Native Affairs 1980-81

27-2251

Building
, Canada
T5K 2B7

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PROVINCIAL ARCHIVES
OF ALBERTA
ACC. 85.401
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Native Council of Canada

(MÉTIS and NON-STATUS INDIANS)
LE CONSEIL NATIONAL DES AUTOCHTONES DU CANADA

170 LAURIER AVE., WEST, 5TH FLOOR
OTTAWA, ONTARIO K1P 5V5

TELEPHONE 613-238-3511
TELEX 053-3301

RECEIVED
MAY 1 1980
PREMIER'S OFFICE

PRESIDENT
HARRY W. DANIELS

VICE-PRESIDENT
LOUIS BRUYERE

SECRETARY-TREASURER
PATRICIA GEORGE

April 16, 1980

Dear Mr. Premier:

I am enclosing, for your information, a copy of "A Statement of Claim Based on Aboriginal Title of Metis and Non-status Indians". This statement is the culmination of more than three years of exhaustive research on the part of the Native Council of Canada and its provincial and territorial member associations. This activity was made possible by grants from the federal government at the cost of approximately four million dollars.

On March 13, 1980 I sent a copy of the Statement of Claim to the Prime Minister and Deputy Prime Minister and have since proceeded to make it available to all Members of Parliament, all Members of the Senate, Justices of the Supreme Court, and plan to send it to several foreign countries who have treated their indigenous peoples fairly.

Because of the extensive work and the expenditure of several million dollars which have gone into this project, we feel very strongly that it must be resolved by one of the three possible courses of action as you will find outlined on Page 9 of the Statement.

To this end, I am encouraging your comments and support for our Statement which re-enforces our long-standing claim to recognition of our aboriginal title in this country.

Yours sincerely,

Harry W. Daniels,
President.

HWD:jw

FROM THE PREMIER

ACTION REQUEST

TO: Dr. Don McCrimmon Date: May 2/80

- ☐ For your information.
- ☑ Reply on my behalf. (cc to me)
- ☐ Could I have your comments?
- ☐ Is any action necessary?
- ☐ Take any action necessary.
- ☐ Note my questions and comments.
- ☐ Note and forward to .....
- ☐ Discuss with me.
- ☐ Draft reply for my signature.

COMMENTS: .....

Rec'd

403/427-2251

Legislative Building
Edmonton, Alberta, Canada
T5K 2B7

May 2, 1980

noted by D

your April 16th letter
copy of "A Statement
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our correspondence to
Minister Responsible
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incerely,

owhaniuk

a D. Dowhaniuk
Secretary to
Lougheed

OFFICE OF THE PREMIER

403/427-2251

Legislative Building
Edmonton, Alberta, Canada
T5K 2B7

May 2, 1980

noted lg

Mr. Harry W. Daniels
President
Native Council of Canada
170 Laurier Avenue West
5th Floor
OTTAWA, Ontario
K1P 5V5

Dear Mr. Daniels:

I wish to acknowledge receipt of your April 16th letter to Premier Lougheed, and enclosed copy of "A Statement of Claim Based on Aboriginal Title of Metis and Non-status Indians".

Please be assured that your letter and attachment will be brought to the Premier's attention at the earliest opportunity. In the meantime, however, I am taking the liberty of forwarding a copy of your correspondence to the Honourable Dr. Don McCrimmon, Minister Responsible for Native Affairs for the Province of Alberta, for his information and consideration.

Yours sincerely,

P. Dowhaniuk

Patricia D. Dowhaniuk
Special Secretary to
Premier Lougheed

cc: Honourable Dr. Don McCrimmon

NATIVE AFFAIRS

403/427-3675

Office of
the Minister

229 Legislative Building
Edmonton, Alberta, Canada
T5K 2B6

May 29, 1980

Mr. Harry W. Daniels
President
Native Council of Canada
170 Laurier Avenue West
5th Floor
Ottawa, Ontario K1P 5V5

Dear Mr. Daniels:

I wish to acknowledge receipt of your letter of April 16 with the accompanying document "A Statement of Claim Based on Aboriginal Title of Metis and Non-status Indians" that has been forwarded to me by the Premier.

I appreciate your making a copy of the Statement of Claim available to us for our perusal.

Yours sincerely,

D. McCrimmon

Don McCrimmon
Minister Responsible for
Native Affairs

cc: Honourable Peter Lougheed ✓
Premier of Alberta

Alberta

NATIVE AFFAIRS

MEMORANDUM

FROM Don McCrimmon
Minister

OUR FILE REFERENCE

YOUR FILE REFERENCE

TO Honourable Peter Lougheed
Premier

DATE May 28, 1980

TELEPHONE

RECEIVED
MAY 30 1980
PREMIER'S OFFICE

SUBJECT "A STATMENT OF CLAIM BASED ON ABORIGINAL TITLE OF METIS AND NON-STATUS INDIANS"

I thought you might be interested in my department's review of this document as to the impact on Alberta.

Attachment

Don McC

Alberta MEMORANDUM

NATIVE SECRETARIAT

FROM D.M. Mace
Senior Advisor Policy & Planning

OUR FILE REFERENCE

YOUR FILE REFERENCE

TO Calvin E. Lee
Executive Director

DATE May 13, 1980

TELEPHONE

SUBJECT A STATEMENT OF CLAIM BASED ON ABORIGINAL TITLE OF THE METIS & NON STATUS INDIANS. NATIVE COUNCIL OF CANADA.

The above noted document has now been reviewed with a view to its potential impact on the Alberta situation. There are four outstanding issues that the Native Council of Canada are putting forward, detailed as follows:

1) The aboriginal title claims in Atlantic Canada and much of Quebec,

2) specific claims of Metis and unregistered Indians in Ontario,

3) unsatisfied Metis claims on the prairies under the Manitoba Act and the Dominion Lands Act, and

4) The aboriginal title claims in British Columbia, the Yukon, and Northwest Territories.

It is point number three that could have the indirect impact on Alberta. Further, however, it is important to note that any potential claim that the Metis would have arising out of the Manitoba or the Dominion Lands Act would be against Canada rather than Alberta. The paper in fact states "We are hereby stating our claim against the Government of Canada."

The paper provides further details on all of the four claims but for purposes of this examination item number three will be focused upon.

The negotiation of Manitoba's entry into Confederation lead to the passage of the Manitoba Act. Section 31 of this Act provided for the issue of lands to the half-

breed population. Section 31 reads as follows:

> 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.

Further, in 1879 the Dominion Lands Act was ammended to permit grants to the half-breed people outside the boundaries of Manitoba. This, specifically, was the authority under which scrip was issued in Alberta. This aforementioned ammendment read as follows:

> ...satisfy any claims existing in connection with the extinguishment of the Indian title preferred by the half-breeds resident in the Northwest Territories, outside the limits of Manitoba, on the 15th of July, 1870, by granting lands to such persons, to such extent and on such terms and conditions, as may be deemed expedient.

The Native Council of Canada alleges that:

> The Dominion Lands Act said that the grants would be made "on such terms and conditions, as may be deemed expedient." As with the Manitoba Act the "terms and conditions" were not spelled out in legislation and subsequently the government deliberately chose to have no terms or conditions. This decision facilitated speculation and loss of rights.

Alberta was covered by two separate half-breed scrip issues. One by the Northwest Half breed Commission 1885, 1886 and 1887; and the second by the Halfbreed Commission of 1899. Both commissions were quite detailed in their work and travelled to the majority of the areas where the Metis then lived. Comprehensive lists of the locations in Alberta where the Commissioners visited are available.

Alberta scrip issue was of two separate types. Land scrip and money scrip. The individual who was to have received the benefit was able to choose between one or the other. Both were condidered of equal value at the time. If a person received the land scrip it was redeemable at the Dominion Lands Office for 160 acres of land.

The Native Council of Canada argues that the money scrip issue and the failure of Canada to enact "terms and conditions" protecting the Metis from speculators did "not ensure a land base" for the half breeds, therefore, Canada violated both the Manitoba Act and the Dominion Lands Act. This, of course will not be agreed to by Canada.

The N.C.C. proposes three remedies for their grievances. These are as follows:

1. The Metis and unregistered Indians of Canada would begin a process of negotiation designed to settle the historic claims, or,

2. A joint commission of inquiry could be formed whose personnel and terms of reference would be agreed to by both the Government (of Canada) and the Native Council of Canada. The commission would be charged with reporting on the character of historic claims and proposing a modern resolution of them, or,

3. Litigate outstanding claims before the Canadian courts.

D.M. Mace

DMM/zh