

TREATY RESEARCH REPORT

TREATY TEN

(1906)

by

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for

Treaties and Historical Research Centre

Indian and Northern Affairs Canada

1986

©Published under the authority of the

Hon. Bill McKnight, P. C., M. P.,

Minister of Indian Affairs and
Northern Development,
Ottawa, 1987.

QS-3439-000-EE-A1

Cette publication peut aussi être obtenue
en français sous le titre:

Rapport de recherche sur les traités:
Traité dix

Abstract

Treaty Ten, negotiated in 1906, covers 220,000 square kilometres of northern Saskatchewan and Alberta. Unlike the treaties signed with the Native people of the southern Prairies, the land included in Treaty Ten was deemed unsuitable for agriculture, and thus the requests for a treaty from the Native people of the region were ignored by the government for over twenty years. The government's policy was to leave these people alone in their role as subsistence harvesters. It was not until after 1900, when the mixed-blood people of northern Saskatchewan began to demand compensation for loss of aboriginal rights, and particularly after the creation of the Province of Saskatchewan in 1905, that the federal government moved to extend treaty provisions to that area.

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TREATY TEN

Historical Introduction

In 1906, the Government of Canada authorized the negotiation of a treaty with the Native people in the unceded districts of the newly-formed Province of Saskatchewan, plus a small portion of eastern Alberta. The pact, Treaty Ten, the tenth in the series of western and northern Canadian treaties, covered almost 220,000 square kilometres and included a predominately Cree and Chipewyan population. Like the earlier agreements, this treaty called on the Natives to surrender their aboriginal title to the lands they inhabited. In return, they were promised reserves, education and farming supplies, and the right to hunt, trap and fish, as well as annual cash payments. Though it mirrored earlier settlements in form and intent, however, Treaty Ten was actually part of a very different process than the treaties signed with the Native people in the southern plains.

The treaty process in Canada began with the Royal Proclamation of 1763 when the British government and the British colonial office accepted an unspecified aboriginal title in the occupied lands of British North America. The acceptance of that principle made it incumbent upon subsequent administrations to arrange for the legal transfer of land title from the Native residents to the government before organized settlement could be permitted.¹

Formal treaties had been signed with Native peoples in most agricultural districts of central Canada before Confederation in 1867. Immediately after Confederation, the purchase of Ruperts land from the Hudson's Bay Company in 1870 raised the question of aboriginal land title in the agricultural districts of the newly acquired territories. The matter was clearly of some importance, for the Order in Council formally establishing federal control over Manitoba and the unorganized territories specifically stated that "any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government."²

Unlike the wheat lands farther south, however, the land encompassed by Treaty Ten was deemed unsuitable for agriculture. Consequently, the federal government's intentions in regard to the area and its inhabitants differed significantly from those directed toward the more southerly districts. A description of the general treaty process is, therefore, necessary to place the agitation for, and negotiation of, Treaty Ten in the appropriate historical perspective.

¹ On the Proclamation of 1763, see Jack Stagg, Anglo-Indian Relations in North America to 1763 and an Analysis of the Royal Proclamation of 7 October 1763 (Ottawa: Research Branch, Indian and Northern Affairs Canada, 1981). For a discussion of the history of aboriginal land title in Canada, see W. R. Morrison, A Survey of the History and Claims of the Native Peoples of Northern Canada (Ottawa: Treaties and Historical Research Centre, 1984).

² Quoted in Thomas Flanagan, Riel and the Rebellion: 1885 Reconsidered (Saskatoon: Western Producer Prairie Books, 1984), 78.

Illustration #1

Cree family in the bush, prepared to receive the Treaty Commission.

PAC C-73181



Background to Negotiations

The importance of the treaty process in the settlement of western Canada is well known. Anxious to avoid the expensive and bloody Indian wars which had plagued western expansion in the United States of America, and able to build on the generations-old partnership between the fur traders and the Native peoples, the Canadian government negotiated treaties with the Native people in the prairie agricultural belt. Shortly after the federal government assumed ownership of Rupertsland, formerly under the control of the Hudson's Bay Company, efforts were made to arrange appropriate treaties and allocate reserves for those Natives inhabiting lands that were considered potentially useful for agriculture.

Federal priorities seem quite clear in retrospect. The Natives were to be moved to selected reserve lands, surrendering their aboriginal claims in return for promises of present and future benefits. By so doing, the government hoped to open the west to peaceful non-Native agricultural

settlement, and to avoid the racial clashes which had dominated and scarred the American's westward advance.³

The federal government's motives were not entirely self-interested. With the paternalism characteristic of nineteenth century non-Native attitudes toward the North American aboriginal population, the Canadian government clearly felt that the Natives needed to be sheltered from the advancing settlement frontier. This belief rested on the assumption that the Natives, as a "primitive," non-agricultural people, would not want to adapt, and indeed were not capable of adapting, to the new economic and social conditions.

The treaty process obviously addressed both of the government's priorities concerning Native people. Natives would be restricted to small, segregated reserves, opening vast tracts of land for agricultural development. At the same time, the now-concentrated Native population, alienated from the nomadic tradition which, in the non-Native mind, had seriously limited the potential for civilization among the Native people, could be more easily regulated. Under the benevolent influence of Indian agents and schoolteachers, and supervised by the North-West Mounted Police, the Natives could, if the government's plan worked, be gradually assimilated into the broader Canadian society. The process was expected to be a long one, for the vestiges of what non-Natives disparagingly viewed as "savagery" were anticipated to prove resilient. There was, however, a publically declared commitment by the federal authorities that the Natives would be protected, "civilized" and, ultimately, assimilated.⁴

The planned integration and assimilation of Canada's Native people did not, however, proceed with the single-mindedness that the lofty declarations of official policy suggested. In the hands of civil servants, and shackled by a consistently parsimonious federal treasury, the plans and priorities for the Native people were regularly revised and restricted. The result, particularly for Natives living outside the agricultural belt, was that the federal government did not move as expeditiously as had initially been intended. Treaties were offered only in those areas facing immediate development pressure; elsewhere government services were extended with the greatest reluctance, and the federal government altered its policy of directed acculturation to one of leaving the Natives as harvesters.⁵

The combination of parsimony and wavering commitment ensured that there would be not one but rather two separate treaty processes in western Canada. The first, easily the best-known, involved the Natives in the southern plains who inhabited the lands deemed essential to the "National Policy" of Prime Minister Sir John A. Macdonald for an agricultural empire in western Canada. The process began in 1871 with the signing of Treaties One and Two with the Native

3 G.F.G. Stanley, "As Long as the Sun Shines and Water Flows: An Historical Comment," in I. Getty and A.S. Lussier, eds., *As Long as the Sun Shines and Water Flows* (Vancouver: University of British Columbia Press, 1983).

4 John Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," in *ibid.*

5 Ken Coates, "Best Left as Indians: The Federal Government and the Indians of the Yukon Territory, 1894-1950," Canadian Journal of Native Studies (Winter 1984) describes this process as it relates to one non-treaty area.

inhabitants of the newly created Province of Manitoba and those living immediately west of it.⁶ Two years later, after somewhat more difficult negotiations, which included the unique provision that mixed bloods would be formally allowed to take treaty, an agreement was reached with the aboriginal peoples of the Lake of the Woods district.⁷ The federal treaty commissioners then turned their attention to the western plains, and between 1874 and 1877 negotiated a series of treaties with the Natives in the agricultural areas of the Northwest Territories (now Alberta and Saskatchewan). The process was not always easy, and the government met considerable resistance, particularly from the Blackfoot tribe of the extreme western plains who were most reluctant to accept the restrictions of the treaty and the reservation system. The continuing decline of the buffalo hunt, and the economic and social distress that accompanied it, eventually convinced the tribes of that region to agree formally to Treaty Seven in 1877.

Thus, the first and crucial phase of the treaty process in western Canada was complete by 1877. The government had secured the peaceful surrender of aboriginal title throughout the agricultural districts of the Prairies, and had opened the way for settlement. The treaty negotiations were but one part, albeit a vital one, of the government's plans for the development of western Canada into an agricultural hinterland. Together with the arrival of the North-West Mounted Police in 1873, the planned construction of a railway connecting British Columbia and central Canada, and the Dominion Survey's monumental task of dividing the prairie lands into sections, the Native treaties were necessary to prepare the way for the anticipated settlement rush into western Canada. But the farmers did not come in the large numbers expected, and the federal government, severely disappointed, altered its intention of requiring the Natives to choose and inhabit reserves immediately. The government's hesitation, based on a desire to save money by not obliging Natives to live on reserves until settlement pressures made it essential to do so, eventually caused considerable difficulty in the tumultuous years leading to the Northwest Rebellion of 1885.⁸

Though federal priorities came to dictate the timing and pace of treaty negotiations, recent historical work has emphasized the influential role played by the aboriginal people themselves in the process. Many Native groups, recognizing the likelihood of change in the post-Confederation era, accepted the necessity of reaching an accommodation with the new political and economic order. The historian John Tobias has challenged the standard assessment that the treaty process was initiated solely by the federal government in an attempt to clear the way for settlement:

Those who propagate the myth would have us believe that Canada began to negotiate treaties with the Indians of the West in 1871 as part of an overall plan to develop the agricultural potential of the West, open the land for railway construction, and bind the prairies to Canada in a network of commercial and economic ties. Although there is an element of truth in these statements, the fact remains that in 1871 Canada had no plan on how to deal with the Indians and the negotiation of the treaties was not at the initiative of the Canadian

6 Wayne Daugherty, Treaty Research Report: Treaty One and Treaty Two (Ottawa: Treaties and Historical Research Centre, 1983).

7 David McNab, "The Administration of Treaty 3: The Location of the Boundaries of Treaty 3 Indian Reserves in Ontario, 1873-1915," in Getty and Lussier, eds., As Long as the Sun Shines.

8 John Tobias, "Canada's Subjugation of the Plains Cree, 1879-1885," Canadian Historical Review, LXIV, 4, 1983.

government, but at the insistence of the Ojibwa Indians of the North-West Angle and the Saulteaux of the tiny province of Manitoba. What is ignored by the traditional interpretation is that the treaty process only started after Yellow Quill's band of Saulteaux turned back settlers who tried to go west of Portage la Prairie, and after other Saulteaux leaders insisted upon enforcement of the Selkirk Treaty, or, more often, insisted upon making a new treaty. Also ignored is the fact that the Ojibwa of the North-West Angle demanded rents, and created the fear of violence against prospective settlers who crossed their land or made use of their territory, if Ojibwa rights to their lands were not recognized. This pressure and fear of resulting violence is what motivated the government to begin the treaty-making process.⁹

As Tobias argues, the Native people had a great deal to do with the initiation of treaty negotiations though, as the experience of the Natives of northern Saskatchewan was to illustrate, their remonstrances would pass unnoticed unless they affected federal and non-Native development plans in the west. They also influenced the actual treaty package, demanding from the early plains treaties considerably more than the government had intended to grant. In particular, and illustrative of their intention to adapt to the impending agricultural economy, the Natives requested farm supplies, cattle and agricultural training. The government learned from the experience with Treaties One and Two, and most of the reluctantly accepted provisions became standard items in subsequent treaties. The important point is, therefore, that the Native people were more the initiators and less the passive victims of the treaty process than conventional wisdom would suggest.

The federal government's commitment to treaty negotiations was marginal at best. Their early administration of Treaties One to Seven provides excellent testimony to their wavering sense of obligation to the Native peoples in western Canada. Treaty promises were often not kept, and food supplies necessary to forestall starvation were used, not as a humanitarian grant but rather as a device to influence Native settlement and mobility patterns. It often became painfully clear to the Natives that treaty rights and aboriginal title were but minor matters in the federal government's plans for the development of western Canada. Though there was a humanitarian element evident in the broader national agenda for Canadian Native people, it seems that little of that altruism filtered down to government officials and politicians responsible for the administration of Native affairs in western Canada.

These conditions, tempered somewhat by the unfavourable response to the Canadian government's call for Prairie settlers, improved as the twentieth century approached. The flood of immigrants into the west after 1896 suggested that the long-heralded dream of a western empire was close to reality. As well, the greater national wealth of the industrial era permitted the government to be more generous and more flexible in its dealings with Native people. There was, therefore, a renewed interest in Native affairs and aboriginal title at the turn of the century.

It was at this time that the second phase of the western Canadian treaty process began. Though Native people in northern Manitoba and the unceded areas of the Northwest Territories had quite regularly asked that treaty negotiations commence, the government remained reluctant to extend its legal and financial obligations into non-agricultural districts. Only when new development priorities turned commercial attentions northward, or political considerations intervened would the official attitude change. The primary concern with setting aside the aboriginal title (both Indian

⁹ Ibid., 521.

and mixed blood) to areas of potential settlement did not apply to the northern fur trading districts of the Prairie provinces. Thus, the government required a greater impetus than Native wishes or moral imperatives before it would proceed.

The Department of Indian Affairs provided a plausible justification for its hesitation. The northern Natives, still active as hunters and trappers years after those pursuits had ceased to be economically viable in southern districts, possessed few alternatives to a harvesting, nomadic existence. The government felt there was little likelihood of that condition changing. So long as economic conditions remained unaltered, the government was prepared to ignore Native requests for assistance. If and when non-Native, southern development upset the economic pattern in the area, the Department of Indian Affairs was prepared to recommend the signing of a treaty.

On the southern plains, the government's tremendous concern over the settlement of the west made it receptive to the Natives' demands and requests. The slower pace of economic development in the north, and the low priority assigned to the region in the federal government's development plans ensured that native desires would be regularly ignored and that the treaty process would remain under the control of the federal government.

The fact that the federal government set the agenda for treaty discussions did not stop the Native people from attempting to expedite the process. When the Native people in what is now northern Saskatchewan began to appeal to the government for consideration of their claims, they quickly learned that the limited agricultural potential of their lands made federal officials decidedly unreceptive to their requests.

The first such appeal came in 1879 when the Natives of Stanley, Lac La Ronge and Pelican Narrows petitioned for a treaty. Like many Native groups on the southern plains who cited actual or impending starvation as justification for their willingness to accept a treaty, these people wrote that falling fur prices and declining food resources made a treaty essential for their survival.¹⁰ The local missionary echoed the Native's sentiments, claiming that if the "Government [were to] witness the sights I have witnessed you would at once respond to their feeble petition and come north with the treaty to their assistance."¹¹ The appeal, characteristic of Native requests for treaty assistance in the face of destitution, fell on unreceptive ears.

The Natives' desire for the benefits of a treaty resurfaced a few years later when a widely discussed proposal for a railway between Churchill and the Peace River country had altered the situation. In 1881, Chief Red Head of Lac du Bonnet forwarded a request for treaty negotiations between the government and Natives in the area through which the railway was likely to pass. As the Deputy Superintendent General noted, the submission was "in conformity with the usual practice of the Government before using of occupying territory, the Indian title in which has not been

¹⁰ Prince Morra, Adam McKenzie *et al.* to Governor Liard, 7 February 1879, Public Archives of Canada [PAC], RG 10, vol. 3692, file 13,979.

¹¹ Church Missionary Society, Stanley Mission, to Liard, 7 February 1879, *ibid.*,

extinguished."¹² The Natives evidently resented the intrusion of railway surveyors and the rumours of impending construction across their lands.

Their memorials to the government over the next two years, supported by the missionaries, also brought attention to the poor hunting and trapping returns from the area.¹³ The government had for a few years been providing modest aid in the form of ammunition and twine for nets, but now that development seemed likely, officials seemed favourably disposed to negotiate for a greater degree of assistance. As one official noted, "[t]he Indians in the unceded portions of the Territories are not numerous; but at the same time they could of course do great injury to any railway or other public work which might be constructed in, their country, unless the Government had a previous understanding with them relative to the same."¹⁴

The possibility of railway construction (which in the end was delayed for decades) had altered the federal government's long-standing reluctance in this matter. Unlike earlier submissions, which had been politely ignored, the request of 1883 was treated more seriously. Anxious to learn more about the Natives in the Ile-a-la-Crosse and English River districts, the government submitted a list of questions to Hudson's Bay Company Chief Factor L. Clarke, asking him for an assessment of the costs, feasibility and need for a treaty.

Clarke's report generally favoured a treaty, though he estimated a likely cost of \$16,000 to complete negotiations. Clarke noted the area's very limited agricultural potential, which was sure to cool official interest, but suggested early attention to the treaty question because "later on they may be taught by the Plain[s] Indians to put a greater value on their country, and will be more reluctant about ceding it."¹⁵ Edgar Dewdney, Commissioner of the North-West Territories and no strong supporter of Native rights, found Clark's argument the only rationale for an immediate treaty, dismissing rather quickly the Native's claims of hardship and suffering.¹⁶ But plans for a northern railway withered, and with them the impetus for a treaty with the Natives in northern Saskatchewan. The Natives' wish for a treaty would have to wait until federal interest again turned to the northern fur trading districts.

The government's policy of studied neglect of the northern regions did not pass unchallenged. Roman Catholic and Anglican missionaries regularly supported the Natives' requests for treaty negotiations. Even the Hudson's Bay Company urged the government to make suitable arrangements with the region's aboriginal inhabitants. The Company's concern rested with the fact that in times of destitution and hardship the firm was called on to provide relief supplies. Since the Company was no longer responsible for the administration of the area, having surrendered title in

¹² Deputy Superintendent General [Lawrence Vankoughnet] memorandum, 24 December 1881, PAC, RG 10, vol. 3771, file 34,660-2.

¹³ Bishop of St. Albert to Sir John A. Macdonald, 29 July 1883; Deputy Superintendent General of Indian Affairs to Dewdney, 19 November 1883, PAC, RG 10, vol. 3575, file 269.

¹⁴ Deputy Superintendent General to Sir John A. Macdonald, 5 November 1883, PAC, RG 10, vol. 4006, file 241-209-1.

¹⁵ Information by L. Clarke, 28 May 1883, PAC, RG 10 vol. 3575, file 269.

¹⁶ Dewdney to Superintendent General of Indian Affairs, 25 April 1884, PAC, RG 10, vol. 4006, file 241-209-1.

1870, the firm wanted the government to assume its humanitarian obligations.¹⁷

The most persistent demands for treaty negotiations, however, continued to come from the Natives themselves. As the Superintendent for Indian Affairs noted in 1887,

They claim that as it is evident that land within the territory inhabited by them is to be used for those purposes [railways and public works], it is only fair that before such appropriations of land are made Treaty stipulations should be concluded with them as the owners of the soil. They also urge that owing to the diminution in the number of fur-bearing animals and of game they require the annuities and other emoluments that would be secured to them under Treaty to enable them to subsist.¹⁸

Though Native people from the shore of Hudson Bay to the Peace River country had submitted similar claims and requested fair treatment from the government, the lack of immediate development convinced federal officials that the comparatively modest sums of money required to settle aboriginal title and to provide for some measure of protection to the Native people could not, or would not, be provided.

The question of treaty in this region remained unresolved for almost twenty years more, although the Natives continued to request that the annuity payments, agricultural assistance, medical care and other benefits available to Treaty Indians be extended to the north Saskatchewan area. Conditions would change in the early twentieth century, though as usual treaty negotiations would not begin until the government felt compelled to proceed with them.

But ironically it was Metis rights, and not Native demands, that brought the question of a treaty for the north Saskatchewan country to the fore once again. In 1902, the mixed blood people of Ile-a-la-Crosse petitioned the federal government for scrip. The mixed bloods claimed that a poor harvest and resulting loss of income had taken their community to the edge of destitution and that an immediate settlement of half-breed claims was, therefore, essential for their survival.¹⁹ Though the Half-Breed Scrip Commissioner was prepared to make arrangements for the some 850 mixed blood people in the region, his hands were tied. As he reported to Prime Minister Laurier,

The territory being unceded, I have no authority under my Commission to extinguish the aboriginal claims of the halfbreeds. Following the policy adopted in the making of Treaty 8, the Indian Title and the claims of the Halfbreeds would be concurrently extinguished; and an arrangement for the issue of scrip would therefore have to wait until a decision were come to as to taking a cession of the territory.²⁰

A decision to proceed with a treaty could not be taken lightly or quickly. Though government officials acknowledged the poor conditions of both the mixed blood and Indian people, burea-

¹⁷ See on this point A.J. Ray, Indians in the Fur Trade: Their Role as Hunters, Trappers and Middlemen in the Lands Southwest of Hudson Bay, 1660-1870 (Toronto: University of Toronto Press, 1974).

¹⁸ Superintendent General of Indian Affairs to Privy Council, 19 January 1887, PAC, RG 10, vol. 4006, file 241-209-1.

¹⁹ Petition to the Governor-General of Canada in Council and to Sir Wilfrid Laurier, c. 1902, *ibid.* On the general question of the land rights of mixed bloods, see W.P. Fillmore, "Half-Breed Scrip" in A.S. Lussier and D.B. Sealey, eds., The Other Natives: the Metis, (vol. 2, Winnipeg, 1978).

ucratic procedure necessitated a slow pace. Although it was generally agreed by 1902 that a treaty was necessary, both to permit the Half-Breed Commission to proceed with its work and to forestall further requests for emergency aid, there was some question as to the best method of proceeding.

The commissioners for Treaty Eight (1899, northern Alberta) had been authorized to extend their negotiations into the north Saskatchewan country. They had failed to do so, partly because of the difficulty in covering the immense territory assigned them and also because the route they followed in their negotiations went nowhere near the regions from which petitions were now coming. Moreover, the principal purpose of the Treaty Eight negotiations was to extinguish aboriginal title in lands which were expected to face development pressure due to the commencement of the Klondike gold rush. Since the Portage la Loche and Ile-a-la-Crosse regions were in the Hudson Bay drainage basin, and hence unaffected by the rush to Dawson and the Klondike by way of the Mackenzie River, the commissioners had not felt obligated to extend their work into unceded districts to the east.

Having successfully completed arrangements in 1899, the Treaty Eight commissioners recommended that the remaining gap between their treaty and Treaties Five and Six be absorbed into Treaty Eight.²¹ As had been the pattern for matters relating to the Native people in the north Saskatchewan country, however, the suggestion was ignored, until the mixed bloods' request of 1902 opened the question once again.

This new imperative convinced a number of civil servants of the need to act more quickly. It was initially recommended that the matter be resolved by having the Natives in the area sign an adhesion to Treaty Eight, thus resolving the land question and allowing the extinguishment of mixed blood title to continue. It was acknowledged, however, that the government was moving into an area of which it knew very little. The Department of Indian Affairs had scant information on the region's population or its economic activities, and was reluctant to proceed without a clear indication of both local conditions and the federal government's financial obligations should a treaty be negotiated. The government again turned to missionaries from the area, asking Roman Catholic Bishop Pascal for a rough count of the non-treaty population. The estimate, which indicated a population of some 2,000 Indians and 250 mixed bloods in the unceded territories, proved to be inaccurate, but the government at least had some foundation upon which to make its plans.²²

Officials of the Department of Indian Affairs were far from unanimous in agreeing that the time was right for an extension of treaty rights into northern Saskatchewan. David Liard, Indian Commissioner for Manitoba and the Northwest Territories, offered a strongly worded negative opinion to the debate. Explaining the failure of the Treaty Eight Commissioners to include the north Saskatchewan area, he commented

20 McKenna to Laurier, 7 April 1902, *ibid.*

21 McKenna to Clifford Sifton, 27 September 1902, *ibid.*

22 McKenna, memoranda to the Minister, 14 October 1902 and 18 March 1903; also McKenna to Davis, 21 October 1902, *ibid.*

There was no particular necessity that the treaty should extend to that region. It was not a territory through which a railway was likely soon to run, nor was it frequented by miners, lumbermen, fishermen or other whites making use of the resources of its soils or waters, in which case, in my opinion, the Indians and Halfbreeds are better left to their hunting and fishing as a means of making a livelihood. The conditions there are the same still, and I therefore do not approve of any immediate steps being taken to include the territory . . . in treaty limits. The matter, I suggest, may very well stand over for the present; and, when the autonomy question is settled in the Northwest Territories, if it is found that any Province, or organized territory with representation, extends over a considerable tract of country in which aboriginal title has not been extinguished, then in such case, or from the entrance of a railway, the discovery of mines, or other cause to bring an inrush of whites a treaty should be made without delay.²³

Official policy appeared to have changed very little from the 1870s. Native sentiments concerning a treaty, either positive or negative, were clearly of limited importance. What mattered more was whether or not the area in question, in this case northern Saskatchewan, was of any use to non-Natives, other than fur traders and missionaries. Since developers had as yet found no particular use for the land north of Treaty Six, the government did not feel compelled to absorb any undue expense or obligation concerning Indian matters there.

Liard's commentary, a perceptive summary of longstanding federal policy toward non-agricultural districts, suggested that the treaty would come when federal, and later provincial, considerations warranted. With the impending division of part of the North-west Territories into the new provinces of Alberta and Saskatchewan in 1905, the suggestions that such political changes might force the federal government's hand on treaty matters in the north proved prescient.

Illustration #2

Indian encampment, Lac la Loche, Saskatchewan.

PAC PA-44550



Instructions Issued to Treaty Commissioners: Treaty Terms

Shortly after the formal establishment of Alberta and Saskatchewan in 1905, federal Indian Affairs officials raised the treaty question again. H.A. Conroy, Superintendent of Treaty Eight,

²³ Liard to Secretary, Department of Indian Affairs, 29 April 1904, *ibid.*

reported that the Natives on the eastern boundary of his district wished to be taken into treaty. To cover the remaining non-Treaty Natives, he suggested that an extension of Treaty Eight, (part of which already reached into Saskatchewan) would be the fastest and most appropriate means of extinguishing Native title and resolving a long-vexing matter.²⁴

David Liard disagreed with Conroy's suggestion, claiming that practical considerations limited the usefulness of the adhesion proposal. Though provincial boundaries were but a minor consideration, Liard argued that the Natives of Treaty Eight and those in the unceded lands of northern Saskatchewan should be covered under separate treaties. The rationale was essentially practical. Treaty Eight covered lands draining into the Mackenzie River basin and was, therefore, readily accessible via the Edmonton Great Slave Lake route (the Peace and Athabaska Rivers) which had developed in the wake of the Klondike gold rush. The non-treaty communities in northern Saskatchewan, places like Ile-a-la-Crosse and Portage la Loche, were accessible from the south primarily through Prince Albert and the rivers of the Churchill River drainage basin. From an administrative perspective, the prospect of northern Saskatchewan combined into Treaty Eight was potentially unmanageable. A division along the lines suggested by Liard--between the southern Mackenzie drainage basin and the westerly reaches of the Churchill River system—made practical sense.²⁵

Liard raised a second important point concerning the planning for the north Saskatchewan treaty. It was initially assumed by many in the area, including H.A. Conroy, later to be treaty commissioner, that the terms, if not the exact letter, of Treaty Eight would be applied to the non-treaty Natives in the area. Liard questioned the validity of that assumption, just as he rejected the notion that the conditions of Treaty Six (contiguous to the area under consideration) be extended northward. Both treaties, Liard noted,

are for mixed farming and hunting Indians, and as those in the Churchill and Nelson valleys are entirely hunting and fishing Indians, I would recommend that a separate or new treaty be made with the Indians of the northern portion of Saskatchewan, to which the Indians north of Treaty 5 to Hudson's [sic] Bay might at a later date give their adhesion.²⁶

Because northern Manitoba remained an unorganized territory, there was little consideration at this juncture to extending treaty to that region. The geography of the north dictated a separate administrative arrangement; the limited prospects for northern development convinced many in the government that different and less generous terms were applicable in this instance.

The establishment of the Province of Saskatchewan in 1905 had clearly provided the final impetus to a long-delayed process. Native representations, offered over a period of more than thirty years, had had little effect. The granting of autonomy to the Prairie provinces, and the federal government's determination to formalize its responsibilities an aboriginal matters had finally convinced the Department of Indian Affairs to move more quickly. The irony was obvious. From the turn of the century two issues, mixed bloods' scrip rights and the prospect of provincial auto-

24 Conroy to Deputy Superintendent General, 15 December 1905, *ibid.*

25 Liard to Secretary, Department of Indian Affairs, 7 October 1905, *ibid.*

26 *Ibid.*

nomy, had stimulated considerable debate over a treaty for the Natives in northern Saskatchewan. The wishes of the Native people, though clearly and repeatedly noted, were obviously of peripheral importance in determining the federal government's priorities.

It appeared, however, that the decision to proceed with a treaty for northern Saskatchewan had finally been reached. Though the government's determination to proceed was now much in evidence, the details of the treaty proposal remained unclear. Frank Pedley, Deputy Superintendent General of Indian Affairs, favoured a broad, if vague, proposal. He suggested, along the lines proposed by Liard, that a new treaty be drafted to cover the region between Treaty Eight and Treaty Nine (northern Ontario). Not all Natives in the affected area would immediately be brought under treaty. Instead, Natives in the Ile-a-la-Crosse and Portage la Loche areas would be brought under treaty immediately, but other groups would be included when development or political considerations warranted. In addition, Pedley suggested that the terms of the proposed treaty be structured to reflect the fact that the northern districts were of low national priority. Pedley noted

I have due regard for the economies of the question as well as the policy of obtaining a cession of the Indian title, and I think we should be careful not to burden the Dominion with any extensive charges for the purchase of the Indian title in this country. We may be

reasonably sure that it is not an agricultural country whatever its capacities may be, and that to give a quid pro quo on the same basis as for a country with great agricultural possibilities would be a mistake.²⁷

Pedley's philosophy clearly mirrored that of David Liard. The government evidently believed that the Natives in the non-agricultural sections of the country would be best left as hunters, trappers, and fishermen. Since Euro-Canadians were unlikely to require or desire their lands, there was little need for a treaty. If formal negotiations were required, as they now appeared to be in the case of the Natives in northern Saskatchewan, the prime objective must be to limit the government's financial obligations while at the same time establishing a mechanism for looking after the welfare of the Natives involved. The officials of the Department of Indian Affairs had made their priorities abundantly clear. It remained for the politicians, in this case the Minister of the Interior, Frank Oliver, to finalize the details.

On 12 July 1906, Oliver presented a treaty proposal to the federal cabinet. The terms of the treaty were as follows: each family of five was given one square mile of land, and every Indian living apart from a band reserve was granted 160 acres, subject to the government's right to sell or lease land (with the Indians' consent) and to appropriate reserve lands for public purposes subject to compensation (in land or money). Education was to be provided for children as the government deemed necessary. The Indians were to retain the right to hunt, fish and trap over the treaty area except on land needed for mining, lumbering or settlement, subject to undefined government regulations. Annuities were to be paid--five dollars per person, fifteen dollars per headman, and twenty-five dollars per chief. Distribution of clothing was to be made to each chief and headman every three years. An annual distribution was to be made of ammunition and twine, and unspecified assistance was to be given in agriculture and stock raising. A one-time gift of twelve dollars

²⁷ Pedley to Superintendent General of Indian Affairs, 7 April 1906, *ibid.*

per person, twenty-two dollars per headman, and thirty-two dollars per chief was made, along with presentation of medals and flags to chiefs and headmen. Mixed blood scrip was to be handled according to the established fashion, with each person eligible for 240 acres of scrip redeemable at \$240. James A. J. McKenna was appointed Treaty and Scrip Commissioner and was ordered to undertake treaty negotiations that year.²⁸ The federal cabinet ratified Oliver's proposal and ordered McKenna to begin formal negotiations.

The treaty commissioner immediately commenced preparations for the trip north. A sum of \$12,000 had been set aside to meet the cost of the negotiations and the initial treaty payments. The Royal North-West Mounted Police provided a treaty escort made up of an inspector and two constables. A medical doctor was seconded to the party, as were two clerks and a cook. McKenna arranged with the Hudson's Bay Company for transportation and supplies for the treaty party, which left Winnipeg in August 1906.²⁹

The treaty McKenna carried north with him did not differ significantly from those offered to other Natives in western Canada, though as might be expected there were more modest promises of agricultural supplies. Rather than specific provisions for implements, cattle, machines, and other goods required for farming, the treaty included a less precise offer to provide "such assistance as may be found necessary or advisable to aid and assist the Indians in agriculture or stock-raising or other work." The earlier suggestions by Liard and Pedley that more modest annuities and land grants be offered the northern Natives, on account of the undesirability of their lands, were not included in Treaty Ten. It now remained for McKenna and the federal government to present their treaty to Cree and Chipewyan Natives in northern Saskatchewan and to secure their acceptance of the terms. The process proved more logistically challenging than the treaty commissioner or the Department of Indian Affairs had anticipated.³⁰

Illustration #3

Group of Children, Ile-a-la-Crosse, Saskatchewan.

PAC PA-44539

²⁸ Oliver to Governor General in Council, 12 July 1906, *ibid.*

²⁹ McKenna to Minister of the Interior, 31 July 1906, *ibid.*

³⁰ Acting Deputy Minister of Justice to Secretary, Department of Indian Affairs, 2 August 1906, *ibid.*



Negotiating the Treaty

McKenna had scheduled a late summer expedition to northern Saskatchewan, the date determined in large part by the timing of the government's decision to proceed with the treaty. The treaty commissioner arranged ahead of time to meet with the Indians at Portage la Loche in early September, but events conspired to prevent that meeting. At Ile-a-la-Crosse, the treaty party met representatives of the English River and Clear Lake bands, and their acceptance of the treaty terms was hastily secured. An attempt to push on to Stanley and Portage la Loche had to be postponed due to the lateness of the season and the prospect—apparently daunting to McKenna—that the party might have to wait in the region until after freeze-up. McKenna left messages for those bands he had missed, telling them that another party would come north in the near future and that they would receive ample notification of the scheduled tour.

The treaty party returned to Winnipeg, having signed three bands, a total of 394 people, to Treaty Ten. Though the first year's expedition had been less than a total success, McKenna's party had made it clear that the federal government was finally prepared to offer treaty to the Native people in northern Saskatchewan.³¹

McKenna had encountered some unanticipated resistance, and some unusual requests in his discussions with the three bands. Obviously familiar with the famous treaty orations of the chiefs of the plains Natives, McKenna noted that the Cree and Chipewyan he encountered were much more laconic, addressing a series of pointed questions to him rather than offering prolonged declarations of intent and commitment.

The Natives were, characteristically, concerned primarily with the potential impact of the treaty process on their hunting and trapping rights. McKenna tried to disabuse them of any concerns they might have:

I guaranteed that the treaty would not lead to any forced interference with their mode of life. I explained to them that, whether treaty was made or not, they were subject to the

³¹ McKenna's report is in Treaty No. 10 and Reports of Commissioners (Ottawa: King's Printer, 1906).

law, bound to obey it and liable to punishment for any infringement thereof; that it was designed for the protection of all and must be respected by all the inhabitants of the country, irrespective of colour or origin; and that, in requiring them to abide by it, they were only being required to do the duty imposed upon all people throughout the Dominion of Canada. I dwelt upon the importance, in their own interest, of the observance of the laws respecting the protection of fish and game.³²

McKenna's promise addressed directly the most consistent concern of the Native people--that their harvesting rights would be protected.

The Native negotiators also questioned the general nature of many of the treaty provisions. The section governing education, for example, offered only to "make such provision as may from time to time be deemed suitable for the education of the Indian children." The chief of the English River band requested specific assurances that this clause would not interfere with the existing system of mission schools, while his counterpart from the Canoe Lake band wondered if the treaty meant that children from his area would be provided with a day school in the near future. Similarly, the treaty signed in 1906 promised to "furnish such assistance as may be found necessary or advisable to aid and assist the Indians in agriculture or stock-raising work." Several Native people submitted personal requests for cattle and farm implements.

McKenna tried to address the concerns and requests of the Native people while at the same time refraining from making specific promises. He restated the government's official policy on education, noting that the Department of Indian Affairs extended its educational services where and when feasible, and that the Natives' religious preferences were always taken into consideration in planning any educational system. The agricultural question proved more difficult to handle directly, for in the discussions leading up to the treaty negotiations, government officials had made it clear that they felt northern Saskatchewan had little agricultural potential. He diverted the question of agricultural aid to the Treaty Ten Natives by suggesting that such assistance was available only to those people prepared to work full time at farming or raising livestock. Given climatic and market conditions, that provision put an effective limit on the likely requests for agricultural aid.

The Natives also challenged the general treaty terms, requesting more generous treatment and a more favourable financial settlement. In particular, they wanted assurances that provisions would be forthcoming in times of hardship and that the indigent members of their communities would receive special aid from the government. McKenna told them that no alteration was necessary in the treaty to provide for emergency assistance, since the government was prepared to offer all Natives, especially the aged, protection from extreme want. But he was careful to point out that the generosity of the government had specific limits. There was considerable apprehension in the bureaucracy that the easy provision of relief supplies or financial assistance would make people dependent on them. McKenna assured the Natives that the Department of Indian Affairs had no intention of assisting those capable of looking after themselves:

I pointed out to them that the government could not undertake to maintain the Indians in idleness; that the same means of earning a livelihood would continue after the treaty was made as existed before it; and that Indians would be expected to make as good use of them in the future as in the past.³³

³² Ibid.

³³ Ibid.

Such suggestions were, however, commonplace, typical of Native challenges to early treaties as they sought both a clarification of the agreement they were signing and attempted to secure the best terms possible.

A point raised by William Apisis, chief of the English River band, was more unexpected. Apisis requested that arrears in annuity payment be provided for all treaty Natives, extending back to the time the first treaties were signed (presumably referring to Treaty One). Though McKenna's reports do not provide further information on this unusual request, it is possible that it was based on the numerous attempts by the Native people of northern Saskatchewan to initiate treaty negotiations with the federal government. In any case, McKenna assured the Chief that his suggestion "had never before been heard of, and that I could not for a moment recognize any obligations on the government's part except such as would be put upon it in virtue of the execution of the treaty."

The treaty commissioner's assurances were evidently sufficient, for the two bands accepted the treaty without extended debate. It was agreed that in subsequent years the Natives would gather in June, the most convenient time given their harvesting patterns, at Ile-a-la-Crosse for payment of annuities. The lateness of the season prevented the treaty party from continuing its work, and they left for the south without meeting all the Natives to be covered under the new agreement. This meant that another trip would be required in the following year.

The task of completing treaty negotiations fell to Thomas Borthwick, the Indian agent at Mistawasis, Saskatchewan. Borthwick's instructions made it evident that the government did not want him to incur any major expense or spend much time travelling in order to secure acceptance of Treaty Ten from those Natives who had not yet signed. He was instructed to be in Ile-a-la-Crosse in June to pay annuities to those who had accepted the treaty the previous year. McKenna had left word that other Natives wishing to come under treaty should present themselves to the treaty commissioner at annuity time. Borthwick was to meet with the Natives of Stanley and Reindeer Lake. Beyond that,

It is hoped that the Indians of Lac la Plonge will be well represented at this meeting [annuity time]. It is not thought desirable for you to go to Lac la Plonge unless there is very poor representation of that Band at Ile-a-La-Crosse. As it is a great convenience for the paying officer not to be compelled to take this journey to Lac la Plonge, you might make it understood that the Indians of that Band must present themselves at Ile-a-La-Crosse.³⁴

The Secretary of the Department of Indian Affairs also cautioned Borthwick to adhere very strictly to the written terms of the treaty: "The copy of the Treaty . . . sets forth the terms and conditions which you are empowered to offer to the Indians. These should not be added to or curtailed; and you should be careful not to make any verbal promises as varying or extending the terms of the Treaty."³⁵

Borthwick soon discovered, as had McKenna before him, the logistical difficulties inherent in travel in this region. As had previously been arranged, he travelled to Ile-a-la-Crosse to meet with

34 J.D. McLean to Borthwick, 29 April 1907, PAC, RG 10, vol. 4006, folio 241-209-1.

35 Ibid.

the treaty Natives. He paid the annuities and accepted into treaty several additional families who had missed the previous year's negotiations.³⁶ Most of those who had not yet agreed to the treaty had not arrived however, and Borthwick's party was forced to continue. The expedition was diverted from its course several times, detouring to Portage la Loche to receive mixed blood scrip applications and stopping for several days at Stanley to pay annuities to a number of Natives from Treaty Six. Borthwick had, however, passed on word to a number of non-treaty Natives that he would arrive shortly at Lac du Brochet where he planned to gain their acceptance of Treaty Ten. The repeated delays and difficulties with the trip itself, slowed his arrival, much to the distress of the Natives.

The Natives had arrived at Lac du Brochet on the scheduled date, some ten days before Borthwick's party completed their trip. The delay caused numerous problems, primarily because, as directed, the Natives had assembled their families at the treaty site. When Borthwick arrived, he found the Natives desperately short of provisions, relying on work from the Hudson's Bay Company and Revillon Brothers fur trading posts to pay for much-needed food. Borthwick provided additional supplies to enable the groups to remain long enough for negotiations to be concluded.

Two bands, the Barren Lands and Lac la Hache, had gathered at Lac du Brochet. On 19 August 1907, the treaty terms were explained, with the usual questions, answers and clarifications rounding out the discussions. The Barren Lands band elected a chief and headmen to represent them in the formal treaty signing ceremony. With arrangements agreed upon, Borthwick could proceed with treaty payments, and over the next two days offered the once-only allotment of twelve dollars to 232 individuals. The allotment to Chief Petit Casimir and the two headmen was increased on this occasion to thirty-two and twenty-two dollars respectively.

Negotiations with the Lac la Hache (also called Hatchet Lake) band proceeded more slowly, primarily because several of their number were away from the camp. The band reassembled on August 22nd, the treaty terms were explained once more, and that afternoon Thomas Benaouni, chief of the band, formally accepted the treaty. Borthwick then proceeded to make the appropriate treaty payments to the 97 band members. Some work remained to be done, principally regarding mixed blood scrip applications, but Borthwick had completed the treaty negotiations component of his assignment. On his return trip, he paid annuities to several Treaty Six bands and arranged for the transfer of a reserve for another band from that treaty. The signing at Lac du Brochet, however, represented the last formal negotiation under Treaty Ten³⁷

Borthwick had discovered, as had McKenna, that the Natives had a number of specific concerns they wanted addressed before they would sign the treaty. Their questions, similar to the ones directed at the treaty commissioner the previous year, indicated caution rather than reluctance, for the long established treaty tradition in the west made the Natives well aware of the intent and substance of the negotiations. Also, Borthwick faced several challenges from Natives signed to the treaty the previous year.

³⁶ Memorandum Re: Indians of Treaty No. 10, 1907, *ibid.*

³⁷ Memoranda Re: Indians of Treaty No. 10; Indians of Lac La Ronge; Indians of Montreal Lake, etc. etc., 1907, *ibid.*

William Apisis, chief of the English River band, asked that the government honour its pledge to provide medical assistance. The treaty commissioner responded that the Government would not be able to get a doctor to reside among them for some time to come, as it would not pay him to do so; but, later on when the white settlers came nearer to them, a doctor might reside within reach of them.

The list of demands and questions presented by the chief and headmen of the Canoe River band was even longer. They restated their earlier desire to have a school opened in their midst, asked that reserve lands be set aside for them, and requested that a variety of supplies and provisions be given to them. In particular, they requested that "their band be paid next year at Canoe Lake, as it was a long distance for them to come to Ile-a-la-Crosse," and in support of that demand they pointed out that the trip necessitated their being away from their places for a considerable time, and that while absent from their homes they sustained loss owing to cattle breaking into their gardens and destroying their crops.³⁸ Borthwick, not authorized to make any commitments beyond the terms of the treaty, could only promise to present the Natives' demands to the federal government.

It was a different matter with those Natives who had not yet signed the treaty. Chief Petit Casimir of the Lac du Brochet Indians repeated the now standard query about the implications of the treaty for their hunting and trapping rights, and asked whether or not the treaty could be amended in subsequent years if it was found to be unsatisfactory. Borthwick repeated the standard answers offering government protection of harvesting rights, protection for the sick and aged, medical care at annuity payment timer and prompt federal adherence to the terms of the treaty. He cautioned the Natives not to rely on the treaty payments as the sole source of income:

The Commissioner explained to them that the money which the Government was giving them was a gift, and did not expect them to be [de] pendant or live upon it, as they were not depriving them of any of the means by which them have been in the habit of living upon heretofore, and added that they had the privilege of hunting and fishing as before, and that with the money and some other useful articles which the Government proposed to give them yearly, they would be in a better position to live than they were at the present time.³⁹

The assurances were suitably vague, again in keeping with the treaty commissioner's instructions not to go beyond the terms of the agreement, but they apparently satisfied the Natives. In each instance, the Natives accepted either the treaty or their first annuity payment after Borthwick had responded to their questions.

Illustration #4

Metis family, Buffalo Narrows, Saskatchewan.

PAC PA-44554

³⁸ Ibid.

³⁹ Memorandum Re: Indians of Lac du Brochet, 1907, *ibid.*



Mixed Blood Claims

Treaty commissioners McKenna and Borthwick held two major responsibilities: the negotiation of Treaty Ten and the taking of applications for half-breed scrip. The Government of Canada was anxious to extinguish all outstanding aboriginal claims in the region simultaneously, and so directed both men to visit mixed blood communities in northern Saskatchewan. The linkage of the two processes was not new in western Canada.

During the negotiations which ended the Red River resistance of 1869-1870, Louis Riel and his Provisional Government had insisted that the federal government respect mixed blood land title rights in Manitoba. The Manitoba Act (1870), which formalized the agreements, guaranteed the mixed bloods 1.4 million acres of land in the new Province of Manitoba. The promises and the land settlements soon evaporated.

Through a disingenuous process of formal amendments of the covering legislation, departmental revision of the intent of the original agreement and government neglect, the mixed bloods saw their original land entitlements rapidly stripped from them. After initially planning to assign specific properties to individual mixed bloods, based in large measure on the right of prior possession, the federal government altered its approach. Instead of mutually acceptable land transfers, the government offered the mixed bloods scrip, essentially a promissory note redeemable for 240 acres of Dominion land. It was argued that this new system provided for greater flexibility, allowing the mixed bloods to select properties in Red River or anywhere else in the west they desired. The system also was tailor-made for abuse.

The mixed bloods, most of whom were illiterate, did not fully understand the registration and application procedures involved. A number of swindlers, occasionally aided by government officials, took advantage of the misunderstanding and arranged for the assignment of land rights from the mixed bloods to themselves. It meant, in simple terms, that by the time the process was complete, the mixed bloods of Manitoba had been stripped of most of their original land entitlement.

Not surprisingly, the administration of land transfers and scrip payments convinced many mixed bloods that their day in Manitoba had passed, and they joined a general exodus to the west and south.⁴⁰

The procedure was repeated in the aftermath of the 1885 Rebellion, though the government was scrupulously careful to ensure that no person would benefit twice from this official generosity, comparing the post-1885 applications with those names on the scrip lists from Manitoba. Anyone who had received scrip earlier, or whose parents had received scrip, was not eligible for the new grant. From the government's perspective, the scrip process provided a comparatively inexpensive procedure for settling the vexing question of mixed blood land rights. That much of scrip was quickly sold to speculators seemed only to confirm to the government its initial impression that the Metis were not well suited to participation in an agricultural frontier.

When the federal government decided to extend treaty coverage into the northern reaches of the Prairie provinces, it seemed only logical that the scrip process be repeated there too. In many areas, the mixed bloods repeatedly requested scrip, as happened in northern Saskatchewan in 1902 when a large number of mixed bloods petitioned Ottawa for an immediate extension of the scrip provisions. The arrangements concluded for Treaty Eight, signed in 1899, reflected this approach.

Afraid that the Metis would use their considerable influence among the Indians in the southern Mackenzie region to slow treaty discussions, the Department of Indian Affairs decided that a settlement along the lines adopted earlier in the west was essential. Thus, the Metis were granted the option of accepting either land scrip, redeemable for 240 acres, or money scrip equal to \$240. The entire procedure carried with it an air of political expediency. Clifford Sifton, the minister responsible for the Department of Indian Affairs, noted in the House of Commons that "the financial benefit to the half-breeds is not the primary object the Government had in view in making this arrangement."⁴¹ The logic was simply to arrange for the peaceful transfer of the lands of Treaty Eight at minimal expense.

The federal government decided, in 1906, to provide similar arrangements for the mixed bloods of Treaty Ten, partly because they had requested such treatment, but more because such action fit national priorities. When McKenna travelled through northern Saskatchewan in 1906, he easily spent as much time taking applications for scrip as he did negotiating the treaty with the Indians. Similarly, Borthwick took numerous scrip applications from mixed bloods who had missed the treaty commissioner the previous year. No scrip was actually given out at the time, for the applications had to be compared with the lists compiled by earlier scrip commissioners to ensure that no one was paid twice.⁴²

⁴⁰ See D.N. Sprague, "The Manitoba Land Question, 1869-1892," Journal of Canadian Studies, (Fall, 1980).

⁴¹ David Hall, Clifford Sifton vol. 1: The Young Napoleon (Vancouver: University of British Columbia Press, 1981), 272-273. See also Hall's "The Half-Breed Claims Commission," Alberta History vol. 25, no. 2 (1977).

⁴² See the Descriptions of travel in Treaty no. 10 and Report of Commissioners (Ottawa: King's Printer, 1906).

The government maintained the policy, adopted earlier for mixed bloods covered by Treaties Eight and Nine, of allowing the people to decide for themselves whether they wished to be dealt with as mixed bloods, and hence eligible for a one-time only grant, or treaty Indians, and therefore granted the perpetual coverage of the treaty terms. The government was, in essence, requiring the Native people to make a formal declaration of ethnicity. This caused little difficulty in areas with clearly identifiable mixed blood communities, particularly ones which had evolved out of the Red River-Saskatchewan tradition. It posed more of a problem in areas like northern Saskatchewan, where frequent inter-marriage between mixed bloods and Indians had blurred cultural and social differences. McKenna himself noted the obvious artificiality of the distinction after his 1906 journey:

The Indians dealt with are in character, habit, manner or dress and mode of living similar to the Chipewyans and Crees of the Athabasca country. It is difficult to draw a line of demarcation between those who classed themselves as Indians and those who elected to be treated with as half-breeds. Both dress alike and follow the same mode of life. It struck me that the one group was, on the whole, as well able to provide for self-support as the other.⁴³

The distinction seemed of little importance at the time, for there remained very little to differentiate between those who accepted treaty and those who accepted scrip. The process had, however, injected a new element into the social and cultural situation in the region. As a recent study of the same process in the Mackenzie River area has shown, the legal demarcation between mixed bloods and Indians assumed greater importance as time passed. Government services and legal rights available to Indians were often denied to those who had, for financial rather than ethnic reasons, elected to be dealt with as mixed bloods.⁴⁴ Thus, the decision required, and even urged under the treaty and scrip processes, was of obvious long-term importance, though the implications of the choice were not evident at the time.

The government was also particularly insistent that the Natives and mixed bloods recognize the finality of their decision. For administrative purposes, it would not do to have individuals change their mind, accepting treaty one year and requesting scrip the next. Borthwick was instructed

not [to] allow any Indians who entered Treaty last year to leave Treaty and take half-breed scrip, and you should give all those persons who may have claims to half-breed scrip but who elect to be paid as Indians to understand that they make the choice once for all and that in the future the Department will not be inclined to reconsider their cases.⁴⁵

It was evident that the government saw the treaty and scrip process as an opportunity to clarify its legal obligations to the aboriginal peoples of northern Saskatchewan and did not wish future relations with people in the area to be upset by attempted alterations of initial decisions.

⁴³ Ibid., 8.

⁴⁴ K.S. Coates and W.R. Morrison, "More Than a Matter of Blood: The Federal Government, the Churches and the Mixed Blood Population of the Yukon Territory and the Mackenzie River District, 1890-1950." L. Barron, ed., 1885 and After. (Regina, 1985).

⁴⁵ McLean to Borthwick, 29 April 1907, PAC, RG 10, vol. 4006, file 241-209-1.

Borthwick encountered several difficulties in his attempts to ensure a proper allocation of scrip. Reports from the previous year's treaty and scrip negotiations indicated that a group of speculators had accompanied the treaty party north. Father Rapet of Ile-a-la-Crosse protested the practice, particularly since the speculators were offering far less for the mixed bloods' land rights than they were worth. Rapet alleged that the mixed bloods received only \$300 cash and promises of future payments of \$140 for land scrip that later sold in Prince Albert for \$1400. Moreover,

The intention of some of the buyers was to form a syndicate to keep down the prices, and to divide the scrip purchased, as was done last year--it is evident that Bernard [one of the speculators] stands aloof from that arrangement and is offering higher prices—the result of which will lessen the disparity of which the Rev. Father complained. The competing buyers are not men to be terrorized though they may be very much annoyed at the reduction of their profits through Bernard's action.⁴⁶

Borthwick was not pleased with the presence of the speculators and appealed to the government for leave to exclude the scrip buyers from the treaty expedition.⁴⁷ Understandably, the official record of the treaty party's work is silent on the activities of the speculators, though extant correspondence makes it clear that the government did not, and perhaps could not, stop them from accompanying Borthwick and his group to the north.

It is clear in fact that the government had come to expect such activities during the allocation of scrip and knew well in advance that many of the mixed bloods would sell their land rights rather than use the scrip to select a homestead. At least in 1907, unlike the situation in the previous year when a combination of speculators kept returns to a minimum, the presence of Bernard assured a more reasonable return on the assignment of scrip rights. This meant that the scrip applications of 1906-07 were, for the most part, assigned to southern land speculators, with only a fraction of the allotted \$240 grant actually remaining with the mixed bloods. The process was not unlike that which followed the granting of mixed blood rights in Manitoba or the scrip applications taken in conjunction with the various plains treaties. The mixed bloods had had their aboriginal rights extinguished, though their returns from the process proved to be only short term and much less than the apparent dollar value of the transaction.

Illustration #5

Village of Ile-a-la-Crosse from the west, 1919.

PAC PA-18053

⁴⁶ Jackson to Pedley, 24 July 1907, *ibid.*

⁴⁷ Borthwick to Secretary, Department of Indian Affairs, 20 May 1907, *ibid.*



Conclusion

Several points emerge clearly from the negotiations and initial experience of Treaty Ten. This agreement was the third of the "northern" treaties, responding to much different concerns than did the better-known treaties of the southern plains. As such, the treaty had a specific purpose rather different from those of the earlier agreements. It was, more than anything, a treaty negotiated according to the government's schedule. Lacking the population to pose a threat to western settlement, and inhabiting an area perceived to be of little immediate importance in the development of western Canada, the Native people in the Treaty Ten area found that their attempts to initiate treaty discussions were consistently ignored. Nothing would be done until the region, for political or economic reasons, was of some importance to the federal government or to southern entrepreneurs.

The turning point came with the granting of provincial status to Saskatchewan in 1905. That arrangement finally encouraged the federal government to address the question of treaty privileges in the northern, unceded part of the province. Once convinced to move, the government demonstrated that it could proceed swiftly. Again, without reference to particular Native concerns, it was decided that a treaty was to be signed. The actual negotiation process proceeded with few difficulties, although the Natives were simply presented with a final document that they had no chance to alter. The arrangement was accepted, largely because the Natives had witnessed the various benefits of treaty arrangements among other northern Natives, and because there was no obvious benefit to be gained from rejecting it. The specific concerns of the various bands were heard, and if promises were not made that these concerns would be immediately addressed, the treaty commissioners did assure the Natives that their requests would be passed on to the government.

The government's motives in granting the treaty were, therefore, rather mixed. There were two considerations which seemed to dominate federal thinking. Bringing the Natives in northern Saskatchewan under treaty paved the way for future development and settlement. Though even in 1906 it appeared unlikely that much immediate use would be made of the the Treaty Ten lands, the government had at least removed one potential obstacle to non-Native advancement into the region. It remained to be seen if settlers, or more likely developers, would avail themselves of the opportunities thus created.

The long delay in opening negotiations with the Native people in the Treaty Ten area, also illustrated the central core of federal policy toward the Native people in the north. From northern Ontario to the Yukon Territory, this policy was much the same. Northern hunters and trappers

were, it seemed, destined to maintain their way of life at least for the foreseeable future. Having thousands of Natives as subsistence harvesters did not, of course, conform to the declared policy goals of assimilating and "civilizing" the aboriginal peoples of Canada. It did, however, make economic and political sense. The Department of Indian Affairs lacked the money, the staff, and the will to proceed with the restructuring of Native life in the non-agricultural sections of the country. In such areas, it seemed more appropriate to leave the Natives as harvesters, protecting their access to game and defending their way of life, until different economic and cultural options presented themselves. Through much of the north, that would not occur until after World War II.

This meant that the federal government would move very slowly in extending its obligations to the Native peoples covered by Treaty Ten. Most essential demands were met: assistance was forthcoming in times of severe hardship, financial support was offered for mission schools, medical aid was provided when illness or disease struck, and efforts were made to protect the Natives' special rights to hunt and trap, subject to conservation regulations.

What the government did not do is perhaps more interesting. Though reserves were allocated, typically at the Natives' request and on sites selected by them, the government did not enforce reserve settlement, allowing and even encouraging the Natives to continue their nomadic lifestyle. On the southern plains, where by 1900 Native reserves were generally surrounded by agricultural settlement, the government sought a more total restructuring of Native habits and lifestyle. In this setting, more rigorous policing, agricultural training, education, and tightly enforced regulations concerning off-reserve activities placed significant burdens on Native people. In northern Saskatchewan, the Natives of Treaty Ten felt few of those constraints, and were encouraged instead to continue their hunting and gathering activities. This would all change, of course, after World War II.

The expansion of the Canadian welfare state and a new commitment to solving what was disparagingly referred to as the "Indian problem" convinced the Department of Indian Affairs that its comparative neglect of the northern Natives--a policy more of protection than assimilation--needed revision. In short order, a spate of new programmes, covering education, health, job creation, housing, and reserves were introduced. It is significant that this new level of federal intervention was not tied to the treaty process, as it was extended to almost all the Native people in Canada, but rather came out of a general post-war commitment to address the economic and cultural inequalities of Canadian society.

Treaty Ten, therefore, emerged from very different roots than the land negotiations on the southern plains. Consequently, post-treaty relations between the Natives and the federal government followed a rather different path. The origins of the treaty itself lay in the separate northern treaties process. Beginning at the turn of the century, and continuing for about twenty-five years, the federal government signed a series of treaties with the Native in the non-agricultural sections of the country (Treaties Eight to Eleven, plus adhesions to Treaty Five). This process, designed to open areas of potential development and to forestall the possibility of disruptive aboriginal land claims, was determined almost entirely by federal and other non-Native priorities. As the Treaty Ten experience illustrates, the Native people often requested treaty coverage long before it was

offered, only to be refused because the federal government could see no immediate need for the land. Once the utility of the land was apparent, either for political reasons, as in the case of Treaty Ten, or on economic grounds, the federal government hastily arranged for a treaty.

But even the post-treaty history of the northern treaties differed significantly from that of the southern plains treaties. In the northern districts, the government saw little justification for starting the expensive process of altering the Natives' harvesting way of life. The Department of Indian Affairs was convinced that there were few options open to these Natives beyond hunting and trapping, and so sought primarily to protect these activities. Unlike the southern plains, therefore, where treaties quickly if not immediately meant a major change in economic activities and patterns of nomadism, the northern districts remained largely unaffected, at least in the intermediate term, by the potential acculturative effects of the treaty process. For Treaty Ten, as for the other north-ern treaties, federal priorities shaped by southern non-Native plans for the northern districts dict-ated both the timing of the treaties and the degree to which the Department of Indian Affairs moved beyond the land settlement to begin the restructuring of Native life.

Appendix A

Copy of Treaty Ten

TREATY No.10

AND

REPORTS OF COMMISSIONERS

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QUEEN'S PRINTER AND CONTROLLER OF STATIONERY

OTTAWA, 1966

Cat. No.: Ci 72-1066

LAND Publication No. QS-2048-000-EE-A- 11

ORDER IN COUNCIL SETTING UP COMMISSION

FOR TREATY No. 10

P.C. No. 1459

On a Report dated 12th July 1906, from the Superintendent General of Indian Affairs, stating that the aboriginal title has not been extinguished in the greater portion of that part of the Province of Saskatchewan which lies north of the 54th parallel of latitude and in a small adjoining area in Alberta; that the Indians and Half-breeds of that territory are similarly situated to those whose country lies immediately to the south and west, whose claims have already been extinguished by, in the case of those who are Indians, a payment of a gratuity and annuity and the setting aside of lands as reserves, and in the case of those who are Half-breeds, by the issue of scrip; and they have from time to time pressed their claims for settlement on similar lines; that it is in the public interest that the whole of the territory included within the boundaries of the Provinces

of Saskatchewan and Alberta should be relieved of the claims of the aborigines; and that \$12,000.00 has been included in the estimates for expenses in the making of a treaty with Indians and in settling the claims of the Half-breeds and for paying the usual gratuities to the Indians.

The Minister recommends as follows:-

1. That a Treaty be made with the Indians of the aforesaid territory, which is situated partly in the Province of Saskatchewan and partly in the Province of Alberta, and lying to the east of Treaty 8, and to the north of Treaties 5 and 6, and the addition to Treaty 6, which territory contains, approximately, an area of 85,000 square miles; and that the Treaty provide:
 - (a) for the setting aside of reserves of an area not to exceed one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families, and for such Indian families or individual Indians as prefer to live apart from band reserves, the setting aside of lands in severalty to the extent of 160 acres for each Indian with a proviso as to non-alienation without the consent of the Governor in Council;
 - (b) for the payment at the time of the making of the Treaty of \$32.00 in cash to each Chief, and \$22.00 to each head man, and \$12.00 to every other Indian of whatever age, and the payment every year thereafter of \$25.00 to each Chief, \$15.00 to each head man and \$5.00 to every other Indian of whatever age;
 - (c) for the making of such provision as may from time to time be deemed advisable for the education of the Indian children; and
 - (d) for the affording of such assistance as may be found necessary or desirable to advance the Indians in farming or stock-raising or other work.
2. That the Half-breeds of the territory aforesaid be granted scrip redeemable to the amount of \$240.00 in payment for Dominion Land or locatable for 240 acres of Dominion Land in the form and according to the rules followed in the issue of scrip to the Half-breeds in the territory covered by Treaty 8, which are as follows:--
 - (a) Every Half-breed resident in the territory to be covered by the proposed Treaty at the time of the making thereof whose claim has not been extinguished either by the issue of scrip to himself or his parents or otherwise to be granted scrip as aforesaid for land or money as he, or his parent or guardian, if he be under eighteen years of age, may elect;
 - (b) The extinguishment of the claim of one parent shall not be held to debar from scrip any Half-breed who is a resident of the said territory at the time of the making of the Treaty;
 - (c) In case of Half-breeds whose claims were previously extinguished and who may be residents of the said territory those of their children born in the territory or in any ceded portion of the North West outside the old boundaries of Manitoba between the 15th of July, 1870, and the end of the year 1885 are, if they have not previously received scrip, to be recognized as entitled to scrip, as they would have been recognized had their claim been presented to the Commission appointed to dispose of such claims;
 - (d) The certificates for scrip issued in favour of Half-breeds under eighteen years of age shall be delivered to the father, if he be alive, and if not to the mother or guardian.

The Minister further recommends that James Andrew Joseph McKenna, of the City of Winnipeg, in the Province of Manitoba, be appointed Commissioner, to make the proposed Treaty with the Indians of the territory described herein, and to hear and determine the claims of the Half-

breeds therein and issue scrip as aforesaid to those of them whom he may find to be entitled; Mr. McKenna to be allowed in addition to his regular salary extra remuneration at the rate of \$5.00 per diem.

The Committee submit the same for approval.

WILFRID LAURIER.

RATIFICATION OF TREATY No. 10

P.C. No. 2490

On a Memorandum dated 7th November, 1907, the Superintendent General of Indian Affairs, submitting herewith for Your Excellency's consideration Treaty No. 10 made in 1906 by the Commissioner, James Andrew Joseph McKenna, Esquire, who was appointed to negotiate the same with the Chipewyan, Cree and other Indian inhabitants of the territory situated partly in the Province of Saskatchewan and partly in the Province of Alberta and lying to the east of Treaty No. 8 and to the north of Treaties Nos. 5 and 6 and the addition to Treaty No. 6 described in the said Treaty.

The Minister also submits adhesions to the said Treaty, taken by Thomas Alexander Borthwick, Esquire, who was appointed a Commissioner to take the same during the summer of 1907 from such of the Indians of the Tribes above referred to as were not met with by Commissioner McKenna.

The Minister recommends that the said Treaty, and the adhesions thereto, be approved by Your Excellency in Council; the original Treaty and adhesions to be returned to the Department of Indian Affairs and the copy thereof to be Kept of record in the Privy Council Office.

The Committee submit the same for approval accordingly.

WILFRID LAURIER

REPORT OF FIRST COMMISSIONER FOR TREATY No. 10.

OTTAWA, January 18, 1907.

The Hon. **FRANK OLIVER**,

Superintendent General of Indian Affairs,

Ottawa.

SIR, --I have the honour to transmit herewith the treaty which, under the commission issued to me July 20, 1906, I made with the Chipewyan Indians of English River and Clear Lake and the Crees of Canoe Lake, in the northern part of Saskatchewan.

The arrangements which I made for meeting the Indians, of which they were advised, provided that the first meeting was to be at Portage la Loche on September 3, but unfavourable weather and the action of the Indians themselves made it impossible to carry out my programme.

On reaching Isle à la Crosse on August 26, en route to Portage la Loche, I found that all the Chipewyans from English River and some ten families from Clear Lake were gathered there, waiting for the commission, which was announced to be at that point on September 13. These Indians urged strongly that they be treated with at once, on the ground that they had been gathered there for several days, that their supplies were getting low, that it was necessary that they should return to their hunting grounds without further delay, that they had come long distances, and that they would have to travel far before reaching their winter quarters.

I decided to accede to their request, and met them on August 28, 1906.

It appeared for a time as if there would be some considerable difficulty in effecting a settlement on the lines of the treaty, for it was evident from the trend of the talk of the leaders among the Indians that there had been at work an influence which tended to make them regard the treaty as a means of enslaving them. I was able to disabuse their minds of this absurd notion and to make it clear that the government's object was simply to do for them what had been done for neighbouring Indians when the progress of trade or settlement began to interfere with the untrammelled exercise of their aboriginal privileges as hunters.

By the end of the day, the treaty was signed and the annuity and gratuity moneys paid.

The number of Indians paid at this point was:--

2 chiefs at \$32	\$	64 00
2 headmen at \$22		44 00
<u>195</u> other Indians at \$12		<u>2,340 00</u>
199	\$	2,448 00

The chief of the Clear Lake band, who was empowered to speak for his people, requested that the remainder of the band be paid at Buffalo Narrows, where they would gather to meet me on the return journey from Portage la Loche.

After treating with these Indians, I left Isle à la Crosse on August 30 for Portage la Loche, at which point I was due on September 3; but for the reasons given above, I did not reach there until the 5th.

The people at this point were all half-breeds and were dealt with as such.

On the 8th of the same month, I left for la Loche mission, across la Loche lake, a distance of nine miles, where more half-breeds had to be met and dealt with. There were at this point three aged Chipewyan women who desired to be attached to the Clear Lake band, and I entered them as members and paid them treaty.

Having completed my work at la Loche mission on the 11th, I started on my return journey to Isle à la Crosse, reaching Buffalo Narrows on the evening of the 16th. The chief of the Clear Lake band and those of his people who had not yet been paid treaty were gathered here. I met them the following day; found them satisfied with the action of their chief in becoming a party to the treaty, and paid the gratuity and annuity.

The number of Indians paid at this point, including three members of the band at Bull's House, was:--110 Indians at \$12, \$1,320.

At the request of the chief, the appointment of headmen was deferred until next treaty payments, as the Indians were not then prepared to make their selections.

After completing the work at Buffalo Narrows, I pushed on to Isle à la Crosse, a distance of fifty-five miles, arriving there the same night. I met the Cree Indians of Canoe Lake the next day and explained to them all the stipulations contained in the treaty. I secured their adhesion on September 19.

The number of this band is eighty-two, consisting of one chief, two headmen and seventy-nine other Indians; the amount paid was \$1,024.

The next point of destination was Stanley, where I was scheduled to meet the Indians on October 8; but between my leaving and returning to Isle à la Crosse a report came to the Hudson's Bay Company to the effect that the streams were very shallow and that travel would, therefore, be so very difficult and slow that in all probability our party would be frozen in and would have to remain at Stanley until dog trains could be procured. This report was quite confirmed by the information which Messrs. Revillon Freres had from that part of the country, and of which their manager, Monsieur Benard, very kindly apprised me. From the report it also appeared that, even if we made the trip, it would be impossible for the Indians from the northeastern portion of the country to be gathered there, and that there were at Stanley and in its immediate vicinity only a few half-breed families who had had their claims settled before they migrated to that region. I therefore decided to cancel the appointment, and sent notice to that effect to the people, assuring them at the same time that they would be visited at a future date, of which they would be duly notified.

As the discussions which took place with the bands treated with were much on the same lines, I shall confine myself to a general statement of their import.

There was a marked absence of the old Indian style of oratory, the Indians confining themselves to asking questions and making brief arguments. They all demanded even more liberal terms than were granted to Indians treated with in past years, the chief of the English River band

going so far as to claim payment of 'arrears' from the year when the first treaty was made; some expected to be entirely fed by the government, after the making of the treaty; all asked for assistance in seasons of distress; and it was strongly urged that the old and indigent who were no longer able to hunt and trap and were consequently often in destitute circumstances, should be cared for by the government.

There was a general expression of fear that the making of the treaty would be followed by the curtailment of their hunting and fishing privileges, and the necessity of not allowing the lakes and the rivers to be monopolized or depleted by commercial fishing was emphasized.

There was evidenced a marked desire to secure educational privileges for their children. In this connection and speaking for the Indians generally, the chief of the English River band insisted that in the carrying out of the government's Indian educational policy among them there should be no interference with the system of religious schools now conducted by the mission, but that public aid should be given for improvement and extension along the lines already followed.

The chief of the Canoe Lake band stated that there were about twenty-five children of school age in his band, and asked that a day school be established at Canoe Lake for their benefit and that it be put under the management of a woman teacher.

There was also a demand made for a few head of cattle to be given to those of the Indians who wished to go into the industry of stock-raising.

The Indians all agreed to have one place of payment in the future; but made it a condition that the payments should be held about the middle of June of each year, as that is the only time at which the gathering for annuity payments would not interfere with their avocations to an extent that the payment would be no adequate compensation for. They selected Isle à la Crosse as the place of payment.

They further requested that medicines be furnished, and made an earnest appeal for the appointment of a resident medical man.

In my reply I convinced them that such a claim as they put forward for what they called 'arrears' had never before been heard of, and that I could not for a moment recognize any obligation on the government's part except such as would be put upon it in virtue of the execution of the treaty. I pointed out to them that the government could not undertake to maintain Indians in idleness; that the same means of earning a livelihood would continue after the treaty was made as existed before it; and that Indians would be expected to make as good use of them in the future as in the past. I stated that the government was always ready to assist Indians in actual destitution; that in times of distress they would, without any special stipulation in the treaty, receive such assistance as it was usual to give in order to prevent starvation among them, and that the attention of the government would be called to the necessity of some special provision being made for assisting the old and indigent who were unable to work and dependent on charity for subsistence.

I guaranteed that the treaty would not lead to any forced interference with their mode of life. I explained to them that, whether treaty was made or not, they were subject to the law, bound to obey it and liable to punishment for any infringement thereof; that it was designed for the protection of all and must be respected by all the inhabitants of the country, irrespective of colour or origin; and that, in requiring them to abide by it, they were only being required to do the duty imposed upon all the people throughout the Dominion of Canada. I dwelt upon the importance, in their own interest, of the observance of the laws respecting the protection of fish and game.

As to education, the Indians were assured that there was no need for special stipulation over and above the general provision in the treaty, as it was the policy of the government to provide in every part of the country as far as circumstances would permit, for the education of the Indian children, and that the law provided for schools for Indians maintained and assisted by the government being conducted as to religious auspices in accordance with the wishes of the Indians.

It was explained that the assistance in farming and ranching mentioned in the treaty, is only to be given when the Indians are actually prepared to go into those industries. It is not likely that for many years to come, there will be a call for any but a small expenditure under these heads. It is not probable that the Indians will, while present conditions continue, engage in farming further than the raising of roots in a small way. As to cattle, I stated that the agent who will be sent to make the next treaty payments, would be asked to discuss the matter with them, but that those only who are considered able and willing to take good care of cattle would receive assistance in that form.

I promised that medicines would be placed at different points in the charge of persons to be selected by the government, and would be distributed to those of the Indians who might require them. I showed them that it would be practically impossible for the government to arrange for a resident doctor owing to the Indians being so widely scattered over such an extensive territory; but I assured them that the government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the commission should give free attendance to all Indians whom he might find in need of treatment.

In the main, the demand will be for ammunition and twine, as the great majority of the Indians will continue to hunt and fish for a livelihood. It does not appear likely that the conditions of that part of Saskatchewan covered by the treaty will be for many years so changed as to affect hunting and trapping, and it is expected, therefore, that the great majority of the Indians will continue in these pursuits as a means of subsistence.

The Indians were given the option of taking reserves or land in severalty, when they felt the need of having land set apart for them. I made it clear that the government had no desire to interfere with their mode of life or to restrict them to reserves and that it undertook to have land in the proportions stated in the treaty set apart for them, when conditions interfered with their mode of living and it became necessary to secure them possession of land.

The Indians dealt with are in character, habit, manner of dress and mode of living similar to the Chipewyans and Crees of the Athabaska country. It is difficult to draw a line of demarcation

between those who classed themselves as Indians and those who elected to be treated with as half-breeds. Both dress alike and follow the same mode of life. It struck me that the one group was, on the whole, as well able to provide for self-support as the other.

After leaving Green Lake, our route was by rivers and lakes and afforded not much opportunity for forming an opinion of the country ceded and of its resources. From our point of view, the country appeared flat. There were extensive stretches of hay-lands along the rivers and wooded heights about the lakes. The waters abound in fish, which form the chief article of food.

The Isle à la Crosse mission was founded about sixty-two years ago by Father Lafleche, who afterwards was a prominent figure in the Quebec hierarchy, and Brother Taché, who afterwards filled the See of St. Boniface. The church built by them was destroyed by fire and has been replaced by another. The building next in importance is the school conducted by the sisters. It shows marked evidence of age externally, but is cosy within, and the children whom I had the pleasure of meeting there, evidenced the kindly care and careful training of the devoted women who have gone out from the comforts of civilization to work for the betterment of the natives of the north. The priest's house is a small one. Its only door opens into a large room which occupies the greater part of the building and which is the common gathering place of the Indians and half-breeds, who sit and smoke with an ease that seemed born of long habit of free intercourse with those who have undertaken the cure of their souls.

The mission is about opposite the company's post. It is close to the shore. The site is rather flat and for miles on three sides stretches a bald prairie, though we were told that the mission when founded was on the fringe of the forest. Whatever it may have been, it is no longer a desirable situation for a boarding school, and a new one has been erected at Rivière la Plonge, some thirty miles South of the mission. The building is one hundred feet by sixty-two feet, and is two and a half storeys high. It was finished when I visited it. The site is a delightful one on a rising ground from the river, which here breaks into a cataract that the Oblate brothers have harnessed for power purposes. They cut the logs, and, with the harnessed river, sawed them into lumber, with which they built the school, a splendid monument to their mechanical skill, industry and devotion. When I was leaving Isle à la Crosse, the moving of the children from the old to the new institution had begun.

Our trip was rather a difficult one. Our transport had to be organized on short notice. The water in the rivers was pretty low, and we encountered storms on the lakes; but there was no ground for the report of shipwreck and loss which unfortunately obtained currency.

I had the pleasure of the company, on most of the inward trip, of His Lordship Bishop Pascal; and I desire to repeat here the acknowledgment I made and the gratitude I expressed to his lordship personally for the assistance of his influence on my first meeting the natives of the country, which is filled with reverence for his name because of his devoted labours.

I desire to express, also, my appreciation of the help ever readily rendered by Major Begin, of the Royal Northwest Mounted Police, who was in command of the escort; by Dr. J. J. A.

Lebrecque, the medical officer; by Mr. Charles Fisher, of Duck Lake, and Mr. Charles Mair, of Ottawa, secretaries to the commission, by the Hudson's Bay Company's chief factor, and by Mr. Angus McKay, the officer of the company who was especially charged with the carrying out of the transportation contract. To the men of the country on whose labour we had so much to depend I acknowledge my obligation. They worked long hours at paddling and rowing and poling, and endured great hardships in tracking and walking our canoes and flat boats over the rapids and shoals, so that I might keep my appointments. Camp was made late and broken early. Yet there was never a complaint, but always a zestful interest and cheerfulness as pleasant as the campfires that brightened the night.

A detailed statement of the Indians treated with and of the money paid is appended.

I have the honour to be, sir,

Your obedient servant,

J. A. J. McKENNA,

Commissioner.

STATEMENT of Indians paid annuity and gratuity moneys in Treaty No. 10 during 1906.

Name of Band.	Chiefs.	Headme n.	Other Indians.	Cash Paid each Band.	Total Cash paid.
				\$ cts.	\$
cts.					
English River Band (Chipewyans)--					
Chiefs at \$32	1	.....	.....	.....	32 00
Headmen at \$22 .....	.....	.....	2	.....	44 00
Other Indians at \$12 .....	.....	.....	.....	150	1,800 00
1,876 00					
Clear Lake Band (Chipewyans)-					
Chief at \$32		1	.....	
..... 32 00					
(No headmen appointed) ..	.....	.....	.....
.....					
Other Indians at \$12 .....	.....	.....	158	1,896 00	1,928 00
Canoe Lake Band (Crees)-					
Chief at \$32			1	.....
..... 32 00					
Headmen at \$22 .....	.....	.....	.....	2	
..... 44 00					
Other Indians at \$12 .....	.....	.....	.....	.....
79 948 00	1,024 00				
Total	3	4		387	
..... 4,828 00					

SUMMARY.

3 chiefs at \$32	\$ 96 00
4 headmen at \$22	88 00
387 other Indians at \$12	<u>4,644 00</u>
394	\$ 4,828 00

Certified correct,

J. A. J. McKENNA,
Commissioner, Treaty No. 10

Articles of a treaty made and concluded at the several dates mentioned therein, in the year of our Lord one thousand nine hundred and six between His Most Gracious Majesty the King of Great Britain and Ireland by His commissioner, James Andrew Joseph McKenna, of the city of Winnipeg, in the province of Manitoba, Esquire, of the one part, and the Chipewyan, Cree and other Indian inhabitants of the territory within the limits hereinafter defined and described by their chiefs and headmen hereunto subscribed of the other part.

Whereas the Indians inhabiting the territory hereinafter defined have, pursuant to notice given by His Majesty's said commissioner in the year 1906, been convened to meet His Majesty's said commissioner representing His Majesty's government of the Dominion of Canada at certain places in the said territory in this present year 1906 to deliberate upon certain matters of interest to His Most Gracious Majesty on the one part and the said Indians of the other.

And whereas the said Indians have been notified and informed by His Majesty's said commissioner that it is His Majesty's desire to open for settlement, immigration, trade, travel, mining, lumbering and such other purposes as to His Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned and to obtain the consent thereto of his Indian subjects inhabiting the said tract and to make a treaty and arrange with them so that there may be peace and good will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council at the respective points named hereunder and being requested by His Majesty's said commissioner to name certain chiefs and headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and headmen who have subscribed hereto.

And whereas the said commissioner has proceeded to negotiate a treaty with the Chipewyan, Cree and other Indians inhabiting the said territory hereinafter defined and described and the same has been agreed upon and concluded by the respective bands at the dates mentioned hereunder;

Now therefore the said Indians do hereby cede, release, surrender and yield up to the government of the Dominion of Canada for His Majesty the King and His successors for ever all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say:-

All that territory situated partly in the province of Saskatchewan and partly in the province of Alberta, and lying to the east of Treaty Eight and to the north of Treaties Five, Six and the addition

to Treaty Six, containing approximately an area of eighty-five thousand eight hundred (85,800) square miles and which may be described as follows:-

Commencing at the point where the northern boundary of Treaty Five intersects the eastern boundary of the province of Saskatchewan; thence northerly along the said eastern boundary four hundred and ten miles, more or less, to the sixtieth parallel of latitude and northern boundary of the said province of Saskatchewan; thence west along the said parallel one hundred and thirty miles, more or less, to the eastern boundary of Treaty Eight; thence southerly and westerly following the said eastern boundary of Treaty Eight to its intersection with the northern boundary of Treaty Six; thence easterly along the said northern boundary of Treaty Six to its intersection with the western boundary of the addition to Treaty Six; thence northerly along the said western boundary to the northern boundary of the said addition; thence easterly along the said northern boundary to the eastern boundary of the said addition; thence southerly along the said eastern boundary to its intersection with the northern boundary of Treaty Six; thence easterly along the said northern boundary and the northern boundary of Treaty Five to the point of commencement.

And also all their rights, titles and privileges whatsoever as Indians to all and any other lands wherever situated in the provinces of Saskatchewan and Alberta and the Northwest Territories or any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His successors forever.

And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the territory surrendered as heretofore described, subject to such regulations as may from time to time be made by the government of the country acting under the authority of His Majesty and saving and excepting such tracts as may be required or as may be taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And His Majesty the King hereby agrees and undertakes to set aside reserves of land for such bands as desire the same, such reserves not to exceed in all one square mile for each family of five for such number of families as may elect to reside upon reserves or in that proportion for larger or smaller families; and for such Indian families or individual Indians as prefer to live apart from band reserves His Majesty undertakes to provide land in severalty to the extent of one hundred and sixty (160) acres for each Indian, the land not to be alienable by the Indian for whom it is set aside in severalty without the consent of the Governor General in Council of Canada, the selection of such reserves and land in severalty to be made in the manner following, namely, the Superintendent General of Indian Affairs shall depute and send a suitable person to determine and set apart such reserves and lands, after consulting with the Indians concerned as to the locality which may be found suitable and open for selection.

Provided, however, that His Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band or bands as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's

government of Canada for the use and benefit of the Indians entitled thereto, with their consent first had and obtained.

It is further agreed between His Majesty and His said Indian subjects that such portions of the reserves and lands above mentioned as may at any time be required for public works, buildings, railways or roads of whatsoever nature may be appropriated for such purposes by His Majesty's government of Canada due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area so appropriated.

And with a view to showing the satisfaction of His Majesty with the behaviour and good conduct of His Indians and in extinguishment of all their past claims, He hereby through His commissioner agrees to make each chief a present of thirty-two (32) dollars in cash, to each headman twenty-two (22) dollars and to every other Indian of whatever age of the families represented at the time and place of payment twelve (12) dollars.

His Majesty also agrees that next year and annually thereafter for ever He will cause to be paid to the Indians in cash, at suitable places and dates of which the said Indians shall be duly notified, to each chief twenty-five (25) dollars, each headman fifteen (15) dollars and to every other Indian of whatever age five (5) dollars.

Further His Majesty agrees that each chief, after signing the treaty, shall receive a silver medal and a suitable flag, and next year and every third year thereafter each chief shall receive a suitable suit of clothing, and that after signing the treaty each headman shall receive a bronze medal and next year and every third year thereafter a suitable suit of clothing.

Further His Majesty agrees to make such provision as may from time to time be deemed advisable for the education of the Indian children.

Further His Majesty agrees to furnish such assistance as may be found necessary or advisable to aid and assist the Indians in agriculture or stock-raising or other work and to make such a distribution of twine and ammunition to them annually as is usually made to Indians similarly situated.

And the undersigned Chipewyan, Cree and other Indian chiefs and headmen on their own behalf and on behalf of all the Indians whom they represent do hereby solemnly promise and engage to strictly observe this treaty in all and every respect and to behave and conduct themselves as good and loyal subjects of His Majesty the King.

They promise and engage that they will in all respects obey and abide by the law; that they will maintain peace between each other and between their tribes and other tribes of Indians and between themselves and other of His Majesty's subjects whether whites, Indians, half-breeds or others now inhabiting or who may hereafter inhabit any part of the territory hereby ceded and herein described, and that they will not molest the person or trespass upon the property or inter-

fere with the rights of any inhabitant of such ceded tract or of any other district or country or interfere with or trouble any person passing or travelling through the said tract or any part thereof and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty or infringing the law in force in the country so ceded.

In witness whereof His Majesty's said commissioner and the chiefs and headmen have hereunto set their hands at Isle à la Crosse this twenty-eighth day of August in the year herein first above written.

Signed by the parties hereto in the presence of the undersigned witnesses the same having first been explained to the Indians by Magloire Maurice, interpreter.	)	J. A. J. McKENNA, <i>Commissioner.</i>
J. V. BEGIN,	)	his
Supt., R.N.W.M. Police.	)	WILLIAM X APISIS,
I. RAPET, ptre, O.M.I.,	)	mark
CHAS. FISHER,	)	<i>Chief of the English River Band.</i>
CHAS. MAIR,	)	his
ANGUS McKAY,	)	JOSEPH X GUN,
D. McKENNA,	)	mark
T. DAVIS.	)	<i>Headman.</i>
)	)	his
)	)	JEAN- BAPTISTE X ESTRAL-
)	)	SHENEN, mark
)	)	<i>Headman.</i>
)	)	his
)	)	RAPHAEL X BEDSHIDEKKGE,
)	)	mark
)	)	<i>Chief of Clear Lake Band.</i>

Signed by the Chief and Headman of the Canoe Lake band, this 19th day of September, A.D. 1906. The treaty having been read over and explained by Archie Park, interpreter, in the presence of the undersigned witnesses.)	)	his
J. V. BEGIN,	)	JOHN X IRON.
Supt., R.N.W.M.P.,	)	mark
L. COCHIN, ptre, O.M.I.,	)	<i>Chief of Canoe Lake Band.</i>
J. E. TESTON, ptre, O.M.I.,	)	his
F. E. SHERWOOD,	)	BAPTISTE X IRON.
Const., R.N.W.M. Police,	)	mark
his	)	<i>Headman, Canoe Lake Band</i>
ARCHIE X PARK, Interpreter.	)	his
mark	)	JEROME X COUILLONEUR.
CHARLES MAIR,	)	mark
	)	<i>Headman, Canoe Lake</i>

Articles of a treaty made and concluded at the several dates mentioned therein, in the year of our Lord one thousand nine hundred and seven, between His Most Gracious Majesty the King of Great Britain and Ireland by His Commissioner Thomas Alexander Borthwick, of Mistawasis, in the province of Saskatchewan, Esquire, of the one part, and the Chipewyan, Cree and other Indian inhabitants of the territory within the limits hereinafter defined and described by their chiefs and headmen hereunto subscribed of the other part.

* * * * *

In witness whereof His Majesty's said commissioner and the chiefs and headmen have hereunto set their hands at Lac du Brochet this 19th day of August, in the year first above written.

Signed by the parties hereto in the pre-	)	his
sence of the undersigned witnesses the)	)	PETIT X CASIMIR,
same having first been explained to the )	)	mark
Indians by A. Turquetil.	)	Chief of Barren Land Band.
CHARLES LA VIOLETTE,	)	his
Interpreter.	)	JEAN X BAPTISTE.
W. J. McLEAN, Witness.	)	mark
A. W. BELL, Witness.	)	Headman of Barren Land Band.
THOMAS BORTHWICK,	)	his
Commissioner, Treaty No. 10.	)	ANDRE X ANTANEN,
)	)	mark
)	)	Indian of Barren Land Band.

In witness whereof His Majesty's said commissioner and the chiefs and headmen have hereunto set their hands at Lac du Brochet this 22nd day of August in the year first above written.

Signed by the parties hereto in the pre-	)	his
sence of the undersigned witnesses the)	)	THOMAS X BENAOUNI,
same having first been explained to the )	)	mark
Indians by E. S. Turquetil, inter-	)	Chief of Hatchet Lake Band.
preter.	)	Witness A. W. BELL,
Witness A. W. BELL,	)	his
Witness W. J. McLEAN.	)	PIERRE X AZE.
)	)	mark
)	)	Headman of Hatchet Lake Band.
)	)	THOS. BORTHWICK,
)	)	Commissioner, Treaty 10.

REPORT OF SECOND COMMISSION FOR TREATY No. 10.
MISTAWASIS, CARLTON AGENCY, October 14,
1907.

FRANK PEDLEY, Esq.
Deputy Supt. General of Indian Affairs,
Ottawa.

SIR,-I have the honour to submit my report upon the payments of their annuities to those of the Indians of Treaty No. 10 who were treated with last year, and also transmit herewith the treaty, which, under the authority that devolved upon me by the commission issued to me on the 6th day of April, 1907, I concluded with the Chipewyan Indians living in the region of Lac du Brochet and Lac la Hache, and in the part of the district of Keewatin adjoining the northeast corner of the province of Saskatchewan.

With the view of keeping appointments for the payments of their annuities to the Indians who were treated with last year at Isle à la Crosse, I proceeded from here on June 11, and after travelling over some very bad road, I arrived at Green Lake on the afternoon of the 15th, and got to Isle à la Crosse at noon of Saturday, June 22, one day behind the date that was fixed for my arrival there. Very unfavourable weather was the cause of delay. Only the Canoe Lake band of Indians had so far assembled there to meet me; and I at once had an interview with the chief and headmen of that band, and it being Saturday, they asked that the paying of their annuities be post-

poned until Monday, the 24th. To that request I conceded, and accordingly they were paid on that and the following day. The Indians of English River and Clear Lake bands not having then arrived, I began taking evidence in connection with claims for scrip preferred by a number of half-breeds from Souris River who did not have a chance of meeting the commissioner of last year at Isle à la Crosse. The evidence adduced by these applicants for scrip was continued up to the 29th, when the English River and Clear Lake bands having fully arrived, were paid their annuities. The 1st of July, being Dominion Day, was, at the request of the half-breeds and Indians, observed as a holiday, and they celebrated it with great enthusiasm; the members of the commission and other gentlemen present heartily joining them and making their sports pecuniarily interesting for them.

Further dealings with the Indians and half-breeds occupied the time of the commission up to July 3, when, upon being informed that a considerable number of half-breeds and Indians were assembled at the Roman Catholic mission near Portage la Loche and expecting me there, I proceeded to that place, and after a very trying trip with rains and stormy weather, I reached there late on the evening of July 9, and owing to the number of half-breeds who had to be dealt with here, and the very inclement weather prevailing, it took up to the 14th to get through with the work. In addition to the half-breeds assembled here, I found a number of families of Indians from Whitefish Lake, who asked very earnestly that I should pay them their annuities. I explained to them that I could not do that, as it was inconsistent with the rules of the department to pay Indians of a certain treaty by the agent of another treaty. They pointed out that it was a great hardship for them to be compelled to travel over a hundred miles through a difficult section of the country going to Fort McMurray, which took them five or six days to get there and the same number of days returning to their homes. Before leaving the mission, they handed me a petition praying that they be paid next year at Buffalo River on Buffalo Lake, to which point they can come in less than two days from Whitefish Lake.

On Monday morning, July 15, I left the mission on the return trip to Isle à la Crosse, and after an unusually favourable trip I arrived there on the 17th. Here I was detained for five days to procure tripmen to go on to Stanley, for which place I started on the morning of July 23 and arrived there on the evening of August 1. Here I met some fifty heads of families of the Lac la Ronge Indians, headed by their chief, Amos Charles, and two of their headmen, who asked that they be paid their annuities there, as many of them spent the summer and autumn on the Churchill river, and in compliance with their request they were paid on the 2nd and 3rd: the 5th and 6th were occupied taking evidence of applicants for scrip and procuring tripmen for the Lac du Brochet trip. On the morning of August 7 I left Stanley for the Hudson's Bay Company's post on the north end of Lac du Brochet, and after a successful trip reached that place on the 17th idem.

Owing to the amount of work which devolved upon the commission that was not anticipated, it was made impossible for me to reach this place, which was the stated point of rendezvous with the Indians, on the date that they were notified I was to be there to meet them; and consequently they were detained for ten days awaiting my arrival, and which led to their running out of provisions, they being all assembled with their families, and finding that they were reduced to such a state, I felt that it was proper for me to relieve their immediate necessities, and accordingly I supplied them with a limited quantity of provisions, for which they appeared to feel very thankful. I con-

sider it proper that I should mention here that considerable help was afforded these Indians whilst waiting my arrival by Mr. A. McDermot, the Hudson's Bay Company's agent at this place, by giving them some light work to do and paying them for it in provisions, and likewise by the agent of the Revillon Bros.

On the morning of August 19 I held council with the combined Indians of the Barren Land and the Indians of Lac la Hache, the Rev. Father Turquetil acting as interpreter, which he did on all subsequent occasions during my transactions with the Indians here, the Chipewyan language being spoken. I explained to them why I was sent to meet them, and after various thoughtful questions put by the Indians bearing upon the treaty and answered by me to their satisfaction, they asked for a short recess to discuss the terms of the treaty more fully among themselves; which was granted them. At 2 p.m. they reassembled and the Barren Land band announced that they had elected their chief and two headmen, and were prepared to accept the terms of the treaty. The Lac la Hache band intimated that some of their people were away, but would be back in a day or so, and that they would like to have their concurrence in the matter of selecting their chief and councillors; I consented to their waiting a day or so, if necessary, in order to obtain the full consent of their band to their transactions. The chief and headmen of the Barren Land band then formally signed the treaty, and without further undue delay the payments of their gratuities and annuities were begun to them, and were got through with at noon on the 21st. The number of Indians treated with in this band was 232, including:-

1 chief	\$	32 00
2 headmen at \$22		44 00
229 other Indians at \$12		<u>2,748 00</u>
	\$	2,824 00

The Lac la Hache band assembled on the 22nd, and after the terms of the treaty were read over to them for the second time and thoroughly explained in their own language, they presented their elected chief and two headmen, who then in due form signed the treaty, and the members of the band were paid in accordance with the terms of the treaty. The number of Indians paid in this band was 97, including:-

1 chief	\$	32 00
2 headmen at \$22	\$	44 00
94 other Indians at \$12	\$	<u>1,128 00</u>
	\$	1,204 00

This practically finished the Indian work at this point, and after a number of half-breed s'applications for scrip were received, I left this place on August 24 for Lac la Ronge, via Stanley, and on September 3, after a very unusually expeditious trip, I arrived at the paying ground at Lac la Ronge; and on the 4th and 5th paid the rest of the James Roberts band--some 60 odd heads of families who were not paid at Stanley.

After taking the evidence of a number of half-breed applicants for scrip at this place, and holding council meetings with the Indians in connection with the surrender of their reserve, No. 106A, &c., I left on the 11th for Montreal Lake, and arrived there on the 16th, and the following day paid their annuities to the Indians of this place, the William Charles' band.

On the 18th I held meetings with the chief and headmen of the James Roberts' band, who accompanied me to this place, and with that of the Wm. Charles' band combined, bearing upon the surrender of their reserve, No. 106A, when after due deliberation, they unanimously agreed to re-linquinsh the reserve to the government upon the terms set forth in an agreement signed by them on the 18th day of September, 1907; which agreement was transmitted to the Deputy Minister of Indian Affairs on the 8th instant.

On the afternoon of the 18th of September, the commission party left Montreal lake with canoes for the landing on Red Deer lake, where they arrived on the 21st, after being detained one day en route with stress of weather. At the landing teams were taken to this place (Mistawasis) where we arrived on the evening of September 24, ultimo; this completing an arduous trip of over 2,000 miles by water, in canoes, and 300 miles by land, which I have pleasure to say was performed successfully and without accident.

Concerning my staff, I am pleased to state that I was excellently equipped, and that, in general, a fine spirit existed amongst its members; of some of them I cannot speak too highly. Dr. H. A. Stewart proved himself ideally fitted for his post. Full of the kindest sympathy for the sick, he was untiring in his labours on their behalf; a skilful physician, he was most successful in his efforts to relieve their suffering, and won golden opinions from all who required his services. W. J. McLean, the senior secretary, displayed special ability in the performance of the onerous duties of his position, his previous experience in treaty payments standing him in good stead; while his knowledge of the French language, his long residence as a chief factor of the Hudson's Bay Company, in the part of the country traversed, and his personal acquaintance with many of the applicants, materially contributed to the success of my commission.

Of the rest it would be invidious to make personal mention, suffice to say that each performed his duties with energy and intelligence, sacrificing rest and comfort, and facing danger in the effort to cover distances with the least possible loss of time.

I have the honour to be, sir,

Your obedient servant,

THOS. A. BORTHWICK,

Commissioner, Treaty No. 10.

APPENDIX B

TREATY TEN

Original Bands and Reserves

BAND	RESERVE	COMMENTS
Canoe Lake	Canoe Lake #165 Canoe Lake #165A Canoe Lake #165B	
English River	La Plonge #192 Elak Dase #192A Knee Lake #192B Dipper Rapids #192C Wapachewunak #192D Ile à la Crosse #192E	
Peter Pond Lake	Peter Pond Lake #193 Churchill Lake #193A Turnor Lake #193B	Band originally known as Clear Lake Band; in 1972 two bands formed: Peter Pond and Turnor Lake.
Barren Lands	Brochet #197	Not confirmed by Order-in-Council.
Lac la Hache	Lac la Hache #220	

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