Native Studies Review 10, no. 1 (1995)

The New Math of the *New Indian Act*: 6(2)+6(2)=6(1)

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Constitutional recognition of Aboriginal people in Canada in 1982 was followed by significant revision of the Indian Act *in 1985. The changes provided by Bill C-31 eliminated the gender bias in section 12.1.b of the old law and provided a retroactive remedy for persons discriminated against on that basis. The reform accommodated one category of previously "non-status" persons. However, close scrutiny of a particular case suggests that much of the discrimination against other excluded groups continues much as before.*

Une réforme significative de la Loi sur les Indiens en 1985 suivit la reconnaissance constitutionnelle des peuples autochtones du Canada en 1982. Les changements apportés par la loi C-31 ont éliminé le parti-pris contre l'autre sexe de la section 12.1.b de l'ancienne loi et ont fourni un recours rétroactif aux personnes qui avaient souffert de discrimination sous cette loi. Pour cette raison, les changements apportés éliminaient quelques éléments d'inégalités juridiques entre certaines catégories d'Autochtones ignorés jusque là parce qu'ils n'étaient pas considérés comme étant Indiens. *Cependant l'examen minutieux d'un cas particulier démontre que la discrimination traditionnelle envers les Métis continue comme avant.*

Among the changes to Canada's constitution in 1982 were recognition accorded to the "existing aboriginal and treaty rights of the aboriginal peoples of Canada"—Indian, Inuit and Métis—and assurance of equality

"before and under the law" to every individual "without discrimination based on race . . . or . . . sex. . . ."[1]

Dramatic revision of Canada's *Indian Act* and reorientation of government departments would seem to have been necessary to bring law and administration into harmony with the new constitutional requirements. One deficiency was the traditionally narrow focus on just one of the three recognized groups to the exclusion of one or both of the others. Insofar as the old Indian Act provided a rough framework for administering Canada's responsibilities to Aboriginal people, the equal treatment requirement of section 15 would seem to have called for inquiry into the conditions of Indian, Inuit and Métis people to determine whether they were comparably situated in social and economic terms; and, in the interest of equality, adjust its provisions to meet the needs of all Aboriginal people on an equitable basis. In other words, having recognized all, the new constitution seemed to call for a broader orientation, one that embraced all categories in a non-discriminatory manner.

All three were well identified. For over a century the government had maintained a register of every person entitled to be considered "Indian" (and, since the 1940s, "Eskimo"). Throughout the same period, the government of Canada had kept careful track of Métis people and their descendants, as well, because the old section 12 of the *Indian Act* stipulated that any person, or the descendants of any person, who "received or had been allotted half-breed lands or money scrip" was "not entitled" to be registered as an Indian.[2] The distinction was more than nominal. Canada did not have another department in charge of Métis affairs. Under the old law, any Aboriginal people not registered as Indian were administravely equivalent to non-Aboriginal, and therefore no more entitled to access to programs in aid of Canada's Aboriginal people than members of Canadian society in general. In effect, a Métis registry existed *de facto* only to delineate that identified group from the others, even though Métis communities were disadvantaged by similar processes that marginalized status Indian communities.

Another systemic disqualification of Aboriginality followed from gender discrimination: Canada denied Indian rights to Indian women if they married persons deemed by the government of Canada to be non-Indian men. Every such woman lost her Indian status, "unless that woman is subsequently the wife or widow" of a man entitled to registration—because the same penalty did not apply to Indian men.[3] Two large and growing Aboriginal populations thus fell into a bureaucratic limbo: Métis people because their ancestors had taken scrip, and Indian women and their children whenever they married non-status men. However, all such people had reason to hope

for corrective legislation after the constitutional enactments in 1982: Métis people because their Aboriginality was no longer denied; deregistered Indian women because discrimination on the basis of gender was no longer tenable.

Since both forms of discrimination were constitutionally prohibited after 1982, the government of Canada had a clear obligation to make adjustments that would reflect the equality of the three branches of Aboriginal people, and to expunge discrimination based on the disqualifying choice of marriage partners by women but not men. A significant adjustment of the *Indian Act* did occur in 1985; the government intended to remove the gender bias by transferring the sanction imposed on Indian *women* to the *children* of mixed marriages.[4] Under the new act, any person (male or female) could marry a non-Indian without prejudice to his or her own status, but the children of such unions are disqualified from passing Indian status on to their children—unless they marry partners entitled to be registered as Indians. The new act identifies two categories of Indian persons, depending on their parentage: Indian people of Indian parentage (section 6(1) Indians); and Indian people of mixed parentage (section 6(2) Indians). And since the parentage test can be extended genealogically back to the beginning of recorded history, persons can be deemed to have been registered—counted as registered—if they would have been entitled to such enrolment by the criteria in effect at the time, even if such persons were not in fact registered. By the "deeming provision" the Aboriginality of Métis people as well as non-status Indians seems admitted; individuals in both categories may assert their Aboriginality as equivalent to "Indian" if:

6(1)—both parents Indian
6(2)—one parent Indian

In the next generation:

6(1)+6(1)=6(1)
6(1)+6(2)=6(1)
6(2)+6(2)=6(1)
6(1)+non-Indian=6(2)

But:

6(2)+non-Indian=non-Indian

In the new math of the new *Indian Act*, a 6(1) plus a non-Indian generates the 6(2)s, and 6(2)s marrying non-Indians produce non-Indians.[5] Every category but the first, the group most closely connected with Canada's old Indian registry, is relevant and is potentially applicable to the Métis and

non-status Indian people of Canada. In fact, there is a theoretical possibility that any person of mixed parentage (or Métis ancestry running several generations back to the nineteenth century) can change his or her "non-status" to that of a 6(1) Indian if the genealogical chain of title is not broken at some level by a disqualifying marriage to a non-Aboriginal partner.

The family history of Arlene Talbourdet, a British Columbia woman born in the 1930s, is an instructive case in point.[6] Well aware of her aboriginal ancestry, Arlene Talbourdet applied for 6(1) status soon after the new act came into effect. Figure 1 is a plain language representation of the facts of the case, that is to say, ancestors are labelled as in the documentary record ("Indian," "Half Breed," "white settler," etc.) and each individual is classified as 6(1) or 6(2) depending on which registration category seems to apply. In such a plain-language reading of the evidence, Figure 1 shows that Arlene Talbourdet's claim to 6(1) status is certainly plausible.

Her parents were David Wesley Yaeger and Harriet Taylor. According to the affidavit of a disinterested third party, "Wes" Yaeger was "an American Indian from the Dakotas."[7] His mother, Mary Day, was a Canadian Indian dropped from the Garden River Band list, evidently for marriage to an Indian whose status Canada disqualified by virtue of residency on Indian land in the United States. An important point of law is raised by such disqualification, but the issue here, looking beyond the legal difficulty of the international portability of Indian status, is that a common-sense reading of the facts leads easily to the conclusion that both of David Wesley Yaeger's parents were Aboriginal people, and even if Jacob Yaeger was "American" more than he was "Indian," his son—Arlene Talbourdet's father—would still qualify for 6(2) status on account of the 6(1) standing of his mother, Mary Day.

If Arlene Talbourdet's mother, Harriet Taylor, also qualifies under the same "deeming" provision of the new act, then Arlene Talbourdet's claim for 6(1) status is complete. Referring to the documents that serve as Canada's *de facto* Métis registry, one finds a genealogy running four generations back to the earliest years of the nineteenth century. If the ancestors in this line are exclusively Métis to the original European/Indian progenitors, then Harriet Taylor—Arlene Talbourdet's mother—exemplifies qualification for 6(1) status on this basis.

On the Taylor side of the family, however, no such confirmation emerges easily or clearly. While documents[8] show that Harriet Taylor's father, Donald Herbert Taylor, was the son of William Taylor and Margaret Gunn—both "Half Breeds"—their parentage poses a break in the genealogical chain because both were children of "white settler" fathers (James Taylor and Donald Gunn) and 6(2) mothers (Mary Inkster and Margaret Swain).

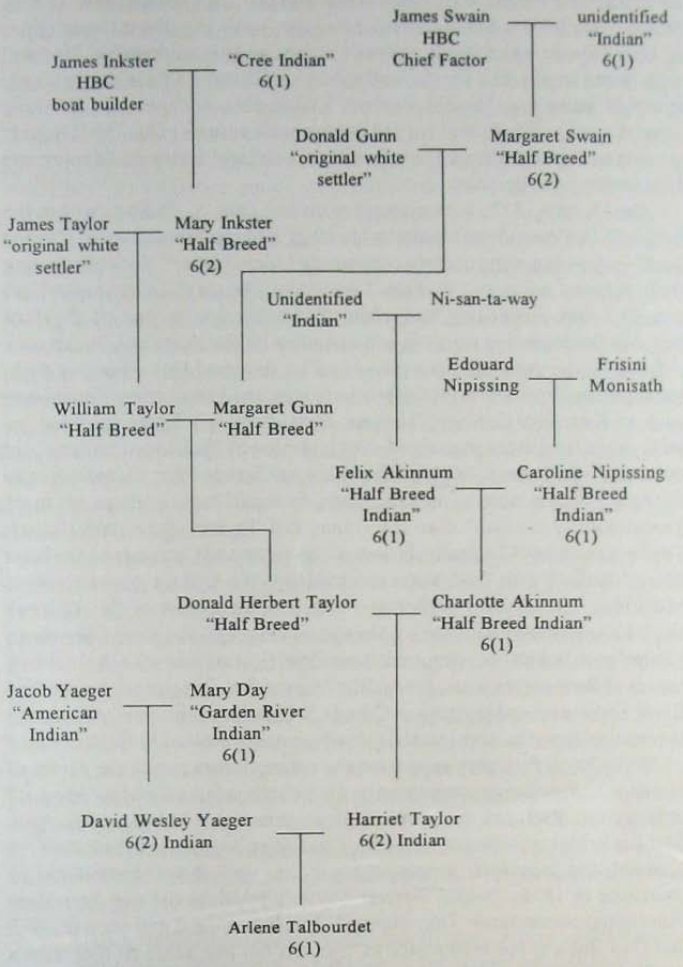

Figure 1. The Aboriginal Ancestry of Arlene Talbourdet

Mary Inkster was probably the daughter of James Inkster, the Hudson's Bay Company boat builder at Brandon House and his "Cree Indian" wife[9] (which makes Mary Inkster a 6(2) Indian). Margaret Swain is perhaps the daughter of James Swain, chief factor at York Factory, and his unidentified "Indian" wife (same legal result for their offspring—6(2) status).[10] On this account, it would seem that Donald Herbert Taylor does not meet the deeming provision to qualify for 6(1) or 6(2) status because both of his "Half Breed" parents were non-Indians. Here, however, a cultural factor could intervene as a saving consideration.

On 18 July 1871, a proclamation invited "all . . . Indians within the limits of the Province of Manitoba" to meet with representatives of Canada on 25 July to negotiate a treaty concerning Indian lands.[11] Notwithstanding their paternal ancestry, William Taylor and Margaret Gunn might have attended that proceeding and claimed membership in one of the four populations obtaining reserves and annuities by the treaty concluded on 3 August. To be sure, almost every name on the band lists emerging from those proceedings was in the Ojibwa language, but a smattering of surnames such as Kennedy, Corrigal, Thomas, Flett, Bird and Setter appeared, as well, suggesting that a phenomenon of inclusion of "half breed Indians" did operate in Manitoba in 1871, as elsewhere, earlier and later. Genealogically all such persons were of mixed origin, in some cases perhaps no more genealogically "Indian" than the Gunns and Taylors in Donald Herbert Taylor's ancestry. Culturally, however, the Fletts and Corrigals on the band lists identified with (and were accepted by) the Ojibwa populations of Manitoba. The Taylors of Poplar Point and the Gunns of St. Andrews shared a working knowledge of Aboriginal language and were fully aware of their part-Indian ancestry; still, their identification was with the "settler" aspect of their parishes and the "settler" future they anticipated for the Red River Settlement as Manitoba in Canada.[12] They had deliberately distanced themselves from the Aboriginal rights advocates in the Red River Resistance of 1869–70. In fact, they supported the counterinsurgents to the extent of claiming and receiving compensation for "rebellion losses" on the "loyalist" side against Riel and the provisional government.[13] Subsequently, both families held prominent political office, including positions on the Executive Council, the provincial senate of Manitoba, until it voted itself out of existence in 1876. Donald Herbert Taylor's relatives did not deny their Aboriginal connections. They claimed "half breed" land and scrip in 1875 but they did not see themselves as "Indians" in any sense of that term's application to the social and historical circumstances of Manitoba in the 1870s.

Subsequently, however, "Herbie" Taylor became more "Indian" in his

cultural identification than did his parents or his grandparents. His father died in Herbert's infancy. A few years later his mother remarried. The stepfather, John Drain, was a newcomer to Manitoba, a "homesteader" lured west (the documentary record[14] would suggest) by the promise of cheap land and agricultural profit—key attractions as well, to the Widow Taylor and her "half breed" children. On that account, he married Margaret Taylor and secured a hold on the land and scrip of the entire family. Young Donald Herbert Taylor escaped the scorn of a grasping and contemptuous stepfather[15] by migration south, west and north. He is said to have left his stepfather's reach before he was even fourteen years of age. Eventually he built a home for himself in the Peace River district of Alberta in a community more "Indian" than "settler" in its orientation and history. Here "Herbie" Taylor met and married Charlotte Akinnum.

An issue of considerable analytical significance is that, having fled what had been his mother's household and his home province, Donald Herbert Taylor seems to have become a well-accepted member of a community more fluent in Cree than in English. How "Indian" was Chrolotte Akinnum and her family? One important clue is linguistic: her mother tongue was Cree, and the Cree language is reportedly the voice she used for the rest of her life in her surroundings of greatest comfort and self-assurance—the family home.[16] Another set of clues derives from Charlotte Akinnum's own genealogy.

The Akinnum family of the mid-nineteenth century would seem to have exemplified the kind of Aboriginal people that the Hudson's Bay Company officials called "homeguard Cree"—the "native" employees and Indian people of a locale adjacent to HBC trading posts.[17] In personal names and first language they were unambiguously Aboriginal, while their second and additional languages, manner of dress, religious orientation and employment set them apart but little from the Aboriginal people not so closely associated with the HBC. From the standpoint of Euro-Canadian sojourners in the fur trade, the "half breed Indians" were "natives" more "Indian" than European.[18] For that reason as well, treaty commissioners compelled to classify them as "Indians" or "Half Breeds" frequently did so on a completely arbitrary basis. J. McKenna, one such commissioner dealing with the people in the vicinity of the Akinnums, admitted candidly that the classification was almost random:

> [I]t is difficult and often impossible in that country to draw a clear line of demarcation between an Indian and an Half-breed. . . . The Commissioners in making the treaty had for this reason to give the people the right to elect. . . . [W]e were convinced that

> the best interests of the people themselves and of the district would be served by their being mostly classed as Indians and treated as such.[19]

By some accident of history the Akinnums happened to have taken scrip.[20] On that account, under the old law, all of their descendants would be administratively ineligible to be registered as Indians, unless such descendants of scrip takers were women marrying status-Indian men. By culture and by ancestry, however, they continued to identify as Aboriginal people, not as white settlers. Under the new law it would seem that Charlotte Akinnum would be entitled to 6(1) classification because both of her parents were entitled to be registered and seemed to have received "half breed" scrip only by accident. If that is the case, then her daughter, Harriet Taylor, would qualify for 6(2) status. Thus, Arlene Talbourdet emerges as the daughter of a 6(2) and a 6(2), and advances a reasonable claim to 6(1) status for herself under the new math of the new *Indian Act*.

However, the registrar of the Canadian Department of Indian Affairs administers criteria more stringent than the simple test of reasonableness leading to the conclusion exhibited in Figure 1. His memorandum[21] rejecting Arlene Talbourdet's claim in 1992 calls for unambiguous documentary proof of every assertion of fact. Contextual probabilities do not suffice. For example, Arlene Talbourdet's death certificate shows that her paternal grandmother, Mary Day, was born in 1858 at Sault Ste. Marie, Ontario, and that her name was Mary Louise Day before marriage to Arlene Talbourdet's grandfather, Jacob Yaeger. Situated near Sault Ste. Marie are the Garden River Indians. Their band list includes a Day family, also known as Nowekeghik or Nowikijik, and among that group was a woman of Mary Louise Day's age, identified on the pay list sometimes as Martha, sometimes as Marie. Moreover, the Martha/Marie Day/Nowekeghik/Nowikijik identification disappears from the list in 1873—one year before the documented birth of Mary Louise Day's first child, after marriage to Jacob Yaeger. A possible, perhaps even the most likely, explanation for the disappearance of the name is that Marie Day and Mary Day are the same person, and she was dropped from the list by reason of her marriage to an American. The registrar, however, demands a documentary explanation about why the name was dropped. Otherwise he contends "there is insufficient evidence to support the conclusion that Marie Nowekeghik and Mary Louise Day . . . are one and the same person. . . ."

Arlene Talbourdet's other paternal grandparent is disqualified on even more technical grounds. The affidavit indicating that Jacob Yaeger was an Indian on the American side of the 49th parallel is proof of disqualification by reason of national origin. The registrar asserts emphatically that Indian

status is not portable: "to be recognized as an American Indian in no way implies entitlement to registration as an Indian in Canada." In other words, the "free movement" provision of Article 3 of Jay's Treaty dating from 1794 does not apply to immigration as well as to trade; therefore, it would seem that Dakota, Blackfoot, Ojibwa and other populations whose demography does not stop at the 49th parallel are prevented from exercising an imporant aspect of "first nation" sovereignty. The implication of the registrar's position is that any people who find their marriage partners on the other side of the invisible line thereby automatically jeopardize the status of their children, because American Indians are non-Indians as far as Canada is concerned.

Both tests—that of national location and the requirement of unambiguous documentary proof of every assertion of fact—are still not as severe as a third obstacle imposed by Canada's gatekeeper to Indian status: a demand that every documented Canadian fact must point to an "identifiable Indian band." This test poses a virtually insurmountable barrier to any application of the deeming provision to pre-treaty circumstances. In the Akinnums' locale, for example, even if a band structure existed as such before the compilation of the treaty pay sheets, identifying the particular affiliation of the Akinnums is probably impossible, and the same observation would apply to almost anyone else of similar ancestry, because the scrip records do not identify Indian ancestors by band membership. Consequently, the registrar's demand for documentation of membership in an identifiable band bars Arlene Talbourdet's claim of Indian status for her grandmother Akinnum's Indian parents, and, if the Arlene Talbourdet case is typical, the refusal of this claim would seem to offer stark clarification of the consequences of Canada's continuing discrimination against Métis and non-status Indians. The registrar and his staff make meticulous use of the scrip documents exactly as if they were a registry of Métis orgins, not to corroborate membership in that Aboriginal population (thus establishing the qualification of such applicants for status-blind affirmative action benefits), but only to disconfirm entitlement to registration as Indians, to dismiss them as non-Indian—the administrative equivalent of declaring a person non-Aboriginal.

On this account, it would seem that the Métis National Council wisely emphasizes the need to bring the *de facto* registry into the open and to complete the registration of Métis people in the current population as a first step towards overcoming past discrimination. The MNC uses Canada's own data to document the similarity of the social conditions of Métis people relative to other Aboriginal populations.[22] From the same sources, the MNC catalogues the ostensibly "status-blind" social and economic development programs from which Métis people and non-status Indians are excluded

because they are non-Indian, and indicates that the continuing principal reason for such exclusion stated by officials is incomplete enummeration of the potential client populations. Canada's affirmation that the government is moving towards a status-blind approach for dealing with the disadvantages confronting all Aboriginal peoples is, therefore, contradicted by the continuing reality that most agencies still invoke Métis or non-status Indian classification as proof of disqualification of a community or a person from any such benefit. For this reason, there may be no more striking example of systemic discrimination in Canada today than that which continues to be applied to Métis and non-status Indians to distinguish them from the Aboriginal people who happen to be registered as Indians. The genealogies of all, though remarkably similar in western Canada, have been carefully maintained for over a century to exclude most of the small benefits accorded to a few. The new provisions of the new *Indian Act* appear to remove some of that discrimination; but, as the Arlene Talbourdet case suggests, the administration of the new math of the new *Indian Act* relies as fully as ever on discrimination to accord Aboriginal rights to some Aboriginal people, and none to others.

Appendix 1: Membership Provisions of "An Act Respecting Indians"—Old Law

Band Lists and General Lists

6. The name of every person who is a member of a band and is entitled to be registered shall be entered in the Band List for that band, and the name of every person who is not a member of a band and is entitled to be registered shall be entered in a General List. R.S., c. I-6, s. 6.

Persons not entitled to be registered

12. (1) The following persons are not entitled to be registered, namely,

(*a*) a person who

(i) has received or has been allotted half-breed lands or money scrip.

(ii) is a descendant of a person described in subparagraph (i),

(iii) is enfranchised, or

(iv) is born of a marriage entered into after September 4, 1951 and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph 11(1)(*a*), (*b*) or (*d*) or entitled to be registered by virtue of paragraph 11(1)(*e*),

unless, being a woman, that person is the wife or widow

of a person described in section 11; and
(*b*) a woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in section 11.

Source: Revised Statutes of Canada (1985), vol. 5.

Appendix 2: Membership Provisions of "An Act to Amend The Indian Act"—New Law

Persons entitled to be registered

6. (1) Subject to section 7, a person is entitled to be registered if
(*a*) that person was registered or entitled to be registered immediately prior to April 17, 1985;
(*b*) that person is a member of a body of persons that has been declared by the Governor in Council on or after April 17, 1985 to be a band for the purposes of this Act;
(*c*) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, under subparagraph 12(1)(*a*)(iv), paragraph 12(1)(*b*) or subsection 12(2) or under subparagraph 12(1)(*a*)(iii) pursuant to an order made under subsection 109(2), as each provision read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as any of those provisions;
(*d*) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951, under subparagraph 12(1)(*a*)(iii) pursuant to an order made under subsection 109(1), as each provision read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as any of those provisions;
(*e*) the name of that person was omitted or deleted from the Indian Register, or from a band list prior to September 4, 1951,
(i) under section 13, as it read immediately prior to September 4, 1951, or under any former provision of this Act relating to the same subject-matter as that section; or
(ii) under section 111, as it read immediately prior to July 1, 1920, or under any former provision of this Act

relating to the same subject-matter as that section; or

(*f*) that person is a person both of whose parents are or, if no longer living, were at the time of death entitled to be registered under this section.

(2) Subject to section 7, a person is entitled to be registered if that person is a person one of whose parents is or, if no longer living, was at the time of death entitled to be registered under subsection (1).

(3) For the purposes of paragraph (1)(*f*) and subsection (2),

(*a*) a person who was no longer living immediately prior to April 17, 1985 but who was at the time of death entitled to be registered shall be deemed to be entitled to be registered under paragraph (1)(*a*); and

(*b*) a person described in paragraph (1)(*c*), (*d*) or (*e*) who was no longer living on April 17, 1985 shall be deemed to be entitled to be registered under that paragraph.

7. (1) The following persons are not entitled to be registered:

(*a*) a person who was registered under paragraph 11(1)(*f*), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and whose name was subsequently omitted or deleted from the Indian Register under this Act; or

(*b*) a person who is the child of a person who was registered or entitled to be registered under paragraph 11(1)(*f*), as it read immediately prior to April 17, 1985, or under any former provision of this Act relating to the same subject-matter as that paragraph, and is also the child of a person who is not entitled to be registered.

(2) Paragraph (1)(*a*) does not apply in respect of a female person who was, at any time prior to being registered under paragraph 11(1)(*f*), entitled to be registered under any other provision of this Act.

(3) Paragraph (1)(*b*) does not apply in respect of the child of a female person who was, at any time prior to being registered under paragraph 11(1)(*f*), entitled to be registered under any other provision of this Act.

Band Lists

Band Lists

8. There shall be maintained in accordance with this Act for each band a Band List in which shall be entered the name of every person who is a member of that band.

Band Lists maintained in Department

9. (1) Until such time as a band assumed control of its Band List, the Band List of that band shall be maintained in the Department by the Registrar.

Existing Band Lists

(2) The names in a Bank List of a band immediately prior to April 17, 1985 shall constitute the Band List of that band on April 17, 1985.

Deletions and additions

(3) The Registrar may at any time add to or delete from a Band List maintained in the Department the name of any person who, in accordance with this Act, is entitled or not entitled, as the case may be, to have his name included in that List.

Date of change

(4) A Band List maintained in the Department shall indicate the date on which each name was added thereto or deleted therefrom.

Application for entry

(5) The name of a person who is entitled to have his name entered in a Band List maintained in the Department is not required to be entered therein unless an application for entry therein is made to the Registrar.

Source: Revised Statutes of Canada (1985), 1st Supplement

Notes

1 See sections 35 and 15 of the *Constitution Act* (1982).

2 This section, and other pertinent provisions of the old act, are attached here as Appendix 1.

3 Ibid.

4 Relevant provisions are attached here as Appendix 2.

5 This reading of sections 6 and 7 of the "Act to Amend the Indian Act," *Revised Statutes of Canada* (1985), 1st supplement, chap. 32 is found in the Indian and Northern Affairs Canada, "Entitlement Officers Manual" (Ottawa, 1988), p. 76.

6 Arlene Talbourdet is the source of the private documents cited below. The author gratefully acknowledges Arlene Talbourdet's permission to quote from these materials, not yet part of the archival record.

7 Affidavit of Leonard Patrick Lean.

8 See the scrip affidavits of the Gunns and Taylors in the National Archives of Canada, RG15, vols. 1321 and 1324.

9 Sylvia Van Kirk, *"Many Tender Ties": Women in Fur Trade Society in Western Canada, 1670–1870* (Winnipeg, n.d.), p. 85.

10 Ibid, p. 59.

11 *Canadian Sessional Papers*, no. 22 (1872), Proclamation of Indian Commissioner, Wemyss Simpson, 12.

12 Biographical data appear in Walter McRaye (ed.), *Pioneers and Prominent People of Manitoba* (Winnipeg: 1925). Contextual information is found in Frits Pannekoek, *The Social Origins of the Riel Resistance, 1869–70* (Winnipeg: 1991) and George F. G. Stanley, *Louis Riel* (Toronto: 1963).

13 *Canadian Sessional Papers*, no. 44 (1871), and no. 19 (1872) reprinted in P.R. Mailhot and D.N. Sprague, "Persistent Settlers: The Dispersal and Resettlement of the Red River Metis, 1870–85," *Canadian Ethnic Studies* 17(1985), pp. 13–18.

14 Most suggestive is the disputed transfer of land to John Drain, a dispute launched by his stepsons interested in their father's land, lot 59, Parish of Poplar Point. The files pertaining to river lots are found in the Provincial Archives of Manitoba, M-1017.

15 Sandy Taylor, "The Herbie Taylors," *Peace River Remembers* (n.p., n.d).

16 Ibid.

17 See Jennifer S.H. Brown, *Strangers in Blood: Fur Trade Company Families in Indian Country* (Vancouver: 1980), pp. 19, 60 and 159; and John E. Foster, "Some Questions and Perspectives on the Problem of Metis Roots," in *The New Peoples: Being and Becoming Metis in North America* (Winnipeg: 1985), p. 80.

18 See ibid; pp. 86, 90–91.

19 Report attached to Order in Council of Canada, 6 May 1899 (PC 918).

20 Their scrip affidavits are in the National Archives of Canada, RG 15, vol. 1333.

21 Jim Allen, Acting Registrar, to Arlene Talbourdet, file no. E6050-468, 27 October 1992.

22 See chapter 9 of Metis National Council submission on "The State of Research and Opinion on the Metis Nation of Canada" to the Royal Commission on Aboriginal Peoples (October 1993), pp. 150–75.