniels v Canada (Indian Affairs and Northern Development)*, [2016 SCC 12](#).

Authors:

i. **Erika Voaklander**



Erika is Métis through her mother's side (Voaklander is unsurprisingly not a Métis surname). Erika traces her roots to the Gunn, Swain, and Young Métis families from Red River (as well as some other First Nation families in the area). Two of her ancestors served on Louis Riel's provisional government of 1870 as English halfbreed representatives. Erika's ancestors were offered scrip under the *Manitoba Act, 1870*, but as with many Métis, this did not lead to land ownership. As a result, her great grandmother fled Red River to Northwestern Ontario, which is where

Erika's mother was born and raised.

Erika herself was born and raised, for the most part, in Edmonton, Alberta. As such she became a citizen of and involved in the Otipemisiwak Métis Government (formerly called the Métis Nation of Alberta), that represents its Métis Nation citizens residing in Alberta.

ii. **Verukah Poirier**



Verukah Poirier is Métis through her maternal grandfather, hence the halfbreed last name Poirier. Her grandfather and his Métis family come from the St. Paul des Métis half-breed reserve, which is now St. Paul, Alberta.

The St. Paul des Métis halfbreed reserve consisted of two townships and a residential school for Métis children. Canada later rescinded the reserve, forcing the Métis to relocate to different roadside or Métis communities (with no compensation for the loss of their settlement and land).

iii. **Lauren Daniel**



Lauren Daniel is Métis through her maternal grandfather. Despite the well-known Supreme Court decision on Métis rights in *Daniels v Canada*, her last name is purely coincidental. She has ties to the Bruce, Bird, and Slater Métis families around Portage la Prairie in Red River, which is where many of her ancestors took Métis scrip. Nonetheless, nearly all ultimately left Red River for Saskatchewan in the late 19th century, where her maternal grandfather was born and lived for many years.

Lauren herself was raised on unceded Algonquin territory in Ottawa and on the Robinson Huron Treaty and Williams Treaty territories of the Haliburton Highlands. She is actively working to reclaim, rekindle, and reintegrate the traditions and knowledge of her Métis ancestors, many of which have been lost to her family over generations.