

HISTORIC MÉTIS COMMUNITIES IN ONTARIO

THE HISTORIC SAULT STE. MARIE MÉTIS COMMUNITY

The Supreme Court of Canada in *R. v. Powley*, 2003 SCC 43 (“*Powley*”) determined that a historic Métis community developed from the inter-connected Métis populations at Sault Ste. Marie and its environs, which included “Batchewana, Goulais Bay, Garden River, Bruce Mines, Desbarates, Bar River, St. Joseph's Island, Sugar Island and into Northern Michigan” (the “Historic Sault Ste. Marie Métis Community”). This summary was prepared based on the factual findings and conclusion of the courts in *Powley*.

Identifying the Historic Métis Communities in Ontario

In *Powley*, the Supreme Court of Canada held that Métis rights—protected by section 35 of the *Constitution Act, 1982*—exist in Ontario. This case established the framework for the recognition of Métis rights.

The Métis within section 35 refers to distinctive peoples or communities who, in addition to their mixed First Nation and European ancestry, developed their own customs, way of life, and recognizable group identity separate from their forebearers.

In order for a contemporary Métis community to possess section 35 rights it must have its roots in an identifiable historic Métis community that emerged prior to the time when Europeans established effective political and legal control in the area. It is therefore crucial to identify such historic Métis communities.

Identifying a historic Metis community requires demographic evidence that the population was identified as distinctive, evidence that the community had its own collective identity, and, evidence that the community had its own shared customs, practices and traditions.

Sault Ste. Marie Timeline

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| Mid 1700s | The Jesuits establish a mission at Sainte-Marie-du-Sault. There is heavy competition among fur traders in this area during this time. |
| 1750 | The French establish a trading post on the south bank of the Saint Mary's River, and many people of mixed European and Aboriginal ancestry settled there. |
| 1821 | The Hudson's Bay Company (HBC) operates a depot post at Sault Ste. Marie, which attracted Métis employees and their families. |
| 1849 | A group of Anishinaabeg and Métis protest the Québec Mining Company at Mica Bay on Lake Superior in response to what was considered an unauthorized intrusion on their traditional lands, thereby precipitating the negotiations of the Robinson Huron Treaty. |
| 1850 | The Robinson Treaties are signed. Despite their attempts to have their rights recognized, the Métis were excluded—as a distinct Aboriginal group—from the Robinson Treaties. |
| 1860s | Sault Ste. Marie is increasingly settled by Europeans and Americans during this decade. |

Late 1800s After the signing of the Robinson-Huron Treaty in 1850, Métis people still reside in Sault Ste. Marie and in the areas outside of town and continue to engage in their traditional practices, including hunting, fishing, trapping, and harvesting.

Demographics

The Métis populations in and around Sault Ste. Marie largely arose as a result of intermarriages between Ojibway women and the French and Jesuit fur traders who began to arrive and work in the area in the mid-17th century. These families continued to grow and reside in and close to Sault Ste. Marie. By the mid-19th century, most of the inhabitants at Sault Ste. Marie were Métis.

In the *Powley* trial, the evidence showed that well-known Métis families were identified as such—for successive generations—in post journals, census records and government created reports. One of the experts at trial concluded that the “individuals named in the post journals ‘were overwhelmingly Métis’, and that Vidal's report [another expert report used at trial] ‘provide[s] a crude indication of the rate of growth of the community and highlights the continuing dominance of Métis in it’” in the period prior to 1850.

After the signing of the Robinson-Huron Treaty in 1850, members of the Métis population relocated to towns and areas in and around Sault Ste. Marie or on to Indian reserves where they continued to be identified as Métis, in addition to a substantial Métis population that remained in Sault Ste. Marie. Although Sault Ste. Marie itself maintained a Métis population, the distinctive community also extended to “Batchewana, Goulais Bay, Garden River, Bruce Mines, Desbarates, Bar River, St. Joseph's Island, Sugar Island and into Northern Michigan” as recognized in *Powley*.

Vocation and Cultural Practices

These inter-connected Métis populations shared a number of customs, traditions, and common vocations, including:

- **Hunting, Fishing, and Trapping:**

Subsistence harvesting, including hunting, fishing, and trapping, were very important to the Historic Sault Ste. Marie Métis Community's economy, and the relative importance and prevalence of each activity would vary with the game, fish, and fur cycles. These activities continued to form an important part of Métis life, both practically for economic and subsistence reasons, and culturally, as they maintained the Métis Community's connection to the land. In the *Powley* trial, “[t]he evidence indicated that the Ojibway and Metis had always hunted and that this activity was a[n] integral part of their culture prior to the intervention of European control” and the SCC concluded that the “evidence indicates that subsistence hunting was an important aspect of Métis life and a defining feature of their special relationship to the land.”

- **Niche Employment:**

Even while maintaining the skills and harvesting practices of their Ojibway ancestors, the Métis in the Sault Ste. Marie area also occupied a distinctive niche in the fur trade economy, often working as labourers, independent traders, skilled tradespeople, and farmers.

- **Distinct Culture:**

Based on the evidence, the trial judge in *Powley* concluded that the Métis population at Sault Ste. Marie developed its “own community structures, musical tradition, mode of dress, and language—Michif—a blending of French, English and aboriginal sources.”

Distinct Collective Identity

The historic record shows that prior to the 1830s, the British treated the Métis similar to other Aboriginal peoples, continuing French practice of providing them with annual presents to cement their alliances.

The Métis in the Sault Ste. Marie area were consistently acknowledged as separate and distinctive from other Aboriginal communities in the area. The Ojibway, for example, attempted to arrange for their separate inclusion in the annual gifts and in the Robinson Treaties. Non-Aboriginal communities were known to have viewed the Métis as being distinct from themselves and other Aboriginal communities in the area (i.e., First Nations). The text of the Robinson-Huron Treaty of 1850 specifically enumerates and distinguishes “Indians” from the “half-breeds” with respect to the populations at Sault Ste. Marie. Moreover, at the time of the making of the Robinson-Huron Treaty, the Métis asked to be included as a distinct group, but were refused because Commissioner Robinson indicated he only had a mandate to deal with the Indians.

In *Powley*, the trial judge concluded, “[i]t is clear from the totality of the historical documentation and evidence in connection thereto that the Metis people were a recognizable group that was closely associated with the local Indians. The Metis had created a distinctive lifestyle that was recognized by others” and “that the Metis were visually, culturally and ethnically distinct.”

About this Document

This summary was prepared collaboratively by the Métis Nation of Ontario (“MNO”) and the Ontario Government (“Ontario”). Many of the expert reports that were relied on in the *Powley* case are available online at: <http://www.metisnation.org/registry/citizenship/historicresources/>.

Identifying historic Métis communities is a necessary part of the legal requirements for establishing Métis rights, protected by section 35 of the *Constitution Act, 1982*, however, the identification of historic Métis communities alone does not define contemporary rights-bearing Métis communities, determine who in Ontario is Métis, who holds Métis rights, or define Métis harvesting areas or territories.

This summary does not necessarily address the claims of other self-identifying Métis communities not represented by the MNO. The conclusions in this summary do not limit the potential for other historic Métis communities to be identified or the expansion of recognition historic Métis communities in the future based on additional historic research.