

Journal of the Canadian Historical Association Revue de la Société historique du Canada



“No other weapon except organization”: The Métis Association of Alberta and the 1938 Metis Population Betterment Act

Nicole C. O’Byrne

Volume 24, Number 2, 2013

URI: <https://id.erudit.org/iderudit/1025081ar>

DOI: <https://doi.org/10.7202/1025081ar>

[See table of contents](#)

Publisher(s)

The Canadian Historical Association / La Société historique du Canada

ISSN

0847-4478 (print)

1712-6274 (digital)

[Explore this journal](#)

Cite this article

O’Byrne, N. C. (2013). “No other weapon except organization”: The Métis Association of Alberta and the 1938 Metis Population Betterment Act. *Journal of the Canadian Historical Association / Revue de la Société historique du Canada*, 24(2), 311–352. <https://doi.org/10.7202/1025081ar>

Article abstract

In the 1930s, the Métis Association of Alberta (MAA) successfully lobbied the provincial government to establish a royal commission to inquire into the socio-economic conditions affecting the Métis living in Alberta. The MAA strongly advocated that land be set aside so that the Métis could continue to pursue their traditional economic livelihoods of hunting, trapping, and fishing. Following the recommendation of the Ewing Commission, the provincial government passed the 1938 *Metis Population Betterment Act*, which provided for Métis land settlements. These lands represent the first time in Canadian history that a provincial government set aside land in response to Métis claims. The MAA and provincial government both agreed on the land grant, but for different reasons. The Métis were motivated by historical claims to redress failed government policies such as the Métis scrip program and to protect land rights from the further incursion of non-Aboriginal settlement. By contrast, the provincial government saw the land grant as an expedient and inexpensive way to distribute relief to one of the province’s poorest populations. This paper illuminates the Alberta government’s response to the political lobbying efforts of the MAA in the 1930s to address the question of why Alberta was the first (and only) Canadian province to set aside Métis land settlements.

“No other weapon except organization”: The Métis Association of Alberta and the 1938 Metis Population Betterment Act*

NICOLE C. O'BYRNE

Abstract

In the 1930s, the Métis Association of Alberta (MAA) successfully lobbied the provincial government to establish a royal commission to inquire into the socio-economic conditions affecting the Métis living in Alberta. The MAA strongly advocated that land be set aside so that the Métis could continue to pursue their traditional economic livelihoods of hunting, trapping, and fishing. Following the recommendation of the Ewing Commission, the provincial government passed the 1938 Metis Population Betterment Act, which provided for Métis land settlements. These lands represent the first time in Canadian history that a provincial government set aside land in response to Métis claims. The MAA and provincial government both agreed on the land grant, but for different reasons. The Métis were motivated by historical claims to redress failed government policies such as the Métis scrip program and to protect land rights from the further incursion of non-Aboriginal settlement. By contrast, the provincial government saw the land grant as an expedient and inexpensive way to distribute relief to one of the province's poorest populations. This paper illuminates the Alberta government's response to the political lobbying efforts of the MAA in the 1930s to address the question of why Alberta was the first (and only) Canadian province to set aside Métis land settlements.

Résumé

Dans les années 1930, l'Association des métis de l'Alberta (AMA) a réussi à convaincre le gouvernement provincial de former une commission royale

* The author would like to thank Sasha Mullally, Linda Kealey, and Gail Campbell for their insightful comments on various drafts. The article is dedicated to the memory of Dr. Ken Hatt, a wonderful friend and mentor.

d'enquête sur les conditions socioéconomiques affectant les Métis de la province. L'AMA a demandé que des terres soient mises de côté pour que les Métis puissent continuer à assurer leur subsistance par des moyens traditionnels comme la chasse, la trappe et la pêche. Suivant les recommandations de la commission Ewing, le gouvernement provincial a adopté la Metis Population Betterment Act de 1938, qui accordait des terres pour l'établissement des Métis. Pour la première fois dans l'histoire du Canada, un gouvernement provincial concédait des terres en réponse à des demandes métisses. L'AMA et le gouvernement provincial ont tous deux convenu de l'octroi de terres, mais pour des raisons différentes. Les Métis souhaitaient obtenir réparation pour les politiques du gouvernement qui se sont soldées par des échecs, comme le programme des certificats de concession de terre (scrips), et protéger leurs droits territoriaux contre l'incursion d'autres peuplements non autochtones. En revanche, le gouvernement provincial estimait que l'octroi de ces terres constituait un moyen opportun et peu coûteux de distribuer une aide à l'une des populations les plus pauvres de la province. Le présent article se penche sur la réaction du gouvernement albertain à la campagne de lobbying menée par l'AMA dans les années 1930 et examine pourquoi l'Alberta a été la première (et la seule) province canadienne à mettre de côté des terres pour les Métis.

Introduction

The 1930s in the Canadian prairie provinces was a decade of despair, drought, and economic depression. In the midst of this catastrophic socio-economic upheaval, new political organizations emerged from the prairie dustbowl. For example, the province of Alberta witnessed the rise of the Social Credit movement and the communist Labour-Progressives who proposed radical solutions to the economic calamity facing the province. The Métis Association of Alberta (MAA) was one of these political organizations. Established in the early 1930s, the MAA lobbied the provincial government to set aside land for its members so that they could continue to pursue their traditional economic livelihoods such as hunting, trapping, and fishing and, thus, be able to sustain themselves without relying on relief payments. Utilizing a labour union organizational model of area locals overseen

by a central executive, the MAA successfully pressured the provincial government to hold a royal commission (the Ewing Commission) on the socio-economic problems facing the Métis population. Based on the recommendations of this commission, the province passed the 1938 *Metis Population Betterment Act*.¹ The province, in consultation with the MAA, set aside land for the exclusive use of the Métis. From the government's perspective, land was a cheap and expedient way to address the social welfare needs of the Métis. In contrast, the MAA argued that the land base was more than a welfare program — it represented historical redress for the poor treatment of the Métis since the failure of the Red River Resistance.

During the 1930s, the Alberta government did not recognize the historical and rights-based arguments for the land put forward by the MAA. However, both sides agreed that land settlements were the solution to the economic problems facing the Métis. For the province, the lands were an inexpensive way to address the socio-economic problems of one of the poorest populations in the province. The MAA saw the lands as a means by which they could protect their cultural and linguistic identity and redress the failure of the federal government's scrip program. A Métis scrip was a certificate redeemable for land or money the federal government issued to Métis people to extinguish their Aboriginal title.² Despite the diametrically opposed views on the purpose for the land settlements, the 1938 *Metis Population Betterment Act* is an important piece of legislation because it marked the first time in Canadian history that the Métis were to have land specifically set aside for their use. To date, the Alberta Métis land settlements are the only lands in Canada that constitute a Métis land base to be created and recognized by provincial statute. In 1990, the government of Alberta acknowledged the Métis' historically-based rationale for the lands and passed the *Constitution of Alberta Amendment Act*³ in which the land base was recognized as an integral component of preserving and enhancing Métis culture and identity as well as their right to self-government. This paper illuminates the Alberta government's response to the political lobbying efforts of the MAA during the 1930s to address the question of why Alberta was the first (and only) Canadian province to set aside Métis land settlements.

Over six decades in the making, the transformation, or revision, of the Alberta government's position regarding the land rights of the Métis has been the subject of several studies.⁴ Less studied has been the issue of the land itself. Why did the Métis of Alberta during the 1930s want land, and why was the government open to hearing and granting this request? No other province in Canada, either during this period or since, has consented to granting Métis land for their exclusive use and occupation. In a seminal article, Ken Hatt has argued that both sides agreed to the land grant because it was a unique site of convergence for the parties.⁵ Although both the Métis and the government wanted to use land as a solution to the socio-economic problems facing the Métis, they had very different motivations. The Métis claims were based in history and culture with the aim of preserving their identity as an Indigenous people. They lobbied for a land base to redress the problems created by the federal government's failed scrip program, to protect land rights, and to access better health and education programs to implement self-government over natural resources. The provincial government's primary motivation was to satisfy what they considered to be a needs-based economic claim in which the land served as an inexpensive means of distributing relief payments.⁶ Until recent years, the provincial government failed to recognize the land settlements as anything more than a provincially-run social welfare scheme. The provincial government's evolution from a needs-based rationale towards the recognition of Métis historical claims that the purpose of the settlements is "the preservation and enhancement of Métis culture and identity and to enable the Métis to attain self-governance" indicates a significant shift in Métis-government relations in Alberta.⁷

The Natural Resource Transfer Agreements 1930: Unscrambling the Scrambled Egg

On 14 December 1929, after decades of negotiation and several failed attempts, the federal government and the governments of the three prairie provinces signed the *Natural Resources Transfer Agreements (NRTAs)*.⁸ These agreements marked a milestone in the

constitutional history of Canada as they transferred control and administration of the public domain lands from the federal government (managed by the Minister of the Interior) to the governments of the prairie provinces (to be managed by newly created Provincial Lands Departments). The terms of the transfer agreements dealt with many complex jurisdictional issues concerning natural resources, including national parks, Indian reserve land, and timber rights. During a House of Commons debate in 1921, Prime Minister Arthur Meighen described the complexities involved with the transfer in the following way: "It is not a hard matter to scramble an egg but it is a very hard matter to unscramble it. It was not a hard matter to retain the resources, but once you have retained them for fifteen to twenty years and adjusted every phase of public policy to the fact that there was that retention, then it becomes a matter of very great complexity."⁹ One of the most complicated issues involved with the transfer was homesteading and land titles. Soon after assuming administrative control of the public domain in 1930, the provinces began to open up new areas for settlement.¹⁰ During this period, a group of Métis families were squatting on a federal crown forest reserve near Fishing Lake in northeastern Alberta. The federal government permitted Métis and ex-treaty Indians who were pursuing a traditional livelihood of fishing, trapping, and hunting to occupy crown land.¹¹ Several of these Métis families had been settlers on the St. Paul-des-Métis colony (an agricultural settlement) before the federal government disbanded it in 1909.¹² Community leaders petitioned the federal government for a reserve to be set aside for the community's use.¹³ Due to the complexity of the ongoing natural resources transfer negotiations, the federal government refused this request. Concerned that their squatters' rights would be abolished by the province in favour of opening up the land for agricultural settlements, the Métis started planning a strategy to lobby the provincial government for land to be set aside for a variety of uses including agriculture, hunting, trapping, and fishing.¹⁴ The Métis squatters had few rights besides the right to reside on federal crown lands. There were no government services of any kind, and the Métis were ineligible for provincial relief programs because they did not hold title to their lands.¹⁵ After World War I, the Métis were also

under pressure to sustain their traditional economic livelihood as they faced increased competition from non-Aboriginal hunters and trappers. At the same time, the provincial government also significantly strengthened trapping, hunting, and fishing regulations. Licences were costly for the Métis who had limited access to cash.¹⁶ As the federal and provincial governments made plans to transfer control and administration of natural resources from the former to the latter, Métis squatters started to organize to protect the few rights they possessed and to petition the provincial government for a land grant.¹⁷

The Métis held their first formal meeting at the Roman Catholic chapel on the Frog Lake Indian Reserve on 24 May 1930.¹⁸ Approximately 30 people attended including an enfranchised Indian and descendant of Big Bear named Joseph Francis Dion. An educated man and devout Catholic, Dion taught at the Keheewin Indian Reserve school and would soon become an influential leader in the MAA. At the meeting, several issues were discussed including the transfer of the natural resources and the possibility of a land grant for the Métis living in the area. In 1940, Dion reflected:

It was at the meeting at Frog Lake that I realized the true conditions to which the Half breed had degenerated, so it was toward the close of the meeting when called upon to give my idea of the situation as I saw it, that I may have said things which were not very complimentary to the occasion. The upshot of this flare of mine was that I was delegated then and there to go and present the Half breed case to the Authorities in Edmonton, I had unintentionally imposed upon myself a task which I knew not in the least how to tackle.¹⁹

The gathered Métis did not know how to organize politically or how to effectively petition the federal or provincial governments so they asked Joseph Dion to be their spokesperson, a literate professional who was knowledgeable about the situation facing the Métis.

During this early period of Métis organizing it seems local area politicians were eager to support the Métis cause. United Farmers of Alberta (UFA) MLA Loda Joly attended a subsequent meeting and

promised to support the Métis cause at Fishing Lake. Little is known about Joly's motivations; however, 1930 was an election year and the UFA, in power since 1921, was seeking a third term. Joly's Liberal opponent, Joseph M. Dechene, won the seat and, after meeting with the Métis, wrote the Minister of Lands and Mines Richard G. Reid. He advised the government to reserve Township 57 Ranges 1 & 2 West of the 4th Meridian (the area around Fishing Lake) for the Métis after the province received control of public domain lands according to the terms of the *NRTAs*. Dechene outlined in some detail various arguments in support of the land grant:

[The] land is out of the way of the other settlements: that the land is far from being of the best but that it is suitable for their needs for fishing, hunting, running cattle and horses and garden raising; that they would not interfere with anyone or anything, that many of these half breeds are eking a very meager living in the vicinity of towns and villages and constitute a problem for these Communities as they are most of the time in need of relief and not only in years like the present but at all times; That these people would join the rest of the colony and manage with them and not cost the Province or Municipalities any money.²⁰

This letter is the first instance that the Métis land grant was tied to relief. By the early 1930s, the Métis living in the southern areas of the province were doing very poorly economically. Many Métis in the south were squatting on road allowances and, as a result, were unpopular with local governments, which saw them as a drain on relief funds.²¹ Many Métis owned no property and, therefore, paid no taxes. Due to poor healthcare, the Métis were also considered a public health risk and the children were often turned away from schools. Donald Wetherell and Irene Kmet have estimated that 50 percent of the Métis population (approximately 10,000 to 12,000 people) was desperately poor during this period.²²

During the summer months of 1931, the Métis organized around the idea of a land grant. They elected six councillors to represent their interests and circulated a petition. The petition has not survived, but likely had to do with land tenure given that another

petition on that issue with 500 names was forwarded to the provincial government later that same year.²³ On the same day, Dechene again wrote Minister Reid to inform him that the Métis leaders had decided to have a meeting on 29 August and that it would be in the government's interest to have a representative present: "I am astounded at the size of the movement and am strongly of the opinion that it cannot be ignored."²⁴ Dechene pleaded for government support and added at the end of his letter that "I had nothing to do with starting this thing and that I am doing my best to assure these fine and deserving people that the Government will be pleased to give the best attention to their requests."²⁵ The pleas of the opposition fell on deaf ministerial ears, however. The government failed to send a representative to the meeting. In response, the Métis at Frog Lake decided to appoint a delegation to go to Edmonton to meet with the government. The four representatives elected were Dechene, Joseph Dion, Liberal Member of Parliament John F. Buckley and a Métis businessman from St. Paul. Unfortunately, Buckley was killed in a car accident before the meeting and another representative fell ill. Again the government ignored the request for a land grant.²⁶

Meanwhile, another politician began lobbying the UFA government on behalf of the Métis. The federal Conservative MP for Athabasca, Percy G. Davies, on a trip to northeastern Alberta, had been "surprised and depressed to learn of the conditions surrounding the present means of living of the Half-breeds."²⁷ When he returned to Ottawa he wrote to the provincial Director of Unemployment and Farm Relief, who informed him that the provincial government was aware of the issue. Then, in a letter to Alberta Premier John Brownlee, Davies outlined a plan that he had "talked over with some of the Indian Agents who are most familiar with the situation."²⁸ Both agreed with Davies' proposal to alleviate some of the dreadful conditions the Métis were facing in the province. Davies closed his letter by suggesting that blocks of land be set aside, because "I believe that the Half-breed people are more satisfied when living together," and assured the premier that the Indian agents he had consulted thought that the idea was a practical one for the province to pursue.²⁹ There is no evidence that Premier Brownlee responded to this letter. Nevertheless, it provides a clear illustration of the way govern-

ment decision-makers, both federal and provincial, conceptualized possible solutions to the socio-economic problems faced by the Métis during the 1930s.

After hearing nothing from Minister Reid on the issue of a possible Métis land grant program, Dechene wrote him another letter. He enclosed copies of the materials that he and Dion had presented to the government the previous summer and reminded Reid that his predecessor, UFA MLA Loda Joly, had attended meetings with the Métis prior to the 1930 election when the "the agitation really became active."³⁰ Again, there is no record of a response to Dechene from the premier. However, just over a year later, Premier Brownlee wrote to Davies regarding the MP's plan to "solve the half-breed problem."³¹ Premier Brownlee's position was clear: "the government of this Province is not prepared to take the full responsibility of dealing with the Half-Breed situation and the request, therefore, has to be one of discussion between the Provincial and Dominion Governments."³² Due to the jurisdictional questions surrounding the province's responsibility for scrip and the possible financial implications for the province, the premier was unwilling to discuss the matter.³³

Premier Brownlee may not have wished to discuss the issue of setting up an Indian reserve system for the Métis of Alberta with a Conservative MP; however, officials within the provincial government began to study the issue in spring 1932. In response to resolutions that had been forwarded from a meeting of the Métis in March, the Department of Lands and Mines created a questionnaire to be circulated among the Métis of the province. The government was interested in whether the Métis had previously taken scrip, settled on homestead land, and owned machinery and animals, as well as their general attitudes towards farming. These questions were formulated to gauge interest in the creation of an agricultural settlement.³⁴ The questionnaire was an important step showing that the government thought the Métis living in the province as a group deserved special consideration.³⁵ On this basis, the province of Alberta would appoint a royal commission to look into the socio-economic condition of the Métis and to enact legislation designed specifically to address these issues. The questionnaire also served as a

census, enumerating 1,087 heads of families with a total population of 3,964. Government officials estimated that there were between 10,000 and 12,000 Métis living in Alberta at the time.³⁶ Joseph Dion was actively involved in distributing the questionnaires to the Métis throughout the province. He sent his surveys to Deputy Minister of Lands and Mines J.M. Harvie, and attached a cover letter explaining that the Métis were interested but “much as the Half breed wishes to have a haven of his own, he has learned to be careful, he has been misled so many times that he is slow in trusting even his friends.”³⁷ When filling out the survey, the Métis asked Dion many questions: Will they be compelled to live on the reserve? Will they have to stay once they entered? Will they be prevented from competing with outside economic interests? Will living on the colony dissolve their rights as free citizens? How will the land be allotted? In his letter, Dion assured Harvie that he represented the government fairly when answering these questions, but encouraged Harvie to put together a plan as soon as possible. Dion’s letter presents the Métis questions in an insistent manner; however, he also carefully reassured Harvie that the “Half breeds as [*sic*] of course to leave it to the Department to decide on the most suitable location for them.”³⁸

As officials in the Department of Lands and Mines collected statistical information on the possibility of setting up an agricultural colony for the Métis, the Métis themselves continued to organize politically. Throughout 1932, Dion travelled across the province talking to various Métis communities and distributing government questionnaires. At a March 1932 meeting in St. Paul, he met a Métis man named Jim Brady. A committed Marxist with union organizing experience, Brady advised Dion that the Métis needed to be organized and that strong leadership groups needed to be established in each Métis community throughout the province.³⁹ From that point on, Brady provided the burgeoning Métis movement with strategic direction and organizational structure. In a letter to Dion written years later, Brady revealed his central motivational idea during the early years of the Métis land movement: “The Métis have no other weapon except organization.”⁴⁰ According to Brady’s biographer, this adage was an adaptation of a quotation from Lenin’s work *One Step*

*Forward, Two Steps Back.*⁴¹ Brady knew that the UFA was in trouble politically and that the timing was right for an organized group to petition the government.⁴²

As 1932 progressed, the Métis movement attracted a number of leaders with skills that complemented one another. Dion, Brady, Malcolm Norris, and Peter Tomkins, Jr. made particularly important contributions.⁴³ Dion, a devout Catholic and the only non-Métis involved at the leadership level, was connected to the Roman Catholic clergy. His rhetoric was full of religious symbolism and this language had currency with religious leaders in northern Alberta. As a political strategist, Brady put together the plan for lobbying the government. In addition to these skills, Brady knew how to organize people on the ground — a skill he had developed through his involvement in the cooperative movement. Malcolm Norris lived in Edmonton and became the political lobbyist for the movement. He was connected to politicians and knew how to speak their language. Peter Tomkins Jr. lived in Grouard and was cognizant of the needs of the Métis people living in the community. He organized clothing drives and encouraged charities to help. Tomkins also had the talent to hold the organization together when personalities within the movement clashed. According to Ken Hatt, it was the catalytic synergy between these leaders that allowed the Métis to organize into a formidable political organization and compel the provincial government to act.⁴⁴ Although divided by significantly different ideological perspectives (Brady and Norris were leftist atheists who saw the emerging Métis movement as a revolutionary political organization), the leadership shared a primary goal — to secure a land base for the Métis people of Alberta. In later years, these differences in personal temperament and perspective would lead to problems within the organization. However, in the early years, the organization was effective due to its united purpose and vision. Based on a labour union model of organization, locals were set up in nearly all the Métis communities in the province and councillors were elected by the membership. Joseph Dion wrote to inform the councillors that he and the Deputy Minister of Lands and Mines would like all the councillors to meet on 28 December 1932 “for the purpose of arriving at a final decision and put in a concrete form what we want from

the Government.” The main topics on the agenda were: (1) the object and aims of the Half Breed Association; (2) a decision on the most suitable location or locations of the reserves or settlements; and (3) the question of education for the half-breed children. In his letter, Dion emphasized the importance of all councillors attending, and requested that local meetings should be organized to discuss the issues beforehand.⁴⁵

On the appointed day, 33 councillors met in the Roman Catholic church's basement in St. Albert and formally constituted the L'Association des Métis d'Alberta et des Territoires des Nord Ouest (also known as the Metis Association of Alberta or MAA) and elected Joseph Dion president and Jim Brady Secretary-Treasurer.⁴⁶ The aims of the organization were to persuade the government to reserve land for the Métis, lobby for education and health care services, and request free hunting, fishing, and trapping licenses. In a lengthy and impassioned address, Felix Callihoo attributed the blame for the current socio-economic conditions to the failure of government policies in the past such as scrip:

... after so many years in the North West, we are compelled by necessity to ask for justice and the fulfillment of promises so freely given when our land was opened to settlement Our aim is to see that no one be permitted to suffer because of maladministration of the Metis question. The word “maladministration” brings forcibly to my mind one of the great difficulties. Many of our Metis people are suffering in circumstances which authorities refuse to admit arise from the mishandling of Metis problems. Many are prone to lay the fault on the delinquencies on the Metis which contributed to their present condition. To me a person takes a great deal on themselves when he says that these conditions are attributable to the Metis entirely.⁴⁷

In conclusion, Callihoo called on the government to act now to address the past injustices by developing land, health, education, and natural resource policies for the Métis. If the government failed to act, Callihoo warned his audience that the “[a]uthorities of the

future, charged with the well being of the people, cannot be free from a charge of callous indifference.”⁴⁸

In a more measured address, Joseph Dion called for unity of purpose in the newly formed organization:

Our movement is non-political and non-sectarian. We stand firmly against interference from any quarter. We feel we have a duty to perform toward our more unfortunate compatriots and on whose behalf we have gathered here today ... we find many of our Metis reduced to pitiable circumstances. Our hope lies in voluntary organization.

[...]

We feel that this problem of relief could be done away with to a great extent if the Government would set aside portions of land as future homes of the Half-Breed people. Past experiences have taught us a very severe lesson and we will not fail if we are given a chance to vindicate ourselves.⁴⁹

Dion also reported on the activities that had been undertaken in the various locals and emphasized the need for councillors to talk to their membership. Throughout his address, Dion used terms such as “Brother” to refer to other members and to the need for solidarity of purpose. Though Dion was no radical, it seems he had learned something about the use of political discourse from Brady and Norris to reinforce organizational coherence.

Dion’s and Callihoo’s speeches, however, reveal some fundamental differences that existed within the membership of the MAA. Dion’s goals for the organization were more paternalistic and charitable in nature. The Métis, through ‘voluntary organization,’ would be able to help their fellow Métis who were less fortunate. A land grant would be a means of achieving this goal. Dion also attributed the fault of the Métis scrip program to the Métis themselves and not the government. He blamed the Métis for not holding onto scrip land and selling it to land speculators to make a quick profit. However, he believed that the Métis had learned a valuable lesson, and that the government would not be wasting its resources by granting the Métis a land reservation. In marked contrast, Callihoo put

the blame for the failure of the scrip program squarely on the government, and not on alleged defects in what Dion described as the "Métis character." These two approaches characterize divergent attitudes towards the land grant solution during this period. To Dion and government officials, a land grant was a means of distributing government relief and providing services for the Métis such as education and health. For the Métis (Callihoo, Norris, and Brady), the land grant represented a means by which the Métis could band together to solve their socio-economic problems. These two views would not be reconciled until 1990 when the provincial government of Alberta amended its constitution and adopted the Métis perspective decades after the fact.

At the 28 December meeting, a number of important issues with respect to the new organization's constitution and the nature of the proposed settlements were discussed by the membership.⁵⁰ The constitution left membership open to all British subjects with Indian ancestry including Métis, non-status, and treaty Indians. This broad definition provided that anyone who was pursuing a traditional livelihood of hunting, fishing, and trapping could voluntarily join the organization. The most important issue discussed, however, was the nature of the proposed land grant. Unlike individual allocations of Métis scrip, the assembly decided that the title for reserve land would be non-transferable and remain with the crown. The settlements were to be self-governing by a locally elected administration that would be accountable to both the MAA and the provincial government. Most significantly, members would not be wards of the provincial government.⁵¹ Clergy would be granted limited rights to land on each reserve, industrial schools would be established, and a doctor would be hired who would treat the Métis at no cost.⁵²

The 28 December meeting formally constituted the MAA as a self-governing organization with a central executive overseeing member locals. However, the meeting was also important due to the participation of the Deputy Minister of Lands and Mines. Extensive reports of the meeting by several parties were sent to Minister Richard G. Reid. These reports portrayed the settlement project as a joint venture between the Department of Lands and Mines and the MAA. Reflecting on the failure of the scrip program, the reports

ended with a request for direct assistance from the government in the form of a land grant:

... such consideration and assistance should include among other things, the immediate adoption and establishment of specifically reserved areas for an ordered plan of settlement of Half-breeds and non-treaty-Indians and the establishment of proper and adequate education facilities for them.

Therefore we the duly authorized and appointed delegates of the Half-breed Association of Alberta and North West Territories do most respectfully petition that your Department and yourself give fair and careful consideration to the representation and resolutions herein submitted which we conscientiously feel are reasonable and fully justified by the conditions at present prevailing among our people and would achieve a most gratifying and helpful result as desired both by the Government and ourselves.⁵³

At the meeting, Deputy Minister Harvie had proposed that one large area be granted to the Métis in the northern part of the province. Harvie's comments seem to be premised on the understanding that Métis from the southern areas of the province would be moved north to join a Métis settlement there. The members of the MAA, however, insisted that one tract of land would not be able to accommodate Métis settlers due to the diverse nature of their economic pursuits.⁵⁴ Education was another issue discussed at length. The members of the MAA painted a bleak picture of the current situation: "the Half-breeds, non-treaty Indians and their respective children are wholly illiterate, uneducated and without any vocational training whatsoever." Somewhat surprisingly, the Métis claimed that treaty Indian children were at a great educational advantage because they could attend industrial schools at no cost. The delegates insisted that the government take immediate action.⁵⁵

After being ignored by Premier Brownlee, Percy Davies changed tactics and convinced the Conservative house leader to raise the issue of the province's treatment of the Métis in the legislature. David M. Duggan accused the government of neglecting its respon-

sibility for health, education, and the general welfare of the Métis. On 27 February 1933, he moved a resolution calling for a special committee of the legislature to be appointed to look into the situation with consideration of "some plan of colonization of the half-breed people."⁵⁶ Premier Brownlee introduced an amendment: "That the Government should, during the present year, continue its study and enquiry into the problems of the half-breed population with a view to presenting its recommendations to this Assembly at the next Session thereof." To hasten government action, Dechene introduced a sub-amendment to the effect that the government must bring its recommendation to the house within ten days of the next session.⁵⁷ These resolutions suggest that the Métis cause was gaining traction in the provincial political arena.

Over the subsequent months, Deputy Minister Harvie and officials at the Department of Lands and Mines studied the issue of Métis settlement. In a June 1933 report, Harvie found that the Métis were much worse off socially and economically than Indians living on reserves, and commented that "[t]he future of the half-breed in the province is one that must be viewed with grave concern if anything is to be accomplished at even this late date."⁵⁸ Harvie suggested that an independent commission would be needed to put together sufficient information to make a decision about the creation of Métis settlements. In Harvie's opinion, too many jurisdictional and substantive questions needed answers before the government could make a proper decision. Harvie suggested that if the federal government was willing to accept any responsibility it should appoint a representative to the proposed commission. He warned that "if undertaken by the Provincial Government alone it would involve a very large expenditure which, under present financial conditions, would be very difficult to meet."⁵⁹ Furthermore, even if funds were available, Harvie warned his minister that past experience with the Métis suggested that finding a solution would prove difficult.⁶⁰

Unaware of Harvie's pessimistic outlook regarding Métis settlements, the MAA planned its second convention for 25 June 1933. During the one-day conference, the executive consulted with the membership and renewed its mandate to negotiate with the provincial government regarding registered traplines and land reserves.⁶¹

Introduced by the province as a conservation measure and modelled after the system recently brought in by British Columbia to promote sport fishing and hunting, the registered trapline system was very unpopular with the Métis because it imposed new fees and regulations. The Métis passed a resolution requesting that free licenses be provided by the government until the land reserves could be set aside. A further resolution called for "reservations in general along the lines and in accordance with the Government's policies at present prevailing with regard to the Treaty Indians." The Métis also requested that Métis game wardens be hired because non-Aboriginal game wardens tended to discriminate against the Métis.⁶² It is clear from these resolutions that the Métis believed that they were being unfairly treated when compared to treaty Indians and non-Aboriginal trappers, hunters, and fishers. The Métis thought that an exclusive land grant would solve these problems and give them preferential access to trapping, hunting, and fishing.⁶³

Soon after the meeting, Joseph Dion sent a lengthy letter to the Department of Lands and Mines outlining the developments at the Métis annual convention. He mentioned that the Métis, as directed by department officials, had identified suitable lands for settlements at 11 different locations. Dion was optimistic that the federal government would recognize its obligations and wondered how much money the federal government had saved by not distributing treaty annuities, implying that the savings should pass to the people in need. Regarding the distribution of direct relief to Métis in northern Alberta, however, Dion cautioned the government:

I want to warn the government against the consequence should the half-breed get into the habit of expecting relief always, he is an Indian and if given an inch will demand a mile. Barring extreme cases of destitution, and the sick who have to be looked after, we should be able to arrive at some happy medium regarding this question.⁶⁴

Dion believed that the distribution of relief created a culture of dependency. On his report, Dion scribbled the phrase: "Those who refuse to work reject life itself."⁶⁵ According to Dion, there was only one solution to the economic problems facing the Métis:

I may be misunderstood by some when I ask the Government to set aside a piece of land for the settlement of the half-breeds only. I never intended that the Government should feed them, but rather to help these people to support themselves, as they have always been able to.⁶⁶

A good organizer with a clear vision for helping the Métis, Dion consistently behaved as if the government would recognize its moral obligation and act accordingly.

To keep up the political pressure, the MAA held its third annual convention on 11 and 12 January 1934. By then approximately 1,200 members were organized into 41 locals. Again, attendees passed resolutions on land grants, social conditions, natural resources, registered traplines, education, and health, and forwarded these to the provincial government. The MAA reported to the government that they had received 1,011 questionnaires, representing approximately 5,000 Métis, and the overwhelming preference was that the Métis wanted to enter “into an ordered plan of Metis settlement ... a plan of segregation by way of Reserves would be preferable to any plan of individual settlement.”⁶⁷ Perhaps unsurprisingly, this resolution fell on deaf ears. The government ignored the 1933 resolution calling for a report to be made within the first ten days of the 1934 session.⁶⁸

The provincial government made no move on the Métis land question during the first half of 1934. This may be partially explained by the economic hardships caused by the Great Depression as well as Premier Brownlee’s resignation as a result of allegations involving sexual impropriety.⁶⁹ On 10 July 1934, Richard G. Reid, former Minister of Lands and Mines, was sworn into office as premier. A conservative man by nature, Reid “believed in collective self-help through cooperation” and proved amenable to the MAA’s idea of a Métis land settlement.⁷⁰ Within a week of Premier Reid’s term, the provincial cabinet voted to establish a royal commission (the Ewing Commission) to look into social and economic conditions of the Métis living in Alberta. Aware of the potential financial implications, Reid wanted the federal government to be involved. He

wrote to his Minister of Railways and Telephones, George Hoadley, who would shortly be going to Ottawa to attend a Dominion-Provincial relief conference, about asking the federal government to appoint a federal representative to the provincial commission. Reid made no mention of scrip, or the fact that large portions of the MAA members were Indians who had given up their treaty rights. Given the financial state of the province, Reid needed the federal government's involvement to implement a solution.

Reid and Hoadley continued to lobby the federal government to appoint a commissioner to the provincial inquiry on Métis issues. On 7 September 1934, Hoadley reported to Reid that the federal government refused to appoint a commissioner: "They considered it wholly a matter for the Province to deal with, as all half-breeds are citizens and do not come under the Department of Indian Affairs or any other federal Department."⁷¹ Hoadley telephoned the Superintendent of Indian Affairs, Thomas G. Murphy, to plead Alberta's case. In a follow-up letter, Murphy clearly stated that his department's responsibilities extended only to Indians as defined by the 1927 *Indian Act*.⁷² This position was consistent with the arguments the federal government was making at the Natural Resources Royal Commission. The Métis were considered Indians for the purposes of section 91(24) of the *British North America Act*⁷³ for the sole purpose of distributing Métis scrip. Any obligation for outstanding scrip was to be transferred to the provinces as a trust under paragraph 1 of the *Natural Resources Transfer Agreements*. The province could make no argument that would convince the federal government to accept responsibility for any people outside the jurisdiction of the federal *Indian Act*.

As the federal and provincial governments wrangled over issues of jurisdiction and the appointment of commissioners, the MAA executive were frustrated by the delay. After the provincial government failed to follow through on its 1933 resolution, Jim Brady wrote to Dion about the government's dishonourable behaviour:

... we know now that they are not fighting in the manner of Western men, fair and in the open, but adopting tactics that are unBritish, dishonourable and not worthy of the traditions of the great Laurier and MacDonald.⁷⁴

During this period, the leaders of the MAA strongly believed that political lobbying and legislative change would be the most effective way to improve socio-economic conditions for the Métis. However, as the government continued to stall, Brady began to explore other options. For example, he consulted with Davies about going to court to get a declaration that the Métis were a jurisdictional responsibility of the province. Ultimately, he decided not to pursue this option because he did not know how to compel the government to take the case forward.⁷⁵ Brady was sceptical about the government's intentions and tactics, citing the approach of a general election, and evidence that the federal government was trying to discredit the MAA executive.⁷⁶ For example, the Department of Indian Affairs offered to appoint Dion chief of his band if he re-established his treaty rights.⁷⁷ This appointment would have effectively negated Dion's ability to effectively lobby on behalf of the Métis.

When the government finally announced the commission, Brady began to prepare the MAA submission. He undertook an intensive study of Métis history, particularly land claims. Brady's intent was to use the provincial commission to set the historical record straight with respect to land claims by the Métis. In particular, he planned to make structural economic arguments to account for the loss of Métis scrip and the failure of the St. Paul-des-Métis settlement. Brady wanted to collect strong evidence that these failures were due to economic forces rather than deficiencies in the "Métis character." Brady believed that if the commissioners accepted these arguments then they would be more likely to recommend a land grant. If they believed that a further land grant would be wasted because the Métis did not have the temperament or inclination towards adopting a farming lifestyle, then the Métis cause would be lost.⁷⁸ Brady grounded the Métis claims to land in historical entitlement and rights to redress for the failure of the scrip program.

The Ewing Commission

On 12 December 1934, the Alberta government appointed the Royal Commission on the Condition of the Halfbreed Population of the Province of Alberta, better known as the Ewing Commission

after Chair Albert F. Ewing.⁷⁹ The other two commissioners were James M. Douglas, a stipendiary magistrate, and Dr. Edward A. Brathwaite. Constituted under the *Public Inquiries Act*,⁸⁰ the commissioners had power to collect evidence, compel witnesses, conduct hearing, and make on-site visits. The hearings commenced on 25 February 1935 at the Edmonton courthouse.⁸¹ Liberal MLA Joseph Dechene acted as counsel for the MAA executive. The commission heard testimony from government officials, MAA executive members, Catholic bishops, MLAs, the federal superintendent of Indian Agencies, and a number of doctors who worked in northern communities. The commission also accepted written submissions from a number of parties including the MAA, federal officials, and doctors.

Despite its powers of subpoena under the *Public Inquiries Act*, the frame of reference for the commission was quite narrow. The focus of the inquiry was the current socio-economic status of the Métis population in the province and fashioning a remedy to address the situation. Although it was not specifically stated in the commission's terms of reference, it was assumed by all that a land grant would be part of the solution. The inquiry was not charged with redressing historical issues such as the failure of scrip or other government programs such as the St. Paul-des-Métis colony. Brady's strategy at the Ewing Commission was to first outline the governance structure and representational capacity of the MAA. The MAA had two main goals: (1) to secure a land grant to provide an economic base for the Métis; and (2) to establish the MAA as the organization responsible for advising the government on the settlements.⁸² The MAA submission outlines their argument and is worth quoting:

We will undertake to show the depths of poverty to which the Metis people have been reduce [sic] since the surrender of Rupert's Land. We will set out the economic and social measures demanded of the Government to bring economic improvement and security to the Metis population. It will then be shown that the measures require the completion of our unification with the Canadian nation and that in the alternative we face disaster and ruin ...

The history of the Metis of Western Canada is really the history of their attempts to defend their constitutional

rights against the encroachment of nascent monopoly capital. It is incorrect to place them as bewildered victims who did not know how to protect themselves against the vicious features which marked the penetration of the white man into the Western prairies ...

In seeking a solution we must re-examine the Metis question in the light of the economic and social developments of the last seventy years. The government will give ready recognition to the point of view that any constructive chance of policy must proceed from the needs of the people. The Alberta Metis Association shares this belief in common with all constructive thinking people. It is this attitude and the conclusions which must be drawn from it that we wish to set forth in basic outline to you. It is our hope that it may commend itself to your judgment and influence your deliberations to the end that it will become the embodiment of the progressive aspirations of the Metis population in their struggle for rehabilitation.⁸³

Notably Marxist in orientation, Brady's argument relied on historical claims regarding the structural problems faced by the Métis as a result of non-Aboriginal settlement. He offered a bold counter-narrative to the view that so-called defects in the Métis were responsible for their land dispossession. Brady reminded the commissioners that Métis people were not individually responsible for their poor socio-economic status.

The narrow terms of reference left little room for Brady's extensive argument regarding the historical and structural reasons for the current socio-economic conditions facing the Métis. MAA executive members Dion, Brady, and Norris were among the first witnesses to testify at the hearings. During their testimony, the Chair consistently reminded them that historically-based arguments were beyond the scope of the commission and he treated members of the MAA with impatience. At various times, commissioners challenged their representational capacity and credentials.⁸⁴ No other witnesses had to produce qualifications or establish that they had a right to speak with

authority concerning the socio-economic conditions in Alberta's Métis communities. The questioning of the MAA executives was so harsh that by the end of the second day, Norris stated that the MAA preferred to rely on their written submission rather than continue with oral testimony. From this point onwards, the MAA, through their counsel, intervened only to clarify a point of testimony.

This withdrawal from full participation in the process is notable because the MAA members who testified did not present the commissioners with the Marxist and historical arguments contained in their written submission. Their oral evidence addressed living conditions and the need for a land grant to promote economic independence. However, by presenting arguments in this fashion, the MAA fed directly into what historical sociologist Ken Hatt has described as the "pathology model" in which "[t]he situation of the Metis was considered analogous to an illness; reference to historical, political or economic argument was strongly discouraged."⁸⁵ According to the circumscribed terms of reference, there was no alternative but to accept the pathology model.⁸⁶ The MAA executive members shifted strategy to advocate for a land grant. They argued for a broad definition of illness to prompt the government to create a far-reaching remedy. However, as a result, their testimony became patronizing and it confirmed the view that the majority of Métis were hopeless, uneducated indigents who needed to be provided for by state care, much to the MAA executive members' frustration and disappointment.

Another issue that circumscribed the MAA executive's arguments was the definition of Métis adopted by the commissioners: "... anyone who has the slightest strain of Indian blood, and who lives the life ordinarily lived by the Metis population, not differing from them in the standpoint of education and ordinary life, should be treated as a Half-breed, for the purposes of this Commission."⁸⁷ Norris agreed with this definition based primarily on livelihood. It was the MAA's position, as evidenced by their membership policy, which was open to all British subjects with Indian blood, that lifestyle mattered more than genetics when it came to defining whether someone was a Métis. However, the problem with this definition was that it excluded Métis who had been "assimilated in the

social fabric of our civilization,” with the result that only poor Métis would be allowed to live on settlements as they were the only ones who needed economic assistance. The distinction between needy and better off Métis eliminated any chance that a solution would include an identity-based homeland for the Métis. The government would only deal with the needs of destitute Métis for the purposes of the commission. Generally, this included only the Métis in central Alberta who could no longer support themselves due to the encroachment of non-Aboriginal settlers or those non-treaty Indians who had taken scrip.⁸⁸

Most of the evidence presented to the commission had to do with the current educational and health needs of the poorest groups of Métis. Witnesses such as Dr. McIntyre estimated that 90 percent of the population in one north central community was infected with tuberculosis. He testified that the Métis suffered from a whole range of diseases from syphilis to malnutrition, and had very limited access to medical care.⁸⁹ Dr. P. Quesnel submitted a brief to the commission in which he put forward his views about the Métis after practising for nearly 30 years in northern Alberta:

Their appalling ignorance makes them unfit to understand the first item of our laws of hygiene and sanitation. This same ignorance which has persisted amongst them for centuries, has made them indolent and given them a sub-normal mentality, all these deficiencies are conducive to laziness, laziness predisposes to poverty, and poverty in an ignorant, indolent race, means filth and filth brings disease ... The actual question of the half-breed is a damnable shame to our province.⁹⁰

Dr. Quesnel stated that approximately 90 percent of the Métis were living in very poor conditions. With respect to education, the reporting was similarly bleak. Several witnesses testified that nearly 80 percent of the Métis in the province had received no education. The Roman Catholic bishops who testified, such as Rev. J. Guy OMI, of Grouard, firmly supported the idea that an inalienable area of land should be set aside for the Métis, and that the church should play a role in delivering education in the new Métis settlements.⁹¹ The

commissioners, government officials, and the MAA were less enthusiastic about church-run schools.

Overall, the evidence presented to the commission regarding the current condition of the Métis was paternalistic in tone and followed a pathology model. One solution suggested by nearly all the parties was to set aside land reserves so that the Métis population could be segregated and provided necessary services such as health and education. For example, Mindy Christianson, the Superintendent for Indian Agencies for the province of Alberta recommended that the government should do a survey and disregard Métis who were doing well economically. He suggested that the poor be moved north so that they could pursue a traditional livelihood of hunting, fishing, and trapping and that the settlements would have to be managed by a government department.⁹² Essentially, Christianson recommended that the province set up Métis settlements on a federal government Indian reserve model.

After the hearings concluded, the commissioners and the commission's secretary and solicitor for the provincial Department of Lands and Mines, T.C. Rankine, toured various northern communities to assess for themselves the living conditions of the Métis. At every stop, the commissioners heard demands for a land grant. Norris feared the visits would only confirm the image of Métis as suspicious, withdrawn, and in need of paternal supervision.⁹³ On 5 December 1935, Rankine wrote the following to Harvie: "It is perfectly true that these people are like children, helpless and irresponsible."⁹⁴ Norris's fears proved correct.

On 15 February 1936, the Ewing Commission submitted a brief 14-page report divided into three parts: (1) a description of the socio-economic conditions for the Métis; (2) an assessment of the causes; and (3) a recommendation for economic and social rehabilitation. Despite voluminous evidence to the contrary, the commissioners found that the health outcomes for the Métis were no worse than for other settlers in the province. They did agree, however, that the levels of education were extremely poor. With respect to recommendations, the commissioners saw only two alternatives: integration into mainstream society or extinction. Government assistance in the form of land reserves would be a temporary measure for

educating, training, and improving the health of the Métis, who would then join the rest of society. The traditional livelihood of the Métis was deemed impossible to sustain. Training in agriculture on settlements was regarded as the only permanent solution to the economic problems facing the Métis. This recommendation was based on four premises: (1) the scheme should be comprehensive not temporary; (2) it needed to be “a relatively inexpensive scheme”; (3) the Métis would not be made wards of the provincial government because it “would undermine his initiative, destroy his sense of responsibility and prevent his ever becoming a self-supporting citizen”; and (4) the Métis will provide their labour free of charge.⁹⁵

The commissioners laid out the general conditions for land settlements. The areas selected should contain a reasonable amount of good agricultural land, access to timber, fish, access to markets, capable of enlargement, and free from interference by non-Aboriginal settlers. The title to the land would remain with the provincial crown. The colony would be under the supervision of a government-appointed inspector, who would have the powers of a police magistrate. The allotment of the land would be a privilege for suitable Métis applicants. Those who did not join, however, could not claim any form of public assistance. The commissioners did recognize one right accruing to the Métis “as the original inhabitants of these great unsettled areas”: preferential access to fur, fish, and game. They recommended that free permits be granted and that non-resident commercial operators should be regulated. Schools and hospitals would be opened on the settlements with access to all residents.⁹⁶

The Ewing Commission report marks the first time a provincial government recognized the Métis as a distinct group. It was the first government initiative developed since scrip designed to address the socio-economic disadvantages suffered by the Métis. However, the brief report was deficient in many ways. Legally, the Métis would not be wards of the government, but a government official would supervise every aspect of life on the settlements. As usufructs, the Métis would not have title to the land and would not have any right to join any of the proposed settlements. However, if indigent Métis decided not to live on a settlement they would be denied other forms of relief. The report mentioned preferential hunting, trapping, and fishing,

but did not explain how these preferential rights could be exercised on settlements that were to be primarily agricultural in purpose. After hundreds of pages of testimony, on-site visits, and months of deliberation, the recommendations of the Ewing Commission report were cursory. Basically, the commissioners agreed that land grants would be an expedient and inexpensive solution to what they characterized as a problem of relief distribution. They left the details to the provincial government to work out on their own terms.

Despite the limited recommendations, from the perspective of the MAA, the Ewing Commission accomplished certain goals. Jim Brady had been correct in his assessment that the MAA could use pressure tactics to compel the UFA government to act on Métis issues. The resulting recommendations did not resemble what the MAA had sought; however, its lobbying had brought the issue into the public discourse. Jim Brady had also correctly predicted that the UFA would be responsive because it was under threat during its third term in office. In 1935, however, the UFA government was soundly defeated by the Social Credit Party led by William “Bible Bill” Aberhart, who won 56 of 63 provincial seats.⁹⁷

In the depths of the Great Depression, the voters of Alberta put their trust in Aberhart as a “prophet of a new social order.”⁹⁸ In the *Social Credit Manual*, Aberhart outlined Social Credit’s stance towards relief:

It is the duty of the State through its Government to organize its economic structure in such a way that no bona fide citizen, man, woman or child shall be allowed to suffer from lack of the base necessities of food, clothing, and shelter in the midst of plenty of abundance.⁹⁹

A proponent of the social dividend, or “funny money,” ideas of Social Credit founder Major C.H. Douglas, Aberhart’s promise of a \$25 per month dividend to all citizens propelled him into office. According to Alvin Finkel, for the Métis the interventionist nature of the Social Credit government during its first term “showed a willingness not to leave the Métis to the disposition of market forces and the recent settlers of northern Alberta.”¹⁰⁰ While Finkel’s assessment may be valid regarding Social Credit’s ideology, the Aberhart admin-

istration in fact did very little about the Ewing Commission's recommendations until the fall 1937 when it tried to sidestep the issue entirely. Alberta's Minister of Lands and Mines, A.N. Tanner, tried to persuade the federal government to assume federal responsibility for the Métis in return for land designated specifically for Aboriginal trapping. In these negotiations, the cash-strapped provincial government saw an opportunity to link the issue to Métis settlements due to the fact that an exclusive Indian trapping preserve would deprive local Métis of access to the local resource. The federal government refused the offer, relying on the terms of the *NRTAs* to compel the province to provide the land it needed. However, the federal government did not pursue this option and the matter dropped.¹⁰¹

With the failure of the federal government to act, the provincial government put forward legislation. On 22 November 1938, an Act Respecting the Metis Population of the Province received royal assent. Known as the *Metis Population Betterment Act*, 1938,¹⁰² the legislation provided legal authority for setting aside land for Métis settlements and establishing a governance framework to be managed by a Settlement Association composed of government officials and Métis representatives. The preamble indicates that the government intended that negotiations with the Métis would put flesh on what was a skeletal legislative framework. According to the preamble, the MAA would have a role to play in the governance of the settlements. However, this framework did not reflect the cooperative governance scheme that the MAA had proposed in its submission to the Ewing Commission. The Settlement Associations as provided for in the legislation were not politically autonomous. The constitution and bylaws of each Settlement Association were subject to Ministerial approval (s. 4(4)) along with each proposed amendment (s. 4(5)). Every scheme formulated for the betterment of the membership had to be approved by the Legislative Assembly (s.5). In fact, the legislation effectively excluded the MAA from playing any governance role in the settlements. Each Settlement Association would be directly accountable to the province.

Disillusioned by the Ewing Commission report and the approach taken by the Aberhart government, Brady and Norris pulled back from the MAA. In 1938, the organization failed to hold

a fourth annual general meeting as required by the bylaws.¹⁰³ Instead, a joint meeting was held on 26 July 1938 in Jousard between provincial government representatives Dr. William W. Cross, Minister of Health, Dr. Edward A. Braithwaite (who sat on the Ewing Commission), one member of the MAA, and local Métis representatives.¹⁰⁴ The government envisioned that the MAA would play a limited role in the governance of the settlements. Later that year, the province formed a Métis commission chaired by F.J. Buck (Assistant Commissioner of Relief). Other members included Dr. Braithwaite (as provincial coroner), Joseph Dion (President MAA), and Peter Tomkins Jr. (3rd VP MAA). The commission selected suitable land in 12 areas for the settlements.¹⁰⁵

By 1938, the MAA had been pushed to the side by the government as it implemented a plan for Métis settlements. The MAA fractured when Tomkins and Dion abandoned the governance goals of the organization to help provincial officials implement the legislation. However, opposition to the plan came from members of the Dominion Independent Progressive Association, an organization led by A.J. Hamilton, a grandson of Louis Riel. As reported in the *Prince Albert Herald*, Hamilton had called together a group of delegates representing Métis people living throughout North America to resist the plan. Instead the Association asked for 320 acres in fee simple for each family along with medical care, animals, farms, and fishing licences. Essentially, the Association was asking for a revival of the scrip program with increased support from government.¹⁰⁶ These protests fell on deaf ears, however, and the Alberta government moved forward with its plans to implement the 1938 *Metis Population Betterment Act*.

In addition to the undertaking in the preamble to the 1938 *Metis Population Betterment Act* to consult with the Métis about the settlements, the provincial government also consulted with Mindy Christianson, the Inspector of Indian Agencies (Calgary Office). In response to a letter from Dr. Braithwaite, Christianson provided a lengthy memo in which he pointed out what he regarded as serious defects in the provincial government's settlement plans such as the idea that Métis people be appointed to the position of inspectors and instructors on the settlements. Christianson warned Braithwaite that

this would be risky, as the Métis had no administrative experience.¹⁰⁷

The views expressed by Christianson were shared by an unnamed provincial civil servant who wrote a 1938 report on the settlement plan entitled, "Report Regarding the Establishment of the Half-Breed Population of Lac la Biche." The report included a reiteration of the goals of the Ewing Commission and then outlined a detailed implementation plan including a budget to hire non-Métis personnel to work on the settlements as instructors, nurses, and teachers. The author also provided an overview of the history of settlements in North America including St. Paul-des-Métis. The author claimed that the agricultural colony had been "ruined, and dispersed through the fault of the half-breeds themselves."¹⁰⁸ In his opinion, the proposed settlements would be successful only if the right non-Aboriginal man was in charge, a person who could help the Métis overcome their inherent "character defects."¹⁰⁹ With respect to economic considerations, the author recommended that regulations needed to be created to give incentive to the Métis to "work for their livelihood," and that they should be encouraged to develop specialized skills. He advised that the superintendent of the settlement "will act somewhat in the capacity of an agent on an Indian Reserve, for the transaction of business between the half-breeds and the outside world."¹¹⁰ This system would be facilitated by a voucher system in which the Métis would earn vouchers for their work that could only be spent on the settlement itself, thus keeping the Métis tied to their particular settlement.¹¹¹ The report ends with a budget forecast for the colony. The superintendent would receive an annual salary of \$3,000 per year; his assistant \$2,000 per year; the foreman \$1,800 per year; the nurse \$1,500 per year; the teacher \$1,000 per year; and a temporary cook and foreman (to set up the colony) \$625 per year. Funds would be set aside to pay 50 Métis labourers relief or wages at a rate of \$20 per month.

Fortunately, the Lac la Biche report was not followed, and the settlements were not designed to be work camps. The government paid fair wages and did not exploit Métis labour or use a voucher system. The government did, however, keep the revenue gleaned from the natural resources.¹¹² However, the report's third recommendation that a government appointed supervisor should oversee the

Métis on the settlement and control all external interactions was implemented. In 1939, this duty was performed by Joseph Dion in the eastern settlements and by Tomkins in the western settlements. Not surprisingly, friction with the other executive members of the MAA resulted. From 1940 onwards, civil servants filled these positions. The Métis on the settlements were not always satisfied with the people assigned to these roles. One particularly poor choice was Dr. Quesnel at the Kikino Settlement — the doctor who wrote the memo to the Ewing Commission about his experience with the “ignorant, indolent” Métis. In later years, after the Settlement Association accepted a settler, he was allotted a parcel of land and had to comply with regulations that parallel the homestead regulations. The Métis settler had to become a resident within 30 days, build a house within 90 days, make \$50 worth of improvements to the land within one year, cultivate a garden, and clear two acres a year until 15 acres were cleared.¹¹³

In January 1940, F.J. Buck, Assistant Commissioner and Chair of the Métis Commission, submitted his annual report to the Minister of Health in charge of relief, Dr. William W. Cross. In his “Report of the Activities in Connection with the Settlement of the Metis,” he reported that setting up the program was very expensive, and that while it was meeting the needs of the people it was little more than “a palliative measure.” A number of Settlement Associations had been established in various colonies, and the Métis were working on projects in return for relief payments.¹¹⁴ Over the previous two years, the 1938 legislation had proven unwieldy. There is no evidence that the “conferences and negotiations between the Government of the Province and representatives of the Metis population of the Province” had occurred. The provincial government was in firm control of the settlement plan. During the period, the remaining members of the MAA executive struggled to remain relevant and involved.

In 1940, the government introduced the *Metis Population Betterment Act*.¹¹⁵ The new legislation provided for a comprehensive framework for the governance of the Métis settlements. The legislation provided for regulations to cover most aspects of settlement governance including hunting, trapping, building standards, grazing, use of road allowances, and all other matters as they arose, and pro-

vided that Settlement Associations could be converted to Local Improvement Districts.¹¹⁶ The Act also specified that settlers could not use settlement property to secure bank loans or mortgages.¹¹⁷ This provision gave more protection to Métis settlers from creditors than Indians had under the *Indian Act*. The 1927 revised *Indian Act* protected the property of Indians only against non-Indian creditors while under the *Métis Population Betterment Act* (1940), a member's goods were protected from seizure from any creditor regardless of where the goods were located. An Indian could rely on protection only if the property were located on reserve. As a result, creditors were reluctant to lend money to Métis because their personal property was protected.¹¹⁸ In later years, this aspect of the legislation would be subjected to review because it hampered economic development of the settlements. It also created a ward-like status for settlement members who were unable to conduct business without the intervention and approval of the responsible provincial department.¹¹⁹ This system guaranteed that Métis economic interests would be heavily regulated and supervised by the state.

Some of the most significant legislative changes concerned the definition of who was entitled to join a Settlement Association. Section 2(a) defined Métis as a "person of mixed white and Indian blood having not less than one-quarter Indian blood."¹²⁰ As compared to earlier definitions that included reference to livelihood, this definition significantly narrowed the scope of who could claim to be Métis. As a consequence, the government limited its obligations to the Métis. Government control was further bolstered by the fact that it was the minister responsible who made the final determination if there was a question about whether a person was a Métis for the purposes of the Act.¹²¹ Only the child or spouse of a Métis Association member who was Métis him/herself could, on the death of the member, acquire possession of the land. By implication, a non-Métis spouse or child had no right to inherit the land.¹²² The biggest change in the legislation, however, was section 20(1), which provided the following:

Any person who contravenes any of the provisions of the Act, or of any regulation made pursuant to this Act for which no penalty is prescribed by the regulations, shall be

guilty of an offence and shall be liable on summary conviction to a fine of not more than thirty dollars and costs, or in default of payment, to imprisonment to a term of not more than thirty days.¹²³

With the addition of this enforcement provision, the *Metis Population Betterment Act* resembled the *Indian Act* more than a social welfare program, reinforced by the fact that the 1940 legislation omitted the provision that only destitute Métis could join a Settlement Association. Through the use of restrictive legislation, the government took over any meaningful role for the MAA in the governance of the land settlements.

Conclusion

Soon after the 1940 *Metis Population Betterment Act* was passed, Jim Brady articulated his misgivings over the direction the government had taken regarding the governance of the settlements:

While I appreciate the forward and progressive steps taken by the present administration I fully retain the privilege of critical interpretation which is an indispensable weapon in the struggle for a genuine industrial and political democracy ... Another peril, perhaps the gravest of all, lies in the fact that these colonies are threatened as much by success as by failure. For if they do not succeed it means misery, ruin, dispersal and a general rush for safety, on the other hand, they attain prosperity they attract a crowd of members who lack the enthusiasm and faith of the earlier ones and are attracted by self-interest. Then there is the conflict between the older element and the new, and ultimately a demand is made for the sharing out, and each member goes his own way. A solidarity that is compulsory is of no moral value.¹²⁴

The government-administered settlements were far from the self-governing communities that Jim Brady and the MAA had originally envisioned. By 1940, the provincial government had effectively sup-

planted the MAA's role in the governance of the settlements and later versions of the *Metis Population Betterment Act* further limited the participation by the Métis settlers in the governing structures. For example, a 1952 amendment provided that the chair of the local Métis board would be the local supervisor appointed by the Metis Rehabilitation Branch of the Department of Public Welfare and that the provincial government would directly appoint two of the four members of the Metis Settlement Association .

However, despite the provincial government's co-option of the Métis settlement plan, the MAA tried to reinvigorate itself as a representative body. At a meeting in Edmonton on 22 and 23 May 1940, 28 delegates from 22 locations met and elected officers. Notably absent from the new executive was Joseph Dion, but there were a number of familiar names (Chair Malcolm Norris, Provincial Secretary James P. Brady, and Provincial Organizer Peter Tomkins). A number of resolutions were passed and recommendations made concerning hunting, and the use of other natural resources. However, the new chair announced that "[i]n view of the present state of war and desire of Métis population to give whole-hearted co-operation to Canada's War Effort the resolutions and recommendations are being held in abeyance and have not been acted upon."¹²⁵ The MAA's campaign largely halted as leaders such as Jim Brady joined the overseas war effort.

In the 1960s, the MAA reconstituted and continued its political lobbying efforts on behalf of the Métis living in Alberta. These efforts culminated in the 1984 McEwan Joint Government-Métis Committee report in which the authors stated that "the land has always been of paramount importance to Métis people."¹²⁶ In 1990, the Alberta legislature formally recognized the Métis right to self-government by passing the *Constitution of Alberta Amendment Act*. The purpose of the legislation is stated clearly in the preamble:

Whereas the Metis were present when the Province of Alberta was established and they and the land set aside for their use form a unique part of the history and culture of the Province; and

Whereas it is desired that the Metis should continue to have a land base to provide for the preservation and

enhancement of Metis culture and identity and to enable the Metis to attain self-governance under the laws of Alberta, and to that end, Her Majesty in right of Alberta is granting title to land to the Metis Settlements General Council.¹²⁷

This amendment provides that the provincial crown cannot expropriate Métis settlement land because the Métis own the land in fee simple pursuant to the 2000 *Metis Settlements Land Protection Act*.¹²⁸ It also confirms that the Métis own the land settlements outright and that the land is not subject to underlying provincial crown sovereignty.¹²⁹ This legislation marks the culmination of the lengthy effort by the Métis of Alberta to change the provincial government's position regarding the purpose of the land settlements from an expedient means of distributing social welfare to the recognition of Métis identity and the inherent right to self-government. After several decades, the government of Alberta has finally recognized the historically based arguments made by the MAA executive in the 1930s as the rationale behind the Métis land settlements. Indeed, as Brady envisioned, there has been no better weapon than political organization for the Métis of Alberta.

NICOLE C. O'BYRNE is a Ph.D. candidate in the Law and Society program at the Faculty of Law, University of Victoria. She is an assistant professor at the Faculty of Law, University of New Brunswick where she teaches Aboriginal law, Evidence, and Criminal Law.

NICOLE C. O'BYRNE est doctorante au programme de droit et société de la Faculté de droit de l'Université de Victoria. Elle est professeure adjointe à la Faculté de droit de l'Université du Nouveau-Brunswick, où elle enseigne le droit autochtones, la preuve et le droit criminel.

Endnotes:

- 1 *The Metis Population Betterment Act, 1938*, SA 1938, c 6.
- 2 As a legal instrument, scrip is “paper money issued by a government for a specific purpose or issued by a merchant or other body for local circulation. It is not legal tender.” Canadian Paper Money Society, *Official Terminology Dictionary and Grading Guide* (Toronto: Canadian Paper Money Society, 1971), 4. Scrip has been used by governments to fulfil various obligations such as rewarding military service by promoting settlement. From the 1870s to the 1920s, the federal government issued land and money scrip to Métis in recognition of their share of the Indian title to the lands of present day Alberta, Saskatchewan, and Manitoba. During the six decades that the federal government controlled the public domain lands of the three prairie provinces; more than 24,000 Métis claims had been recognized. Over 2.6 million acres of land had been issued and over \$2.8 million worth of money scrip has been distributed. PAA 75.9, Natural Resources Commission Records, Box 6/32a, “N.O. Côté, Dominion Lands Branch Report, Department of the Interior, “Half-Breed Claims?” 3 December 1929. The legacy of the scrip program has been the subject of much debate. Many scholars such as Douglas Sprague have argued that the scrip program failed to ameliorate the socio-economic claims of the Métis or to adequately compensate for the Métis share of Indian title to the lands of the North-west. See Douglas N. Sprague, “Government Lawlessness in the Administration of Manitoba Land Claims, 1870–1887” *Manitoba Law Journal* 10 (1980): 415–441; and Nicole C. O’Byrne, “A Rather Vexed Question: The Federal-Provincial Debate over the Constitutional Responsibility for Métis Scrip,” *Review of Constitutional Studies* 12, no. 2 (2007): 215–253.
- 3 *Constitution of Alberta Amendment Act*, RSA 2000, c C-24, s 3.
- 4 See The Metis Association of Alberta et al., *Metis Land Rights in Alberta: A Political History* (Edmonton: Metis Association of Alberta, 1981); T.C. Pocklington, *The Government and Politics of the Alberta Metis Settlements* (Regina: Canadian Plains Research Centre, 1991); Catherine E. Bell, *Alberta’s Metis Settlements Legislation: An Overview of Ownership and Management of Settlement Lands* (Regina, Canadian Plains Research Centre, 1994); Murray Dobbin, *The One-and-a-Half Men: The Story of Jim Brady and Malcolm Norris* (Vancouver: New Star Books, 1981); F. Kenneth Hatt, “The Land Issue and the Mobilization of the Alberta Metis in the 1930s,” in *The Forgotten People: Metis and Non-status Indian Land Claims*, ed. Harry W. Daniels (Ottawa: Native Council of Canada, 1979), 73–87; Fred V. Martin, “Alberta’s Métis Settlements — A Brief History,” in *Forging Alberta’s Constitutional Framework*, eds. Richard Connors and John M. Law (Edmonton: University of Alberta Press, 2005), 345–389; Douglas Sanders, “Metis Rights in the Prairie Provinces and the Northwest Territories: A Legal Interpretation,” in *The Forgotten People: Metis and Non-status Indian Land Claims*, ed. Harry W. Daniels (Ottawa: Native Council of Canada, 1979), 5–22; Donald G. Wetherell and Irene R.A. Kmet,

THE MÉTIS ASSOCIATION OF ALBERTA AND THE 1938 METIS POPULATION
BETTERMENT ACT

- Alberta's North: A History, 1890–1950* (Edmonton: University of Alberta Press, 2000); R'Chie Kelly Moffett, "Furrows of Stone: Race, Politics, and the Alberta Metis Land Question, 1932–1936" (M.A. thesis, Simon Fraser University, 2007); Denis Wall, *The Alberta Métis Letters: 1930–1940 Policy Review and Annotations* (Edmonton: DWRG Press, 2008).
- 5 Ken Hatt, "Ethnic Discourse in Alberta: Land and the Metis in the Ewing Commission," *Canadian Ethnic Studies* 17, no. 2 (1985): 64–79.
 - 6 Throughout the Depression, provincial and municipal governments distributed relief payments (social welfare) to people in need. See Alvin Finkel, "Social Credit and the Unemployed," *Alberta History* 31, no. 2 (1983): 64–79; Gregory P. Marchildon and Don Black, "Henry Black, the Conservative Party and the Politics of Relief," *Saskatchewan History* 58, no. 1 (2006): 4–17.
 - 7 Preamble to the *Constitution of Alberta Amendment Act, 1990*, RSA 2000, c C-24.
 - 8 All of the provincial agreements are items in the Schedule to the *British North America Act, 1930*, renamed the *Constitution Act, 1930* (UK), 20 & 21 Geo V c. 25, reprinted in RSC 1985, App II, No 26 [*BNA Act 1930*]. Provincial legislation also incorporates the agreements: the *Manitoba Natural Resources Act, 20 & 21 Geo V, c 29*, RSM 1987, c N30 (Man); the *Alberta Natural Resources Act, 20 & 21 Geo V, c 21* as am (Alta); the *Saskatchewan Natural Resources Act, 20 & 21 Geo V, c 87* (Sask).
 - 9 Prime Minister Arthur Meighen, *HCD* (25 April 1921) at 2544–5.
 - 10 Saskatchewan, Royal Commission on Immigration and Settlement 1930 (Regina: Queen's Printer, 1930), 15; *The Land Surveys Act, 1933*, SS c 20. For more on the negotiations leading up to the *NRTAs* see Nicole O'Byrne, "The Answer to the 'Natural Resources Question': A Historical Analysis of the Natural Resources Transfer Agreements," (LL.M. thesis, McGill University, 2005).
 - 11 Dobbin, *The One-and-a-Half Men*, 55.
 - 12 Metis Association of Alberta, *Metis Land Rights*, 187.
 - 13 Norris, Malcolm, "A Brief Synopsis of the Origin and Development of the Present Metis Association of Alberta: Formerly L'Association des Métis d'Alberta et des Territoires du Nord-Ouest," in Appendix I, Fred Kenneth Hatt, *The Response to Directed Social Change on an Alberta Metis Colony*, (Ph.D. diss., University of Alberta, 1969), 235.
 - 14 Wetherell and Kmet, *Alberta's North*, 321.
 - 15 *The Provincial Relief Act, 1922*, SA c 66.
 - 16 It cost \$25 for a provincial licence to sell pelts (approximately \$325 in 2014 dollars). *The Game Act, 1922*, RSA c 70, s 50.
 - 17 Metis Association of Alberta, "Metis Land Rights," 187.
 - 18 Joseph F. Dion, "An Account by J.F. Dion of his Activities in the Metis Association of Alberta," Appendix II in Fred Kenneth Hatt, "The Response to Directed Social Change on an Alberta Métis Colony," (Ph.D. diss., University of Alberta, 1969), 244.

- 19 Ibid., 244–245. Historically, the term ‘Half-breed’ was used interchangeably, and often pejoratively, with Métis.
- 20 Provincial Archives of Alberta (hereafter PAA), Sessional papers of the Legislative Assembly, 70.414, file 1417, J.M. Dechene to R.G. Reid, 3 June 1931.
- 21 In the prairie provinces, the land survey allowed for 20 to 30 metres of land between sections to create access to each quarter-section. Not all road allowances were used to build roads. Many Métis lived on this land. See Chester Martin, *“Dominion Lands” Policy* (Toronto: McClelland & Stewart, 1973), 17.
- 22 Wetherell and Kmet, *Alberta’s North*, 320.
- 23 Dobbin, *One-and-a-Half-Men*, 59.
- 24 PAA, Sessional papers of the Legislative Assembly of Alberta, 1909–1960, 70.414, file 1417, J.M. Dechene to R.G. Reid, 3 June 1931.
- 25 Ibid.
- 26 Dobbin, *One-and-a-Half Men*, 59.
- 27 PAA, Premiers’ papers, 69.289, P.G. Davies to J.E. Brownlee, 18 June 1931.
- 28 Ibid.
- 29 Ibid. The term “Half-breed” reflects common historical usage.
- 30 PAA, Sessional papers of the Legislative Assembly, 70.414, file 1417, J.M. Dechene to R.G. Reid, 5 April 1932.
- 31 PAA, Premiers’ papers, 69.289, file 769, J.E. Brownlee to P.G. Davies, 16 August 1932.
- 32 Ibid.
- 33 For a discussion of the complexities regarding scrip and the *NRTAs*, see Nicole C. O’Byrne, “A rather vexed question: The Federal-Provincial Debate over the Constitutional Responsibility for Métis Scrip,” *Review of Constitutional Studies* 12 (2007): 215–253.
- 34 PAA, Sessional papers of the Legislative Assembly of Alberta, 1909–1960, 70.414, file 1417.
- 35 Dobbin, *The One-and-a-Half Men*, 59.
- 36 Hatt, *The Land Issue*, 79.
- 37 PAA, Sessional papers of the Legislative Assembly of Alberta, 1909–1960, 70.414, J.F. Dion to J. Harvie, 7 September 1932.
- 38 Ibid.
- 39 Dobbin, *The One-and-a-Half Men*, 61.
- 40 Glenbow Archives (hereafter GA), Brady papers, J.P. Brady to J.F. Dion, 21 April 1940.
- 41 Dobbin, *The One-and-a-Half Men*, 67.
- 42 Ibid., 69.
- 43 Hatt, *The Land Issue*, 73.
- 44 Ibid, 75.
- 45 PAA, Sessional papers of the Legislative Assembly of Alberta, 1909–1960, 70.414, file 1417, J.F. Dion to Councillors of the Metis Association of Alberta, 28 December 1932.

THE MÉTIS ASSOCIATION OF ALBERTA AND THE 1938 METIS POPULATION
BETTERMENT ACT

- 46 Other officers included 1st Vice-President Malcolm Norris; 2nd Vice-President Felix Callihoo; 3rd Vice-President Henry Cunningham (replaced by Peter Tomkins, Jr. in 1933).
- 47 Ibid.
- 48 Ibid.
- 49 Ibid.
- 50 At this meeting the delegates discussed removing all references to “Half-breed”: “The term Metis applies particularly to our people. The word “Half-Breed” is suggestive of a person of any mixed descent and to many is of odious nature.” GA Dion Papers, Minutes of General Meetings, 1939, 1952–53, 1957.
- 51 Wetherell and Kmet, *Alberta's North*, 322.
- 52 Dobbin, *The One-and-a-Half-Men*, 62.
- 53 PAA, Premiers’ Papers, 69.289, file 769, Dion, Norris and Brady to R.G. Reid, Annex A, Report of the 1st Annual General Meeting of the MAA.
- 54 Ibid.
- 55 Ibid.
- 56 PAA, Premiers’ papers, 69.289, file 769, Votes and Proceedings of the Legislative Assembly of the Province of Alberta, Third Session of the Seventh Legislature, 27 February 1933.
- 57 Ibid.
- 58 PAA, Premiers’ papers, 69.289, file 769, J. Harvie to R.G. Reid, 24 June 1933.
- 59 Ibid.
- 60 Ibid.
- 61 Dobbin, *The One-and-a-Half-Men*, 72.
- 62 PAA, Report of the Ewing Commission, 75.75, Box 1, 3c, MAA to G. Hoadley, 26 August 1933.
- 63 Commission Evidence p. 127 as cited in Judith Hill, “The Ewing Commission, 1935: A Case Study in Metis-Government Relations,” (B.A. Honours Essay, Department of History, University of Alberta, 1977), 127.
- 64 PAA, Premiers’ papers, 69.289, file 769, J.F. Dion to Department of Lands and Mines, Annex B. Report of the 1st Annual General Meeting of the MAA.
- 65 Ibid.
- 66 PAA, Premiers’ papers, 69.289, file 769, J.F. Dion to Department of Lands and Mines. Annex B. Report of the 1st Annual General Meeting of the MAA.
- 67 PAA, Sessional papers of the Legislative Assembly of Alberta, 1909–1960, 70.414, file 1417, MAA to Executive Council, 29 January 1934.
- 68 GA, Brady papers, J.M. Dechene to J.F. Dion, 12 April 1934.
- 69 See Franklin L. Foster, “John E. Brownlee, 1925–1934,” in *Alberta Premiers of the Twentieth Century*, ed. Bradford J. Rennie (Regina: Canadian Plains Research Centre), 78–106.
- 70 Ibid., 108.
- 71 PAA, Premiers’ papers, 69.289, file 769, G. Hoadley to R.G. Reid, 7 September 1934.

- 72 *The Indian Act*, RSC 1927, c 98; PAA, Premiers' papers, 69.289, file 769, T.G. Murphy to G. Hoadley, 10 October 1934.
- 73 *The British North America Act 1867*. Renamed the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5 [*BNA Act, 1867*], s 91(24).
- 74 GA, M-125-39, Brady papers, J.P. Brady to J.F. Dion, 14 April 1934.
- 75 This was a few years before the landmark Supreme Court of Canada case *Re: Eskimos*, [1939] SCR 104. In this case, the court decided that Inuit were Indians for the purposes of exercising jurisdictional authority pursuant to section 91(24) of the *BNA Act, 1867*.
- 76 GA, M-125-39, Brady papers, J.P. Brady to J.F. Dion, 14 April 1934.
- 77 GA, M-125-39, Brady papers, J.F. Dion to J.P. Brady, 21 February 1939.
- 78 *Ibid.*, 82.
- 79 *Alta Reg* 1095/34.
- 80 *Public Inquiries Act*, RSA, 1922, c 26.
- 81 PAA, Evidence and Proceedings, *Report of the Royal Commission on the Condition of the Halfbreed Population of the Province of Alberta* (1936), 72.242, file 6SE, 1.
- 82 F.K. Hatt, "Ethnic Discourse in Alberta: Land and Metis in the Ewing Commission," *Canadian Ethnic Studies* 17 (1985): 69–79.
- 83 *Alberta Metis Association Brief — 1935* (preamble) as cited in Dobbin, *The One-and-a-Half-Men*, 89–90.
- 84 PAA, Evidence and Proceedings in Report of the Royal Commission on the Condition of the Halfbreed Population of the Province of Alberta, 1936, 72.242, file 6SE, 86.
- 85 Hatt, "Ethnic Discourse," 69–70.
- 86 GA, M4755 Metis Association of Alberta, file 629 Ewing Commission, F.K. Hatt, "The Ewing Commission of Alberta: An Interpretive Study of the Public Aspects of Policy Making," n.d.
- 87 *Ibid.* For more on the debate over Métis identity at the Ewing Commission, see Heather Devine, "Being and Becoming Métis: A Personal Reflection," in *Gathering Places: Aboriginal and Fur Trade Histories*, edited by Carolyn Podruchny and Laura Peers, 181–210 (Vancouver: UBC Press, 2010), 195–200.
- 88 PAA, Falkener Testimony in *Report of the Royal Commission on the Condition of the Halfbreed Population of the Province of Alberta*, 1936, 72.242, file 6SE, 424.
- 89 Dobbin, *The One-and-a-Half-Men*, 100.
- 90 PAA, M4755 Ewing Commission documents, file 643, P. Quesnel, Memorandum relative to the Half-breed situation at Lac la Biche, 19 August 1935. During this period, Aboriginal peoples were often regarded as being ignorant or careless about their health. See Maureen K. Lux, "Care for the 'Racially Careless': Indian Hospitals in the Canadian West, 1920s to 1950s," *Canadian Historical Review* 91, no. 3 (September 2010): 407–434.
- 91 GA, M4755 Ewing Commission documents, file 644, Metis Association of Alberta, Synopsis of Rev. J. Guy O.M.I.

THE MÉTIS ASSOCIATION OF ALBERTA AND THE 1938 MÉTIS POPULATION
BETTERMENT ACT

- 92 GA, M4755, Ewing Commission documents, file 645, Metis Association of Alberta, M. Christianson to A.E. Ewing, 16 May 1935.
- 93 GA, M-125-39, Brady papers, M. Norris to J.P. Brady, 29 December 1934.
- 94 GA, M-125-39, Brady papers, T.C. Rankine to J. Harvie, 5 December 1935.
- 95 PAA, 72.242, file 6SE, *Report of the Royal Commission on the Condition of the Halfbreed Population of the Province of Alberta*, 1936, 3–4.
- 96 Ibid., 4–8.
- 97 Kenneth Wark, *A Report on Alberta Elections 1905–1982* (Edmonton: Government of Alberta), vol 13, 49–53.
- 98 John A. Irving, *The Social Credit Movement in Alberta* (Toronto: University of Toronto Press, 1959), 191.
- 99 William Aberhart, *Social Credit Manual: Social Credit as Applied to the Province of Alberta* (n.p., 1935), 5.
- 100 Alvin Finkel, *The Social Credit Phenomenon in Alberta* (Toronto: University of Toronto Press, 1989), 46.
- 101 Library and Archives Canada (hereafter LAC), RG 10, vol. 4733, file 420-2-1, reel C-8095, A.N. Tanner to T.A. Crerar, 10 December 1937; reply 10 January 1938.
- 102 *The Metis Population Betterment Act, 1938*, SA 1938, c 6.
- 103 Catherine Bell and Harold Robinson, “Government on the Métis Settlements: Foundations and Future Directions,” in *Aboriginal Self-Government in Canada* (3rd ed.), ed. Yale Belanger (Saskatoon: Purich Publishing, 2008), 264.
- 104 Norris Malcolm, “A Brief Synopsis of the Origin and Development of the Present Metis Association of Alberta: Formerly L’Association des Métis d’Alberta et des Territoires du Nord Ouest,” Appendix I in Fred Kenneth Hatt, “The Response to Directed Social Change on an Alberta Metis Colony,” 240.
- 105 Ibid. These lands were set aside under the Provincial Lands Act under Orders-in-Council (1602/38, 1603/38, 1604/38, 1605/38, 379/39, 423/39, 547/39, 816/39, 928/39, 1090/39, 1100/39, 768/39, 1190/39, 1525/39, 18/40, 73/41).
- 106 *Prince Albert Herald* (9 August 1938).
- 107 GA, M4755, Ewing Commission documents, file 643, M. Christianson to E.A. Braithwaite, 1 December 1938.
- 108 Ibid.
- 109 Ibid., 4.
- 110 Ibid.
- 111 Ibid., 7.
- 112 Sawchuk, *Metis Land Rights*, 206.
- 113 Sawchuk, *Metis Land Rights*, 205; Alta Reg 804/42.
- 114 Provincial Archives of Manitoba, 970.47123 A333, Alberta, Bureau of Public Welfare, “Report of Activities in Connection with the Settlement of the Metis, January 1, 1939 to January 31, 1940.
- 115 *The Metis Population Betterment Act, 1940*, SA 1940, c 6.

- 116 Ibid., ss. 8, 9.
- 117 Ibid., s 18.
- 118 University of Saskatchewan Legal Information Service, *Alberta's Metis Settlement Associations: A Legislative History, Report No. 17* (Saskatoon: University of Saskatchewan Native Law Centre, 1983).
- 119 Alberta, Metis Settlements and the Metis Rehabilitation Branch, *Report of the Metis Task Force upon the Metis Betterment Act*, 1972.
- 120 Métis leader Louis Riel would not be eligible to apply under this definition of Métis.
- 121 *The Metis Population Act, 1940*, SA 1940, c 6, s 17.
- 122 Ibid., s 14.
- 123 Ibid., s 20.
- 124 GA, M-125-39, Brady collection, Historical Notes, 1935-1939.
- 125 Norris Malcolm, "A Brief Synopsis of the Origin and Development of the Present Metis Association of Alberta," Appendix I in Fred Kenneth Hatt, "The Response to Directed Social Change on an Alberta Metis Colony," 241.
- 126 Alberta, *McEwan Joint Government-Métis Committee to Review the Metis Betterment Act and Regulations* (Edmonton: Municipal Affairs, 1984), 5.
- 127 *Constitution of Alberta Amendment Act, 1990*, RSA, c C-24.
- 128 *Metis Settlements Land Protection Act*, RSA 2000, c C-24, s 3.
- 129 The Alberta Métis land settlements are the only statutorily mandated land base for the Métis in Canada.