

CHAPTER 4

DEMANDS LEADING TO SURRENDERS

When decisions had to be made about the authorization for a surrender, for both subdivision and sale, the people who routinely reviewed and had access to the files were J.D. McLean, the Secretary of the Department of Indian Affairs after 1890; W.A. Orr of the Lands and Timber Branch after 1896; and the Deputy Superintendent General. On some occasions and on some issues, the questions were referred to the Minister. The Chief Surveyor and his staff might also be consulted.

The Commissioner's Office might be asked to make a report on the need for a surrender, on band response, or on sales possibilities. These reports were sometimes done in conjunction with the Indian agents and/or inspectors, and sometimes by the Commissioner's Office alone. The Commissioner's Office was not always kept informed of surrender events, however. This chapter covers the issue of the demand for land surrenders between 1896 and 1911. Where did the initiative for the surrender come from? Who made the request? Why was the surrender needed? Some overlap will be necessary here with the data on consent in Chapter 5 because the requests for surrenders often took the form of preliminary negotiations with the bands or the reserves involved.

The summaries that follow are taken from the data that were available to the researcher. Very little original research was undertaken for this project. Gaps in information will appear, as will inconsistencies in presentation from one surrender to the next. To some extent, these irregularities reflect the different approaches taken to the historical and economic research on land surrenders.

PASSPASSCHASE IR 136 (PASPASTAYO)**Surrender of 1888 (first surrender in the North-West)***Location: Edmonton, Alberta (Two Hills)**Reserve surveyed: 1880 by George Simpson; 1884 by John C. Nelson**Size: 25,600 acres**Area surrendered: 25,600 acres**Treaty 6**Edmonton Agency*

The information presented in this surrender is taken primarily from: Kenneth James Tyler, “A Tax-Eating Proposition: The History of the Passpasschase Indian Reserve” (MA thesis, University of Alberta 1978). References will be to page numbers in this source unless otherwise indicated.

Demand began in 1881 when early area settlers, supported by Frank Oliver, editor of the *Edmonton Bulletin*, began to agitate for the removal of Indians to a location farther from Edmonton. On January 17, 1881, Frank Oliver wrote in the *Bulletin* that the reserve should be opened for settlement: “Now is the time for Government to declare the Reserve open and show whether this country is to be run in the interests of the settlers or the Indians.” The article appeared less than a year after the reserve was first surveyed by George Simpson. A petition was sent to the Prime Minister asking to have the Indians moved away from Edmonton. Deputy Superintendent General L. Vankoughnet refused to do so without their consent (50).

Another petition, submitted in 1883, was ignored by the government. Meanwhile, settlers were obtaining permits from the Department of the Interior to take timber and were trespassing on the reserve. Angus McDonald, an employee of the Hudson’s Bay Company, claimed squatter’s rights on the north side of the reserve (56). The Indians complained that Agent William Anderson was too stingy with rations and that they and other bands were in danger of starving.

In 1885, 12 band members took scrip. When the Halfbreed Commission sat again in 1886, the rest of the Band asked for a discharge from the treaty so that they, too, could take scrip; they hoped to homestead their reserve lands. They were joined in this request by many members of Enoch, as well as other district bands. Oliver supported this request in his newspaper, but the government hesitated. In the end it allowed the Chief and his brothers to take scrip, because they led a “halfbreed way of life.” In total, 194 people were removed from the band list. Many of them moved back to the reserve, apparently believing they could still live or homestead there, but they were forced off within a couple of years. None of them were readmitted to treaty.

The remainder of the Band, having been denied scrip, was upset and demoralized. Edmonton residents, along with Oliver, now saw further reason to push for a surrender. They also pushed for the surrender of the Michel reserve because half of that Band had taken scrip. Vankoughnet did not see a pressing need for a surrender, however; he argued that the Indians had already made vast cessions at treaty (110-13). Prime Minister Macdonald, however, believed that land cessions would pay for articles that had been given to Indians beyond the treaty obligations, and he pushed for a land allotment policy on reserves that would set aside land for individual needs and free up “surplus” lands (114).

It appears that, based on this allotment policy, the prevailing sentiment within Indian Affairs changed. Henceforth, officials supported the idea that, as populations declined, any land that became in excess of the amount of land a band had originally been entitled to under treaty, and which had been determined by a per capita formula, should be surrendered back to the Crown. When the opinion of the Department of Justice was solicited in 1886, it stated that, under the *Indian Act*, the consent of the bands was necessary for surrenders (115).

The Department of the Interior pressed Indian Affairs to take a surrender, even though there was plenty of land still available for homesteads. It suggested that the remaining Passpasschase members be amalgamated with another band.

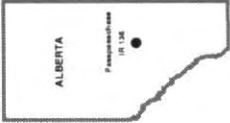
Indian Agent Anderson reported on December 30, 1886, that the Passpasschase people were also asking to join another band, in this case Enoch, as they did not have enough men left to farm within the remaining population of 82 persons. According to Tyler, it is difficult to assess whether this demand actually came from the Band; Anderson could have won this request when he threatened to remove the Chief and his followers who had taken scrip from the reserve (118-19). Whether the Band made the request or not, members seemed reluctant to move away from the reserve in the spring of 1887 (121-22).

Vankoughnet asked that a surrender of the reserve be taken before the band members moved. Assistant Indian Commissioner Hayter Reed was given the job of meeting with the Passpasschase people about a surrender, move, and amalgamation.

It appears that Oliver, along with others in the business community of Edmonton, wanted the Indians moved farther away from Edmonton. The Band was split between those who took scrip lands and those who would not. It is difficult to ascertain whether the request for a surrender, made in late 1886, originated from the Band or from the agent and/or others.



Canadian National Railway



**Entire Reserve
Surrendered
1888**

Canadian Pacific Railway

**PASSPASSCHASE
IR 136**

SHARPHEAD IR 141

Surrender of 1897

Location: near Ponoka, Alberta, on the Battle River

Reserve surveyed: 1885 by John C. Nelson

Size: 27,136 acres

Area surrendered: 27,136 acres

Treaty 6

Edmonton Agency

The people of Sharphead were Mountain Stony Indians and were paid in the Treaty 6 area after 1878. They settled on the reserve at Wolf Creek, surveyed for them in 1885. Soon after the reserve was surveyed, however, a measles epidemic killed many of the people; the remainder left the reserve and went elsewhere. The Chief went to the Stony reserve at Morley, a few families went to Ermineskin's and Samson's reserves at Hobbema, but the remainder went to White Whale Lake and moved in with the Mountain Stonies living there (now known as the Paul First Nation). A letter from Frank Oliver to Clifford Sifton dated July 28, 1897, confirmed that there were 72 Wolf Creek people at White Whale Lake, constituting almost half the people resident there (NA, RG 10, vol. 3563, file 82/15).

A few years after the move away from the reserve, the Department of Indian Affairs began to instigate formal transfers. The momentum seems to have come from Hayter Reed, first as Indian Commissioner, then, after 1893, as Deputy Superintendent General of Indian Affairs. A letter arrived at the office of the Assistant Indian Commissioner, A.E. Forget, on February 22, 1894, from P.L. Grasse, who may have been the farming instructor at the Stony reserve in Morley, reporting on his "inducements" to get six families to move from Morley to Wolf Creek.

Reed picked up on this report. On March 8 he wrote to Forget urging him to offer cattle to the Stonies to resettle at Wolf Creek because agricultural prospects would be better there. Reed seems to suggest in his letter that the resettlement would involve more people than those who had originally come from Wolf Creek, for he went on in the letter to suggest that those original members who had left the reserve had forfeited title. The Reverend C.E. Somerset wrote on behalf of the Indians of White Whale Lake on February 18, 1895, asking whether they would have any remaining ownership in the Wolf Creek reserve, and Reed denied that this was so (NA, RG 10, vol. 3912, file 111777-1).

Meanwhile, the *Indian Act* was amended to state that, where there were formal transfers, the members transferring would no longer hold any interest in previously held reserve lands, although they might, at the Minister's discretion, be allowed to benefit from the proceeds of the sale of such lands (Canada, *Statutes*, 58-59 Vic., 1895, c. 35, s. 8). On the same day that Reed wrote to Somerset to say that the former band members who had been received into another band would have no ownership or financial interest in their old reserve, he also requested Forget to begin proceedings to get formal transfers from the former Wolf Creek people (NA, RG 10, vol. 3912, file 111777-1, letters of March 5, 1895).

Most of the transfers were effected, although some band members could not be traced. Meanwhile, inquiries came to the Department of Indian Affairs from the Department of the Interior, in response to questions from outsiders who wanted to use the land. The land was, as Oliver himself noted, on the route of the Calgary and Edmonton Railway. A Mr Lalande of Battle River, Saskatchewan, wrote to the Department of the Interior on June 27, 1897, about securing a cattle ranch on the land, and the letter was passed on to the Indian Department. It apparently prompted a memo from W.A. Orr, on July 17, 1897, recommending a surrender and sale with the proceeds to be distributed to the bands with which the former members had been amalgamated (*ibid.*).

Almost immediately the Acting Secretary, J.D. McLean, authorized Agent Charles de Cazes to take a surrender, although the instructions did not specify whom de Cazes was to approach to take the surrender (*ibid.*, letter of July 21, 1897). As this was happening, Frank Oliver wrote his letter of July 28 about a delegation from White Whale Lake that appeared at his office on July 23 to make a complaint about Agent de Cazes. The complainants alleged poor management and the failure of the agent to supply stock and implements. Oliver also reported that those band members who had formerly lived at Wolf Creek wanted to surrender it in return for farm implements, cattle, and horses. In a second letter to Sifton dated the same day, Oliver stated that he had also received a delegation from Stony Plain reserve which had levied complaints against de Cazes and asked to be moved to another reserve (NA, RG 10, vol. 7542, file 29110-6). Sifton soon afterwards got letters from James Gibbons and James M. Douglas, president and secretary, respectively, of the Edmonton Liberal Association, complaining that de Cazes had participated in the last election and that the Indians had

allegedly lost faith in the process. The letters asked to have him removed from office (Tyler and Wright 1978c, 99-100).

Oliver had complained about de Cazes before; with his cronies, he sought to have a Liberal placed in the position. Minister Sifton asked Forget, who was now Commissioner, to have Colonel Allen McDonald, the former Indian Agent of Treaty 4 and at present the special agent to Forget, to investigate the matter. An inquiry was held in late August 1897. On the whole, the comments gave a favourable view of de Cazes's assistance, although he was accused of being impatient and of forcing people to work. McDonald reported that there was no basis for the allegations, and de Cazes was not deprived of his position (Tyler and Wright 1978c, 104-13).

Both Sifton and Forget reminded Oliver that the reserve could not be taken without a surrender, even though the Band had dispersed (Tyler and Wright 1978c, 100-01). This caution was reinforced by three legal opinions, in 1886, 1894, and 1896, all of which stated that reserves must be surrendered before they could be alienated, even given the transfer provisions of the 1895 *Indian Act* which suggested members who had transferred away from a reserve no longer had any interest in it. (It appears that the opinion of Deputy Minister of Justice E.L. Newcombe in 1896 may have been made in ignorance of the changes; see Chapter 5).

De Cazes received authorization from Secretary McLean on July 21, 1897, to take the surrender from the Sharphead Band. De Cazes, assisted by Forget, proceeded to take the surrender in September, just after the inquiry. McLean may have exceeded his authority in directing de Cazes to take the surrender, since the authorization was supposed to come from the Superintendent General of Indian Affairs or the Deputy. In this case, it appears the demand came from several sources, including Oliver's repeated insistence that reserves in the Edmonton district be surrendered, from members of the Wolf Creek group living at White Whale Lake, and from ranchers pressing the Department of the Interior for leases and sales. Given that the idea of taking up the old reserve first came from Reed, that Reed would probably have taken the reserve without a surrender, and that the surrender instructions came on the heels of outside inquiries, it is probable that the idea of freeing the abandoned reserve came primarily from the Department of Indian Affairs. It is also likely that those band members who had left the reserve wanted to participate in the compensation for it.

OCEAN MAN AND PHEASANT'S RUMP IR 68 AND IR 69

Surrenders of 1901

Location: southeastern Saskatchewan, in the Moose Mountains

Reserve surveyed: 1881 by John C. Nelson

Size: 46,720 acres

Area surrendered: 46,720 acres

Treaty 4

Moose Mountain Agency

The materials on this surrender are extensive, compiled by Tyler and Wright Research Consultants. The summary that follows is an abbreviation of the material in Tyler and Wright 1978b, 'The Alienation of Indian Reserve Lands during the Administration of Sir Wilfrid Laurier, 1896-1911: Ocean Man and Pheasant's Rump #68 and #69' (Regina: Federation of Saskatchewan Indians). References will be to this source unless otherwise noted.

Indian Reserves 68 and 69 were undivided, and were surveyed in 1881 for two Assiniboine bands, Ocean Man (Striped Blanket) and Pheasant's Rump. These two bands had adhered to Treaty 4 in 1875 and had moved within the area between Fort Ellice and the Cypress Hills. The survey of the reserve followed a year of severe destitution, and provided the best option, after the disappearance of the buffalo, for sustenance. The two reserves were only 15 miles from the Cree/Saulteaux reserve of White Bear (11-12).

Like other reserves, these two had trouble adapting to inadequate seed varieties and fluctuating weather conditions, and initial progress in reserve agriculture was slow. Cold weather, poor nutrition and clothing, and disease took a high toll. By the late 1880s, however, better tools and seed varieties, as well as the cattle loan program, had led to some improvement in conditions. A new agency was established for the Moose Mountain reserves in 1886, with John Joseph Campbell as the first agent. Charles Lawford was the farming instructor. As proceeds from sale of wheat came in, the bands began to buy more equipment with the money and to become more self-sustaining. The Assiniboine Bands were doing better than the nearby White Bear reserve in terms of farming success; the latter was more dependent on hunting, fishing, and wage labour. These developments were set back when Hayter Reed began to enforce his peasant policy. In the 1890s, the Assiniboine of the two reserves focused on grain crops, but because of Reed's emphasis on manual labour they were

unable to sustain high yields. The cattle industry, in contrast, did well, and the move to self-support was well under way (13-45).

When the Liberals took office, the peasant policy was put to rest, the agricultural investment increased tremendously, and the two bands soon had surplus crops for sale. A local paper reported in 1900 that the bands had purchased a binder and relied only a little on government support (79-81).

Agent Campbell was dismissed in the 1897 reorganization, after he was accused of having campaigned against J.M. Douglas of East Assiniboia in the 1896 election. Herbert Halpin was kept as farmer-in-charge, with William Murison as interpreter. Campbell was not a Liberal, though Murison was. Halpin was Conservative, but his brother's partner, John Gunion Rutherford of Portage la Prairie, was a Liberal and advocated on his behalf. He remained in the agency for four years before being dismissed for intemperance (76-79).

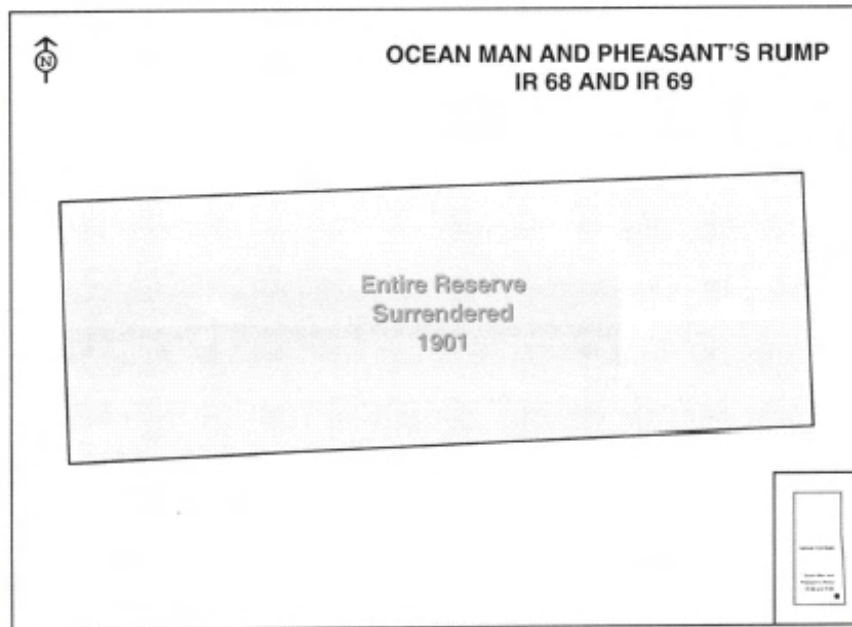
The Deputy Superintendent General of Indian Affairs, James A. Smart, came west in the fall of 1898 and visited the reserves; subsequently, on November 12, he recommended that the two Assiniboine reserves be thrown open to form a Galician settlement. He suggested that the Bands move on to the White Bear reserve, though he did not mention the fact that the soil and water conditions on the latter reserve were not as good as they were on the two reserves farther west. The land occupied by the reserves was near the CPR and was attracting the attention of the settlers moving west. The construction of the Pipestone Branch extension of the CPR was under way in 1898, at the request of settlers (94-95).

After Smart left the reserves, he went to several U.S. cities with his Inspector of U.S. Immigration Agencies, William J. White. When he returned, he renewed his request to free the two Assiniboine reserves for sale. Chief Surveyor Samuel Bray confirmed that the acreage of White Bear would suffice, under treaty, for the Indians of all three bands. Smart directed that the matter be investigated and Commissioner Laird was asked to look into the "conditions" of surrender and amalgamation (96-99).

Later, on October 12, 1899, when a syndicate involving White and Smart was already making plans to purchase the reserves once they were surrendered, an article appeared in the *Moosomin Spectator*. The writer had recently visited Moose Mountain reserves:

If some of those who feel disposed to grumble at the expenditure of public money in aid of our Canadian Indians and who sneeringly remark as do many of our neighbors to the south that a dead Indian is the best Indian, if those were to visit in the Moose Mountain reserves, they would see things that would make them open their eyes and put on their thinking caps to consider what is really possible for Indians to become... Since Mr. Halpin has had control of the agency he has radically changed the former mode of cultivation. Instead of the Indians cultivating small patches of ground on different parts of the reserve he has had about seven hundred acres fenced off from the main reservation and each man who wishes to engage in grain cultivation is assigned an area sufficiently large for his needs.

. . . There is a prospect of the three bands being united into one on the eastern reserve, and the different tribes are in favor of the change. The united bands would number about two hundred and forty, there being about one hundred and forty Crees and one hundred Assiniboians. Mr. Halpin, the agent in charge of all the reserves, and Mr. Murison, the farm instructor who is at present stationed on the west reserves, are also in favor of the change, as they feel that better work could be accomplished and more rapid improvement secured were they able to unite their plans and work together in directing the affairs of the agency.



ENOCH/STONY PLAIN IR 135

Surrender of 1902

Location: 8 miles from Edmonton, Alberta, near Stony Plain

Reserve surveyed: 1884 by John C. Nelson

Size: 28,160 acres

Area surrendered: 9113 acres

Treaty 6

Edmonton Agency

In 1880, Indian Commissioner Edgar Dewdney promised Tommy La Potac that if he would organize the Indians living around Edmonton who were not members of a band, he would be made Chief and would have a reserve surveyed. La Potac gathered the unaffiliated Indians and received a reserve in 1884 on a site he had already begun to farm. The Band became known as Enoch (Tyler and Wright 1978c, 93).

The reserve was located close to Edmonton, between that growing town and the village of Stony Plain. It was good agricultural land. The Band began to expand its farming efforts in the 1880s and made substantial returns under Indian Agent Charles de Cazes, who was appointed in 1890. The proximity of the reserve to Edmonton attracted the attention of Frank Oliver and the Edmonton Liberals. In his newspaper, Oliver began to advocate surrender as soon as the Passpasschase reserve was ceded. His twin focus was on the Sharphead (Wolf Creek) and Stony Plain reserves.

In February 1897, Oliver had met with the Stony Plain Liberal Association and endorsed a resolution calling for a surrender. In reporting on the meeting, he suggested that the Indians now wanted to be paid \$1.50 per acre for the reserve, whereas formerly they would have surrendered it for the price of improvements – had not Agent de Cazes, whom Oliver wanted removed, told them that their reserve was valuable. On July 28, 1897, Oliver wrote to the new Minister of the Interior, Clifford Sifton, and told him that he had been visited by a delegation from Stony Plain reserve who wanted de Cazes's removal and a transfer to a new reserve site. He recommended that the government negotiate a surrender, promising the Indians the benefits of the sales, rather than funding the money to the general welfare of Indians across the country, as Oliver understood the present system to be (Tyler and Wright 1978c, 95-98; see NA, RG 10, vol. 7592, files 29110-6).

Commissioner Forget responded to Oliver on August 24, 1897, promising to initiate surrender discussions with the Band, either in the course of the upcoming investigation by Colonel McDonald

into the allegations against de Cazes (see Sharphead, above), or in his own visit to the Edmonton Agency in the fall. He reminded Oliver that proceeds from a surrender were always funded to the Indians involved, not to the benefit of the Indians of the whole country. Oliver's suggestion would not be an additional inducement.

The subject of surrender did come up during the inquiry, but opinion among band members was divided. It appeared that the impetus for the delegation to Oliver had come from a deposed headman who was upset with de Cazes. McDonald told them that he saw no point to a surrender of the reserve; they would not in any event get an immediate distribution, but would have the money funded. When Forget met the Band when he came out to take the Sharphead surrender, he found some disgruntlement that the proceeds from the Passpasschase surrender and sale had not yet reached them. He did not negotiate a surrender, however (Tyler and Wright 1978c, 98-112).

The issue arose again among the voters of the community of Stony Plain in a further resolution of January 1898. The voters were particularly concerned that the presence of the reserve between Stony Plain and Edmonton inhibited the development of a direct road between the two, a topic that had been raised before. Oliver forwarded the resolution to Sifton, with his personal support for the release of the "choicest" land in the area. Sifton replied that the Indians had already been approached and had turned it down. Oliver returned on March 5 with a proposal to get a surrender of a strip of land on the north side of the reserve for a road allowance; the strip would be 2 miles wide and 7 miles long (14 square miles) (Tyler and Wright 1978c, 113-20; see also NA, RG 10, vol. 3912, file 111777-1; vol. 7542, file 29110-6).

Commissioner Forget supported the move, as he had before. When the matter went back to Headquarters, Secretary McLean pointed out, as he often would, that the Band had lost population and had, in his opinion, a surplus of land. Oliver was told on March 28 that a surrender negotiation had been authorized, and McLean wrote to de Cazes authorizing a surrender on the same day. As with Sharphead, McLean may have exceeded authority in this action, as the power to authorize surrenders lay with the Superintendent General of Indian Affairs or his Deputy.

McLean also instructed surveyor A.W. Ponton to subdivide the strip in the coming season (Tyler and Wright 1978c, 122-24). The first negotiations in 1898 failed. (See Chapter 5.)

Oliver and others would continue to raise the issue of a surrender over the years. Oliver worked through new Indian Agent, James Gibbons, in 1898 and 1899, to use the road right of way as a lead in to surrender. In November 1899, C.F. Strang, a member of the Edmonton Board of Trade, took advantage of Sifton's visit to make a strong plea for the surrender and sale of the entire Stony Plain reserve.

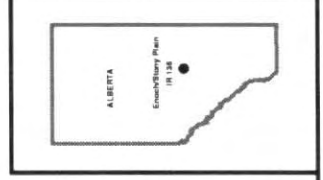
The soil and location are of the best, and such a magnificent tract of land is all but thrown away upon the small and ever shrinking band of Indians by whom it is now nominally occupied. Rumour says that the Indians themselves are willing and anxious to remove farther west where more game is to be found, and in our opinion the opening and sale, to bona fide settlers only, of this reserve would greatly benefit the district, the Indians and the government. It seems certain that every acre of it would be quickly bought at good prices by settlers of the most desirable class. (Quoted in Tyler and Wright 1978c, 156).

In 1901, Oliver began a campaign in the *Edmonton Bulletin*, and in meetings with various Alberta Boards of Trade, to get reserves in Alberta opened to settlement. In an article on October 28, 1901, he pointed to the use of the surrendered Passpasschase reserve by farmers, and suggested in a now well-known statement that the land had become a tax-paying rather than a tax-eating proposition (Tyler and Wright 1978c, 158).

**ENOCH/STONY PLAIN
IR 135**

**Surrendered
1902**

*Saskatchewan
River*



ROSEAU RIVER IR 2**Surrender of 1903***Location: 55.2 miles south of Winnipeg, Manitoba**Reserve surveyed: 1887 by A.W. Ponton**Size: 13,349.84 acres; IR 2A (surveyed 1888): 800 acres**Area surrendered in 1903: 7680 acres**Treaty 1**Portage la Prairie Agency*

When the four chiefs of the Roseau River people signed Treaty 1 in 1871, they asked for a reserve in a belt along the river and began to live on the land as if it were a reserve. The Department of the Interior soon began to allow outsiders to take timber off the lands, and for several years the two sides disputed whether the reserve existed by virtue of selection and occupancy pursuant to treaty. Surveyors outlined a block of land on paper, in 1872, which was very different from the river-based reserve the chiefs had in mind. Most of the people refused to move away from the river; some lived at the Rapids, and others were scattered along the river and at Roseau Lake.

In the mid-1880s, settlers began to move onto the Indians' territory, and in late 1887 the block reserve, IR 2, was formally surveyed at the mouth of the river, rather than along the river, as had been anticipated. In 1888, a further 800 acres was surveyed for the people at Roseau Rapids (IR 2A). Local settlers, led by the Conservative MP for the area, A.A.C. LaRivière, were upset that additional land had been set aside, rather than forcing all the Indians to live on the main reserve or to move away altogether. LaRivière agreed to launch a campaign to get the Indians off the prime agricultural and timber lands (Sprague 1995, 1-45).

In 1889, LaRivière raised the question in the House of Commons whether the government intended to negotiate a surrender of the land of the Roseau River Indians, to relocate the Indians to a more suitable location, and to open the existing reserve to settlement. Edgar Dewdney, the Minister of the Interior, replied that the existing reserve was suitable, being of good quality (Canada, House of Commons, *Debates*, August 7, 1889, 347). The question was raised again in 1901 by LaRivière, and Sifton replied that the Indians could not be removed without their consent (Canada, House of Commons, *Debates*, February 12, 1901, 82-83).

The Indian Agent, Francis Ogletree, raised the issue of funds with Inspector E. McColl, who in turn raised it with the Deputy Superintendent of Indian Affairs, L. Vankoughnet. Cash was needed

to buy seed potatoes and to reimburse Big Indian for his improvements. In a letter to Vankoughnet on May 2, 1891, McColl asked to be able to make these purchases without the Indians being required to refund them out of annuities (NA, RG 10, vol. 3730, file 26306-1).

In 1893, the demand for surrender surfaced again, in a letter from Ogletree to McColl dated May 31. McColl had been asked by the citizens of Emerson and Dominion City to have the reserve thrown open for settlement, and Ogletree suggested that the Band would not agree: "They are not in the dark about the steps that have been more than once taken to deprive them of their land and get them removed" (ibid.). The people were well aware that they had not been allotted the reserve they believed had been promised to them in treaty, and they were suspicious about the attempts to remove them, even though few of them lived on the block reserve, IR 2.

Again, on May 16, 1895, Vankoughnet wrote to McColl to relay the wishes of these same citizens to have the reserve opened for settlement and to ask McColl for a report on the Band. He was to report in particular on any difficulties that might arise in taking a surrender, and on possible locations of where the Band might be relocated. Above all, he was to keep the investigation quiet (ibid.).

In 1899, Inspector Marlatt hired a local Dominion City man, John C. Ginn, to assist the farming instructor. Because the instructor was not literate, Ginn was supposed to assist with clerical work as well. In the agreement for hiring instructors that was applicable to Swan Lake and Roseau River, the Band was supposed to help in paying for instructors by giving 10 per cent of the value of their produce sales to the agency (NA, Sifton Papers, MG 27, D II 15, C289, 47211).

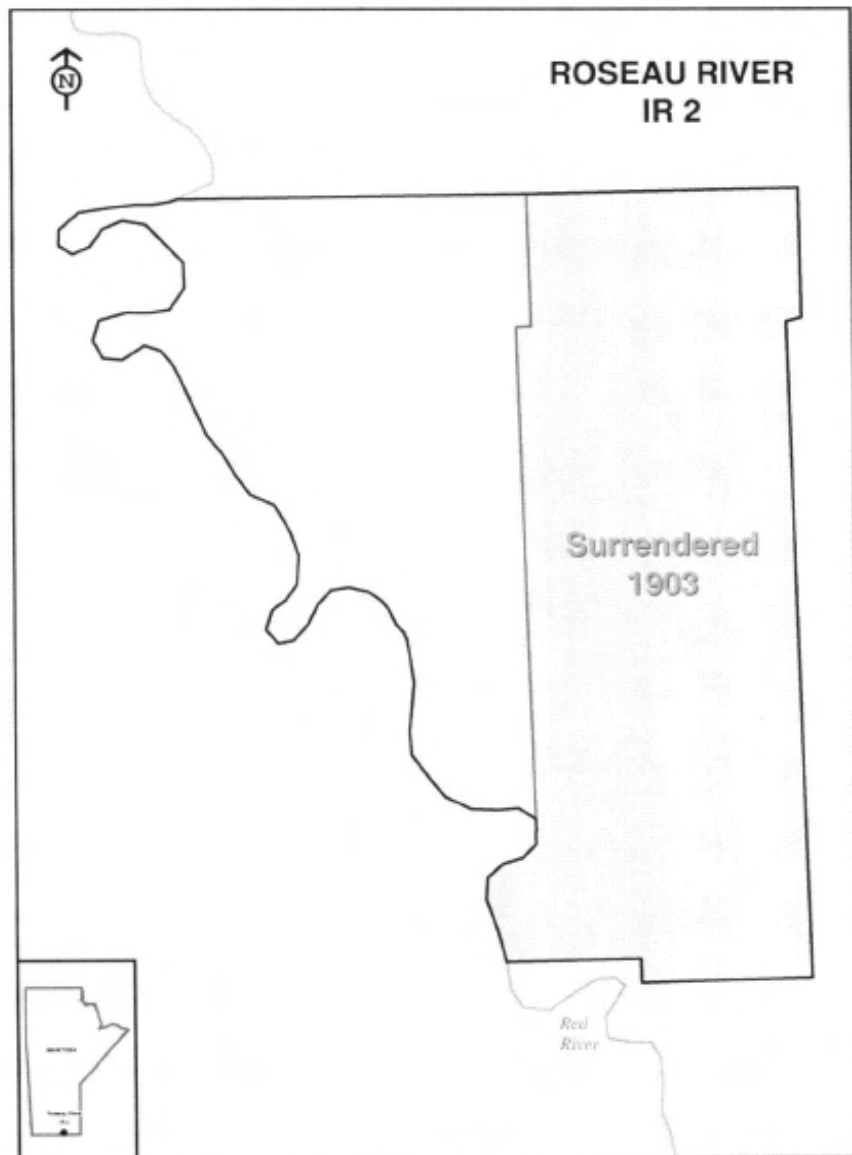
Repeated requests for the land by residents of Franklin and Emerson were countered by refusals by the Band (see Chapter 5). Finally, on June 19, 1903, Inspector Marlatt took the surrender and reported:

The surrender was obtained not by the desire of the Indians but by the strong wish of the Department, it was with great difficulty secured and only after a clear understanding that the 10% would be available almost immediately after the sale. The money is theirs and it will be very hard to convince them that the Department have any control in the matter, this they are sure to dispute to the last, and it will be intensified by every person who will have a job to do . . . They are a very turbulent, unreasonable, non-progressive, degenerate band, and I fear that little can be done for them while they remain where they are, they are fully posted as to the value of their

lands, and last but most important it will be but a short time until they are again asked to surrender the balance of the reserve, and unless they are generously and fairly treated according to their own ideas at this time they will be very slow to sign another surrender. (NA, RG 10, vol. 3730, file 26306-1)

The dialogue between the Department and outsiders continued until the surrender was actually taken (see Chapter 5).

There may have been some question of using the surrender to pay for fiscal needs. Clearly, political pressure was placed on the Department to open the reserve to outsiders, given the good quality of land. It is not known to the author to what extent adjacent lands had been purchased and/or homesteaded in 1903.



MICHEL IR 132

Surrender of 1903

Location: 20 miles northwest of Edmonton, Alberta

Reserve surveyed: 1880 by George Simpson

Size: 25,600 acres

Area surrendered in 1903: 7800 acres; area surrendered in 1906: 2400 acres

Treaty 6

Edmonton Agency

The Band of Chief Michel Calihoo signed an adhesion to Treaty 5 in 1878. The members were of mixed Iroquois and Cree descent and had settled around the St Albert area. They chose a reserve site on the Sturgeon River. When Simpson surveyed their reserve in 1880, he tried to move them a little farther west from St Albert, at the request of the settlement, but the Band would accept only a slight adjustment. There were two settlers on the land chosen, Patrick Curran and Janvier L'Hirondelle. Curran had his claim bought out, but he refused to leave at the Band's urging, despite offers of compensation. Band members were asked to surrender the 40.92 acres, but they refused. They did not want to give in to white settlers or to have them in close proximity. In 1911, the Department took the land without surrender, and released it to L'Hirondelle's estate, on the basis that the settler was there before the survey (Tyler and Wright 1978a, 116-21).

Frank Oliver, the Liberal politician who was also owner and editor of the *Edmonton Bulletin*, pushed for the surrender of all the reserves near Edmonton, including Michel, almost as soon as they were surveyed. His first objective was to have the reserve closest to Edmonton, Passpasschase, surrendered; once accomplished, he urged the surrender of the other reserves in the district. After the surrenders at Sharphead/Wolf Creek and Stony Plain, he turned his attention to Michel.

In 1885, the Half Breed Commission came to town and approximately half the Band took scrip. Although the Band was reduced to about 75 people, they did very well in mixed farming. Accounts by agents and inspectors gave the impression that the Michel Band was the best in the agency in terms of productivity and self-sufficiency (Tyler and Wright 1978a, 132-34).

In 1898, the agent in charge of the Edmonton Agency, Charles de Cazes, died. Oliver had been pushing to get rid of de Cazes and had initiated two investigations into his handling of the Edmonton Agency. Oliver used the vacancy to get his friend James Gibbons, liquor merchant and president of the Edmonton Liberal Association, appointed as agent. Because of Gibbons's profession

and history (as a miner, bootlegger, and mercenary Indian fighter in the United States), Sifton was initially reluctant to support this patronage appointment, as was Commissioner Forget, whom Oliver also pressured, but Oliver prevailed. Gibbons was appointed in October. He spoke Cree and knew many local Indian people well (Tyler and Wright 1978a, 96-108). According to his report of 1902, he too was impressed by the agricultural progress of the Band.

In January 1903, Gibbons forwarded a statement signed by 12 men from the Band, including the Chief and Headman, which requested the surrender of 7 square miles on the western side of the reserve. Gibbons supported the surrender on the following points:

The band is self-supporting but needs implements and horses. He estimated about \$13,139.50 was needed for livestock and implements

Even without the seven square miles, the reserve would contain two square miles per farming family

The CNOR survey ran about three and a half miles south of the reserve, making the land very valuable. (Tyler and Wright 1978a, 124-25)

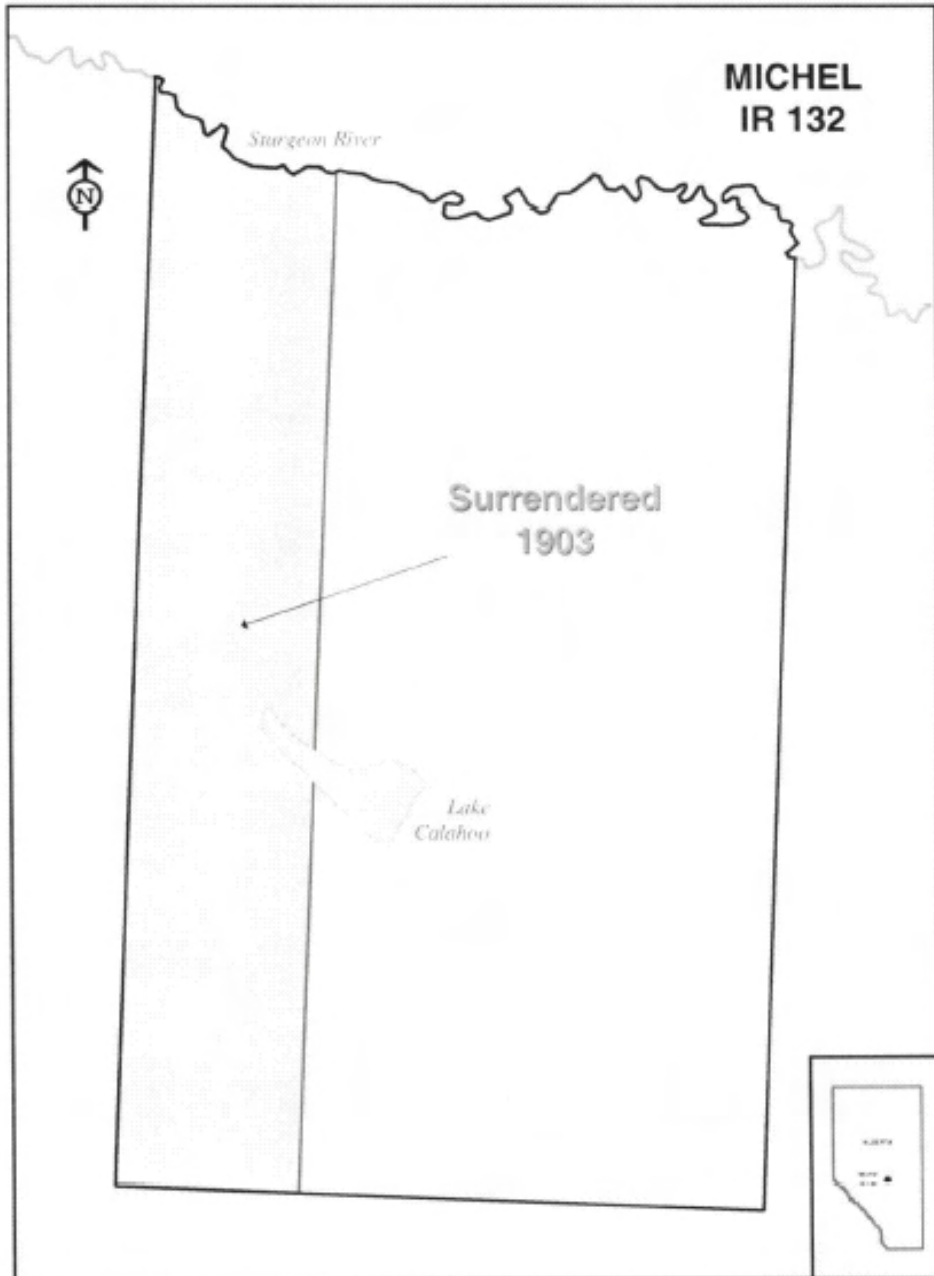
Although no previous reports had mentioned the need for implements, it is possible that the need had recently arisen with the maturation of a younger generation of farmers.

Although the Departmental officials in Headquarters endorsed the proposal, Commissioner David Laird was hesitant to move ahead quickly. He also believed that the Band had surplus land and that an even larger area of land could be taken, but he wondered about the request for implements, especially as Inspector McGibbon was looking into a controversy over the purchase of implements for Enoch/Stony Plain in the wake of their surrender. Laird also noted that the value of the land would be greater if the Band waited until after the projected and surveyed Canadian Northern Railway line was built. The investigation into the Enoch purchases revealed, according to the Department, a quantity of items that were not required, and Laird recommended that, in future, surrenders should not be made according to a specified list (Tyler and Wright 1978a, 126-28).

The Band sent another request to Headquarters on June 8, 1903, asking that the surrender and sale take place so that the younger men leaving school could be outfitted, unless the Department could provide the money. W.A. Orr of the Lands and Timber Branch sent the request to Deputy Superintendent Frank Pedley with an urgent endorsement, and suggesting a larger area to be surrendered, as Laird had earlier recommended. Gibbons was sent the surrender documents within

182 / First Nation Land Surrenders on the Prairies, 1896-1911

a week, authorized by Pedley to take the surrender. Commissioner Laird was not notified (Tyler and Wright 1978a, 129).



COTE IR 64**Surrender of 1904**

Location: east-central Saskatchewan, on the Assiniboine River, near present-day Kamsack

Reserve surveyed: 1877 by William Wagner

Size: approximately 36,160 acres

Area surrendered: 272 acres for townsite and 30.06 acres for station grounds

Treaty 4

Pelly Agency

Chief Gabriel Cote signed Treaty 4 in 1874 on behalf of his Cree and Saulteaux followers. William Wagner surveyed his reserve in 1877. The Band was attached to the Birtle Agency until the creation of the Pelly/Swan River Agency in 1889 (see Key IR 65, below).

With the appointment of a full-time agent for the new agency, including the Key, Keeseekoose, and Cote Bands, the economy gradually improved, although Agent W.E. Jones was initially pessimistic. Because the land was not well suited for grain, and there was at yet no railway for marketing grain, the efforts of all three bands turned to stock raising, gradually increasing their stock under Jones's direction. Cote had 269 head of cattle in 1891, according to the Annual Reports, and 456 head by 1900 (Annual Reports of the Department of Indian Affairs, 1892, 59-61; for 1900, 173).

Jones requested and got permission to have 20.5 square miles between the White Sand and Assiniboine Rivers set aside as haylands for the Agency. These haylands were surveyed in 1892 and set aside by Order in Council in 1893 (see Key, below). Through a complicated series of events, after the loss of the northern part of the haylands in 1898, the interest of Cote in the haylands was placed in competition with that of the other two bands. The Department intended to add the Township 30 haylands to one or more of the existing reserves, but only in exchange for some of their land. The reason was that Surveyor A.W. Ponton and others had determined that the bands had more land for their current population than was mandated by treaty (NA, RG 10, vol. 7770, file 27117-1, letter of February 10, 1898).

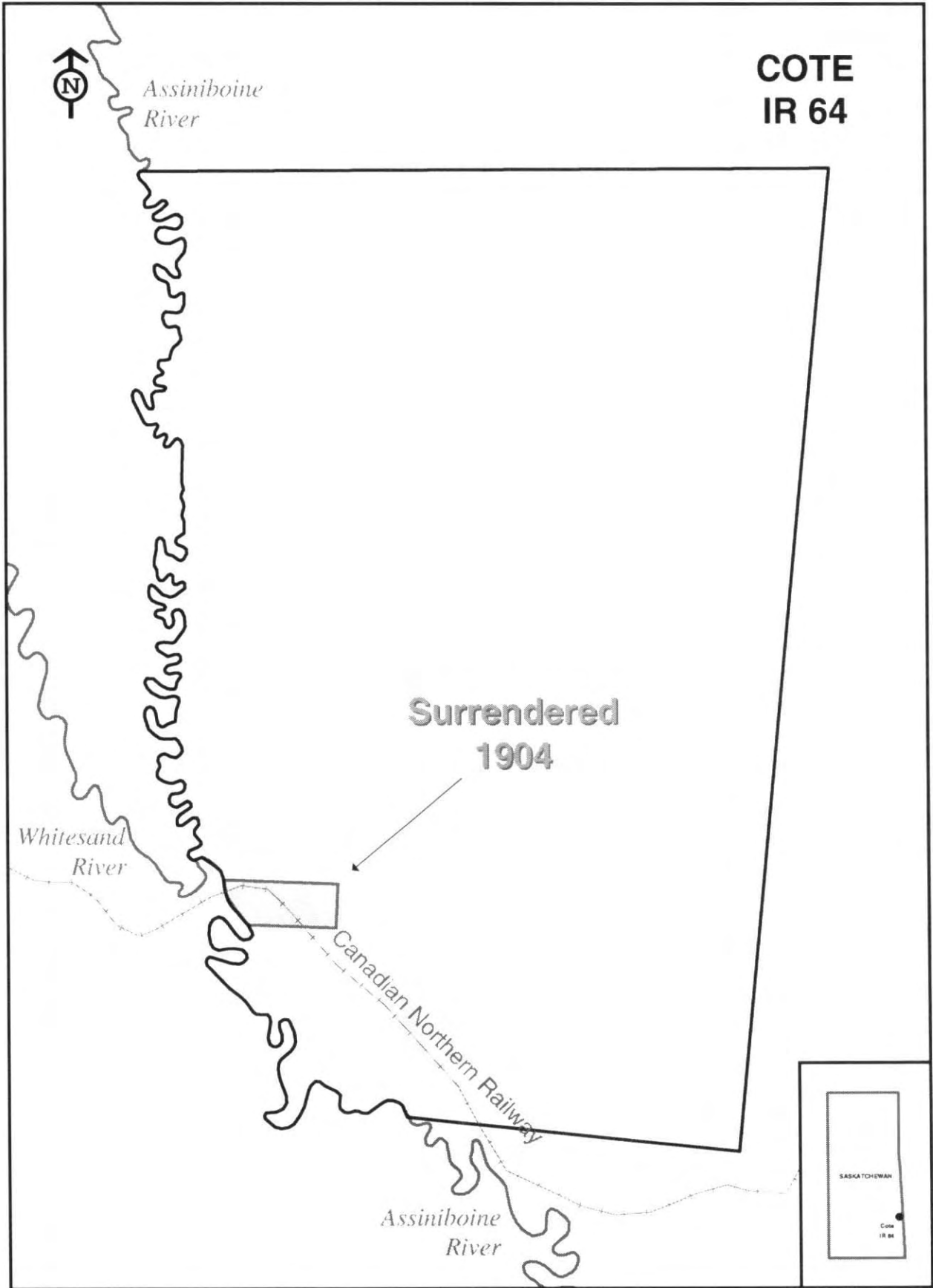
Agent Jones was replaced by R.S. McKenzie in 1900, under allegations by merchant E.A.W.R. McKenzie and Agent Markle at Birtle that he did not make the Indians work for rations and did not make use of merchants on the patronage list. Agent McKenzie tried in 1902 to secure the haylands for the use of the Cote Band, who wanted the land for their cattle. The Chief mentioned this

objective to Commissioner Laird, who told him that an exchange was necessary. After an initial reluctance to surrender any of the existing reserve, the Chief asked McKenzie to pursue the matter. On October 8, 1902, and again on November 4, McKenzie wrote to Laird to say that the Chief had indicated a willingness to exchange. Laird passed this information on to Headquarters, recommending that McKenzie be authorized to make an exchange. McKenzie then identified a portion of the haylands bordering on the Assiniboine. At the same time, the interests of Keeseekoose were also being discussed (NA, RG 10, vol. 3561, file 82/1).

The matter rested until a new agent, Henry Carruthers, replaced McKenzie. Carruthers brought forward the interests of the Key, and went so far as to take a vote from the Key on the advisability of an exchange for Township 30 haylands. Carruthers then tried to suggest a plan for dividing the haylands for Key and Cote, and on December 21, 1903, he specified that Cote would exchange land on the northeast corner of the reserve (*ibid.*). Once again the issue of an exchange was postponed, however, pending investigation into homesteads granted by the Department of the Interior in the Township 30 haylands.

Meanwhile, in May 1903, the Canadian Northern Railway moved onto the reserve to begin the grading for a line to pass through the southern part of the reserve. Pedley wrote to Mackenzie and Mann asking for a deposit of \$250 and the submission of a plan for proper authorization of the right of way. The contractors began work before the company responded, and Pedley threatened on June 12 to take action against them for trespassing. The deposit was immediately forwarded through Munson and Allan (solicitors for the railway) of Winnipeg. The right of way taken was for 44.56 acres, compensated at \$8 per acre. An Order in Council was passed on July 14, 1903, authorizing the right of way expropriation (NA, RG 10, vol. 7668, file 22117-2).

In September 1903, MacKenzie and Mann applied to purchase 574.46 acres of the reserve for station ground and townsite purposes in the southwestern part of the reserve, just south of the contentious haylands. The Department inquired as to why such a large amount of land was needed. Meanwhile, Assistant Indian Commissioner J.A.J. McKenna had already begun to negotiate with the Cote Band.



COTE IR 64

Surrender of 1905

Area surrendered: 18043 acres (approximately 6000 of which were replaced by hayland acreage)

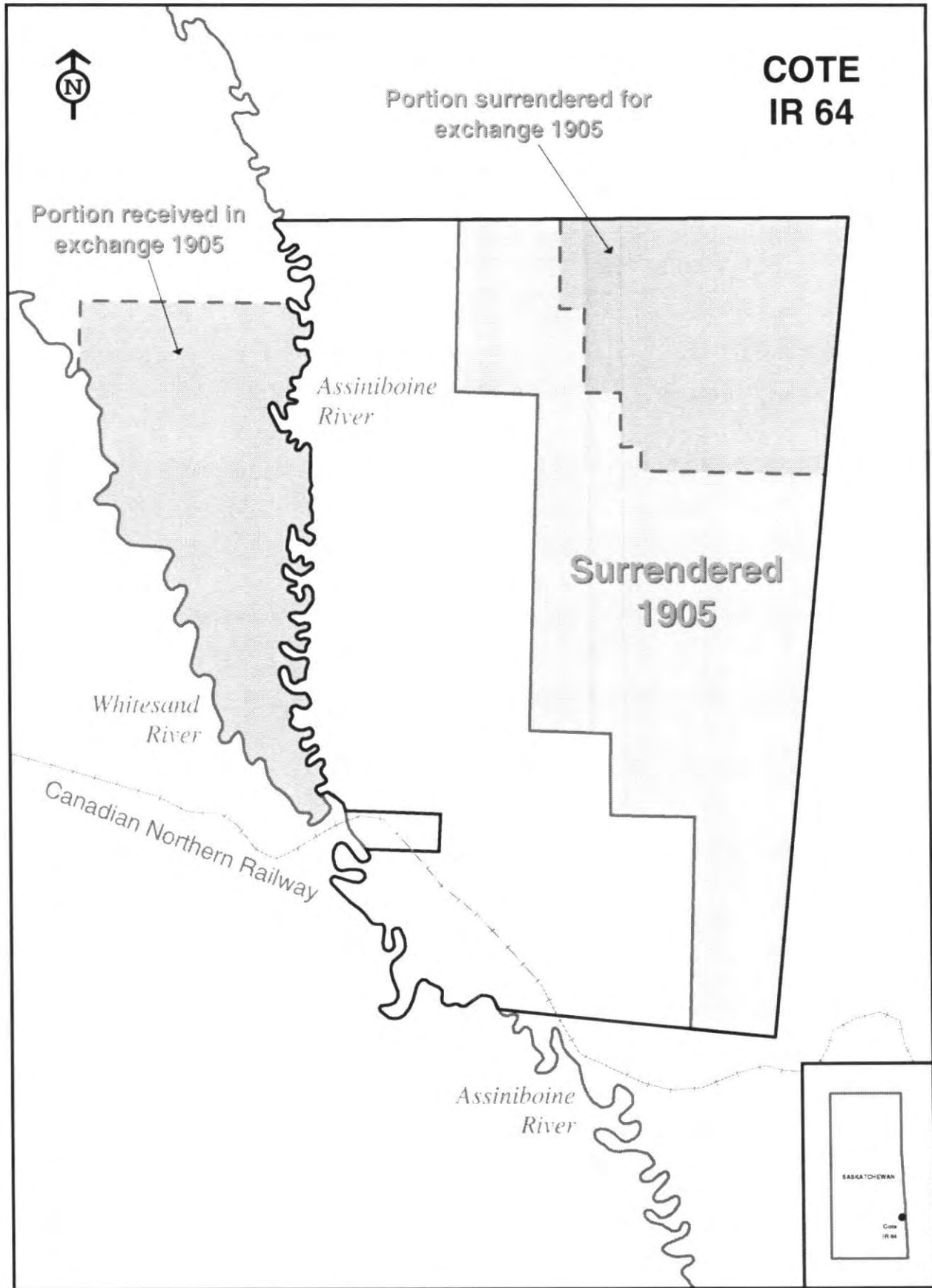
See Cote 1904 surrender above for the background.

The June 21, 1904, surrender for the townsite and station grounds represented only the beginning of the demand for Cote lands. The proximity of the reserve to the growing Kamsack townsite increased the demand for land, and the question of a surrender in exchange for the haylands was still outstanding. After the vote at the Key for exchange, the Department's attention turned to Cote as the most likely of the three First Nations to receive the Township 20 (Pelly) haylands in exchange for some of their original reserve lands. Problems with homestead entries on the haylands delayed the issue until 1905.

The Commissioner of Dominion Lands, J.G. Turiff, wrote to the Department of Indian Affairs just after the townsite surrender, on June 27, 1904, to inquire whether half of the reserve could be opened to settlement. He was told by Deputy Superintendent General Frank Pedley that, given the present attitude of the Indians, it was unlikely that a surrender could be taken (NA, RG 10, vol. 4011, file 260260-1).

Frank Oliver wrote to Pedley on July 3, 1905, saying that Canadian Northern wanted the whole southern portion of the reserve opened for sale. He asked Pedley for a report on this matter, and an internal report was prepared by James J. Campbell, a clerk in the Department in Ottawa. Campbell remarked on the efforts of band members to outfit themselves for farming following the 1904 surrender and on the need for the haylands, or at least 1000 acres of them. He did not believe that the loss of the southern third of the reserve would be a hardship, as long as the Band acquired the haylands. He advised asking the Commissioner for a report on the facts, however. Campbell said that he thought the surrender would "put some settlement between them and [the town]," but that it might be a good idea to wait a few years before putting the lands on the market, since they would likely increase in value as the town grew (ibid., Report of July 19, 1905). The land in the proposed surrender was on the northeast side of the reserve, and not near the townsite on the southwest side.

Very soon after receiving this report, Oliver asked his man in the field, the Reverend John McDougall, who was newly hired to take surrenders, to negotiate a surrender with both Cote and Fishing Lake.



**COTE
IR 64**

Portion surrendered for
exchange 1905

Portion received in
exchange 1905

*Assiniboine
River*

**Surrendered
1905**

*Whitesand
River*

Canadian Northern Railway

*Assiniboine
River*

SASKATCHEWAN

COTE
IR 64

MOSQUITO/GRIZZLY BEAR'S HEAD/LEAN MAN IR 110 AND IR 111

Surrender of 1905

Location: Eagle Hills, Saskatchewan, south of Battleford

Reserve surveyed: undivided reserve for Grizzly Bear's Head and Lean Man, by Surveyor John C. Nelson

Size: 23,168 acres

Area included in surrender: 14,400 acres

The reserve as surveyed by Nelson in 1884 adjoined that of another Assiniboine/Nakota First Nation, Mosquito. This reserve was surveyed by George A. Simpson in 1879. When Grizzly Bear's Head and Lean Man brought their people north from the Cypress Hills in 1882, they located next to Mosquito.

Treaty 4 and Treaty 6

Battleford Agency

The request for a surrender came from Agent Joseph Peter George Day in 1905. The economy had been changing for the three bands, as it had for many others. In earlier years, drought and other factors had led to discouragement with grain farming, and there had been discussions around 1890 about the possibility of moving the bands to a more agriculturally productive area. By the time of the surrender, they had moved to a land-intensive livestock operation, supplemented by hay sales and the production of wood and craft/tool items for sale (Tyler nd(b), 7-15).

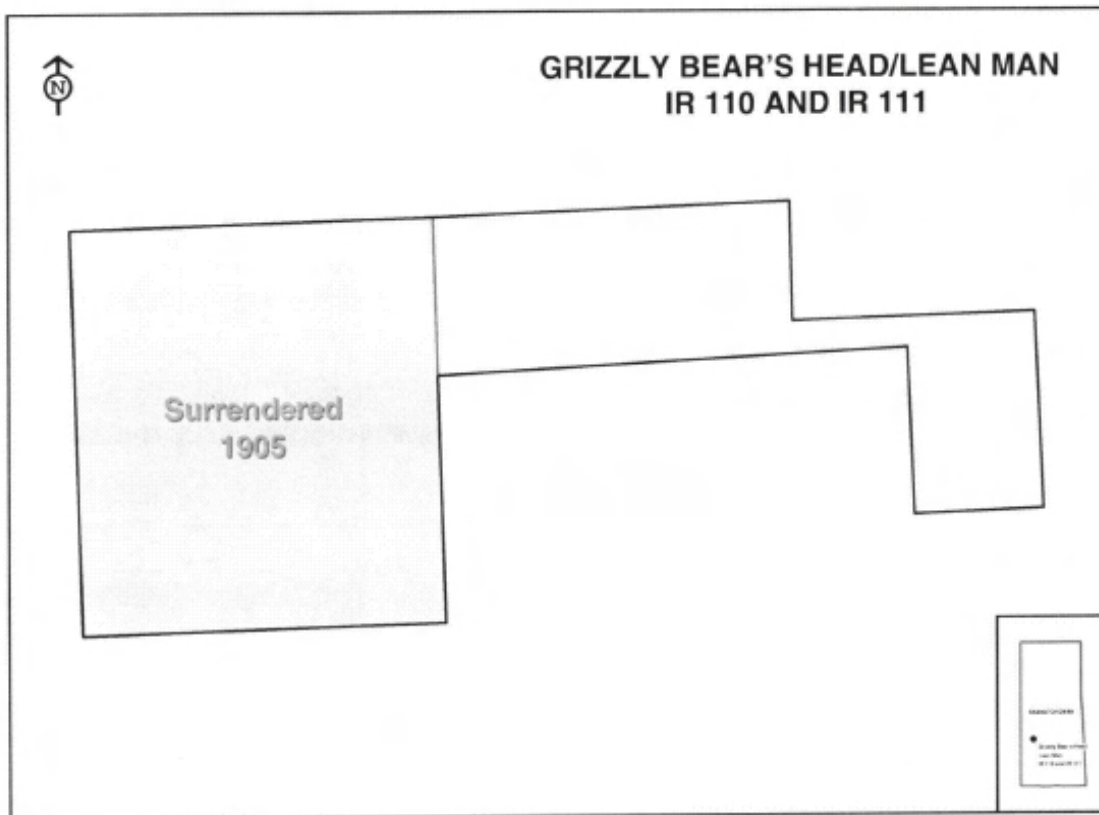
The bands appeared to be doing well in this industry, but were restricted by departmental officials to selling hay to the Industrial School, so as to reduce competition with non-Indian farmers. Because the Department found the Assiniboine to be resistant to many of their policies, such as school attendance, they prohibited the bands from electing the leadership that had been deposed during the Rebellion (Tyler nd(b), 15-16).

On February 6, 1905, Day wrote to Indian Commissioner David Laird about a request from the three bands to surrender 22½ sections of land, located within undivided reserves 110 and 111, set aside for Grizzly Bear's Head and Lean Man. The reason given, according to Day, was that band members were diminishing in number and wanted to receive more immediate benefits from the land (NA, RG 10, vol. 4013, file 271245). Day also asserted that the three bands "have grown to be regarded" as one band.

Assistant Commissioner J.A.J. McKenna picked up the proposal and endorsed it, commenting that it was likely that the land sales would bring a good price. The matter was passed on to Deputy Superintendent Frank Pedley, who recommended it to the Prime Minister, who was acting

Superintendent General of Indian Affairs until the appointment of Frank Oliver on April 8, 1905. This recommendation, made on March 23, 1905, noted a decline in population and an aging populace that desired assistance (ibid.). Pedley then authorized Day to take the surrender, and he enclosed the necessary forms, which were forwarded to Day by McKenna (ibid., Pedley to Laird, April 4, 1905).

The demand for this surrender purportedly came from the Band. However, it is worth considering that because some government officials later acquired the land, and the surrender was endorsed with the projections of good sales, there may have been some external demand as well. Also, there was no elected leadership at this time, so it is unclear who was speaking on behalf of the band.



CARRY THE KETTLE IR 76

Surrender of 1905

Location: Indian Head/Sintaluta, Saskatchewan, south of the Qu'Appelle River

Reserve surveyed: 1882/1885 by John C. Nelson

Size: 46,848 acres

Area surrendered: 5760 acres

Treaty 4

Assiniboine Agency

The Carry the Kettle First Nation was made up of two bands, The Man Who Took the Coat and Long Lodge, both of whom adhered to Treaty 4 in 1877 at Fort Walsh. Pushed out the Cypress Hills in 1882, the bands moved onto a new reserve at Indian Head and were amalgamated under Chief Carry the Kettle.

Like the other First Nations in the area, the Band began to farm. Agents' reports in the decade before 1905 show evidence of progress in this area; earnings from cattle and crops were being used to buy additional livestock, food, and equipment. Commissioner David Laird reported in 1902 that the Assiniboine Agency was among only four agencies that year which were largely supplying their own flour, beef, and vegetables (McMahon nd, 1).

In 1903, in his Annual Report of August 15, Thomas Aspdin reported favourably on agricultural progress and listed the implements purchased by the Indians out of their earnings from cattle, hay, firewood, and crop sales: two binders, seven mowers, one seeder, two wagons, one democrat, 2500 pounds of wire, one force-pump, 100 feet of piping, and numerous small items (Canada, Annual Report of the Department of Indian Affairs 1903, 134-35). In his 1904 report, Aspdin reported that the cash market for hay was lucrative and that the Band had had fewer cattle losses over the winter than nearby settlers. "In fact, with the exception of a few old and sick, I am glad to report that the band is self-sustaining and the ration-house is a thing of the past" (ibid., 1904, 125-27).

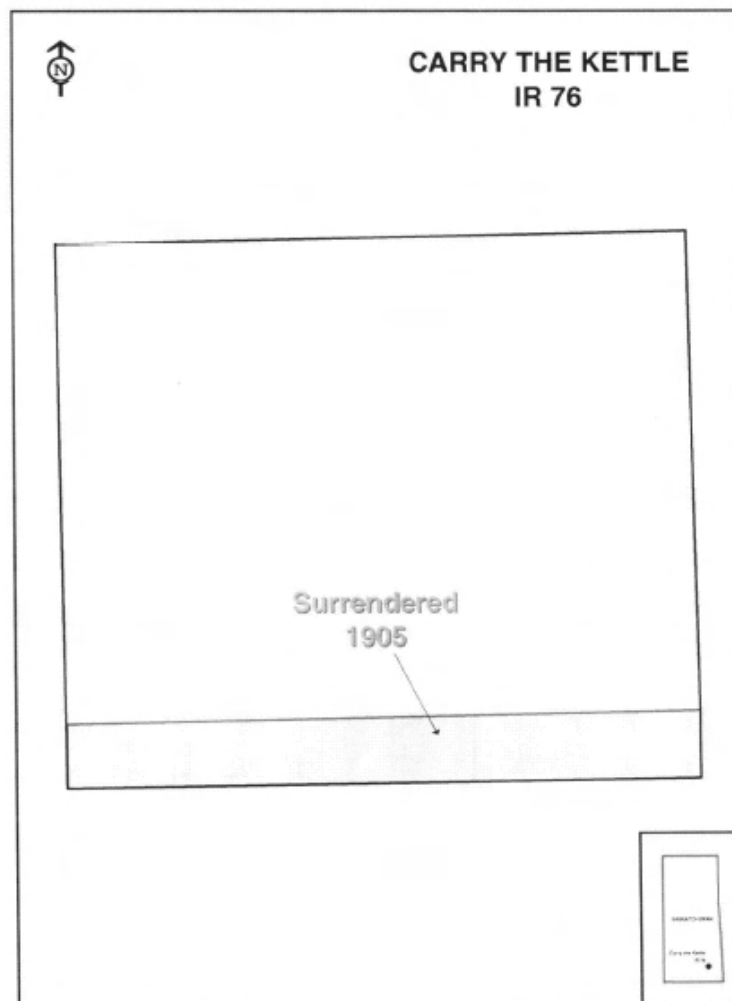
The first inquiries about surrender date from 1901, when A.H. de Tremaudan of Montmartre, Saskatchewan, wrote to James Douglas, MP, about opening the southern part of the reserve to sale and settlement. He considered this section unused and the hay wasted (NA, RG 10, vol. 4001, file 208590-1).

Secretary McLean wrote to Indian Agent Thomas Aspdin and asked for a report on a potential surrender, and on the timber supply on the reserve. The Band told Aspdin that they did not

want to sell and that they wished to protect their reserve against white encroachment. Aspdin reported that he did not foresee any surplus hay or timber for sale, given the recent growth in the cattle industry (ibid., letters of February 12 and 25).

In late December 1904, Aspdin forwarded a request from the Chief, headmen, and about 25 others for a surrender of the nine southern sections of the reserve. In return, the Band asked the Department that its debts for a threshing outfit be paid out of the sale, with the remainder of the principal to be used for the benefit of the band (ibid., letter of December 16, 1904).

It appears there was outside demand and departmental support for this surrender. Why did the Band change its opinion about the surrender between 1901 and 1904? Also, why would the internal demand arise during this period, when the Band was successfully paying for its own implements?



ALEXANDER IR 134

Surrender of 1905

Location: 25 miles northwest of Edmonton, Alberta, at Rivière qui Barre

Reserve surveyed: 1880 by George A. Simpson

Size: 26,240 acres

Area surrendered: 9518 acres

Treaty 6

Edmonton Agency

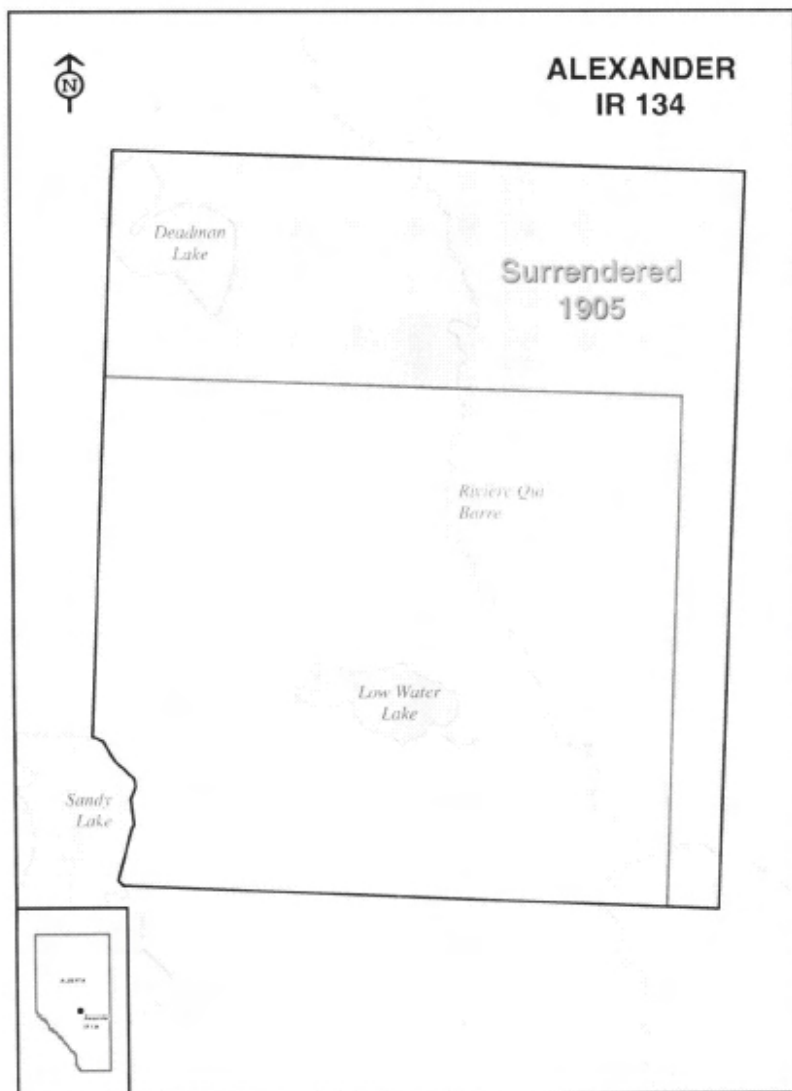
The information presented in this surrender is based on Specific Claims Branch (SCB), “Alexander 1905 Surrender: Preliminary Analysis,” May 1992 (this document does not contain citations for many of the archival documents referenced within it), and “Alexander First Nation: Overview of the Surrender Claim of the Alexander Band,” Statement of Claim, June 1990.

The demand for the Alexander surrender arose subsequent to the surrenders of the Passpasschase, Michel, and Enoch/Stoney Plain reserves. Frank Oliver at the *Edmonton Bulletin* continued to press for the opening of reserves to settlement and for the removal of the Indians to a distance from the towns. Oliver, who had advocated the early surrenders of the Edmonton district reserves while he was still an MP for the Territories and a businessman, replaced Sifton as Minister of the Interior in April 1905. The year before, J.A. Markle had been appointed the Inspector of Indian Agencies in Alberta. James Gibbons was appointed Indian Agent at Edmonton after the death of Charles de Cazes in 1898 (see Michel, 1903, above).

Chief Alexander was deposed in 1903, by Order in Council 243269 on May 13, 1903, for intemperance and for acting as a bad influence on the Band. He was not reinstated until July 14, 1906, after the surrender. In late 1903 Agent Gibbons asked on behalf of the Band whether another chief could be elected. The response is not recorded, other than to refer the matter to the Commissioner’s Office. No elections were held. There was another request from the Bishop of St Albert to Oliver in October 1905, asking for the reinstatement of Chief Alexander. The request prompted internal correspondence and a recommendation from Markle (see below) in October 1905 that the former chief be reinstated when the three-year period of deposed was completed in May 1906, so long as his behaviour was good. Agent Gibbons reported that Alexander had been away hunting from the spring of 1904 to the fall of 1905 (SCB 1992, 55-58).

On August 12, 1904, Markle wrote to Indian Commissioner David Laird relaying a request by the Band to surrender 12 or more sections on the northern portion of the reserve. Laird noted on the document that the matter should wait a year or two (NA, RG 10, vol. 6666, file 110A-3-1). One year later, the request was repeated, through Markle to Laird. It was for a surrender of 11,700 acres of unused pasture land in exchange for a fence, gates, 50 mares, two Clyde stallions, a planer, and a shingle mill (*ibid.*, letter October 12, 1905).

The request for surrender appears to have come from the Band, but it came through the Inspector, and not directly in the words of any band representative. If the deposed Chief was away during the time that the surrender demand was being put forward from the Band, who was making the request to Markle on behalf of the Band?



MICHEL IR 132

Surrender of 1906

Location: 20 miles northwest of Edmonton, Alberta

Reserve surveyed: 1880 by George A. Simpson

Size: 25,600 acres

Area surrendered in 1903: 7800 acres; in 1906: 2400 acres

Treaty 6

Edmonton Agency

See surrender of 1903 for background. After the 1903 surrender and the sale by tender in 1904, there were repeated requests to purchase unsold lands from Michel IR 132 (see chapter 6, Michel, 1903).

On October 9, 1905, Frank Oliver's private secretary, J.B. Harkin, forwarded a petition to Deputy Superintendent General Frank Pedley from settlers at St Peter, Alberta. The settlers called for a surrender of the eastern part of the reserve and a fence to keep settlers' cattle off the reserve. A note was written on the request, which said that Oliver would like Pedley to take action. Pedley in turn asked Agent James Gibbons to supply a description of the lands for surrender (Tyler and Wright 1978a, 149-50).

Gibbons complied, but pointed out that the Band was unanimously opposed to a new surrender. They were still upset that they were not receiving proceeds from the 1903 surrender and claimed that it would have been better for them to sell timber from the unsurrendered and unsold land. Oliver asked Pedley to give him information on the unsold lands, which Pedley supplied on November 23, 1905. Pedley said that the average value of the unsold lands was \$3.84 per acre (Tyler and Wright 1978a, 150-51).

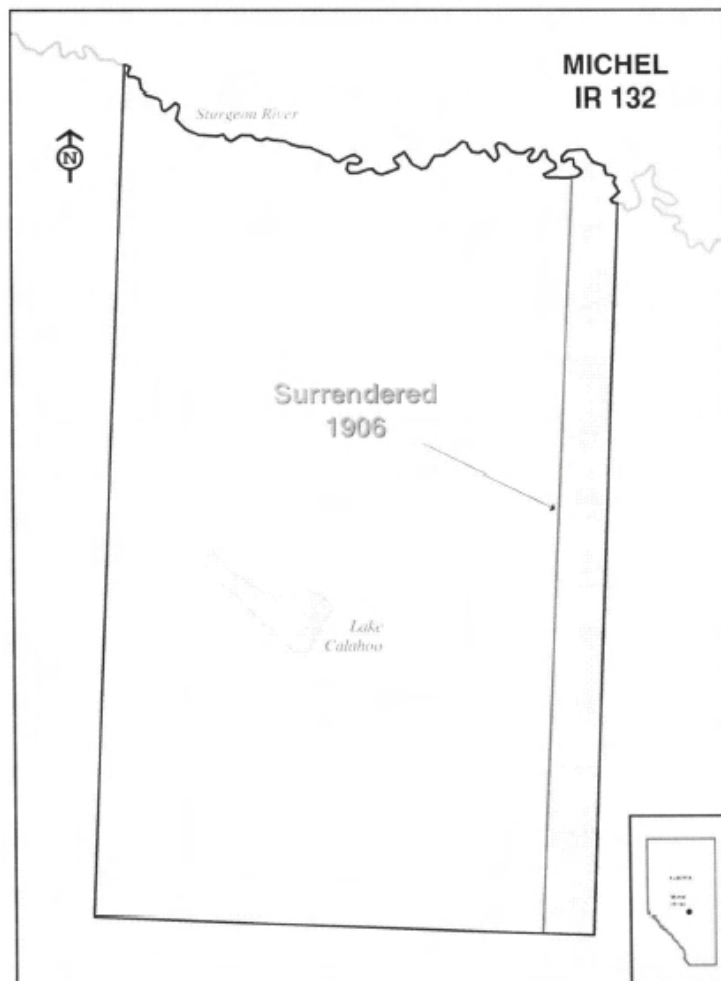
A businessman from Edmonton, Claude Gallinger, wrote to Secretary J.D. McLean asking to buy the unsold land at \$3.84 per acre. This letter was soon followed by more inquiries, from Joseph Lagasse, of St Albert, and Maurice Knowles, of Edmonton. There was also reference in the letter from Legasse to the proposed surrender. Pedley recommended on December 28 that another sale by tender be made, but was apparently instructed by Oliver to accept Gallinger's offer, in spite of protests by the Band that unsold land should not be let go at \$3 and \$4 per acre. Plans went ahead to close the sale, but in June 1906 Gallinger decided he did not want to buy the land (Tyler and Wright 1978a, 152-53, 162).

Inspector J.A. Markle learned from Gibbons at the end of December that the Band had apparently made a proposal to the government to obtain one section per family clear title, with

enfranchisement, and to surrender the remainder of the reserve. This proposal apparently came very soon after their refusal to surrender the land wanted by the St Peter residents, but may have reflected frustration with Indian Affairs restrictions on agriculture and its failure to sell the land and provide benefits (see Tyler and Wright 1978a, 153-54). In late December, Markle met with the Band and discussed the matter of surrendering the eastern portion of the reserve. He told the Band that it was unlikely that their December proposal for a total surrender would be accepted by the Department.

On January 2, 1906, the Band went to the agency office and proposed a surrender of the eastern strip if it could procure outfits for eight farmers by July 1. The clerk at the office took it upon himself to tell them that they should not put such a definite date on the outfitting, as this would depend on the sale (Tyler and Wright 1978a, 156-57).

The surrender demand appears to have come both from within the Band, perhaps from the younger farmers, and from outsiders, encouraged by Oliver, who wanted to buy the reserve land. It is unclear why the Band changed its mind about wanting a surrender.



THE PAS IR 21A

Surrender of 1906

Location: east-central Manitoba, at junction of Saskatchewan and Pasqua Rivers

Reserve surveyed: 1883 by W.A. Austin

Size of IR 21A: 1599.19 acres

Area surrendered: 500 acres (IR 21A was one of a series of reserves for the Band, totally 15,657.08 acres)

Treaty 5

The Pas Agency

The Indians of The Pas Band adhered to Treaty 5 in 1876. One of the parcels of reserve land they received was The Pas Mission Reserve IR 21A, surveyed in 1883. This reserve straddled the Saskatchewan River at the juncture with the Pasqua River and contained 1599.1 acres.

The reserve site became interesting to the Canadian Northern Railway (CNOR) with the expansion of its lines after 1903. On June 22, 1905, the law firm Munson, Allan, Laird, and Davis, representing CNOR, wrote to Indian Commissioner David Laird about the imminent construction of a branch from Erwood to the Saskatchewan River, since the line would cross the Pas Mission reserve. The letter requested attention to the right of way that would be needed (NA, RG 10, vol. 3561, file 81/31). Laird forwarded this request to Secretary J.D. McLean, who instructed Laird on June 30, 1905, that, given past problems in collecting compensation, a new departmental rule on rights of way insisted that a deposit on compensation be paid before construction began. Assistant Commissioner J.A.J. McKenna replied that it would not be fair to expect the railway companies, which were moving very quickly, to put a deposit down, nor to hold them up in the paperwork required by the Department. In his July 4 letter, McKenna argued that consent should be enough to allow the railways to proceed, and that faith should be placed in the company to pay compensation later (*ibid.*).

The very next day, July 5, the engineers for CNOR (whose office, like that of McKenna and Laird, was in Winnipeg), wrote to their solicitors requesting 53 acres for right of way and 18.5 acres for station grounds on the reserve. They anticipated the start of construction within a few days. Again on the same day, the solicitors wrote to McKenna, rather than to Laird, and made reference to McKenna's letter to McLean of the 4th, which they had obviously been sent. They also made reference to the fact that they had not yet received the plan for the right of way from the head office

in Toronto. They were, however, willing to place a deposit to secure the right to begin construction (ibid.).

McKenna wrote the Indian Agent for The Pas Agency, Joseph Courtney, asking for an approximate value per acre based upon the general location of the line. This letter was also dated July 5, as was McKenna's letter to McLean telling him about the request and his own response to it. McKenna recommended a deposit of not more than \$300. Two days later the solicitors wrote to McKenna saying that the CNOR legal department in Toronto had asked the Indian Department to accept a \$200 deposit, and this was being forwarded the same day. McLean wrote to Laird on July 25 and asked him to instruct the company to send the plan, to be certified in the usual manner by the Chief Engineer of Railways and Canals. The agent at The Pas, Joseph Courtney, did not reply until August 3:

I have the honor to say that the only part of the Reserve on the south side of the Saskatchewan River suitable for station grounds is where their trial line of survey crosses the river. It contains from 50 to 70 acres and is the only dry, clear and habitable portion of the Reserve on this side of the River. On it there are 30 occupied Indian dwellings, the agent's residence, and government schoolhouse. (Ibid.)

Courtney placed a minimum value on this land at \$50 per acre exclusive of improvements.

S.R. Marlatt of the Lake Manitoba Inspectorate confirmed this view on September 26, 1905. He thought a line would cause serious damage, but if the line had to be run there, then at least the station grounds should be placed on the far side of the river. He raised the value to \$75 per acre, whereas land on the north side might be only \$20 per acre. Obviously Marlatt had not yet seen a plan, and neither had McLean, according to a further request of October 3. McKenna wrote to McLean on October 6 saying that it was possible that the Department was already committed to CNOR's application, whatever it was, by accepting the deposit: "If the Department should decide that the interest of the Indians of the Pas Reserve demands non-compliance with the application, that decision might better be announced in advance of further proceedings by the Company." McKenna also supposed that CNOR might find the price too high (ibid.).

It is not clear from the record where the process went from there, but on June 6, 1906, nearly a year after the CNOR engineers had said that construction was to begin immediately, McLean wrote

to Laird that no plan had ever been filed and that CNOR had not made a sufficient deposit to enable it to begin work. Marlatt wrote to Laird on June 11, 1906, and said that he understood from reports from The Pas that construction had already begun (ibid.)

Marlatt had already considered the issue of the value of the site where the proposed station grounds were to be, south of the river. He had written to Laird on May 31, 1906, and said that he had gotten applications from local residents to purchase land on the reserve. "The point named is likely to become quite an important place in the district; it is the only desirable spot on the south side of the river for many miles. . . .I have the honor to recommend that the Indians be asked to surrender five hundred acres off the north end of Block A." Marlatt described this block as being exclusive of the lands occupied by the HBC and the Anglicans, but including the portion occupied by the Indians. He also proposed:

- That each family get \$50 to remove their houses
- That the land be laid out immediately as a town site
- That the lots be sold by the Agent, who would fix the prices
- That the terms of sale be 1/3 cash, with the balance in 1 or 2 years at 6%
- That the remainder of the money, minus advance for removal, be capitalized to the band
- That actual settlers in the area, rather than speculators, be given special considerations as to price and location, provided they do not apply for more than two acres
- Ten acres of the surrendered portion be retained by the Department for the agency and school

Marlatt recommended moving quickly to take the surrender at annuity time, and Laird sent the letter to McLean with his endorsement. The surrender would allow the Indians to be removed from close proximity to the station, a situation that would not be good for them. Moreover, "the price they would obtain for the land if surrendered would be far more advantageous to the Indians of the Band, than any use they could make of it by occupying same." Laird also raised the issue of the missing plan: Would the surrender be exclusive of the proposed station grounds (ibid., letter of June 1, 1906)?

Apparently Deputy Superintendent Frank Pedley sent the forms of surrender to Laird, with authorization for Marlatt to take the surrender (see Chapter 5, Consent).

**THE PAS
IR 21A**

SASKATCHEWAN
RIVER

Surrendered
1906

Canadian Northern Railway

Cemetery Lake
(Pasquiahow Lake)



COTE IR 64

Surrender of 1907

Location: east-central Saskatchewan, on the Assiniboine River, near present-day Kamsack

Reserve surveyed: 1877 by William Wagner

Size: approximately 36,160 acres

Area surrendered: 10,740 acres

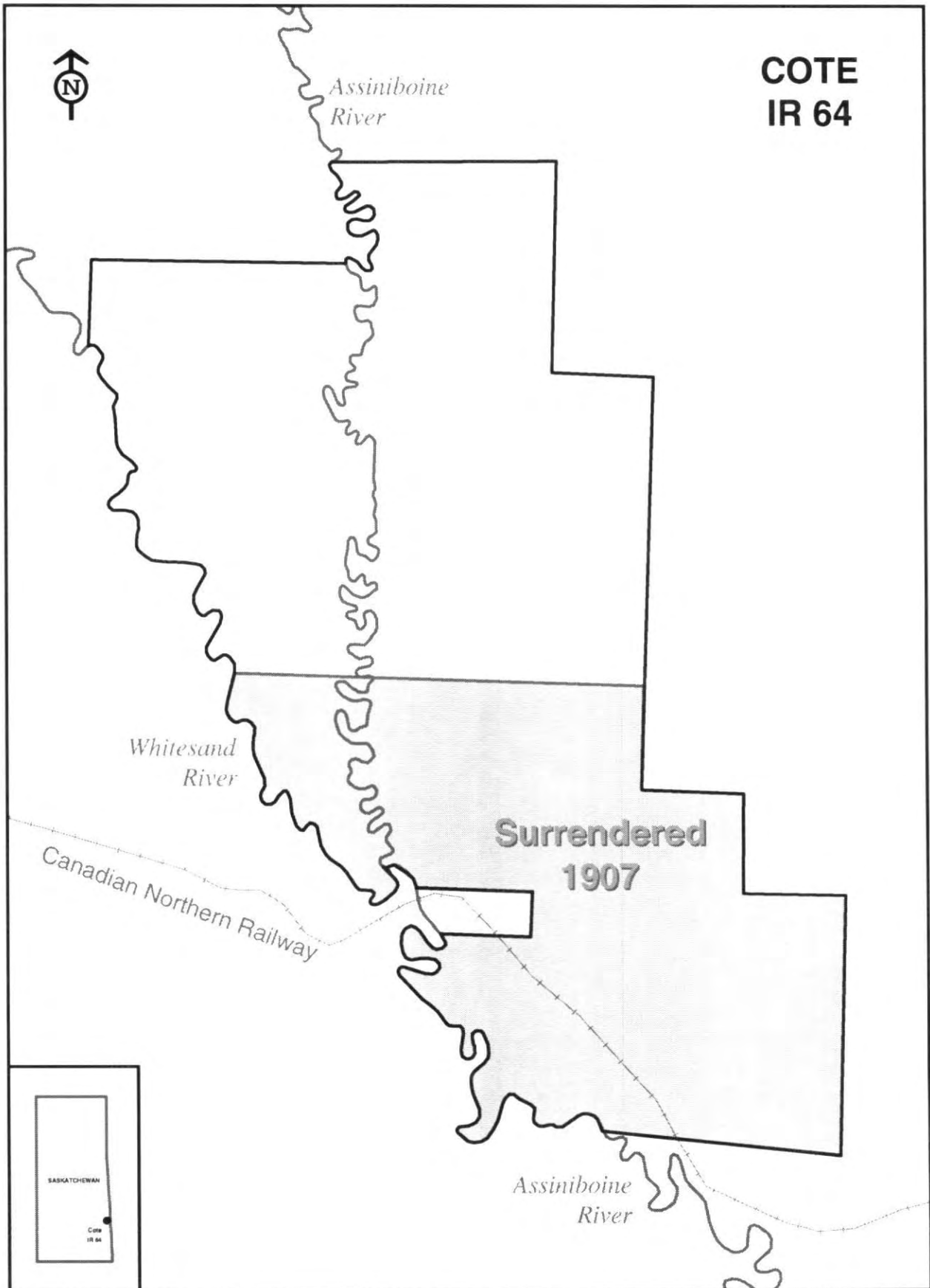
Treaty 4

Pelly Agency

For the background material, see the Cote 1904 and 1905 surrenders above.

In early 1907, a little over a year after the 1905 surrender, and just after an unsuccessful sale of surrendered lands, the Cote Band began to ask for the second payment of their equity from the surrender, due, at the latest, on January 19, 1907. Since the land sales had not brought sufficient funds to cover the second payment, the Department began to look for funds from elsewhere to make a partial second payment, and it planned a second auction in June.

Inspector W.M. Graham contacted the Department in early March with a proposal for a second surrender, and he asked the Department to hold off on the second payment. On March 7 he wrote to the Secretary and recommended that the 1905 surrender be “nullified” and that a new surrender, closer to the townsite, be effected. Graham was not sure he could get the Indians to agree, but, if so, he felt that the first payment made in 1905 under the terms of that surrender could be applied to the next surrender (NA, RG 10, vol. 4011, file 260260-2). Accountant Duncan Campbell Scott wrote to Deputy Superintendent Frank Pedley in support of the idea, on the assumption that it would be to the benefit of both the Indians and the settlers, since the land previously surrendered “was not of very good quality and did not attract settlers.” In addition, the surrender boundaries ensured that the Indians had easy access to Kamsack. The new surrender would place a barrier between the reserve and the town. Scott suggested that Graham be asked to negotiate the new surrender (ibid.).



COWESSESS IR 73

Surrender of 1907

Location: Crooked Lakes, Saskatchewan

Reserve surveyed: 1880-81 by A.P. Patrick and John C. Nelson at Crooked Lakes; additional land added 1883-84 by Nelson

Size: 49,920 acres

Area surrendered: 20,704 acres

Treaty 4

Crooked Lakes Agency

This entry contains some parallel information on Kahkewistahaw, which is not covered in this report.

Cowessess, or Little Child, was a signatory to Treaty 4 in 1874; in the coming years his Band split, with some in the Qu'Appelle area and some in the Cypress Hills. The reserve laid out on the south side of the Crooked Lakes in 1880 and 1881 was designated for Louis O'Soup, head of a faction of the Band living in the Qu'Appelle area. Because this reserve was large enough for the entire Band, Chief Cowessess was encouraged to leave his location in the Cypress Hills, where a large portion of the Band was residing, and move onto the reserve with O'Soup. Chief Cowessess would resume his leadership. Additional land was added to this Qu'Appelle reserve in 1883-84.

The reserve was located close to the town of Broadview and the main line of the CPR. This location placed the Band near a market, but it also made band lands the envy of the settlers moving into the district. After 1885, Col. Allan McDonald was placed as agent in charge of the Crooked Lakes Agency, including Cowessess, Kahkewistahaw, Ochapowace, and Sakimay. In 1887 Cowessess was among the first bands in the North-West to be allowed by Indian Affairs to elect its own chief and councillors. Louis O'Soup was elected Chief, and over the coming years there was recurring tension between the band decisions and what the Department thought best in terms of leadership. The Chief from 1903 to 1910 was Joseph LeRat (Tyler nd(a), 47-51).

After 1885, the Band began to adapt to the same farming methods as the nearby settlers, using the new Red Fife wheat and experimenting with fallowing and other techniques. By 1897 most of the families were engaged in farming and were doing their own milling. They were known as the most successful Band in the agency in terms of farming. They were purchasing labour-saving tools and machinery, and paying for repairs, out of their own profits. Assisted by Agent McDonald, the Band ignored most of Hayter Reed's peasant policy demands.

Like many other bands, Cowessess farmers made use of the government-run cattle loan program, set up in 1887, to increase their stock; they also made private purchases. By 1896, when Agent J.P. Wright replaced McDonald, this seemed to him to be the best economic prospect for the Band. The southern part of the reserve offered a good hay supply, although Agent Wright also gave permits to outsiders to cut hay on the land, without the permission of the Band.

The Band also made a living by collecting and selling seneca root, selling firewood, tanning hides, and by wage labour. By 1900 only the sick and the elderly were receiving rations (see Tyler and(a), 52-87).

As these events were taking place, outsiders were beginning to show an interest in the reserve, especially as the region was homesteaded. The location along the CPR line would have meant more rapid settlement for this community than for those farther removed from the rail. The first inquiry came in 1885, from Thomas Evans of Broadview, who asked whether the Indians on the reserve just north of Broadview might be removed elsewhere. Evans wrote to both the Prime Minister and the Minister of the Interior. The Deputy Superintendent at the time, Lawrence Vankoughnet, said that this request would be investigated (NA, RG 10, vol. 7542, file 29108-1).

Then, in 1886, the Minister of the Interior was apparently approached on a western tour by a group of people from Moosomin. These settlers petitioned him to open up the Crooked Lakes reserves south of the river, given their proximity to the CPR. The Minister was asked to push the reserves north by 6 miles, so as to provide greater frontage along the river. This inquiry reached the ears of the Deputy Minister of Interior, A.M. Burgess, who then referred the matter to the Indian Department. The request fed down the chain to Commissioner Edgar Dewdney in Regina and thence to Agent McDonald. McDonald wrote on March 2, 1886, to say that he imagined that the Indians would be suspicious of the proposal and that the proposed loss of land on the southern end would endanger the hay supply, especially for Cowessess. He suggested that the hayland could perhaps be replaced by granting land north of the river, but that the Indians would be giving up more valuable land than they would be receiving (NA, RG 10, vol. 3732, file 26623). Vankoughnet advised Burgess that no attempt would be made to take a surrender, and Burgess replied that he believed it was “an exceedingly undesirable thing that for nearly twenty miles along the line of a railway there should be an Indian Reserve if it is possible to avoid it” (ibid.).

In 1891 the matter was raised again by G. Thorburn and a committee from the area. They gave the visiting Minister of the Interior a written resolution that referred to the inquiries of 1886 and reminded the government that it would be an opportune time to carry out the surrender. Once again Agent McDonald was asked to report, and he did so on May 10, 1891: "If these lands are surrendered by the Indians," he wrote, "no reasonable money value can recompense them, as their Hay lands would be completely gone, and this would necessitate no further increase of stock, which would of course be fatal to their further quick advancement and would be deplorable." He said he was willing to take a specific proposal to the Indians, but suspected that they would be unwilling (*ibid.*). The answer went to Thorburn, and the request stayed alive but dormant.

In 1899 the settlers got R.S. Lake, the Conservative MP for Qu'Appelle, to call on the Minister, Clifford Sifton, to bring forward their requests. Lake, in a separate memo and map, placed a value of \$2.50 per acre on the land. Sifton referred the matter to Assistant Commissioner J.A.J. McKenna on January 19, 1899, and he forwarded the request to Surveyor A.W. Ponton on January 24. Ponton strongly endorsed the surrender proposal, noting that, with the decrease in population, the Band now had a surplus of land. Ponton thought that the land near the railway was needlessly tied up by the reserves and was preventing the development of market towns along the stretch adjacent to the reserves. In fact, said Ponton, he doubted that the Indians would "incur any loss" if all of Township 17 were surrendered (*ibid.*).

In a letter to Commissioner David Laird, Sifton agreed with Ponton, but he desired Laird's and the Agent's opinions. Laird had an opportunity to discuss the matter with Colonel Allan McDonald, who was now working in his office, as well as with Agent J.P. Wright and Lieutenant Governor A.E. Forget. Laird recommended a delay of a year or two to allow time for an experiment in growing brome grass, as an alternative to hay, to be tested, since the existence of haylands on the part of the reserves to be surrendered was still of primary concern to the local officials (*ibid.*, letter of April 22, 1899). Sifton informed Lake of the decision, reminding him that Indian consent was necessary, but promising to keep the request in mind.

Agent Wright was replaced by Magnus Begg. In 1902 another petition was forwarded from local residents to the Minister of the Interior, asking for a surrender of a strip 3 miles wide along the southern boundary of the Crooked Lakes reserves. The petition copied the argument used by Lake

and Ponton that the Indians had too much land under treaty. This petition, dated March 1, 1902, followed a similar proposal made by Agent Begg on January 13 to Commissioner Laird. Begg recommended a surrender of a 3-mile strip as well as Leech Lake reserve IR 74 (for Little Bone). The surrender would yield \$12 per annum interest, which would allow the Indians to pay down debts and to purchase more cattle. Laird replied to Begg that it would do no good to have more cattle without the necessary hayland (NA, RG 10, vol. 3561, file 82/4). When the March petition reached Ottawa, the Interior Department pressed Secretary J.D. McLean of the Department of Indian Affairs to begin surrender proceedings. Laird was asked to meet with the Indians to discuss the proposal, which he did on April 16, according to a May 6 report. He did not include Cowessess in this meeting because he felt they needed their haylands, and they would not be close enough to Broadview to be of primary interest. The Indians of Ochapowace and Kahkewistahaw were opposed (NA, RG 10, vol. 3732, file 26632).

The Broadview contingent continued to press for a surrender. Sifton wrote to Deputy Superintendent Frank Pedley in 1904 requesting that McKenna approach the Indians again. McKenna wrote to McLean on March 19, 1904. He thought it would be inadvisable to have another meeting to the same purpose as that of 1902 in case the Indians felt that the Department was siding with the settlers. He recommended a quiet inquiry by the agent. This suggestion was endorsed and Begg was asked to meet with the Band, but he was taken ill and died before taking any action. John Lash of the Commissioner's Office discussed surrenders with the Band while he was paying annuities in 1904. Lash, according to a report from Laird on September 30, 1904, could not make any specific offers, but he suggested that the Band could fence the reserve from the proceeds. Apparently Chief LeRat of Cowessess requested that the entire proceeds from the sales be given to the Band to spend at its discretion, but Lash rejected the plan (*ibid.*)



COWESSESS IR 73

*Crooked
Lake*

*Qu'Appelle
River*

**Surrendered
1907**

SASKATCHEWAN

Cowessess
IR 73



FISHING LAKE IR 89

Surrender of 1907

Location: near Wadena and Kylemore, Saskatchewan, on the CNOR line

Reserve surveyed: 1881 by John C. Nelson, at Fishing Lake, for a portion of Yellow Quill's Band

Size: 22,080 acres

Area surrendered: 13,170 acres

Treaty 4

Touchwood Agency

Fishing Lake was one of three bands or band factions affiliated with Chief Yellow Quill, a signatory to Treaty 4 via an adhesion of August 24, 1876. This reserve was one of three surveyed: Nut Lake, Fishing Lake, and Kinistino. At the time when the demand for the surrender arose, the three groups were paid and administered as one.

The demand for a surrender arose with the application by Canadian Northern Railway (CNOR) for a right of way through the northwest corner of the reserve. The request was made on November 9, 1903, in letter to Deputy Superintendent Frank Pedley, and it covered 67.31 acres. CNOR offered \$5 per acre for the right of way, and Secretary J.D. McLean, on the advice of Indian Agent H. Martineau, accepted it on March 2, 1904.

A request from CNOR for the purchase of a townsite on the reserve came to the attention of Assistant Indian Commissioner J.A.J. McKenna on October 24, 1904, via the Saskatchewan Valley and Manitoba Land Company. This company was handling townsite development. The company offered \$10 per acre for 612.94 acres. Pedley advised Minister Clifford Sifton not to allow townsites to be developed on Indian reserves, and Sifton in turn issued a memorandum to Pedley on December 5, 1904, stating that it was departmental policy not to allow townsites on reserves (Public Archives Record Centre [PARC], file 675/31-2-17-89, CN vol. 1). A request for station grounds, at \$5 an acre, was also made in 1904.

When Sifton was replaced by Oliver in April 1905, the demand arose again, this time in the form of a suggested surrender of land adjacent to the proposed station grounds. Oliver wrote to Pedley on July 3, 1905, asking for information about opening the southern part of the Cote reserve and the northern part of the Yellow Quill reserve at Fishing Lake for CNOR townsite development (NA, RG 10, vol. 4020, file 280470/2). James Campbell, the clerk in the Regina office, wrote to the Deputy Minister on July 20 recommending a surrender of one-half of the reserve, with the rest to be

surrendered when the land had increased in value. “Probably a surrender could be readily obtained,” he said, “as these Indians have apparently more than the usual aversion to contact with white men” (ibid.). He wrote again to Pedley on August 22 and recommended that the handful of Indians at Fishing Lake be removed to Nut Lake. The reserve could then be supervised easily by the Agent from Pelly, H.A. Carruthers (NA, RG 10, vol. 3935, file 118537/1).

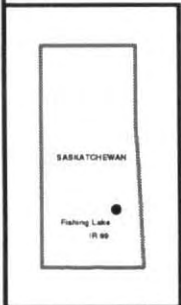
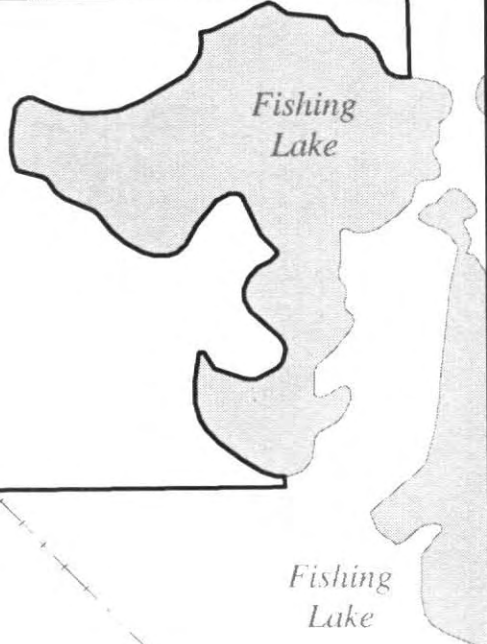
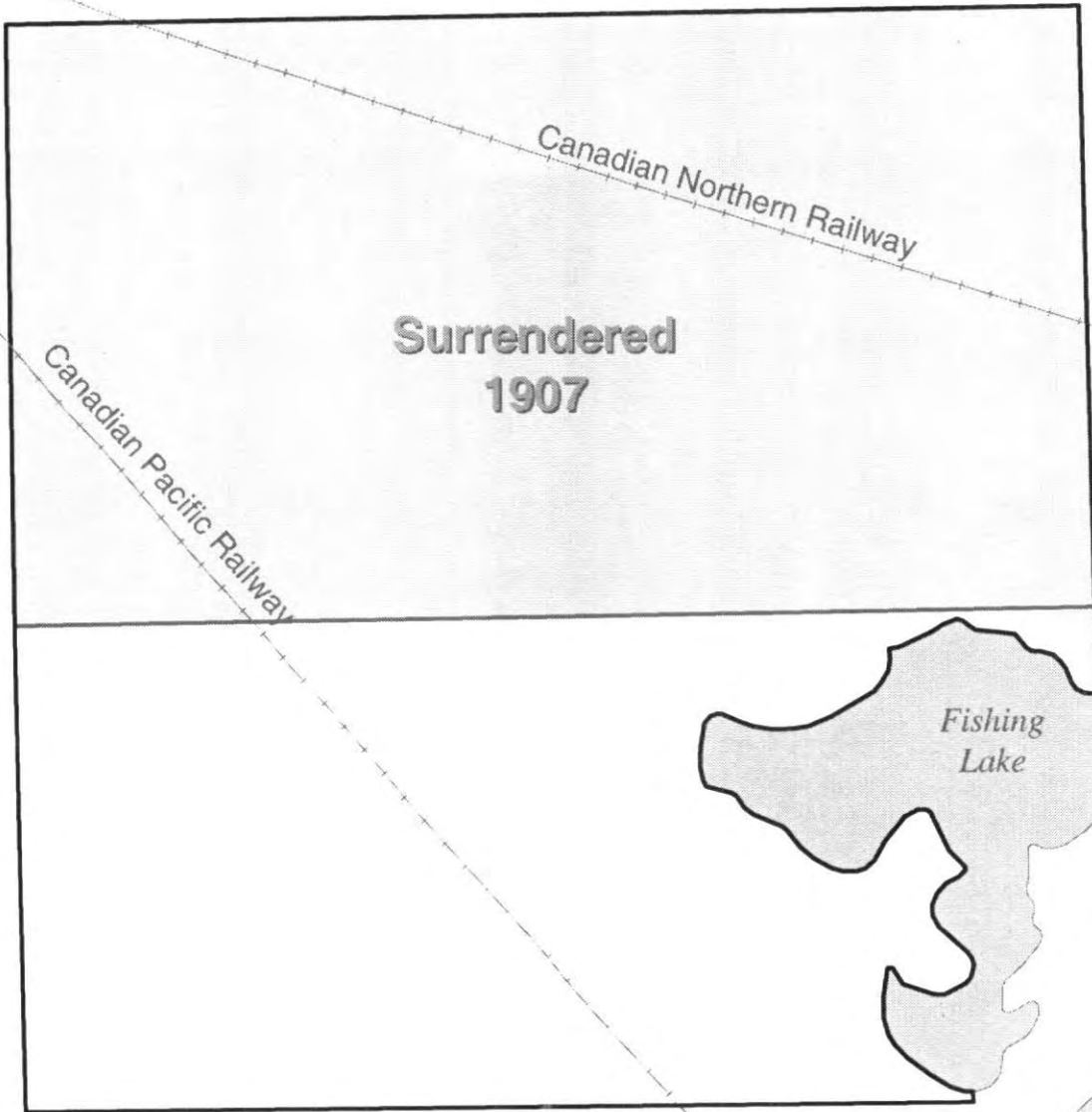
Meanwhile, Oliver had engaged Rev. John McDougall to act as his special agent in negotiating surrenders, at the rate of \$10 per day. McDougall’s first assignment was to negotiate with the Cote and Fishing Lake Indians. In a letter to McDougall dated August 29, 1905, Oliver implied that CNOR had made further “representations” for townsite development. He instructed McDougall to restrict his role to negotiation only, with the actual surrenders to be taken by authorized officers. McDougall was reminded that only 10 per cent of the proceeds of the sales could be offered at the time of the surrender (NA, RG 10, vol. 4020, file 280470/2, letter from Oliver to Pedley, August 14, 1905). Campbell’s suggestion to attach Fishing Lake to the Pelly Agency was also approved.

One of McDougall’s first acts, in corroboration with Carruthers, was to establish a value of \$25 per acre for the 13.82 acres desired by CNOR for station grounds, on the basis that a surrender might be forthcoming and the land would have a higher value if townsite development occurred (PARC, file 675/31-2-17-89, CNOR vol. 1, Carruthers to McLean, December 15, 1905). The Department and CNOR eventually compromised at \$20 per acre.

So far, no documentation has been uncovered with regard to the band administration and the economy at the time of the demand. Judging from the documents pertaining to the CNOR requests, perhaps the demand came primarily from CNOR, with the support of Frank Oliver.



FISHING LAKE IR 89



PEGUIS / ST PETERS IR 1

Surrender of 1907

Location: Selkirk, Manitoba

Reserve surveyed: 1873 by A.H. Vaughan

Size: 55,246 acres, including river lots

Area surrendered: 48,000 acres

Treaty 1

Clandeboye Agency

The materials on this surrender are extensive. The controversy surrounding it led to more contemporary documentation than was recorded for other surrenders, and the documentation has since been extensively researched. The account that follows is greatly condensed and is based on three secondary sources, all by Tyler, Wright, and Daniel Ltd.: 1979, "The Alienation of Indian Reserve Lands during the Administration of Sir Wilfred Laurier, 1896–1911. The St. Peter's Reserve #1," 1983a, "A Brief History of the St. Peter's Land Question to 1896," and 1983b, "The Illegal Surrender of St. Peter's Reserve."

The Peguis Indians were an integral part of the mixed Indian, Métis, and white population at Red River. Their settlement was recognized as a reserve after the Selkirk Treaty of 1871, but many of the Indians, like their neighbours, farmed river lots along the Red River. In addition to farming, they made a living by hunting, fishing, and wage work. By the time of Treaty 1 in 1871, Chief Peguis had died and had been replaced by his son, Henry Prince.

In 1871, provision was made in Treaty 1 for a reserve for his Band on both sides of the Red River, within St Peter's Parish, so as to furnish 160 acres per family of five. When this reserve was surveyed in 1873, the total 55,246 acres included the 17,331 acres of river lots farmed by band members which were considered by many to be alienable private property. Although the treaty negotiators apparently considered these lots to be exclusive of the reserve proper, and therefore alienable, there followed many years of controversy over whether the lots were reserve or private property. When, in 1875, the CPR constructed a bridge across the river, near the reserve, property values escalated. Although Prince told the Minister of the Interior that any sales subsequent to treaty were illegal, he privately encouraged the sale of these lots, and white and Métis settlers bought lots that may or may not have been inalienable reserve property. Indian Affairs officials differed in opinion

about the nature of title, whereas Interior officials were prepared to issue titles on some lots (Tyler, Wright, and Daniel 1983a, 1-16).

Over the next 25 years, there were many investigations into the status of the occupants. Deputy Superintendent Lawrence Vankoughnet took the stance that any Indian who had accepted treaty had no property rights in the reserve. In 1884-85, Inspector Ebenezer McColl and A.H. Witcher, of the Interior Department, acted as commissioners to settle claims brought before them, and they established a schedule dividing the claims into four categories. The only claims that everyone recognized were those of non-Indians who had occupied the lots before treaty. The claims of Indians and Métis were more contentious. When 282 people withdrew from the Band and took scrip after 1885, the situation was further complicated. Those who thought they might strengthen their claims to the lots in this way found themselves to be trespassers, although they refused to leave until they were evicted (*ibid.*, 8-32).

A court decision in 1891 determined that Indians could have legally alienated their land between 1871 and 1876, since 1876 was the date on which the *Indian Act* provisions governing reserves became effective. The Department, however, did not necessarily recognize this decision in guiding its policy for dealing with individual claims. People on reserve were frustrated, both those whose claims were not recognized and those who wanted trespassers evicted. By the time of the election of the Liberals in 1896, the situation remained tense (*ibid.*, 32-48).

The first suggestion of a surrender as a partial solution came in 1900, when T.G. Rothwell, a law clerk for the Department of the Interior who had been directed by Sifton to study the situation and create a comprehensive settlement of the dispute, made his report. Rothwell supported the rights of the owners of the lots, subject to individual investigation. He also suggested that the reserve be surrendered, and that those who wanted to remain Indians be given a reserve elsewhere. Those who wanted to be land owners could be given scrip or land grants (Tyler, Wright, and Daniel 1979, 119-21).

In 1900, William McCreary, the Commissioner of Immigration for the Minister, Clifford Sifton, won the federal election for Selkirk as a Liberal. McCreary's campaign included promises to recognize St Peter's claimants, to obtain a surrender of the reserve, and to move the Indians away from the town of Selkirk. The Chief and Council protested against these promises in early 1901 in

letters to both the Department and the *Selkirk Expositor*, and McCreary abandoned his active promotion for surrender. He continued to promote the rights of claimants, however, while speculating himself with the increasing property values in the district. Interest in the fertile land of the reserve was growing as more and more local land was occupied. McCreary became interested in the "Mile Square," just over 900 acres that had been surrendered in 1875 for the CPR bridge, which was never built. The Department had held the land, which was partially within the town of Selkirk, until 1900, when it was placed on the market at \$6 per acre. McCreary bought the land in 1903 through three of his friends and relations, but he died before he could benefit from speculation or get the claims of his friends in St Peter's recognized (*ibid.*, 123-44).

McCreary was replaced as MP by Samuel Jackson, a farmer from Stonewall whose wife was Sifton's first cousin. Jackson had been appointed by Sifton as Inspector for the Lake Winnipeg Inspectorate in 1902, after years of pressuring Sifton for a government job. In 1904 he got the Liberal nomination as McCreary's successor, resigned as Inspector, and won the election. He immediately pushed to have his friend J.O. Lewis, editor of the *Selkirk Expositor* and Liberal organizer, appointed to a position in the Department. Sifton stalled on the appointment, but after Sifton resigned in early 1905, Lewis got an appointment as Agent at Clandeboye, and the man he replaced, the Reverend John Semmens, got Jackson's job as Inspector. Both men were in favour of opening the reserve at St Peter's to speculation and settlement, but did not move immediately in that direction (*ibid.*, 246-80).

On March 30, 1906, the Chief and Council sent a petition to Jackson, asking that the trespassers on the reserve be removed. Jackson did not endorse their position when he took the matter to Deputy Superintendent Frank Pedley, however, because he believed that the non-treaty lot claimants should be granted patents to their land. In the course of responding to the petition, Indian Affairs officials uncovered Rothwell's 1900 report, including the recommendation for a surrender. This was the first time they had been allowed to see the report, which had been held by the Department of the Interior. Pedley or Superintendent Frank Oliver then sent the report to Assistant Commissioner J.A.J. McKenna, who had been active in previous surrenders under Sifton. McKenna's agent met with the Council and disputed their view that the treaty required that the claimants exchange their land in the reserve for land elsewhere (*ibid.*, 185-90).

At the same time, Selkirk began to undergo a boom in real estate, which made the reserve land more valuable to outsiders. William Frank, a realtor and prominent Liberal who later acquired the largest block of land at the Key/Keeseekoosauke auction, moved to acquire the Mile Square from the estate of William McCreary, which was administered by the Northern Trusts Co. in Winnipeg. To do so, he had to have the settlement duties under the Land Regulations waived, and he prevailed upon Sifton, who was still an MP, who in turn prevailed upon Pedley. Pedley had Semmens and Lewis take a waiver from the Band Council, and Frank was allowed to buy the land as a speculator. Frank also indicated an interest in acquiring land in the adjoining reserve (*ibid.*, 191-95).

Oliver decided in 1906 to appoint another Commission (known as the Howell Commission) to look into the issue of land claims at St Peter's. The Department of the Interior made the recommendation to the Indian Department, and part of the Commission's mandate was to consider the advisability of a surrender as part of the solution, as Rothwell had suggested. The man who was appointed sole Commissioner, Hector Howell, was yet another prominent Liberal from the area. Like Lewis and Semmens, he supported the idea of surrender on the basis that it would be better for the Indians to be farther removed from a large town like Selkirk: "I made up my mind that for the good of the Indian tribe beyond any question they ought to get off that reserve, and as for the neighborhood it would be a vast advantage. I felt the Indian reserve there was a black spot (Royal Commission testimony, *ibid.*, 202). Howell also was a co-investor with Frank Oliver and Samuel Jackson in the Canada North West Publishing Company.

The man appointed by the same Memorandum to act on behalf of the Band during the Commission investigation was Orange Clark, Sifton's cousin, and brother to Samuel Jackson's wife. He was also a Liberal lawyer and, in late December 1906, through Sifton's influence, he was appointed as solicitor for the Canadian Northern Railway.

The solicitor appointed to represent non-Indian claimants was Frederick Heap, a well-known Liberal lawyer and realtor in Selkirk who periodically had business dealings with Agent Lewis.

Indian Commissioner David Laird and Inspector Semmens were asked by Pedley to attend the meetings of the Commission (*ibid.*, 200-08).

SWAN LAKE IR 7/7A

Surrender of 1908

Location: southwest of Portage la Prairie, Manitoba

Reserve surveyed: 1876 by J. Lestock Reid for Yellow Quill

Size: 12,300 acres at Swan Lake IR 7; 2403 acres at Tramping Lake (1906) IR 7A

Area surrendered: 2880 acres at Swan Lake; 2403 acres at Tramping Lake

Treaty 1

Portage la Prairie Agency

Chief Yellow Quill was head of the Portage Band at Treaty 1 in 1871. The Band entered into a dispute with the Crown over the location and size of the reserve provided for them in the treaty, and a couple of earlier attempts at survey were rejected. While this dispute was under way, there was also an internal dispute within the Portage Band which resulted in 1876 in a revision to Treaty 1 whereby the original Band was divided into three groups: White Mud, Long Plain or Short Bear, and Yellow Quill. John Lestock Reid surveyed the reserve for Yellow Quill after the separation, and, in consultation with the Band, a site was chosen on the north side of Swan Lake (Gallo 1978, 15-37).

The site of the reserve was not agreeable to all members of the Band, and many of them took up residence farther north at Indian Gardens. After several councillors were deposed in 1885, the majority of the Band, except for the Chief and a few families, moved on to the Swan Lake reserve (Gallo 1978, 62-68). Eventually a small 640-acre reserve was surveyed at Indian Gardens.

The 1876 survey took place after the 1872 township survey, and the area set aside as reserve included school lands, HBC lands, homesteads, and pre-emptions. A dispute between the Interior and the Indian departments over which rights took precedence continued for many years. In 1884, Interior granted new homestead entries on cancelled properties, and the conflict was renewed. Finally, in 1893, Deputy Superintendent General Hayter Reed conceded that Surveyor Reid may have made a mistake, and that the lands claimed by other parties should be exempted and alternative lands found. Lands that Agent Francis Ogletree selected along the Assiniboine were rejected by the Band. The Department then proposed a cash settlement in lieu of land, a suggestion that was discussed internally and at length in 1905. The idea was taken to the Law Clerk of the Interior Department, where it apparently died (Gallo 1978, 39-80).

In late 1905, the Department of the Interior decided it was time to clear up the matter and informed the Indian Department that it could select 2400 replacement acres from any available odd-

numbered sections in the West. Samuel Reid Marlatt, the new Inspector at the Lake Manitoba Inspectorate, proceeded to choose the acreage in the Tramping Lake district of Saskatchewan, southwest of North Battleford. It became Swan Lake IR 7A in 1906 (NA, RG 10, vol. 3652, file 5217-2).

By 1899, interest had been shown in the Swan Lake reserve by outsiders. W.A. Orr, of the Lands and Timber Branch, wrote to Secretary J.D. McLean on February 3, 1899, in answer to an inquiry in the House about the lands, saying there was no intent to open the reserve for settlement. The Department of the Interior was also making inquiries. In 1901, when Commissioner of Lands J.G. Turiff apparently wrote to Minister Clifford Sifton inquiring about the opening of the lands, he was told there was no intent to take a surrender of the reserve. Another letter to Sifton from McLean on January 14, 1902, reiterated this reply, in response to an inquiry by a Mr. Chambers (NA, RG 10, vol. 3624, file 5217-2).

A more concerted approach was taken by local residents in early September. Sifton received a petition asking that the very valuable land of the “Indian Spring” reserve be opened to colonization. The petition was signed by “109 residents of Manitoba,” according to Pedley, who asked Commissioner David Laird to report on the willingness of the Indians to surrender and to suggest where the people might be moved. There was no suggestion of a partial surrender (*ibid.*).

Inspector Marlatt reported October 12, 1903, that he had met with the Indians in council on October 2:

Judging from the tone of the discussion at the meeting the Indians must have been aware of the petition, or that a movement of some kind was being made in regard to their lands, although they did not mention it to me. They were solicitous to know if they were likely to be deprived of their lands, and stated that they had no desire to sell the reserve, or any portion of it. They further enquired minutely into their title to the land. I do not think they could be induced to sell without the Department using undue influence.

Marlatt, in his report on the events, went on to say that the number of band members was decreasing, but that the Band had been doing well in the last three years in agriculture. He hoped that Yellow Quill would move to Swan Lake and allow the Indian Gardens land to be opened, and he suggested that the Long Plain people could also surrender their reserve and move to Swan Lake. But he thought

it was premature to sell any of this land, as prices would double in the next 10 years. In forwarding the report to McLean on October 20, 1903, Laird concurred with Marlatt's proposals (*ibid.*).

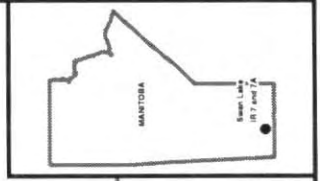
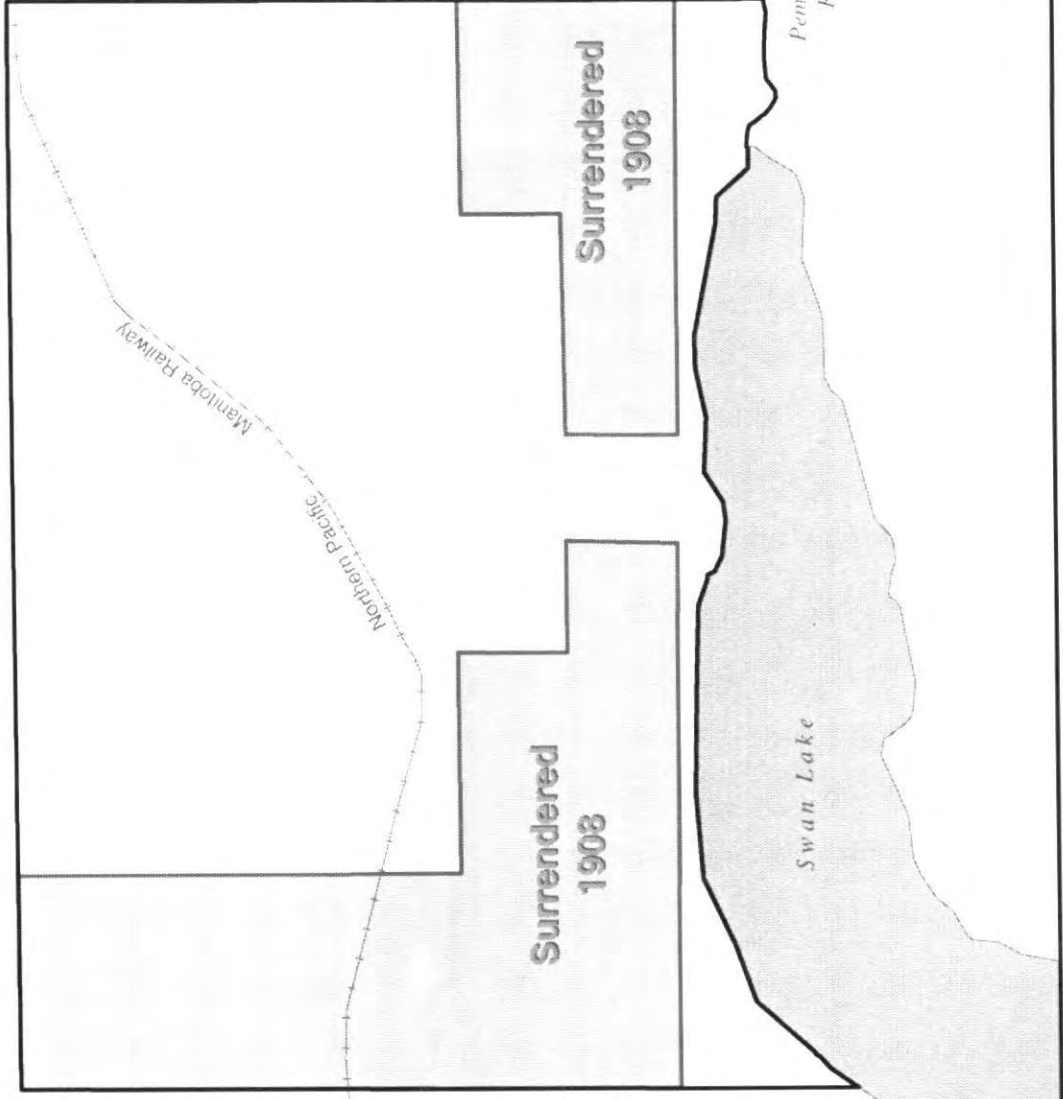
In mid-1906, just after the Tramping Lake reserve had been surveyed, Indian Agent Robert Logan suggested that the Indian Gardens people be moved, as there was insufficient hay available for them. McLean told Laird on July 30 that this faction of the Band should be moved to Swan Lake. Laird responded by saying that Logan was obviously new; this faction would not move as long as Chief Yellow Quill was alive (*ibid.*).

Meanwhile, the issue of opening the reserve was raised in the House in April by William Staples, who said that the people of the district were petitioning to have it opened because it was fine agricultural land. Oliver responded by saying that the Department would make an effort to secure as much of the reserve as it could (Canada, House of Commons, *Debates*, April 5, 1906, 1246-47).

On November 9, 1906, two months after Tramping Lake IR 7A was set aside by Order in Council, two Swan Lake councillors wrote to Oliver asking to have the land sold for not less than \$10 per acre. If the land values were not high enough, the councillors wrote, the Department should be requested to advance one-third of the probable value to buy horses and implements, and the land should be held for sale until prices rose. Orr wrote to Pedley on November 19, 1906, recommending against the surrender, "in view of possible better railway facilities in the near future." Given later correspondence, it appears that this decision was not communicated to the Band.

In June 1907, Oliver raised the issue of a surrender once again. Pedley replied that it would appear that the Indians would not consent to a surrender of the Manitoba reserve, but probably would surrender the Saskatchewan one. Pedley then authorized agent Robert Logan to inquire whether the Indians would surrender the Swan Lake reserve. Soon after, the Reverend John McDougall wrote to Pedley, on August 6, 1907, saying that the Minister had asked him to look into the Swan Lake surrender and to send him the file. McLean replied to McDougall by saying that the Department had in fact decided to approach the Indians for the Swan Lake reserve first, then the Battleford one, and that Agent Logan was planning to meet with the Band in August. Although it is not clear whether Logan did meet with the band, McDougall went to the reserve in September 1907 to begin negotiations for a surrender (*ibid.*).

**SWAN LAKE
IR 7 AND 7A**



MUSCOWPETUNG IR 80

Surrender of 1909

Location: Qu'Appelle Valley, Saskatchewan

Reserve surveyed: 1881 and 1882 by John C. Nelson

Size: 38,080 acres

Area surrendered: 17,600 acres

Treaty 4

Muscowpetung and Qu'Appelle Agencies

Chief Cheecuck and his Cree/Saulteaux Band adhered to Treaty 4 in 1875 and took a reserve in 1881 in their Qu'Appelle territory, just to the west of the Pasqua reserve. In 1882 Surveyor John C. Nelson adjusted the boundaries to correspond with the township survey.

Nelson described the reserve lands as being composed primarily of first-class soils. According to the Tyler, Wright, and Daniel 1988 research report, band progress in agriculture in the 1880s and 1890s was uneven, but there was a gradual trend towards self-support. Muscowpetung was in the Muscowpetung Agency, along with Piapot and Pasqua.

In 1893, the headmen of Muscowpetung and Pasqua sent a petition to the House of Commons with a list of grievances. The government was not giving rations; the wood supply, from which they were making a living, would soon run out; the permit system interfered with sales; the instructor controlled access to the grist mill; Commissioner Hayter Reed would not let them have a binder for fear it would make them lazy; they were wasting effort caring for government cattle; they got no cash payment for hauling hay for agency cattle; they were in debt for food; Agent Allan McDonald and Commissioner Edgar Dewdney had left; and the present Agent was allowing the fields to go to grass.

The Agent at the time was John Bean Lash, and the Commissioner was Hayter Reed. Both refuted the allegations of the Band. Reed wrote: "The agent, Mr. Lash, is a humane man, but possessed of the firmness required in the best interests of the Indians themselves." Lash alleged that the complaints were orchestrated by Thomas Stevenson from the Band, who was relatively well off, had bought his own binder and many other implements, and was always promoting dissatisfaction. Lash also said that the people were well fed and were prone to complain. The abandoned fields were ones on the valley bottom which were not used any more for crops (NA, RG 10, vol. 3900, file 99907, correspondence of March 1893).

Over the next few years, Lash reported improvements in cattle holding, housing, wage labour, and sales. When the next agent, J.A. Mitchell, came in 1899, he corroborated the complaint that hauling hay for the agency, paid in provisions, took up all the time in the winter, keeping the men from earning cash or from selling the hay for cash (NA, RG 10, vol. 7769, file 27114-2, letter March 1, 1901, to McLean). Mitchell's letter was apparently not answered, and the next agent, W.M. Graham, reported for 1902 that "progress on this reserve during the year has been marked." Few rations had been issued, and the Indians were largely self-supporting (Canada, Department of Indian Affairs, *Annual Report*, 1902, 162-67). In 1903 an article appeared in the *Winnipeg Telegram* which described the Indians of the Qu'Appelle Agency as the most prosperous in the Dominion. The article credited Graham for encouraging industry and education, and for setting up the File Hills Colony. The Muscowpetung and File Hills agencies had been amalgamated in 1901 under Graham to form the Qu'Appelle Agency.

On January 13, 1902, George Bulyea, Commissioner of Agriculture for the North-West Territories, wrote to Minister Sifton about some "correspondence between some gentlemen at Qu'Appelle, the agent at Muscowpetung, and myself" in reference to a surrender from both Pasqua and Muscowpetung. The agent had shown himself willing to ask for a surrender, but a similar proposal had been voted down by the Indians several years before on the assumption that all the money would be funded for the children and none distributed to current residents. Bulyea asked if the interest could be distributed annually, and what the arrangement had been at Moose Mountain (NA, RG 10, vol. 3994, file 195126-1). In reply, Secretary J.D. McLean told him that the Moose Mountain interest would be paid out annually or semi-annually; this was standard departmental policy. Bulyea later inquired into the availability of lands from Pasqua, after the 1906 surrender.

In 1904 McLean wrote to Graham, now Inspector for South Saskatchewan, with a report from J.A.J. McKenna, Assistant Indian Commissioner, outlining a proposal made by a Dr Kalbfleisch, Medical Inspector for the Qu'Appelle Agency, for a surrender of grazing lands at Muscowpetung. Graham was asked for a report, and on January 16, 1905, he called a meeting of the Band to discuss the proposal (NA, RG 10, vol. 5079). He reported on January 23, 1905, to McLean that only 300 acres of the reserve were cultivated, that the Indians could afford to sell a large part of the reserve on the south side, and that it would bring \$8 to \$10 per acre. When he met with the Band, he

proposed to take a surrender of the bottom 1½ rows. All but two or three of the male voters were present, and they all voted against a surrender (NA, RG 10, vol. 3562, file 82/7).

Local settlers began to press for a surrender. Letters were received from C.P. Beeching, J.H. Beeching, G.M. Yerpa, W.A. McKenzie, Neil Finley, and H.T. Smith in 1905; some were addressed to the Indian Department, and others to the Interior Department, and all reported the rumour that over 10,000 acres of Muscowpetung were to be opened to settlement. The story was apparently reported in the Winnipeg *Free Press*. McLean replied to them all by saying that the Department was not intending to take a surrender, and that a surrender was necessary before sales could be made (NA, RG 10, vol. 3994, file 195126).

Graham's report on Muscowpetung for 1905 was not as positive as earlier reports had been; many of the men were of advanced age, and not all the housing was up to par. The cattle, however, were doing well, but not all the farming land was being used (Canada, Annual Report of the Department of Indian Affairs for 1905, 144-49). At the end of 1905, he wrote to Frank Oliver to suggest a plan for taking surrenders from both Pasqua and Muscowpetung (see Chapter 5).

At this time, it was becoming known that the Grand Trunk Pacific was planning to build a branch line from Melville to Regina which would pass through or near the Pasqua reserve. This line would have affected local demand. The Grand Trunk Pacific incorporated a branch lines company in July 1906, and this was one of the first branch lines approved by legislation.

MUSCOWPETUNG IR 80

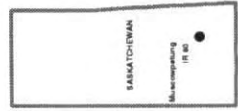


Qu'Appelle
River

Pusqta
(Qu'Appelle)
Lake



Surrendered
1909



THE KEY IR 65

Surrender of 1909

Location: near Kamsack, Saskatchewan

Reserve surveyed: 1883 by A.W. Ponton

Size: 24,320 acres

Area surrendered: 11,500 acres

Treaty 4

Pelly Agency

The Key signed an adhesion to Treaty 4 in September 1875. At that time the Band of 27 Saulteaux families was living on the Woody River, in what is now Manitoba. They had been living there for a number of years before the first reserve was surveyed for them by William Wagner in 1878.

There was some flooding of the reserve in 1881, and the Department moved the Chief and 12 families west to a new reserve site near Pelly. The remainder of the Band moved to the mouth of the Shoal River, a traditional hunting ground. In the summer of 1883 A.W. Ponton surveyed a reserve at Pelly IR 65 for the Key and the families who moved west with him.

A series of small reserves was surveyed in Manitoba for the Shoal River people between 1888 and 1893. Until 1902 the two groups were paid on one list; subsequently, they were paid separately for the convenience of the paying agents. The Shoal River people became known as the Shoal River Band, although no formal band separation was recorded.

Agent J.A. Markle from Birtle came over to Pelly on occasion to deal with the Indians of Key, Keeseekoose, and Cote. He came to conclude, in a letter to Commissioner Hayter Reed on September 5, 1888, that the Shoal River people, who were primarily hunters, were more economically independent than the Pelly people, who were having difficulty making a living by farming. Reed recommended that a separate agency be established at Pelly, and W.E. Jones, clerk at the Touchwood Agency, was appointed as the first agent (NA, RG 10, vol. 3805, file 51162).

Jones found the economic situation in the new agency to be difficult; the Indians had received little assistance in farming, and their general health was not good. The fish and game supply was rapidly diminishing, the growing season was short, especially at Key, and there was a shortage of haylands (ibid.; see also RG 10, vol. 3817, file 57414, letter from Jones, April 20, 1889).

Jones's next move was to have haylands set aside between the Assiniboine and White Sand Rivers for the agency as a whole. In 1892 the lands were surveyed by Ponton, and they were

approved as a supplemental reserve for the Pelly Agency by Order in Council in 1893. At the time of survey, Ponton raised the issue of whether any or all of the bands of Pelly should give up part of their existing reserves to acquire the haylands as an extension, primarily because their populations were dropping and they had an excess of land under treaty (letter to Reed, January 9, 1892, no file reference).

As the bands began to use the haylands, they were becoming reliant on the cattle industry and were increasing their cattle stock. The 70 people living at Key's reserve at Pelly had 94 head of cattle; by 1896 the number of cattle had risen to 225. Stock raising had largely replaced grain, supplemented by seneca roots, furs, freighting, and wage labour (Canada, Department of Indian Affairs, *Annual Reports*, 1892, 59-61; 1895, 102; 1896, 205).

In late 1898 the portion of the Pelly haylands closest to the Key reserve, the northern half (Township 31), was withdrawn by the Department of the Interior for use as a Doukhobor reserve. Subsequently, the Department began to discuss which of the Pelly Agency bands should get the remaining haylands (Township 30) in exchange for land from their own reserves (NA, RG 10, vol. 7770, files 27117-1). Initial discussions between Commissioner David Laird, the Agent, and Headquarters focused on Keeseekoose and Cote as possibilities, but when a new agent, Henry Carruthers, got involved in 1903, the interests of the Key Band were put forward. Carruthers met with the Band on December 14, 1903. He reported to Laird on December 21 that the Band wished to surrender land on the west side to make the exchange, and to surrender additional land, 8 square miles, for sale. The purpose of the latter was to buy mowers, rakes, wagons, clothing, and a new threshing machine for younger farmers, who would move onto the haylands:

After a long talk a vote was taken, each male member of the Band, of the full age of twenty-one years, being allowed to vote. I enclose you herewith the original voting list, by which you will see that the proposals were carried by a majority, only the Indians voted against it; the Treaty Halfbreeds and workers all voted for it.

Nine voted in favour of the surrender proposal, mostly the Brass family, and five voted against, including the Chief (NA, RG 10, vol. 3561, file 82/1).

Assistant Commissioner J.A.J. McKenna asked Carruthers about the results, and on March 11, 1904, Carruthers said that the Chief's family were the primary opponents and that they were

hunters, not farmers. The primary reason why the Chief was reluctant to vote in favour was that he was afraid that if he agreed now, he would be asked to surrender more land later on and the reserve would be lost.

It was the young Brasses who wanted to move to the southern part of the haylands, especially given the problems with early frost on the existing reserve. Only two men were missing from the meeting, Carruthers went on to say, and it was likely that their votes would have cancelled each other (NA, RG 10, vol. 7770, file 27117-2).

The Department did not respond to the vote, even though Carruthers was still pushing the issue of exchange in 1904 and 1905. On January 18, 1906, Inspector William M. Graham wrote to Secretary J.D. McLean, in answer to an inquiry about Key's interests in the haylands pending their transfer to Cote instead, and said that, in his consideration, Key had sufficient land for its requirements (*ibid.*).

In 1908, E.L. Cash, the MP for Yorkton, inquired about a surrender of the Key reserve and was told by Pedley on April 30 that the Department had "no correspondence intimating a desire on the part of the Indians or any action towards a surrender of the Key's reserve" (*ibid.*). On July 24 the next Pelly agent, William Blewett, reported that the Band wished to surrender part of the reserve to obtain horses and implements for farming. It had proposed the following conditions:

13 sections of land would be surrendered, including a mile wide strip on the west side, and a one and a half mile wide strip on the east side

Only those at present taking Treaty at Key's reserve to participate

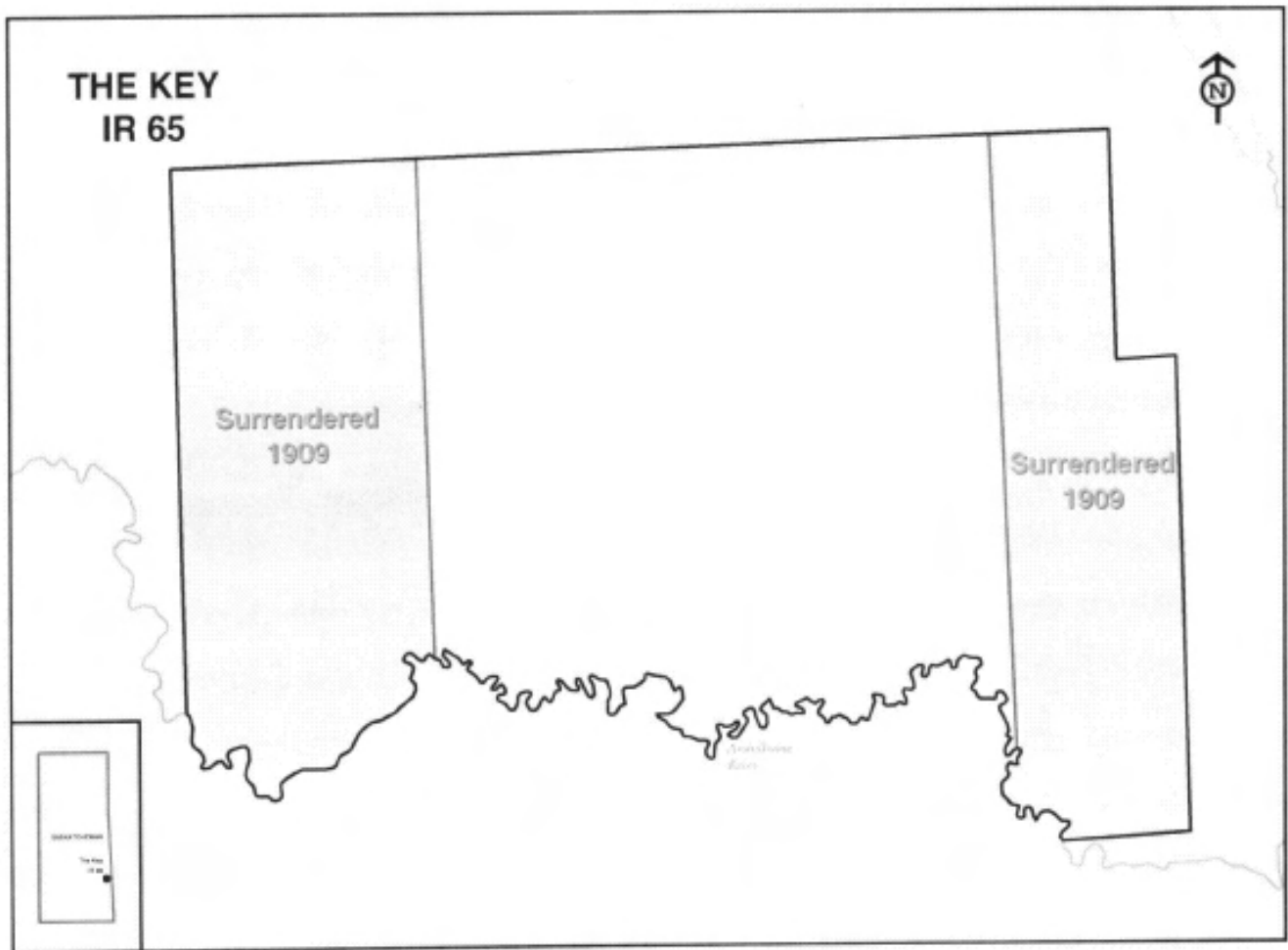
The cash payment at time of surrender to be \$80/head

Owners of houses and improvements to be compensated.

Blewett endorsed the proposal, citing the need to get outfits for farming (NA, RG 10, vol. 4039, file 329759). The letter appeared just after the paying of annuities in the Pelly Agency, and after the third Cote surrender of 1907. Graham forwarded Blewett's letter to the Department. He inquired of McLean whether the Key people at Pelly were formally separated from the Shoal River people. He also noted that the Key people at Pelly had a lot of poor land on one section of the

reserve, which would be difficult to sell, and fair land on another section. A surrender would still leave them with all the land they needed (ibid.).

There was little response to this correspondence, but Graham kept the surrender on his agenda. He did not have his first meeting at the Key until January 18, 1909. It is not known whether Graham met with some band members at the July annuity payments. Normally, inspectors were expected to be present.



BOBTAIL IR 139

Surrender of 1909

Location: south of Edmonton, Alberta, at Wetaskiwin

Reserve surveyed: 1885 by John C. Nelson

Size: 20,160 acres

Area surrendered: 10,880 acres; remainder granted to Samson and Montana Bands

Treaty 6

Hobbema Agency

Chief Bobtail adhered to Treaty 6 in 1877 and consented to have a reserve surveyed in 1885 by John C. Nelson. Bobtail and his people believed that the reserve was too small, and they did not move onto it, living instead at the Samson and Ermineskin reserves. In 1886 Bobtail and many of his band members took scrip. In 1887 some members petitioned to be readmitted to the Band, but they rejoined the band members living on other reserves and did not move onto the Bobtail reserve. The reserve remained vacant until the 1896 migration of treaty Indians from the United States to Canada. These Indians had fled to the United States after the rebellion, but they were deported back to Canada in that year. Although some returned to the States, others joined bands in the West. One group, who called themselves the Montana Band, was composed of families who had left several different bands in the northwest in 1885, primarily from the Battleford, Peace Hills, Edmonton, and Hobbema districts, but who had relatives in Canada. They moved onto the Bobtail reserve and began to claim it as their own (Lupul 1978, 29).

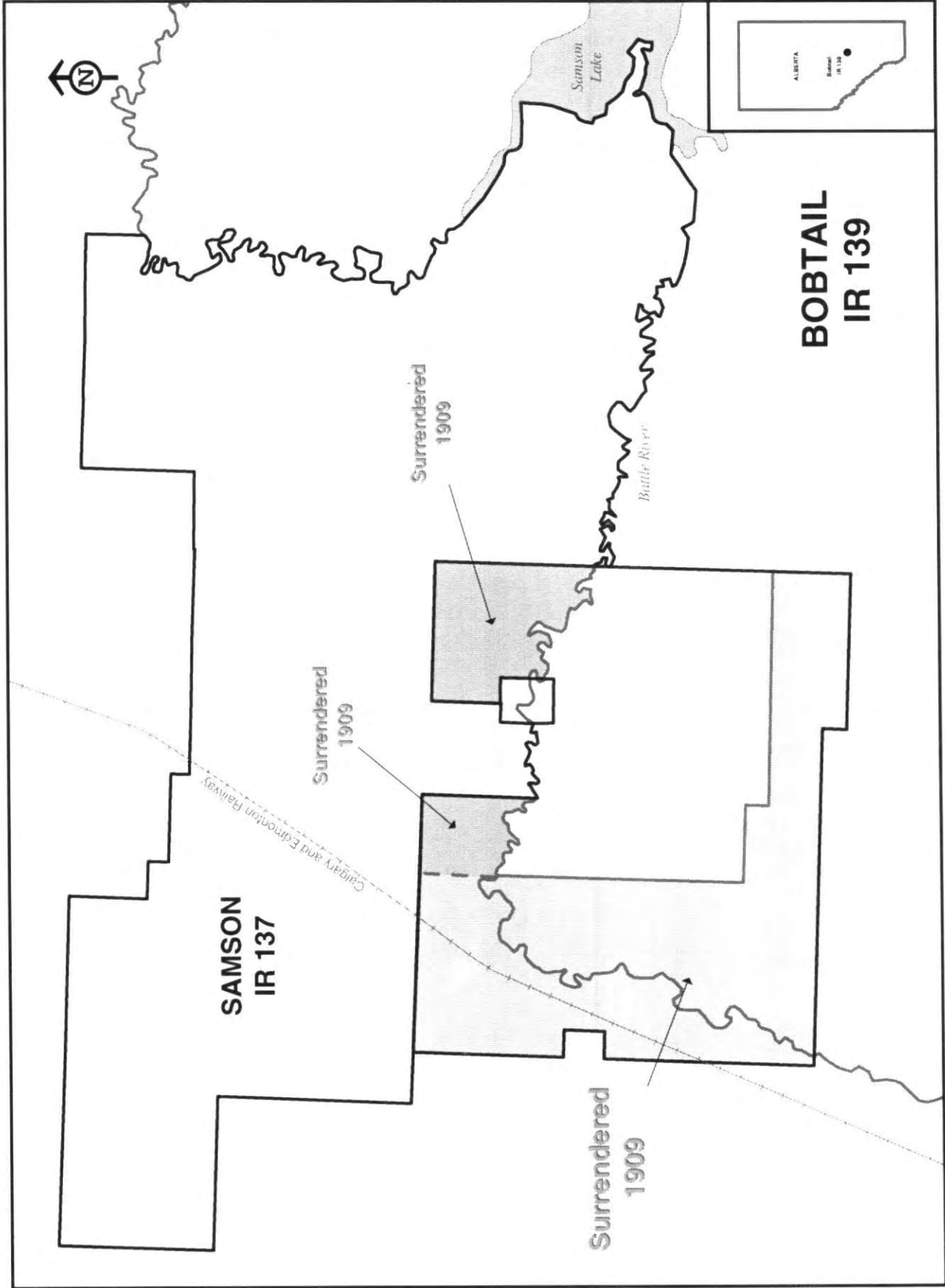
The uncertainty of who owned the reserve was a lever for those who wanted to open it to settlement. In 1901 Dominion Land Agent William Pitcairn went to the Hobbema Agency to scout for land that might be obtained for settlement, and he reported that the Bobtail reserve would be a good candidate for a second surrender in the Hobbema area (the first being Sharphead in 1897). He thought that the Montana Band had no title to the reserve. Indian Commissioner David Laird pointed out that the Montana Band had been recognized by the Department as the owners, and he argued against a surrender because the reserve contained good timber for the other reserves. In that same year, 1901, a right of way was taken through the western boundary of the reserve for the Calgary and Edmonton Railway (Lupul 1978, 30-31).

In 1904 J.A. Markle, who was newly appointed as Inspector, concluded that each band in the Hobbema Agency could spare land without risk. He almost succeeded in getting Chief Samson to

surrender eight sections of his reserve in 1904. Repeated meetings were held on reserve, according to the Agent, W.S. Grant, and in October the Chief agreed to sell nine sections at \$20 per acre minimum. Grant reported on October 17 that he had counselled the Band to lower the price, but the lowest it would go was \$15 per acre (NA, RG 10, vol. 3563, file 82/15). Discussions continued over the winter, and, in April, Laird was authorized to take a surrender from Samson's Band, a task he delegated to the Agent. A formal meeting was held in July 1905. The Chief argued in favour of surrender, but he was opposed by a majority of the voters, who claimed the reserve was already too small, the white people too close, and a surrender would only make it worse. According to Agent Grant, who was present at the meeting in 1905, they also said there was no rush to surrender because, over the years, the value would increase. There was no point in surrendering now if, when they decided to surrender later on, their children would be grown and self-supporting, and they could obtain better prices (*ibid.*, 32; see NA, RG 10, vol. 3563, file 82/15, letter of Grant to Laird, July 18, 1904).

In 1906 Markle tried again to approach the Samson and Bobtail Bands, with the idea of amalgamating the two bands and the two reserves, and surrendering the excess land under treaty by current population. With the combined populations, this excess would amount to five sections. It would involve the Montana people as well, since he calculated that they had an excess of land under treaty, and Samson had a shortage, as their population had grown. Some of the excess land on Bobtail would make up the shortage for Samson. Markle also wanted 10½ sections off of the Ermineskin reserve. Markle then went so far as to argue that in the event of surplus land under treaty, where current population had dropped, the extra land should be removed from reserves without consent (NA, RG 10, vol. 4012, file 266600, letter of January 5, 1906).

Markle made some further suggestions in his letter. He recommended that if this expropriation should occur, 15 per cent of the proceeds of sale should be put to the credit of the Indians to purchase farm equipment, and the remaining 85 per cent placed in trust to draw interest. The interest moneys generated could also be used for farming, or for helping the aged and infirm. And, finally, he said that he believed that the Calgary and Edmonton Railway would soon need station grounds on the Bobtail reserve (*ibid.*). (See also chapter 5.)



MOOSOMIN IR 112

Surrender of 1909

Location: 12 miles from Battleford, Saskatchewan, between the Battle and Saskatchewan Rivers Reserve surveyed: 1881 by George A. Simpson; 112A, 1887 by John C. Nelson

Size: 14,720 acres (excluding 112A, 1280 acres set aside for Moosomin and Thunderchild jointly)

Area surrendered: 23 square miles

Treaty 6

Battleford Agency

At the time of Treaty 6, the Moosomin people were part of a mixed Cree-Saulteaux Band under Chief Yellow Sky. Headman Moosomin and his people, who were Cree for the most part, began to accept treaty payments in 1878, and had a reserve set aside for them in 1881. Moosomin was recognized as chief by Indian Affairs in 1884. The remainder of the group, the Saulteaux, stayed out of treaty for many years.

Simpson described the land as being of excellent quality. The Band was able to start farming at the time of survey and gradually expanded the cultivated area of the reserve. In the 1890s the focus began to shift, as it did for many reserves, from grain crops to cattle ranching, and the reports were favourable. The Band was making a comfortable income from cattle, grain, hay, and timber sales, and from wage work for farmers (McMahon 1985, 4-7). By 1906 and 1907 the annual reports noted that the Band was self-sufficient, was buying farm machinery, and had a prosperous cattle industry (Canada, Annual Report of the Department of Indian Affairs for 1907, 117). This trend continued up to the taking of the surrender.

The local MLA, B. Prince, wrote to Saskatchewan MP T.O. Davis in 1902 to point out that the Thunderchild and Moosomin reserves were in the “centre of settlement” and “between the two rivers.” Prince’s purpose in writing was to have the reserves opened to settlement (NA, RG 10, vol. 7795, file 29105). The Department replied to Davis that this idea might be a good one, but that it would require consent from the Indians. Meanwhile, the Department would investigate. There is no signature on this letter, and it might well have come from Sifton or Deputy Superintendent General James Smart (ibid.).

The same day, April 25, that this letter went to Davis, Smart wrote to Secretary J.D. McLean for a report on the reserves. This request, including a proposal to move the Indians to the north side of the Saskatchewan River, was forwarded to the Indian Commissioner, David Laird, and the report

that returned to Ottawa stated that the Band had cultivated 220 acres and had a number of outbuildings. An inquiry was sent to Inspector W.J. Chisholm by Laird, and Chisholm responded on April 30 that the land across the river was good land, but not as well wooded; still, an exchange would be suitable, in spite of some potential objections from the Band. In his report to McLean on what Chisholm had said, dated May 7, Laird said he doubted that the Indians would consent to move any farther than to a location just across the river (*ibid.*; also vol. 3563, file 82/11).

The Canadian Northern Railway line was surveyed near the reserve, and it began to be a factor in the perceived value of the reserve land. The line crossed the reserve, and the Highgate station was placed on the reserve. The right of way required 93.25 acres, and the station grounds 9.24 acres. The line provided an easier market for the Band, but it also made the land more valuable to others. Because Battleford area residents kept the question of a surrender open, the residents of the reserves were also nervous about the issue. A request in 1905 by Thunderchild to surrender a branch reserve, IR 115A, for a new sawmill site near Birch Lake also kept the surrender question simmering (McMahon 1985, 11-12). The Reverend Jervais Newnham, the Anglican Bishop of Saskatchewan, wrote to Laird on October 3, 1906, and pushed a surrender on the point that the land was currently being wasted on too few Indians. Laird answered promptly, suggesting that the Indians would be unlikely to agree to a move (NA, RG 10, vol. 3563, file 82/11).

Soon after that, on November 23, Josie Moosomin, son of the now-deceased Chief Moosomin, wrote from the Moosomin reserve expressing fears about being asked to surrender the reserve. Some men on the reserve, the less industrious ones, were willing to sell, but he believed this was wrong. His letter prompted an inquiry to Agent J.P.G. Day about why Josie Moosomin expressed this concern. Day wrote back explaining that seven Indians had approached him about selling, claiming that others felt the same way, but that he had not pursued the matter because it had not come from the majority. Josie Moosomin was not a Chief, he said (*ibid.*). In fact, there was no formally recognized Chief at this time.

Deputy Superintendent General Frank Pedley nonetheless forwarded a request to the Lands and Timber man, W.A. Orr, to have the matter of the surrender of the Moosomin and Thunderchild reserves taken up with the Indians, on the basis of a cash down payment. Before Orr could reply formally, Pedley had sent surrender forms to Agent Day. When Orr advised against holding such a

discussion with the Indians until the Department had thought through the terms, Day was told on January 28, 1907, to hold off on his approach to the Band (NA, RG 10, vol. 7795, file 29105).

Discussions continued inside the Department of Indian Affairs. Orr wrote to Pedley the next day, saying that, according to current population, Moosomin had a deficit of land and Thunderchild a surplus. It would make sense to have the bands surrender their entire reserves and buy new ones of appropriate size, and then to fund the balance to the Indians after deducting removal costs and an additional 10 to 20 per cent to reimburse the Department for the costs of purchase. Pedley immediately sent this suggestion on to Minister Frank Oliver: "I am satisfied, from the past experience of the Department," Pedley advised, "that the Indians will desire to have some voice in the location of the new reserve, in case they were disposed to relinquish their rights to the present ones, and I am of the opinion that the Agent should discuss this matter with the Band to ascertain, if possible, their opinion with reference thereto" (*ibid.*, letter of February 9).

Meanwhile, articles began to appear in the local Battleford press about the upcoming surrender, and the Department received letters of inquiry. Day reported that the Indians were beginning to think the matter prearranged, without their consent. In addition, he said, "busy-bodies" were at work on reserve, dissuading the Indians from a surrender on the basis of their own self-interest. Day proposed that he visit Ottawa to discuss terms and to draw up surrender papers, after which he would call a meeting of the Band to vote on the surrender. He warned against having any lapse in time between the discussion of the surrender and the voting, since it would allow the agitators to argue against the surrender (*ibid.*, letter of February 15, 1907). On March 23, as he had been requested, Day submitted a proposal to the Department for a surrender. His offer included:

That an area equivalent to the current size of the reserve be located at Bright Sand Lake

That improvements be paid at \$4/acre, that \$1/acre be expended in cash distribution, \$1/ for outfits, and the remaining \$2/acre funded with semi-annual interest distribution.

That the government set aside a timber berth for the Indians, with a shingle mill and planer

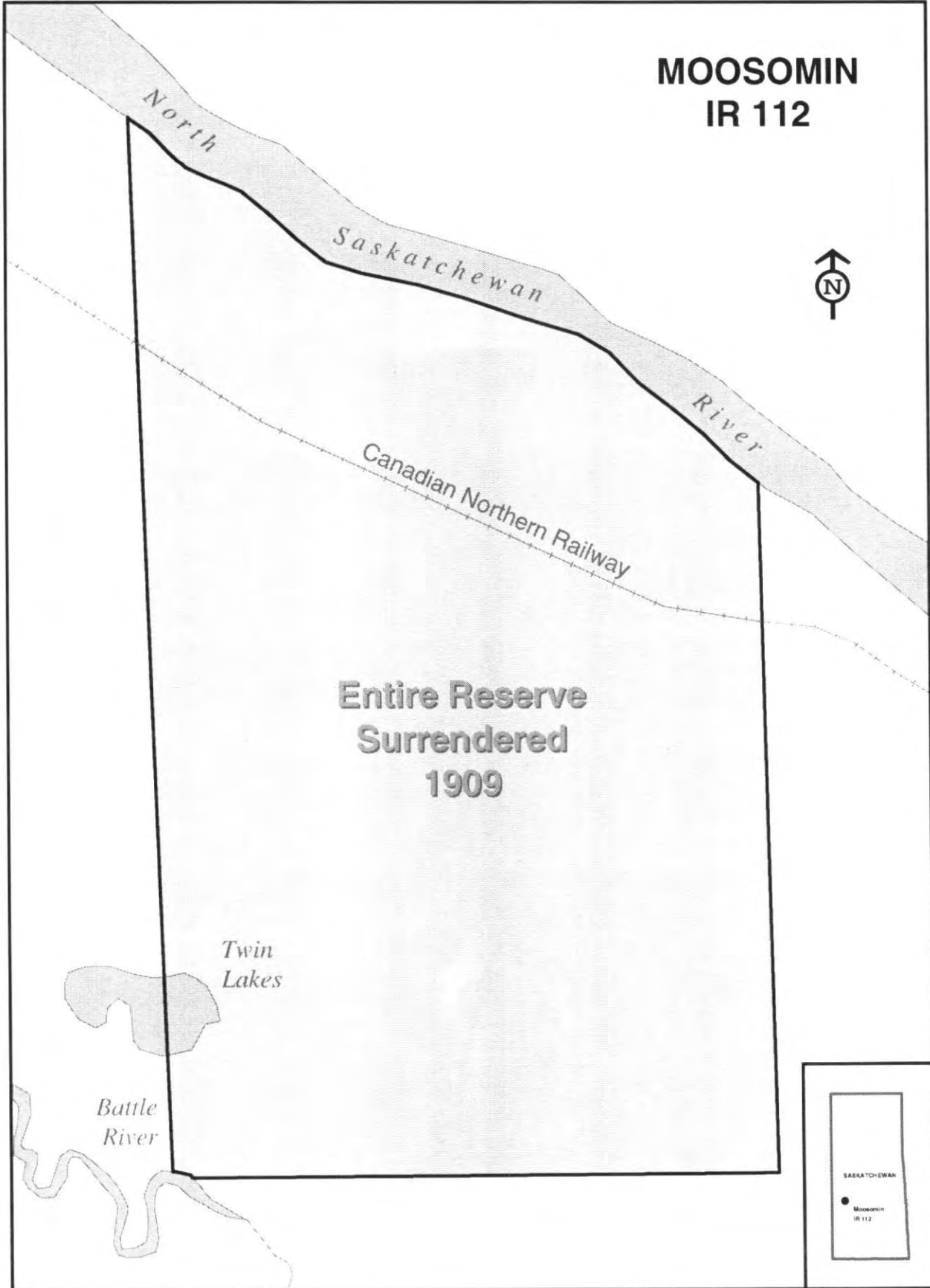
That the Indians have a free issue of rations for six months.

Day advised the cash distribution because the Indians had been “badly advised” by other Indians and white people that if they did not ask for an immediate distribution, they would have to wait for any benefit to accrue. “If I have this money to work on, the transfer can be made.” Day estimated the price of CPR land in the area as \$12 per acre. The band members, feeling uneasy, wrote to Laird to find out if a surrender was being contemplated, and he said he was not aware that there were any such plans (*ibid.*). It is possible that Laird was not aware of what was being planned because his office was sometimes omitted from the chain of communication.

At the same time, George McCraney, Liberal MP for Saskatchewan, wrote to Pedley in reference to a meeting the two had had a couple of months previously with Mr Prince and Mr Champagne, the MLA for Battleford. The men had discussed the removal of the two bands from the reserves, and McCraney now asked when it could be expected that the approach would be made to the Indians. Pedley replied that the matter was in progress (*ibid.*).

Pedley then took Day’s proposal to Oliver, including an estimate of up to \$150,000 to pay the costs of the surrender in advance. In his April 25 memo, Pedley recommended a sale of the land at \$8 per acre, with half the proceeds to go towards Day’s terms, and the remainder, \$4 per acre, to be used to purchase land from the Department of the Interior. This proposal was followed by more internal correspondence, and was finalized in July. The instructions sent to Day on July 11, 1907, included a \$10,000 down payment to each Band, in addition to removal costs, compensation, six months of rations, a shingle mill with an engine and planer, and the purchase of new reserves at \$3 per acre. If there was any money left over, it would be funded to the Band (*ibid.*).

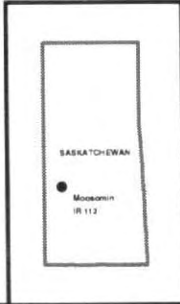
**MOOSOMIN
IR 112**



**Entire Reserve
Surrendered
1909**

*Twin
Lakes*

*Battle
River*



PEIGAN IR 147

Surrender of 1909

Location: southern Alberta, just south of Fort Macleod

Reserve surveyed: 1882 by John C. Nelson

Size: 181.4 square miles, plus timber limit of 7360 acres

Area surrendered: 23,500 acres

Treaty 7

Peigan Agency

No research has been done on the economic history of this surrender.

The Peigan people signed Treaty 7 in 1877 under Chief Eagle Tail. In 1882 John C. Nelson surveyed a reserve for them near Fort Macleod.

By the end of the century, the economy was shifting towards a livestock industry, rather than one based on farming. The Department had been issuing rations in the Treaty 7 area, and there was a renewed attempt to gain self-sufficiency by reducing rations and by buying cattle for the reserves. Also in late 1902, a grazing lease was let with Maunsell Brothers of Fort Macleod.

In 1897-98, the CPR acquired a right of way and station grounds through the Peigan reserve (and also through the Blood reserve) for its Crow's Nest Pass line. A total of 359.7 acres were taken for the right of way, and 91.8 acres for station grounds. Compensation was set at \$4 per acre. The line posed problems for the cattle industry because it would sever the grazing lands from the water of the Old Man River. It would be necessary to put crossings in place and build fences to keep the cattle off the tracks. Inspector T.P. Wadsworth made these points in a letter of March 12, 1898, when he pointed out that the loss of access to the river would be a major economic loss to the band, one worthy of compensation (NA, RG 10, vol. 3560, files 81/19 and 81/20).

In 1899, the local Western Stock Growers' Association protested against the plan to build a fence, on the basis that the protection for the cattle was offset by the impediment to their movement, especially if a storm forced them up against the fence. The CPR accepted this argument and refused to build a fence, and the dispute dragged on for years. The Indian agents were adamant that the fence was needed, especially as livestock were being killed. J.B. Lash, the Secretary to the Indian Commissioner, wrote to Department Secretary J.D. McLean on July 22, 1899, saying that the stockmen did not want the fence for the simple reason that it would interfere with the current situation of having their cattle graze on the reserve for free (ibid.).

As the dispute went on and more livestock were killed, the issue broadened to include compensation for the animals. Law Clerk Reginald Rimmer wrote in 1899 that the CPR probably could not be compelled to provide a fence unless gross negligence could be shown. When the grazing lease was let, Maunsell Brothers also pushed for a right-of-way fence. Finally, in 1906, the CPR built the fence (NA, RG 10, vol. 3968, file 155036).

On December 10, 1906, W.A. Orr of Lands and Timber Branch wrote to the Deputy Superintendent Frank Pedley about a request for a quarter section on reserve for townsite purposes. The request had come from John Herron, MP. Pedley replied on December 18 that a surrender was necessary and that it was very doubtful if the Indians would consent to a surrender of the quarter section in question (NA, RG 10, vol. 4034, file 302340-1).

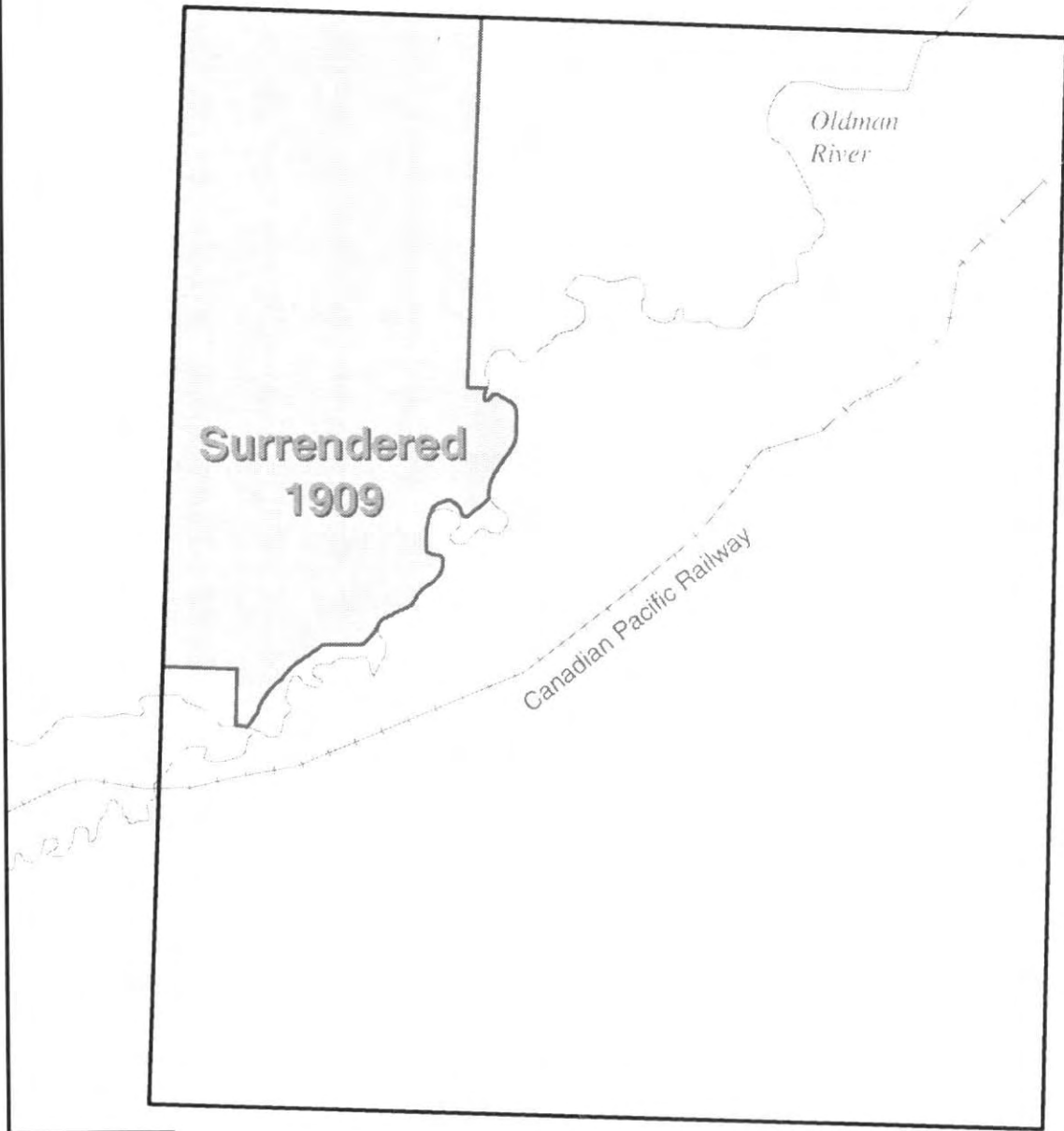
Just as Agent J.A. Markle began discussions in 1908 with the Band about a surrender for a townsite, and possibly some additional land, it seems there was a proposed change of route for the CPR line. Discussions were postponed pending the announcement of a diversion of the line near Brocket station (see NA, RG 10, vol. 3968, file 155036, letter McLean to Markle, May 19, 1908).

On September 28, 1908, McLean responded to an inquiry from A.P. Forszen, of Hurdsfield, North Dakota, about the sale of the reserve. The land has not been surrendered and the reserve was not open for pre-emption, he said. If they were to be sold, it would be “for the best prices obtainable in the interest of the band of Indians owning the same” (NA, RG 10, vol. 4034, file 302340-1).

This inquiry was followed by one in early 1909 from Solomon Edwards, of Staples, Ontario, and one from F. Ferland, of Fall River, Massachusetts, both also saying that they understood the reserve was to be opened in the spring of 1909 (*ibid.*). In June 1910, MP John Herron again wrote to the Department pressing for a surrender (*ibid.*).

Further research is needed into conditions on the reserve and in the surrounding area during the time of this surrender.

**PEIGAN
IR 147**



BLACKFOOT/SIKSIKA IR 146**Surrender of 1910***Location: southern Alberta, on the Bow River, near Gleichen**Reserve surveyed: 1883 by John C. Nelson**Size: 300,800 acres**Area surrendered: 115,000 acres, on the south side of the reserve**Treaty 7**Blackfoot Agency*

The Blackfoot of the southern plains signed Treaty 7 in 1877 under three chiefs: Crowfoot, Heavy Shield, and Old Sun. When Heavy Shield died, the Blackfoot settled under the other two chiefs on a reserve on the Bow River, near Blackfoot Crossing. The next few years were very hard ones, with cold weather and starvation as threats, as well as a nearby whisky trade. The CPR ran along the north side of the reserve. Rations were issued after 1879, and Cecil Denny was appointed as Indian Agent. The people began to farm in the early 1880s (Jobson 1990, 11-15).

An irrigation ditch was built in the early 1890s, and over the years the two camps of the reserve developed a mixed economy of selling hay, mining, hunting, farming, and ranching. As with many other prairie reserves, ranching became a viable source of income in the 1890s. Until the early years of the new century, there was a strong dependence on rations until the surrounding settlement grew into a source of markets and wage work (Jobson 1990, 16-22).

Agent J.A. Markle came to the reserve from Birtle, Manitoba, in 1901 and began a policy he became known for – cutting off rations to all but the old and infirm. People complained of the lack of food, and some of the elderly allegedly died. Poor health and hard winters continued to take a toll (Jobson 1990, 23-25). Tuberculosis was prevalent, spread by contact with cattle, by housing conditions, and by residential schools.

Markle became Inspector of Agencies in Alberta in 1904 and began his campaign to take surrenders. In February 1907 F.H. Malcolm of Malcolm's Western Canneries wrote to Commissioner David Laird to ask whether his company could procure 1 square mile of reserve land between the CPR and the Bow River. He offered \$5 per acre, the price of CPR lands farther south. The question was referred to Markle, who replied that he saw no point in surrendering this small parcel unless a larger block of land to the east of the site was also surrendered, but that he doubted the Band would consent. In reporting Markle's opinion, on February 18, Laird said that land anywhere near the railway should bring as much as \$15 or more an acre. He did not believe that the matter should be

dropped. Although the canneries would bring many employees near the reserve, and possibly “demoralize” the Indians, he felt it would be a mistake to impede the growth of the cattle industry (NA, RG 10, vol. 7541, file 29104). Markle may have approached the Blackfoot about this offer; Head Chief Running Rabbit told visiting artist Edmund Morris in that year to tell the government that they would never sell their land (Jobson 1990, 41).

Even though he thought the Indians would not agree, Markle believed that they had more land than they needed and that they should sell some outlying land to fund band endeavours (NA, RG 10, vol. 3563, file 82/18, Markle to Laird, February 7, 1907). The matter did not completely lapse and may have been reviewed internally by the Band, because in July 1908, a year and a half later, Markle was authorized by Deputy Superintendent General Frank Pedley to take a surrender. Markle began a series of informal meetings to ascertain people’s feelings on the matter and to offer them a recommended surrender of six townships along the southern boundary, where CPR and adjacent lands were bringing \$16-\$20 per acre. These figures could bring the Band \$1.5 million:

I have heard that Indians in Saskatchewan who surrendered land were paid in cash one tenth of the aggregate sum received for the land and without being told I have made up my mind that they expended the great portion of this money and that there is very little now [to] be seen for this money. The question to my mind is what it would not be more to the interest of the Indians to expend up to 20% of the sum received in something like to be visible for years to come than to give them 10% in [cash]. (NA, RG 10, vol. 3702, file 17537-3)

Markle recommended building better housing, providing farming outfits, fencing the reserve, and giving rations instead of paying cash. Department officials agreed with his proposal except for the promise of perpetual rations, which they felt ought not to be broached. The possibility of cash distributions of interest should be considered, they said, or the money might be placed under the control of the agent. Markle maintained that the promise of rations was the only positive point in accepting a surrender, according to Minor Chief Weasel Calf (who, he alleged, had broached the subject of a surrender of the southern part of the reserve with him). In Markle’s opinion, rations might be objectionable, but cash distributions were far more so (*ibid.*).

Markle met informally with the chiefs again on September 28, 1908, and reported to Secretary J.D. McLean the next day. Some of the older chiefs rejected any surrender, on any basis, and others wanted \$100 an acre. It was apparent to Markle himself and to the agent, J.H. Gooderham, that the

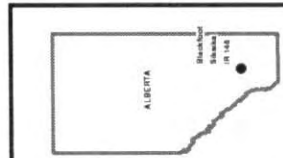
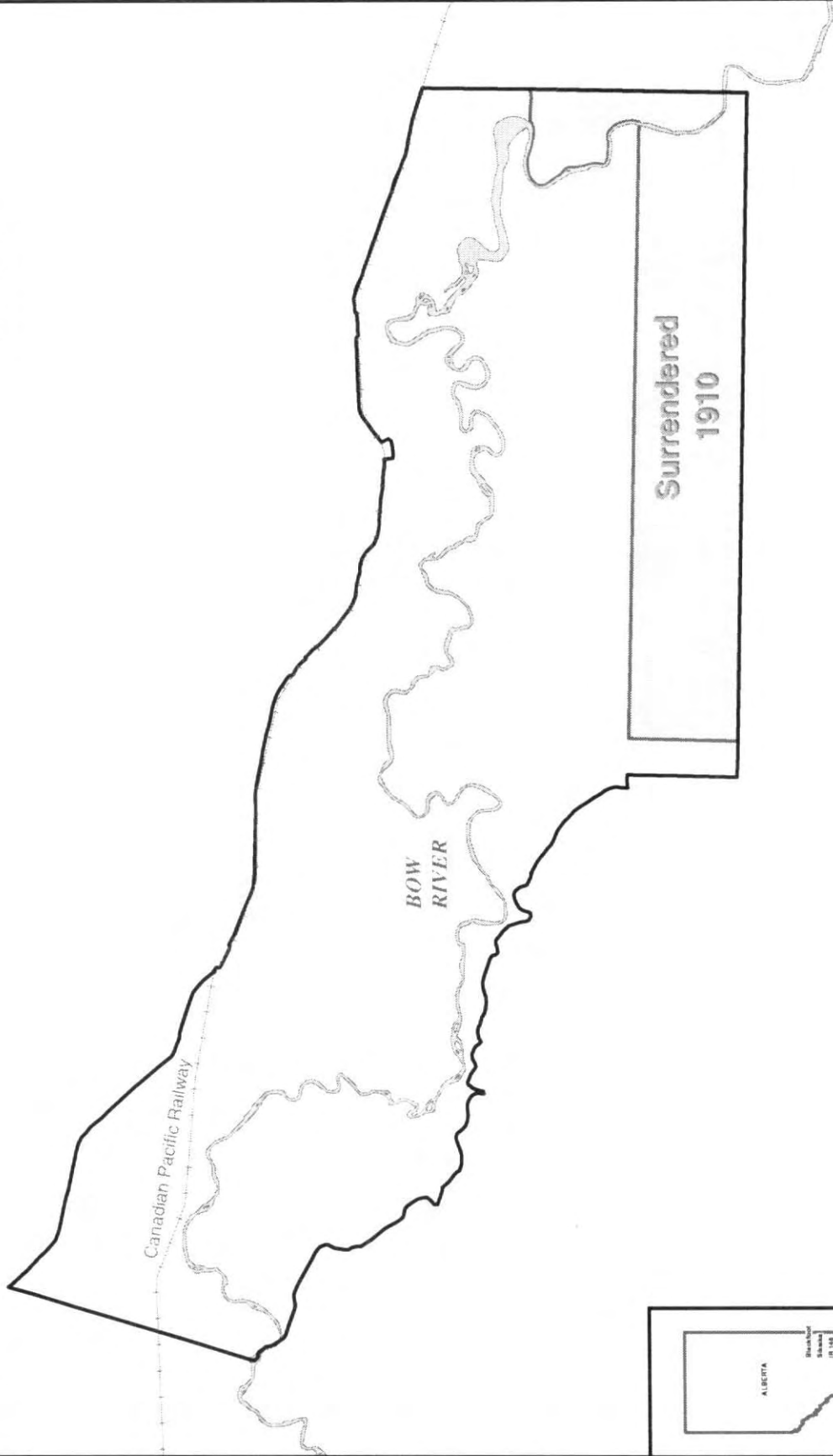
Band would not consent without a guarantee of rations. Besides, he pointed out that one-fifth of the Band was already on destitute rations and that the able-bodied were consuming them. Cash distributions might also not support the aged and infirm, Markle argued, so rations for everyone was a better answer. He had worked out a series of terms with the Band, listed in a separate memorandum. Heifers were to be bought for all who could care for them, and clothing given to everyone else. Fencing, road improvements, a steam engine, and a complete set of farm equipment, horses and harnesses, houses and furnishings were included; the interest money was to be spent on rations and other expenditures at the discretion of the Agent. The proposal also specified one unusual feature: that coal and other minerals were to be reserved by the Band (*ibid.*). Although it is possible that the terms allegedly negotiated came from the Band, they were very like the terms Markle had previously proposed.

Duncan Campbell Scott evaluated the proposal on behalf of the Department and wrote a memo on January 25, 1909, to Pedley to that effect, saying it was important that the Department be able to meet the terms of the surrender, or else the Indians would be distrustful and there would be no further surrenders in southern Alberta. Scott noted that the fulfilment of the conditions was dependent on high land sales, at \$10-16 per acre, and that if the land did not sell as high as they hoped, they could not meet the conditions, including the rations (the cost of which must be advanced until the interest account was sufficiently built up). Scott did not believe they would get more than \$8-10 per acre, as the higher price CPR land was sold on a “no crop, no payment” basis (*ibid.*).

On March 2, 1909, while the Department was considering Scott’s memorandum, C. Magrath, the MP from southern Alberta, wrote to Pedley saying that his friends in Gleichen, who had obviously been talking to the Blackfoot, wanted a north-south division of the reserve. He suggested selling land from the north, since the South Camp Indians were the most opposed to surrender. Eventually this group might also agree to sell. No response from the Department is on file. Nonetheless, when Scott’s evaluation was sent to Markle on March 16, Markle replied that he might as well return the surrender forms, since the Band would never agree to a surrender with such a low value attached (*ibid.*).

Apparently there was also a small surrender of land to the Southern Alberta Land Company for an irrigation ditch in 1909, with a small cash distribution (Jobson 1990, 43-44).

**BLACKFOOT/SIKSIKA
IR 146**



MISTAWASIS IR 103***Surrender of 1911******Location: near Leask, Saskatchewan******Reserve surveyed: 1878 by Edgar Bray******Size: 49,280 acres******Area surrendered: 1607 acres (1591 acres actually surveyed); 1917: 5066 acres; 1919: 11,520 acres******Treaty 6******Carlton Agency***

Chief Mistawasis signed Treaty 6 at Fort Carlton in 1876. He was one of the leaders of the Cree around Fort Carlton, and was also one of the first Treaty 6 chiefs to get a reserve. The reserve was surveyed in 1878 by Edgar Bray and was known as the Snake Plain reserve. The Band began to farm, but relied on a mixed economy, including wage work, freighting, and seneca roots during the first 30 years after survey. (The research reports contain little information on these activities, and they were not researched by the author.) In 1891, part of the reserve, a north-south strip, was subdivided into farming plots.

The reserve was subject to periodic inquiries about a potential surrender, as were most others in the fertile belt. In 1906 the Band began to look for ways to fund the building of a fence around the reserve. As the surrounding lands were homesteaded and purchased, settlers' cattle were coming onto the reserve. The Chief and councillors met on the reserve on March 19, 1906, with the Agent, to work out a plan. If the Department were to advance the money, the Band would reimburse it by collecting a \$1 per animal tax from each owner at the annuity payments. All the young men who did not own livestock would also pay \$1 each. No documentation exists to show the Department's response, but no fence was erected at that time.

In 1907, Agent Thomas Borthwick wrote to Secretary J.D. McLean that he was thinking of establishing a colony of young Indians in the southern part of the reserve. He wanted that part subdivided, to keep the band members from settling there in an "irregular" fashion. John Lestock Reid did this subdivision, commenting on the excellent quality of the land (NA, RG 10, vol. 4035, file 309541). The colony idea surfaced again in 1910, from Inspector W.J. Chisholm, who wanted to replicate the File Hills Colony experiment (ibid.).

In late 1907 Borthwick suggested that the neighbouring people at Muskeg Lake give up their reserve and move onto the Mistawasis reserve. He cited land in excess of treaty as a reason for the

surrender. This suggestion was passed along to Deputy Superintendent General Frank Pedley, with the result that Borthwick was asked to take the matter up with the bands. There is no evidence whether he in fact did so (NA, RG 10, Indian Affairs Central Registry [IACR] file 674/34-13-103, vol.1).

The next event in the sequence was the construction of a Canadian Northern line through the reserve. Borthwick was asked to value the 14.14 acres needed for the right of way, and he placed a value of \$12 per acre as compensation. The right of way was approved by Order in Council on October 9, 1909, but the compensation was not paid until almost a year later. Of the \$169.68 paid in compensation, 10 per cent went to the Land Management Fund (NA, RG 10, vol. 8054, file 674/31-2-13-103 CNOR).

The idea of a surrender to pay for fencing arose again in late 1910 and 1911. The Band requested a fence, and the Department wrote to Borthwick asking if the Band could pay for it out of annuity payments or other sources. Instead, Borthwick suggested to the Department that the Band surrender the land cut off by the right of way. He apparently made this suggestion at the Band's request; members estimated that they would get \$12 per acre for the surrendered portion. Surveyor J.K. McLean wrote to Chief Accountant Scott, saying that this little parcel of 118 acres was too small for surrender. Instead, he recommended 1607 acres on the southeast corner of the reserve, with an upset value of \$9 per acre. This land was already subdivided.

Scott wrote a memo in turn to Pedley, on January 27, 1911, recommending that McLean's suggestion be endorsed, since the Band needed not only a fence but a traction engine, a plow, and a separator too. Some of these moneys could be advanced pending sales (IACR, file 674/34-12-103, vol. 1).

Apparently the escalation of the number of minimum acres was excessive, given the approximately \$1500 needed for fence materials.

**MISTAWASIS
IR 103**



*Mistawasis
Creek*

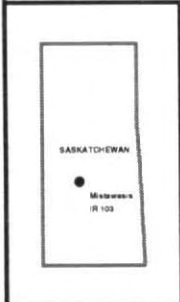


*Blue
Lake*

**Surrendered
1911**



Canadian
Northern
Railway



SASKATCHEWAN
Mistawasis
IR 103