

ASSOCIATION OF METIS AND NON-STATUS
INDIANS OF SASKATCHEWAN

A DISCUSSION PAPER

THE QUESTION OF HALF-BREED SCRIP
AS AN EXTINGUISHMENT
OF ABORIGINAL TITLE

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I Introduction

The term scrip and the benefits it bestowed on those who received it, are probably among the most misunderstood facts in Canadian history. The word itself is often confused with the word script, and is believed by many to have been a form of money which could be used to purchase goods. During the early days of settlement in the North West, it was a household word among the Metis people who were to have been its main beneficiaries. It was favoured by the politicians as a way of disposing of claims against the government or of granting rewards for special service such as military service. It was favoured by the speculators as a means of getting access to land and other resources which they could not get access to in any other way, or as a means of making a quick profit. It seems to have been favoured as an asset by the banks against which they could create low risk money for high rise investments.

The purpose of this paper is to examine some of the political, economic and social events surrounding the issue of scrip. In particular, the paper will attempt to show how scrip was used to achieve certain political and economic objectives by the government under the guise of recognizing the aboriginal claims of the Halfbreeds and through the claim that the issue of scrip extinguished the "Aboriginal or Indian Title" of the Halfbreeds.

II How Did it Originate and What is Scrip?

According to Webster's Dictionary, scrip is a certificate which gives the person or corporation, to whom it has been granted, the right to receive something. It is a temporary asset which can be exchanged for money, land or goods. The government which granted the scrip therefore had to have resources to back up the value of the scrip, or had to guarantee to redeem it with money if other resources for which the scrip could be used, were not available.

In North America, scrip was first used by the United States government as a means of allocating land. In some cases it

was granted to settlers already in territories before they were acquired by the United States. In other cases it was used to satisfy the claims of certain aboriginal groups of Indians and/or Halfbreeds. In some cases it was granted as compensation for military or police service. Scrip was only redeemable in land to the value of the scrip. The idea of scrip and the way in which it was distributed, was tied closely to the prevailing philosophy of land ownership and to the government's policy of promoting rapid settlement in the Central and Western Plains of the U.S.¹ The land related objectives were as follows:

a) to distribute land to potential settlers in a way which would allow them to select land wherever unclaimed and surveyed land was available.

b) to distribute land in a way which would encourage the recipient of the scrip who did not want land to quickly sell it to someone else who would use it to acquire land. This, it was believed, would encourage rapid settlement.

c) to give the person redeeming the scrip clear undisputed title to the land which allowed them to use the land as they pleased. The belief was that the best way to develop land was to give owners the right to use the land in the way which was most profitable to them.

This basic philosophy of land development and to the use of scrip, is important to keep in mind, because as we shall see later, that it was adopted and adapted by the Canadian government. Our research has not explored whether scrip was used by the Canadian government in Eastern and Central Canada. For example, land grants were given to the United Empire Loyalists and their children but whether this was done by the use of scrip has not been researched. Our research indicates that the first use made of scrip in Western Canada was to satisfy certain Halfbreed and other claims and to grant military awards.

The volunteers who served in Wolseley's Expedition to the Red River were all granted scrip to the value of \$240.00. The purpose was to encourage them to settle in the West. This accomplished two objectives: one, the promotion of settlement, the second, the availability of Manpower with some military training in case this was needed. Scrip was then issued to certain heads of Halfbreed families and to the Selkirk and the old settlers and their children. It was also used to satisfy hay and woodlot claims and in addition, to satisfy the supplementary claims of Halfbreed children in Manitoba when the 1.4 million acres set aside for this purpose proved inadequate to satisfy all claims.

In the 1880's, the government granted scrip to Land Colonization Companies to compensate them for investments in lands they acquired for colonization, when it proved to be difficult, if not impossible, to attract settlers. Starting in 1885, the government granted scrip to Halfbreeds in the Northwest born prior to July 16, 1870, in areas where the Indian Title had been extinguished. As new treaties or adhesions were signed with Indians, Metis in these areas were also granted scrip. In 1900, the rules of eligibility were changed to allow those persons born between July 16, 1870, and July 16, 1885, to also qualify and further scrip was granted to Halfbreeds. In addition, military bounty scrip was granted during this period to N.W.M.P. personnel and to volunteers who served during the Northwest Rebellion of 1885. In the early 1900's, scrip was also granted to Canadian veterans of the Boer War in South Africa.²

III Kinds of Scrip Issued

The original practice had been to issue what was known as money scrip. The scrip notes specified a money value on the face of the scrip and these notes could be used to acquire open Dominion Lands (lands to which no one else had made a claim or which had not been set aside for other purposes) up to the value of the scrip. For example, if the going price for land was \$2.00 an acre, a \$160.00 scrip note would acquire 80 acres of land.

If land was \$1.00 per acre, it would acquire 160 acres of land.

When provisions were made for the issue of scrip in an O.C. on March 30, 1885, this O.C. only provided for the issue of money scrip.³ When the first Halfbreed Commission began to hold hearings at the Qu'Appelle Lakes in 1885, the Halfbreeds who appeared before the Commission refused to accept money scrip certificates for their approved applications, demanding instead a grant of land.⁴ It appears their stand was taken on the basis of knowledge about how people had been cheated of their land rights by speculators in Manitoba. The people were also being counselled and encouraged by the priests in the local mission, not to accept money scrip.⁵

As a result the government amended this scrip order on April 18, 1885, to allow the granting of certificates entitling Halfbreed children to a grant of 240 acres of land or the usual \$240.00 money scrip.⁶ The practical implications of this move were several. First, it was more difficult to speculate in land scrip than in money scrip. Second, a different set of laws applied in each case. Money scrip was covered by personal property laws, whereas land scrip was subject to real estate laws. These differences in the scrip along with the practical implications will be explored in more detail below.

IV Differences Between Land and Money Scrip

Money scrip notes were made out to the bearer. That meant that whoever was in possession of them could take them to a Dominion Land Office and apply them on land to the value of the scrip. Up until approximately 1900, for purposes of applying scrip, the Government of Canada valued land at \$1.00 per acre. Thus, a \$160.00 scrip note would acquire 160 acres of land and \$240.00 worth of scrip would acquire 240 acres of land. Because money scrip was considered personal property, the person to whom the scrip was granted could dispose of it as he could have disposed of any other personal property.⁷

Therefore, although money scrip was not money, it did have a cash value on the speculative market. It was usually discounted to about 1/3 to 1/2 of its actual value, but was nevertheless very popular with speculators, financial institutions, and with merchants and lawyers. It, at some point, had to be redeemed in land but the value of the land which could be acquired with it was considerably more than scrip bought on the open market. It should be noted here that not all money scrip was considered to be personal property. Only Halfbreed money scrip had that dubious honor. Military bounty and colonization scrip was considered to be real estate. Also Halfbreed scrip became real estate when it passed from the allottee to the assignee; i.e., from the person granted the scrip to the buyer of the scrip.⁸ There are interesting rulings ✓ which will be explored in more detail later in this paper.

Land scrip, which was only issued to Halfbreeds, was always considered to be real estate. The name of the person to whom the scrip was issued, always appeared on the face of the scrip. The rules were that land scrip could only be located on land by the person to whom it was issued. Powers of Attorney were only recognized in exceptional circumstances, and Assignments were not recognized as being legal.⁹ The Department of the Interior always insisted that patents for such land be issued in the name of the allottee. There were exceptions to this rule which will be explored when we discuss scrip rulings and speculation. There were also ways of getting around these legal requirements, some of which involved fraud.¹⁰ Nevertheless, this meant that land scrip was not popular with speculators generally and demanded a lower price than money scrip. It was, sometimes, bought by small town lawyers and merchants or taken by them for trade or services, where the speculator had easy access to the allottee and where such a person would co-operate in getting the scrip located.

Land scrip always specified on the face of the scrip note, the amount of land for which it could be exchanged. Like all other scrip, it could be located on any open Dominion Lands.

V The Legal Provisions for Scrip and the Distribution Process

The Manitoba Act of 1870 did not specifically provide for the use of scrip in settling natives' claims. However, it was enabling legislation which left open the method to be used in allocating land in the 1.4 million acre reserve. This land was then allocated in each parish by a draw system. Scrip was later used to satisfy the claims of children when the 1.4 million acres provided was insufficient to deal with all Halfbreed claims. The scrip to Halfbreed heads of families was distributed under the Dominion Act of 1874. This Act extended Halfbreed benefits which had been overlooked when the Manitoba Act was being drafted. In the Northwest Territories, outside Manitoba, the enabling legislation for an issue of scrip to satisfy the "Indian Title" of the Halfbreeds, was included in Amendments to the Dominion Land Act made in 1879. However, this legislation was only enabling and did not provide the legal instruments for the actual issue of scrip.¹¹ This was consistently done through Cabinet Orders-in-Council. There were many Orders-in-Council for scrip. These were compiled in 1927 by N.O. Cote, a government employee.¹² There were numerous amendments to O.C.'s dealing with special cases and O.C.'s to deal with special issues of scrip, like the issue to Halfbreed residents in the United States who were resident in Canada at the time the grants were approved.¹³

There were however, three main Orders-in-Council which set the pattern for all scrip transactions. These included the Order-in-Council in 1875 providing for the distribution of scrip to old settlers and Halfbreed heads of families in Manitoba. The second O.C. was the one issued on March 30, 1885, providing for the distribution of scrip to Halfbreeds of the Northwest born before July 16, 1870. This Order-in-Council covered the Halfbreeds in those areas where the Indian Title had already been extinguished through the signing of treaties. This included all those areas covered by treaties 2, 4, 5, and 6. The next major Order-in-Council was issued May 6, 1899, and extended scrip to include all Halfbreeds born in the Northwest Between July 15, 1870, and July 16, 1885.

These Orders-in-Council set down the general policy and legal provisions regarding the issue of scrip and appointed commissioners to take applications. Commissioners then received more detailed procedural instructions from the minister of the Interior.¹ In addition, as problems or questions of a legal or policy nature arose, these would often be referred to the senior officials of the Department of the Interior in Ottawa. If these questions primarily dealt with policy, an official in the department would usually make a policy ruling. If the question had legal implications, it would be referred for a ruling or verification of departmental opinions, to the Department of Justice. The rulings became known as "Scrip Rulings". Between 1870 and 1930, these rulings numbered in the hundreds. Specific rulings and their implications will be examined in more detail in the next section of this paper.

The procedures for issuing scrip were as follows:

a) The travel schedules of the commissioners would be advertised in advance by the means available at that time. There were usually notices posted in parish halls, churches, trading posts, land offices, and in other places frequented by the Halfbreed population. Also, newspaper advertising was done where newspapers were available. A good deal of this information was spread by word of mouth. People in isolated areas or who were gone from their settlements for some reason, were often missed.

b) The schedule indicated when and where sittings would be held and advised those who had a claim to present themselves to the commissioner when he visited their home territory.

c) Claimants were given application forms to complete. These forms asked for identifying information and had to be accompanied by affidavits or other official documents which verified this information, established that the applicant was a Halfbreed, and that he belonged to that class of Halfbreeds who had a valid claim which could be dealt with by the commissioners.¹⁵

d) The commissioners after studying the applications would deal with them in one of three ways. If they met all the

criteria established by the government, they would be approved. If there was doubt about the claim or inadequate information, the applications would be deferred for further study and/or investigation. If the commissioner was of the view that the applicant did not have a claim, the application would be disallowed.

e) Approved applicants were given a "Scrip Certificate" on the prescribed form. This document indicated that the person in possession of it was entitled to scrip. When the scrip certificate was turned into the Department of the Interior with a request that scrip be issued, a scrip note or notes for the land or money value indicated by the certificate was issued, and sent to the allottee. The rule followed was that wherever possible, the scrip was to be delivered into the hands of the allottee. This was so for both money and land scrip. Exceptions were, however, made particularly where Powers of Attorney had been granted.¹⁶

f) The scrip notes to be redeemed for land had to be taken by the allottee, in the case of land 'scrip, and by the bearer in the case of money scrip, to a Dominion Land Office. The person presenting the scrip had to identify the land he wanted. The scrip was then registered against the land that was selected and patents to this land were granted.

VI Scrip Rulings

In addition to the provisions in legislation, and in orders-in-council, there were numerous legal opinions or rulings rendered by staff of the Department of the Interior and/or by solicitors in the Department of Justice. These covered a wide range of questions not covered by the legal provisions for the issue of scrip. In many cases these rulings dealt with the question of how other laws applied to scrip distribution and use. As previously mentioned, money scrip was ruled as being the personal property of the allottee. Once sold, or assigned to someone else, money scrip became real estate. These rulings were first made in the 1870's when scrip was being distributed in Manitoba.¹⁷ This ruling was confirmed in a May 1885 ruling. This ruling also said that money scrip became

real estate when it passed to the heirs of an allottee. Since substantial quantities of money scrip was granted to heirs, this ruling is important.¹⁸ Halfbreed land scrip was always considered real estate, since these notes were drawn in such a way that they clearly could only be applied to land by the allottee. It is of particular importance to note that "bounty or military scrip", which was also money scrip, was ruled as being real estate.¹⁹

The rulings which we have been able to obtain generally do not indicate the legal rationale behind the rulings. For example, why is Halfbreed money scrip personal property and military scrip real estate? We are left to guess at this. It may be that since Halfbreed scrip was considered to be an extinguishment of Indian Title, that the right to such title was considered a personal right based on the person's Indian ancestry. If a personal right, the individual under British Law would be free to dispose of that right as he/she saw fit. The government in this case would consider that it had discharged its responsibility since it had delivered the scrip into the hands of the allottee. From there on, it was the responsibility of the individual to use or dispose of that personal property as he/she saw fit. In the case of military scrip, the person receiving the scrip had no such right. Therefore, the scrip was given as compensation for services that had been performed and the government could then set the conditions on which that compensation or scrip could be redeemed.

The rulings dealt with a great variety of matters. The following are just a few examples of rulings which were made.²⁰

a) Are heirs entitled to the scrip claims of relatives who are deceased? The ruling was yes.

b) Can patents be issued to persons holding assignments from Halfbreeds, to their land? The government refused to recognize such assignments.

c) Can Powers of Attorney be recognized? The ruling was yes. This was important since the Power of Attorney is a legal document entitling the person holding such to act on behalf of the

person granting the power. This enabled many speculators to get around the government objections to assignments and receive scrip on behalf of their clients. Scrip would not be delivered to assignees.

d) Can scrip be used to acquire timber leases, coal leases, pasture leases, etc.? The ruling was yes.

e) In 1899, the rulings on assignees was changed to recognize properly executed assignments. Scrip certificates could now be delivered to assignees rather than only to the allottee.

f) If two persons acquire Powers of Attorney for the scrip of the same person, whose Power of Attorney is recognized? The government rules that the person who first sent their Power of Attorney to the government along with their request for the scrip would receive first consideration.

g) Can Halfbreeds withdraw from treaty to claim scrip? The government rules that they could but that the value of any treaty money received would be deducted from the scrip entitlement.²¹

h) Can homesteaders use scrip to acquire their pre-emption lands? The ruling was that they could.

i) Can scrip be applied outside Manitoba and the Northwest Territories? The ruling was that it could not be so applied. The basic reason would have been that the government did not control land or resources outside these areas. Nevertheless, records show that scrip was applied to land in parts of British Columbia.

j) Is the Department of the Interior responsible to investigate complaints of scrip being fraudulently acquired by speculators? The Department ruled that it had no such responsibility. The individuals who had a complaint had recourse to the courts and would have to seek legal remedies through that channel.

The above are some of the more important rulings. Many rulings were repetitious, or made changes to previous rulings. Also, many individual cases were settled by rulings.

VII The Relationship of Scrip Rulings to Government Policy?

Although the government was always able to rationalize its rulings, these rulings seem to have an interesting relationship to government policy. The government policy for the Northwest was as follows:

- a) To open the country for settlement.
- b) To establish law and order in the territory to ensure that settlers would be attracted.
- c) To develop the other resources such as coal, timber, etc
- d) To provide transportation services to facilitate these policies. (roads, railways).
- e) To provide communications services to facilitate these policies. (Telegraph, mail services).²²

To accomplish these goals, the government had to do the following:

- a) Acquire clear unencumbered title to the land;
- b) have in place a military or police presence;
- c) create a climate for the investment of the capital necessary to accomplish its goals;
- d) establish policies which would ensure that land would be available for settlers wherever they chose. This meant that it would be undesirable for large blocks of land to be set aside which was not available for immediate development; and
- e) be in control of land so they could make large land grants to companies to promote the building of railroads.

In December 1870, Lt. Governor Archibald, laid the cornerstone for such government policy, when he recommended to Macdonald against granting Metis titles to land which would be inalienable for three generations or more. He recommended that Halfbreeds be given clear title to their land. His argument was that these people didn't know the value of land and would leave it unused and lying idle. This would discourage orderly development. If they had free

title, they would likely sell it, even if for a pittance, to someone else who would make good use of the land or to a speculator. He would sell it to new settlers. Declaring money scrip as personal property seemed to facilitate the achievement of this objective, since it made it simple for land to pass quickly into the hands of developers and speculators who in turn, it was believed, would facilitate getting the land into the hands of settlers.²³

In the case of volunteers who served in both Wolseley's and Middleton's armies, as well as N.W.M.P. personnel, the objective was to encourage these men to settle in the Northwest and stay there. This would provide a ready supply of Manpower with military training if any extra ordinary troubles arose.²⁴ Therefore, the rules made it as attractive as possible to obtain and settle on land and as difficult as possible to dispose of the scrip for money.

In addition, by granting scrip which extinguished Indian title and which could be located only on any open Dominion Land, the government could maintain its control over the use and allocation of land for other purposes. For example, the government could designate, as it did, all the odd numbered sections on either side of a proposed railway, for a specified distance, for the company building the railway. Setting this land aside was therefore not complicated by some of that land already being reserved for other purposes such as a Metis reserve. It also meant that the government could set aside the right of way for railways, roads, and telegraph lines without having to buy any of the land or to satisfy claims to that land. Also this enabled the government to establish a definite pattern for the designation of school lands and the Hudson's Bay Company lands.²⁵

In addition, opening up the country would require a ready supply of labour. Settlers would be busy developing their land holdings and small entrepreneurs would be busy getting their business established. If the Metis people were not tied to the soil, they would be available as that ready labour supply. It was assumed that the Metis would dispose of their scrip and continue to live as hunters, fishermen, trappers, etc. As the supply of wild life

diminished, many would not be able to continue to live in that way and would have to go to work on the railways, roads, as agricultural workers and in other labour jobs.

In the allocation of scrip and in the distribution of scrip, the rulings were always made so that the process would be seen as being strictly legal and therefore a valid extinguishment of the Metis claims against the land. However, the methods chosen were flexible enough to ensure that scrip passed from the hands of the Halfbreeds to the speculators. Powers of Attorney are recognized even if the person so designated, had an assignment from the allottee. Assignments are recognized once scrip has been delivered to the allottee. The rules were then changed to accept assignments when the scrip certificates are delivered to the allottee. Speculators have ready access to information about when scrip is to be issued, where it is to be issued, and how it can be used. Other examples could be cited, but it becomes obvious that the process is designed to help achieve and did help achieve the government policy objectives.

VIII Scrip Use

This may seem like a redundant question since the scrip was issued originally to be used to acquire land. Indeed the bulk of the scrip was used to acquire land. However, the scrip could eventually be used for a number of other legitimate purposes. At the request of scrip speculators, special Orders-in-Council were passed authorizing the use of scrip for the following:²⁶

a) As payment by anyone holding the money scrip for Dominion Lands. Land agents were instructed to post this information on bulletin boards in land offices along with lists of who scrip could be bought from.²⁷

- b) To acquire lots in townsites owned by the government;
- c) to pay for pasture leases;
- d) to acquire timber rights; and
- e) to acquire coal rights.

Scrip was used in a number of other ways some of which were legal and others which would have to be considered illegal. In both Manitoba and the Northwest, scrip acquired the status of money in that it could be used to acquire goods and services, other than land or resources. As money, it was always at a considerable discount, from its stated value in land. Merchants took it in exchange for groceries and supplies, implements, livestock, and other goods. Lawyers accepted it as payment for legal fees and so forth. Scrip was acquired by banks and used as an asset against which to create money for the purpose of making loans. In one case a merchant in Medicine Hat, indicated he wanted to buy scrip to pay off taxes which he owed to the government. Whether or not he was allowed to do this isn't clear, but there seem to have been no legal provision to allow such use.²⁸ There were some speculators who traded in scrip as if it were a commodity. They would buy low and sell at a somewhat higher price to settlers or developers who wanted the scrip to acquire land. For example, the chartered banks and private bankers, like Alloway and Champion, bought scrip and sold it to farmers over the counter. It was usually used by farmers to acquire pre-emption lands but could also have been used to acquire other lands. They also sold to companies like Haslam Land Company, who amassed large land blocks of land for colonization schemes. The C.P.R. bought scrip to acquire all the land around the selected townsites when those townsites fell on even numbered sections. Various other uses were found for scrip in the commercial market. Eventually, however, scrip would have to be applied to open Dominion Land, before the date of expiry set by law, otherwise it would have no use.

It was primarily money scrip that was used in these ways since the form of the note made for a great deal of flexibility in its use. Land scrip, because it had to be located on land by the allottee, was used mostly by small town merchants, speculators, lawyers, etc., who had easy access to the allottee. However, banks, both private and chartered, did buy money scrip. They devised numerous schemes to get it applied to land, some of which were fraudulent.

IX How Much and What Type of Scrip was Issued?

There seem to be some discrepancies in regard to how much scrip was issued to Halfbreeds in Manitoba and the North West. Martin, in his book on the Northwest, indicated that there had been a total of just over 26 thousand recipients who were granted land and scrip to the equivalent of over six million acres.²⁹ Cote in compilation of land grants and scrip arrived at a figure of approximately 23,000 recipients, who were granted the equivalent of approximately 5.3 million acres.³⁰ However, Cote's compilation does not include the scrip issued to Halfbreeds living in the United States, land grants made to heads of families in Saskatchewan, or special cases which were reserved and dealt with later, in some cases by special orders-in-council.

Regardless of which figure is more accurate, it is to be noted that both the numbers of recipients and the amount of land entitlement conveyed, was substantial. This would account for the interest and activity of scrip speculators. The following summary, prepared by Cote, of scrip issued in the Northwest outside Manitoba, indicates the degree to which speculators were active in determining what kind of scrip was issued. In the early years, land and money scrip had the same value when applied to land. Therefore, most of the scrip issued was money scrip. In the early 1900's when land prices were increased and land became more popular, the amount of land scrip issued increased dramatically, even though it was more difficult to locate. However, by that time the government had also somewhat simplified the process thus making land scrip more attractive.

<u>YEAR</u>	<u>MONEY SCRIP</u>	<u>LAND SCRIP</u>	<u>NUMBER APPROVED</u>
1885	\$279,201	55,260 acres	1815
1886	61,689	2,640	1414
1887	122,424	3,120	753
1889	183,568	NIL	881
1898	286,800	110,520	1190
1900	315,000	477,840	3306
1901	344,267	117,680	1190
1903	55,564	296,564	1326
1904	NIL	32,640	136

<u>YEAR</u>	<u>MONEY SCRIP</u>	<u>LAND SCRIP</u>	<u>NUMBER APPROVED</u>
1906	65,040	54,480	498
1908	14,160	28,560	178
1909	NIL	7,440	31
1910	2,160	18,480	86
1923	-- a cash issue of \$41,280 instead of scrip.		

The above clearly shows the pattern which was established. In '85 - '89, just over 90% of the scrip issued is money scrip. In 1898, money scrip makes up 70% of the scrip issued. Starting in 1900, the amount of land scrip issued increases dramatically and in the period from 1900 to 1910, approximately 57% of the scrip issued was land scrip. In a second paper on scrip speculation, we will examine in more detail, the whole process of scrip speculation which largely determined what kind of scrip was issued at different times.

X Who Acquired the Scrip?

The question of who acquired the scrip is an important one since it is indicative of whether or not the Metis people benefitted from what was supposed to have been a settlement of their aboriginal claim. The evidence gathered to date indicates that probably as high as 90% of all Halfbreed scrip passed into the hands of persons who can only be classed as speculators.³¹ These were persons or corporations who bought and used or bought and sold scrip to make a profit, acquire land, create money, and/or acquire access to other valuable resources such as timber and coal. The topic of scrip speculation, who was involved, how it took place and the government policies which facilitated it, will be examined in depth in a subsequent paper.

The Association has gathered extensive information on a large number of individual scrip cases, approximately 15,000. These have been committed to computer and we are just now beginning to analyze this information. A preliminary investigation, however, indicates that in the combined case of both land and money scrip, those who acquired and used the scrip in some way can be categorized as follows:

a) The Individual Allottee	10%
b) Chartered Banks	60%
c) Private Banks, Trust Companies and other financial institutions	20%
d) Small-time speculators (lawyers, merchants, and other businessmen)	10%

The scrip buyers paid prices which varied during the period that scrip was on the market. The following are prices paid for scrip during various periods:

1985 - 1998:

- money and land scrip 30¢ on the dollar

1999 - 1915:

- money scrip from 40 to 50¢
- land scrip from 40 to 50¢ per acre up to 1903 to prices ranging up to \$5.00 per acre after that
- scrip was exchanged for equivalent value in groceries and supplies, for a cow or a horse, or farm implement in some cases
- some speculators acquired scrip for as little as \$25.00 for a 240 acre or \$240 scrip by telling people this was a down payment and having them sign a quit claim deed. They were told that the paper they were signing simply entitled the speculator to act as their agent.³²

In summary, it is possible to say that approximately 80% of the scrip was acquired by large financial and commercial corporations, 10% by small-town speculators, and that the remaining 10% was used by Metis people themselves to acquire land.

XI Benefit of Scrip to the Metis People

In general it can be said that the Metis people themselves benefitted very little from scrip. Of those few who used scrip to acquire land, many later lost their land for taxes, sold the land when they could not get help from the government to establish themselves in farming,³³ or simply moved away and left the land. In a survey conducted by A.M.N.S.I.S. researchers in the summer of

1976, we only located two out of 120 families interviewed who still had land in the family which was acquired with scrip and these proved to be marginal farms providing a very low level of income to the families who owned them.³⁴

Those who sold their scrip generally received an immediate and very short term benefit. The Metis were poor and needed immediate cash to survive. Much of the money received from scrip went for staples such as food, clothing and shelter. In some cases it enabled families to meet such basic needs over one winter. By that time, the few dollars they received for their scrip were exhausted and the great majority of the people were again destitute. They were left to make their living as best they could by trapping, hunting, fishing, and doing casual labour.

A few used their scrip to acquire basic agricultural needs to start farming and then entered a claim for a homestead. Some of this group did manage to establish themselves as farmers. A few still farm in areas around Prince Albert, McDowell, Batoche, Duck Lake, Debden, etc. Of these, most are marginal farmers having to supplement their farm incomes by cutting bush, or by other available casual or seasonal labour. We have been able to find only a handful of Metis farmers who are successful and prospering farmers.

On balance it can be categorically stated that the great majority of the Metis people received no permanent benefits of any kind from the scrip they were granted. In most cases even the short-term benefits were of a limited nature. The clearest evidence of this fact is to be seen in the large scale poverty and unemployment found among Metis people in Western Canada, and in the serious social problems and social dislocation with which they are burdened.

XIII The Trust Responsibility of the Federal Government

It is the contention of the Association that having claimed sovereignty over native lands and having accepted the responsibility for settling native claims, both the government of

Great Britain and of Canada had a trust relationship and responsibility toward the native people. As trustees, it was the government's responsibility to ensure that this trust was wisely and legally administered for the benefit of the native people. We plan to look at this concept of the trust responsibility of the government in detail from a legal perspective in a separate paper. However, we make the following points here.

First, the Government of Canada recognized the claim of the Metis people, only when forced to do so by the Red River Uprising in 1869 - 70, and later by the Northwest Rebellion of 1885. Although the Government recognized its trust responsibility toward the Indians and passed legislation to ensure that this responsibility had a legal basis, no similar action was taken by the government in its dealings with the Metis. The steps the government did take seem designed to ensure that the extinguishment of the claim had a sound legal basis which could not be challenged in court. (The question of benefits to the Metis received little consideration except when Macdonald used it in 1884 to justify the lack of action by the government on the Metis claims.)³⁵

These steps were as follows:³⁶

- a) to ensure that land scrip was entered on land by the allottee; and
- b) to ensure that money scrip was delivered into the hands of the allottee.

Indeed, Archibald in 1870 argued that the process for distributing Metis lands be as free as possible to allow land to pass to others who would make constructive use of it, even if this meant that individual Metis people did not benefit from their land.³⁷ Money scrip was designed for easy use by speculators. Also rules were later changed to recognize Powers of Attorney and Assignments.³⁸ When Metis people or others complained of fraud and irregularities, the government argued that this was not their responsibility but that individual Metis could take speculators to court.³⁹ When this was done, in one case, the government set up a special tribunal to investigate these complaints. This tribunal absolved

R. C. McDonald and the government even made a special ruling to allow him to locate land scrip he acquired from Halfbreeds in the U.S. without their presence.⁴⁰ In another court case involving an Edmonton firm by the name of McDougall and Secord, the government passed a special law, the Statute of Limitations, which gave this company immunity from prosecution.⁴¹

These events clearly suggested the government did not take its trust responsibility seriously or that it even admitted to such a responsibility. Surely this is a serious indictment against the government of a country which prides itself on its human rights and social justice record.

FOOTNOTES

1. Noonan and Hodges, Report of a Committee to Investigate the Legal, Equitable, and Moral Claims of the Metis people of Saskatchewan; Volume 7, A.M.N.S.I.S. Library.
2. Ibid.
3. Privy Council Order Relating to Scrip, compiled by N.O. Cote, Volume 17A, A.M.N.S.I.S. Library.
4. Volume 1, Sessional Papers, 1867 - 70, A.M.N.S.I.S. Library.
5. Dewdney Papers, Volume 21, A.M.N.S.I.S. Library.
6. Supra, Volume 17A, Orders-in-Council.
7. Department of the Interior Rulings, Volume 67A, A.M.N.S.I.S. Library.
8. Ibid.
9. Ibid.
10. Dealing in Half-Breed Scrip, Filmore, Manitoba Law Review, 1943, A.M.N.S.I.S. Library.
11. Statutes Dealing with Half-breed Rights and Title, Volume 10, A.M.N.S.I.S. Library.
12. Supra, O.C. File 17A.
13. Ibid.
14. Cote-Walker Commission, Volume 69A, Letters of Instructions to Commissioners, A.M.N.S.I.S. Library.
15. Samples of Scrip, Assignments, etc., see Volume 25, A.M.N.S.I.S. Library.
16. Ibid.
17. Supra, Scrip Rulings Volume 67B.
18. Ibid.
19. Manitoba Scrip Files, Metis Land Commission Library.
20. Supra, Scrip Rulings, Volume 67A.
21. Sessional Papers, Volume 1, A.M.N.S.I.S. Library.
22. Colonial Office Papers, Volume 60A, A.M.N.S.I.S. Library.
23. Supra, Dewdney Papers, Volume 21A.
24. The Birth of Western Canada, George F. Stanley.
25. Supra, Volume 10, Dominion Lands Act.
26. Supra, Volume 17B, Material on Cases Involving Fraud.
27. Supra, Scrip Rulings, Volume 67C.

28. Personal Papers of Dixon Brothers, Volume 35B, A.M.N.S.I.S. Library.
29. Dominion Land Policy, Chester Martin, Volume 23, A.M.N.S.I.S. Library.
30. Supra, Volume 17B, Fraud.
31. Scrip Registers and Speculators Accounts, Volumes 75 - 79, A.M.N.S.I.S. Library.
32. Supra, Dewdney Papers, Volume 21, Rutan's Letter to Dewdney.
33. Department of the Interior Correspondence, Volume 16, A.M.N.S.I.S. Library.
34. Community Questionnaires, Volumes 29A and 29B, A.M.N.S.I.S. Library.
35. House of Commons Debates, Volume 9B, A.M.N.S.I.S. Library.
36. Supra, Scrip Rulings, Volume 67A.
37. Supra, Dewdney Papers, Volume 21, Archibald on Land Policy.
38. Supra, Scrip Rulings, Volumes 67A and 67B.
39. Ibid.
40. Supra, Sessional Papers, Volume 1A.
41. Ibid.