

**An Historical Reference Guide to**

**THE STONE FORT TREATY**

**(Treaty One, 1871)**

E95  
M35  
c.1

prepared by  
**Ronald C. Maguire**  
for  
Research Branch  
Department of Indian and Northern Affairs  
Ottawa, 1980

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## PREFACE

Between 1971 and 1976, the Treaties and Historical Research Centre, Department of Indian and Northern Affairs, Ottawa, investigated the extent to which government has fulfilled its treaty obligations to every Indian band under Treaties One to Eleven. In many cases, adequate historical records on each treaty provision were available; in others, insufficient and/or vague evidence did not permit a band by band analysis and only general conclusions could be reached.

Many Indian Association researchers have used the Centre's band dossiers as a starting point for their claims investigations. Quite naturally, funding constraints have limited the frequency of research visits to the Centre and many turnovers in research staff in the Associations have taken place. One purpose of An Historical Reference Guide to the Stone Fort Treaty is to make available the basic historical information on each band in Treaty One. Another is to give interested researchers, Indian band members, Departmental personnel, academics, students and the general public an historical appreciation of the first Indian Treaty in Canada after Confederation.

Ron Maguire, Deputy Chief of the Treaties and Historical Research Centre, directed the Treaties One to Eleven Project and conducted much of the research. A follow-up to the Project was Indian Treaties in Historical Perspective (George Brown and Ron Maguire, Research Branch, 1979), a good, general analysis of all Indian treaty activity in Canada from earliest exploration to present day. The latter report is available from the Treaties and Historical Research Centre and serves as a nice companion-piece for the Treaty One Study.



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Director, Research Branch,  
Corporate Policy.

**AN HISTORICAL REFERENCE GUIDE TO THE STONE FORT TREATY (1871)**

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## SECTION ONE

### "Native Policy in the North-West to 1870"

The first notable document in the constitutional development of Western Canada was the Royal Charter of 2 May 1670 which handed the country over to a fur company and saved North Western America to the British Crown. King Charles II granted to his cousin Prince Rupert and seventeen other incorporators exclusive trading privileges over the entire region covered by the Hudson Bay drainage system. "The Governor and Company of Adventurers of England, trading into Hudson's Bay", usually called "The Hudson's Bay Company", could, as absolute proprietors, make laws and administer justice over more than one-third of North America.<sup>1</sup>

During its tenure (a full two centuries), the Hudson's Bay Company was not really concerned with political or social control of the native inhabitants other than to ensure that the furs they collected ended up in the Company's stores. The primary concern was the fur trade and not land use or settlement. On the whole, the Company's officers had a good working relationship with the Indian people and, as long as trade was not interfered with, matters of Indian social organization, land use and group movements were of little concern to the Company.

"Rupert's Land" was specifically exempt from the Hunting Grounds provisions of the Royal Proclamation of 7 October 1763.<sup>2</sup> The Proclamation was originally designed to placate Indian fears in the Ohio Valley region with the influx of settlers from the Thirteen Colonies. By setting out strict rules for purchases of Indian Lands by and for the Crown only, the British hoped to inhibit land-grabbing. Prior to 1760, the French had been singularly successful in binding the Indian peoples of New France to them through partnership in the fur trade.

British policy manifested itself in the land cession "treaties" of Upper Canada with the Chippewa and Mississauga peoples, which started in 1764 at Niagara under Sir William Johnson, Superintendent of Indian Affairs. By 1850 the treaty concept had evolved to the point where it was considered proper to reserve lands for the Indians' exclusive use, in order that they would not be overrun by advancing settlement. Indian tenure was merely that of occupancy and use; title to the reserved lands remained vested in the Crown. The Robinson Treaties of 1850 served as a model for the more sophisticated exercises in the North-West.<sup>3</sup>

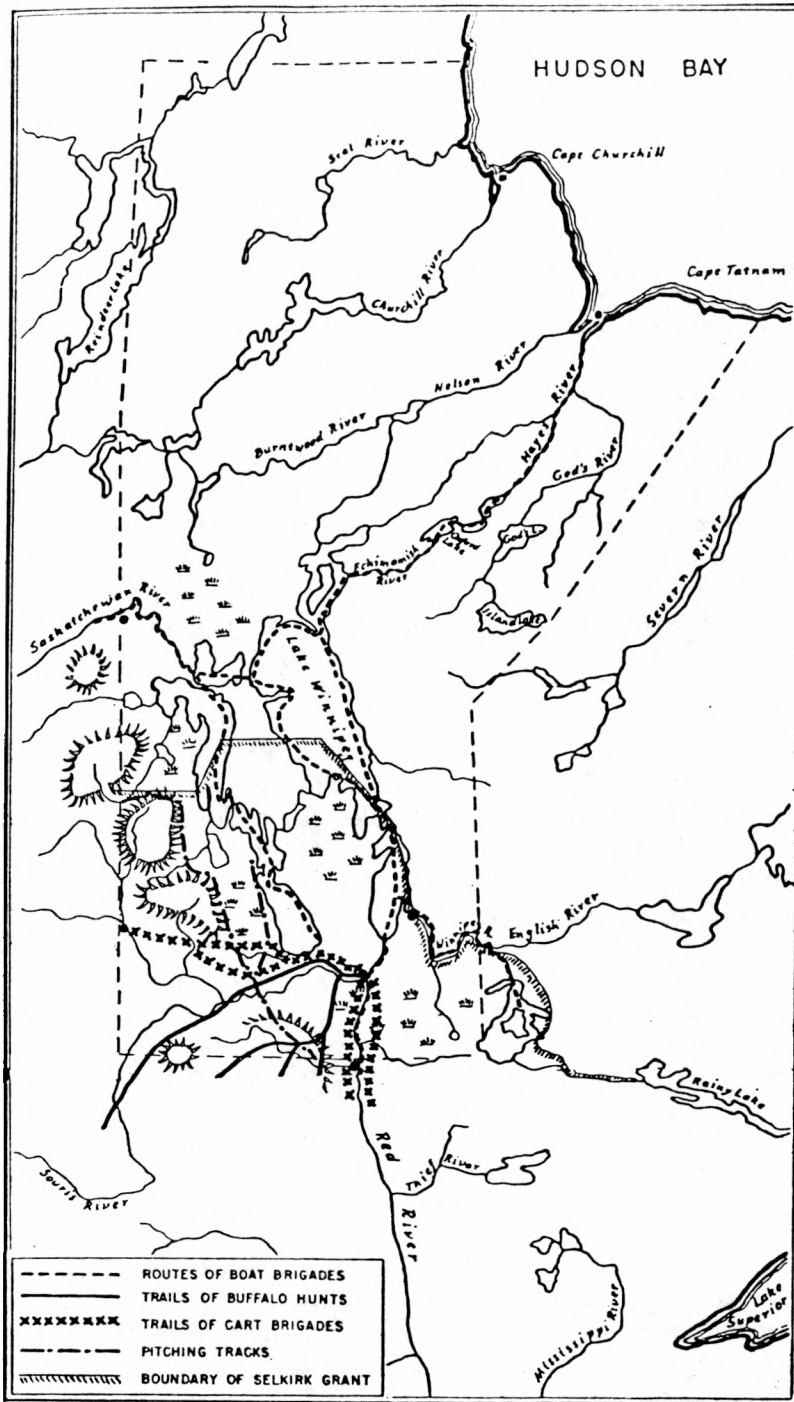
When the North West Company, which since 1784 had confined its principal fur-trading business to the Ohio-Great Lakes region, was forced to direct its activities north of the American border in 1796, a fierce rivalry developed with the Hudson's Bay Company agents. Whereas the latter officers had long been content to remain at the

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1. See Canada. Public Archives. Charters, Statutes, Orders in Council, etc., relating to the Hudson's Bay Company. London: Hudson's Bay Company, 1931.

2. See R.S.C., 1952, Vol 6, pp. 6127-31.

3. See Canada. Indian Treaties and Surrenders (3 Vols.) Ottawa: King's Printer, 1905, Vol. 1 at pp. 147 and 149; reprinted by Coles Publishing Company, 1971.



TRAILS AND ROUTES, 1811-1869

- Reproduced, with permission from the Publisher, from W.L. Morton's Manitoba: A History. Toronto: University of Toronto Press, 1957, p. 83.

Posts to collect Indian furs, the hard-driving Nor' Westers forced the Hudson's Bay Company into active inland promotion and expansion. The two enterprises finally joined operations in 1821 under the name of the larger company, although not before the fur-trading frontier had experienced its first confrontation with large-scale land settlement.

In 1811 the Hudson's Bay Company entered the business of land development and granted, for a paltry ten shillings and certain understandings, to one of its major stockholders, Thomas Douglas, Earl of Selkirk, some 110,000 square miles of prime fertile land at the Red and Assiniboine Rivers.<sup>4</sup> In his original proposition, Lord Selkirk agreed to assume all costs of transportation of emigrants, government protection and of *quieting the Indian title* to the lands. The first arrivals at Red River in 1812 formed the nucleus of a colony which would attain provincial status in Canada less than sixty years later.

While fierce fighting ensued in the early stages between Scottish settlers and the Nor' Westers, who naturally felt their livelihood and honour at stake, the local Indians remained neutral yet sympathetic toward the colonists. Hostilities climaxed in the famous Seven Oaks Massacre in 1816 and not until after peace had been somewhat restored did Lord Selkirk finally visit his colony for the first time in June 1817. The tenor of the Red River settlement had already begun to change with the immediate need to compromise between the sedentary life and the nomadic, the river lot and the buffalo hunt.

As part of his efforts to maintain peace in the Colony, Selkirk negotiated on 18 July 1817 with the Chippewas and Crees for the extinction of their title to the lands comprising the Selkirk Colony. For 100 pounds of tobacco to each Indian nation, five Saukteaux and Cree chiefs surrendered to the British Sovereign, King George III, represented by the Earl of Selkirk, a territory with a depth described as "the greatest distance, at which a horse on the level prairie could be seen, or daylight seen under his belly between his legs".<sup>5</sup>

With the settlement of the International Boundary at the Forty-ninth Parallel in 1818, part of the Red River Settlement was discovered to be within United States Territory and, to this extent, Selkirk's grant became inoperative. In 1836 the Hudson's Bay Company bought back the Settlement for 84,000 pounds sterling but respected the rights of colonists who had purchased land since 1811. In 1839 the reduced colony was renamed the District of Assiniboia and in 1841 was finally limited to "all directions fifty miles from the forks of the Red River and the Assiniboine".<sup>6</sup>

By 1850 the isolation of the Red River Settlement began to disappear as the agricultural frontiers of the Province of Canada and the United States advanced. The trade of the Red River cart brigades flourished with the rapidly growing commercial

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4. The Hon. Alexander Morris. The Treaties of Canada with the Indians of Manitoba and the North-West Territories. Toronto: Willing and Williamson, 1880; reprinted 1971, Coles Publishing Company, see pp. 299-300.

5. Ibid., Coles reprint, p. 15.

6. E.H. Oliver, ed. The Canadian North-West: Its Early Development and Legislative Records. Ottawa: Government Printing Bureau, 1914, Vol. I, p. 32.



centre at St. Paul in the new Territory of Minnesota. Increased numbers of traders, land speculators and adventurers began to upset the balance of the Halfbreed society at Red River. For the officers of the Hudson's Bay Company, the Company's commercial monopoly and political rule over Rupert's Land could not last much longer.

Land fast assumed an importance not previously experienced in the fur trade. Most of the riverfront farms in Assiniboia were held by squatter's right, the "ancient custom of the country" whereby the occupant paid for improvements and no more. The insecurity of land titles, fear of dispossession and the rising threat of a land rush raised the anxieties of the Metis society at Red River. In 1860, even old Peguis, the Chippewa Chief who had signed the Selkirk Treaty in 1817, denied the authenticity of the agreement to members of the Aborigines Protection Society.

In 1857, a Select Committee of the British House of Commons recommended that Canada eventually take over the Hudson's Bay Company's holdings and link the North-West to the St. Lawrence by railway. The Committee's apprehension at possible American expansion was confirmed in 1862 when the Minnesota Legislature strongly urged that the United States expand to the northwest. The Canadian Government expected the acquisition of Rupert's Land from the Hudson's Bay Company would be a straightforward matter; however, what would prove to be an oversight with drastic consequences was the failure to consult with the residents of the North-West.

The Canadian Ministers in 1867 were still mindful, nevertheless, of the need to effectively discharge the Indian Title. In an Address to the Queen in December, concerning the advantages to be gained through Canada's expansion to the Pacific Coast, the Canadian Senate and House of Commons promised that Indian land claims in the settled areas would be dealt with "in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the Aborigines". This promise took legislative effect in Article 14 of the Order in Council in 1870 which formally admitted Rupert's Land and the North-Western Territory into Confederation:

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>8</sup> and the Company shall be relieved of all responsibility in respect of them.

A continuation of this policy was enunciated in Joseph Howe's advice to the Reverend Grand Vicar Thibault in December 1869 before the latter's trip to Red River. Howe, Canada's first Secretary of State for the Provinces, relayed the Governor General's instructions that the Indians of the North-West were to be assured of the same "just and judicious treatment" as the Crown had been extending to the Eastern Indians.

The Western Indians had reason to fear otherwise. Whereas they had not expected the Company to sell its proprietary rights - the Company appeared to have sold them as well! - they were more than surprised by the concomitant effects. In

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7. Ibid., Charters, Statutes, Orders in Council, etc., relating to the Hudson's Bay Company, p. 179.

8. Ibid., p. 177.

9. Canada. Sessional Papers, 1870, No. 12, Howe to Thibault, December 4, 1869.

August 1869 Canadian surveyors had begun preliminary work in Assiniboia in anticipation of the transfer. Plans to build a road for emigrants between Lake Superior and Red River were well known. Visions of a developing land rush were unsettling and the Indians were justifiably worried that their campsites would be destroyed, trails ploughed up and game driven away. Canada's immediate concerns - to open up the fertile prairies to settlement and clear the way for a nation-wide railroad - were becoming all too clear.

## SECTION TWO

### "Land Title Controversies and the Decision for Treaty"

When Chief Peguis protested to the Aborigines Protection Society in 1860 that the Indians had not properly given up their land title in the Selkirk Treaty, the residents of Red River began to worry about the legitimacy of their own occupation in the Settlement. Long-established settlers began to fear dispossession of their lots as threats of a land rush from the south and east increased. Before the end of the decade everyone's claims would be challenged.

The sale and transfer of the Hudson's Bay Company territory to the new Dominion of Canada were all but finalized in 1869. Unfortunately, the participants had made no prior efforts to consult the inhabitants nor to assure them that their land titles would be guaranteed, the Indian Title properly extinguished, nor that any form of self-government would ensue. Quite the contrary, in December 1866, in anticipation of the Confederation of the Provinces of British North America, the local government at Assiniboia petitioned the Queen to create a Crown Colony out of the District, with provincial status as the ultimate prospect.<sup>1</sup> First, the Petitioners asked Her Majesty to settle the question of Indian land titles.<sup>1</sup> In February 1868, Thomas Spence, the President elect of the newly-organized Government and Council of Manitoba, repeated the request to the British Secretary of State for Colonial Affairs.<sup>2</sup>

The Canadian Government did not accede to the aspirations of the local government and this became clear in 1869 with the appointment of The Honourable William McDougall as the first Lieutenant Governor of the North-West Territories. As for the question of Indian titles, however, the local residents had reason to be optimistic since McDougall's Instructions on 28 September 1869<sup>3</sup> requested him to report fully on Indian claims and suggest means of dealing with them.

The angry stand of the French Halfbreeds from Red River in October 1869 to prevent McDougall's entry into the country is well documented; likewise is the Lieutenant Governor's consequent retreat to Pembina in American territory. What is not so well known is the Indian reaction to the arrival of not only the Queen's representative but the first tide of settlers before him.

In June, the Band of Yellow Plume\*, a Chippewa Chief, refused entry to a number of settlers at Portage la Prairie. The distraught colonists returned to Winnipeg. The Indians later relaxed their opposition after Public Works Paymaster D.

\*Yellow Plume was the same Oozawekwan (or "Yellow Quill") who signed Treaty One two years later.

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1. E.H. Oliver, ed. The Canadian North-West: Its Early Development and Legislative Records. (2 vols.) Ottawa: Government Printing Bureau, 1914, Vol. II, p. 873.
  2. Ibid., Vol. II, p. 874.
  3. Ibid., Vol. II, p. 879.

Mair assured them that Commissioners of Her Majesty would soon arrive in the country to examine their rights. Representatives from Peguis Band as well attended this latter meeting.

The Canadian surveyors sent to Red River in August 1869 in advance of the transfer and land rush were, naturally, distrusted. Initially, they were able to function only after assuring the anxious residents that they were working under the Hudson's Bay Company's permission. Their precarious stay was short-lived, however, when in October 1869 Louis Riel and other Metis supporters forced the surveyors to cease operations until after an effective discharge of Indian and Halfbreed titles.

Early the following month, Lieutenant Governor McDougall received at his Pembina retreat a delegation from the Chippewa Chief, Kewetaosh, who wished to present his band's territorial claims. After a solemn pipe-smoking ceremony as a mark of peace and friendship between both parties, the Chief expressed his regret at the Halfbreed uprising. He then offered his version of the old Selkirk Treaty. The Indians had merely lent "as much land as man could see under a horse's belly on both sides of the river to the Company" and for only about twenty-five years. McDougall assured the Indians that their rights continued to exist as before the 1817 arrangement.

Chief Kewetaosh also informed the Lieutenant Governor that he and three other Chiefs - "Peguis" from Lake Winnipeg, "Fox" from Prairie Portage, "Grosse Oreille" from Oak Point - had agreed the previous winter upon their territorial claims. Kewetaosh's country was "bounded by Scratching River and the Government Road on the north, Pembina Mountain on the west, White Mouth River on the east and the American boundary on the south". The Chief advised, however, that he could not make any cession of rights without consulting the other Chiefs. Before the meeting closed, McDougall and Kewetaosh agreed that they should confer at Fort Garry the following May.

While at Pembina, McDougall received a letter from Chief Peguis containing the Chief's condemnation of the Halfbreed insurrection and a desire to negotiate a land settlement. The Indians were even willing to help the Canadians put down Riel. McDougall sent back a verbal reply in which he expressed friendship but refrained from inviting any attack on the Settlement.

As resistance increased at the Red River Settlement, the transfer of the Hudson's Bay Company territory was temporarily postponed and the Canadian Government recalled McDougall in early December. The disturbances lasted for several more months and Riel's Provisional Government finally secured an agreement from the Canadian representatives to negotiate the terms of entry into Confederation. Significant as far as the Indians were concerned was the condition that the Dominion negotiate treaties with the Indian tribes as soon as possible. There was no disagreement: "Fully alive to the necessity of this, the Dominion Parliament will not fail to take an early opportunity of dealing with the matter, in order to extinguish in an equitable manner the claims of the Indians, so that settlers may obtain clear and indisputable titles".

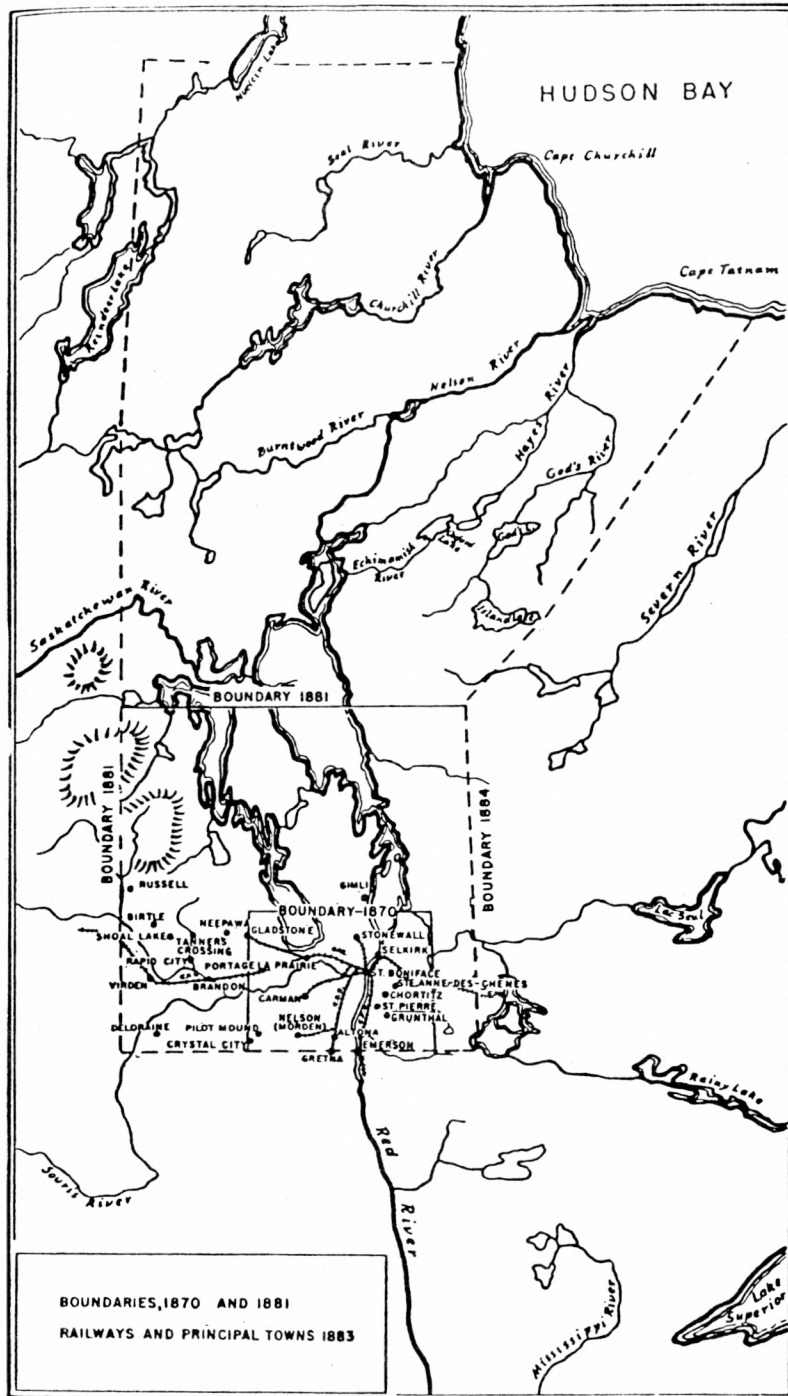
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4. Canada. Sessional Papers, 1870, No. 12, Mair to McDougall, 21 June 1869.

5. C.S.P., 1870, No. 12, McDougall to Howe, 5 November 1869.

6. *Ibid.*, McDougall to Howe, 29 November 1869.

7. Canada. Public Archives. MG 26A, The Sir John A. Macdonald Papers, pp. 41346-41349, on Microfilm Reel C-1522, Donald Smith to Louis Riel, February 1870.



BOUNDARIES AND RAILWAYS, 1870-1883

- Reproduced, with permission from the Publisher, from W.L. Morton's Manitoba: A History. Toronto: University of Toronto Press, 1957, p. 145.

On 15 July 1870, the old District of Assiniboia, enlarged by the settlement at Portage la Prairie, became the new Province of Manitoba in Canada. The new Governor was Adams G. Archibald who, in his official capacity, was also Lieutenant Governor of the North-West Territories. His Instructions, issued on 4 August 1870, demonstrated the Dominion Government's intentions to extinguish the Indian title in the North-West:

1. You will, with as little delay as possible, open communication with the Indian Bands occupying the country lying between Lake Superior and the Province of Manitoba, with a view to the establishment of such friendly relations as may make the route from Thunder Bay to Fort Garry secure at all seasons of the year, and facilitate the settlement of such portion of the country as it may be practicable to improve.
2. You will also turn your attention promptly to the condition of the country outside the Province of Manitoba, on the North and West; and while assuring the Indians of your desire to establish friendly relations with them, you will ascertain and report to His Excellency the course you may think most advisable to pursue, whether by treaty or otherwise, for the removal of any obstructions that may be presented to the flow of population into the fertile lands that lie between Manitoba and the Rocky Mountains.
5. You will also make a full report upon the state of the Indian Tribes now in the Territories; their numbers, wants and claims, the system heretofore pursued by the Hudson's Bay Company in dealing with them, accompanied by any suggestions you may desire to offer with reference to their protection, and to the improvement of their condition.

Less than two weeks after his arrival, Archibald met with two large Indian delegations, one headed by Chief Henry Prince (son of the late Chief Peguis) at the Indian Mission at the mouth of the Red River, the other at Upper Fort Garry. With the recent troubles still fresh in everybody's minds, the Indians badly in need of food and clothing, and small-pox ravaging the Saskatchewan regions, the Lieutenant Governor persuaded the few hundred Indians to disperse to their hunting grounds. Before the Indians left, Archibald provided food and ammunition and promised to sign a Treaty with them the following spring. Chief Henry Prince reaffirmed his loyalty to the Queen and was reassured that questions about the old Selkirk Treaty would also be dealt with at that time.

Archibald had to give most of his immediate attention to laying the foundations of government in the new Province. He assured the settlers too, whom the Indians still prevented from working, that Indian claims would be settled in the spring. As an interim measure, he instructed Molyneux St. John to report on the whole question of land titles in the Province, Indian claims, and the Selkirk Grant.

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8. C.S.P., 1870, No. 20.

9. Canada. Public Archives. RG 6, C1, Vol. 16, Archibald to Howe, 17 September 1870; see also Manitoba. Provincial Archives. MG 12, A1, Notes of Interview between Archibald and Prince, 13 September 1870.

St. John's first report on 3 January 1871 confirmed many of the rumours and suspicions about Indian claims and the Selkirk Treaty. Apparently, the original Indian signators had not represented all the claimants to the territory. Moreover, the Hudson's Bay Company had, after its repurchase of the Grant, created a "quasi Indian Reserve" sixty miles in extent north of Lower Fort Garry (the Stone Fort) to Lake Winnipeg.<sup>10</sup> Two weeks later, St. John reported testimony from older settlers that the Indian chiefs in the Selkirk Treaty had been reluctant to sign a permanent transaction and had favoured a lease for about twenty years. Selkirk, of course, had refused the proposal, but after a post-Treaty Indian council, had granted the Indians three reserves: for Peguis' people, the land from "Sugar Point" north of the Lower Fort to Lake Winnipeg; to another chief the land between the confluence of the Assiniboine and Red Rivers and a creek to the north; to a third chief some land near Portage la Prairie.<sup>11</sup>

Archibald's decision to delay treaty negotiations until the following year was based on his own ignorance and the widespread misunderstandings, on the part of the native people as well, of Indian territorial claims. As he wrote Secretary of State Joseph Howe on 12 November 1870, "till the truth could be ascertained, it would be useless to enter on negotiations with any one tribe to obtain a cession of its claims when it might turn out that the same lands were claimed by a different tribe. The negotiations would then either prove abortive or entail upon us the payment of a double tribute for the extinguishment of claims for the same land . . . . Besides a treaty with savages, to whom time is of no value, can only be made after much talk and great delay". At the same time, Archibald was well aware of the agricultural value of the land and suggested that the Dominion could deal generously with the Indians since taxes would easily recover any expenditures.<sup>12</sup>

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10. Ibid., MG12, A1, No. 164a, Molyneux St. John to Archibald, 3 January 1871.

11. Ibid., No. 176, St. John to Archibald, 17 January 1871.

12. Canada. Public Archives. RG 10, Vol. 448, Despatch No. 39, Archibald to Howe, 12 November 1870.

### SECTION THREE

#### "The Commission, Negotiations and Treaty Signing"

While the Indians were anxiously awaiting the arrival of spring for news about the upcoming Treaty, Lieutenant Governor Archibald was preparing over the winter of 1870-71 to have someone help him in the future negotiations. Such a person, Archibald thought, should be knowledgeable about the Indian language and customs and influential among the tribes. The man he favoured was James McKay, a member of the Executive Council of Manitoba and a Halfbreed with extensive experience among the Indians.<sup>1</sup> Prime Minister Sir John A. Macdonald had someone else in mind, however, and advised that McKay be hired as an "independent mediator but really as a paid officer."<sup>2</sup>

Wemyss Simpson, M.P. for Algoma, had already successfully bargained with the Fort Frances Ojibeways the past summer for the safe passage of Colonel Garnet Wolseley's troops between Lake Superior and Fort Garry. Simpson, therefore, was the logical candidate to handle the treaty negotiations. Simpson's Commission was issued on 27 April 1871, two days after his appointment by Order in Council. As Indian Commissioner, he would receive his instructions and pay (\$2000/annum plus travelling expenses) from the Department of the Secretary of State for the Provinces. He would report to that Department but would also confer with the Lieutenant Governor of Manitoba on all matters of principle. To impress on the Indians that he indeed bore the Queen's authority, Simpson would also wear his Militia Uniform.<sup>3</sup>

Secretary of State for the Provinces Joseph Howe first directed Indian Commissioner Simpson's attention to treating with the Indians between Lake Superior and the North-West Angle of the Lake of the Woods. Although these dealings would be outside the Province of Manitoba, they would, in Howe's opinion, establish a benchmark for subsequent treaty negotiations.<sup>4</sup> Simpson's guidelines became all that more significant for the Indians of Manitoba because a Treaty with the Fort Frances Ojibeways was delayed for a year. Simpson and one of his associate Commissioners, Simon J. Dawson of the Public Works Department, then proceeded to Fort Garry to confer with Lieutenant Governor Archibald.

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1. Canada. Public Archives. MG 26A, The Sir John A. Macdonald Papers, pp. 77843-77850, Archibald to Macdonald, 6 December 1870.
  2. Ibid., MG 26A, LB 15, pp. 524-25, Macdonald to Archibald, 31 March 1871.
  3. Canada. Public Archives. RG 2(1), Vol. 45, Order in Council P.C. 872, 25 April 1871; Canada. Department of Indian Affairs. Annual Report, 1871, p. 5, Howe to Simpson, 5 May 1871.
  4. Ibid., Annual Report, 1871, p. 6, Howe to Simpson, Dawson, Pither, 6 May 1871.



Howe had given Simpson some flexibility in determining the amount of compensation that he could award the Ojibeways for their lands. The Secretary of State prescribed a maximum, however, of twelve dollars per annum per family of five. The highest price paid for lands in Quebec and Ontario had been four dollars per capita per annum. Howe provided Simpson with a copy of the Robinson-Superior Treaty of 1850 for reference purposes.<sup>5</sup> An interesting note to this is that Howe was aware that the American Indians in the territories immediately adjacent were receiving an annual ten dollars per person for their lands.<sup>6</sup>

The Indians in Manitoba began pressing Lieutenant Governor Archibald for Treaty as soon as spring in 1871. They prevented settlers from proceeding beyond the Hudson's Bay Company surveys and posted a warning on the church door at Portage la Prairie. On 30 May, Chief Yellow Quill and seventy-three Indians from Portage la Prairie presented Archibald with a Statement of Resolutions outlining fines they would exact for settler intrusions and reminding the Lieutenant Governor of his promise to negotiate a Treaty with them.

Six weeks later and to the Lieutenant Governor's and everyone's relief, Indian Commissioner Simpson arrived at Government House. Archibald immediately summoned James McKay and together they listened to Simpson's and Dawson's experiences in the Fort Frances area. The four Agents of the Crown finally agreed on a course of action in Manitoba: to procure the extinguishment of the Indian Title to all the lands within the Province and, by a separate but similar transaction, to the attractive timber grounds on the north and east and the most likely areas of expansion of settlement west of Portage la Prairie. Separate treaties, they felt, would eliminate the expense of feeding "the whole neighbourhood" of Indians as they awaited late arrivals; delays in dispersing them afterwards would have been a problem as well. Avoidance of delay would benefit the settlers too, because they would be able to select their lands and build their houses before winter.<sup>8</sup>

Archibald and Simpson both knew the importance of keeping their promise with the Indians to treat with them in their respective localities. Apparently the Commissioners had at first intended to deal with the whole territory at once as is evident from Archibald's description:

*Land proposed to be included in the Indian Treaty*

Beginning on the Boundary line of the United States at a point due South from the centre of White Mouth Lake, thence to run due North to such centre, thence by the centre of the Lake and the White Mouth River, to the centre of Winnipeg River, thence by the centre of the River to its mouth, then by

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5. Ibid.
  6. Ibid., RG 2(1), Vol. 45, Order in Council P.C. 873, 25 April 1871.
  7. Ibid., Annual Report, 1871, p. 10, Archibald to Howe, 19 July 1871; Manitoba. Provincial Archives. MG 12, A1, No. 332, Indian Petition, 30 May 1871.
  8. Ibid., Annual Report, 1871, p. 11, Archibald to Howe, 19 July 1871.

the East coast of Lake Winnipeg, as far North as Behring's River, thence across the lake to the mouth of the little Saskatchewan, and the North coast of St. Martin's Lake and thence to Manitoba Lake. Thence by the N.E. coast of Manitoba Lake and of the Waterhen River, to the Winnepegosis Lake, thence by the East coast of the Winnepegosis to a part opposite Salt maker's village. Thence in a line to the sources of Shell River, to include the Duck Mountain Country. Thence by the Shell River to its junction with the Assiniboine. Thence by a line due South to the U.S. Boundary, thence Easterly by the Boundary line to the Place of beginning.

The above bounds roughly described the combined territory taken in by Treaties One and Two. "Salt maker's village" and "Duck Mountain Country" gave way to more precise definition in the actual text of Treaty Two.

The Commissioners wasted no time in appointing dates for the negotiations and the next day Simpson sent notices to the Indians in their respective districts. Within the Province, the following message was posted:

#### PROCLAMATION

The Indians of Pembina, of Roseau Lake, of White Mouth Lake and White Mouth River, and of the South shore of Lake Winnipeg, and the Indians of Portage La Prairie and White Mud River, and Oak Point, Manitoba, and all other Indians within the limits of the Province of Manitoba, are hereby, invited to meet the Commissioner of Her Most Gracious Majesty The Queen, at the Stone Fort on the Red River, on Tuesday the 25th Day of July instant, at 11 o'clock of the forenoon, to enter into negotiations on the subject of an Indian Treaty.

God Save the Queen.

WEMYSS M. SIMPSON  
Indian Commissioner.

Winnipeg, July 18th, 1871. <sup>10</sup>

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9. Ibid., pp. 11, 12.

10. Ibid., p. 12.

For his own part, Lieutenant Governor Archibald issued a Proclamation on 23 July 1871, forbidding the sale or giving of liquor to the Indians during the negotiations.<sup>11</sup> Moreover, to add pomp for the ceremonies, he asked Major A.G. Irvine to provide a few troops. Archibald described the importance of the troops to Joseph Howe: "Military display has always a great effect on savages, and the presence, even of a few troops, will have a good tendency." Archibald realized the importance of this Treaty because, as he told Howe, "the terms we now agree upon will probably shape the arrangements we shall have to make with all the Indians between the Red River and the Rocky Mountains. It will therefore be well to neglect nothing that is within our power to enable us to start fairly with the negotiations."<sup>12</sup>

Simpson and Archibald arrived at the Stone Fort (Lower Fort Garry) on Monday, 24 July 1871, a day before the appointed time for the Treaty. Not until Thursday, however, had all the Indians, approximately one thousand, arrived. The spectacle turned out a large number of curious Halfbreeds and settlers as well.

In his opening Address, the Lieutenant Governor recounted the events of the previous year, his promises to the Indians, and informed the assembly of Wemyss Simpson's appointment. He told them of the Queen's desire to deal fairly with all her subjects and her hopes that the Indians would learn to become self-supporting farmers, safe from famine and distress. The idea of farming was only a desirable option and they would be free to hunt over all unoccupied lands. Archibald noted that the nearby Indian village already showed commendable progress with its farms and houses.<sup>13</sup>

Before introducing the Commissioner, Archibald asked the formidable assembly to select their Chiefs as the Queen had done so in choosing Wemyss Simpson to represent her. The task did not turn out to be easy, however, because considerable jealousy existed among some of the Tribes, most notably the Swampy Crees and Chippewas from the "Indian Reserve" below the Fort. Because of the importance of this formal communication with Her Majesty, the Indians deliberated for two days to ensure that their spokesmen would convey the true feelings and goodwill of the bands. Giving them enough time, Archibald thought, would prevent disputes as had occurred over the Selkirk Treaty.

Before discussion of the Treaty terms, the Indians demanded the release of four Indian prisoners who had deserted their jobs as boatsmen for the Hudson's Bay Company. As a token of goodwill and as the Queen's "favour" on this special occasion, Lieutenant Governor Archibald directed their discharge. He emphasized that this would not happen under normal circumstances.<sup>14</sup> The Lieutenant Governor's decision had a good effect on the business which followed.

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11. Ibid., pp. 13, 14.

12. Ibid., pp. 12, 13, Archibald to Howe, 22 July 1871.

13. Ibid., pp. 16, 17. See also Alexander Morris, The Treaties of Canada with the Indians. Toronto: Willing and Williamson, 1880, reprinted 1971, Coles Publishing Company, pp. 26-30.

14. Ibid., Annual Report, 1871, pp. 14, 15, Archibald to Howe, 29 July 1871. See also Morris reprint, pp. 30, 31.

Indian Commissioner Simpson had a difficult task in getting the Indians to understand the meaning of Reserves. They obviously had no idea of the magnitude of settlement that would spread over the Province shortly after Treaty. The Indians claimed an equivalent of about "Three Townships per Indian" while Simpson proposed one quarter-section (160 acres) for each family of five.<sup>15</sup> The difference in positions was 69,088 acres per person.\* Simpson explained the object of the Reserves and warned them of the coming tide of settlement. After prolonged discussion and another day to think over the explanation, the Indians accepted the idea. The Indians were undoubtedly under some strain because they were faced with the ultimatum of accepting the terms as offered or none at all. They were told too that they should choose their Reserves immediately before the settlers arrived.

Other terms offered by the Indian Commissioner included an annuity of twelve dollars per family of five, or in that proportion, and freedom to hunt over all the unoccupied lands in the territory. Finally, on 3 August 1871, after concessions by both parties, the final terms of Treaty One were reached. The additional provisions successfully bargained for by the Indians were recorded on a separate memorandum, which Simpson, in his official report to Ottawa, referred to as a supplement to the Treaty. The signing was hardly over, however, before there was disagreement over the substance and extent of these "Outside Promises" and the matter was not resolved until four years later.

On the Indian side, Treaty One was signed by Chiefs Mis-koo-ki-new (a.k.a. Red Eagle and Henry Prince); Ka-ke-ka-penais (a.k.a. Bird Forever and William Pennefather); Na-sha-ke-penais (a.k.a. Flying Down Bird); Na-na-wa-nanan (a.k.a. Centre of Bird's Tail); Ke-we-tay-ash (a.k.a. Flying round); Wa-ko-wush (a.k.a. Whippoorwill); and Oo-za-we-kwun (a.k.a. Yellow Quill). Indian Commissioner Wemyss M. Simpson signed beside the Legal Seal and immediately above the Chiefs' marks. On the left side of the document, Lieutenant Governor Archibald, James McKay, Major Irvine and eight others attested to the proceedings.<sup>16</sup>

Treaty One received formal acceptance and ratification by the Governor General in Council on 12 September 1871.<sup>17</sup>

\* One township contains 144 quarter-sections or 23,040 acres.

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15. Ibid., Annual Report, 1871, pp. 27-32, Simpson to Howe, 3 November 1871. See also Morris reprint, pp. 37-43.

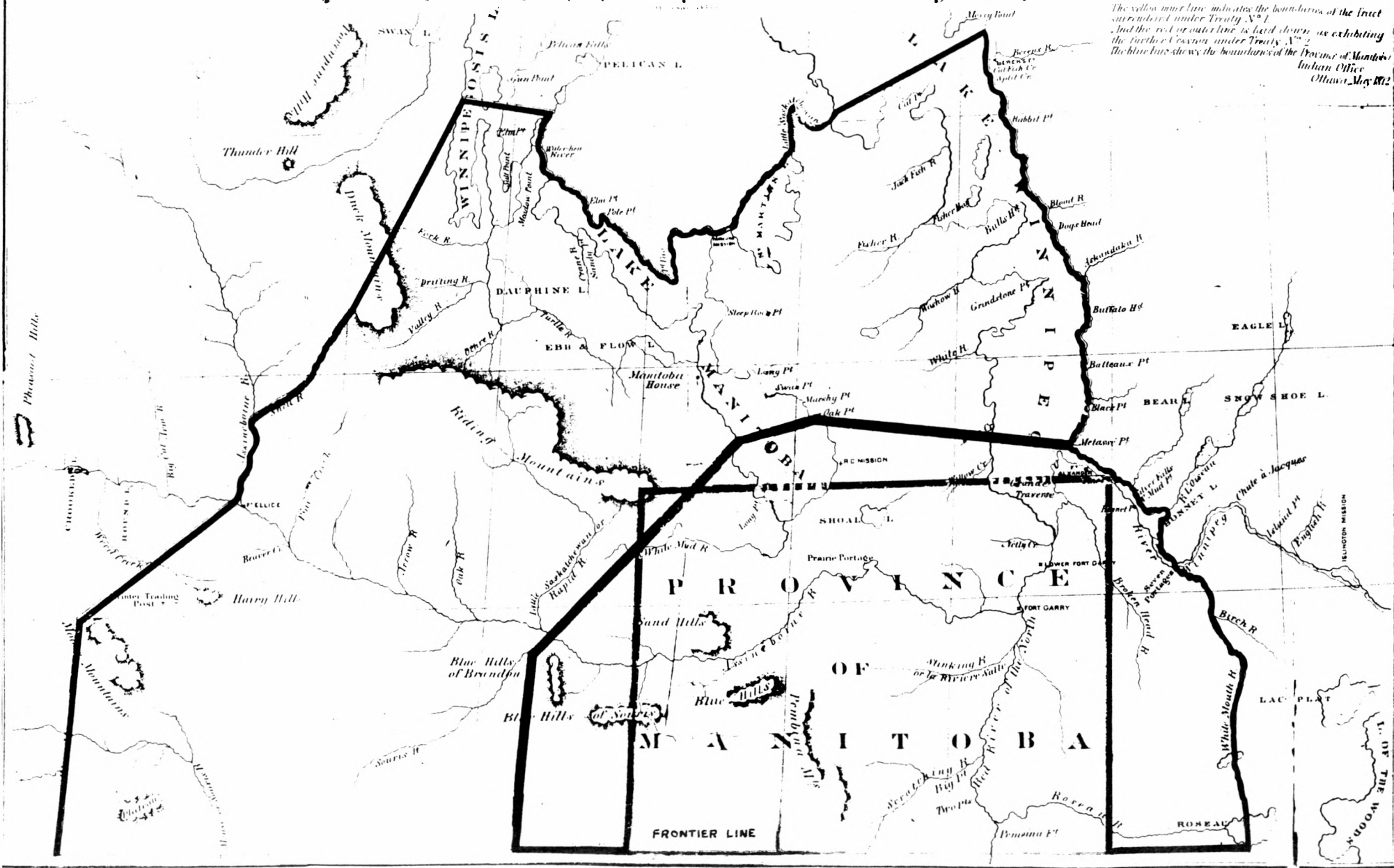
16. Canada. Public Archives. RG 10, Vol. 1846; Canada. Indian Treaties and Surrenders (3 Vols.) Ottawa: King's Printer, 1905, Vol. 1, pp. 282-285, reprinted by Coles Publishing Company, 1971.

17. Ibid., MG 12 A1, No. 466, The Hon. Alexander Morris to Lieutenant Governor Archibald transmitting copy of Order in Council, 14 September 1871.

# PROVINCE OF MANITOBA & PORTIONS OF NORTH WEST TERRITORIES.

*Copy of Map accompanying Treaty N<sup>o</sup> 2 executed August 1871.*

The yellow inner line indicates the boundaries of the tract surrendered under Treaty N<sup>o</sup> 1.  
 And the red or outer line is laid down as exhibiting the further cession under Treaty N<sup>o</sup> 2.  
 The blue line shows the boundaries of the Province of Manitoba.  
 Indian Office  
 Ottawa, May 1872.



## SECTION FOUR

### "The Treaty Promises"

The first scribbled drafts of Treaty One are on record in the Adams George Archibald, Correspondence and Papers 1871-72 at the Provincial Archives of Manitoba.<sup>1</sup> Apart from the names of the Indian chiefs and bands, items missing in these versions but appearing in the final document are the gratuity payment of three dollars per Indian and the provision for reserve schools. Whether these were negotiated items is not clear since neither the reports of Indian Commissioner Simpson nor those of Lieutenant Governor Archibald make any mention. The "Memorandum of things outside of the Treaty . . ." which subsequently accompanied the final Treaty to Ottawa, listed other gifts which the Indians demanded in return for surrender of the territory. Considerable controversy continued afterwards over whether the Memorandum contained everything that had been promised.

The main benefits for the seven Bands of Treaty One were reserve lands; reserve schools; three dollars gratuity and five dollars annuity per individual; an additional twenty dollars to each Chief and ten dollars per Headman; and a suit of clothing every three years to each Chief and up to four Headmen. To the relief of many bands, liquor on reserves was prohibited. Originally, the annuities had been fixed at three dollars per Indian but the increase of two dollars per annum, along with the Chiefs' salaries and triennial clothing, resulted from a settlement of the "Outside Promises" controversy in 1875. The extra payments to Headmen were authorized by Order in Council on 21 July 1876. Overall, the Crown obtained from the Chippewa and Swampy Cree Tribes a surrender of territory larger than the Province itself and a promise from the Indians that they would strictly observe the Treaty and maintain peace among themselves and with the settlers.

Four officers signed the Memorandum of "Outside Promises" - Indian Commissioner Simpson, Lieutenant Governor Archibald, James McKay, Molyneux St. John. The Indians later contested the accuracy of the list and complained when the promised articles were slow in reaching them. Mr. St. John, later appointed Indian Agent, explained to Deputy Superintendent William Spragge in February 1873 how the confusion arose:

When Treaty No. 1 was in process of negotiation the Spokesmen from the several Indian Bands enumerated the gifts and Benevolences which they required from Her Majesty's Representatives in return for the surrender of the Indian Country. Some of these were accorded; some refused, but in the natural desire to conclude the Treaty, His Excellency the then Lieutenant Governor and Mr. Commissioner Simpson assumed; as it afterwards proved, too hastily, that their distinctions and decisions were understood and accepted by the Indians. Amongst the Several Speakers on the part of the Commission was a Clergyman who had been for many years in pastoral charge of the St. Peters Reserve, and this gentleman supplemented the articles enumerated by the Indians by mentioning others which the Lieutenant Governor, he said, had authorized him to say they were to receive. Though immediately interrupted by Mr. Commissioner Simpson, the words had been spoken and at that juncture of affairs it would have been difficult

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1. Manitoba. Provincial Archives. MG 12, A1. No. 421: two draft copies of Treaty One, August 1871.

and probably inexpedient to entirely disallow them. So the Treaty was signed, the Commissioner meaning one thing, the Indians meaning another. The proceedings were over but a short time before it became evident that there was some misunderstanding, and with the view of setting the matter at rest; at least as far as regarded one side; His Excellency the then Lieutenant Governor asked Mr. Commissioner Simpson, the Hon. James McKay and myself, as the persons knowing best the circumstances and details of the matter to join with him in signing a list of articles, which we severally and collectively understood to be the things promised to the Indians, but not mentioned in the Treaty. Some little discussion took place about this but it was eventually signed and, I believe, forwarded to Ottawa, with the Treaty, in October 1871.

This list expressed our understanding of the matter, but it by no means covered the understanding or expectations of the Indians, and from that time to the present we have not visited any band, parties to that Treaty, without the untrustworthy nature<sup>2</sup> of the Commissioner's and Governor's promises being thrown in our teeth.

Several of the bands - at Pembina, Portage la Prairie, St. Peters - at first refused to accept their annuity payments unless they received all the promised articles.<sup>3</sup> The Commissioner's persuasion and no doubt the presence of cash won out temporarily.

The differences between the claims of the Commissioner and those of the Indians appeared minor but were important nonetheless. The Indian hunters were expected to become farmers and they required the means. Molyneux St. John, in the same report to Ottawa, aptly described the predicament:

The full demands of the Indians can not of course be complied with but there is nevertheless a certain paradox in asking a Wild Indian who has hitherto gained his livelihood (sic) by hunting and trapping to settle down on a Reservation and cultivate the land without at the same time offering him some means of making his living. As they say themselves "We cannot tear down trees and build huts with our teeth; we cannot break the Prairie with our hands nor reap the harvest when we have grown it with our knives."

St. John believed, however, that indiscriminate distribution of livestock and tools would only result in misuse or neglect by those persons not ready for them; therefore, he recommended that the animals and tools be dispensed "in a liberal yet careful manner."<sup>4</sup>

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2. Canada. Public Archives. RG 10, Black Series, Vol. 3598, File 1447, Indian Agent Molyneux St. John to Deputy Superintendent General of Indian Affairs, William Spragge, 24 February 1873.
  3. Canada. Department of Indian Affairs. Annual Report, 1871, pp. 27-32, Wemyss Simpson to Joseph Howe, 3 November 1871.
  4. *Ibid.*, St. John to Spragge, 24 February 1873.

The settlement of the "Outside Promises" question received Privy Council approval on 30 April 1875. The Chiefs and Councillors of all the Indian Bands, except those at the Portage, signed acceptance in August and September 1875 on their reserves. The number of Headmen was increased at this time as well to four from the original two.<sup>5</sup> At a separate Agreement with the Portage Bands in 1876, Lieutenant Governor Morris conceded to pay the Headmen of Treaties One and Two an extra ten dollars as already was the case in Treaties Three, Four and Five. As he explained, "it will secure in every band, men who will feel that they are officers of the Crown and remunerated as such."<sup>6</sup>

Under today's values, the scale of some of the returns appears trivial - three-dollar presents, five-dollar annuities, triennial clothing, buggies, etc. - but these must have had significance for the people of the times. For a perspective on what Indians could buy with these payments in 1871, consider what Indian Commissioner Simpson wrote in 1871:

The system of an annual payment in money, I regard as a good one, because the recipient is enabled to purchase just what he requires when he can get it most cheaply, and it also enables him to buy articles at second hand from settlers and others, that are quite as useful to him as are the same things when new. The sum of three dollars does not appear to be large enough to enable an Indian to provide himself with many of his winter necessaries, but as he receives the same amount for his wife or wives, and for each of his children, the aggregate sum is usually sufficient to procure many comforts for his family, which he would otherwise be compelled to deny himself.<sup>7</sup>

No doubt too the Commissioner was trying not to burden the Dominion with excessive recurring costs. Since 1875, the Federal Government has not increased the annuities but, while these payments seem unreasonably low by today's standards, treaty annuities remain highly symbolic for a special way of life. Indeed the cost today of distributing the annuities probably exceeds their actual value.

In 1871 the Indians of Treaty One received double the amount of money they received in each succeeding year. The gratuity of three dollars was given, for one time only, to every Indian for "good behaviour" at the treaty negotiations and in recognition of all past claims.<sup>8</sup> The first annuity payments, initially three dollars each, were given as well although not before Commissioner Simpson had taken an accurate census. Several weeks after the Treaty signing, Simpson visited the bands in their respective districts and paid the annuities. Individuals who had been absent at the Treaty also received their gratuity payments.

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5. Canada. Department of Indian Affairs. Treaties One and Two reprint. Ottawa: Queen's Printer, 1957, pp. 5-10.

6. *Ibid.*, Annual Report, 1876, p. xxvii; Agreement, 20 June 1876, at pp. xxviii, xxix.

7. *Ibid.*, Annual Report, 1871, p. 31, Simpson to Howe, 3 November 1871.

8. *Ibid.*, pp. 28-29.



The first expression of Canada's "Dominion Lands" Policy was Order in Council P.C. 874 of 25 April 1871, which allowed, after the American pattern, for homestead grants of one hundred and sixty acres to the head of a family or a single man at least twenty-one years old. Corresponding to this was the reserve land entitlement in Treaty One, although an Indian "family" was defined as five persons therein. A surveyor's job was, therefore, supposedly much easier in laying out large reserves in block when he needed only to ascertain a band's population and measure on the basis of thirty-two acres per person. An unforeseen difficulty turned out to be deciding which population to take - at the time of Treaty? survey? reserve establishment by Order in Council? or when a band asked for a reserve? There might never have been a problem if a proper Census of the Bands, as promised by Treaty, had been taken immediately; however, lengthy delays followed and at first one Chief refused an enumeration of his people. Historical records show that most bands expected their reserves would be laid out soon after the Treaty but many of the Indian groups hadn't settled or even decided on locations. A band's population could not be judged accurately by the attendance at the Treaty because a large number of Indians were absent.

The Treaty promise to "maintain a school" on each reserve at the Indians' request did not appear in the preliminary drafts of the document nor in the reports of Archibald and Simpson. Whether provision for education was a concession demanded by the Indians is not clear but, as Molyneux St. John pointed out afterwards, the bands were strongly in favour of having their own schools. Some of the bands were not then prepared to have schools but questions remained on what "maintain a school" meant. Who would build the school? buy supplies? pay the teacher? In the early years, sponsorship of some schools came from Provincial and Federal funds and from Indian contributions.<sup>9</sup> At the Fort Alexander Reserve, the situation was similar:

For many years they have had a school, originally supported by the Missionary Society of the Church of England, and at present by the Indian Department. This one school not being sufficient for the requirements of the teachings, principally on account of the extent of the Reserve, they have built another school-house in the hope that the Government would assist them, as well in the finishing of the building as in the payment of the teacher's salary.<sup>10</sup>

Indian Commissioner Provencher pointed out that Indian education meant more than the mere use of books, "but also the intellectual, social, and religious advancement of the children, and of the class to which they belong."<sup>11</sup> The process was slow, however, through considerable loss of time due in part to language problems, parental influence in keeping to the traditional way of life, long distances to the schools, and cold winters.

The triennial clothing provision - giving a suit of clothes every three years to each chief and headman - evolved from the consideration that an Indian person in authority should be distinguished by a particular dress. An Order in Council on 25 January 1872 provided for this clothing to be of a similar type as that worn by the Militia Department:

9. Ibid., Annual Report, 1873, p. 28, Statement of the condition of the various Indian Schools within the Dominion for the Year ended 30th June, 1873.

10. Ibid., Annual Report, 1875, pp. 31 to 43 at p. 39, Indian Commissioner J.A.N. Provencher to the Superintendent General of Indian Affairs, 30 October 1875.

11. Ibid., p. 35.

For Chiefs: double-breasted scarlet coats complete with blue cuffs and collars, gold lace and white piping; blue trousers with a red stripe down the side; and blue caps with gold band and chinstrap and leathern peaks;

For Headmen: double-breasted blue coats with silver cord on shoulders and red piping on collars and cuffs; Oxford Grey trousers with scarlet cord down the side; and blue caps with red band and chinstrap and leathern peaks.

The buttons for the coats were to have a design with the inscription "Dominion of Canada Indians", made of brass and gilt for the Chiefs and white metal plate for the Headmen.<sup>12</sup> In recent years government policy regarding triennial clothing distribution has become flexible. Alternative methods now used to meet the treaty commitment are, upon request, issuing made-to-measure uniforms, vouchers for business suits, coded cheques to cover their purchase, or simply the money of the same value. The maximum amount allowed per individual has increased periodically based on the average percentage of increase in the cost of business suits.

Along with the distinguishing dress, each Chief was also entitled, according to Wemyss Simpson, to receive a flag and a medal. This promise did not appear in the Treaty, nor in the Memorandum of "Outside Promises", but the Indian Commissioner mentioned these articles in his November report of the Treaty proceedings. Flags and medals were distributed to the Chiefs in the summer of 1872.

Many of the Indians were not prepared to receive or take care of farm animals and machinery in 1871, but they did receive them in subsequent years. Indian Agent Molyneux St. John gave a couple of reasons: "It is useless giving a pair of animals to A who has neither place to put them in nor food to keep them through the winter, when it may be proper to give them to B who has both. In the same way with tools or implements."<sup>13</sup> Apparently, by 1875 all the articles and cattle were in the hands of the Indians and, according to the new Indian Commissioner, J.A.N. Provencher, the Government was free from further responsibility.<sup>14</sup> Indian complaints were numerous, however, and perhaps justifiably so, for as Inspector E.E. McColl reported in 1878, "they have been furnished - by no fault of the Government which paid the price of prime supplies and implements — with inferior and old worn out cattle; or cattle too wild for working or dairy purposes, and with supplies of all kinds of the most inferior quality, which would not be accepted at any price by the ordinary consumer."<sup>15</sup>

Unlike other western Treaties after Confederation, Treaty One did not include written guarantees for Indian hunting and fishing. Subsequent Treaties allowed for hunting and fishing, in some cases trapping as well, over all unoccupied ceded territories; these privileges remained subject to federal regulation, however. In his opening Address to the Chippewas and Swampy Crees at the Treaty One negotiations, Lieutenant Governor Archibald assured them of continued, but restricted freedom, to follow the chase:

12. Canada. Public Archives. RG 10, Black Series, File 522.

13. Ibid., St. John to Spragge, 24 February 1873.

14. Ibid., Annual Report, 1875, p. 33.

15. Ibid., Annual Report, 1878, pp. 53-56, at p. 55, Inspector of Indian Agencies E.E. McColl to the Superintendent General of Indian Affairs, 31 December 1878.

When you have made your treaty you will still be free to hunt over much of the land included in the Treaty. Much of it is rocky and unfit for cultivation, much of it that is wooded is beyond the places where the white man will require to go, at all events for some time to come. Till these lands are needed for use you will be free to hunt over them and make all the use of them which you have made in the past. But when lands are needed to be tilled or occupied, you must not go on them any more. There will still be plenty of land that is neither tilled nor occupied where you can go and roam and hunt as you have always done, and, if you wish to farm you will go to your own reserve where you find a place ready for you to live on and cultivate.

The success of the eleven days of negotiations was in part attributable to the general absence of liquor. Not only did the Lieutenant Governor realize this, but so did the Indians. Archibald had hired a special constabulary force from Winnipeg to enforce prohibition during the negotiations. The year before, Public Works Paymaster D. Mair had expressed the general worry that Indian annuities would quickly fall into the hands of the rum traders:

Their [the Indians'] appetite for rum is so intense that the most remote hope of procuring the means of their fatal enjoyment will be eagerly grasped at. The most difficult problem in this country will be to devise a method of distributing Indian annuities in such a manner that they shall be of real service to the recipients, and not find their way into the pocket of the rum seller as soon as paid. They have no difficulty at present in procuring liquor in any quantity corresponding to their means, and the use made of it is scandalously exemplified everyday on the streets of Winnipeg, by the aborigines of both sexes.

The Treaty consequently prohibited liquor on Indian reserves and endorsed strict enforcement of federal regulations in respect thereof both on and off reserves. The Treaty wording implies that the initiative for change rests with government; the non-use of intoxicants by Indian people has been enforced by successive Indian Acts, but under current legislation Indian bands may vote for change on their respective reserves.

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16. Ibid., Annual Report, 1871, p. 17, Memorandum of an Address to the Indians by the Lieutenant-Governor of Manitoba, 27 July 1871.
  17. Canada. Sessional Papers, 1870, No. 12, D. Mair to the Hon. William McDougall, Minister of Public Works, 21 June 1869.
  18. Canada. Revised Statutes, 1970, ch. I-6, ss. 98(3).

## SECTION FIVE

### "Fulfilment of the Promises: What did the Bands receive?"

By his original Commission, Wemyss Simpson expected that he would negotiate Treaties, in an orderly succession, with all the Tribes from Lake Superior to the Rocky Mountains. No instruction had specified that he would have to ensure that the terms of the Treaties were carried out. The responsibilities of negotiating and administering them were more than one person could effectively handle and Simpson decided to spend the winter of 1871-72 at home. Treaties One and Two had been signed and he would wait until the following season to deal again with the Ojibway Tribes near Fort Frances.

In the interim the Bands of Treaty One were anxiously awaiting delivery of the Treaty promises - reserves, schools, annuities, farm stock and equipment. The need for a resident Indian Commissioner soon became obvious to everybody, including Secretary of State for the Provinces, Joseph Howe, and Lieutenant Governor Archibald. According to Archibald, the Indians "recollect with astonishing accuracy every stipulation made at the treaty, and if we expect our relations with them, to be of the kind, which it is desirable to maintain, we must fulfil our obligations with scrupulous fidelity".<sup>1</sup> Part of the Lieutenant Governor's difficulty was convincing the Indians that he himself was not responsible for carrying out the terms of Treaty.

Simpson's neglect and apparent apathy aggravated the situation. Complaints that settlers were cutting timber where the Indians wanted reserves worried Archibald throughout the summer in 1872. In Simpson's favour, however, the Indian Commissioner probably had no authority to instruct surveyors of the Crown Lands Department to redirect their attention from the settlers' pressing demands toward laying out Indian Reserves.<sup>2</sup>

Simpson's mission to make a Treaty with the Fort Frances Indians was unsuccessful again in 1872. In June 1873, Joseph Provencher replaced Simpson as Indian Commissioner. Provencher's duties called for him to be on a three-member Board of Commissioners which included the Lieutenant Governor, at this time the Honourable Alexander Morris; the third member was Lindsay Russell of the Land Branch, a specialist on land and settlement. The Board would regulate Ottawa's Indian policy and the Lieutenant Governor would preside. Provencher would carry out the working portion. In this manner the Lieutenant Governor's stature in future treaty negotiations in the North-West would remain high.<sup>3</sup>

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1. Canada. Sessional Papers, 1873, No. 23, Archibald to Howe, 12 February 1872; see also John Leonard Taylor, "The Development of an Indian Policy for the Canadian North-West, 1869-1879." Ph.D. Thesis, Queen's University, 1975, p. 67.
  2. *Ibid.*, Taylor, pp. 68-73.
  3. Manitoba. Provincial Archives. Alexander Morris Papers (Ketcheson Collection), John A. Macdonald to Alexander Morris, 22 January 1873; *ibid.*, Taylor, pp. 82-86.

At the outset the Board of Commissioners administered to six Indian Bands - St. Peter's, Pembina, Fort Alexander, Broken Head River, Fort Garry and Portage. The Fort Garry Indians subsequently merged with those at Broken Head River; the Pembina Indians, represented by three Chiefs at Treaty, took up residence on the Roseau River and became known as the Roseau River Band; and the Indians at Portage la Prairie in 1876 formed three distinct and separate Sandy Bay, Long Plain and Swan Lake Bands. In all, seven Bands received benefits under Treaty One: \*

a) ST. PETER'S BAND (now called Peguis Band) - A mixture of Halfbreeds and Indians in 1871, the Band at St. Peter's Parish signed Treaty One under Henry Prince, son of the late Chief Peguis. The Treaty guaranteed Henry Prince's people a reserve as follows:

For the use of the Indians belonging to the band of which Henry Prince, otherwise called Mis-koo-ke-new is the Chief, so much of land on both sides of the Red River, beginning at the south line of St. Peter's Parish, as will furnish one hundred and sixty acres for<sup>4</sup> each family of five, or in that proportion for larger or smaller families.

The first land surveys of the St. Peter's Indian Reserve were in 1872 and 1873, by Dominion Land Surveyors Vaughn and Green, respectively, and comprised an area of 39,250 acres, exclusive of Parish Lands. Indian Commissioner Provencher in 1875 gave the reserve area as 51,200 acres.<sup>5</sup> The official figure, however, became 49,537.28 acres when Order in Council P.C. 1747 of 5 August 1930, withdrew St. Peter's Indian Reserve ~~#~~ 1 from the operations of the Dominion Lands Act and set the land aside for the use of the Indian people.

The Band also received through Order in Council P.C. 467 of 20 March 1891 a quarter-section on the shore of Lake Winnipeg for a Fishing Station. Later Reserve Schedules listed the actual land area as 131 acres and designated the tract St. Peter's Fishing Station ~~#~~ 1A. The Canadian Pacific Railway Company had at one time claimed the same quarter-section; however, the Company relinquished its claim and the area was accordingly made a permanent addition to the St. Peter's Reserve by Order in Council P.C. 1684 on 19 November 1902.

Faced with increasing pressures from expanding non-Indian settlement, on 24 September 1907 the St. Peter's Indians surrendered for sale the entire Reserve (at that time estimated to be approximately 48,000 acres). Under the surrender, some four hundred members received individual Letters Patent to over 20,000 acres and 10,000 acres of haylands. The remainder of the Reserve was patented to non-Indians and the proceeds credited to the Band. Another condition provided for a new Reserve of 75,000 acres on Lake Winnipeg. Actual land surveys, in 1909 and 1912 respectively, delineated 75,096 acres and the new Reserve, Peguis Indian Reserve ~~#~~ 1B, was officially set apart by Order in Council P.C. 1573 on 14 July 1930. Indian Reserve ~~#~~ 1B was selected at a distance from Lake Winnipeg, however, and a fishing site, Peguis Fishing Reserve ~~#~~ 1C, was added by Order in Council P.C. 1222 on 3 May 1917.

\* Statistical and other data mentioned herein on each Band are available on file in the Treaties and Historical Research Centre, Department of Indian and Northern Affairs, Ottawa, K1A 0H4.

4. Canada. Public Archives. RG 10, Vol. 1846; Canada. Indian Treaties and Surrenders (3 Vols.) Ottawa: King's Printer, 1905, Vol. 1, p. 283; Coles reprint, p. 283.

5. Canada. Department of Indian Affairs. Annual Report, 1875, p. 38, Provencher to the Superintendent-General of Indian Affairs, 30 October 1875.

A judicial inquiry in 1914 followed a succession of conflicting complaints over lot allocations and compensation for abandoned improvements after the 1907 surrender. A subsequent decision of the Exchequer Court of Canada ruled the St. Peter's Reserve surrender invalid according to the extant regulations in the Indian Act. Embarrassment ensued for buyers of lots on the old Reserve and to the Canadian Government. As a compromise, Parliament passed the St. Peter's Reserve Act, 1916, Chapter 23, which confirmed all Letters Patent held by Indians and obliged all other buyers to pay an additional one dollar per acre.

With regard to other Treaty provisions - gratuities, annuities, triennial clothing, agricultural implements, farm animals - the Annual Reports of the Department of Indian Affairs, Auditor General Reports, Treaty Paylists, and Ledgerbooks indicate that the St. Peter's Band received its share. Between 1873 and 1918, schools funded by the Churches and the Federal Government operated on the old St. Peter's Reserve. On the Peguis Reserve, Day Schools have been running since 1911. Since 1965, Peguis Band students have been attending Provincial Schools at no cost to the Indians for tuition, supplies, transportation and residence.

b) ROSEAU RIVER BAND - The Pembina Bands, as the three factions of the Roseau River Band were called until 1887, signed Treaty One under Chiefs Na-na-wa-nanan, Ke-we-tay-ash and Wa-ko-wush. Ke-we-tay-ash was the Chippewa Chief who had visited Lieutenant Governor William McDougall at his exile in Pembina in 1869. Many of the Indians had formerly resided in American territory and indeed some returned there after Treaty. For the majority, however, reserve lands were available along the Roseau River on the Canadian side. Originally, the Fort Garry Band under Chief Na-sha-ke-penais was also to receive reserve land along the Roseau River but subsequently decided to relocate at Broken Head River.

Conflicting complaints of trespass and illegal timber-cutting by settlers in the area claimed by the Pembina Indians were a constant concern in 1872 for Lieutenant-Governor Archibald. Although settler intrusions were no doubt occurring, some Indians were allowing settlers to cut timber on reserve lands. The prices they charged were their only means of subsistence. Seeds for planting had not yet been distributed and the reserve boundaries were not known.

During the Treaty negotiations, the Indians' concept of the size of the Reserves had been quite different from that proposed by the Commissioners. As Henry Bouthillier, Archibald's Private Secretary, explained on 13 March 1872, the misunderstanding continued at Roseau River:

His Excellency apprehends they have largely overrated their numbers. He says they are certainly wrong in supposing that any point up the river was fixed as the extreme limit of the Reserve. Neither depth nor breadth was agreed upon, but as two miles from the river each way was spoken of at the Indian Mission, St. Peter's, it would seem reasonable to adopt something like this rule on the Roseau. In that case the Roseau would not extend so far inland and would more approximate the shape of a square, than it would if extended along the river in a narrow strip containing the same area.

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6. Ibid., RG 10, Vol. 3558, File 43, Henri Bouthillier to F.I. Bradley, 13 March 1872.

Chief Ke-we-tay-ash at first refused to allow Surveyor McFadden to take a census of the Band and McFadden marked out only the southwest portion of the Reserve. Bouthillier assured the Roseau River Chiefs in April that their Reserves would be protected, advised them not to sell or give away timber and explained that the Census was necessary:

The extent of the Reserves to which they will be entitled depends upon the number of people of which the tribe consists, and, so soon as this is found out, the Reserve will be run off and marked, so that every Indian may see the boundary of the lands assigned to the tribe.

F.A. Martin completed the survey in 1874 and marked out an area of 13,554 acres. The tract, designated Roseau River Indian Reserve ~~#~~ 2, was officially set apart by Order in Council P.C. 165 of 20 January 1917.

The Roseau River Indians also received an 800-acre site at Roseau Rapids. According to Indian Agent Francis Ogletree in 1883, Chief Na-na-wa-nanan and his followers had houses and stables at the Rapids, and had cultivated gardens there since before treaty. By agreement on 29 August 1888 the Indians of Roseau Rapids relinquished all claims to the Township except for one and one-quarter sections. Dominion Land Surveyor G.A. Simpson surveyed the 800-acre tract in 1895 and Order in Council P.C. 2876 of 21 November 1913 set the land apart for the Indians as Roseau Rapids Indian Reserve ~~#~~ 2A.

On 30 January 1903 the Roseau River Band surrendered for sale twelve square miles (7,680 acres) of the main Reserve on condition that the Department would purchase with part of the funds two sections (1,280 acres) adjacent to Indian Reserve ~~#~~ 2A. Respective Orders in Council on 25 February 1903 and 6 February 1904 accepted the surrender and authorized the two-section purchase.

The Treaty Paylists show that the once-for-all gratuities and subsequent annuities were and are issued to the Band. In addition, existing records indicate that the triennial clothing and once-for-all expenditures in agricultural assistance were provided.

On 22 November 1961 the Roseau River Band voted in favour of legalizing the possession of intoxicants on their Reserves. In accordance with Section 96A(1) of the Indian Act, R.S.C. 1952, c. 149, a Proclamation by the Governor in Council on 29 December 1961 gave effect to the referendum results.

There were no schools on the Roseau River Reserve until 1903. From then until 1922, Day Schools sponsored by the Roman Catholic Church and the Indian Affairs Department operated on both the Roseau River and Roseau Rapids Reserves. Both Roman Catholic and Protestant Indian Day Schools were on the Roseau River Reserve from 1949 and 1959, respectively, until 1967. Since 1967 the Federal Government has paid the cost of enrolling children from the Roseau River Reserve in nearby Provincial Schools.

7. Ibid., Chief Clerk A.A.C. LaRivière to Joseph Howe, 5 June 1872.
8. Ibid., Henri Bouthillier to Chiefs Ke-we-tay-ash, Wa-ko-wush and Nana-tah-com-tup, 13 April 1872.
9. Ibid., RG 10, Black Series, File 29, Indian Agent Francis Ogletree to Indian Superintendent James F. Graham, 11 June 1883.

c) FORT ALEXANDER BAND - Treaty ~~#~~ 1 described the proposed reserve for the Fort Alexander Band as follows:

For the use of the Indians of which Ka-ke-ka-penais is the Chief, so much land on the Winnipeg River above Fort Alexander as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, beginning at a distance of a mile or thereabout above the Fort.<sup>10</sup>

In August 1872 Chief Ka-ke-ka-penais wrote to Wemyss Simpson and asked the Indian Commissioner to "be sure and come, this time, to see My reserve and the Number of my Indian Children Statched (sic) to it".<sup>11</sup> The Chief advised that his Band's population, including Halfbreeds, was 485 persons.

The first reserve surveys at Fort Alexander were conducted by J.W. Harris in 1873 and 1874 and subsequent resurveys were undertaken by R.C. McPhillips in 1891 and by J.L.Reid in 1904. The allocation was 17,500 acres but apparently excluded "certain lands settled on".<sup>12</sup> Order in Council P.C. 1404 of 14 June 1930, which officially set aside Fort Alexander Indian Reserve ~~#~~ 3 for the use of the Indians, confirmed 21,280.4 acres.

Annuity Paylists show fulfillment of the immediate gratuity and the recurring annual payments to the Fort Alexander Band. Existing records indicate as well that agricultural implements and farming stock were distributed to all Bands when they were prepared to receive them. In addition, early financial reports and accounts and a ledgerbook recording issuance of suits of clothing to Chiefs and Headmen since about 1950 show that the triennial clothing commitment has been maintained.

On 17 October 1968, the Fort Alexander Band voted in favour of legalizing the possession of intoxicants on Reserve. Subsequently, the Governor in Council issued a Proclamation on 11 December 1968 giving effect to the Band's Referendum.

Several Indian Day Schools and Residential Schools sponsored by the Federal Government operated on the Reserve at different periods between 1871 and 1971. By 1971 all schools on the Fort Alexander Reserve had been consolidated into the Sagkeeng Consolidated and Fort Alexander Schools.

d) BROKENHEAD BAND - The followers of Chief Na-sha-ke-penais were to be allotted under Treaty One reserve land on the Roseau River. According to a telegram on 31 July 1872, however, from G. McMicken of Fort Garry to Senator J.C. Aikins, Chief Na-sha-ke-penais' Band (originally called the Fort Garry Band) "expected reserve for them being two hundred and four in number at the Broken head river along with the

10. Ibid., RG 10, Vol. 1846.

11. Ibid., RG 10, Black Series, File 22, Chief Kah-Ke-Ka-pe-nase to Indian Commissioner W. Simson (sic), 8 August 1872.

12. Canada. Department of the Interior. Annual Report, 1874, Appendices to the Report of the Surveyor General of Dominion Lands, p. 25.



smaller Bands of about one hundred and twenty who are settled making in all three hundred and twenty-four".<sup>13</sup> Apparently the land at Brokenhead River was good for shooting and fishing, if nothing else, while the land at Roseau River was good farm land. McMicken added that the Indians refused to accept annuity payments until the change in reserve locality was granted. Aikins was in favour of the move.<sup>14</sup>

The first survey of Broken Head Indian Reserve ~~#~~ 4 was conducted by John Harris, D.L.S., in 1874 and showed an area of 10,920 acres. The reserve was enlarged in 1876 by Duncan Sinclair, D.L.S., to 13,494 acres to give the Band some arable land. Indian Commissioner Provencher had reported the year earlier that "the land being very swampy, and to a great extent unfit for farming purposes, a new limitation will have to be made with a view of giving to everyone the share of arable land to which he is entitled".<sup>15</sup> Order in Council P.C. 289 on 15 February 1916, officially set aside 13,720 acres.

The Annual Reports of the Department of Indian Affairs between 1871 and 1874 list the sums expended on gratuities and annuities for all bands in Treaty One. From 1875 the Treaty Paylists itemize payments of annuities on a family basis for each band.

On 7 November 1961 the Broken Head Band voted favourably to make possession of intoxicants legal on the Reserve. A Proclamation by the Governor in Council on 29 December 1961 approved the referendum results.

Departmental records indicate that the agricultural implements and farming stock were distributed among the Indian bands once they were in a position to use them. Similarly, available records indicate that the triennial clothing provision was kept up by Government; a ledgerbook shows the name of each Chief and Headman to whom suits of clothing have been issued since 1950.

Schools have operated since 1878 on the Broken Head Reserve. Since 1971 the Federal Government has been paying the costs of enrolling Indian students in Provincial Schools.

e) SANDY BAY BAND - At Treaty One signing in 1871, the Sandy Bay Indians were one of three factions of Chief Yellow Quill's Portage Band. The proposed Reserve was described as follows:

For the use of the Indians of whom Oo-za-we-kwun is Chief, so much land on the south and east side of the Assiniboine, about twenty miles above the Portage, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, reserving also a further tract enclosing said reserve to comprise an equivalent to twenty-five square miles of equal breadth, to be laid out round the reserve.<sup>16</sup>

13. Ibid., RG 10, Black Series, File 609, G. McMicken to the Hon. J.C. Aikins, 31 July 1872.

14. Ibid., Aikins to McMicken, 1 August 1872.

15. Ibid., Department of Indian Affairs. Annual Report, 1875, p. 40, Provencher to the Superintendent-General of Indian Affairs, 30 October 1875.

16. Ibid., RG 10, Vol. 1846.

The Portage Indians had been troublesome from the start and, only through the persuasions of James McKay, had negotiated a separate three-year peace in 1870 for the admission of settlers. Their adhesion to Treaty One did not follow easily either, hence the preferential treatment concerning their reserve.<sup>17</sup> The extent of the twenty-five square mile enclosure was misunderstood, however, and disputes waged until June 1876. At this date Lieutenant Governor Morris negotiated a three-way settlement with the rival factions, about five hundred Indians altogether, and from this emerged the Sandy Bay, Long Plain and Swan Lake Bands and separate reserves.<sup>18</sup>

The Sandy Bay Band, better known in 1876 as the White Mud River Indians, had made their homes along the shores of Lake Manitoba and did not recognize Yellow Quill as their Chief. Indeed, their chosen leader, Nanawatchekapow, had written in August 1872 to Commissioner Wemyss Simpson for a separate reserve.<sup>19</sup> Their settlement was surveyed in 1873 by C.P. Brown.

According to Morris, in 1875 the White Mud River Indians numbered one hundred and thirty.<sup>20</sup> At the 1876 negotiations, the Lieutenant Governor advised them that he would give each band a proportionate share of the original allotment. The proposal was accepted and Provincial Land Surveyor J. Lestock Reid, in attendance at the meetings, laid out the reserves accordingly.<sup>21</sup>

The agreement, signed on 20 June 1876, recognized the White Mud River Indians as a separate Band and Na-wa-che-way-ka-pow as their Chief. Further, "those of them who have substantial improvements [at White Mud River] shall be protected in their holdings, except in cases where the land so occupied has already been sold or granted by the Department of the Interior to other parties, but the said Indians will not be allowed to occupy or take up any other lands, than those already bona fide occupied by each of them."<sup>22</sup> The reserve proper was selected further north on the western shore of Lake Manitoba. On 21 November 1913, Order in Council P.C. 2876 withdrew Sandy Bay Indian Reserve # 5, nineteen square miles (12,160 acres), from the operations of the Dominion Lands Act.

Statements by Departmental field officers in the 1870's and 1880's suggest the Sandy Bay Band received its quota of Treaty cattle and farm implements. Similarly, Treaty Paylists show the distribution of annuity moneys and triennial clothing continues to be issued.

The Intoxicants provision in Treaty # 1, prohibiting liquor on reserve, is enforced on the Sandy Bay Reserve by means of Sections 94, 95 and 96 of the Indian Act, R.S.C. 1970, Chapter 149.

17. See Alexander Morris. The Treaties of Canada with the Indians of Manitoba and the North-West Territories. Toronto: Willing and Williamson, 1880, reprint 1971 by Coles Publishing Company, pp. 128, 129, 136, 137.

18. *Ibid.*, Annual Report, 1876, pp. xxviii, xxix.

19. *Ibid.*, RG 10, Black Series, File 11, Nanawatchekapow to the Indian Commissioner, 8 August 1872.

20. See Morris reprint, p. 137.

21. *Ibid.*, Annual Report, 1876, pp. xxv to xxxi.

22. *Ibid.*, p. xxviii.

From 1885 to 1970, schools operated on the Sandy Bay Reserve. Children from the Reserve currently attend Provincial Schools.

f) LONG PLAIN BAND - When Chief Yellow Quill (Oo-za-we-kwun) signed Treaty One on 3 August 1871 on behalf of the Portage Indians, he was nominally in charge of three groups. Although the Treaty provided for a single reserve to accommodate all the Indians under Yellow Quill, two groups preferred to live elsewhere. One of them chose to recognize Short Bear (Kes-kee-maquah), grandson of Pee-quah-kee-quah who had signed Lord Selkirk's Treaty in 1817. Short Bear's group urged Lieutenant Governor Morris in 1875 to allow them a reserve at the Long Plain. The original location was not fit for agriculture, they said, and they had already built houses, planted gardens and cut trees in the desired locality.<sup>23</sup>

By mutual agreement on 20 June 1876, Morris and the three Portage Bands settled the question of reserves and separate band status. All three Bands - Sandy Bay, Long Plain and Swan Lake - were to receive, according to their population, a proportionate share of the original land entitlement, which had been one hundred and sixty acres per family of five plus a twenty-five square mile tract. When Short Bear "came forward to touch the pen" to mark the official signing of the Agreement, he said "I thank you for my people".<sup>24</sup>

The Township in which Short Bear's Band wanted their Reserve had been surveyed in 1872 by Bouchette. At the negotiations in 1876, Provincial Land Surveyor J. Lestock Reid quoted the Sections of the Township for the Long Plain Reserve. By Order in Council P.C. 2876 of 21 November 1913, Long Plain Indian Reserve ~~#~~ 6 (10,880 acres) was withdrawn from the operations of the Dominion Lands Act and set aside for the exclusive use of the Indian people.

Annual Reports of the Department of Indian Affairs between 1871 and 1874 show that gratuities and annuities were paid the Indians of Treaty ~~#~~ 1. From 1875 the Annuity Paylists record payments to individual families in each band.

Available records indicate that the once-for-all expenditures for agricultural assistance were provided the Bands when they were prepared to adopt farming habits. Similarly, financial accounts indicate that triennial clothing was continuously provided to the chiefs and councillors; a Departmental ledgerbook has been maintained since 1950 which lists each individual to whom a voucher for a suit of clothing has been issued.

On 28 March 1967 the Long Plain Band voted in favour of legalizing the possession of intoxicants on the Reserve, and the Governor in Council issued a Proclamation on 30 August 1967, giving force to the results of the referendum.

Indian Day Schools have operated on the Long Plain Reserve since 1946. Up to 1896 at least, the Band had been opposed to education facilities for their children. Following a Joint School Agreement on 7 August 1964, the Federal Government has paid the costs of enrolling Indian children from the Long Plain Reserve in the Rossendale School.

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23. See Morris reprint, pp. 130, 135, 137, 138.

24. Ibid., p. 141, Alexander Morris to the Minister of the Interior, 8 July 1876.

g) SWAN LAKE BAND - The Swan Lake Indians were the true adherents of Chief Yellow Quill (Oo-za-we-kwun) at the Treaty One signing in 1871. At that time Yellow Quill was nominally in charge of two other groups as well, at White Mud River and Long Plain, and together the three factions comprised the Portage Band. Treaty One allowed for a single reserve for these people:

For the use of the Indians, of whom Oo-za-we-kwun is Chief, so much land on the south and east side of the Assiniboine, about twenty miles above the Portage, as will furnish one hundred and sixty acres for each family of five, or in that proportion for a larger or smaller families, reserving also a further tract enclosing said reserve, to comprise an equivalent<sup>25</sup> to twenty-five square miles of equal breadth, to be laid out round the reserve.

Yellow Quill had been appointed Chief of the Portage Band by the Hudson's Bay Company at a time when the only surviving grandson of the late Chief Pee-quah-kee-quah was too young to assume the responsibility. Pee-quah-kee-quah had signed the Selkirk Treaty in 1817. By 1875, however, half the Portage Band recognized Kes-keemaquah (or Short Bear), the grandson, as the Chief.<sup>26</sup>

Yellow Quill wanted one Reserve for everybody but by 1875 the Long Plain and White Mud River contingents were firm about obtaining reserve lands where they had built separate settlements. On 20 June 1876 Lieutenant Governor Morris negotiated an agreement with all three parties whereby each new Band<sup>27</sup> received a proportionate share of the original entitlement but in separate regions.

In 1876 J. Lestock Reid surveyed Yellow Quill's new Reserve at Swan Lake and laid out 12,300.8 acres. An error was made, however, by including some 2,400 acres of School Lands, Hudson's Bay Company claims and private lands but the survey was corrected in 1906. Order in Council P.C. 1799 of 31 August 1906 deducted the previously occupied parcels from the Swan Lake Reserve and added 2,403 acres of vacant lands. The new area was located in west central Saskatchewan and became known as Swan Lake Indian Reserve ~~#~~ 7A.

On 21 January 1908 the Swan Lake Band surrendered for sale 2,880 acres of the main Reserve. When Order in Council P.C. 2876 of 21 November 1913 withdrew Swan Lake Indian Reserve ~~#~~ 7 from the operations of the Dominion Lands Act, the area set aside was 9,760 acres. In addition, the same Order in Council set apart 640 acres, designated Indian Gardens Indian Reserve ~~#~~ 8, where some of Yellow Quill's followers had lived prior to Treaty.

Annual Reports of the Department of Indian Affairs between 1871 and 1874 show payments of the gratuities and annuities to the Indians of Treaty ~~#~~ 1. From 1875, Annuity Paylists record payments to individual families of each Band.

On 28 February 1961 the Swan Lake Band voted in favour of legalizing the possession of intoxicants on the Reserve, and the Governor in Council issued a Proclamation on 19 April 1961, giving force to the referendum results.

25. Ibid., RG 10, Vol. 1846.

26. Ibid., Morris reprint, p. 135, Alexander Morris to the Minister of the Interior, 2 August 1875.

27. Ibid., Annual Report, 1876, pp. xxviii, xxix.

Agricultural implements and farming stock were distributed to the Bands of Treaty #1 when they were prepared to receive them. Financial accounts and statements indicate that triennial clothing was provided to chiefs and headmen; since 1950 the Department has maintained a ledgerbook containing the names of each chief and headman to whom a voucher or suit of clothing has been issued.

Up until 1900 the Swan Lake Band had been opposed to education facilities on the Reserve. Between 1901 and 1964 the Federal Government and the Presbyterian Church jointly sponsored an Indian Day School on the Swan Lake Reserve. Since 1964 children from the Reserve have been attending the Pilot Mound Provincial School.

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