

Métis Popular Sovereignty

Darren R. Préfontaine

Since the late seventeenth century, the Métis have been integral to the development of Western Canada. In fact, they can rightly be considered a “founding people” of the region and of Canada as a whole. For instance, the Métis brought Manitoba into Confederation: they played key roles in the fur trade, served as intermediaries in the fur trade and in the Prairie West’s numbered treaty process and they ensured that the region would remain Canadian in the 1870s by preventing a Fenian invasion and by working on the International Boundary Commission. It is only recently that these Métis contributions to Canada’s development have been recognized. The Métis, by contrast, are well aware of the role of their ancestors in building Canada; they are also aware of their own distinctiveness.

The Métis have always viewed themselves as a distinct people with their own will and with inherent Indigenous and European/Euro-Canadian rights. The Rupert’s Land Métis were the only mixed-descent population in what is now Canada to develop nationalism: their group identity crystallized in the Red River Settlement in the late 1790s. A central tenet of early Métis nationalist thinking was the notion that they constituted “*la nouvelle nation*” or a new nation both part of but distinct from their First Nations and Euro-Canadian/European ancestors. This concept of popular sovereignty has always impacted the Métis’ relations with other groups, particularly when they “resisted” attempts to curb their rights or lifeways. Thus, the term resistance is a very important concept when analyzing early Métis nationalism. Early Métis nationalists tried to preserve their independent Aboriginal way of life by adapting to local circumstances and resisted the imposition of European/Euro-Canadian culture upon their own Indigenous lifeways.¹

¹ Préfontaine, Darren R. with Dorion, Leah. “The Métis and the Spirit of Resistance.” Taken from *The Virtual Museum of Métis History and Culture*. <http://www.metismuseum.ca/resource.php/00740> The Gabriel Dumont Institute, May 2003.

The first stirrings of Métis nationalism occurred from 1811-1816 between the forks of the Assiniboine and Red Rivers, in present-day Manitoba. The Métis felt that their Aboriginal rights were violated when the Saulteaux Chief Peguis, without any consultation with other Aboriginal nations, treated with the Hudson's Bay Company (HBC) in order to create the Selkirk Colony in 1811. The Métis claimed prior occupancy in the region through their Cree foremothers. They therefore felt that Chief Peguis, a recent arrival to the Red River, did not have the right to cede land that more rightly belonged to the Cree Nation – and its descendants, including the Métis.² In 1812, the Selkirk Settlers began arriving in Rupert's Land, under the colonization efforts of Lord Selkirk. The Métis resented this move since settled agrarians were detrimental to the fur and bison trades. Unfortunately, crops failed in the first two years of settlement, and to ensure that the settlers did not starve, the HBC governor for Assiniboia, Miles Macdonnell, issued a series of edicts in 1814, known as the *Pemmican Proclamations*. The first proclamation prohibited the export of pemmican, and the second tried to curb the Métis' practice of "running the buffalo," which usually took the bison out of the territory for better hunting grounds further south.

The *Pemmican Proclamations* were the primary impetus for a nascent Métis nationalism. In response to this interruption of their lifeways, the Métis hunted bison, traded pemmican, arrested Macdonnell for interfering with Métis sovereignty and ordered the settlers' deportation. In 1815, the HBC issued a treaty,³ which ensured that the Settlers would leave the Colony; and that all hostilities would be forgotten. However, the tranquility was short-lived: the new HBC governor, Robert Semple, wanted to control the bison and pemmican trades and tried to bring more settlers to the region. Later

² Ens, Gerhard, "Prologue to the Red River Resistance: Preliminary Politics and the Triumph of Riel." *Journal of the Canadian Historical Association*, Vol. 5, 1994, pp. 111-123.

³ Préfontaine, Darren R. with Dorion, Leah. "Métis Identity." Taken from *The Virtual Museum of Métis History and Culture*. <http://www.metismuseum.ca/resource.php/00726> The Gabriel Dumont Institute, May 2003.

at the Battle of Seven Oaks⁴ (June 19, 1816), the Métis, under Cuthbert Grant, resisted the HBC's efforts to curb their livelihood as fur trade provisioners for the rival North West Company. The Métis poet and raconteur Pierre Falcon indicated in his famous song "*La Bataille des Sept Chênes*" (the *Battle of Seven Oaks*) that the HBC were "foreigners" and "Englishmen" bent on "robbing" the country, while the *Bois-Brûlés* (the Métis) "chased" them from the battlefield. In the Oral Tradition, the Battle of Seven Oaks is remembered as a great Métis victory. The Métis asserted their sovereignty and further ensured the right to use the land and harvest its resources: The HBC capitulated and no more Settlers came to the region. Even prior to the Battle at Seven Oaks, the Métis created Canada's oldest patriotic flag, the Métis infinity flag, which symbolizes the fusing of Indigenous and European cultures to form a new and distinct people.

Armed with the psychological concept that they constituted "*la nouvelle nation*," the Métis became a dominant force on the northern plains. Through the 1820s-50s, the Métis continued to assert their sovereignty and group identity. Other Indigenous nations had, by this time, recognized the Métis' place in Plains society and accommodated them. The Métis were known as the "*Otipemisiwak*," "*gens du libre*," or the "Freemen" because of their desire to be free and resist being controlled by others; they were also known as "*Apeetogosan*," "*Wissakodewinimi*," "*chicot*" and "*bois-brûlés*" because of their mixed heritage and finally as the "Flower Beadwork People" because of their richly-adorned floral beadwork clothing. These names, all variations on a theme, demonstrate that the Métis themselves were a nation and were recognized as such by other Indigenous nations.

Perhaps to no greater extent did the Métis assert their group identity than in the great bison hunts of the 1840s-70s. The Métis were bison hunters *par*

⁴ Dick, Lyle, "The Seven Oaks Incident and the Construction of a Historical Tradition, 1816-1970", *Journal of the Canadian Historical Association*, Vol. 2, 1991, pp.91-113. See also Lyle Dick, "The Seven Oaks Incident and the Construction of a Historical Tradition, 1816 to 1970", in Catherine Cavanaugh and Jeremy Mouat (Editors), *Making Western Canada: Essays on European Colonization and Settlement*. Toronto: Garamond Press, 1996, pp. 1-30.

excellence. This brought them into conflict with the Lakota (Sioux) in the 1840s and 1850s. The two nations fought over the rich bison-hunting grounds in the present-day Dakotas, which culminated with the Battle of the Grand Coteau (July 13-14, 1851).⁵ In this battle, the last of a series of battles fought between these two nations, a small number of Métis defeated a much larger host of Lakota. The Lakota were so impressed with the Métis' martial process and superior marksmanship, that the two nations concluded a peace treaty.

Even prior to the depletion of the bison stocks in the 1870s, the Métis recognized that the bison were a finite resource that had to be protected. In 1840, the Métis codified the protection of this invaluable resource through *The Law of the Hunt*:

1. *No buffalo to be run on the Sabbath Day.*
2. *No party is to fork off or lag or go before (to hunt bison) without permission.*
3. *No person or party to run buffalo before the general order.*
4. *Every captain, with his men, in turn to patrol camp and keep guard.*
5. *For the first trespass against these laws, the offender is to have his saddle and bridle cut up.*
6. *For the second offence, his coat is to be taken off his back and be cut up.*
7. *For the third offence, the offender is to be flogged.*
8. *Any person convicted of theft, even to the value of a sinew, to be brought to the middle of the camp, and the crier is to call out his or her name three times, adding the word "thief" each time.*⁶

These rules were not often broken since they ensured group survival and prevented the over-exploitation of this vital resource. These rules were in place from the 1840s to 1870s, until for a variety of reasons the bison almost became extinct.

⁵ Morton, W.L., "The Battle of Grand Coteau, July 13 and 14, 1851" in Swainson, Donald. Editor. *Historical Essays on the Prairie Provinces*. Toronto: McClelland and Stewart, Ltd., 1970, pp. 45-59.

⁶ Woodcock, George. *Gabriel Dumont: The Métis Chief and his Lost World*. Edmonton: Hurtig Publishers, 1976, p.34. Reprinted from Ross, Alexander. *The Red River Settlement: Its Rise, Progress and Present State*. Edmonton: Hurtig Publishers, 1972.

Extending from the bison hunt, the Métis practiced a form of consensual democracy. Informal assemblies led by Elders – which were usually held in the Pembina Hills of southern Manitoba, prior to the departure of the two bison-hunting camps (one to the Forks of the Saskatchewan River and the other to what is now North Dakota) – met and laws were implemented.⁷ In addition, those who transgressed against society's rules were also punished. At these assemblies, the Métis elected a "Chief of the Hunt." Following that, a series of "*dizaines*" or a force of ten men selected a captain. All captains reported directly to the Chief and in turn they coordinated hunting and resource preservation strategy.

The Métis' informal face-to-face democratic organization lent itself well to military structure and in the implementation of self-government. For instance, during the 1885 Resistance, the Métis under the leadership of war chief Gabriel Dumont used the bison hunt's paramilitary structure to fight the Canadian military. In addition, in the 1870s, the Métis also practiced self-government through the Council of St. Laurent near present-day Batoche, Saskatchewan. In fact, when the council's president, Gabriel Dumont, tried to enforce a measure of *The Law of the Hunt* in 1875, the North-West Mounted Police forcibly shut down the council.⁸

While the bison hunt was exceedingly important to the Métis' social, political and defence structures, it should be noted that not all Métis hunted bison. Traditional Métis society in Red River was, in fact, much more complex than

⁷ Woodcock, p. 33.

⁸ Woodcock, pp. 103-110.

has been previously believed. For instance, many Métis farmed and others traded and in the case of St. Laurent and other communities along Lake Manitoba, some Métis made a living from fishing.⁹ Finally, many Métis practiced a more mixed seasonal cycle that included, among other things farming, bison hunting, fishing, trapping and harvesting berries or Seneca root.¹⁰ Other trading families had a bourgeois orientation; others were proletarian fur trade workers and others still were traditional trappers. Nevertheless, despite these different orientations in lifeways, these Métis who made a living from the land, practiced conservation in order to harvest their resources.¹¹

By the time of Canada's purchase of Rupert's Land in 1869, the Métis developed a system of popular sovereignty and an animal harvesting strategy which was recognized by other Aboriginal nations and European/Euro-Canadian political structures. For instance:

- In 1815, the Métis signed a treaty with the HBC in order to conclude an undeclared war between Company officials, Selkirk Settlers and the Métis.
- In 1830, the Métis demanded representation on the HBC's governing body for the Red River Settlement, the Council of Assiniboia. In 1839, the HBC belatedly appointed Métis leader Cuthbert Grant to the council, which recognized that the Métis were entitled to having a say in the governance of the Assiniboia District of Rupert's Land.

⁹ Métis identity in St. Laurent, Manitoba, according to Manitoba historian, Nicole St-Onge, has always been fluid. The charter groups in the community were the original Métis trapping and fishing families who were oriented towards First Nations lifeways and spoke Saukteaux or Cree; the Red River bison-hunting families who practiced a mixed hunter-gathering and farming lifestyle; and the Red River Métis trading families who moved into the region following the 1869-70 Resistance who traded and farmed. See St-Onge, Nicole. *Saint-Laurent, Manitoba: Evolving Métis Identities, 1850-1914*. Regina: Canadian Plains Research Center, 2004.

¹⁰ Paquin, Todd, Préfontaine, Darren R. and Young, Patrick. "A Socioeconomic Profile of the Red River Métis." Taken from *The Virtual Museum of Métis History and Culture*. <http://www.metismuseum.ca/resource.php/00739> The Gabriel Dumont Institute, May 2003.

¹¹ Shore, Fred, J. and Barkwell, Lawrence, J. *Past Reflects the Present: The Metis Elders' Conference*. Winnipeg: Manitoba Metis Federation, 1997, p. 217.

- In 1835, the Métis protested the HBC's trade monopoly and requested the free import of American merchandise and the ability to export products to the United States.
- In 1845, the Métis petitioned the Governor of the Council of Assiniboia to recognize the Métis' distinctiveness, including their Aboriginal rights to the land and for free trade with the United States.
- In the 1840s, "Half-breed" became an administrative term in the Province of Canada (later Ontario and Quebec). In 1842, there was no sharp distinction between "full-blooded" Indians and "Half-Breeds," in terms of lifeways and Indigenous identities, in the Province of Canada.¹²
- In 1849, an HBC magistrate released Métis trader Guillaume Sayer, after convicting him of trafficking in furs, because of the presence of many armed Métis horsemen outside of the courthouse.
- In 1849, the Métis and Ojibwa take over a mining camp near present-day Sault Ste. Marie, Ontario. They then asked, once their protest subsided, to be included in the treaty process as a separate people. Rumours circulate that Métis in Red River will come and assist their confreres in the Province of Canada.¹³
- In 1850, the Province of Canada included many Métis on the Treaty lists in the Robison and Superior Treaties after First Nations leaders urged that their Métis relations have their Indigenous rights recognized. Many Métis in the Great Lakes region are henceforth included on the Treaty lists.¹⁴
- In 1851, the Métis and the Lakota conclude a peace treaty that ensured that the two nations could share bison stocks.
- In 1857, the English Métis lawyer Alexander Isbister, while resident in London, lobbied the Imperial Parliament to recognize Métis' rights. It was decided that, following the precedent of *The Royal Proclamation* (1763), once Rupert's Land was to be federated into a British North-American union, the region's Aboriginal residents should have a formal

¹² Whiteside, Don and Scott. D. *Indians in Upper Canada Through 1845, With Special Reference to Halfbreed Indians. The Circle Being Threatened*. Ottawa: Aboriginal Institute of Canada, 1979.

¹³ Teillet, Jean. *Métis Law Summary, 2004*. Taken from <http://www.metisnation.org/haevesting/powley/docs/MLS-2004.pdf> (p.12).

¹⁴ Indian and Northern Affairs Canada. *The Other Métis*. http://www.ainc-inac.gc.ca/ch/rcap/sg/sj25_e.html

Treaty process with the Crown before Euro-Canadian/European settlement could occur.¹⁵

The Métis also worked within the British parliamentary system to affirm their Aboriginal rights. For instance, they were adept petition writers from the 1830s until the 1880s. From the 1870s and early 1880s, the Métis wrote over seventy-five petitions asking for their Aboriginal land rights to be recognized.¹⁶

By the time that the Dominion of Canada purchased Rupert's Land, the Métis established their own distinct governing institutions and possessed a sense of popular sovereignty and nationhood. The Métis felt that the HBC did not possess the right to sell the territory without consulting the region's Indigenous residents.¹⁷ As a result, all Métis – including the Michif and Country-born – were concerned that this vast land transfer infringed upon their Indigenous rights. The Métis therefore set up a Provisional Government to better determine how their rights could be entrenched into an act that would bring the region into Confederation. The Red River Provisional Government, which was eventually led by Louis Riel, was more than a transitional government, it was a constitutional convention not unlike the Québec Conference that formed the basis of *The British North America Act*. In fact, George-Etienne Cartier – the premiere French-Canadian Father of Confederation – argued that the Red River debates were as good as those at Québec.¹⁸

Within the Provisional Government's caucuses, there were spirited debates to determine how the Métis' Indigenous rights could be entrenched. William Dease, a Métis of Francophone and Anglophone heritage, advocated an

¹⁵ A.A. den Otter, "The 1857 Parliamentary Inquiry, the Hudson's Bay Company, and Rupert's Land's Aboriginal People", *Prairie Forum*, 24, no. 2 (Fall 1999), pp. 143-69.

¹⁶ Racette, Calvin. *Petitioning for Rights. Book 3. The Métis in the Canadian West*. Regina: The Gabriel Dumont Institute, 1885.

¹⁷ Bumsted, J.M. *The Red River Rebellion*. Watson & Dwyer, 1996, pp.47-59.

¹⁸ Chartrand, Paul, L. A. H. *Manitoba's Métis Settlement Scheme of 1870*. Saskatoon: Native Law Centre, University of Saskatchewan, 1991, p. 131

Aboriginal rights agenda which posited that the Métis' Aboriginal right to the land and its resources emerged from their Cree ancestors. He argued that instead of ensuring that the Métis' French and Catholic rights be enshrined in legislation, their Aboriginal rights including the right to harvest resources be implemented.¹⁹ Dease felt that this strategy was better suited to Métis' needs because it avoided an unnecessary sectarian and linguistic split, and would have emphasized the English and French Métis' commonalities rather than their differences. Louis Riel advocated that the basis of Métis identity should be based on language and faith, a sign of French-Canadian influence. *The Bill of Rights*, which eventually formed the basis of much of *The Manitoba Act*, demonstrates that Riel's position won out. Despite different approaches, Riel and Dease and their followers, nevertheless, believed that the Métis were a nation and that this fact should be recognized and protected through legislation. Riel ardently believed that *The Manitoba Act* was a treaty between nations²⁰ (the Métis Nation and the Dominion of Canada). When he was called back to Canada in 1884, he felt that the Macdonald government abrogated this treaty by not adequately dealing with Métis grievances – particularly regarding land tenure.²¹

Through the implementation of *The Manitoba Act*, the Dominion of Canada tacitly recognized the Métis as a nation or at least having existing Indigenous rights.²² For the Métis, the act's most important provisions included bilingual denominational schools, judicial and parliamentary systems (Section 22) and measures to extinguish their "Indian" title to the land, through the granting of 1.4 million acres of land to "the children of half-breed heads of families" (Sections 31-32). As per the tradition of English Common Law, individual property rights were enshrined in *The Manitoba Act* rather than collective rights. (True, the French-speaking Métis had their linguistic and school rights

¹⁹ Ens, "Prologue to the Red River Resistance", pp. 111-123.

²⁰ Friesen, Gerald, "Review of the Collected Writings of Louis Riel" in Friesen, Gerald, Editor. *River Road: Essays on Manitoba and Prairie History*. Winnipeg: University of Winnipeg Press, 1996, pp. 117-22.

²¹ Ibid.

²² Sir John A. Macdonald likely only conceded these rights to the Métis because he was dealing from a position of weakness.

protected until the province took these rights away in the 1890s).²³ Within the act itself, no provisions were made for the Métis' right to harvest flora and fauna resources. However, not including these provisions may have had more to do with the fact that everybody involved with the negotiations realized that the region's future would be dependant on agriculture and not harvesting flora and fauna. This failure to fully recognize the Métis' Indigenous harvesting rights was also replicated in the treaty process for the country's various First Nations peoples.²⁴

During the nineteenth century and leading to the creation of *The Manitoba Act*, the Métis practiced a form of popular sovereignty and jealously guarded their Indigenous rights – particularly regarding the land and its resources. This put them into conflict with others who wanted to infringe upon their rights – including the HBC, the Lakota and the Dominion of Canada. In each case, however, the Métis eventually prevailed. However, after Manitoba's entry into Confederation, the situation markedly changed and the Métis soon became out-numbered by incoming Ontarians and French Canadians. The Newcomers were often hostile to the Métis' desire to assert their hard-fought rights.²⁵ For instance, the Métis were persecuted for their role in the Red River Resistance and the execution of Thomas Scott. In addition, the Scrip System failed miserably to extinguish the Métis' "Indian" rights. As a result, more than half of the Métis in the new province of Manitoba left for the North-West Territories or the Dakota Territory.²⁶ Furthermore, stringent game harvesting laws were put in place that forced many Métis to illegally poach fauna resources. Many of the Métis who remained in Manitoba

²³ Bale, Gordon, "Law, Politics and the Manitoba School Question: Supreme Court and Privy Councils", *The Canadian Bar Review*, Vol. 63, September 1985 (No.3), pp. 447-449 and Silver. A. I. *The French-Canadian Idea of Confederation*. Toronto: University of Toronto Press, 1982, p.206.

²⁴ Indian and Northern Affairs Canada. *Treaties With the Aboriginal People of Canada*. Taken from: http://www.ainc-inac.gc.ca/pr/info/tra_e.html. The Treaties – dependent on locale and the time when negotiated – had some, but not blanket, measures to ensure Indian the right to hunt off reserve.

²⁵ Shore and Barkwell, pp. 7-10.

²⁶ Sprague, D.N. *Canada and the Métis, 1869-1885*. Waterloo, Ontario: Wilfrid Laurier Press, 1988, p. 139.

following the Red River Resistance eked out a meager existence in Road Allowance communities like Ste. Madeleine.²⁷ The nineteenth century opened with the assertion of Métis sovereignty and concluded with the curtailment of their rights and marginalization.

²⁷ Zelig, Ken and Victoria. *Ste. Madeleine: Community Without a Town. Métis Elders in Interview*. Winnipeg: Pemmican Publications, 1991. Maurice Ledoux, who was only a small child when his family were forced out of Ste. Madeleine, remembers that his family struggled to make a living after being dispersed: *We moved away from Ste. Madeleine because the people were chased out of their community...When we left Ste. Madeleine some of the people lived in a small community called Selby Town, and the other community was a ways from there. And I was only able to go to school in the wintertime because we had to cross the river otherwise to go to school. And another reason why we never went to school very much was because we had to follow our family, we had to follow our father. He used to go out working for farmers and then we used to travel a lot. My father also trapped and he worked for farmers a lot. Besides trapping, my father used to cut posts in the valley. Then he also stoked, he did thrashing, and he also cut some scrub, clearing bush for the farmers...In those days it seemed like the Métis people weren't allowed to go to school with the white people.* Source: Fleury, Norman. *Translations of Michif Speakers*. Yorkton, Saskatchewan: April 25, 1999. In the possession of the Gabriel Dumont Institute. Transcribed by Darren R. Préfontaine.