

**The Edmonton and District Stragglers: Gendered
Strategies of Treaty and Scrip, 1876-1886**

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ABSTRACT

Metis women listed as Edmonton and District Stragglers made strategic familial and economic decisions during the treaty and scrip period of the nineteenth century. In so doing, they influenced the development and administration of the Canadian government's treaty and scrip policies. Department of Indian Affairs Inspector Thomas Wadsworth created the straggler classification as an expedient solution to a bureaucratic problem - a way to pay people who, by not belonging to an Indian band, were behaving in a way policy makers had not anticipated. The deconstruction of ethnic and band categories reveals that aboriginal women used administrative categories, including 'straggler,' 'Indian,' and 'halfbreed,' in ways unexpected by government authorities. The ways women used these categories of rule had long-term implications. Their decisions influenced their descendants' ethnic identities. Furthermore, official policy was far different from practice. When individuals responded differently than expected, new administrative categories and policies were created to accommodate for the discrepancies between expected and actual responses.

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Introduction: Gendered Strategies of Treaty and Scrip¹: The Edmonton and District Stragglers, 1876-1886

On 5 June 1885, Mrs. Mary Norris, a forty-five year old mother of eight, requested and received a treaty discharge certificate from the Edmonton and District Indian agent responsible for Treaty Six. Later that day, having renounced her Indian status, she approached the North-West Half-breed Scrip Commission (NWHBS) and applied for scrip as a 'Half-breed Head of Family.' At first glance, Mrs. Norris' actions appear typical. Like thousands of metis men, women and children, she withdrew from treaty to participate in the Department of the Interior's North-West scrip program of 1885. But Mrs. Norris was also unusual. Contrary to the assumption of most scholars that native women married to non-treaty men were ineligible for treaty, Mary collected treaty annuities until 1885 as an Edmonton and District Straggler.² Mary Norris's case raises many questions. What was a 'straggler'? Who created this category? When was it created? What purpose did it serve? Considering her husband was not in treaty, why was Mrs. Norris in treaty as a Status Indian? Through what process did she withdraw from treaty and apply for scrip? How did her decisions affect her descendant's ethnic identities? Do her actions represent a degree of individual agency previously unconsidered by scholars of aboriginal history? In short, what do Mary Norris' actions

¹ The term scrip (within the context of 19th century North America) refers to a "negotiable certificate issued by various governments entitling the holder to take up or receive an allotment of public land...[I]t was used to extinguish Aboriginal rights of the Metis." For a concise article on the term and the history of its use in Western Canada, see Gerhard Ens, "Metis Scrip," in *Case Studies 1: The Recognition of Aboriginal Rights*, ed. Samuel W. Corrigan and Joe Sawchuk (Brandon: Bearpaw Publishing, 1996), 47-56.

² There are two main usages of straggler in this study: as an administrative category (i.e. The Edmonton and District Stragglers), and an economic strategy (stragglings). Unless used as a proper noun, the term 'straggler' will appear in lower case.

and decisions tell us about the history of treaties and the role of metis women in shaping scrip policies in western Canada?

The evidence shows that native women listed as Edmonton and District Stragglers made reasoned and strategic familial and economic decisions during the treaty and scrip period of the nineteenth century. In so doing, they influenced the development and administration of the Canadian government's treaty and scrip policies. Inspector of Indian Agents and Farms Thomas Wadsworth created the straggler classification as an expedient solution to a bureaucratic problem - a way to pay people who, by not belonging to an Indian band, were behaving in a way policy makers had not anticipated. Thus, Wadsworth created the category to accommodate the responses and actions of women like Mary Norris. But 'straggler' was more than a constructed category. It was a strategy used to obtain an annuity payment – largely by women who were interested in the economic benefits of the Indian identity but whose lifestyle and kinship ties did not lend themselves to notions of a communal or band existence. *Straggling* allowed these people to fit an administrative category –“Status Indian” – without belonging to a particular band. While this case study focuses on the Edmonton and District Stragglers, they were only one variant of this straggler phenomenon. Many aboriginals administratively categorized as stragglers were trying to find a band to settle with. This temporary administrative category then led to the phenomenon of straggling as a strategy, either to receive more than one annuity payment in a year, or, as is the case of the Edmonton and District Stragglers, to receive annuities without the requirements of permanent reserve residency.

This study deconstructs some of the ‘categories of rule,’ including that of ‘straggler,’ in the ceded territory of Treaty Six. I explore how individuals both adopted and resisted ethnic classifications. The deconstruction of ethnic and band categories reveals that aboriginal women used administrative categories, including ‘straggler,’ ‘Indian,’ and ‘halfbreed,’ in ways unexpected by colonial authorities. The ways women used these categories of rule had long-term implications. Their decisions influenced their descendants’ ethnic and legal identities. Furthermore, official policy was far different from practice. When individuals responded differently than expected, new administrative categories and policies were created to account for the discrepancies between presumed and actual responses. Categories were not fixed. Nor was their creation inevitable. They were historically constructed to fit idealized notions of race, and were ambiguously fluid in character.

Long before the numbered treaties, metis in the North-West integrated the fur trade into their ways of life. The fur trade created complex trading relations that extended past the natural boundary of the Rocky Mountains and north to the timberline. The territories ceded in the numbered treaties stretch from what is now Ontario, through Manitoba, Saskatchewan and Alberta, the north-eastern corner of British Columbia, and into the North West Territories. The surrender of Indian lands became a priority for the Canadian government after the transfer of Rupert’s Land from the Hudson’s Bay Company to Canada in 1870. Anticipated agricultural settlement in the North-West Territories contributed to the push for treaties with natives.

Metis land grants in Manitoba were also significant for increasing non-aboriginal settlement during this period. A provision in the *1870 Manitoba Act* granted 1.4 million

acres to be distributed to metis children in exchange for individual extinguishment of Metis or native land title. In 1874, the land grant was extended to include 'Half-breed heads of families.' The land was distributed as scrip for either 160 acres or 160 dollars. Scrip, however, was not extended into the North-West until 1885, nine years after Treaty Six was signed. So, when treaties were signed, unlike metis in Manitoba, many individuals and families who faced economic hardship on the plains had only one option for government aid: entering treaty.

The North-West Half-Breed Scrip Commission was created in 1885 to deal with metis claims outside of Manitoba. Commissioners were surprised at the number of treaty Indians interested in receiving scrip. Decisions made by metis women like Mary Norris not only set the direction for descendants' ethnic identification, but also challenged institutionalized notions of ethnic and racial boundaries. Metis could either enter treaty as Indians or remain 'ordinary' British subjects. With the arrival of the Scrip Commission, they could either withdraw from treaty as metis or remain treaty Indians. The historical processes of ethnic identification and categorization, policy development and implementation, and individual agency during this period are poorly understood. These processes can be better understood by investigating the decisions of Mary Norris and her contemporaries.

Metis who entered treaty had two options: they could either stay in treaty as Indians or, in 1885, withdraw as halfbreeds. Their choice would inadvertently influence future descendants' familial political and ethnic identities. Women like Mary Norris whose names appeared on the "1888 List of Halfbreeds withdrawing from Treaty" were not interested in the *recognition* of an existing metis identity, as was the case at Red

River; nonetheless, taking scrip resulted in the *making* of a metis cultural and political identity in the North-West. This process of cultural construction, the forging of a collective identity, was in part to distinguish oneself from being Indian. Primarily, however, it was to receive an economic benefit, which resulted in the solidification of a metis cultural and political identity in the North-West.

This study explores three themes not dealt with in literature on fur trade domesticity or Indian policy: firstly, the breakdown and scattering of Cree bands in the immediate pre-treaty period and the resulting formation of new bands with the administration of treaty six; secondly, individual agency exercised by native women regarding treaty and scrip; and thirdly, the role of native women in the evolution of treaty and scrip policies on the plains. Cultural approaches to indigenous-newcomer relations, combined with broad interpretive trends within fur trade social history, have contributed to the neglect of these themes in the literature. More specifically, the prevalence of certain assumptions regarding the cohesive nature of tribal societies in literature on band identities, the continued application of broad ‘societal’ interpretations in fur trade histories outside of British Columbia, and the portrayal of indigenous populations as passive victims of repressive colonial policies, has inadvertently diverted attention away from crucial nuances and complexities of indigenous-newcomer relationships.

Literature on band structures usually focuses on ‘traditional’ tribal group identity.³ The existence of fluid band structure and identities, movement of individuals

³ Theodore Binnema highlighted the misconception of ‘traditional’ and cohesive band identities prevalent in scholarly literature in his book *Common and Contested Ground: A Human and Environmental History of the North-Western Plains*, (Norman, University of Oklahoma Press, 2001), xii. While scholars generally acknowledge that bands and band membership was often flexible, most studies continue to deal with the Cree as if they were a tribal grouping. For example, Olive Dickason’s, *Canada’s First Nations: A History*

between bands, and the creation of new bands in response to the administration of treaties remains largely unaddressed. Ethnohistorian Susan Sharrock acknowledged problems with the overuse of the terms ‘tribe’ and ‘band’ to identify coresidence or ethnic units in scholarship over thirty years ago; however many historians and anthropologists continue to designate groups with singular descriptors and identities that may not reflect individual or group realities.⁴ The tendency of scholars to emphasize the unique socio-cultural aspects of different ethnic groups while downplaying any sense of interrelatedness results in collective or cohesive representations of bands. Gerald Sider termed this tendency the “anthropological concept of culture”; scholarly emphasis on commonalities or shared values, he argued, needs to be supplanted by the opposite.⁵ Although much can be gained through broad cultural explanations, the result is less emphasis on the significant differences within, and interrelatedness of, various ethnic group memberships. In other words, the malleability of group designations tends to be overlooked, which at least in part explains why scholars have neglected to show any interest in, or even acknowledge the existence of stragglers as an intriguing and significant part of aboriginal history.⁶

of *Founding People's From Earliest Times* (New York: Oxford University Press, 2002); David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical, and Comparative Study*, (Regina: Canadian Plains Research Center, 1979), 105-106; 289. John Milloy, *The Plains Cree*, (Winnipeg: University of Manitoba Press, 1988), 73. Heather Devine's recent publication, *The People Who Own Themselves: Aboriginal Ethnogenesis in a Canadian Family, 1660-1900* (Calgary: University of Calgary Press, 2004), acknowledges that the process of treaty making in western Canada resulted in the formation of some new bands.

⁴ Susan Sharrock, “Crees, Cree-Assiniboines, and Assiniboines: Interethnic Social Organization of the Far Northern Plains,” *Ethnohistory* 21, no. 2 (1974): 95-122.

⁵ Gerald Sider, *Culture and Class in Anthropology and History: A Newfoundland Illustration* (Cambridge: Cambridge University Press, 1986), 5, 109.

⁶ Devine demonstrated the fluidity of aboriginal identities through her reconstruction of the Desjarlais family. She made no reference to ‘stragglers,’ even though Indian agents listed some Desjarlais family members as stragglers on annuity paylists. For example, Marie Hamelin dit Desjarlais was listed as a straggler from 1880-1884. National Archives of Canada (NAC), Record Group 10, Department of Indian

Fur trade domesticity in the plains region of the North-West Territories has not received a great deal of attention from scholars. With the publication of two major studies on fur trade domesticity in the late 1970s, the contributions of native women to the fur trade economy have, mistakenly, come to be considered thoroughly explored. Sylvia Van Kirk and Jennifer Brown, authors of these groundbreaking studies, are synonymous with fur trade social history; their books are still assigned readings in many undergraduate and graduate level courses. However, interpretations based on specific trading post documents were applied as though there was one fur trade society across Rupert's Land. In addition, their studies did not address the economic contributions of native women during the post-1870 era. Evidence shows that native women continued to play an important role in the Western Canadian fur trade long after the transfer of Rupert's Land. Straggler women not only continued to travel throughout the Territories with their husbands and families, but they also participated in a new form of mixed-economy – they strategically combined the collection of treaty annuities with fur trading activities.

The application of broad assumptions, combined with the concept of the entire fur trade as a singular society, produced interesting interpretations, but did not provide an accurate picture of the many cultural, regional and local variations of the fur trade in the North-West.⁷ As such, localized case studies that address fur trade domesticity in the

Affairs (RG10), Treaty Annuity Paylists, vol. 9414, p. 140; vol. 9415, p. 149-154; vol. 9415a, p. 144-49, 157; vol. 9418, p. 180-83, 290-93.

⁷ The experiences of aboriginal women on the Pacific coast or Grande Cache were significantly different than native women referred to in Van Kirk's historical evidence. Sylvia Van Kirk, *'Many Tender Ties': Women in Fur Trade Society in Western Canada, 1670-1870* (Winnipeg: Watson & Dwyer Publishing Ltd., 1980); Jennifer Brown, *Strangers in Blood: Fur Trade Families in Indian Country* (Vancouver: University of British Columbia Press, 1980). In an article written for the Sixth North American Fur Trade Conference, Michael Payne acknowledged that although their work is often cited, Van Kirk and Brown, along with other trend-setting fur trade social historians including John Foster, did not receive much critique from new scholars. Michael Payne, "Fur Trade Social History and the Public Historian: Some Other Recent Trends,"

plains region are sparse. Although scholars now refute the concept of a single fur trade society, there are few detailed localized studies of various fur trade societies in western Canada.⁸ Scholarship produced on fur trade in British Columbia, however, is a notable exception.

The overwhelming attention focused on the relationship between British Columbia's provincial government and aboriginal populations in recent years has produced a wealth of excellent scholarship. In British Columbia, recent studies contextualize indigenous-newcomer relations within the broader context of British colonialism and empire studies.⁹ The result has been a range of approaches, theoretical perspectives and unique interpretations. The range of creative studies from British Columbia reveals the possibilities for expansion of plains native literature.

The Fur Trade Revisited: Selected Papers of the Sixth North American Fur Trade Conference, Mackinac Island, Michigan, 1991, ed. Jennifer Brown, W. J. Eccles, and Donald Heldman (Michigan: Michigan University Press, 1994), 494. Discourse on women in the fur trade has not strayed far from traditional economics-based questions and models of E. P. Thompson and Peter Laslett. Overall the field of social fur trade history strongly clings to either E. P. Thompson's concept of class consciousness or Peter Laslett's model of the patriarchal household. E. P. Thompson, *The Making of the English Working Class*, reprint (New York: Vintage Books, 1966); Peter Laslett, *The World We Have Lost* (London: Methuen, 1971). For example, Heather Rollason Driscoll's article continues to highlight economic motivation even though she refuted Van Kirk's assertion of racism as the cause of the diminishing role of native women. Heather Rollason Driscoll, "A Most Important Chain of Connection': Marriage in the Hudson's Bay Company," *From Rupert's Land to Canada*, eds. Theodore Binnema, Gerhard Ens, and R. C. Macleod (Edmonton: University of Alberta Press, 2002), 81-107.

⁸ For example, Michael Payne, "Fur Trade Social History and the Public Historian: Some Other Recent Trends," 494; and Heather Rollason Driscoll, "A Most Important Chain of Connection': Marriage in the Hudson's Bay Company," 81-107.

⁹ Although not fur trade studies, recent literature on native-newcomer relations in British Columbia tends to demonstrate far more creativity in terms of methodology than studies concerning geographic regions in Rupert's Land. For example, see Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002); Adele Perry, *On the Edge of Empire: Gender, Race and the Making of British Columbia* (Toronto: University of Toronto Press, 2001); Mary-Ellen Kelm, *Colonizing Bodies: Aboriginal Health and Healing in British Columbia, 1900-1950* (Vancouver: UBC Press, 1998); Jean Barman, "Taming Aboriginal Sexuality: Gender, Power, and Race in British Columbia, 1850-1960," in *BC Studies*, 115-116 (1997-98): 237-66.

Most fur trade histories end with the transfer of Rupert's Land to Canada in 1870. Thus, few studies bridge individuals that made their living within a fur trade economy to the development of treaty and scrip policies in the late nineteenth century.¹⁰ However, there are a few notable exceptions. Historian Arthur Ray's in-depth studies of the post 1870 fur trade economy address the increased interference of government policy in the affairs of the Hudson's Bay Company and the development of government assistance for natives.¹¹ However, his analysis is applied on a national scale. There are no detailed regional or local studies that address how individuals were directly affected by changing economies of scale. Because of the depth of his research, Ray's work, like that of Van Kirk and Brown, provides scholars with an excellent reference from which to delve into more localized studies.

Ray, along with Jim Miller and Frank Tough, recently published a comprehensive study of the treaties of Saskatchewan.¹² This monograph definitely bridges fur trade history and the history of treaties, but provides very little on issues of domesticity, gender, and identities. It addresses how the complex socio-commercial relationship that

¹⁰ Heather Devine's recent monograph is an exception. Devine consulted of a variety of sources including Record Group 15 (RG15), Department of the Interior (DOI) and RG10 Department of Indian Affairs (DIA) records, fur trade journals and account books, missions records, and individual accounts in effort to reconstruct the Desjarlais family line and their various aboriginal identities. Unfortunately, her treatment of the treaty-scrip period did not provide any new perspective on how/why metis entered and subsequently withdrew from treaty. Further discussion of Devine's approach to metis in treaty can be found in Chapter 4.

¹¹ Arthur J. Ray, *The Canadian Fur Trade in the Industrial Age* (Toronto: University of Toronto Press, 1990). His books *I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People* (Toronto: Lester Publishing, 1996) and *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of Hudson's Bay, 1660-1870* (Toronto: University of Toronto Press, 1974), challenged previous fur trade scholars' eurocentric or 'nation building' interpretations, including Harold Innis, E. E. Rich, A. S. Morton, by arguing the fur trade was/is native history; Also see Arthur Ray's, "The Decline of Paternalism in the Hudson's Bay Company Fur Trade, 1870-1945," *Merchant Credit and Labour Strategies in Historical Perspective*, ed. Rosemary E. Ommer (Fredericton: Acadiensis Press, 1990); 188-202.

¹² Arthur Ray, Jim Miller and Frank Tough, *'Bounty and Benevolence': A History of Saskatchewan Treaties* (Montreal: McGill-Queen's University Press, 2000).

existed between aboriginal peoples and the Hudson's Bay Company influenced the process of treaty negotiations. This monograph is also an excellent reference for scholars as it essentially synthesizes the last sixty years of fur trade and treaty scholarship. It does not, though, provide any new perspective on the history of treaties. *Bounty and Benevolence* neglects to address the relationship between the Crown and metis peoples, the scattering of Cree bands on the Plains, disagreement amongst aboriginal peoples on the benefits of treaties, the connection between treaties and scrip, and the existence of straggler bands. Ray, Miller, and Tough missed an opportunity to explore how the fur trade economy became integrated with a new 'treaty economy.' A new type of band and lifestyle emerged out of this integration in the Edmonton District – bands of 'stragglers' and strategies of 'straggling.'

There is scholarship that addresses the relationship between treaty and scrip policies in western Canada. However, it overwhelmingly portrays people who chose to remain in treaty and those who took scrip as homogenous. In their article "Distinction Without a Difference? Treaty and Scrip in 1899," G. Neil Reddekopp and Patricia Bartko argued that the only distinction between these two groups was legal.¹³ Decisions made by straggler women in Treaty Six tell a different story. Stragglers continued off-reserve residence while in treaty; and in 1885, they demanded treaty discharges. These actions suggest an ethnic identity as something other than 'Indian.' The complete absence of

¹³ G. N. Reddekopp and Patricia Bartko, "Distinction without a Difference? Treaty and Scrip 1899," *Treaty 8 Revisited: Selected Papers on the 1999 Centennial Conference, Lobstick: An Interdisciplinary Journal, Special Premier Issue*, eds. Duff Crerar and Jerry Petryshyn, 1, no.1 (Winter 1999-2000): 213-228. The Centennial celebrations of the signing of Treaty 8, along with numerous court challenges and media attention, has produced a significant amount of interest and scholarship. Additional articles in this volume that promote a similar argument include Patricia A. McCormack, "Overcoming the Differences of Treaty and Scrip: The Community Development Program in Fort Chipewyan," and Patricia Bartko, "Lesser Slave Lake Aboriginal Population Cicera 1899- "The Community Quandary – Choosing Between Treaty and Scrip."" Also see Patricia K. Sawchuk, "The Historic Interchangeability of Status of Metis and Indians: An Alberta Example," *The Recognition of Aboriginal Rights* (Brandon: Bearpaw Publishing, 1996), 57-70.

straggler bands, including the Edmonton and District Stragglers, in the literature on fur trade, treaty, and scrip demonstrates that there are many questions and sources yet to be explored.¹⁴ This localized study of the Edmonton and District Stragglers challenges the broad interpretations and underlying assumptions of previous scholars - and it brings this unique straggler band into sharp focus.

Many revisionist fur trade scholars over the last four decades have published social histories in an attempt to provide a corrective to Eurocentric studies of the early twentieth century. By exploring 'bottom-up' approaches, social histories of the fur trade have added significantly to our understanding of the intricate relations between knowledge and power. However, these studies tend to inadvertently represent indigenous peoples as victims without voice or influence within a repressive society, revealing an assumption within the scholarship that 'power' is always controlled by the Crown.¹⁵ It is certainly evident that the relationship between the colonial and the indigenous was unequal, but one must be careful not to simply assume that indigenous peoples were passive recipients of repressive policies. Viewing natives in the past as rational beings making strategic decisions that influenced outcomes of policy implementation does not, and should not, diminish the fact that many policies were ill-considered, unevenly applied, and harmful for aboriginal people.

¹⁴ While the focus of this thesis is on straggler groups in the Edmonton District, there were also numerous stragglers around Fort Walsh.

¹⁵ Studies that tend to downplay native agency include Sarah Carter's *Lost Harvests: Prairie Indian Reserve Farmers and Government Policy* (Montreal: McGill-Queen's University Press, 1990) and Maureen Lux's *Medicine that Walks: Disease, Medicine, and Canadian Plains Native People, 1880-1940* (Toronto: University of Toronto Press, 2001); Olive Dickason, *Canada's First Nations: A History of Founding People's From Earliest Times*, (New York: Oxford University Press, 2002). Mary-Ellen Kelm and Robin Brownlie explored the debate on native agency in their article "Desperately Seeking Absolution: Native Agency as Colonialist Alibi," *Canadian Historical Review*, 125, no. 4 (December 1994).

The theoretical base for this study incorporates notions of social constructionist and 'critical' colonial analysis or the 'new imperial history.'¹⁶ I borrow heavily from recent literature that highlights the complexity of relations between colonial powers and indigenous populations. C. A. Bayly's recent monograph, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons*, is an excellent example of work demonstrating a strong movement towards re-examining the roles of indigenous peoples within colonialism:

Physical domination was accompanied by different degrees of ideological dependence. Social concepts, institutions, and procedures honed in the fierce competition between European nations became controllers and exemplars for non-European peoples. Those peoples, however, were not passive recipients of Western bounty, alternatively, simply the West's supine victims.¹⁷

Historical actors were both passive and active participants in the forging of collective identities.

Gerhard Ens explored the concept of aboriginal agency in *Homeland to Hinterland*.¹⁸ In his study of the Red River metis, Ens used the changing nature of economies to frame an examination of aboriginal identities in the nineteenth century. Prior to the publication of his work, the historiography of the Red River metis largely approached metis populations as passive victims in a changing world. The literature neglected to consider the ways in which people made strategic familial and economic decisions in the changing political and economic climate of the mid-nineteenth century. Ens provided an alternative interpretation. Ens argued that the metis were able to adapt to

¹⁶ See C. A. Bayly's introduction in his book *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (Oxford: Blackwell Publishing, 2004).

¹⁷ Bayly, 3.

¹⁸ Gerhard Ens, *Homeland to Hinterland: The Changing Worlds of the Red River Métis in the Nineteenth Century* (Toronto: University of Toronto Press, 1996).

a developing capitalist economy.¹⁹ They increasingly participated in both native and European economic systems with a growing confidence. Metis identity was defined by this socio-economic niche within the fur trade - not biology or religion. Once the Red River Settlement no longer provided viable economic opportunities in hunting, freighting, trading, and provisioning, it ceased to be considered a homeland. The metis migrated west to take advantage of perceived economic opportunities in the buffalo robe trade. The list of Edmonton and District Stragglers includes some of the metis that migrated west in the 1860s and 1870s.

When the significance of the fur trade economy declined, fur trade communities became increasingly fragmented as families were reformulated and integrated into the rising capitalist order.²⁰ 'Stragglers' became a useful economic strategy for metis families struggling to reinvent a social and economic niche with the transition from common resources to private property. These decisions reflect the ability of individuals to adapt to changing economic and environmental realities beyond their control. This suggests, as Ens argued, that "[r]ather than being passive victims of the actions of others, or simply a problem confronting the federal government, the Metis [were]... active agents in their history and development."²¹

While scholars of Western Canadian and aboriginal history will be familiar with Ens' contribution to literature on metis populations, less known is a significant study

¹⁹ Ens also challenged D. N. Sprague, viewed Métis as powerless in the face of the Canadian government and increasing white settlement. D. N. Sprague, *Canada and the Metis, 1869-1885* (Waterloo: Wilfred Laurier Press, 1988).

²⁰ Irene Spry, "The Great Transformation: The Disappearance of the Commons in Western Canada," in *Man and Nature on the Prairies*, ed. R. A. Allen, Canadian Plains Studies 6 (Regina: Canadian Plains Research Center, University of Regina, 1976).

²¹ Ens, *Homeland to Hinterland*, 5.

from the early 1980s by Jean Taylor. Her book, *The Social World of Batavia: European and Eurasian in Dutch Asia*, introduced historians of Empire studies to the politics of intimacy or the ‘management of sexual relations’ in Java.²² Published in 1983, Taylor’s work represents a significant departure from previous literature on mixed-race populations: she viewed colonial society as an ‘autonomous entity.’ Taylor focused on the social interactions between groups of Asians and Europeans that gave rise to a distinct culture in the Dutch East Indies – interactions which hold remarkably similar parallels to the solidification of ‘metisness’ in the North-West. Using family relationships as the organizing center of her study, Taylor’s work anticipated the significance of future comparative colonial studies. She showed “how a relationship between the organization of the domestic and that of the state together shaped colonial cultures that were at once homespun and worldly, reformist and racist, and both self-identified as of a singular nation – the Netherlands – and pan-European.”²³ By exposing the complex social interactions that led to the formation of a unique Metizo culture in the trading city of Batavia, her study revealed the remarkable degree to which women and their kin networks were crucial in the construction of metisse social groups. Taylor argued that women were the entrance point into the cultural and political world of indigenous and metisse populations. It was through the metisse women that children could enter the indigenous world, a concept that has not been explored by scholars in the context of

²² Jean Taylor, *The Social World of Batavia: European and Eurasian in Dutch Asia* (London: University of Wisconsin Press, 1983).

²³ Taylor, xvii.

treaty making and scrip in western Canada.²⁴ The economic-based decisions by straggler women to enter treaty provided a window of opportunity for children to ‘choose’ their ethnic identity – a process that, as Taylor’s study reveals, echoes a larger global phenomenon. In the context of Treaty Six, it was through the decision of straggler women, not their husbands, that children could choose their identity. They could enter treaty as a Status Indian, remain in treaty or take scrip as metis, or neither.

Taylor’s study profoundly influenced the work of anthropologist Ann Laura Stoler.²⁵ In *Carnal Knowledge and Imperial Power*, Stoler discussed the degree to which Taylor’s study of Batavia was the impetus for her own research. Stoler was intrigued by the possibilities exposed for further exploration of “intimate frontiers” in the Dutch East Indies. In her essay, “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies,” she continued to call for an extension of comparative empire studies. Scholars, she implored, need to explore the “social and cultural space where racial classifications were defined and defied, where relations between colonizer and colonized could powerfully confound or confirm the strictures of governance and the categories of rule.”²⁶

²⁴ Jennifer Brown explores this issue, but in the context of pre-1870 fur trade. Jennifer Brown, “Métis Women as Center and Symbol in the Emergence of Métis Communities,” *The Canadian Journal of Native Studies*, 3 (1) 1983, 39-46.

²⁵ It was through Ann Laura Stoler’s, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*, (Berkeley: University of California Press, 2002), that I was introduced to the work of Jean Taylor. Although Stoler’s work has received far more attention from scholars, her work was so heavily influenced by Taylor’s study of Batavia that I felt it was crucial to highlight the contribution.

²⁶ She acknowledged that the work of Van Kirk urged a focus between the connections of intimate encounters as “the sites of production of colonial inequities...” Ann Laura Stoler, “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies,” *The Journal of American History*, 88 (3) 2001, 1.

Stoler looked at what she described as the “paradox and political consequence of racialized categories that were fixed and fluid, precise and protean, received and malleable, all at the same time.”²⁷ My study of the Edmonton and District Stragglers, like Stoler’s, wrestles with the “conceptual fixity of categories and the fluidity of their content.” Colonial categories were, according to Stoler, “binding but unbound by those within in, were excessively rigid and exceeded their limits, had nuanced criteria for inclusion that were reworked by people who made them and by those they could not contain.”²⁸

As Ens argued, economic considerations were crucial in the formation of ethnic identities.²⁹ Changes in metis household and family dynamics coincided with economic changes and were related to shifts in the market economy in the western interior. And through these changes individuals adapted. Individuals, including the Edmonton and District Stragglers, made strategic economic decisions that would later represent the ‘making of’ their own political identities.³⁰

Ian Hacking explored how the construction of categories affects the very idea of what it is to be an individual. His article “Making up People” raises an important irony when considered within the context of the Edmonton and District Stragglers. The construction of this category was a reaction to the unexpected individual responses of metis during the treaty period. Many people did not demonstrate the ‘band’ or ‘communal’ behavior expected by bureaucrats during the administration of treaty

²⁷ Stoler, *Carnal Knowledge*, 8.

²⁸ Stoler, *Carnal Knowledge*, 8-9.

²⁹ Ens, *Homeland to Hinterland*, 5.

³⁰ Ian Hacking, “The Looping Effects of Human Kinds” *Casual Cognition: : A Multidisciplinary Debate*, ed. Dan Sperber, David Premack and Ann James Premack (Oxford: Clarendon Press, 1995).

annuities. The creation of a straggler designation counters most notions of how ethnic or racial categories were constructed by governmental institutions. Rather than creating a new way for people to *be*, it was created as a response to how people *were*.

³¹ Administrators were not trying to accommodate a 'mixed-blood' group – they were finding a way to pay individuals who wished to receive annuities but were without a band. This situation fits within Hacking's assertion that the "power of categories rests in their capacity to impose the realities they ostensibly only describe."³² Mary Norris' adoption and rejection of certain created identities through her entrance and exit from treaty and acceptance of scrip, fits within Ian Hacking's 'looping effect' concept of classification:

There is a looping or feedback effect involving the introduction of classifications of people. New sorting and theorizing induces changes in self-conception and in behavior of the people classified. Those changes demand revisions of the classification and theories, the causal connections, and the expectations. Kinds are modified, revised classifications are formed, and the classified change again, loop upon loop.³³

His theory helps explain how rejecting an 'Indian' political identity for the monetary benefits of scrip solidified the making of a metis administrative identity in the North West.

When used in consultation with fur trade sources, Department of the Interior and Department of Indian Affairs records provide interesting perspectives on the relationship between the Crown, Indian agents in the field, and metis who entered treaty. These government records have potential to provide further understanding of demographic and

³¹ Ian Hacking, "Making up People," *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought*, ed. Thomas C. Heller (Stanford: Stanford University Press, 1986).

³² Stoler, 8.

³³ Hacking, "The Looping Effects of Human Kinds," 370.

economic changes in the North-West that resulted from the administration of treaty and scrip policies. Scrip applications were designed by the Department of the Interior for two specific purposes: extracting genealogical information to determine whether or not the applicant was indeed a 'halfbreed,' and obtaining residency information to determine whether or not the individual was born and resided on ceded territory in 1870. Since scrip was based on the perception that 'biology' granted certain individuals certain rights, it was imperative, from the Department of the Interior's perspective, that the 'race' of both the maternal and paternal parents was proven by the applicant. Residency was considered as important as biology. Scrip was intended for individuals who resided in ceded territory; administrators were concerned that applicants provide information concerning both past and present residency. As recent post-structuralist discourse has made clear, the limitations of institutional documents cannot be overstated.³⁴ Thus, the experiences of women in a position to apply for scrip cannot be interpreted as representing every native woman's experience in the North-West.

Treaty annuity paylists found in the Department of Indian Affairs records add another layer for methodological consideration. Starting in 1876, the year Treaty Six was signed at Fort Carleton, annuities were paid out to bands in August and September. The documents from the early years of treaty (1876-1879) have considerable inconsistencies which make it difficult to track individuals from one year to the next. After 1879, record keeping procedures were streamlined. The result was more consistency in both the spelling of names and assigning of band numbers. The numerical data from 1876 to 1879

³⁴ See Franca Iacovetti and Wendy Mitchenson, eds., *On the Case: Explorations in Social History* (Toronto: University of Toronto Press, 1998).

extracted from the playlists provides us with a general, although not statistically accurate, idea of how many metis women entered treaty as stragglers in a given year.

Given the array of racial classifications and categorizations in the nineteenth century, it is difficult to determine the most appropriate terms to represent aboriginal groups and communities. I chose language that best reflects the nomenclature of the period. 'Indian' is used as an administrative term to refer to peoples in treaty who were recognized by the Canadian government as Status Indians under the *Indian Act*. The term 'aboriginal' includes people who are either full or mixed heritage, unless otherwise specified. Numerous terms were used to refer to people with mixed heritage, including half-breeds, bois-brule, metis, and mixed-bloods. I use 'halfbreed' to reflect government administrative language of the late nineteenth century and 'metis' to refer to mixed-heritage cultural or ethnic communities formed through participation in the fur trade economy. 'Mixed-blood' denotes a biological classification of mixed-heritage people that entered treaty but were also part of local metis fur trade communities.

The creation of straggler nomenclature demonstrates that band membership was traditionally more flexible and less important in terms of identity, than portrayed in both anthropological and historical literature. The emergence of the Edmonton and District Stragglers was the product of both historic social structures of aboriginal communities and ad-hoc government Indian policy. Prior to the negotiation of Indian treaties, the government had made no promises of scrip to the metis outside Manitoba; thus, the government neglected to address the deteriorating economic and environmental realities of native peoples, including metis, during the 1870s.

This study builds on a broad spectrum of earlier Canadian social fur trade and treaty scholarship, and draws heavily upon critical colonial and post-structuralist case studies. It is centered on the three themes that came out of this study of the Edmonton and District Stragglers – fluidity of aboriginal identities, agency of women, and policy shaped through response. Chapter One, ‘Where shall the line be drawn?’: Treaty Making and the Concept of ‘Straggling’ in Treaty Six, explains the Canadian government’s struggle to define and categorize aboriginal peoples. Why did the category ‘straggler’ appear on annuity paylists in the late 1870s? How did metis women use this category as an economic and familial strategy? The category was created by government field agents to resolve problems unanticipated by the entrance of metis without band affiliation into treaty – a reflection of the fluid nature of aboriginal identities in a period of economic hardship. But why did the Canadian government allow metis women to enter treaty while married to non-treaty men? Why was this all happening in and around the Edmonton District?

The second chapter, ‘Halfbreeds’ Taking Treaty: Economic and Familial Strategies, 1876-1886, reconstructs a sample of the Edmonton and District Stragglers familial histories. Where were straggler women born? Where did they reside? Who were their husbands? I deconstructed the list of Edmonton and District Stragglers into three categories of women: metis women who were married to, or widows of, non-treaty metis men, metis women whose husbands entered treaty for a brief period of time, and metis women who were married to white men. Although they may have differed through marital circumstances, these women all strategically integrated the new ‘treaty economy’

into their fur trade lifestyle which included a great deal of travel throughout the North-West Territories.

The final chapter, “Distinction *with* a Difference?”: Leaving Treaty and Taking Scrip as Economic and Familial Strategies, argues that the Edmonton and District Straggler’s decisions to withdraw from treaty in 1885 and apply for scrip suggest that they self-identified differently from most people who remained in treaty. If the Edmonton and District Stragglers did not identify as ‘Indian,’ did they identify as ‘metis’? Metis responses to, firstly, the Canadian government’s delay in extending scrip to the NWT, and secondly, to the government’s ill-thought treaty withdrawal policies, resulted in the reshaping of scrip policy and the solidification of a metis cultural and political identity.

Chapter One: 'Where shall the line be drawn?'³⁵: Treaty Making and the Concept of 'Straggler' in Treaty Six

The creation of the 'straggler' band list in Treaty Six represents a unique puzzle in the history of western Canadian treaties. What was a straggler band? Who created this category? Was it the result of direct policy initiatives from Ottawa? Or was it created by government agents in the field? Straggler nomenclature is directly interwoven with attempts by the Canadian government to administer, understand, define, and classify aboriginal peoples in western Canada. In 1880, Inspector Thomas Wadsworth created the Edmonton and District Straggler band list to deal with large numbers of metis women in treaty without band affiliation. Solving the straggler puzzle also sheds light on gender related questions. Why did so many metis women enter treaty? Why were they without band affiliation and why was this happening in the Edmonton District? Did the Canadian government attempt to restrict metis women from entering treaty? Department of Indian Affairs (DIA) field officers' use of straggler as a category on annuity paylists provides insight into how aboriginal socio-cultural structures were understood, or misunderstood, during the mid to late nineteenth century.

For DIA field officers, the *straggler* classification was used as a temporary administrative strategy to respond to economic and environmental circumstances not dealt with in treaty negotiations. For metis women, particularly those married to non-treaty men, it was strategic means to combine the economic benefits of treaty with continued participation in the fur trade economy. This chapter examines how the

³⁵ NAC, RG15, *Annual Report 1876*, Special Appendix C, Report of M. G. Dickieson to the Honourable Minister of the Interior, 7 October 1876, Winnipeg, Manitoba. Quote from Indian Commissioner M. G. Dickieson on the complications of defining who was and who was not eligible for treaty.

Canadian government attempted to construct restrictive ethnic and racial definitions, how aboriginal and metis groups responded to issues of treaty eligibility, and lastly, how historical circumstances necessitated the creation of straggler band lists in the Edmonton District.

Treaty Six negotiations were largely based on earlier numbered treaties on the Prairies and on Eastern treaties of Upper Canada.³⁶ Both of these previous experiences, however, led government officials to certain assumptions about the structure and 'nature' of band societies that were later unsuccessfully applied in western Canada. Racial, ethnic, and gender classifications associated with treaty eligibility were also formed through these processes. Not all treaties were negotiated in the same manner; however there were significant similarities that reveal how and why 'straggler' bands came to be part of administrative and economic strategies in Treaty Six.

Discussion of 'half-breed' eligibility for treaty benefits was commonplace in negotiations. This issue arose early on during the Stone Fort and Manitoba Post Treaty negotiations (Treaties One and Two). Subsequent to metis discontent over the sale of Rupert's Land to Canada in 1870, a provision of the Manitoba Act designated land grants to metis children in exchange for the extinguishment of their aboriginal title.³⁷ This resulted in government attempts to define 'half-breed.' Thus in Manitoba, confusion quickly arose over the question of eligibility for treaty and half-breed land grants. Indian Commissioner Wemyss M. Simpson's 1871 report to the Governor-General described the

³⁶ Ray, *Bounty and Benevolence*, xvii, 32-44.

³⁷ For a concise overview on metis land grants and scrip, see Gerhard Ens, "Metis Scrip" in *The Recognition of Aboriginal Rights: Case Studies I*, ed. Samuel W. Corrigan and Joe Sawchuk (Brandon: Bearpaw Publishing, 1996).

presence of half-breed families in Indian settlements. Confusion over treaty eligibility is evident:

During the payment of several bands, it was found that in some, and most notably in the Indian settlement and Broken head River Band, a number of those residing among the Indians, calling themselves Indians, are in reality half-breeds, and entitled to share in the land grant under the provisions of the Manitoba Act. I was most particular, therefore, in causing it to be explained, generally and to individuals, that any person now electing to be classed with Indians, and receiving the Indian pay and gratuity, would, I believed, thereby forfeit his or her right to another grant as a half-breed; and in all cases where it was known that a man was a half-breed, the matter, as it affected himself and his children was explained to him, and the choice given to him to characterize himself. The explanation of this apparent sacrifice is found in the fact that the mass of these persons have lived all their lives on the Indian reserves (so called), and would rather receive such benefits as may accrue to them under the Indian treaty, then wait the realization of any value in their half-breed grant.³⁸

To Simpson and his contemporaries, property ownership was equated with civilized society. Simpson found it difficult to understand why a half-breed would make the “apparent sacrifice” to be “classed with Indians” rather than receive a land grant. Simpson’s remark that a “number of those residing among the Indians, calling themselves Indians, are in reality half-breeds” demonstrates the weight he attributed to ideologies of racial classifications. Ambiguities of ethnic identification were not completely lost on Simpson, but he found it difficult to accept that a ‘half-breed’ individual would choose to identify as ‘Indian.’

Individuals were eligible for the half-breed land grant based on their mixed Indian and European ancestry. But many instead opted for the long term financial benefits of

³⁸ Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories, including the Negotiations on which they were based, and other Information Relating Thereto*, Originally Published by P. R. Randall, 1880 (Toronto, Coles Publishing Company, 1971), 41.

annuity payments rather than participation in a one-time grant. The benefits of staying put and collecting monies on a yearly basis outweighed the benefits of a land grant for half-breed families integrated with and resident in Indian communities. It made little sense for families having, as Simpson stated, “lived all their lives on Indian reserves” to relocate. From Simpson’s perspective, choosing between the land grant and treaty equated to the solidification of an ethnic identity. Once the choice was made, he felt that it could not, and should not, be reversed.

Drawing the line between who was and who was not considered an Indian continued to plague government officials right through and after all of the numbered treaty negotiations. Unable to equate ethnic identity with biological classification, the government instead equated it to an individual’s ‘habits.’ That is to say, if an individual followed the “customs and habits of the Indians” then he or she was considered an Indian. Membership with an Indian band was also a determining factor. However, as Secretary to the Minister of the Interior M. G. Dickieson’s report demonstrates, these attempts were just as futile:

The question as to who is or who is not an Indian is a difficult one to decide, many whose forefathers were Whites, follow the customs and habits of the Indians and have always been recognized as such...the question then arises – where shall the line be drawn to decide who is or who is not an Indian? The Indian Act of last session, which defines that an “Indian” shall “be any male person of Indian blood reputed to belong to any particular Band” or, “any child of such person,” does not cover the ground, for under the strict interpretation of the act, as I understand it, many who are of pure Indian blood would be excluded as they have never belonged to “any particular Band,” and a few of these have followed to a considerable extent the customs of the Whites.³⁹

³⁹ NAC, RG15, *Annual Report 1876*, Special Appendix C, Report of M. G. Dickieson to the Honourable Minister of the Interior, 7 October 1876, Winnipeg, Manitoba.

As late as July 1885, Prime Minister John A. Macdonald attempted to refuse extension of financial benefits to metis in the North-West by arguing in the House of Commons debates that the legal category “half-breed” did not exist: “If [half-breeds] are Indians they go with the tribe; if they are half-breeds they are whites, and they stand in exactly the same relation to the Hudson’s Bay Company and Canada as if they were altogether white.”⁴⁰ But half-breeds did exist. Much effort was spent trying to categorize different ‘classes’ of half-breeds. Treaty Commissioner Alexander Morris submitted his own interpretation of metis classifications during Treaty Six negotiations in 1875:

The half-breed in the territories are of three classes – 1st, those who, as at St. Laurant, near Prince Albert, the Qu’Apelle lakes and Edmonton, have their farms and homes; 2nd, those who are entirely identified with the Indians, living with them, and speaking their language; 3rd, those who do not farm, but live after the habits of the Indians, by the pursuit of the buffalo and the chase... There is another class of the population in the North-West whose position I desire to bring under the notice of the privy council. I refer to the wandering half-breed of the plains, who are chiefly of French descent and live the life of the Indians. There are a few who are identified as Indians, but there is a large class of Metis who live by the hunt of the buffalo, and have no settled homes.⁴¹

Morris’s awareness that race did not necessarily translate into identity is evident in the above passage. But both he and his contemporaries clearly struggled to understand the complexity of ethnic categorization and aboriginal identities during this period. As a result, racially based treaty and scrip policies were impossible to implement. Not all government officials shared the same views on dealing with metis populations in the North-West. There were two main schools of thought: firstly, that the half-breed issue should not be dealt with at all; and secondly, half-breeds should be granted some form of

⁴⁰ *Debates of the House of Commons, 1885*, Speech of J. A. Macdonald, 6 July 1885, p. 3113.

⁴¹ Morris, 294, 295.

financial benefit. No one expressed the belief that half-breeds should be unequivocally granted permission to enter treaty, yet between 1876 and 1884, this is precisely what happened.

One reason that halfbreeds entered treaty is because many Cree and Ojibwa leaders expressed concern for the well-being of the metis during treaty negotiations. Cree chief Mistowasis, voiced concern for half-breeds in 1875: "I wish to speak a word for some Half-breeds who wish to live on the reserves with us, they are as poor as we are and need help." Response to his plea was unsympathetic. Commissioner James McKay, a halfbreed himself, did not believe that metis should be permitted to collect annuities: "...we did not come as messengers to the Half-breeds, but to the Indians."⁴² This opinion was expressed by a number of Treaty commissioners. However, the legal position of the Canadian government was tenuous in this regard. There were no legal means to prevent anyone with aboriginal ancestry from collecting annuities. In 1873, Indian Commissioner J.A.N. Provencher drafted recommendations in attempt to clarify the legal positions of metis and Indians in the North-West:

The legal position of the Indians in the North West Territories has not yet been defined, and the consequence is that many Half-breeds will be now on the Pay lists, unless I am authorized to have their names expunged. Altho. the Act organizing the Department of the Secretary of State, and which defines the Status of the Indians does not apply to this part of Canada, I venture to believe, that in acting according to its spirit without any special legislation, or any formal instructions, I should follow it in this matter. --

According to Vic. 31. Cap. 42 Cl. 15. It is enacted what persons may be considered Indians and consequently admitted to take their positions accorded by the Government, among the different Tribes. --

⁴² Morris, 222.

1. All full blooded Indians reputed as belonging to the nations, tribe or particular people of Indians interested in these lands or immovable properties and their descendants. [sic]
2. All persons residing among those Indians, of whom their parents, from either side, were descended from Indians, or reputed Indians belonging to the Nation, Tribe, or particular People of Indians interested in Real Estate, or their descendants [sic]
3. All women legally married to persons comprised in the above classes; the issue of such marriages and their descendants. —
These halfbreeds live with the Indians; have the very same habits; and actually form part of the Tribe, in accordance with the Act above mentioned. — Their position would be quite regular if they had not afterwards shared in the lands specifically set apart for Halfbreeds...⁴³

Despite Provencher's recommendations, metis who neither belonged to a band nor abided by the "very same habits" as Indians continued to collect annuities. Three years after the submission of Provencher's report, there still were no specific instructions to guide Indian agents in charge of annuity distribution.

M. G. Dickieson's 1876 report to the Minister of the Interior indicates that Indian agents had no direct instruction on how to deal with metis who wanted to collect annuities:

When the payments were made in 1875, some Half-breeds, who though residing among, had never followed the habits of the Indians, were admitted. This was sanctioned by the Act 31 vic. Cap. 42, clause 15, which provided that "all persons residing among these Indians of whom their parents, from either side, were descended from Indians or reputed Indians belonging to the nation, tribe or particular people or Indians intrusted in real estate or their descendants, should be accounted as Indians." I could not refuse these their annuities since they now belonged to a Band, and accordingly paid them.⁴⁴

⁴³ NAC, RG10, vol. 3608, f. 3084. Translation of Report of J. A. N. Provencher, Indian Commissioner, 31 December 1873.

⁴⁴ NAC, RG15, Annual Report 1876, Special Appendix C, Report of M. G. Dickieson to the Honourable Minister of the Interior, 7 October 1876, Winnipeg, Manitoba.

Moreover, not all treaty commissioners agreed that metis should be excluded from treaty. Alexander Morris, newly appointed to the position of Lieutenant-Governor of Manitoba, was well-disposed toward the metis populations of the North-West. Morris considered the metis invaluable in establishing and maintaining good relations with Indians:

For my own part, I can frankly say, that I always had the confidence, support and active cooperation of the Half-breeds of all origins, in my negotiations with the Indian tribes, and I owe them this full acknowledgment thereof.⁴⁵

Intent on avoiding conflict over treaty eligibility, Morris implemented a reasonably “liberal approach to ethnic identification for the purposes of awarding treaty or scrip.”⁴⁶

He also proposed that the Canadian government provide a land base for metis in the North-West for the purpose of establishing agricultural communities:

I think that a census of the numbers of these [Half-breeds] should be procured, and although I would not be disposed to recommend their being brought under the treaties, I would suggest that land should be assigned to them, and that on their settling down, if after an examination of their circumstances, it should be found necessary and expedient, some assistance should be given to them to enable them to enter upon agricultural operations.⁴⁷

His suggestion was overlooked. As a result, a large number of metis were without aid and thus insisted they be granted treaty annuities.

It was difficult for government administrators to conceptualize a population that claimed to be neither white nor Indian, yet claimed the rights of both. Once it was realized that all individuals with aboriginal ancestry in the North-West were legally entitled to collect treaty annuities, concern shifted from excluding metis from treaty to

⁴⁵ Morris, 294.

⁴⁶ Devine, 141.

⁴⁷ Morris, 294, 295.

preventing them from 'double-dipping.' Commissioner McKay expressed concern that half-breeds from Manitoba were taking advantage of the government's legal position by collecting both treaty and scrip:

The Queen has been kind to the Half-breeds of Red River and has given them much land; we did not come as messengers to the Half-breeds, but to the Indians. I have heard some Half-breeds wanted to take lands at Red River and join the Indians here, but they cannot take with both hands. The Half-breeds of the North-West cannot come into the Treaty. The small class of Half-breeds who live as Indians and with the Indians, can be regarded as Indians by the Commissioners, who will judge each case on its own merits as it comes up, and will report their action to the Queen's Councillors for their approval.⁴⁸

His concerns were not completely unfounded. Many metis sold their scrip to land speculators and headed west in hopes of pursuing a better life.⁴⁹ From the Canadian government's perspective, metis who received land grants or scrip in Manitoba had already extinguished aboriginal title. If permitted to collect treaty annuities, these metis would have their aboriginal title extinguished twice over. Thus, it is likely that from the perspective of metis, the issue did not center on the extinguishment of land rights. Rather, it involved obtaining an economic benefit during a period of immense hardship. There was no will on behalf of the government to address deteriorating economic issues in the North-West, and as a result, thousands of people on the Plains were without any form of financial aid.

Economic conditions steadily deteriorated during the 1860s and 1870s. In 1869-70 a severe small-pox outbreak devastated many native communities. A combination of

⁴⁸ Morris, 222.

⁴⁹ Ens argued that "While high tariffs and increased border surveillance would discriminate against Metis traders, or any small trader after 1876, the Northwest still offered the Metis traders a competitive market that had closed for them in Manitoba by the early 1870s...If Metis wished to continue trading robes, they had to move west." Ens, *Homeland to Hinterland*, 139.

disease, declining bison populations, and harsh winters created an atmosphere of desperation. Department of Indian Affairs annual reports are filled with descriptions of distress and starvation.

[In] the North-West where, as is generally known, much distress has prevailed during the past season and still exists, owing to the disappearance from the Territories of the buffalo, the staple of life...some [Indians] are reduced to the extremity of eating mice, dogs, and even their buffalo skins, to preserve their lives, and some of whose relatives perished from hunger... The scarcity of buffalo in the Territories reduced the Indians to very great straits and a number of deaths from actual starvation ensued...Reports of starvation were received from Qu'Appelle, Forts Walsh, Macleod, Battleford, Carleton, Fort Pitt, Fort Saskatchewan, Edmonton, Touchwood Hills, Fort Ellice, Moose Mountain, Fort Calgary and elsewhere; said reports coming from different sources.⁵⁰

In addition, many traders were convinced that violence was imminent unless the Canadian government addressed the dire conditions and negotiated treaties in a timely manner. In 1870, Richard Hardisty expressed concern about the possibility of a frontier war:

The plains Indians as far back as I can recollect have always considered the whites and Halfbreeds as aggressors on their plains when parties have gone to the plains to make provisions, but as it has always been our policy to have staunch men from among them-selves as Guides and Hunters no very serious collision has ever taken place, but latterly, the aspect of things has changed considerably...the disturbances in Red River, have sensibly affected the Indian mind in this part of the Country, and again the small pox, having carried away so many of their friends for which they blame the whites there appears to be a careless indifference as to the future not caring how soon troubles may commence.⁵¹

⁵⁰ *Sessional Papers*, DIA Annual Report of the Deputy Superintendent-General of Indian Affairs, (L. Vankoughnet), 1879. p. 5, 12.

⁵¹ Hudson's Bay Company Archives (HBCA), D. 12/1 HBC Commissioners Correspondence Inward, Hardisty to Christie (28 December 1870).

Dire conditions not only induced the Indians to follow the buffalo southward but also resulted in the dispersal of several Cree bands.⁵² In 1873, a Methodist Missionary at Victoria noted movement of the Cree from the region:

At the present time, this station is suffering from the temporary removal of 14 families, who having failed in the summer's hunt, and not having sufficient planted to afford provisions for the winter, were necessitated to seek winter quarters elsewhere. Some have gone to those lakes where white fish abound, and others have gone to the plains.⁵³

In 1875, George McDougall helped the government prepare for Treaty Six negotiations by visiting Cree camps to record complaints and demands. Cree leaders wanted the Canadian government to support existing chieftainships in hopes of countering both the high rate of band dispersal and lack of respect for existing leadership amongst the younger generation. In previous years numerous traders set themselves up as leaders of small factions that broke away from the main band. The Cree populations in the district appeared to be particularly fractious. A Cree chief complained to McDougall that traders would "[set] up his own chief and the result is we are broken up into little parties, and our best men are no longer respected."⁵⁴ However, the Deputy Superintendent-General of Indian Affairs Lawrence Vankoughnet commented in his annual report that the government was unable to support the previous band chieftainships: "The Government found it necessary to recognize three divisions of the Band, each with its own Chief..."⁵⁵

⁵² Letter of George McDougall (Edmonton), dated April 25, 1873 reprinted in *Wesleyan Missionary Notices*. Canada Conference. New Series, no. 20 (August 1873), 310-311.

⁵³ Letter of P. Campbell, dated Victoria Mission, January 8, 1874, reprinted in *Wesleyan Missionary Notices*. Canada Conference. New Series, no. 23 (May 1874), 363.

⁵⁴ NAC, RG10, vol. 3624, f. 5152. George McDougall to Lt. Governor A. Morris, October 23, 1875.

⁵⁵ DOI Annual Report, 1876. p. vii.

Inspector L.F. Crozier of the North-West Mounted Police also noted the scattering of bands in the region:

It was most unfortunate in the Indian being so scattered owing to the different tribes being now at peace, consequently they go where they will over the country; this is the first year they were ever known to be so scattered.⁵⁶

The scattering of bands in times of epidemics and starvation was not unusual. In his study of the northwestern plains, Theodore Binnema found evidence of band dispersal following the 1781 small-pox epidemic.⁵⁷ High mortality rates drastically affected the social structure of native communities. To increase mobility and chances of finding food, bands broke down into smaller units and were often forced to leave behind the sick and elderly. As Binnema explained, “[t]he epidemic must have so dramatically affected American Indian communities that most, if not all, bands on the northwestern plains ceased to exist as autonomous units.”⁵⁸ The small-pox epidemic of 1869-70 resulted in similar band dispersal. But there is one significant difference. After the 1781 epidemic, the smaller, formerly separate bands eventually merged.⁵⁹ Conditions on the Plains ninety years later did not facilitate the amalgamation of bands. When the Canadian government treated with Indians on the plains, they encountered bands that had not previously existed, remnants of old bands, and people who did not affiliate with any band. Thus, many bands that came into treaty were neither well established nor cohesive. It was the

⁵⁶ NAC, RG10, vol. 3624, f. 5152. Inspector Crozier (NWMP) to Minister of the Interior, February 19, 1876.

⁵⁷ Binnema, *Common and Contested Ground*, 124-125.

⁵⁸ Binnema, *Common and Contested Ground*, 124-125.

⁵⁹ Binnema, *Common and Contested Ground*, 125.

culmination of these conditions through which the term 'straggler' came to be used as an administrative and economic strategy in Treaty Six.

The 'straggler' band category on treaty paylists was a result of the high instance of band dispersal on the Plains. Evidence suggests that cohesive band identities did not exist in the early years of Treaty. Paylists between 1876 and 1880 indicate that there was a considerable amount of movement between bands. An observation recorded by Chief Factor Richard Hardisty of Fort Edmonton on the manner in which people came into treaty in the Edmonton District indicates the relative insignificance of band identity: "[t]he main tie...which binds the Cree band is residential juxtaposition of individuals at the time the band was formed. Most of its members might with equal propriety belong to any band other than that with which they are actually connected."⁶⁰ Permanent membership in a single band was partly a post-reserve phenomenon that developed when people eventually settled on reserves. Thus, rather than a strong band identity, Hardisty's observation reveals that bands were created in response to locality at the time people came into treaty. Strong band identities were not always evident at the time treaty six was signed and reserves allocated. The 1870s represent a period in native history where aboriginal and band identities were considerably more fluid during this period portrayed in the literature.⁶¹

It is important to recognize that within the context of immediate environmental and demographic changes during this period, DIA field officers created the 'straggler'

⁶⁰ HBCA B. 60/b/3, Fort Edmonton Correspondence 1878-1886, Richard Hardisty to Joseph Wrighes, Commissioner, Hudson's Bay Company, 17 August 1885.

⁶¹ Binnema highlighted the misconception of 'traditional' and cohesive band identities prevalent in scholarly literature. Binnema, *Common and Contested Ground*, xii.

category to facilitate treaty annuity payments. With no legal means to prevent metis without band affiliation from collecting annuity payments, Indian agents were faced with a serious book-keeping problem. Department of Indian Affairs monies earmarked for distribution as treaty annuity payments were transferred on a 'per band' basis. There were no means for agents to distribute funds to individuals who were not listed with a band. Thus, 'straggler' was initially a bureaucratic invention to deal with problems created by accepting large numbers of people into treaty who had either no specific band designation (no recognized headman), or were moving from one band to another at different treaty payment locations.

There is no evidence to suggest that the use of the Straggler category on treaty paylists was intended to be permanent. It was used as a temporary expedient that would disappear as the confusion of 'who was with whom' was sorted out administratively. The straggler designation generally encompassed two 'classes' of metis.⁶² The first class included small groups who broke away from a band nucleus. For these groups, 'straggler' was a convenient temporary administrative designation - individuals or groups would eventually either create a band name (usually the name of the individual considered to be leader), or join another band. Secondly, 'straggler' accommodated metis women in treaty married to non-treaty men.

Numerous small 'straggler' or transitional bands existed throughout the region just prior to, and during, Treaty Six negotiations, which represents the first class of straggler bands. The existence of these small straggler bands, however, was likely a result of disagreement over leadership decisions during the negotiations with the federal government. For example, Puskeakewenin and his band of Frog Lake people reflected a

⁶² Straggler bands were not necessarily restricted to people of mixed ancestry.

very diverse membership, which included former followers of BobTail, Big Bear, and Sekaskootch. It is likely that members of these other bands were dissatisfied with their band leadership and this joined with Puskeakewenin. William Fraser referred to the members of Puskeakewin's new band as "non-treaty stragglers" and "straggling members" that came from other bands around Sounding Lake.⁶³

The first straggler band on the Treaty Six paylists appeared in 1878.⁶⁴ This list consisted of twenty-seven predominately aboriginal names from various other bands.⁶⁵ No chief or headman is indicated on this payroll. Thus, rather than a 'band' per se, this list likely represents individuals from other bands who happened to be in the vicinity of Edmonton when annuities were distributed that year. In 1879, individuals from numerous bands were paid at Edmonton as "Stragglers with Tommy Lapatack Band from Sampson and Erminskin Band."⁶⁶ This straggler band eventually settled near Edmonton

⁶³ William Fraser's 1963 unpublished paper, "Plains Cree, Assiniboine and Saulteaux (Plains) Bands, 1874-84," is the only secondary source with references to Stragglers and Straggler groups. Much of his study appears to be derived from Morris' account of the Treaty negotiations and examination of paylists; however, there is neither scholarly interpretation of the evidence nor discussion of either the definition or designation of the term *straggler*. However, this paper does give a sense of the high degree of band fluidity in the Edmonton District during this period. He notes the existence of numerous small 'straggling' bands. Members of these bands likely disagreed with their leadership during treaty negotiations and thus formed their own group. William Fraser, "Plains Cree, Assiniboine and Saulteaux (Plains) Bands, 1874-84," (Glenbow Museum Library), 44. Fraser's numerical data and analysis appear to be reasonable when compared with documented evidence. Some of the data can also be found in Alexander Morris' *The Treaties of Canada with the Indians*.

⁶⁴ NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, vol. 9412, "Stragglers," pages 480-481. Eleven of these stragglers were women paid with children. Five names were of European origin, the rest were Aboriginal.

⁶⁵ The spelling of aboriginal names from year to year was extremely varied, and names were often changed outright to a European name. Thus, individuals from the early paylists are difficult to trace until band numbers were assigned in 1880.

⁶⁶ As the title suggests, the list contains numerous people who had previously been paid with Sampson and Erminskin, but also contains people from Little Hunter, Bobtail, and Keeheewin. NAC RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1878-1879, vol. 1677 "(Stragglers) with Tommy Lapatack Band from Sampson and Erminskin Band, paid at Edmonton, Sept 11, 1879," (no page numbers provided). The Acting agent from the Peace Hills Agency, Mr. S.B. Lucas commented in his 1884 Annual District Report

under the name of Tommy Lapatack's brother, Enoch. In his 1881 Annual Report, Edmonton and District Indian agent Wadsworth reported: "A large band of stragglers under Tommy le Patac have settled on Stony Plain, about eight miles from here. I have a good man to look after them (Tom Logan) and there are some good workers amongst them..."⁶⁷ The Enoch band represents the emergence of a singular band identity from various 'straggling' groups and individuals.

Not all straggler bands solidified into an enduring band identity. The Passpasschase band formed from stragglers, but eventually dispersed and members either withdrew from treaty or joined neighboring bands. The government allocated Passpasschase a reserve about five miles south of Edmonton, however there was strong opposition. The owner of the *Edmonton Bulletin*, Frank Oliver spearheaded opposition to the establishment of a reserve on prime real estate near Edmonton. Oliver argued that Passpasschase and his followers had no claim to reserve land because the band consisted primarily of stragglers:

What right this band of Indians (if such they can be called) has to a reserve, even in this part of the country, is hard to conceive. The principle portion of the band belong to Slave lake and have but recently come here to reside. The chief and councillors [sic] of the band are not pure Indians and some have expressed a willingness to abandon the treaty and become enfranchised. One of the head men of the band wishes to have the supposed northern boundary line of the reserve moved two miles further south, so that he will be enabled to sell his farm and again enter the reserve and take up another. The band is composed for the most part of

that: "This portion of the Edmonton district was formed in December last, and comprises four bands, namely, Sampson, Ermineskin, Bobtail and Sharphead, numbering, according to the pay-sheets of 1884, nine hundred and forty-four souls. A number of stragglers were paid with them, some of whom still remain on these reserves, and will settle permanently, while some have gone to other parts of the country." *Dominion of Canada, Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1885*, page xlvi. <http://www.nlc-bnc.ca/indianaffairs>

⁶⁷ Report of Wadsworth, (Edmonton), Letter dated 5 May 1881. *Dominion of Canada, Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1881*, page xx. <http://www.nlc-bnc.ca/indianaffairs>.

stragglers from other bands, who are here today and away tomorrow. A large proportion of them get their living by begging and other questionable means around the town. In reality there is no band except about time of treaty payments.⁶⁸

Many bands came together for the sole purpose of collecting annuities. In Oliver's mind, they did not constitute "pure Indians" deserving of reserve and treaty annuities.

Indian agents initially paid individuals without a band by placing their names on an established band list. Many straggler names appeared with Passpasschase, Alexander, Alexis, Bobtail, and Michel band lists between 1876 and 1879.⁶⁹ By 1880, Inspector Wadsworth realized that certain metis families were unwilling to settle on reserves with the bands to which they were assigned. With increasing numbers of non-native settlers in the Edmonton district, the Canadian government wanted Indians to either withdraw from treaty or settle on allocated reserves. Wadsworth responded by compiling a list of individuals who did not identify with an Indian band. He instead listed them as "Stragglers living about Edmonton with no recognized Chief."⁷⁰ Rather than the small transitional straggler bands discussed earlier, these metis women married to non-treaty men represent the second classification of straggler. Most of the women on this initial Edmonton Straggler band list from 1880 were also listed on the "List of Half-breeds who have withdrawn from Treaty, 1888."⁷¹

⁶⁸ *Edmonton Bulletin*, 2 August 1884.

⁶⁹ NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1876, vol. 9412; 1877, vol. 9412 file 9153; 1878-1879, vol. 1677; 1879 vol. 9413; 1880, vol. 9414.

⁷⁰ NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1880, vol. 9414.

⁷¹ Glenbow Archives. Hobbema Indian Agency. M4433, D970.5H682 - List of Halfbreed who have withdrawn from Treaty, 1 June 1888.

Matters of band membership and treaty eligibility are perplexing. Why were metis women married to non-treaty men eligible for treaty? Scholars generally assume that the Canadian government went to great efforts to restrict women married to non-treaty men from maintaining Indian status; however, hundreds of metis women entered treaty without a treaty husband. Evidence from both Treaty Six paylists and Indian policy documents examined by historian Theodore Binnema, provide opportunity for a counter-intuitive interpretation.⁷² Binnema's research on the evolution of Canadian Indian policy demonstrates that the government sought to construct definitions and policies that reflected the "ancient customs and traditions" of the Indians."⁷³

The first attempt to define "Indian" was in response to aboriginal petitions for more control over property and band membership. Many bands experienced conflict as people from outside their communities squatted on land and claimed rights to annuities. Aboriginal leaders petitioned the government of Upper Canada to assist them in

⁷²According to Binnema's research, "Drummond drafted the 1850 Act intending to define Indians according to the "ancient customs and traditions" of the Indians, but that he discovered, through the protests of Indians in Lower Canada, and through his discussions with Indians and other people knowledgeable of the customs of the Indians, that "that part of [the law] which confers upon all persons intermarried with Indians the same rights as the Indians themselves is obnoxious to the latter [ancient customs and traditions of the Indians]." This knowledge convinced Drummond that "it may be considered as a violation of the rights of the present proprietors to allow the white man who marries an Indian woman to claim a share in the rights of her tribe. I, therefore, propose to amend that portion of the law so as to exclude the white man who marries an Indian woman and his descendants, without depriving the Indian who marries a white woman, or his heirs, from a share in the rights of the tribe." In other words, Drummond made it clear that his decision to exclude the descendants of a marriage between a white man and an Indian woman from legal Indian rights came as a result of consultation with Indian groups, who convinced Drummond that this decision would conform to their customs. Although social and legal distinctions between men and women in Canadian society were clear and hardening at the time, the provisions in this act were not rooted in the customs and traditions of Euro-Canadian society." Binnema, "Women and the Canadian Government's Definition of Indian," presented at a joint session of the annual meeting of the Canadian Women's Studies Association and the Canadian Historical Association, Toronto, May 2002. (With permission of author), 12.

⁷³ Binnema, "Women and the Canadian Government's Definition of Indian," 8.

protecting membership privileges.⁷⁴ It was through a process of consultation that early drafts of the Indian Act were first produced by the Canadian government and carefully examined by aboriginal leaders in the 1850s. Changes were made to address concerns, one of which included the matter of native women married to non-treaty men. In 1876, the *Indian Act* was consolidated and revised by Superintendent General of Indian Affairs, David Laird. The 1876 report for the Department of the Interior stated:

The [Indian Act, 1876], I am informed, was very carefully prepared by the then Superintendent General, the Hon. Mr. Laird, who was at pains to obtain the views of man of the most intelligent Indian Chiefs in Ontario respecting its provisions, and the bill was, in some particulars, modified to meet their wishes.

The section defining Indian women remained essentially the same as the 1851 definition, which conceded that Indian women who married non-Indians

shall cease to be an Indian in any respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged, in the annual or semi-annual distribution of their annuities, interest moneys and rents; but this income may be commuted to her at any time at ten years' purchase with the consent of the band.⁷⁵

In accordance with aboriginal 'ancient customs and traditions,' native women who married outside their community were no longer considered a band member. It is this membership restriction that scholars have assumed was applied unconditionally in the

⁷⁴ For an explanation of the 1851 definition see previous footnote. Binnema argues that "[Lewis D. Drummond, Solicitor General] drafted the 1850 Act intending to define Indians according to the 'ancient customs and traditions' of the Indians, but that he discovered, through the protests of the Indians in Lower Canada, and through his discussions with Indians and other people knowledgeable of the customs of the Indians, that 'part of [the law] which confers upon all persons intermarried with Indians the same rights as the Indians themselves is obnoxious to the latter [ancient customs and traditions of the Indians].'" Binnema, "Women and the Canadian Government's Definition of Indian," 8.

⁷⁵ *Statutes of Canada* 1876, c. 18 (39 Victoria.).

North-West. Yet, for a brief eight year period between 1876 and 1884, restrictive membership requirements were not followed. Native women were free to collect annuities without restriction.

A letter dated 30 September 1880 reveals that DIA field officers were aware that discrepancies existed between the policy and practice. Inspector Wadsworth, appointed to distribute annuities in the Edmonton District area, briefly commented that:

The Edmonton and other “stragglers” are greatly made up of half-breeds, and in instances where women appear on the paysheets, as heads of families, [and] their husbands are non-treaty, (a few widows excepted). By the Indian Act their children are not Indians; not having instructions to the contrary I paid these children as formerly.⁷⁶

The practice of distributing annuities to native women with non-treaty husbands was contrary to established Indian policy and legislation that was developed in consultation with Indian leaders in Upper and Lower Canada. However, faced with families in financial need, and with “no instructions to the contrary,” Indian agents continued to distribute annuities in this manner until scrip was finally extended to metis residents in the North-West in 1885. Once scrip was available, almost all native women with non-treaty husbands withdrew from treaty.

The 1880 date of Wadsworth’s statement is significant. From 1876 to 1879, Edmonton and District Straggler women, whose names later appear of the treaty withdrawal list, were paid with various other bands; however in 1880, shortly after Wadsworth commented on the women in treaty with non-treaty husbands, their names were transferred onto a new band list entitled “Stragglers living about Edmonton having

⁷⁶ “Report of Wadsworth, (Edmonton), dated 30 September 1880,” Dominion of Canada, *Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1880*, page 87. <http://www.nlc-bnc.ca/indianaffairs>.

no recognized chief, women with non-treaty husbands.” Documents examined contained no specific instructions to direct Wadsworth on how to deal with this matter. It is likely that in hopes of encouraging bands to initiate settlement on reserves, Wadsworth transferred individuals from the previous band lists that did not identify as Indian, and as such, would not settle.

Inspector Wadsworth used the straggler band designation as a stop-gap administrative measure to ensure the distribution of funds to individuals who did not belong to a band. But it was also used as an effective economic strategy by individuals in treaty. Individuals used the designation straggler as a means to collect annuities without restrictions of reserve residency. Male stragglers continued working as freemen, farmers, laborers, and freighters; female stragglers continued traveling when their husband’s employment dictated, and were free to raise their families and maintain kinship ties without living on a reserve.⁷⁷ For those listed as stragglers, taking treaty was effective means of collecting a small financial benefit during a period of increasing economic hardship without restriction on employment or residency.

In 1884, the Department of Indian Affairs reported 306 people listed as stragglers in Treaty Six (see Table 2.0). These were broken down into four bands – the Beaver Hills Stragglers, Stragglers having no claim to land (Edmonton), Passpasschase, and Stragglers from the South. These four straggler bands represent both ‘classes’ of stragglers

⁷⁷ A freeman was a typically a former trading company employee who acted as a ‘middleman’ between various native bands and a trading company, however, many freeman were hunters and trappers who traded with the HBC. Freeman were often married to local Indian women, and enjoyed a fair degree of autonomy in comparison to men who were employed directly with a trading company.

previously discussed – small factions from various bands that came together to collect annuities and metis women married to non-treaty men.⁷⁸

Table 2.0 1884 Treaty Six Straggler Bands⁷⁹

Band Name	Male	Female	Other Persons	Total
Beaver Hills Stragglers	9	7	0	16
Stragglers having no claim to land [Edmonton]	24	114	3	141
Passpasschase ⁸⁰	3	2	0	5
Stragglers from South	60	80	4	144
Total	96	203	7	306

The band listed as “Stragglers having no claim to land” (also known as the Edmonton and District Stragglers) was primarily made up of metis women with non-treaty husbands.⁸¹

The women who collected annuities as Edmonton and District Stragglers were married to, and daughters of, men employed as freemen, freighters, and Company servants.⁸²

⁷⁸ The Edmonton Agency of the Indian Department controlled eighteen Indian Bands in 1883, which included just over 2600 people. There were three divisions; the Northern Division, consisting of reserves north of the North Saskatchewan River; the Southern Division, including Indian Bands south of the North Saskatchewan, and the Eastern Division, encompassing the reserves to the east of Edmonton. “The Edmonton Agency,” *Edmonton Bulletin*, 31 March 1883.

⁷⁹ NAC, RG10, Annuity Paylists, Treaty Six, Vol. 1677, “Beaver Hills Stragglers”; “Passpasschase”; “Stragglers having no claim to land (Edmonton)”; “Stragglers from the South.”

⁸⁰ Stragglers that formed a band under the leadership of Passpasschase were eventually allocated a reserve about five miles south of Edmonton. Agent Wadsworth’s disparaging remarks concerning the Passpasschase band indicated that he was not as hopeful for the band’s success: “Being mostly half-breeds and very indolent, they will not work more than to keep body and soul together, and not at all if fed by the Government.” Report of Wadsworth, (Edmonton), Letter dated 5 May 1881. Dominion of Canada, Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1881, page 181.
<http://www.nlc-bnc.ca/indianaffairs>.

⁸¹ The 24 males listed with this group were sons of these metis women.

The women listed as Edmonton and District Stragglers did not form a band or group identity. Rather, these women resided in various locations, and often traveled with their husbands and families throughout the North-West for employment. Straggling provided a means for metis women to collect a financial benefit.

There was a distinction between people who were listed as stragglers and those who were members of other Indian bands in Treaty Six.⁸³ Prior to the arrival of scrip, metis in the ceded area of Treaty Six had two options in terms of status.⁸⁴ They could either enter Treaty and be identified as Indian, or decline Treaty and assume the same rights and privileges as any other British subject. Life on the plains changed drastically during the pre-treaty period. The small-pox epidemic of 1869-70 caused massive demographic changes. Harsh winters and bison depletion meant many communities faced economic hardship. Treaty commissioners voiced concerns over mixed-bloods entering Treaty due to economic hardships during this period, but the government, not fully understanding the realities faced by people in the North-West, lacked a practical response. Indian agents were unprepared to deal with large numbers of metis or 'stragglers' wanting to collect annuities. With no legal means to prevent someone with aboriginal ancestry from entering treaty, Indian agents created 'straggler' bands to accommodate individuals without band affiliation. With no other financial options available in the North-West, metis women took advantage of the opportunity to collect

⁸² NAC, RG15, Series D-11-8 (b) and Series D-11-8 (c). The 1885 North West Half-breed Scrip Applications contain genealogical and other familial information.

⁸³ The exception here is the metis community of St. Albert. There were many metis who were neither stragglers nor entered treaty, but did take scrip.

⁸⁴ It is important to recognize between status and ethnic categorization. One could refuse treaty and be treated the same as other British subjects, and still consider oneself or one's community as ethnically 'metis,' as did the communities of Batoche and St. Albert.

treaty annuities. For an eight year period, there were essentially no restrictions on treaty eligibility. The existence of not only the straggler designation, but also the large number of metis women with non-treaty husbands collecting treaty, unequivocally demonstrates that, at least in practice, Indian policy between 1876 and 1886 was far more inclusive than has been considered among scholars.

Chapter Two: “Halfbreeds” Taking Treaty: Economic and Familial Strategies, 1876-1886

In 1876, Mary Norris, along with six other ‘halfbreed’ women collected treaty annuities with Passpasschase’s band near Edmonton.⁸⁵ In 1880, Inspector Thomas Wadsworth, transferred the names of these and other metis women onto a new band list titled “Stragglers living about Edmonton with no recognized Chief, wives of non-Treaty men.”⁸⁶ Wadsworth’s construction of this new band list signaled a change in the government’s approach to certain metis women in treaty. This new approach recognized that certain ‘Status Indians’ in treaty neither belonged to bands nor lived on a reserve. The creation of this new band list suggests that metis women used treaty and ‘straggling’ as a specific strategy to collect a form economic aid. Metis women, like Mary Norris, took advantage of lax band and residency requirements for treaty while continuing to live and travel with their non-treaty families. That is the strategy of ‘straggling.’

The Edmonton and District Stragglers were not a cohesive group that internalized ‘straggler’ as an ethnic identity. They were individuals with one main factor in common – they did not belong to a band. Straggler women were from various locations throughout the North-West and traveled extensively throughout the territories with their families. The Edmonton and District Stragglers ranged from young unmarried women with no children to grandmothers with numerous children and grandchildren.⁸⁷ Although straggler

⁸⁵ NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1876, vol. 9412, “Passpasschase.” The other six women paid with Passpasschase were Rosa Archange Berard, Fanny Bird, Jeannie Foley, Lucille Kiplin, Margaret Savard, and Nancy Washy Joe. Madeline Foley and Constance Bellecourte were paid with Michel in 1876, and Mary (Nancy) Juneau and Marie Daignault were paid with Alexander.

⁸⁶ NAC, RG10 Treaty Annuity Paylists, Treaties 4, 6, and 7, 1880, vol. 9414, “Stragglers living about Edmonton with no recognized Chief, wives of non-Treaty men.”

women were related to each other and Cree communities in the region through kinship and marriage, they did not represent a cohesive group that made collective decisions. They were, however, women who, despite their variations in age, marital status, place of birth, and residency, participated in a new form of mixed-economy in the North-West – the collection of treaty payments combined with freighting, hunting and fur gathering with their families.

A careful analysis of the Edmonton and District Stragglers band list revealed three categories of women: metis women who were married to non-treaty metis men; metis women whose husbands entered treaty for a brief period of time; and metis women who were married to non-aboriginal men. It is quite clear that none of these women belonged to any recognized Indian band, and few had any intention of living on a reserve. This chapter reconstructs aspects of Edmonton and District Straggler lives. By placing details of their familial lives within the historical context of Treaty Six, I examine how and why large numbers of metis women entered Treaty Six without their husbands, how this phenomenon necessitated the creation of straggler band lists, and lastly, what this tells us about metis economic and familial strategies between 1876 and 1886.

Indian agents in Treaty Six territory were aware of the straggler anomaly. Their superiors, however, neglected to instruct agents on how to deal with the large numbers of metis who, without band affiliation, wanted to collect annuities. Reacting to pressure from non-aboriginal settlers in the Edmonton District, the Department of Indian Affairs

⁸⁷ Most young unmarried women on the withdrawal list were paid with their mothers. However, there were two women who were unmarried. Margaret Marie Rose Cardinal was a young woman whom had previously been paid as an orphan at the St. Albert Mission. She was only 17 when she applied for scrip in 1885. NAC, RG15, Series D-II-8-b, Volume 1326, Reel C-14937, claim #1120. The second was Justine (Caroline) Short alias Muskatawpaw, also a young 18 year old woman, identified her occupation as an unmarried “spinster.” NAC, RG15, Series D-II-8-b, Volume 1332, Reel C-14941, claim #650.

began a reorganization of annuity payments in the early 1880s. This reorganization was to encourage metis to join recognized bands on reserves. With these developments the metis women who made up the Edmonton and District Stragglers faced a decision between either remaining Status Indians or continuing to live with their families off-reserve. This last process will be the subject of the next chapter. Here the focus is on how, why and to what effect metis women from the Edmonton district entered treaty.

I first discovered metis women recorded as Edmonton and District Stragglers on a Department of Indian affairs document, "List of Halfbreeds who have withdrawn from Treaty."⁸⁸ This document contained the names of hundreds of people from various bands who withdrew from treaty in 1885 and 1886. I recognized all the bands on this list except for one: The Edmonton and District Stragglers. Of the 102 names that belonged to the Edmonton and District Stragglers, 98 were women.⁸⁹ Who were these women listed as Edmonton and District Stragglers? Where were they from? Were they young women, mothers, or grandmothers? Who were their husbands and fathers? Why had they been in treaty? Why did they withdraw?

Details of women's lives were reconstructed from various primary and secondary sources. Most of the Edmonton and District Stragglers applied for metis scrip after their withdrawal from treaty. Thus, a great deal of familial information was extracted from scrip applications. These applications provided a wealth of genealogical and demographic

⁸⁸ *List of Halfbreeds who have withdrawn from Treaty, June 1st, 1888*. Glenbow Archives, Hobbema Indian Agency Series, M4433.

⁸⁹ Although there were 102 individuals listed as Edmonton and District Stragglers (EDS), upon closer examination it became evident that some individuals appeared more than once with different surnames. The total number of individuals on the withdrawal list actually totaled 95. Marie LaBelle nee Morin, said to have been #36 EDS on her withdrawal certificate, was not found on the paylists. The woman listed as #36 was Angelique L'Hyrondelle, and I could find no connection between these two women to account for the discrepancy. According to Marie Labelle's scrip application, she was paid annuities for a total of five years.

detail. From familial information scrip applicants provided, I was able to search straggler women's husbands, parents, children, and other family members' applications. This additional information assisted with the search through fur trade documents, treaty annuity paylists, local histories and other secondary sources. They revealed additional details on these women and the historical context of their lives. The combined use of these sources made it possible to reconstruct family histories of straggler women.

As part of the Canadian government's attempt to administer aboriginal peoples during this period, Indian agents recorded individuals' demographic information (including names, sex, number, and sex of children and general comments) on treaty paylists. Paylists, however, pose unique methodological challenges to the historian. Information on paylists is often inconsistent and contains numerous errors. DIA field officers, including Indian agents, occasionally neglected to note surname changes and names were spelt in various ways from one year to the next.⁹⁰ Spelling variations were a result of the Edmonton District's multilingual environment. Indian agents usually Anglicized aboriginal names, sometimes recorded them phonetically, and occasionally recorded nicknames. Furthermore, baptismal names were sometimes different from birth names, and children were not necessarily assigned the surname of their birth father.⁹¹ The methodological challenges of paylists are daunting. However, with careful analysis, it is possible to gain a sense when, where, and with whom the Edmonton and District

⁹⁰ For further discussion on the methodological challenges of paylists see Devine, 216-217; Theresa Ferguson and Niel Reddekopp, "Methodological Issues in paylist Analysis," *Treaty 8 Revisited: Selected Papers on the 1999 Centennial Conference, Lobstick: An Interdisciplinary Journal, A Special Premier Issue*, 1, no. 1 (Winter 1999-2000), 296-314. For example, the spelling of Calihoo appeared in a variety of ways including Caliou, Kallihoo, and in one instance was even recorded as Chalifoux.

⁹¹ For example: Bella appears as short form for Pelagie. See Ferguson, 306.

Straggler women received treaty annuities.⁹²As pictures of their lives emerged, it was possible to gain a sense of fur trade domesticity during the treaty and scrip period.

The methodological challenges of paylists make it difficult to trace every straggler woman through her years in treaty with complete accuracy. However, it is possible to extract enough quantitative data from paylists to make some general observations and interpretations. Funds earmarked for annuity payments were distributed to bands. In other words, Indian agents were not permitted to pay annuities directly to an individual without band affiliation. With no instructions on how to deal with large numbers of metis without band affiliation wanting to enter treaty, Indian agents assigned them to various bands already in treaty. Thus, women who later appeared on the Edmonton Straggler band list between 1880 and 1885 were initially paid with other bands. Table 3.1 demonstrates the number of straggler women paid with various bands in Treaty Six between 1876 and 1879. The dash indicates that the band did not exist in the given year.

⁹² Due to the sheer volume of familial information, all data compiled from scrip applications and paylists was entered onto an Excel spreadsheet for analysis. To ensure that the information extracted from paylists was as accurate as possible, a methodology for the identification of an Edmonton and District Straggler was established. All names were cross-referenced with familial and demographic information from scrip applications; however, if still in doubt whether or not a name from the paylists corresponded with the individual in question from the withdrawal list, it was excluded from analysis.

Table 3.1

Number of Edmonton and District Stragglers Paid with Various Bands, 1876-1879 ⁹³				
Band	1876	1877	1878	1879
Absent / Arrears ⁹⁴	3	16	4	5
Alexander	2	0	5	6
Bobtail	0	0	0	1
Michel	2	2	11	17
Michel Stragglers	-	-	-	2
Passpasschase	7	2	11	25
St. Albert Orphans	-	-	-	1
Tommy Lapotack Stragglers	-	-	-	3
Total EDS from Withdrawal List	14	20	31	60

Inspector Wadsworth made a number of changes in 1879. He split the Michel band into two sections, creating a section on the Michel payroll called the 'Michel Stragglers.' Although many straggler women were still listed with the 'main' band, he was obviously trying to figure out how to deal with individuals who were not interested in settling on the reserve. Wadsworth also created a designation for orphan children. The St. Albert Orphans were previously listed with the Passpasschase band. A group of metis also entered treaty in 1879 as the "Tommy Lapotack Stragglers." Wadsworth's split of

⁹³ NAC, RG10, *Treaty Annuity Paylists Edmonton District*, 1876-1883. Reel C-1745, vols. 9412-9416.

⁹⁴ The Absent/Arrears row shows the number of women whose names appeared on band lists, but were not present when annuities were distributed.

the Michel band and his designation of metis with Tommy Lapotack as 'stragglers,' foreshadowed his creation of the Edmonton Straggler band list in 1880.⁹⁵

By 1880, 81 percent of straggler women found on the 1888 "List of Halfbreeds who have withdrawn from Treaty" had collected annuities. Wadsworth transferred the names of most straggler women paid with various bands onto a new band list, "Stragglers living about Edmonton with no recognized Chief, wives of non-treaty men." Table 3.2 shows the number of stragglers found on the treaty withdrawal list who collected annuities between 1880 and 1885.

⁹⁵ Wadsworth also split the Passpasschase and Alexander bands in 1880. He transferred the 'straggler' section to the "Stragglers living about Edmonton with no recognized Chief" by 1882. NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1880, vol. 9414; 1881, vol. 9415;

Table 3.2

Number of Edmonton Stragglers who collected annuities, 1880-1885 ⁹⁶						
Band	1880	1881	1882	1883	1884	1885
Absent / Arrears	8	12	14	13	10	6
Alexander Stragglers	3	3	0	0	0	0
Alexis	0	2	0	0	0	0
Bobtail	1	1	1	1	0	0
Erminskin	4	0	0	0	0	0
Edmonton Stragglers	54	55	68	73	77	6
Michel	3	3	2	1	1	
Michel Stragglers	8	9	-	-	-	-
Passpasschase	1	1	3	1	0	0
Samson	0	1	0	0	0	0
St. Albert Orphans	3	2	2	2	0	0
Total EDS from Withdrawal List	85	89	90	91	88	12

Between 1880 and 1884 Wadsworth gradually transferred metis women who did not want to belong to a band or reside on a reserve to the Edmonton Straggler band list. Although these women collected annuities as Status Indians, they continued to reside and travel with their families. In other words, straggler women were not living the “same mode of life as the Indians.”⁹⁷

⁹⁶ NAC, RG10, *Treaty No. 6 Annuities*, 1884-1890, Reels C-7146 – C- 7150, vols. 9417-9424.

⁹⁷ NAC, RG15, D-II-1, vol. 488, f. 138133. Quoted in Telegram of Roger Goulet to A. M. Burgess, July 12, 1886.

Treaty payments not only added another layer to the mixed fur trade economy, but also developed into the focus of social gatherings. It was a time of year when both settled Indian bands and 'stragglers' from across the region were in the same place at the same time. A special section in the *Edmonton Bulletin* on 8 November 1884 described the ceremony and manner in which hundreds of people came together and socialized:

On the 6th of October Indian Agent Anderson unfurled the Union Jack in the largest Indian camp ever assembled at Bear's Hill, and unfolding his pay sheets began the work of distributing annuities to some 700 Indians. It was indeed a promiscuous crowd...There were Stragglers from Calgary who had been absent for two, three, and four years...There were half-breeds from all directions, and there were twelve stores opened for the accommodation of the Indians...The payments were with the best order and satisfaction, and in a couple days the Indians, before so ragged, had sacrificed their shaggy garments to the winds and donned apparel variegated by every shade of the rainbow...the greatest hilarity prevailed, and the "bands" having met in such large numbers with their stomachs comforted and their limbs protected, enjoyed themselves in many ways after the "old-style" reminisces of bygone days...⁹⁸

Treaty days echoed trading days of the past. Annuity payment days were remarkably similar to earlier gatherings at fur trade posts. The seasonal or cyclical nature of hunting and trapping was reproduced, and for some replaced, by annual treaty days. The occasion was marked by ceremony, feasting, and visiting with friends and family. Thus, collecting an annuity represented more than receiving a payment. People in treaty, including straggler women, molded the collection of annuities to reflect the fur trade lifestyle and social interaction to which they were accustomed. The Edmonton and District Stragglers symbolized the mixed economy of the period – they collected annuities and traveled with their families freighting, hunting, and fur gathering.

⁹⁸ *Edmonton Bulletin*, 8 November 1884. This quote refers to a gathering of Hobbema bands and was not in the immediate vicinity of Edmonton; however, it provides a good sense of the kinds of festivities that accompanied treaty payments at Edmonton.

However, with increasing non-aboriginal settlement in the Edmonton region in the early 1880s, the Canadian government became more concerned to settle Indians onto reserves and to restrict movement by encouraging agriculture in place of hunting. Although many metis families already squatted on land and awaited the opportunity to make a homestead entry, most were unwilling to withdraw from treaty until the government extended metis scrip to the North-West.⁹⁹ After years of constant petitioning by metis and political turbulence with return of Louis Riel in 1885, the Canadian government reluctantly gave in to metis demands for scrip.¹⁰⁰ The Edmonton and District Stragglers took full advantage of this opportunity to receive a financial benefit and renounce their Indian status. Thus, in 1885, most of the Edmonton Straggler women withdrew from treaty and applied for metis scrip.¹⁰¹

Mrs. Jeannie Meavor was one such woman.¹⁰² She entered treaty in 1876 and withdrew in 1885 to apply for metis scrip. When Mrs. Meavor entered treaty, agent Dickieson placed her name on the Passpasschase band list.¹⁰³ She collected annuities once with Passpasschase before agent Wadsworth transferred her name to the Edmonton Straggler band list in 1880. Once listed as an Edmonton Straggler, Mrs. Meavor collected annuities twice more. Her periodic absences from annuity payments between 1876 and

⁹⁹ Numerous scrip applicants stated that they were squatting on land with the intention of making a homestead entry.

¹⁰⁰ This subject will receive more attention in Chapter 4 "Distinction with a Difference: Taking Scrip as Familial and Economic Strategies."

¹⁰¹ Six stragglers were noted as absent in 1885.

¹⁰² Scrip Application of Jeannie Foley. NAC, RG15, Series D-II-8-b, Volume 1327, Reel C-14938, claim #513.

¹⁰³ Indian Agent Dickieson was in charge of distributing annuities at Edmonton from 1876 to 1878.

1885 were not unusual.¹⁰⁴ As indicated in Table 3.1 and 3.2., straggler women's absences were noted every year. The percentage of absences typically ranged between 8 and 21 percent. The year 1877 was an exception – 80 percent of straggler women were absent.

Mrs. Meavor was one of the 80 percent absent in 1877. Many families had traveled to the south in search of bison herds. Indian agents and commissioners frequently mentioned the severe stresses placed on the plains populations caused by a lack economic opportunity and food.

The Indians are at the present date for the most part still following the buffalo, and it is a subject for thankfulness that such is the case; as the Commissioner reports that were it found necessary to feed three-fourths of the Indians in the North-West, the supplies of provisions sent to the Territories would not last more than a month.¹⁰⁵

In addition to following the buffalo southward, many individuals employed with the Hudson's Bay Company traveled extensively between Red River and Edmonton. Evidence from scrip applications and paylists, including locations of childbirth and noted absences from collection of annuities, reveals that women were very involved with their husbands' employment. Husbands' employment as freighters, labourers, or servants with the Hudson's Bay Company strongly correlated with women being listed as stragglers. Employment in the fur trade often demanded a great deal of travel. Although most men married to straggler women had aboriginal ancestry, none belonged to an Indian band proper, thus neither did their wives.

Mrs. Meavor's husband, William, freighted goods for the Hudson's Bay Company. Her sporadic absence from treaty annuity payments is an indication of her

¹⁰⁴ Jeannie Foley (Meavor) was noted as absent on paylists in 1877, 1880 and 1881.

¹⁰⁵ NAC, RG10, Annual Report of the Deputy Superintendent-General of Indian Affairs, (L. Vankoughnet), 1879. p. 14.

involvement with her husband's employment.¹⁰⁶ Treaty annuities were intended to encourage the agrarian settlement of native peoples on reserves, but the Meavor family used this economic benefit in an entirely different manner.¹⁰⁷ With no reserve residency requirement, and the ability to collect annuity arrears, treaty payments were a convenient means of collecting additional income.

Most straggler women's children also applied for scrip subsequent to their withdrawal from treaty. Their applications often reveal additional insight into the lives of their mothers and families, including information on travel and residency. Scrip commissioners insisted that applicants adhere to the residency requirements to be eligible for a scrip certificate. Residency within ceded territory as of 15 July 1870 was a requirement to qualify for metis scrip.¹⁰⁸ Women understood this. It was their best interest to downplay mobility for the scrip commissioners even though travel was crucial in a fur trade economy. Most stragglers were vague about their travels throughout the North-West, however their children often went into great detail.

Mary Norris made no mention of either travel or various locations of residency. However her son John Jr.'s scrip application revealed a significant amount of travel with his father's employment as a freighter: "I moved about the North West Territories

¹⁰⁶ Jeannie's first husband was an Irishman, John Foley, who "left [her] long ago." NAC, RG15, Series D-II-8-b, Volume 1327, Reel C-14938, claim #513.

¹⁰⁷ Jeannie Meavor was fifty years old when she applied for scrip in 1885. She was a mother of seven children and grandmother of numerous grandchildren. NAC, RG15, Series D-II-8-b, Volume 1327, Reel C-14938, claim #513.

¹⁰⁸ "Ceded Territory" refers to land that was included in Treaty. Thus, any lands outside the boundaries of treaty territory were not ceded, and the applicant could not receive scrip.

hunting and freighting with my parents.”¹⁰⁹ Cecile Paquette’s scrip application was similar to Mary Norris’ in this regard:

I was born about 30 miles from Edmonton on the River, 1837...I was living with my sister near Lake St. Anne for many years before and after the small pox in 1870. My father and mother died when I was young but always lived in the North West Territories here...¹¹⁰

Cecile Paquette’s statement provides little demographic information. However, her children’s applications reveal that she gave birth at St. Albert, Fort Pitt, Fort Carleton, and later resided at the Battle River Settlement.¹¹¹ Cecile’s movement throughout the territories is an indication of involvement with her husband’s work.

Of the three categories of straggler women found on the treaty withdrawal list, women married to non-treaty metis men is the largest. Seventy-eight percent of straggler women belonged to this category. Men married to straggler women were typically from the Edmonton area, however a few originated from Manitoba. Thomas Logan moved to the Edmonton District in 1876.¹¹² Prior to relocating, Mr. Logan received metis scrip at Red River. A witness affidavit with his scrip application stated that Mr. Logan was employed as a voyageur and also farmed near Red River. His wife Catherine entered

¹⁰⁹ NAC, RG15, NWHBS, Series D-II-8-b, Reel C-14940, John Norris, claim # 422; Morin, 204-205. NWHBS, Series D-II-8-b, Adolphus Norris, claim # 434 (Index); James Norris # 578 (Index).

¹¹⁰ NAC, RG15, NWHBS, Series D-II-8-b, Reel C-14938, Cecile Durand, Application # 994,. In addition to information on both the movement and non-movement of Edmonton Straggler women, scrip applications also provide information on the impact of epidemics and death. Cecile’s statement above not only commented on residency and travel, but also used the 1870 smallpox epidemic as a point of reference: she lived with her “sister near Lake St. Anne for many years before and after the smallpox in 1870.” Cecile lost her two and a half year old son, Norbert, to smallpox. References to the 1870 smallpox epidemic and death of family members are prevalent on scrip applications. For Cecile’s children’s applications see Morin, 211, 212.

¹¹¹ Morin, 211, 212.

¹¹² NAC, RG15, NWHBS, Series D-II-8-a, Volume 1322, Reel C-14930, Thomas Logan, claim #1857.

treaty in 1878. Agent Dickieson placed her with the Michel band, and agent Wadsworth transferred her to the Edmonton Stragglers in 1880.¹¹³

Suzanne Salois is also representative of most Edmonton straggler women. She was born near Edmonton in 1828 and married a metis man, Abraham Salois, at Lac St. Anne in 1848.¹¹⁴ Abraham was a well-known freeman hunter in the area. By 1885, however, he was also making a transition to a settled agricultural existence. Abraham and Suzanne squatted on a piece of land near Edmonton and intended to apply for a homestead entry.¹¹⁵ Although Suzanne collected annuities from 1879 to 1881, she was noted as absent on the annuity paylists from 1882 until she withdrew from treaty in 1885.¹¹⁶ Thus, as with most straggler families, Suzanne's absences, combined with the various birthplaces of her children reveal that she also traveled extensively with her husband throughout the North West.¹¹⁷

The next two categories of Edmonton stragglers represent interesting exceptions rather than the rule. Ten straggler women from the withdrawal list were married to men who entered treaty for a brief period of time. These men appeared on band lists for

¹¹³ I was unable to locate references to Logan's employment in the Edmonton District, however it is likely that he filed for a homestead.

¹¹⁴ NAC, RG15, NWHBS, Series D-II-8-b, Volume 1325, Reel C-14936, Suzanne Bouvette, claim #864. Her father was a French Canadian freeman, Francis Bouvette. Her mother Susanne Lucier was a metis woman who also entered treaty and was listed as an EDS. Morin, 35, 245.

¹¹⁵ Abraham valued his property at approximately \$1500, and claims he had been in the vicinity of Battle River since 15 March 1884. NAC, RG15, NWHBS, Series D-II-8-b, Volume 1331, Reel C-14941, Abraham Salois, claim #355. Abraham lists his occupation on his scrip application and reference to his employment was also found in HBCA B/60/2/1 Misc. Docs., List – Saskatchewan District Freeman's Fur Trade Balances, 1 June 1870. Elizabeth Macpherson, *The Sun Traveller* (St. Albert: Musee Heritage Museum, 1998); Anne Anderson, *The First Métis: A New Nation* (Edmonton: Uvisco Press, 1985); Morin, 245.

¹¹⁶ NAC, RG15, NWHBS, Series D-II-8-b, Volume 1325, Reel C-14936, Suzanne Bouvette, claim #864.

¹¹⁷ Suzanne and Abraham had six children born at Battle River, St. Albert, Edmonton, and Mountain House. Morin, 35, 245.

Passpasschase, Alexander, Michel, Tommy Lapotack, and the Edmonton and District Stragglers between 1876 and 1882. By 1883, however, nine had withdrawn and paid back their annuities to the government.¹¹⁸ In addition to husbands, many sons of straggler women withdrew from treaty prior to the arrival of the North-West Halfbreed Scrip Commission (NWHBSC) of 1885.¹¹⁹

Hudson's Bay Company employee George Kiplin was one of the ten men who briefly collected annuities with his wife Lucille.¹²⁰ Employed as freighter, hunter, and labourer, Mr. Kiplin traveled with his wife and children extensively throughout the North-West Territories. Lax residency and band membership requirements permitted Mr. Kiplin and his wife to continue traveling while collecting annuities as Status Indians.

Mr. and Mrs. Kiplin entered treaty in 1876. Mr. Kiplin repaid his annuities and withdrew from treaty in 1881; however Mrs. Kiplin remained a Status Indian until 1885.¹²¹ The reasons for his withdrawal remain unclear. There are two likely interpretations for his withdrawal: firstly, he did not identify as an Indian, and secondly, there was pressure from Indian agents for metis to settle on reserves by the early 1880s.

¹¹⁸ Husbands in treaty: Antoine Munroe (1879-80, Alexander); Pierre Nadeau (1876-1880, Passpasschasae, EDS); Michel Vivienne alias Washyjoie, (1877, Passpasschase); James (Jimmy) Richards (1879-81, Michel); George Kiplin (1876-1880, Passpasschase); Joseph Paul, (1879, Passpasschase); Daniel Daignault, (1879-1883, Passpasschase, EDS, Enoch); Michel Nippissing, (1879-81, Passpasschase, EDS);

¹¹⁹ For example, son of John and Philomene Paul; the Indian Agent noted in 1882 that "1 boy going to refund treaty money and withdraw, Paid at Edm, Edm Straggler #40." NAC, RG10, Annuity Paylists, Treaties 4, 6, and 7, 1882, vol. 9415a. Also, son of Mrs. Marechal, EDS #63, withdrew from treaty in 1883. NAC, RG10, Annuity Paylists, Treaties 4, 6, and 7, 1883, vol. 9415a, p 143.

¹²⁰ Although born at Winnipeg in 1850, he moved into the North West Territories in 1862 and settled at Edmonton where he married Lucille Gladue in 1873. As a newly married couple and with child in 1876, the Kiplins' decision to partake in viable income supplement during years of declining fur trade activity would have made sense.

¹²¹ NAC, RG15, NWHBS, Series D-II-8-b, Volume 1328, Reel C-14938, Lucille Gladu, claim #711.

George Kiplin's father was a non-aboriginal trader and his mother was an Indian.¹²² In previous decades, metis and fur trade families interacted extensively with native groups. However, as the government forced natives to settle on reserves, this interaction decreased substantially. With the creation of treaty band membership lists, the distinctions between 'Indian' and 'Halfbreed' became more defined in the late 1870s and 1880s. These distinctions were further deepened in 1885 with the arrival of the North-West scrip commission. Mr. Kiplin's decision to withdraw from treaty in 1881 corresponded with the Canadian government's push to settle Status Indians on reserves and signaled his rejection of a Status Indian identity. Mrs. Kiplin and her son, however, remained Status Indians until the NWHB scrip commission's arrival in the spring of 1885.¹²³

Mary Norris represents a very unique situation in the context of treaty histories. She was married to a prominent white trader and wealthy businessman, John Norris. Why was the wife of a prominent white businessman collecting treaty annuities? There are many historical documents, local histories, and other secondary sources that highlight Mr. Norris' fur trade and business accomplishments. Very few make mention of his wife or family. Information provided by Mrs. Norris and her children's scrip applications, however, permits a glimpse into their family life and fur trade domesticity in general. Fur trade marriages between European traders and native women have been discussed at length in the literature since the late 1970s. Most, however, do not examine fur trade domesticity in the post 1870 era. As scrip and paylist evidence demonstrates, many native

¹²² His scrip application notes that his father, George Kiplin Sr., was "killed by Indians at Cypress Hills in 1865." NAC, RG15, NWHBS, Series D-II-8-b, Volume 1329, Reel C-14939, George Kipplen, claim #848.

¹²³ NAC, RG15, NWHBS, Series D-II-8-b, Volume 1328, Reel C-14938, Lucille Gladu, claim #711.

women continued to assist their husbands in matters of trade well into the 1880s, even while they collected annuities as Status Indians.

The story of Mrs. Mary Norris turned out quite different. Like many native women in the North-West, Mary was very young when she married John Norris at Fort Pitt on 11 March, 1854. She was the daughter of Kayattowe, a Cree, and Josephte Chatelain, a metis woman, who lived in the vicinity of Edmonton. Thus, as with most fur trade marriages, it is likely that John 'wintered' with the Kayattowe family through his work as a trader with the Hudson's Bay Company. Mrs. Norris was intimately involved with her husband's work for the Company. Her children were born at various locations throughout the North-West Territories, and her son John Jr. stated that he traveled extensively with his parents.¹²⁴ For example, their sixth child Joseph Miles was born "on the trail between Edmonton and Winnipeg" on 16 June 1872.¹²⁵ Native women's assistance with matters of custom and language enhanced their husband's prestige and success as a trader. John Norris achieved both, and the significant contributions of his family cannot be overstated.

John Norris traveled to York Factory from the Orkney Islands when he was nineteen years old in the summer of 1848. He earned a reputation as not only "good with his fists," but also as both a skilled leader on boat brigades and buffalo hunts.¹²⁶

¹²⁴ John and Mary's first daughter, Eliza, was born at Lac La Biche on 21 February 1861, but died a year later at Fort Pitt. NAC, RG15, NWHBS, Series D-II-8-b, Volume 1330, Reel C-14940, Mary Kayattowe, claim #475; Gail Morin, *Métis Families: A Compendium* (Pawtucket: Quintin Publications, 2001), 286.

¹²⁵ Morin, *Métis Families*, 286.

¹²⁶ For more information on the life of John Norris see Isaac Cowie, "Obituary of John Norris," in *The Company of Adventurers: A Narrative of Seven Years in the Service of the Hudson's Bay Company during 1867-1874* (Toronto: W. Briggs, 1913); Alberta Provincial Archives, An interview by Katherine Hughes, Provincial Librarian, 1909, "John Norris, Pioneer"; James G. MacGregor, *A History of Alberta* (Edmonton:

Facilitated by Mrs. Norris' presence, he was well-known throughout the Territories for his ability to speak fluent Cree.

John and Mary Norris were stationed at Fort Pitt until the late 1850s.¹²⁷ While at Fort Pitt they started a family, and by the time Mrs. Norris applied for scrip, she had given birth to fourteen children.¹²⁸ By the early 1860s, there were references to the Norris' residence at Fort Edmonton. A visitor at the Fort in the spring of 1865, for example, recalled that John was a dog runner: "Christie was in charge at Edmonton. There were about twenty-five families about the place. They were French Canadians, half-breeds, and Highland Scotch... Sandy Anderson was the saddler and made the dog harness. John Norris was [the] dog runner..."¹²⁹

Mr. Norris became wealthy from hunting, trading horses, and he managed to secure ample provisions to start freighting for the Hudson's Bay Company.¹³⁰ After a few years of freighting, he built a sawmill in partnership with Donald Macleod and the Belcher Brothers at Edmonton. Shortly thereafter, Mr. Norris entered another partnership with Edward Carey and opened Edmonton's first general store, which happened to be the Company's first competition in the region.¹³¹ During these years of mounting successes,

Hurtig Publishers, 1972); Ardon Shillinglaw, "The Jack Norris Story" [Four part series] *History Now: Newsletter of the Historical Society of Alberta*, 4 (October 2004).

¹²⁷ John had previously fathered five children with a woman named Euphrosine Plante. Unfortunately, there is very little information on either Euphrosine or her children. It is difficult to speculate on the circumstances of John and Euphrosine's relationship as there are no scrip records, no record of marriage, nor have baptismal records been found for the children. Ann Anderson, *The First Métis: A New Nation* (Edmonton: Uvisco Press, 1985), 120.

¹²⁸ Only eight children, however, would survive to adulthood. NAC, RG15, NWHBS, Series D-II-8-b, Volume 1330, Reel C-14940, Mary Kayattowe, claim #475.

¹²⁹ Macgregor, 67.

¹³⁰ Ardon Shillinglaw, "The Jack Norris Story," (part 2).

John situated himself as part of Edmonton's 'aristocracy' and ruling elite. Even though some of the Norris children followed in their father's footsteps – John Jr. was also a successful freighter and was later hired as a farming instructor on the Stoney Indian Reserve at Morley – they took advantage of the economic benefit available to them through their mother's ethnicity and applied for scrip.¹³²

The story of Mary Norris begins to differ from other straggler women during her years in treaty. Although John Norris' family accompanied him on freighting and trading expeditions, which obviously contributed greatly to his success, marital relations between Mr. and Mrs. Norris were troubled. Mrs. Norris' years in treaty coincided with Mr. Norris' very successful entrepreneurial ventures in Edmonton. As his social status rose as part of Edmonton's ruling elite, Mrs. Norris' role as his wife diminished. Scholarly interpretations of changing relationships between native women and European men vary. There is no doubt that change was evident, particularly for native women married to financially successful men. However, as much as one might be inclined to follow Sylvia Van Kirk's assertion that the arrival of white women in the North-West was the impetus for this change, evidence in the case of John and Mary Norris suggests that something else was at work. John Norris remarried (or was at least in a relationship with) two metis women after Mary Norris.¹³³ Regardless of the cause of this change, the effects are less debatable. Mary Norris' valued skills as the wife of a fur trader were less relevant in a world of new capitalist enterprises.

¹³¹ Isaac Cowie, "Obituary of John Norris."

¹³² NAC, RG15, NWHBS, John Norris, # 422, Reel C-14940.

¹³³ According to Ardon Shillinglaw, he married Bella Fraser and then Euphrosine LaPlante with whom he had seven children. "The Jack Norris Story, Part 4."

Mrs. Norris' decision to enter treaty in 1876 does not alone represent a marital breakdown. Yet, when her decision is considered within the context of the changing perceptions of native women as wives and her husband's successful business ventures, it raises interesting questions. Why would a woman married to a successful Edmonton businessman, considered to be part of the community's 'ruling aristocracy,' enter treaty for the small annuity payment? Mrs. Norris was estranged from her husband and in need of financial aid. Evidence found in the Norris family burial records supports this interpretation. Mr. Norris and his children were all buried in marked graves at the Edmonton Cemetery. However, Mrs. Norris was interned separately from her family in an unmarked grave at the St. Albert cemetery.¹³⁴ This atypical situation suggests that Mary Norris was no longer considered John's wife when she died in 1891. Although Mary's situation is an exception rather than a rule, it demonstrates the complex realities faced by native women during this unique period in Canadian history.

Connections to the fur trade economy are significant. The employment of stragglers' non-treaty husbands in the fur trade economy around Fort Edmonton has a strong correlation with women being identified as stragglers. Most of these men held employment as labourers, freemen, freighters, and farmers. These occupations reveal not only the strong connections to the fur trade economy around Edmonton, but also insight into the adaptability of families during a period of rapid economic change.¹³⁵ The

¹³⁴ Edmonton Cemetery, Plot of John Norris, Section D, Block 10, Plot 0023.

¹³⁵ Using quantitative analysis of scrip records from metis in Treaty 8, Gerhard Ens concluded that "Metis adaptations to the economic conditions of northern Alberta was very opportunistic and sophisticated...all followed a very flexible subsistence and wage earning strategy. These occupational strategies, combined with the fact that few metis farmed exclusively, made the choice of money scrip the more rational choice of action." "Taking Treaty 8 Scrip, 1899-1900: A Quantitative Portrait of Northern Alberta Metis Communities," in *Treaty 8 Revisited*.

straggler women were from established freeman communities within the Edmonton vicinity, including Lac St. Anne and St. Albert. Their actions and decisions represent the fluidity of aboriginal identities in this period, and ability to strategically maneuver between and manipulate constructed racial classifications.¹³⁶

The long term implications of women's decisions on whether or not to, firstly, enter treaty, and secondly, to withdraw from treaty, are also significant. Although not realized at the time, these decisions set the course of future ethnic and political identity for their descendants. Even though straggler women did not belong to an Indian band, their entrance into treaty provided their children with the option to join a band should they choose. Although most Edmonton stragglers withdrew from treaty, a few remained Status Indians and joined neighboring bands in the region, including Muddy Bull, Bobtail, Alexander, Enoch, and Alexis.¹³⁷

Echoing a larger global phenomenon, a unique conjuncture of historical circumstances in the North-West created, for a brief time, the ability of individuals to choose their ethnic identity through maternal mixed-aboriginal ancestry. As Jean Taylor demonstrated in Batavia, and as evidence suggests here, metis women's economic and familial strategies opened to door for descendant's to choose from various ethnic identities. Children could enter treaty through their mothers, or remain 'ordinary' British subjects. Children could remain in treaty as Status Indians, or withdraw as a half-breed.

¹³⁶ Most Edmonton and District Stragglers listed St. Albert, Lac St. Anne, and Edmonton as place of birth on their Scrip application.

¹³⁷ NAC, RG10, Treaty Annuity Paylists, Treaties 4, 6, and 7, 1886, 1887. For example, Wadsworth noted that Mrs. Hamelin, paid as EDS #1, moved to the paylists for Muddy Bull's Band as #20 in 1885; Mrs. Jane Calder, paid as EDS #103, moved Bobtails Band, #6 in 1884. See NAC, RG10, Annuity paylists, Treaties 4, 6, and 7, 1885, vol. 9418, p 180-183.

And finally, children could take metis scrip, or return to status as an 'ordinary' British subject.

Mary Norris and the many other Edmonton straggler women represent more than victims of assimilative or repressive colonial policies of the nineteenth century. Their actions, decisions, and strategies reveal an ability to navigate within, and influence policies that affected not only their identities, but also their economic well-being. These metis women inadvertently challenged institutional notions of ethnic boundaries.

Although the Edmonton and straggler women were not a cohesive group, varied in age, and may have entered treaty for different reasons, they have significant similarities. They raised families, secured their husbands' successes as traders, traveled extensively throughout the territories, and incorporated treaty payments into an extension of the fur trade economy.

Chapter Three: “Distinction *with* a Difference?”¹³⁸: Leaving Treaty and Taking Scrip as Economic and Familial Strategies

With the arrival of the North West Halfbreed Scrip Commission (NWHBSC) in the Edmonton area in 1885, Mary Norris, along with most other women listed as Edmonton and District Stragglers, withdrew from Treaty Six and filed applications for scrip. Having entered treaty largely to gain the monetary benefits of annuity payments without reserve residency, they were by 1885 increasingly being forced to make a choice between reserve life as Status Indians (with annuity payments) or life with their families off reserve (without annuities). It was truly a distinction with a difference. Faced with this decision, the majority of metis women on the Edmonton and District Stragglers band list began to pressure the Department of Indian Affairs and the Department of the Interior to allow them to withdraw from treaty and receive economic benefits in the form of scrip. These metis women and their families were not simply passive victims of the Canadian government’s capricious Indian and metis policies; they were shaping them to suit their ethnic identities and the economic realities of the day.

This chapter examines how the Edmonton and District Stragglers responded to treaty and scrip policies in 1885 and 1886, and how their responses influenced subsequent policy changes. Metis women in treaty asserted their agency in response to ill-considered treaty withdrawal policies. Neither the Department of Indian Affairs (responsible for Indians in treaty), nor the Department of the Interior (responsible for metis scrip), anticipated the large number of people who would want treaty discharges in

¹³⁸ This title is a play on words from an article authored by G. N. Reddekopp and Patricia Bartko, “Distinction without a Difference? Treaty and Scrip 1899.” In it they argued that there was very little distinction between those who entered treaty and those who took scrip in Treaty 8. Evidence from Treaty Six suggests the contrary.

favour of scrip. Reflecting the manner in which the Department of Indian Affairs handled large numbers of metis entering treaty, correspondence between these two departments on the matter of treaty withdrawals reveals a complete absence of policy directive, little or no instruction to Indian agents, and the degree to which ethnic identities were misunderstood. The policy chaos that ensued with the 1885 NWHBSC not only resulted in solidification of metis and Indian identities, but also represented the beginnings of a union between scrip and treaty policy that was formally established in 1889 and continued well into the twentieth century.

Contrary to prevailing interpretations in past and contemporary literature, evidence reveals that collective and individual decisions to take treaty between 1876 and 1884, and then scrip in 1885 and 1886, exemplify the cultural variations, or the 'distinctions with difference' of the Edmonton and District Stragglers from Indian groups in the region. Scholars have long debated metis ethnogenesis. Many theories have surfaced, but none have managed to effectively pin-point exactly when or how 'metisness' evolved into individuals' consciousness as an ethnic identity. If the Edmonton and District Stragglers did not identify as Indian, did they consciously identify as 'metis' or 'halfbreed'?

Edmonton and District Stragglers' choice between treaty and scrip in Treaty Six solidified a pre-existing, yet significantly fluid distinction between Indian and 'metis' identities that had been misunderstood by the Canadian government. Rather than the conscious acceptance of a 'metis' identity, straggler women's decisions to withdraw from treaty was, in part, a rejection of an 'Indian' identity. However first and foremost, their

decisions to leave treaty represented their interest in pursuing an alternative form of financial benefit.

The decisions of all three categories of metis women in Treaty Six – metis women who were married to non-treaty metis men; metis women whose husbands entered treaty for a brief period of time; and metis women who were married to non-aboriginal men – reflect a large degree of agency in a period of native history generally considered politically repressive. It is clear that women's decisions to both enter and leave treaty influenced the Canadian government to create treaty and scrip policies to suit their needs. However, perhaps due to ideological and presentist perspectives, scholars have been reluctant to pursue this line of inquiry. Heather Devine's recent study, for example, put forth victim oriented interpretations:

Government officials chose not to grapple with the inherent shortcomings of their aboriginal land claims strategy, which failed to take into consideration the differing lifestyles of aboriginal communities, or the more inclusive concepts of community that many "Indians" and "Métis" shared. Had they done so, they might have discovered how closely bonded the aboriginal communities of the North-West-Territories had actually become by 1885.¹³⁹

Devine neglected to consider the large degree of influence metis exerted to ensure that their claims were not only approved, but that restrictions on the sale of scrip were lifted. Furthermore, cultural and political variations were reflected in decisions on whether or not to participate in the Rebellion of 1885. The fluidity of aboriginal identities and strength of individual and collective agency is evident throughout this period between 1876 and 1886. The Canadian government struggled to understand the complexity of ethnic identities; Indian commissioners and agents were often at a loss to explain choices

¹³⁹ Devine, 167. Also see Reddekopp and Bartko, 213-28;

and decisions made by native individuals during this period. Yet, the Canadian government's attempt to expedite the process of granting scrip after the Rebellion, was in part, to deal with people in treaty that simply did not identify as part of a tight-knit 'Indian' community. Contrary to arguments put forth by Devine and others, kinship ties did not necessarily translate into shared identity, which is reflected in choices made between scrip and treaty.

Metis relentlessly pressured the reluctant Canadian government to extend the scrip program of Manitoba into the North-West. Scrip provided a more flexible economic option than treaty. However, ad hoc government policy, and confusing correspondence between the Department of the Interior and the Department of Indian Affairs initially resulted in confusion over who could and could not withdraw from treaty. For the hundreds of metis women who entered treaty when no other financial benefit was available, but clearly did not identify as Indian, the decision to withdraw was simple. For the Canadian government, however, creating clear and consistent policies to accommodate individuals who wanted to withdraw was anything but simple.

Scrip commissioners realized quite quickly that the issuance of scrip in the North West would require a very different approach than that taken in Manitoba.¹⁴⁰ Scrip commissioners for the Department of the Interior and Indian agents with the Department of Indian Affairs were unprepared to deal with the surge of metis interest in withdrawal from treaty.¹⁴¹ Once the mechanisms were in place to allow treaty withdrawal, many

¹⁴⁰ It is important to realize that scrip commissioners worked for the DOI, while Indian agents worked for the DIA.

¹⁴¹ NAC, RG15, Series D-II-1, vol. 574, f. 175917. A.M. Burgess (DMI) to WPR Street April 5, 1885. Initially, anyone wishing to withdraw from treaty would have to apply to do so under the terms of the Indian Act's strict process of enfranchisement.

metis faced increasing pressure from Indian agents to decide between moving to a reserve as a Status Indian or applying for scrip as a Halfbreed.¹⁴²

It is misleading, however, to characterize this pressure as forceful. Metis had long lobbied the Canadian government to grant them scrip, and they were more than willing to withdraw from treaty to receive this economic benefit. From the Canadian government's perspective, extending scrip to residents in the North-West had been a measure of appeasement. Yet, scholars have misleadingly portrayed the metis choice between treaty and scrip as forced:

After the Canadian government successfully put down the Northwest Rebellion of 1885, it implemented policies designed to subdue and pacify western Canada's aboriginal population. One of the effects of its policy was the removal of métis people from Indian bands, and the institutionalized partition of "Métis" and "Indian" into separate ethnic identities...In Northern Alberta, Indian Department regulations and judicial practices placed pressure on treaty Indians of mixed descent, *inducing* them to withdraw from treaty voluntarily and accept scrip.¹⁴³

This statement ignores the consistent pressure that many treaty Indians of mixed descent placed on the Canadian government to extend scrip into the North-West throughout the 1870s and 1880s. Evidence clearly demonstrates that scrip and treaty withdrawal policies were created in response to many requests for withdrawal certificates. These policies were intended to *accommodate*, not restrict, metis requests.

With the decline of the fur trade economy, metis families, many of whom had participated in the fur trade for generations, were forced to explore new means of economic subsistence. Through the provisions in the 1870 *Manitoba Act*, and subsequent Orders-in-Council (OIC), halfbreed land grants and scrip were offered to Manitoba metis

¹⁴² It is important to note, however, that many 'metis' who withdrew from treaty (but were not listed as Stragglers) were resident on reserves.

¹⁴³ Devine, 169. Emphasis added.

in exchange for their extinguishment of Indian land title.¹⁴⁴ This program was not extended into the vast interior of the North-West Territories until 1885. Thus, until the arrival of the NWHBSC in 1885, many metis outside of Manitoba entered treaty as a means of collecting a financial benefit during a period of economic hardship. Some metis entered treaty as members of recognized Indian bands, while others 'straggled' - that is to say, they collected annuities without band affiliation, continuing to travel throughout the territory with their families.

Implemented due to the political pressures faced by the Canadian government from the Riel Resistance of 1869-70, scrip was part of the *Manitoba Act* in which 1.4 million acres of land was granted for allocation among children of Half-breed families residing in Manitoba on 15 July 1870. The purpose of this grant was, from the government's perspective, to efficiently extinguish aboriginal title to lands of the province to make way for further European settlement.¹⁴⁵ Initially, 240 acres of land was designated to every metis child; however, their parents were ineligible. The *Manitoba Act*

¹⁴⁴ Joe Sawchuck, Patricia Sawchuck, and Theresa Ferguson, *Metis Land Rights in Alberta* (Edmonton: Metis Association of Alberta, 1981), 88. There were two categories of scrip issued to metis in western Canada, money scrip (i.e. \$80, \$160 or \$240) and land scrip (i.e. 80 acres, 160 acres, 240 acres). The value of land when scrip was first issued in Manitoba in 1870 was \$1/acre, thus the bearer could get the same amount of land with a \$160 scrip certificate. However as land prices increased, the value of money scrip correspondingly decreased.

¹⁴⁵ *Manitoba Act*, Act 33 Victoria, Chapter 3, Section 31 assented to 12 May 1870. "And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine." An A Order-in-Council 3 April 1873 stipulated that section 31 was applicable to metis children only.

was subsequently amended in 1874 to provide an additional land grant of 160 acres, or scrip for one hundred and sixty dollars, to metis male and female heads of families:

...each half-breed head of a family resident in the Province of the fifteenth day of July, one thousand eight hundred seventy, shall be entitled, in the discretion of and under regulations to be made by the Governor General in Council, to receive a grant of one hundred and sixty acres of land or to receive scrip for one hundred and sixty dollars, the latter to be receivable in payment for the purchase of Dominion lands.¹⁴⁶

The issuance of scrip as an alternative to a grant of land was in response to “great dissatisfaction...caused in Manitoba by the locking up of large and valuable tracts of land,” which was felt to be “seriously retarding the settlement of the country.”¹⁴⁷

Many politicians opposed this recognition of metis title. However, despite strong resistance from Alexander Mackenzie’s Liberal opposition party, Prime Minister Macdonald’s bill passed through parliament.¹⁴⁸ Difficulties in obtaining parliamentary assent, combined with immediate political pressures faced by the Canadian government from the Riel Resistance, resulted in land grant and scrip policies that were neither well planned nor consistent. Many of these ill-thought policies would plague the government when scrip was extended to metis in the North-West in 1885.

Metis residents in the North-West filed numerous petitions calling for the extension of scrip. With the country open for homesteading with the signing of Treaty Six, metis in the North-West wanted to receive the same economic benefits as their peers in Manitoba. One such petition from Prince Albert requested:

¹⁴⁶ *An Act respecting the appropriation of certain Dominion lands in Manitoba*, Chapter 20, 37 Victoria, assented to 26 May 1874.

¹⁴⁷ Order-in-Council, 23 March 1876.

¹⁴⁸ The *Manitoba Act* passed final reading in the Commons 10 May 1870, and received royal assent 12 May 1870.

...their rights to a participation in the issue of half-breed or old settler scrip are as valid and binding as those of the half-breed and old settlers of Manitoba, and are expected by them to be regarded as scrupulously as in that Province; and with a view to the adjustment of the same your petitioner would humbly request that a census of said half-breed and old settlers be taken as early date as may be conveniently determined upon, with a view to apportioning to those of them, who have not already been included in the census of Manitoba, their just allotments of land and scrip.¹⁴⁹

Thus, as early as 1873, and right through to 1885, metis in the North West demonstrated that they clearly understood the exchange of aboriginal title for scrip. They still demanded that they be presented with the same economic benefit. The Canadian government was reluctant. Most metis in Manitoba sold their scrip to land speculators, and the government feared that this would be repeated in the North-West. In an interview with the *Manitoba Free Press* in 1884, Mr. A. W. Burgess, Deputy Minister of the Interior, was adamant that the metis in the North West “were entitled to free homesteads the same as whitemen, but nothing further...the Manitoba halfbreeds did not receive much benefit from their grants...the lands fell into the hands of speculators at ridiculously low prices, and were locked up from settlement to the detriment of the whole country.”¹⁵⁰

It was the opinion of Frank Oliver, the owner and editor of the *Edmonton Bulletin*, that the issue of metis selling scrip to speculators was no different than the system of “granting large tracts of the most valuable land to speculative colonial societies, who held

¹⁴⁹ For this and other petitions see “Papers and Correspondence in connection with Half-breed Claims and other matters relating to the North-West Territories,” in Canada, Sessional Papers, Vol. 13, 3rd Session of the 5th Parliament, 48 Victoria 1885 (no. 116), 29-36, 41-44, 69-70. Ens, *A Quantitative Portrait*, 233.

¹⁵⁰ Burgess’ comments on Half-breed scrip were published in the *Edmonton Bulletin*. *Edmonton Bulletin*, August 9, 1884.

it at figures by the side of which the halfbreed land speculator's price is a mere trifle."¹⁵¹

Scrip represented a form of disposable income that would boost the region's economy.

The Canadian government actively resisted expansion of the program to metis in the North-West because of problems with land speculators. But the government finally gave in to metis demands with the return of Riel to Canada. The Saskatchewan metis asked Riel to assist them in negotiations with the Canadian government.¹⁵² Petitions of grievances were both sent to the government and circulated in local newspapers:

Now therefore your petitioners who are interested in this matter do most humbly pray that you will cause such inquiries to be instituted as will place us on an equal footing with our relatives and friends in Manitoba, and cause scrip to be issued to us at an early date, in satisfaction of our just and lawful claims.

And whereas the half-breed heads of families and the children of the same born or residents in the Territories previously to 15th July, 1870, have not yet had their claims to equal rights and privileges with their brethren in the Province of Manitoba investigated, as is justly due to them, and is provided for by section (e) of clause 125, 42 Vic., chap. 31; and whereas the continued delay in ascertaining and investigating claims is creating a great deal of general satisfaction throughout the territories. We, the petitioners, do humbly pray that you will cause a commission to be issued at an early date to inquire into and confirm the said claims, not only with regard to scrip and allotments of land, as provided for in Manitoba, but moreover to confirm the titles to land occupied by or purchased by parties from occupants of claims taken previously to the transfer of the Territories to the Dominion of Canada.¹⁵³

Unwilling to risk a conflict as experienced with the Red River metis in Manitoba, the Canadian government prepared to settle metis claims in the North-West Territories.

¹⁵¹ *Edmonton Bulletin*, August 9, 1884.

¹⁵² Devine, 154. The negotiations included issues other than scrip. In March 1885, Riel and followers prepared "Revolutionary Bill of Rights" which asserted their ownership of land. On March 18-19 provisional government was established, Riel as president and Gabriel Dumont as military leader.

¹⁵³ "Petitions and Correspondence in connection with Half-breed Claims and other matters relating to the North-West Territories." Canada. *Sessional Papers*, Vol. 13, Third Session of the Fifth Parliament, 48 Victoria 1885 (no. 116), 41-44.

After the Rebellion, Macdonald conceded that the government had relented on the issue of scrip to keep the peace in his speech to the House of Commons on 6 July 1885:

Now, Mr. Speaker, we, at the last moment, made concessions, and we did for the sake of peace. The Government knew, my hon. Friend, Sir David Macpherson the Minister of the Interior, knew that we were not acting in the interests of the half-breed in granting them scrip, in granting him land...But, Sir, an agitation arose, and the hon. Gentleman has rung the changes on Riel being brought into that country...I do not hesitate to say that I did it with the greatest reluctance...and I said "Well, for God's sake let them have the scrip; they will either drink it or waste it or sell it; but let us have peace."¹⁵⁴

Reaction to metis demands for the sake of expediency was the only consistent theme evident in the documentation. The evolution of scrip policy in the North West was constructed and administered in a reactionary manner. In other words, scrip policy was neither well-thought out nor consistent. Every change in policy was a reaction to problems as they arose.

In March 1885 three commissioners led by W.P.R. Street were sent west to enumerate metis who had not received a land grant or scrip in Manitoba.¹⁵⁵ However, eruption of violence at Duck Lake on 27 March 1885 created concern among the commissioners that the limited powers granted to them by the government would not be sufficient to calm discontent. As such, Street requested, and was granted, permission to not only enumerate, but actually settle metis claims en route.¹⁵⁶ Commissioners quickly

¹⁵⁴ Speech of John A. Macdonald, 6 July 1885. Debates of the House of Commons, 3rd Session, 5th Parliament, 48-49 Victoria, 1885, p. 3117-3118.

¹⁵⁵ The three commissioners were A. E. Forget, a clerk of the North-West Council, W. P. R. Street, a lawyer from Ontario, and Roger Goulet, a surveyor from St. Boniface. See W. P. R. Street, "The Commission of 1885 to the North-West Territories," *Canadian Historical Review*, ed. H. H. Langton, 25, no. 1 (March 1944). The commission was created through an Order-in-Council of 26 January 1885.

¹⁵⁶ Street, *The Commission of 1885*, 45.

realized, however, that there were serious problems with some of the terms of eligibility for scrip application approval.

Early policy stipulated that should metis heads of families already occupy land, they would receive title, but no scrip. Essentially, this meant that the individual was treated the same as a white settler who had no aboriginal title to extinguish. Street, as head of the commission, telegraphed the Minister of the Interior, D. L. Macpherson, for instructions in the matter and was instructed to grant both title and scrip.¹⁵⁷ Numerous other points of contention arose as the commission made its way west of Manitoba, and with each problem encountered, policy adjustments were made through Orders-in-council.¹⁵⁸ The commission rejected a number of metis applicants who were the offspring of an Indian woman and white man, as opposed to metis heads of family. Those who fell into this category were ineligible under existing regulations. Street telegraphed the Deputy Minister of the Interior, A. M. Burgess, and subsequently received instruction to immediately accept these claims.¹⁵⁹ Furthermore, many Indians interested in leaving treaty and taking scrip were informed by Street that they were ineligible. Provisions of the Indian Act were explained under which they might apply for enfranchisement.

¹⁵⁷ NAC, RG15, D-II-1, vol. 574, file 175917. W. P. R. Street (Winnipeg) to D. L. Macpherson, Minister of the Interior, 5 April 1885. The Northwest metis were not granted the same deal as metis in Manitoba. In Manitoba, heads of families received both title to the land they occupied and scrip for \$160 redeemable in Dominion land. Heads of families in the Northwest who already occupied 160 acres of land would not receive scrip; thus, the Northwest metis were initially treated the same as non-metis homesteaders.

¹⁵⁸ For more examples see Street, *The Commission of 1885*, 48-50; and correspondence between Street and Macpherson, NAC, RG15, D-II-1, vol. 574, f. 175917.

¹⁵⁹ NAC, RG15, D-II-1, vol. 574, f. 175917. W.P.R. Street to A. M. Burgess, Deputy Minister of the Interior, Calgary, 20 May 1885; A. M. Burgess to W. P. R. Street, 16 June 1885. This became an OIC (Order-in-Council) 2 July 1885. Street also requested guidance on whether or not claims of metis who fought against the government during the Rebellion out to receive scrip. The Deputy Minister responded that these claims should not be recognized, but family members of the rebels would be accepted on their own merit. Street to Minister of the Interior, 23 May 1885.

Initially, under the orders from 30 March 1885, anyone who was in receipt of treaty annuities was ineligible for scrip.

Metis women in treaty posed unique problems for both scrip commissioners and Indian agents. There were a few cases in which metis women married to treaty Indian men withdrew from treaty and applied for scrip, but continued to live on a reserve with their families. Essentially, this problem represented the complete opposite situation from that presented by straggler women. From the Department of Indian Affairs' perspective, these women had no legal right to continue residence on a reserve. Indian Affairs informed its agents that "a half-breed woman married to an Indian cannot withdraw, nor could she withdraw in supposing her husband was a treaty half-breed and remained in treaty."¹⁶⁰ The agents were further instructed that she "should not receive rations or annuity payments unless as an extreme act of charity."¹⁶¹

Instructions on how to deal with metis women who did not live on a reserve were less clear. On numerous occasions Street requested guidance from the Minister on this matter with very little result. With no instructions, Street decided to accept scrip applications from metis women in treaty who applied at Calgary and forwarded the applications to Ottawa with specific questions regarding their eligibility. One of these applications was from Marguerite Robasca, who had been listed with Passpasschase, and then after 1880, as an Edmonton and District Straggler. The Deputy Minister of the Department of the Interior A. M. Burgess requested an investigation of the *Indian Act* to

¹⁶⁰ NAC, RG15, D-II-1, vol. 574, f. 175917. Hayter Reed to Magnus Begg, 23 June 1886.

¹⁶¹ Indian Commissioner to Indian Agent (Edmonton), 2 April 1886.

clarify the issue.¹⁶² A lawyer for the Department of the Interior, John Hall, cited the 1880 Act and noted that metis could withdraw and apply for scrip. However, not realizing that the *Indian Act* had been amended in 1884, Hall stipulated that metis who withdrew were required to pay back all annuities collected while in treaty.¹⁶³

Scrip commissioners were instructed to deduct treaty annuities from the total amount of scrip for which the applicant qualified:¹⁶⁴

Half-breeds who have taken Indian treaty, but who commuted their treaty payments by accepting the 10 years purchase of the same, provided for by the Indian Act, you are to deduct the said commutation payments from the amount of the scrip to which they would have been entitled had they simply been half-breed who withdrew from the Indian Treaty without commuting their treaty payments and issue scrip to them for the balance.¹⁶⁵

Correspondence found in both Department of Indian Affairs and Department of the Interior records reveals some insight into what led to the 1884 amendment of the *Indian Act*. For example, in an 1878 letter to the Minister of the Interior, Indian Superintendent David Liard expressed that it was “desirable that Métis be allowed to leave treaty if they return gratuities and annuities paid to them or perhaps should be allowed to do so without penalty.”¹⁶⁶

Amendments to the Indian Act were ultimately made in response to concerns raised by DIA agents in the field. Inspector Wadsworth had expressed concern over the

¹⁶² NAC, RG15, D-II-1, vol. 574, f. 175917. A. M. Burgess to Mr. Hall, 18 May 1885.

¹⁶³ NAC, RG15, D-II-1, vol. 574, f. 175917. John R. Hall to W. P. R. Street, 19 May 1885.

¹⁶⁴ Sawchuck et al., 102-3.

¹⁶⁵ NAC, RG15, D-II-1, vol. 501, f. 140682, G. Duck to A.M. Burgess, 26 May 1886 and A.M. Burgess to Roger Goulet, 11 June 1886.

¹⁶⁶ NAC, RG15, D-II-1, vol. 171, f. HB64. David Liard to Minister of the Interior, 15 November 1878.

government's treaty withdrawal policies in 1880. He noted that many metis were not in a financial situation to pay back annuities received in treaty and suggested to Indian Commissioner Edgar Dewdney that:

...many half-breed men, who are now taking treaty would like to withdraw were they able to pay back the money they have already received; as they are not likely ever to get this much ahead, I think it would be better to do so without exacting the return of money, than to continue paying them and their families year after year; a saving would be made of a large amount annually to the Government.¹⁶⁷

Initially, correspondence reveals a general consensus that it was in the government's best long-term financial interests to discharge half-breeds in treaty who wanted scrip without penalty. Even Frank Oliver, owner of the *Edmonton Bulletin*, supported this initiative. As a prominent Edmonton businessman, Oliver understood the economic benefits to be accrued in the region from the arrival of the scrip commission. The influx of disposable income in the region meant profits for local businesses. He noted on 10 October, 1885 that:

When the Indians in this neighborhood were first paid treaty money a large number of persons who were actually half-breeds classed themselves as Indian for the purpose of securing the \$5 a year payment. Many of these now see the disadvantages accruing from their condition as Indians and desire to abandon it. This desire is to be facilitated by the Indian department as much as possible by securing for those parties scrip as half-breeds.¹⁶⁸

However, even though there seemed to be a general understanding that it was beneficial for the government to allow half-breeds to withdraw from treaty, policies to accommodate discharge requests were not immediately forthcoming. But metis in treaty

¹⁶⁷ Report of Wadsworth, (Edmonton). Dominion of Canada, Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1880, page 87. <http://www.nlc-bnc.ca/indianaffairs>.

¹⁶⁸ *Edmonton Bulletin*, October 10, 1885.

were persistent. They continued to lobby the government to allow for their withdrawal from treaty without penalty. The error was subsequently realized after few months, and many hundred applications later. A list of applications with treaty annuities incorrectly deducted was compiled and additional scrip certificates for the amount owing were sent out immediately.¹⁶⁹

Although the issue of treaty deductions was resolved, scrip commissioner Roger Goulet was frustrated by large numbers of “Stragglers” who wanted scrip but had not yet been granted treaty discharge. He twice requested permission from the Department of Indian Affairs to allow them to withdraw.¹⁷⁰ Goulet’s requests were initially denied by Indian Commissioner A. M. Burgess based on fears of fraud. The main concern, as explained by Hayter Reed, the Assistant Indian Commissioner, was that so-called “stragglers” from other districts would request a discharge, be granted scrip, and then return to other districts and continue to fraudulently collect annuities.¹⁷¹ Goulet was instructed by the Department of the Interior to decline their applications and continue as previously.

Instructions to Indian agents, however, were in slow coming. Indian agents and Scrip commissioners alike had no idea how to deal with constructed ethnic definitions that did not always reflect realities on the ground. The same issues over who was an ‘Indian’ and who was a ‘halfbreed’ that plagued the government in the early 1870s were

¹⁶⁹ Report Respecting Claims by Half-breed. Roger Goulet, 12 January 1887. No. 7, 50 Victoria 1887. Annual report of the Department of Indian Affairs for the year ending 31st December 1880.

¹⁷⁰ NAC, RG15, D II-1, Vol. 501, f. 140682. Roger Goulet to A. M. Burgess, May 25, 1886; Roger Goulet to A. M. Burgess, Calgary, June 19, 1886; NAC, RG15, D II-1, vol. 488, f. 138133. Hayter Reed (Assistant Indian Commissioner of the NWT) to Superintendent General of Indian Affairs, July 26, 1886.

¹⁷¹ NAC, RG15, D II-1, vol. 488, f. 138133. Hayter Reed (Assistant Indian Commissioner of the NWT) to Superintendent General of Indian Affairs, August 28, 1886.

once again apparent. Inspector Wadsworth requested clarification from Indian Commissioner E. Dewdney on how to deal with the flood of withdrawal applications from metis who led the “same mode of life as the Indians.”¹⁷² Wadsworth insisted that agents receive “positive and immediate instructions.”¹⁷³ Because he had no instruction from his superiors, Wadsworth instructed Indian agents to withhold all discharge requests. This caused considerable discontent among people who wanted to withdraw. Wadsworth warned Dewdney that Indian agents needed clear and consistent policy instructions immediately.¹⁷⁴ Wadsworth’s persistence finally resulted in some instruction. It was arranged for Indian agents from each district to determine whether or not a person was eligible to withdraw from treaty and participate in scrip. Both Indian agents and local clergy advised commissioners on whether or not the applicant was considered too ‘Indian’ for withdrawal.

Metis scrip was problematic for the Canadian government from its inception in 1870 to its close in 1929. Confusion over policy reflected the complexity of two large government departments trying to deal with issues of ethnic identity that were clearly misunderstood. The connection between treaty and scrip had not been anticipated by either the Department of Indian Affairs or the Department of the Interior. Just as when Treaty Six was signed in 1876, the Department of Indian Affairs had not anticipated large numbers of metis wanting to collect treaty annuities, in 1885 it had not anticipated

¹⁷² NAC, RG15, D-II-1, vol. 488, f. 138133. Quoted in Telegram of Roger Goulet to A. M. Burgess, July 12, 1886.

¹⁷³ NAC, RG15, D-II-1, vol. 488, f. 138133. Quoted in Telegram of Roger Goulet to A. M. Burgess, July 12, 1886.

¹⁷⁴ NAC, RG10, vol. 3724, f. 24,303-2A. Letter of T. P. Wadsworth (Inspector Indian Agency) to E. Dewdney (Commissioner) July 7, 1886.

large numbers of metis wanting to withdraw. The Scrip Commission certainly had neither foreseen the large numbers of people in treaty who would want scrip, nor the range of questions on scrip eligibility. As a result, scrip policy was essentially 'negotiated' between Scrip commissioners, DIA agents in the field, and metis. Reactions of metis in treaty to restrictive withdrawal policies forced the Department of Indian Affairs and the Department of the Interior to either adjust their policies or face the threat of severe discontent. Having just quelled the 1885 Rebellion, the Canadian government was in no mood to face the possibility of another uprising in the North-West. Although both Scrip commissioners and Indian agents were ill-prepared to deal with the range of ethnic complications and problems encountered, they generally attempted to accommodate metis demands.

Devine's argument that metis were 'induced' to withdraw from treaty simply does not reflect the documented evidence. Neither does Reddekopp and Bartko's assertion of "Distinction without a Difference." The Canadian government did encourage metis to make a decision to either settle on a reserve or withdraw and apply for scrip. However, these metis had long petitioned for scrip and welcomed its arrival. But how did this reflect aboriginal identities of the period? The resulting long term effects of the "institutionalized" separation of ethnic categories were simply not an issue for the metis during this period. First and foremost, scrip, like treaty, represented an economic benefit, and most metis, including the Edmonton and District Stragglers, were eager to take full advantage.

Yet identity did underscore certain decisions and responses. Even though Straggler women took advantage of lax eligibility requirements for treaty, and hence,

were willing to be classified as Status Indians, they were not willing to lead, as Wadsworth termed, the “same mode of life as the Indians.”¹⁷⁵ Their continued off-reserve residence while in treaty, and subsequently, their demands for treaty discharges reflect an ethnic distinction of something other than ‘Indian.’ However, was this ‘distinction of difference’ a conscious assertion of ‘metis’ identity? It is clear that economic circumstances of the fur trade created unique communities in the North-West that were neither ‘Indian’ nor ‘white.’ These freemen communities represent the makings of ‘metisness’ in the North-West, but differing historical circumstances delayed the creation of a ‘metis’ political identity that developed at Red River decades previous.¹⁷⁶

Scholars of metis ethnogenesis generally agree that distinct metis identities evolved from the establishment freemen communities. Mixed-blood traders established themselves as economic middlemen or ‘freemen’ and provided an important trading and cultural link between aboriginal and European groups involved in the fur trade economy.¹⁷⁷ Jacqueline Peterson attributed metis ethnogenesis in the Great Lakes region to children enculturated separately from their mother’s Indian band.¹⁷⁸ She claimed that

¹⁷⁵ NAC, RG15, D-II-1, vol. 488, f. 138133. Quoted in Telegram of Roger Goulet to A. M. Burgess, July 12, 1886.

¹⁷⁶ For studies on the makings of metis identity see Jacqueline Peterson, and Jennifer S. H. Brown ed., *The New Peoples: Being and Becoming Métis in North America* (Winnipeg: University of Manitoba Press, 1985).

¹⁷⁷ There is a well-established set of literature on metis ethnogenesis. Some important studies include Jacqueline Peterson, “Prelude to Red River: A Social Portrait of the Great Lakes Métis,” *Ethnohistory* 25, no. 1 (1978); John Foster, “Wintering, the Outsider Adult Male and the Ethnogenesis of the Western Plains Métis,” in *From Rupert’s Land to Canada*, ed. Binnema, Ens and Macleod (Edmonton: University of Alberta Press, 2001); Jennifer Brown, “Fur Trade as Centrifuge: Familial Dispersal and Offspring Identity in Two Company Contexts,” *North American Indian Anthropology*, ed. Raymond J. Demaille and Afonso Ortiz (Norman: University of Oklahoma Press, 1994).

¹⁷⁸ John Foster, “Wintering, the Outsider Adult Male and the Ethnogenesis of the Western Plains Métis,” in *From Rupert’s Land to Canada*, ed. Binnema, Ens and Macleod (Edmonton: University of Alberta Press, 2001), 181.

children absorbed both European and aboriginal cultural elements and belief systems. Thus, mixed-blood children were amidst a process in which a group consciousness and identity developed “akin to that which flowered several decades later in the upper Red River Valley of Canada.”¹⁷⁹ Peterson clearly articulated that metis culture was not the result of a racial categorization, but rather a distinctive ethnic group that formed through unique marriage and trading practices termed ‘wintering.’ With this economic position firmly entrenched, a perpetual cycle of intermarriage was necessitated as native women’s skills as cooks, guides, and farmers were integral for economic success.¹⁸⁰ She argued that the traditional focus on the Plains metis political history in the nineteenth century lost sight of the fact that Riel’s Rebellion was the “culmination of nearly two centuries of ethnic formation rooted along the St. Lawrence and in the Upper Great Lakes...”¹⁸¹ Yet, the traditional focus on Riel cannot be completely dismissed. The roots of metis ethnic formation were planted long before Riel, but political discontent solidified the mixed-blood population at Red River into a distinct ‘metis’ ethnic group.

John E. Foster expanded on Peterson’s concept of ‘wintering’ theory to include the significance of male relationships. He attributed metis ethnogenesis to a dual process directly linked to the relationships formed as the itinerant trader wintered with an Indian band in hopes of establishing trade.¹⁸² The first stage of this process involved three critical relationships: firstly, marriage *a la facon du pays* between the itinerant trader or

¹⁷⁹ Peterson, 41.

¹⁸⁰ Peterson, 55.

¹⁸¹ Peterson, 46.

¹⁸² John Foster, “Wintering, the Outsider Adult Male and the Ethnogenesis of the Western Plains Métis,” in *From Rupert’s Land to Canada*, Binnema, Ens, and Macleod, eds. (Edmonton: University of Alberta Press, 2001), 180.

outsider and a prominent woman of the band; secondly, the subsequent kinship relationship between the outsider and male members of the band; and finally, the continued association between the itinerant trader and his *engagés* as comrades. The second stage was the fur trade *engagés*' expression of 'consequence' by ending direct employment with the trading post and declaring themselves *l'homme libres*.¹⁸³ In short, the position of 'freeman' was central to metis ethnogenesis. It was a particular behavior and lifestyle that resulted in the emergence of the Plains metis as a group that differed from both indigenous Indian bands and Euro-Canadians.

Thus the critical feature in explaining Métis ethnogenesis is not mixed ancestry; rather, it is the historical circumstances and processes which saw some children enculturated differently than those associated with Indian bands or with the very few Euro-Canadian communities that could be said to exist in the pre-settlement West.¹⁸⁴

Foster also claimed that "the outsider adult male [freeman], was a critical factor..." to become culturally distinct.¹⁸⁵ Certainly the role of male freemen in the enculturation of

¹⁸³ Foster, "Wintering," 180.

¹⁸⁴ Foster, "Wintering," 180.

¹⁸⁵ Foster, "Wintering," 180. Also published in 1994, Brown's article, "Fur Trade as Centrifuge: Familial Dispersal and Offspring Identity in Two Company Contexts," compares the identity of mixed heritage children from both the HBC and the North West Company. She also borrowed from Peterson's concept of 'wintering' but applied a more detailed analysis of not only traders' domestic lives but also their tendency for early familial separations and dispersal that characterized fur trade domesticity within comparative company contexts. She claimed that these two similar business organizations that co-existed in the same social and geographic environments produced clearly different social and economic relations, which "varied in response to differences among trading companies as well as Indian communities." This was a reflection of the unique social environments that each company created through not only its recruitment procedures and business policies, but also its organizational structure and networks. Brown places emphasis on metropole discourse as a catalyst in the development of differing metis identities dependant on the company with whom their family lineage was associated. For example, unlike its Canadian counterpart, HBC policies from London were a significant factor in the severing of employee's from their native families. Ex-servants were not allowed to congregate with their families as freemen near or around trading posts as the Nor'Westers did frequently; thus, HBC men and their families who sought to stay together were largely unable to avoid dispersal. Dispersal meant that the unique cultural formation that took place within the established villages of the Great Lakes Métis could not take place. Instead, most HBC mixed-heritage children were enculturated in their mother's band. The term 'half-breed' was used very sparingly

children's non-Indian identities was crucial. As the Edmonton and District Stragglers scrip applications reveal, children traveled extensively with their parents and were an integral part of the fur trade economy. However, as significant as their freeman fathers were their metis mothers whose mixed European-aboriginal ancestry provided children with a unique choice as to how they self-identified.

In the Edmonton District, straggler women's decisions to withdraw from treaty and take scrip reflected a rejection of Indian status, but not necessarily an affirmation of a conscious 'metis' identity. Their decisions, however, represent the impetus that would influence the ethnic and political identities of subsequent generations. When Mary Norris requested treaty discharge from Indian agent Anderson on 5 June, 1885, she did so as a Status Indian. When she approached the Scrip commissioners later that day, she did so as a half-breed – and for the most part, so did her children. For Straggler women scrip was an immediate economic benefit. For their descendants, it was the root of 'becoming metis' in the North-West.

before 1821, and if used, Brown argues that it was "overshadowed by socioeconomic and cultural criteria." If they lived with and acted as 'Indians,' then they were 'Indian,' regardless of whether they still bore their father's European surnames. In the context of the HBC in the eighteenth and early nineteenth century social and cultural circumstances, it would be possible to say that "this Indian is a half-breed" and make perfect sense.

Chapter Four: Conclusion

The stories of Mary Norris, along with the other metis women listed as Edmonton and District Stragglers, tell us much about the history of western Canadian treaties, metis scrip, and outcomes of fur trade domesticity. Their lives reveal the complex realities faced by aboriginal populations on the Plains between 1876 and 1886. Their stories challenge many assumptions made by scholars. Contrary to prevailing interpretations in literature on western Canadian treaties, band membership and aboriginal identities were fluid during the 1870s and 1880s. During this period generally considered marked by repressive government policies, the Edmonton and District Stragglers show us that aboriginal people were not passive victims of a colonial regime. They made strategic decisions, combined the economies of treaty and fur trade, and reshaped scrip policy. Little did they know that their expressions of agency would later represent the makings of a 'metis' cultural and political identity on the Western plains.

This study of straggler women in Treaty Six speaks to many facets of aboriginal history, but women's agency is evident throughout. Metis women used constructed administrative categories in ways unexpected by government authorities. The unexpected actions and decisions of metis women challenged institutional notions of race and racial categories; whether it be their entry into treaty as the wife of a non-treaty man, resistance of reserve residency, their withdrawal from treaty, or their taking of scrip. These women did not change their lifestyles to suit the Canadian government's perception of aboriginal identities. Rather, they forced policies to suit their lifestyle. Categories were far from fixed; they were "reworked by people who made them and by those they could not

contain.”¹⁸⁶ Wadsworth’s creation of the Edmonton and District Straggler band list did not reflect a way for people to *be*, it reflected how people *were*.

The fur trade economy was a driving force behind the creation of the ‘straggler’ category. Harsh environmental and economic conditions, combined with the small-pox outbreak of 1869-70, led to the scattering of Cree and metis populations on the Plains. While thousands of people continued to travel for fur trade activities, the arrival of treaty annuities in 1876 created a new economic layer for consideration. This study extends fur trade domesticity from where Van Kirk and Brown left off. Women continued to play an important role in the fur trade economy in the post-1870 era. The Edmonton and District Stragglers integrated a new treaty economy into their pre-existing fur trade lifestyles. Taking advantage of lax treaty eligibility requirements, straggler women continued to travel with their husbands and families throughout the North-West Territories while collecting treaty payments in the fall. Although there were three categories of straggler women on the treaty withdrawal list, their continuities are significant: none of the Edmonton and District Stragglers belonged to a band, and all traveled extensively with their husbands and families freighting, hunting, and fur gathering. This strategy of ‘straggling’ represents not only women’s agency, but also the option to choose one’s ethnic identity in response to the economic realities of the day.

Mary Norris was a ‘half-breed’ before she entered treaty, but she was a ‘Status Indian’ when she requested discharge from treaty on the morning of 5 June 1885. When she applied for scrip later that same day, Mary was again a ‘halfbreed.’ The conjuncture of historical circumstances in the North-West, which created an opportunity of metis women and their children to choose an identity that best suited their immediate needs,

¹⁸⁶ Stoler, *Carnal Knowledge*, 8-9.

echoes processes that have global parallels. Placing metis ethnogenesis within the broader context of empire and other colonial discourse can not only bring local studies into sharper focus, but also enhance our understanding of complex indigenous-newcomer relationships. Whether in Red River, Edmonton, or Batavia, there is no exceptionalism to the evolution of 'metisness.' More detailed regional studies will only improve our understanding of larger global processes of metis ethnogenesis.

Metis women, both in Batavia (as Jean Taylor's study proved) and in the Canadian North-West, provided their children with a number of 'ethnic' options. Straggler women's decisions to enter treaty gave their children a choice between remaining an 'ordinary' British subject or becoming a Status Indian. Straggler women's decisions to withdraw from treaty and take scrip provided additional choices: remain a Status Indian, return to status as an 'ordinary' British Subject, or take Halfbreed scrip. Although not realized at the time, these decisions were shaping descendants' future ethnic and political identities.

Documented evidence between 1876 and 1886 does not support previous scholarly interpretations the Canadian government imposed institutionalized separation of metis and Indian populations. Metis had long petitioned that the Canadian government to extend scrip to the North-West. Scrip represented a more flexible and immediate economic benefit than the relatively small treaty annuities. Metis, including the Edmonton and District Stragglers, did not hesitate to request their discharge from treaty in order that they could apply for scrip. Although aboriginal identities were fluid, identity underscored certain decisions and responses. These decisions by straggler women

reflected a pre-existing distinction between metis and Indian populations that was solidified through by taking scrip, not created.

This study of straggler women in Treaty Six represents the intersection of fur trade, treaty, and scrip histories that had been largely unaddressed by scholars. But there are still many questions. A significant aspect of these histories that this study did not address was the role of religion. How did religion shape the making of 'metisness' in the Edmonton District? Did individuals make different decisions based on their beliefs as either Protestant or Catholic? What role did missionaries play, along with metis, in the shaping of treaty and scrip policies? Beyond the role of religion, a study of detailed study and analysis of stragglers' descendant ethnic identity will provide further understanding of the solidification of a metis cultural and political identity. Do all stragglers' descendants claim a metis identity? Are there descendants who rejected a metis identity for an Indian or even non-aboriginal identity? The legacy of Mary Norris, and the other Edmonton and District Stragglers has yet to be fully explored.

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