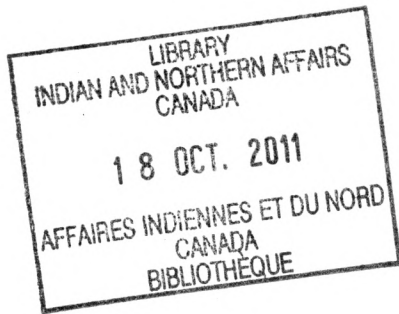


**Indian land surrenders : prairie provinces**

[S.l. : s.n.], 1975

Claims and Historical Research : D.46

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June 13, 1975

C.T.W. HYSLOP

Analysis and Categorization of Major Reserve  
Land Surrenders in the Prairie Provinces

I have given some preliminary consideration to the way in which we might organize and carry out the above-noted study and would make a number of comments and suggestions at this time.

I think we should begin almost immediately by involving those groups whom we think should participate in the study i.e. Indian Lands, PP & R (Research) and Legal Services. We would want to ensure sufficiently senior representation on what would amount to a Steering Committee and in terms of persons I would suggest for the purpose Gordon Poupore, Henry Rogers and Carol Pepper. Bill Fox might also sit in because of any possible tie-in with Operations. From this Office we would want at least you and Cy as well as Ric Berg and myself. What I would propose is a tentative study plan to be considered by these people at a meeting here next week. If we can get their cooperation and support with whatever amendments might be required in the plan we can then clear it with the Deputy Minister and get on with the job.

A factor for consideration in the tentative plan will be the number and nature of bodies required to do the job. I think we can make some preliminary estimate anyway which could be amended at or following the meeting proposed for next week. At the research stage we will have to have a standard format both to expedite the work and to ensure that we get the information we are after from each of the researchers. The subsequent analysis should flow quite readily if a format is well thought out and adequately followed.

The development of criteria which might be applied for the purpose of negotiating associated claims (if this is the route we go) should in turn flow from the analysis we do.

Some of the elements I foresee in our tentative plan of study which I would hope to draw up by Monday night or so are as follows:

1. Problem

Faced with potential claims of major proportions relating to land surrenders in the Prairie Provinces we need to know the dimensions and implications of these potential claims so that the Government can determine whether clarification of potential liability should be sought in the courts or settlements negotiated where appropriate.

2. Objective

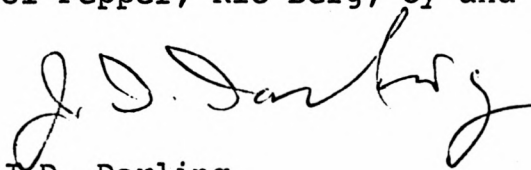
To identify, analyze and categorize all reserve land surrenders in the three Prairie Provinces with emphasis on major land surrenders associated with lands now part of or in close proximity to urban centres.

3. Categorization

The following categories, at least, should be applied to developing the research format:

- a) size - possibly broken down into Minor (under 100 acres), Medium (100 acres-999 acres), Major (1000 acres and over);
- b) circumstances of surrender - requested by band or suggested by administration, majority of voting members of band or majority of voting members present at a surrender meeting, land exchanges, "abandoned land", subsequent return of acreage in whole or in part etc.;
- c) proximity to urban centres;
- d) date, size of band, place, etc. etc..

If you concur with my suggestion for establishing a "Steering Committee" and a meeting here next week I would be prepared to make the necessary arrangements and request the attendance of Gordon Poupore, Henry Rogers, Carol Pepper, Ric Berg, Cy and yourself.

  
J.D. Darling.

RESERVE LAND SURRENDERS IN THE PRAIRIE PROVINCES

RESEARCH PROJECT

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1. Problem

Faced with potential claims of major proportions relating to land surrenders in the Prairie Provinces the Government needs to know the dimensions and implications of these potential claims so that it can better assess whether clarification of potential liability should be sought in the courts or settlements negotiated where appropriate.

2. Objective

To identify, analyze and categorize reserve land surrenders in the three Prairie Provinces with emphasis on major land surrenders associated with lands now part of or in close proximity to urban centres.

3. Categorization

The following categories might be applied in developing a research format:

- a) circumstances of surrender:
  - i) requested by band or suggested by administration;
  - ii) majority of voting members of band or majority of voting members present at a surrender meeting;
  - iii) process in conformity with Indian Act and Regulations;
  - iv) evidence of coercion or other questionable circumstances;
  - v) land exchanges, "abandoned land", subsequent return of acreage in whole or in part etc.;
- b) proximity to urban centres;
- c) date, size of band, place, etc., etc..

4. Time Frame

A definite time frame has not yet been developed, but the time lapse cannot be too long if the information is going to be of use.

5. Scope

The scope of the project is still open to discussion, although it has been suggested that all surrenders from Confederation to 1951 be examined. Obviously the scope of the project will depend on the time and manpower allotted.

All the surrenders (excluding surrenders for right-of-way which should not be a part of this project) would be in excess of 100. It has been suggested that four researchers working full time would require at least 1½ years to do a complete job. In order to shorten this time frame some of the following alternatives could be considered:

- a) Research all claims but hire sufficient staff to complete the task in 6 or 8 months.

The difficulties here would be finding sufficient qualified staff, maintaining quality control, and possible competition for research resources. Efficiency may actually be lost by too large a staff.

- b) Reduce scope of project. For example:

- i ) Concentrate only on the major land surrenders taken between 1871 and 1951. This would probably still be in excess of 50.
- ii) Further reduce the scope by concentrating on those major surrenders taken between 1896 and 1911. These dates represent the period of most intensive surrender activity. This is also the time period in which those surrenders most likely to be questioned were taken.

- c) Make only a survey of surrenders

It has been suggested that rather than intensive research specific questions only could be asked i.e. Did the majority of the Band vote for the surrender? Were there any protests made by the

Band at the time of surrender? The problem here might be that as much material might have to be covered in order to answer specific questions as would be covered in a comprehensive research project.

- d) Identify those surrenders actively being researched by the Associations and various Bands and limit the investigations to those likely to become claims. The difficulty here may be in getting a complete list of surrenders likely to be challenged. On the other hand if such a list could be obtained a lot of unnecessary research could be avoided.

#### 6. Recommendations

With the time limit being a critical factor it is felt that a good picture of the extent of surrender claims could be obtained by examining the major surrenders taken during Sifton's and Oliver's Administrations - 1896-1911. Some of these surrenders are already researched, so that the number of surrenders that would require investigation would number between 20 and 25. This would cover most surrenders where the question of what constitutes a majority might be raised. (In 1913 strict instructions were sent out that no further surrenders were to be taken unless the majority of the band consented to the surrender). Considering the historical period, it would also be the best area to investigate for coercion.

As a second priority it is recommended that investigation of surrenders for soldier settlement taken after World War I and World War II be carried out.

Such an investigation should, if it doesn't show the whole picture, provide enough data to give the Government an appreciation of the implications involved in negotiating settlement or surrender claims, or conversely allowing these claims to be settled in court.

Richard Berg,  
Office of Claims Negotiation.  
June 17, 1975.



CONFIDENTIAL

TOM HYSLOP

OTTAWA, Ontario  
June 11, 1975

Your file    *Voire référence*

Our file    *Notre référence*

Land Surrenders:  
Prairie Provinces - Fertile Belt  
1888 - 1928

With the help of Ron McGuire, I have been able to identify 37 major land surrenders in the fertile belt of the prairie provinces between 1888 and 1908. The total acreage surrendered was 633,931 or 990.5 square miles.

The Conservative Government of J.A. McDonald was only responsible for one of the surrenders identified (there may be more) and that was the Passpasschase Reserve. With the election of Laurier and the appointment of Clifford Sifton to the position of Superintendent-General and Minister of the Interior the number of surrenders increased sharply. Emphasis placed on the development and settlement of the west was undoubtedly responsible for this upsurge. During Sifton's regime (1896-1904) 9 surrenders amounting to 132,820 acres or 207.5 square miles were taken.

In 1905 Frank Oliver was appointed Superintendent-General. He served in this capacity until the defeat of the Liberals in 1911. During his 6 year administration, 17 major land surrenders were taken. In all, 387,246 acres were surrendered by various Indian Bands in the fertile belt, representing a total of 605 square miles.

With the end of the Liberal regime in 1911, surrenders became more sporadic. In fact, virtually no surrenders were made between 1911 and 1918. In 1918 and 1919 six major surrenders were taken, but after that land surrenders of major proportion became a rarity.

Potential Claims

It is very difficult to say how many of the surrenders which have been identified on the attached list are potential claims, since many of these have yet to be researched. At present the ones which we can be sure will be questioned are:


St. Peters 1907, Peigan 1909, Passpasschase 1888, Blackfoot 1910, Pheasant Rump and Ocean Man 1901, and of course the 1902 and 1908 Enoch Band claims. In addition, the various Indian Associations have indicated that research is being conducted into surrenders at Samsons, Saddle Lake Muscowpetung, Pasqua and Cote Reserves.

To my personal knowledge, the St. Peters and Peigan surrenders are both of a very questionable nature. I would also add that from what I have observed of Frank Oliver's administration, I would not have too much confidence in any of the surrenders taken between 1905 and 1911. Aside from the fact that the Oliver administration actively encouraged surrenders of fertile reserve land for purposes of settlement, it also appears that they accepted any surrender where they could get a majority consent of those Band members who attended the meeting. This is very well illustrated in the Peigan surrender, where in spite of protests and petitions by more than 60 members of the Band, the Government accepted a surrender approved by only 40 Band members. (Most of the Band did not turn out for the surrender vote, and, therefore, at the time of the vote, those who had approved had been in the majority)

In concluding, it is my feeling that although legally the door can be shut on most of the surrender claims, most Indian bands affected by the land surrender policies of the past will continue to feel that they were "robbed" of their lands.

I hope this will be of some help to you in getting the problem of land surrenders into perspective. I have attached a list of major land surrenders in the fertile belt as well as two excerpts from the 1908 Indian Affairs Annual Report which clearly outlines the thinking of Indian Affairs officials with respect to Indian Reserves in the west.

I am preparing additional background material on Frank Oliver as per your request of June 9, 1975.



Rick Berg  
Claims Analyst, OCN



JACK DARLING

OTTAWA, Ontario  
June 13, 1975

Your file    Votre référence

Our file    Notre référence

Surrenders - Prairie Provinces

I would think that in order to organize the research project you outlined earlier today, the following items might be taken into consideration. (Treaties and Historical Research as well as Lands Division should be able to help give some estimation of the scope of this problem.)

1. Identify the number of surrenders taken - Confederation to present and define scope of research i.e. all treaties or fertile belt treaties only?
2. Identify those surrenders already researched or partially researched.
3. Categorize those surrenders still requiring investigation as to province, historical period, and significance in terms of acreage.
4. Estimate resources required to complete research within a realistic time-frame. (This will in part depend on the number of surrenders which will require research.)
5. Draw up a research program and a list of sources material.

  
R. Berg  
Claims Analyst  
Office of Claims Negotiation

INDIAN LAND SURRENDERS - FERTILE BELT

- REPORTING - standard reportage form:
- DATES* - signed treaty  
of surrenders  
of accepting Order-in-Council
  - REFERENDUM* - number of eligible voters in band  
number of votes present at meeting  
results (affirmative and negative)
  - TYPE OF SURRENDER* - for sale or lease  
for exchange of land  
abandonment
  - ANALYTICAL COMMENT* - Who initiated the surrender?  
Were the conditions of surrender fulfilled?  
Was surrender done along Indian Act requirements?

- SUMMARY ANALYSIS
- how was surrender process conducted?
  - proximity of surrendered lands to urban centres
  - general value of that land today
  - assessment of claim possibilities

- RESEARCH SOURCES  
(15)
- Black Series in RG 10 (PAC)
  - Dept. Letterbooks (PAC)
  - Private Letterbooks (Deputy Supt. General)
  - Agency Letterbooks (PAC)
  - Macdonald Papers (MG 26)
  - Dewdney Papers
  - Laurier Papers
  - Borden Papers
  - Departmental Files
  - Historical Background (Ron Maguire - T & HR)
  - Annual Reports of Indian Affairs
  - Annuity Paylists
  - Membership Lists
  - Lands Registry and Surveys Division
  - Provincial Archives

- MANPOWER
- one person to oversee research operations and to receive and report data collected; to advise Steering Committee of findings
  - three researchers to collect and collate data (preferably each working in same time period for greater efficiency and thoroughness)

- TIME ELEMENT
- 2 years

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18 June 75

H. ROGERS

CONFIDENTIAL

July 3, 1975

R. BERG

1/3-11-78

Research Project -  
Indian Land Claims - Prairie Provinces

As I mentioned to you a decision was taken at the Claims Policy Committee Meeting on Thursday, July 3, to go ahead with the above-noted research project as recommended in the outline and covering memorandum we forwarded to the Deputy Minister on June 20. However, as I further indicated to you it was also decided that while we are to complete Alternative (b), page 2 of outline, by September we are then to carry on with Alternative (a) and complete as soon as possible. Outside of the Prairie Provinces we are to identify potential claims involving major land surrenders such as the Six Nations land surrenders in the Brantford area. I have asked Mr. Jean Guy Couture to take on the latter project while you will be undertaking the Prairie land surrenders research project.

I understand you will be recruiting three researchers on contract within the next week or two and that meanwhile you are completing the details of a research plan. We should remain in close touch with Indian Lands, Policy Planning and Research and Legal Services, taking full advantage of their agreement to provide ongoing supervisory assistance.

ORIGINAL SIGNED BY  
J. D. DARLING

J.D. Darling,  
Assistant Director,  
Claims Analysis Group,  
Office of Claims Negotiation.

c.c. G. Poupore  
H. Rogers,  
C. Pepper,  
J.G. Couture

DARLING:dmr



H. ROGERS  
ATTENTION R. MCGUIRE

June 20, 1975

DEPUTY MINISTER

Your file    Votre référence

Our file    Notre référence

1/3-11

Indian Land Surrenders -  
Prairie Provinces

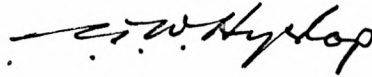
Further to your request for an investigation of Indian land surrenders in the Prairie Provinces, I am attaching for your consideration a project outline we have developed following consultation with Indian Lands and Policy Planning & Research.

The limited time frame for the study will necessarily place some restriction on its scope and require a survey approach rather than extensive research. However, we believe that by concentrating on the period of greatest surrender activity and on those surrenders involving what are now urban areas or other lands of high economic value, we should be able to identify those surrenders which are most likely to be the subject of claims, at least on the basis of obvious legal issues. Time permitting, those surrenders which appear questionable could then be the subject of indepth research.

As noted in the outline the amount of information we can uncover does not necessarily equate with the number of people we put on the project. We think that a team of four working full time would provide for optimum efficiency. In addition Indian Lands, Policy Planning & Research and Legal Services have offered to provide on-going supervisory assistance. We would contemplate hiring three researchers under contract as well as assigning one of our analysts to the study on a full-time basis.

Since we would not want to have the objectives of the study become generally known, security will be a problem. Indian Lands have offered to provide an umbrella for the study on the basis that research into Indian land surrenders is normally a part of their duties. I suggest that the Office of Claims Negotiation remain responsible for the study but have it operate under an Inter-Branch Steering Committee with due regard for security.

I am forwarding under separate cover a memorandum to the Minister for your signature attaching two papers we have recently prepared which already throw additional light on the question of Indian land surrenders in the Prairie Provinces.



C.T.W. Hyslop,  
A/Executive Director,  
Office of Claims Negotiation.

Attach: