

TREATY RESEARCH REPORT  
TREATY No. 10  
(1906)

by  
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## HISTORICAL INTRODUCTION

In 1906, the Government of Canada authorized the negotiation of a treaty with the Native people in the un-ceded 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 predominantly 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.<sup>1</sup>

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 Rupertsland 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."<sup>2</sup>

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.

## Notes

<sup>1</sup> 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).

<sup>2</sup> Quoted in Thomas Flanagan, *Riel and the Rebellion: 1885 Reconsidered* (Saskatoon: Western Producer Prairie Books, 1984), p. 78.

## 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.<sup>1</sup>

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 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 publicly declared commitment by the federal authorities that the Natives would be protected, "civilized" and, ultimately, assimilated.<sup>2</sup>

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.<sup>3</sup>

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 inhabitants of the newly created Province of Manitoba and those living immediately west of it.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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 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.<sup>7</sup>

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 un-ceded 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 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.<sup>8</sup> 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."<sup>9</sup> 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 extinguished."<sup>10</sup> 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.<sup>11</sup> 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 un-ceded 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."<sup>12</sup>

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."<sup>13</sup> 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.<sup>14</sup> 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 1870, the firm wanted the government to assume its humanitarian obligations.<sup>15</sup>

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.<sup>16</sup>

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.<sup>17</sup> 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 un-ceded, 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.<sup>18</sup>

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, bureaucratic 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 not 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 un-ceded 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.<sup>19</sup> 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 un-ceded territories, proved to be inaccurate, but the government at least had some foundation upon which to make its plans.<sup>20</sup>

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 Laird, Indian Commissioner for Manitoba and the North-west 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 that

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.<sup>21</sup>

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.

Laird's commentary, a perceptive summary of long-standing 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 Northwest 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.

## Notes

<sup>1</sup> 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).

<sup>2</sup> John Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," in *ibid.*

3. 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.
4. Wayne Daugherty, *Treaty Research Report: Treaty One and Treaty Two* (Ottawa: Treaties and Historical Research Centre, 1983).
5. 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*.
6. John Tobias, "Canada's Subjugation of the Plains Cree, 1879-1885," *Canadian Historical Review*, LXIV, 4, 1983.
7. *Ibid.*, p. 521.
8. Public Archives of Canada (PAC), RG 10, vol. 3692, file 13, 979, Prince Morra, Adam McKenzie *et al.* to Governor Laird, 8 February 1879.
9. *Ibid.* Church Missionary Society, Stanley Mission, to Laird, 7 February 1879.
10. PAC, RG 10, vol. 3771, file 34,660-2, Deputy Superintendent General [Lawrence Vankoughnet] memorandum, 24 December 1881.
11. PAC, RG 10, vol. 3575, file 269, Bishop of St. Albert to Sir John A. Macdonald, 29 July 1883; Deputy Superintendent General of Indian Affairs to Dewdney, 19 November 1883.
12. PAC, RG 10, vol. 4006, file 241, 209-1, Deputy Superintendent General to Sir John A. Macdonald, 5 November 1883.
13. PAC, RG 10, vol. 3575, file 269, Information by L. Clarke, 28 May 1883.
14. PAC, RG 10, vol. 4006, file 241,209-1, Dewdney to Superintendent General of Indian Affairs, 25 April 1884.
15. 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).
16. PAC, RG 10, vol. 4006, file 241,209-1, Superintendent General of Indian Affairs to Privy Council, 19 January 1887.
17. *Ibid.*, Petition to the Governor-General of Canada in Council and to Sir Wilfrid Laurier, c. 1902. 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).
18. *Ibid.*, McKenna to Laurier, 7 April 1902.
19. *Ibid.*, McKenna to Clifford Sifton, 27 September 1902.
20. *Ibid.*, McKenna, memoranda to the Minister, 14 October 1902 and 18 March 1903; also McKenna to Davis, 21 October 1902.
21. *Ibid.*, Laird to Secretary, Department of Indian Affairs, 29 April 1904.

## 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, 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.<sup>1</sup>

David Laird disagreed with Conroy's suggestion, claiming that practical considerations limited the usefulness of the admission proposal. Though provincial boundaries were but a minor consideration, Laird argued that the Natives of Treaty Eight and those in the un-ceded 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 Laird – between the southern Mackenzie drainage basin and the westerly reaches of the Churchill River system – made practical sense.<sup>2</sup>

Laird 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. Laird 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,

Laird 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.<sup>3</sup>

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 on 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 autonomy, 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 Laird, 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.<sup>4</sup>

Pedley's philosophy clearly mirrored that of David Laird. 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 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.<sup>5</sup> 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.<sup>6</sup>

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 Laird 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.

## Notes

1. *Ibid.*, Conroy to Deputy Superintendent General, 15 December, 1905.
2. *Ibid.*, Laird to Secretary, Department of Indian Affairs, 7 October 1905.
3. *Ibid.*
4. *Ibid.*, Pedley to Superintendent General of Indian Affairs, 7 April 1906.
5. *Ibid.*, Oliver to Governor General in Council, 12 July 1906.
6. *Ibid.*, McKenna to Minister of the Interior, 31 July 1906.

## 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.<sup>1</sup>

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 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.<sup>2</sup>

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.<sup>3</sup>

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 Aписis, chief of the English River band, was more unexpected. Aписis 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.<sup>4</sup>

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."<sup>5</sup>

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 the treaty Natives. He paid the annuities and accepted into treaty several additional families who had missed the previous year's negotiations.<sup>6</sup> 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 22<sup>nd</sup>, 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 Ten.<sup>7</sup>

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.

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.<sup>8</sup> Not authorized to make any commitments beyond the terms of the treaty, Borthwick 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 time, 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 they 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.<sup>9</sup>

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.

## Notes

<sup>1</sup> McKenna's report is in *Treaty No. 10 and Reports of Commissioners* (Ottawa: King's Printer, 1906).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> PAC, RG 10, vol. 4006, file 241,209-1, J.D. McLean to Borthwick, 29 April 1907.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, Memorandum Re: Indians of Treaty No. 10, 1907.

<sup>7.</sup> *Ibid.*, Memoranda Re: Indians of Treaty No. 10; Indians of Lac La Ronge; Indians of Montreal Lake, etc. etc., 1907.

<sup>8.</sup> *Ibid.*

<sup>9.</sup> *Ibid.*, Memorandum Re: Indians of Lac du Brochet, 1907.

## 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 1869-70, 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 the 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.<sup>1</sup>

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 Métis 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 Métis 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 Métis 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."<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

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.

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,

[t]he 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.<sup>7</sup>

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.<sup>8</sup>

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.

## Notes

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

<sup>2</sup> David Hall, *Clifford Sifton Vol. 1: The Young Napoleon* (Vancouver: University of British Columbia Press, 1981), pp. 272-3. See also Hall's "The Half-Breed Claims Commission," *Alberta History* vol. 25, no. 2 (1977).

<sup>3</sup> See the descriptions of travel in *Treaty No. 10 and Reports of Commissioners* (Ottawa: King's Printer, 1906).

<sup>4</sup> *Ibid.*, p. 8.

<sup>5</sup> 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" in L. Barron, ed., *1885 and After* (Regina, 1985).

<sup>6</sup> PAC, RG 10, vol. 4006, file 241,209-1, McLean to Borthwick, 29 April 1907.

<sup>7</sup> *Ibid.*, Jackson to Pedley, 24 July 1907.

<sup>8</sup> *Ibid.*, Borthwick to Secretary, Department of Indian Affairs, 20 May 1907.

## 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, un-ceded 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 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 Natives in the non-agricultural sections of the country (Treaties Eight to Eleven, plus adhesions to Treaty Five). Designed to open areas of potential development and to forestall the possibility of disruptive aboriginal land claims, this process 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 northern treaties, federal priorities shaped by southern non-Native plans for the northern districts dictated both the timing of the treaties and the degree to which the Department of Indian Affairs moved beyond land settlement to begin the restructuring of Native life.

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