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Some Factors Bearing on the Origins of the Lubicon Lake Dispute

1899–1940

The most highly publicized native land claim in Canada is that of the Lubicon Lake band of Cree Indians in northern Alberta. But in spite of extensive press coverage of the seemingly endless negotiations, no detailed account has ever been published of the origin of the dispute. It is time to enquire why, ninety years after the signing of Treaty 8, the Lubicons do not have a reserve. This paper tries to answer two questions: first, why did some Indians not take part in negotiations when the treaty commissions went through the area in 1899 and 1900, and second, why did some Indians remain outside of treaty for years and even decades thereafter. The purpose of this article is not to render legal or moral judgments but to give a factual account that may assist public understanding of how this complicated dispute arose.

The earliest origins of the dispute are related here, but not the entire story. Further issues arose after 1940, such as the McCrimmon inquiry into Treaty 8 band membership, the reduction of band lists and subsequent reinstatement of some members, difficulties in locating a possible reserve for the Lubicon band, the disagreements over control of natural resources, and many others. These topics may have to wait some time for scholarly treatment, because they are still contested by the parties, and thus the documentary sources are not readily available for research and publication.

Treaty 8¹

The Minister of the Interior and of Indian Affairs in Wilfrid Laurier's first government was Clifford Sifton. Toward the end of 1897, he began to receive advice that it was imperative to negotiate a northern treaty.² The discovery of gold in the Yukon meant that large numbers of whites were travelling north from Edmonton, and the Indians were disturbed at this influx into their traditional lands. Sifton hoped to put a treaty commission in the field in the summer of 1898, but the missionary bishop Emile Grouard advised that it would not be feasible to notify and assemble the native people so quickly.³ The Department continued to prepare for the treaty, leading to an Order in Council of 27 June 1898, authorizing negotiations.⁴ The Department also began to make logistical preparations at this time. The result was a "Public Notice" of June 1898, distributed in the north a full year ahead of the treaty commission's visit. It invited the Indians and Halfbreeds to attend negotiations for "the extinguishment of their title." It also laid out a precise itinerary; the commission would meet the natives at twelve different places between the dates of 8 June and 23 August 1899.⁵

The importance of logistics is obvious from a glance at the map of the treaty area, comprising 324,900 square miles in British Columbia, Alberta, Saskatchewan, and the North-West Territories. With the exception of some natural prairies in the Peace River country, this vast land consisted of forest, rivers, and lakes. The native people still lived by hunting, fishing, and trapping, and there was hardly any agricultural settlement except around Lesser Slave Lake. White settlement was largely confined to Hudson's Bay Company trading posts and mission churches.

A couple of rough roads had been cut in recent years, but long-distance transportation for large groups of people had to be over the major rivers (Peace, Athabasca, Slave) and lakes. The treaty party would include the Indian treaty commission, the Halfbreed scrip commission, accountants to handle the money, interpreters to deal in several Indian languages, missionary advisers, porters, cooks, and others. The travel season, moreover, would be short, since the waterways of the north do not thaw until late May and winter may return in September.

The Indians were spread across this immense and impassable area in small family groups.⁶ The difficulty of transport for a large

group of white men and their bulky supplies meant that the Indians would have to assemble at various points to meet them. There was no other practical way to complete the negotiations in a finite period of time.⁷

Lubicon Lake is far from any of the major waterways on which the commission planned to travel. However, the commission had announced that it would make stops around the perimeter of the area containing Lubicon Lake: Lesser Slave Lake, Peace River Landing, Fort Vermilion, Red River Post, Fort McMurray, and Wapiscaw Lake. There were Hudson's Bay Company posts at all these locations, and Indians living around Lubicon Lake would have been in the habit of trading at one or more of these locations.

On 2 March 1899, an Order in Council named the members of the treaty commission: David Laird, Indian Commissioner, as chairman; J.A.J. McKenna, an Indian Affairs official who was personally close to the Minister; and J.H. Ross, a member of the Legislative Assembly of the North-West Territories.⁸ Apprehending some difficulty in the negotiations, Sifton also had the cabinet appoint Father Albert Lacombe, the famous Oblate missionary, to accompany the treaty and Halfbreed commissions.⁹

There was discussion during the winter about what terms to offer the Indians.¹⁰ Sifton decided to retain annuities, which had been a standard treaty feature since 1818. He wrote in his final instructions to the treaty commissioners on 12 May 1899 that they should pay signing gratuities and the first year's annuities at once. However, he decided to offer the Indians the choice of taking their lands as collective reserves, as had been done on the prairies, or as individual grants to be owned in severalty. It was his view that collective reserves had not led Indians to adopt a white way of life, and that private ownership of land might be more effective in that respect. Overall, he left some discretion to the treaty commissioners: "The terms of the treaty are left to your discretion with the stipulation that obligations to be assumed under it shall not be in excess of those assumed in the treaties covering the North West Territories."¹¹

The plan was for the treaty party to assemble in Edmonton, travel overland to Athabasca Landing, and then go by boat to the west end of Lesser Slave Lake, where they were expected to arrive on 8 June. But the Hudson's Bay Company failed to have trackers ready to meet the treaty party at Athabasca Landing, and the Mounties had to haul two scows and a York boat upstream in terrible weather. Although

the main party did not reach its destination until 19 June, J.H. Ross, travelling separately, arrived there 6 June, explained the delay to the Indians, and asked them to elect a chief and headmen.¹²

Negotiations began on 20 June at Lesser Slave Lake, and the commissioners drew up the treaty that evening in accordance with the day's discussions. After more debate, the treaty was signed on 21 June, and treaty money was paid on 22 June.¹³

As in the earlier numbered treaties, the Indians signed a written agreement to "cede, release, surrender and yield up... all their rights, title and privileges whatsoever" to all the lands described in the treaty.¹⁴ They retained the right to hunt, fish, and trap on the ceded lands subject to government regulation and until the land was required for settlement or other purposes. They received the right to claim reserves of one square mile per family of five, or land in severalty of 160 acres per person; these reserves or individual grants would be made at an unspecified later time after consultation with the Indians. The commissioners reported that the Indians "were generally averse to being placed on reserves," and that "it would have been impossible to have made a treaty if we had not assured them that there was no intention of confining them to reserves."¹⁵ There was an initial gratuity of \$7 and an annuity of \$5 to each Indian, more to chiefs and headmen.

Since they were a good ten days behind schedule, the Indian commissioners now decided to split their party in an attempt to visit all destinations that summer. Ross and McKenna left for the west on 22 June, intending to go up the Peace River to Dunvegan and Fort St. John. They sent a messenger ahead, who found, when he got to Fort St. John, that the Indians had already dispersed and could not be re-assembled that summer. Ross and McKenna, therefore, did not travel as far as Fort St. John, but they took the adhesion of a group of Beaver Indians at Dunvegan on 6 July.¹⁶

This adhesion illustrates the procedure that was uniformly followed after the negotiations at Lesser Slave Lake. At subsequent meeting points, the Indians were asked to adhere to a treaty whose terms were already settled; they were not given the opportunity to impose new conditions. In taking these adhesions, Ross and McKenna used a different formula of words than did David Laird; but there was, it would appear, no difference in substance.¹⁷

While Ross and McKenna went upstream on the Peace River,

Laird went downstream in order to reach the distant destination of Fond du Lac at the east end of Lake Athabasca. On the way, he took adhesions at Peace River Landing and Fort Vermilion. Ross and McKenna, following behind after dealing with the Beavers at Dunvegan, went down the Slave River to Fort Smith. Other destinations were picked up by one or another of the commissioners on the return trip up the Athabasca River to Athabasca Landing. In spite of the initial delay, the commissioners managed to make the circuit envisaged in the "Public Notice" of June 1898, with the exception of Fort St. John. They took 2,217 Indians into Treaty 8.¹⁸

The work, however, was not yet complete. The British Columbia Indians still had to be met at Fort St. John, and the aboriginal title on the south shore of Great Slave Lake was still to be acquired. An Order in Council of 2 March 1900 named J.A. Macrae commissioner to secure these adhesions in the coming summer. In the event, Macrae took not only these adhesions but those of two other bands that approached him to enter treaty: Crees from Sturgeon Lake, southwest of Lesser Slave Lake, and Slaves from the Upper Hay River.¹⁹

In total, Macrae received 1,219 Indians in four adhesions.²⁰ He noted in his report, however, that some Indians still had not been reached:

There yet remains a number of persons leading an Indian life in the country north of Lesser Slave lake, who have not accepted treaty as Indians, or scrip as half-breeds, but this is not so much through indisposition to do so as because they live at points distant from those visited, and are not pressed by want. The Indians of all parts of the territory who have not yet been paid annuity probably number about 500 exclusive of those in the extreme northwestern portion, but as most, if not all, of this number belong to bands that have already joined in the treaty, the Indian title to the tract it covers may be fairly regarded as being extinguished.²¹

That such a large number of Indians remained out of treaty was due partly to the logistical difficulties described above, but also partly to free choice arising out of the interplay between treaty and Half breed scrip described in the next section.

Half-Breed Scrip

Beginning with the Manitoba Act of 1870, the Dominion government had provided special grants of land or scrip to the Metis populations of Manitoba and the North-West Territories. These precedents meant that the Metis of the Treaty 8 area would also have to be dealt with. Apart from the legal and moral issue of recognizing the Metis share of aboriginal title, the Metis, as kinsmen of the Indians, were highly influential with them and could persuade them not to take treaty if there was no concomitant grant to the Metis.

The North-West scrip commissions of 1885–89, like the earlier Manitoba commission, had distributed land and scrip to Metis heads of families and children who had been alive as of 15 July 1870, the date of transfer to Canadian jurisdiction. But to use that date as a criterion for eligibility seemed less appropriate as the end of the nineteenth century approached. Since treaties were made with Indians alive at the time of negotiation, it appeared anomalous to give benefits only to those Metis who had been alive in 1870, or to their heirs. As one critic put it: "We should be in a position . . . to deal with the living half breeds and not with the dead."²²

When serious consideration of Treaty 8 began in 1898, federal officials knew they would have to do something for the Metis; but because of the implications for the organized Territories, they were reluctant to move the entitlement date forward.²³ Yet the government continued to receive advice that the Metis would be unhappy with this treatment, and would use their influence with the Indians to prevent acceptance of the treaty. Clifford Sifton noted this point when he asked the cabinet to let Father Lacombe accompany the treaty and scrip commissions. "[T]hey will meet great difficulty in their missions, for the reason that the Halfbreeds are dissatisfied with the measure of recognition which by law is accorded their claims. . . ." ²⁴

Sifton decided to abandon the Metis entitlement date of 15 July 1870, in order to prevent the treaty from being jeopardized. He wrote to cabinet: "It is obvious that while differing in degree Indian and Half-Breed rights in an unceded territory must be co-existent, and should properly be extinguished at the same time."²⁵ That is, entitlement for scrip would be determined by the date that treaty was signed in the area. Sifton also recommended that each Metis residing in the Athabasca country at the time of the treaty have the option of receiving scrip for \$240 or 240 acres. Major James Walker of

Calgary and J.A. Coté of Ottawa, an official in the "inside service" of the Department of the Interior, were appointed commissioners to deal with the Metis. Travelling with the treaty commission, they would investigate claims and issue certificates for scrip.

These certificates were not the actual scrip notes but forms entitling the recipient to receive a scrip note. The certificates had to be submitted to the Department of the Interior in Ottawa, where the inside service would check the application once again before issuing the scrip. It could easily take another year or more to put scrip in the hands of the Metis claimants.

In the past, these certificates had always been transferable, so a recipient could sell it for cash and not have to wait to receive the scrip note itself. A speculator who bought the certificate could submit it to the Department of the Interior and receive the scrip, which could then be resold or located on eligible Dominion Lands. But reacting to earlier experience with speculation in scrip, Sifton decided to change the form of the certificates. They would now require the formality of a legal assignment in order to be transferred. Moreover, scrip issued to a minor could not be located on land until the recipient reached age of majority.

The half-breed commissioners travelled with the treaty commissioners to Lesser Slave Lake, where negotiations began. Illustrating the primacy of Indian title, David Laird told the assembled natives: "If there is no treaty made, scrip cannot be given. After the treaty is signed the Commissioners will take up Half-breed claims."²⁶ But even if the Indian title was prior to the Metis claims, the Metis wielded considerable influence over the Indians, enough to prevent the latter from signing the treaty unless the former were satisfied.

And the Metis were not satisfied with what they had heard. Most of them had intended to sell their, and their children's, scrip certificates as soon as they received them. They did not like Sifton's new regulations. Speculators from Edmonton and Winnipeg were on the scene with money, willing to pay about \$75 apiece for certificates; but they told the Metis they would pay much lower prices for Sifton's new form of certificate as it was more complicated for them to obtain the scrip notes.²⁷

Faced with a potential crisis in the negotiations, the two commissions held a joint meeting on 22 June with David Laird presiding. They agreed to rewrite the certificates for money scrip for both adults and children so as to meet the objections of the Metis and the speculators. The certificates for land scrip were left unchanged. The

minority of Metis who wanted land rather than money could receive a secure instrument. They were supported in their decisions by Father Lacombe as well as the local Anglican missionaries.²⁸ According to Walker and Coté, the chief reason for changing the form of the certificates for money scrip "was the fact that if the wishes of the Half-breeds in this relation had not been complied with, the success of the Indian Treaty Commission in coming to terms with the Indian bands of the north would have been seriously compromised."²⁹

Once the dispute over transferability was resolved, the commission immediately began to investigate claims and issue certificates. About half the Metis claimants were assembled at Lesser Slave Lake. After satisfying their claims, the scrip commissioners traveled in the wake of the treaty commissioners, making a similar circuit over to the Peace River and down to Lake Athabasca, down the Slave River to Fort Smith, then back up the Slave and Athabasca Rivers ending at Athabasca Landing, with a side trip to Lake Wabasca. They issued 1,195 certificates for money scrip and forty-eight for land scrip.

Most of the certificates for money scrip were quickly sold to speculators. The first certificate issued at Lesser Slave Lake was bought by an agent of the Winnipeg bankers Alloway and Champion for \$75.³⁰ Certificates purchased by speculators quickly flooded into the Department of the Interior to be exchanged for scrip notes.³¹

After returning to Calgary, the Halfbreed Commission reported that

with the exception of small groups of Half-breeds living in the vicinity of White-Fish and Sturgeon lakes, who had been duly notified to meet the Commissioner at Lesser Slave lake, but who obstinately refused to appear, the entire Half-breed population resident within the boundaries of the territory covered by Treaty No. 8, which was being concurrently entered into with the Indians, has been carefully enumerated and every claim satisfactorily dealt with.³²

By Order in Council of 2 March 1900, the government tried to provide for what it thought were only a few remaining cases. J.A. Macrae, who was made a commissioner to negotiate Treaty 8 at those places that had been missed in the summer of 1899, was given concurrent power to receive applications for half-breed scrip.³³

Macrae took 383 applications for scrip, probably many more than

the government had expected.³⁴ The files were given for analysis to J.A.J. McKenna, who recommended 229 of these cases for approval and the remainder for disallowance on numerous grounds. About fifty of those not approved were cases of persons of mixed ancestry who had taken treaty in 1899 and now wished to be discharged in order to claim scrip. McKenna held that those who took treaty should be bound by their original choice and remain Indians; or, if discharged from treaty, should not be given scrip, as that would set up an inducement for other Indians to apply for enfranchisement. The initial benefit of Treaty 8 was a signing gratuity of \$7 plus the first year's annuity of \$5, whereas a Metis might be able to sell his scrip at once for \$75. Speculators were quick to point this out to treaty Indians who might also qualify as Metis because of white ancestry.

Another interesting group consisted of thirteen claims that Macrae had recommended against, on grounds that they were Whitefish Lake Indians. They are important in our context because of the close association between the inhabitants of Whitefish and Lubicon Lakes. Macrae wrote:

I have reserved these last especially for your decision because the claimants are part of a considerable number of persons at, and north of Whitefish Lake who have not yet taken scrip as Halfbreeds or entered into treaty as Indians, and they (the claimants) were disposed to take treaty, but being prevented from doing so by the unwillingness of their band to give in its adhesion they did the next best thing, as it appeared to them, and applied for scrip.

It has to be decided whether they shall be conceded the same rights as others of electing whether they will rank as Halfbreeds or Indians in view of the fact that the community of which they form a part has not yet been treated with; that when treated with its members are likely to be dealt with as Indians; and that then these scrip applicants will naturally desire the same treatment. My opinion is that the claims might be left in abeyance until the Indians of Whitefish Lake and thereabouts are treated with.³⁵

McKenna accepted the recommendation not to grant scrip at the present time, but he rejected Macrae's view that these applicants belonged to a band that would have to sign a group adhesion. McKenna decided to use the more normal administrative procedure of

admitting latecomers to treaty lists without a formal group adhesion. "They belong," he wrote,

to a group who did not come in to take treaty in 1899 and they were not taken into treaty last year because it appears their Chief and band as a whole did not come to make a formal adhesion. No more formal adhesions are necessary. These Indians and any others who have not already been put on the treaty lists should be taken in the ordinary way and paid arrears.³⁶

The case of the Whitefish Lake Indians who would have preferred to take half-breed scrip illustrates the complexity of distinguishing administratively between the two groups in the extinguishment of Indian title.

Realizing that there were Indians in the area whose names did not yet appear on treaty lists, the government proceeded to follow McKenna's principle of dealing with them individually rather than through group adhesions. Each year H.A. Conroy, Inspector for Treaty 8, made a trip throughout the vast region to pay the annuities. On these tours, Indians who had not yet taken treaty were added to the pay lists.

A Whitefish Lake band was constituted in this manner in 1901. Conroy took into treaty the thirteen applicants who had been refused scrip by Macrae and McKenna, plus others to a total of fifty-four. Numbers grew gradually as Conroy told the headman he would promote him to chief if he could increase his band membership to one hundred. There were eighty-seven names on the pay list when reserves totalling 11,993.6 acres were surveyed for the Whitefish Lake band in 1908. Even then, Conroy wrote, "I have been told that there are about seventy or eighty half breeds living in and around that country who have not received scrip and will not enter treaty."³⁷

The administration of scrip in the Treaty 8 area after 1900 must also be brought into the story. On 7 November 1902, Conroy was authorized to take further applications for scrip from those who had not been able to appear in 1899-1900. This resulted in a batch of sixty-four applications for scrip approved by Order in Council 25 February 1903.³⁸ The Department of the Interior then seems to have regarded the matter as closed and for a time refused to receive new applications, except for a few cases in which claimants had obviously and mistakenly been overlooked.³⁹

But politicians, probably under pressure from speculators looking for new opportunities to buy scrip, continued to lobby the Department of the Interior to receive further applications. Frank Oliver wrote to Clifford Sifton in 1904 that there was a group of Halfbreeds at God's Lake who had never had a chance to apply for scrip.⁴⁰ H.A. Conroy went there over the winter of 1904–05 with instructions to take their applications, but he reported that they had scattered and he had not been able to find them.⁴¹ That same year, Conroy was also instructed to take applications throughout the Treaty 8 area on his annual visit, resulting in a batch of sixty cases approved by Order in Council 29 November 1905.⁴² Even with this accomplished, Conroy reported that some Metis claimants remained unsatisfied, and he requested permission to take their evidence on his annual tours.⁴³

On his trips of 1907 and 1908, Conroy gathered thirty more scrip applications, which he forwarded to Ottawa for examination.⁴⁴ This batch included some of the recalcitrant Whitefish Lakers who had refused to take treaty even though they had previously been denied scrip. The local missionaries were furious when they heard the news and began to bombard the Minister of the Interior with letters of protest. They wrote that these people were essentially Indians, not Metis, even though they may have had some white ancestors, and they were being manipulated by speculators who went so far as to create European names for them. If awarded scrip, they would sell it and be destitute within a few years, without treaty benefits to fall back upon. They would take treaty within a year or two if they were not distracted with the lure of scrip.⁴⁵

It was decided to grant scrip to this group of thirty applicants, including the Whitefish Lakers;⁴⁶ but the Minister also instructed Conroy to take no more scrip applications. Conroy privately admitted that he thought the Department was anxious to clear its books by granting scrip to claimants who would not take treaty, and that in fact almost all the Whitefish Lakers "followed the Indian mode of life."⁴⁷ The pressure exerted by the missionaries thus had some prospective effect.

In subsequent years, the situation remained much the same. Missionaries still complained that speculators were trying to get Indians to apply for scrip,⁴⁸ speculators continued to pressure the government to receive further applications,⁴⁹ and the Department refused to receive applications except in unusual circumstances.⁵⁰ No scrip was granted in the Treaty 8 area from 1912 onwards.⁵¹

It is obvious that the interplay between treaty and scrip led many persons to remain outside of treaty. Treaty carried more benefits in the long run, but scrip had a greater short-term yield when sold to speculators. Many natives, even those living "the Indian mode of life," had some degree of white ancestry and thus could try to apply for scrip. Official policy was to encourage treaty rather than scrip in borderline cases; but while the government could refuse to grant scrip, it could not compel anyone to take treaty. Thus arose a contest of wills in which would-be Halfbreeds stayed out of treaty for years, hoping that the Department of the Interior would change its personnel or policy so they could get scrip. In following the precedent of providing benefits to the Metis that were different from the benefits provided to the Indians, the government had inadvertently created incentives for some persons to remain outside the system, hoping to maximize their personal advantage.

The Lubicon Lake Band

Whether and how long there had been a community at Lubicon Lake is a moot point. A report from 1909 had said, "There are about 29 Indians residing at Prairie [Lubicon] Lake, as there are no fish in this Lake, they do not stay so permanently as at other places where the whitefish abounds; as the people at this lake have a few cattle and horses, they put up what hay they need to feed their stock during the winter months."⁵² This suggests that occupancy was more episodic than permanent, not unlikely for a population of hunters and trappers.

Indians in remote areas like Lubicon Lake continued to be added as individuals to treaty lists, but there were also occasions when groups came in together. In April 1922, Father Y.-M. Floc'h, the missionary priest at Grouard, reported that a group was ready to come to Whitefish Lake to take treaty.⁵³ In June of that year, the Indian Agent at Grouard was authorized to admit them to Treaty 8.⁵⁴

Adding individuals and groups to treaty lists gradually created difficulties over reserves. Many of those who were added lived in the bush far from where the first reserves, such as the three at Whitefish Lake, had been surveyed. They naturally wanted reserves closer to where they were living. It is not surprising that in 1933 a

petition with fourteen signatures arrived, asking for the creation of a reserve at Prairie [Lubicon] Lake.

Enclosed herewith please find a Petition, asking for a Reserve here at Prairie Lake, signed by the heads of all the families living in this district.

These Treaty Indians with few exceptions were born, and have lived in this district all their lives, making a living by hunting and trapping. We are over 40 miles from Whitefish Lake by the present trail, which is also a very bad one, and we find it hard to attend the yearly Treaty payments there, in fact some have not been present at Treaty for several years.

None of the parties who signed this Petition, have homes or have lived on the reserve at Whitefish Lake, and none of us wish to do so.

The rations that are issued at Treaty time go to the Indians on the reserve, and we are neglected. I have personally spoken to the Chief about this ration, but never got any satisfaction.⁵⁵

The Indian agent at Grouard, N.-P. L'Heureux, was at first not favourable to the request for a reserve at Lubicon Lake; he regarded those who lived there as "drunkers and lazy Indians of Whitefish Lake and other bands who did not like to be under close supervision."⁵⁶ But in 1939 L'Heureux and his immediate superior, Inspector of Agencies C.P. Schmidt, began to support the Lubicon cause.⁵⁷ L'Heureux reported in March 1940 that the Lubicon residents would not vote in the election for a band chief at Whitefish Lake and wanted to have their own chief.⁵⁸ In the same month the Indian Affairs Branch gave its permission for the Lubicons to elect their own chief.⁵⁹ The Branch subsequently treated the Lubicons more or less as a separate band, although there was no formal approval of band status.⁶⁰

Conclusion

Three facts stand out as explanations for why the Lubicons took so long to emerge as a separate band: the early logistical difficulties of meeting all native people in the area; the difference between treaty

and scrip benefits, which encouraged some natives to stay out of Treaty 8 in the hope of being treated as Halfbreeds; and the slow pace of settlement and resource development in the region, which meant that there was little pressure on dissenters and hold-outs to come into the treaty, nor on the government to do anything about the situation. For decades after the signing of Treaty 8, native people could live much as they always had, by trapping, hunting, and fishing. Crown lands remained open for their use in these years. It was the oil and gas exploration of the 1950s, and more particularly the commercial developments of the 1970s, that finally made it urgent for the Lubicon band to seek a solution.

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Notes

1. Three recent histories of Treaty 8 are René Fumoleau, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11* (Toronto: McClelland & Stewart, 1975), ch. 1–2; Richard Daniel, "The Spirit and Terms of Treaty Eight," in Richard Price, ed., *The Spirit of the Alberta Indian Treaties* (Montreal: Institute for Research on Public Policy, 1979), pp. 47–100; Dennis F. K. Madill, *Treaty Research Report: Treaty Eight* (Ottawa: Indian and Northern Affairs Canada, Treaties and Historical Research Centre, 1986).
2. A.E. Forget to Secretary, Department of Indian Affairs, 12 January 1898. NAC, RG 10, vol. 3848, f. 75,236–1.
3. A.E. Forget to Secretary, Department of Indian Affairs, 25 April 1898. *Ibid.*
4. Privy Council 1703, 27 June 1898. *Ibid.* Orders in Council are hereafter cited in the form P.C. 1703, together with a reference to their archival location. I have used printed copies of orders in council found in the records of the Departments of Indian Affairs (NAC, RG 10) and of the Interior (NAC, RG 15). All federal orders in council can also be found in NAC, RG 2.
5. Public Notice, June 1898. NAC, RG 10, vol. 3848, f. 75,236–1.
6. James G E. Smith, "Western Woods Cree," *Subarctic*, 6 (1981), p. 259.
7. Undated document, NAC, RG 10, v. 3848, f. 75,236–1.
8. P.C. 330, 2 March 1899. *Ibid.*
9. Clifford Sifton to Council, 29 April 1899. *Ibid.*
10. J.A.J. McKenna to Clifford Sifton, 17 April 1899. *Ibid.* McKenna had been advised by J.A. Macrae on 3 December 1898, that the negotiations would proceed more easily if the Indians could be offered a larger cash payment at the outset instead of annuities.
11. Clifford Sifton to J.A.J. McKenna, David Laird, & J.H. Ross, 12 May 1899. *Ibid.*
12. Madill, p. 34.
13. The most extensive eyewitness account of the meetings and negotiations is Charles Mair, *Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Treaty Expedition of 1899* (Toronto: William Briggs, 1908), pp. 55–64. A briefer account is in E. Grouard, *Souvenirs de mes soixante ans d'apostolat dans l'Athabaska-Mackenzie* (Winnipeg: *La Liberté*, [1922]), pp. 367–70. See also the Ed-

- monton *Bulletin*, 6 & 10 July 1899. The material is conveniently summarized in Daniel, pp. 71–85.
14. Treaty No. 8, 21 June 1899. Reprinted in Madill, pp. 127–35.
 15. David Laird, J.H. Ross, J.A.J. McKenna to Clifford Sifton, 22 September 1899. Report of Commissioners for Treaty No. 8. Reprinted in Madill, pp. 121–25.
 16. Dunvegan adhesion, 6 July 1899. Reprinted in Madill, p. 132.
 17. The adhesions of 1899 are all reprinted in Madill, pp. 130–34.
 18. Commissioners' report, 22 September 1899, in Madill, p. 125.
 19. J.A. Macrae to Clifford Sifton, 11 December 1900. Reprinted in Madill, pp. 136–37.
 20. The adhesions are printed in Madill, pp. 138–40. I have corrected the arithmetic in the statistical summary of Macrae's report, Madill, p. 141.
 21. J.A. Macrae to Clifford Sifton, 11 December 1900.
 22. Cited in D.J. Hall, "The Half-Breed Claims Commission," *Alberta History*, 2 (1977), p. 4.
 23. P. C. 1703, 27 June 1898. NAC, RG 10, vol. 3848, f. 75,236–1.
 24. Clifford Sifton to the Governor General in Council, 29 April 1899. *Ibid.*
 25. P.C. 918, May 6, 1899. NAC, RG 15, v. 783, f. 556321–2. Legislatively adopted in the revised Dominion Lands Act, S. C. 1899, c. 16; s. 4.
 26. Charles Mair, *Through the Mackenzie Basin: A Narrative of the Athabasca and Peace River Treaty Expedition of 1899*, pp. 58–59.
 27. Hall, "The Half-Breed Claims Commission," p. 5.
 28. James Walker and J.A. Coté to Clifford Sifton, 24 June 1899, with minutes of the meeting of 22 June and written statements of Father Lacombe and four Anglican missionaries. *Canada Sessional Papers*, 13 (1900).
 29. *Ibid.*
 30. Edmonton *Bulletin*, 6 July 1899, clipping in NAC, RG 10, v. 3848, f. 75,236–1.
 31. L. Pereira to A.E. Bignell, 30 August 1899, acknowledging receipt of 45 certificates for money scrip. NAC, RG 15, v. 775, f. 531,863.
 32. James Walker and J.A. Coté to Clifford Sifton, 30 September 1899. *CSP* (1900), no. 13, p. vii.
 33. P.C. 460, 2 March 1900. NAC, RG 15, v. 783, f. 556,321–2.
 34. J.A. Macrae to Clifford Sifton, 19 January 1901. NAC, RG 15, v. 782, f. 555,680–1. Macrae claimed he took 381 applications, but J.A.J. McKenna counted 383 when he reviewed the evidence. J A J. McKenna to Clifford Sifton, 16 March 1901. NAC, RG 15, v. 782, f. 555,680–1.
 35. J.A. Macrae to Clifford Sifton, 19 January 1901, NAC RG15, v. 782, f. 555,680–1.
 36. J.A. J. McKenna, 16 March 1901, NAC, RG 15, v. 782, f. 555,680–1.
 37. H.A. Conroy to the Deputy Superintendent of Indian Affairs, 10 February 1909. NAC, RG 10, v. 3999, f. 206,070–31. See also the document "Lubicon Lake Band, Land Entitlement under Treaty Eight," submitted by the Indian Association of Alberta in 1979, pp. 4–11, document A030–01–006 in the collection of the Lubicon Lake Litigation Support Group.
 38. Order in Council, 25 February 1903. NAC, RG 15, v. 782, f. 555,680–1.
 39. J.A. Smart to N.O. Coté, 28 May 1903. NAC, RG 15, v. 783, f. 556,321–2; H.A. Conroy to J.A. Smart, 2 October 1903. NAC, RG 15, v. 782, f. 555,680–1.
 40. Frank Oliver to Clifford Sifton, 24 November 1904. NAC, RG 15, v. 782, f. 555,680–1.
 41. H.A. Conroy to Clifford Sifton, 13 February 1905. NAC, RG 15, v. 782, f. 555,680–1.
 42. Order in Council, 29 November 1905. NAC, RG 15, v. 782, f. 555,680–2.
 43. N.O. Coté to Frank Oliver, 18 November 1905. NAC, RG 15, v. 782, f. 555,680–2.

44. H.A. Conroy to Secretary, Department of the Interior, 28 February 1908. NAC, RG 15, v. 782, f. 555,680-2. H. A. Conroy to "Sir," 9 January 1909. NAC, RG 15, v. 782, f. 555,680-2.
45. George Holmes to Frank Oliver, 30 June 1909. NAC, RG 15, v. 782, f. 555,680-2.
46. Order in Council, 8 April 1909. NAC, RG 15, v. 782, f. 555,680-2.
47. N.O. Coté to Frank Oliver, 20 April 1909. RG 15, v. 782, f. 555,680-2. Oliver to Coté, 21 April 1909, *ibid.*
48. George Holmes, 31 March 1910. NAC, RG 15, v. 782, f. 555,680-2.
49. Short, Cross, Biggar & Cown [Edmonton lawyers] to Secretary, Department of the Interior, 10 December 1910. NAC, RG 15, v. 782, f. 555,680-2.
50. L. Pereira to Short, Cross, Biggar & Cowan, 5 January 1911, *ibid.* Pereira to Conroy, 4 May 1911, *ibid.*
51. Madill, p. 49; Joe Sawchuk et al., *Métis Land Rights in Alberta: A Political History* (Edmonton: Métis Association of Alberta), p. 127; N.O. Coté, "Résumé of Orders-in-Council 1871-1925 respecting Claims of the Halfbreeds of Manitoba, Saskatchewan, Alberta, and the North West Territories," NAC, RG 15, v. 227.
52. C. D. White, "A Report on the Indians in the neighborhood of Whitefish Lake and other matters," 17 September 1909. NAC, RG 10, v. 6380, f. 76-9-1p.
53. Y.-M. Floc'h to Charles Stewart, 5 April 1922. NAC, RG 10, v. 7972, f. 62-131.
54. J. D. McLean to Harold Laird, 25 June 1922. NAC, RG 10, v. 7972, f. 62-131.
55. Alex Adams to "Dear Sirs," 25 August 1933. DIAND f. 777/30-12.
56. N.-P. L'Heureux to Secretary, Department of Indian Affairs, 7 December 1933. DIAND, 777/30-12, v. 1.
57. N.-P. L'Heureux, report, 14 August 1939, DIAND, 777/30-12; C P. Schmidt to H.W. McGill, 16 August 1939, *ibid.*; C.P. Schmidt to Secretary, Indian Affairs Branch, 23 August 1939, *ibid.*
58. N.-P. L'Heureux to Secretary, Indian Affairs Branch, 12 March 1940, NAC, RG 10, vol. 7125; DIAND, 777/3-5, v. 1.
59. Secretary, Department of Indian Affairs, to N.-P. L'Heureux, 21 March 1940. DIAND 777/30-23.
60. N.-P. L'Heureux raised the question of authorization in a letter to the Secretary, Indian Affairs Branch, 8 November 1940, DIAND 777/30-23. Apparently, no authorization was formally issued at that time. The Superintendent of Reserves and Trusts wrote fifteen years later that "despite the action taken by the Indian Agent Mr. L'Heureux, in 1940, the Lubicon Lake group had not been created as a Band." L.L. Brown to R.F. Battle, 17 February 1955, DIAND 777/30-23.