

In Their Own Land:  
Treaty Ten and the Canoe Lake, Clear  
Lake, and English River Bands



By Peter Dodson and the Elders of  
Birch Narrows, Buffalo River, Canoe Lake,  
and English River

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## *Introduction*

In the summer of 1906, the Dene people of English River and Clear Lake<sup>1</sup>, and the Cree people of Canoe Lake, entered into a treaty relationship with the Canadian government. In return for granting settlers access to nearly 220,000 square kilometers of land in northern Saskatchewan, the Cree and Dene were promised access to education, medicine, assistance in times of need, support for the elderly, yearly annuity payments, and, most importantly, that their traditional hunting, fishing, and trapping ways of life would continue unimpeded. Even though the Dene and Cree had first requested negotiations with the government in 1883, it took Metis demands for a settlement of their own land grievances, as well as the creation of the province of Saskatchewan in 1905, to finally force the government's hand to enter into Treaty Ten. For the Dene and Cree, motivation for entering into treaty was to secure a promise that non-Aboriginal settlers coming north would not disrupt their traditional subsistence activities. They had also hoped to gain concessions to guard against starvation in case the arrival of commercial interests from the south led to depletion of the local wildlife. The federal government's motive was simply to clear Aboriginal title to the land, as they had done with all other treaties in the West, and begin exploitation of the area's

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1 In 1972, the Clear Lake band, which was then known as Peter Pond First Nation, was split into two bands—Birch Narrows Dene Nation and Buffalo River Dene Nation.

natural resources, including the wildlife. Despite gaining promises from the government that there would be no restrictions on their traditional way of life, in the coming years the bands became subject to various provincial and federal game laws meant to promote non-Aboriginal economic interests in the area. But under the guidance of chiefs such as William Apesis, John Iron, and Raphael Beh-thee-del-kez, the Cree and Dene of Ile-a-la-Crosse continued to persevere as best they could in light of these broken treaty promises.

Previously, the written history of Treaty Ten has been based mostly on reports left by the treaty commissioners who negotiated the deal—J.A.J. McKenna (1906) and Thomas Borthwick (1907)—as well as other documents left by members of the federal government and church officials at the time. While the written material offers perspective as to the government’s interpretation of the negotiations at Ile-a-la-Crosse in the summer of 1906, it does not provide us with the First Nations’ view of those same events. We can glean some insight into the motivations and actions of the Dene and Cree of Ile-a-la-Crosse through the Commissioner’s Report and other documents, but we are, nevertheless, left with a non-Aboriginal interpretation of those motivations. When the Office of the Treaty Commissioner was asked to write a book for the 100<sup>th</sup> anniversary of Treaty Ten, it was decided that, first and foremost, it was vital to tell, as much as possible, the story of Treaty Ten from the perspective of the First Nations, thereby providing a much richer understanding of the last of the numbered

treaties negotiated in Saskatchewan. By doing so, we are able to gain greater insight into not only the bands' desires during the treaty process, but the negotiations themselves, of which McKenna presented a somewhat inaccurate account of in his report.

This book would not have been possible without the help of many people. The Meadow Lake Tribal Council and the Office of the Treaty Commissioner would like to thank the following elders for their stories and knowledge, which make up the core of this story: Rose Campbell (English River Dene Nation), Jacob Est (English River Dene Nation), Armen Iron (Canoe Lake Cree Nation), Gilbert Iron (Canoe Lake Cree Nation), Joe Iron (Canoe Lake Cree Nation), Marius Iron (Canoe Lake Cree Nation), Max Iron (Canoe Lake Cree Nation), Mary Lariviere (English River Dene Nation), Raphael Marceland (Birch Narrows Dene Nation), Frank McIntyre (English River Dene Nation), Noel McIntyre (English River Dene Nation), Elizabeth Misponas (English River Dene Nation), Louis Paul (English River Dene Nation), Sarazine Ratt (English River Dene Nation), and Eugene Sylvestre (Birch Narrows Dene Nation). Appreciation is also extended to the following people for their help in the completion of this project: Vice Chief Eric Sylvestre (Meadow Lake Tribal Council), Isidore Campbell (Meadow Lake Tribal Council), Lawrence McIntyre (English River Dene Nation), Cheryl Maurice (English River Dene Nation), Merv Buckle (M & J Ventures Inc.), David McIntyre (English River Dene Nation), Max McIntyre (English



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## *Treaty Day*

In the old days, when the treaty day was being acknowledged, it was usually done in a festive mood, like a celebration. Even though there were other special days over and above that, this was still followed through with respect. And how this was done was the week before the treaty day, the gathering would take place. So when the day would come, the Indian Affairs people would come in and would set up a big-top tent and the tables would be set up for them. And the people that would usually camp on this side would come in on this side, and the people camped on the other side would come in on the other side and form a line together.

After the people formed the line and began receiving their payments, first the leaders and then the councilors, and then the leaders and the councilors would find an open grassy area, and there they would sit and begin talking to the people. And they're all dressed in their treaty suits, and that trouble preventer would be standing beside the leader. Because in the old days the leader had to be respected, as

was taught to us through the oral tradition, this trouble preventer would watch over the leader. And people were encouraged to ask questions respectfully to the leaders and the leaders had to respond to the people, and that was the way it has always been. Now, when I think about it, and I hear people talking about it nowadays, and I think back, I think that's what they meant by self-government.

And only him [the leader] had the authority to take care of the people. And it was because of that that every spring the people would get together and they'd begin tilling the land for their gardens [the leader was respected and that respect was earned by sharing and helping in the building of the gardens]. And there was no one over the others. Everyone was treated equally and everyone expected to co-operate. Some had horses and other just did their share [Clear Lake was known for its huge gardens]. And then there was the people who needed help, and they were expected to sit and they would be helped. And if there was a shortage of food, they would be given authority to get food from the store to give to these people [the old and indigent]. And that's how we went thru life, not one

person above the other, all of us equal.

If there's an impediment and there's a reason for something being difficult, the leader would call the community together to work out the problem. Whenever there was enough food taken and shared and there's also enough animals killed for hides, the people would work in the bush and make moccasins, gloves, etc. ... And each family would get twenty pairs of each. That was our money, sharing. Not one over the other, everyone was treated equally. Even when we made dried meat, pemmican, which was all shared equally by everybody.

And this was all stored; people were taught to store these. And on special days like Christmas or Easter these were all taken out to be shared by families. Different kinds of food were made, like meatballs that were sugarized [pemmican] and the fruits that were bought in stores, like raisins and other fruit, were all cooked and canned, and these were taken out at festive times like New Year's and Easter. This shows you that people were healthy, but today there's a lot of sickness eating out of cans.

And people listened. There was a place for everyone. The women would take the young girls and the old women would take the younger women and they would talk to them privately. And even the men, there would be an elder that would speak to all of us about roadblocks in life and how to prevent them. Don't touch other people's stuff. That's how we traveled this road. Today we have different people; they think differently.

Now we have had treaty payment. And then everybody gets together and starts cutting wood together, and these were left in a bush to dry. And when winter would come these would be delivered to the different homes. And everybody helped and it wasn't for money, and that's why people in the old days lived long. ... Some lived long years, over a hundred years, and that's why we were strong. It's by doing what you're doing, talking out talk. We don't know how long we're going to live. Nobody knows. Today's young people, there's a lot going haywire with them. And you must have heard people say, "I didn't sleep well last night." Well, that's happening in our community now because things

are going haywire. Because in the old days when the sun was setting, the leader or the elder, would let people know it's time to go to bed, and that would clear streets by nightfall. Today, from nightfall to morning, people are still walking around.

- Eugene Sylvestre, Turnor Lake, Saskatchewan



## *Prelude to Treaty*

Between 1870 and 1877, the Canadian government negotiated seven treaties with the First Nations of the prairies, including the Plains Cree, Saulteaux, and Blackfoot Confederacy peoples. First Nations had wanted to enter into these agreements primarily because their way of life—i.e. buffalo hunting—could no longer sustain them. In the 1850s, buffalo robes became an attractive trade item, which led to over-hunting and the buffalo's eventual extermination from the Canadian landscape.<sup>2</sup> In order to find a new way of sustaining themselves, most First Nations<sup>3</sup> had hoped to adopt an agrarian lifestyle, and saw the treaties as a means of achieving that end. Following the precedent set out by the Royal Proclamation in 1763, which created the treaty process as a means for the British to obtain title to the land from Aboriginal peoples, the Canadian government hoped to clear Aboriginal title to their newly purchased lands in the Northwest Territories.<sup>4</sup>

<sup>2</sup> The last buffalo herds were seen in Canada in 1878 in the Cypress Hills in southwest Saskatchewan.

<sup>3</sup> Not all plains chiefs wanted to enter into treaty, namely Big Bear and Little Pine, because they did not believe that the treaties did enough to protect their traditional way of life. As well, they wanted to continue hunting the buffalo, which they felt would be possible if the government protected them for their sole usage.

<sup>4</sup> Canada purchased the North-West Territories from the Hudson's Bay Company in 1869. The land, which had been known as Rupert's Land, encompassed what is now Alberta, Saskatchewan, Manitoba, and much of the northern territories, as well as the northern parts of Quebec and Ontario. First Nations did not recognize this purchase, as they did not believe that the HBC had the right to sell land that did not belong to them.



The young Dominion could then send settlers west to exploit the fertile soil of the southern prairies and build a national railway connecting British Columbia to eastern Canada.<sup>5</sup> It is important to note, however, that the government negotiated treaties grudgingly, as First Nations forced its hand by refusing settlers entry into their lands until a treaty was established. First Nations and the Canadian government also chose the treaty route in hopes of avoiding the overt violence that had plagued American western expansion in the previous decades. Through the treaty process, First Nations and the Canadian government hoped to peacefully answer the question, “How are we going to get along?”

In exchange for non-Aboriginal access to contemporary southern Alberta, Saskatchewan, and Manitoba, treaties one through seven provided First Nations with guarantees of protection for their traditional way of life; access to education, medicine, and agricultural implements and instruction; and yearly payments called annuities, as well as other provisions. The Canadian government did not extend their negotiations into the northern parts of the North-West Territories because they were concerned only with gaining access to lands suitable for agriculture. At the time, the north held little perceived economic value, and despite calls from various First Nations in the area, the government would not engage in treaty negotiations there until 1899, when

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<sup>5</sup> British Columbia entered Confederation in 1871 with a promise that a railway would be completed in ten years or else it could leave the newly formed Dominion.

economic and political conditions made treaty-making in the region in the government's best interest.<sup>6</sup>

In 1879, the first call for a treaty in northern Saskatchewan came from the First Nations of Stanley Mission, Lac La Ronge, and Pelican Narrows (aided by a local missionary) because of “falling fur prices and declining food resources.”<sup>7</sup> However, Ottawa ignored the request, like many others to come, as it saw no benefit to Canada in making a treaty at that time. In 1883, the Canadian government received the first request for treaty from First Nations in the Ile-a-la-Crosse area, where the local Dene and Cree were becoming wary of the number of non-Aboriginals coming in to explore the possibility of a railway. As a result of this influx of southerners, the bands wanted protection for their way of life, as well as support during lean times.<sup>8</sup> At first, the government was open to the idea, largely to ensure that if a railway went through there would be no interference from the local First Nations, but as the railway plans faded, so too did the idea of a treaty. For the next twenty years, First Nations, missionaries, and the Hudson Bay Company called on Ottawa to make treaty with the Dene and Cree of northern Saskatchewan, but the

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6 The impetus for Treaty Eight was the Klondike Gold Rush, and the government's need to clear title to the land for the rush of gold prospectors in the area.

7 Ken Coates and William Morrison, *Treaty Research Report, Treaty No. 10 (1906)* (Ottawa: Treaties and Historical Research Center, Indian and Northern Affairs Canada, 1906), 8.

8 Arthur Ray, Jim Miller, and Frank Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queen's University Press, 2000), 170-1.

government still saw no economic benefit in doing so. First Nations were best left “to their hunting and fishing livelihoods unless an inrush of Whites took place or the political status of a territory changed through the introduction of a local representative government.”<sup>9</sup> It was, in the government’s opinion, cheaper if the Cree and Dene were “best left as Indians” rather than provide them with annuities, food, or other tools, as would be required by treaty.

The impetus for treaty-making in the Ile-a-la-Crosse area came about not because of the requests of First Nations, but as a result of both the demands by the Metis in that area for scrip in 1902 and the creation of the province of Saskatchewan in 1905.<sup>10</sup> Originally, scrip was a means by which the government attempted to provide 1.4 million acres of land promised to the Metis of Red River after the creation of Manitoba in 1870. Scrip provided an individual with 240 acres, but many Red River Metis sold their entitlements to land speculators. Scrip was again offered to the Metis of the North-West Territories as the government attempted to deal with Metis land claims after the 1885 Resistance led by Louis Riel and Gabriel Dumont. The government used scrip commissioners between 1885 and

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<sup>9</sup> Ibid, 172.

<sup>10</sup> That the government came north because of Metis demands more so than that of First Nations was not lost on the Cree and Dene. Elder Noel McIntyre of English River First Nation told a story of how Chief William Apesis chastised Treaty Commissioner McKenna for not acceding to their demands, stating, “it wasn’t us who called you, it was the Metis,” suggesting that the First Nations felt that they were in a position of power because they were not the government’s central focus.

1921 to try to extinguish Metis claims once and for all. However, little land promised to the Metis ended up in their possession because many sold their scrip or opted for money scrip in place of the land. Historian Olive Dickason states that

when it came time to making a choice between cash in hand or acreage, the overwhelming majority of Metis chose the money. Land presented problems for many Metis because they often lived in regions that were marginal for agriculture, if farming could be practiced at all; and their locations often were remote from land offices. For such people, it appeared more beneficial to sell their scrip. This was often done for a song; there are records of scrip being sold to speculators for as little as half its face value. Fortunes were made at the expense of the Metis—“half-breed scrip millionaires”, in the parlance of the time.<sup>11</sup>

In 1902, the Metis of Ile-a-la-Crosse called on the government to provide them with scrip because “a poor harvest and resulting loss of income had taken their community to the edge of destitution.”<sup>12</sup> However, as

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11 Olive Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times* 2<sup>nd</sup> Ed. (Toronto: Oxford University Press, 1997), 290.

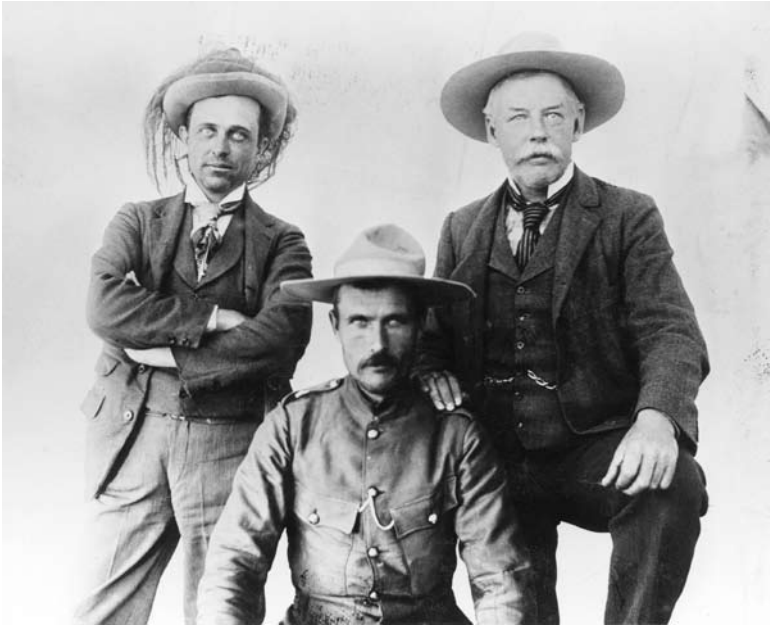
12 Coates and Morrison, 11.

historians Ken Coates and William Morrison point out, the government's policy was to deal with Metis and First Nations' title to the land at the same time.<sup>13</sup> The creation of Saskatchewan in 1905 further pushed the government to treat with the Dene and Cree at Ile-a-la-Crosse, as well as provide scrip to the Metis living there, because their homelands were the last areas in Saskatchewan not covered by treaty. According to the Order in Council passed by the federal government in July 1906, which provided for the negotiation of Treaty Ten, "it is in the public interest that the whole of the territory included within the boundaries of the provinces of Saskatchewan and Alberta should be relieved of the claims of the aborigines." For the newly formed province, it would be much easier to exploit the natural resources of the north after all Aboriginal claims were settled. Prior to the Order in Council, there was some debate over whether to negotiate a new treaty with the Cree and Dene or provide them an adhesion to Treaty Eight. Eventually it was decided to use Treaty Eight as a model for the new treaty, and in the summer of 1906 James Andrew Joseph (J.A.J.) McKenna was sent north to Ile-a-la-Crosse to negotiate Treaty Ten with the Dene and Cree of northern Saskatchewan.

The Cree and Dene of northern Saskatchewan have, since time immemorial, survived as hunters, trappers, and fishers on the pre-Cambrian Shield of northern Saskatchewan, an area rich in biodiversity, from elk

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13 Ibid.



Members of Treaty 8 Commission, 1899. L-R: J.A. McKenna, Inspector A. E. Snyder; Honourable James H. Ross. Courtesy Glenbow Archives, NA-949-2.

and muskrats to trout and walleye.<sup>14</sup> Because of this, the Cree and Dene wanted treaty with the government in order to gain assurances that their access to hunting, trapping, and fishing would be protected as more non-Aboriginal people moved into the area. As well, they knew of the other treaties previously negotiated in western Canada, and, as such, wanted the same assistance that those treaties were supposed to provide in lean times, as reports of the time suggest was happening more frequently in the area. Treaty Ten's uniqueness lies in the fact that the First Nations who wished to negotiate were not looking for a new way of life, as

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14 Anthony Gulig, "Yesterday's Promises: The Negotiations of Treaty Ten," *Saskatchewan History* 50.1 (Spring 1998): 27.

with many southern First Nations, but wanted assurances that their traditional way of life would not change in the face of European settlement and mineral exploration. As historian Anthony Gulig states, the Dene and Cree

in Northern Saskatchewan hoped to guarantee future survival and cultural integrity. Instead of remaining passive victims, they struggled to identify and protect that which was most important to them—their relationship to the land and the environment in which they lived.<sup>15</sup>

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<sup>15</sup> Gulig, “Yesterday’s Promises,” 26.

## *Treaty-Making with the Clear Lake and English River Bands*

When McKenna left Winnipeg in August 1906, he carried instructions to negotiate a treaty with the Cree and Dene of northern Saskatchewan, as well as to grant scrip to eligible Metis of the area. McKenna's commission provided him with the authority to provide the Cree and Dene with reserves, at a size of one square-mile per family of five, annuity payments, educational provisions, and "assistance as may be found necessary or desirable to advance the Indians in farming or stock-raising or other work."<sup>16</sup> The treaty commissioner was accompanied by several individuals, including Major Begin of the Royal North-West Mounted Police (RN-WMP), Angus MacKay, the manager of the Hudson Bay Company post at Ile-a-la-Crosse, and Père Rapet, an Oblate priest from Ile-a-la-Crosse.<sup>17</sup> McKenna and his party arrived at Ile-a-la-Crosse on August 26<sup>th</sup> and his first task was to meet with the English River and Clear Lake bands, but this happened much earlier than he had originally expected.

According to elder Eugene Sylvestre of Birch Narrows Dene Nation, the arrival of the treaty commissioner's party initially took them off guard.<sup>18</sup> McKenna himself had hoped to delay negotiations with the Clear-Lake and English River bands until the 13<sup>th</sup> of Septem-

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16 *Treaty No. 10 and Reports of Commissioners*, J.A.J. McKenna to Frank Oliver, 18 January 1907, 2.

17 The Dene referred to Père Rapet as Father Blondie.

18 Interview with Eugene Sylvestre.



ber, and states in his report that he agreed to meet with the bands immediately only because

they had been gathered there for several days, that their supplies were low, that it was necessary that they should return to their hunting grounds without further delay, that they had come long distances, and that they would have to travel far before reaching their winter quarters.<sup>19</sup>

According to elder Frank MacIntrye of the English River Dene Nation,

people were asked to gather, and so they did. People from the area of Cree Lake, Buffalo River, and from Patuanak, the people from the Churchill River system ... gathered. Now, an elder, Raphael Behthee-del-kez (Baldhead), and grandfather, William Apesis, were speakers on behalf of the people and talked amongst themselves.<sup>20</sup>

At the start of negotiations, Père Rapet presented the chiefs with a rock and told them that McKenna wanted

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<sup>19</sup> *Treaty No. 10 and Reports of Commissioners*, 4.

<sup>20</sup> Interview with Frank McIntyre. Chief William Apesis' actual last name was Oultchayaze. Born to a Cree mother and a Dene father, Apesis, in Cree, meant small. He was known as the "little Cree."

to buy the rock from them for \$5 per person,<sup>21</sup> perhaps signifying that the commissioner wanted to purchase the rights to the land from the Dene. According to elder McIntyre, McKenna, as well as Père Rapet, tried to persuade the chiefs to accept the treaty, as well as the \$5 per person that the government was offering, without any further negotiation, with a further promise that McKenna would return later to negotiate the full terms.<sup>22</sup>

They said the Indian commissioner said, “You take the money now and in the future we will negotiate because we are in a hurry, because where we’re going is far away.” So Apeis and Raphael replied, “Then how is it going to be when you are in a hurry? If you’re in a hurry for something and you want to negotiate in the future, it won’t be good. In the future, there will be a lot of people and we are speaking for them. If you are in a hurry, then just go, if you are in such a rush. What you are in a rush for, go and do that first. When you are done that, come back and we’ll talk cooperatively if you’re to give out money. We don’t know why you handed out money around us and you come to us

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21 Interviews with Jacob Est and Louis Paul.

22 Interview with Frank McIntyre.

at last.”<sup>23</sup> They told this to these people. The Indian commissioner kept insisting, “We are going to a far place. If you take the money now, then when we get back we will negotiate.” Then Raphael said, “We told you already, if you are in a hurry to hand out money, and want to negotiate afterwards, then it won’t turn out good in the future. You want to go, then go, we will leave and go back to our homes also.” The people went back to their homes. The next day, the priests were going from person to person amongst the people, saying, “The Indian commissioners are in a hurry,” but we cannot negotiate in this way.<sup>24</sup>

A similar story was told by another English River elder, Jacob Est, who stated that when told of McKenna’s hurry, Chief Raphael responded, “‘Wait, let me ponder it first and see my people and we’ll go by their decision.’ But to no avail. The Indian commissioner was in a hurry. When the sun was setting, he [Raphael] said, ‘If you are in a hurry you can leave to go where you are in a hurry for.’”<sup>25</sup>

McKenna wrote that he was scheduled to meet the Metis at Portage La Loche on September 3<sup>rd</sup>, and so he would have been in a hurry to negotiate the treaty and

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23 The chiefs were referring to the fact that treaties had been negotiated with people all around them, in treaty areas five, six, and nine.

24 Interview with Frank McIntyre.

25 Interview with Jacob Est..

still meet the Metis at the scheduled time. Interestingly, but perhaps not surprisingly, McKenna made no note of the chiefs' refusal to negotiate with him, simply stating that he "decided to accede to their request, and met them on August 28, 1906."<sup>26</sup> In his report, however, McKenna made note of the fact that the negotiations were tenuous.

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

With the chiefs' refusal to accept the treaty without proper negotiations, it was up to Père Rapet to convince them to come back to the bargaining table. Rapet argued that the treaty was in their best interest: "In the future, you would be better off. Why is it then you

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<sup>26</sup> *Treaty No. 10 and Reports of Commissioners*, 4.

are not accepting treaty payments? You should agree to it.”<sup>27</sup> According to elder Noel McIntyre of English River,

Then Père Rapet met the Dene people and said, “These people that come here to you, it is something good for you.” Because in the old days, people who were priests were listened to. It was at the request of the priest that the people come back.<sup>28</sup>

While Père Rapet was trying to convince the Dene to come back to the negotiations table, a debate began amongst the Dene themselves over whether they should enter into treaty with the government. Some argued that acceptance would mean that “in the future you won’t even have authority over this rock. You wouldn’t even have power in fishing.”<sup>29</sup> A more dramatic confrontation occurred between Tka-tzie<sup>30</sup> (Willow Heart) and Père Rapet, during which the priest slapped the elderly woman twice. Elder Rose Campbell explains,

That is time my grandmother Tka-Tzie (Willow Heart) said to the priest, “On this

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27 Interview with Jacob Est.

28 Interview with Noel McIntyre.

29 Interview with Mary Larivière.

30 According to the Dene of English River, Tka-tzie was the Nostradamus of her people, as she could see years ahead of her time. She was the only woman involved in the treaty negotiations and was an adviser to the Dene people of the region.

day you are even glad when you slap me, but in the future, you are gonna get to that point. You say you are witnesses to God to even arrive here at the treaty negotiations.” That’s what Willow Heart said. This elderly lady debated the people. She was a very wise person. “You walk around here with long robes, saying you are like Jesus. In the near future, you are gonna get out of these clothes and we won’t even tell you are priests. There is only one small thing that you are going to have when it’s nearing the end. That is how people will know you are priests. These \$5 you are going to give us we will not make a living on it.” That is what the elderly lady told them. That elderly lady was right, all she had said has come true. She wasn’t lying. She lived here for a long time on this earth. What she has spoken of we see it all today. She mentioned that, “when our kids are taught in school in the white man’s way, all of our traditions will be lost.” That is what she said and that is how it is today.<sup>31</sup>

Despite Tka-Tzie’s opposition, Père Rapet finally convinced the Dene to meet with McKenna, telling them, “Whatever your people say, we will take your direction if you take the money, that’s what the Commissioner is stating.”<sup>32</sup>

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31 Interview with Rose Campbell.

32 Interview with Frank McIntyre.

The elders of English River and Clear Lake contend that three days passed between their refusal to negotiate with McKenna (because he was in such a hurry) and their decision to return to the table. In his report, McKenna states that only one day passed between his initial meeting with the Dene on the 26<sup>th</sup> of August and the eventual negotiation and finalizing of the treaty on the 28<sup>th</sup>. Considering that McKenna did not even inform his superiors that the Dene had walked away from the table in the first place, it is possible that he also misinformed them about the time that he spent at Ile-a-la-Crosse in August 1906. It is known that the treaty was negotiated and finalized on August 28<sup>th</sup>, and that McKenna states that he arrived on the 26<sup>th</sup>, but that might have been incorrect. He might have arrived two days earlier, allowing for the Dene contention that three days separated negotiations, not just one, as McKenna reported.

At the negotiations, a local Metis store manager, Magloire Maurice,<sup>33</sup> interpreted McKenna's words into Cree for Chief Apešis, who then translated the words into Dene for the majority of those gathered. According to elder Frank McIntyre, when the Dene and McKenna reconvened for the negotiations, the Clear Lake chief, Raphael, confronted the treaty commissioner because McKenna had RNWMP officers with him who were carrying guns, even though these were supposed to be peaceful negotiations.

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33 Maurice was a middleman who worked for the Hudson's Bay Company, and later married a Dene woman.

So they gathered again. There were many people representing the Indian commissioner along with the RCMP, in their red attire. Therefore, Raphael said, “It’s amazing, although you love something and hate to let go of it, you bring it to us. This thing that you call money, you have no money. You have no money officers, or guards with guns and bullets strapped on them. If you loved it, what’s the use then? Therefore, we also love our land, that’s why we don’t want to negotiate.” Apeis and Raphael told their people to get their guns and they got them so they were there armed with guns. The Indian commissioner said, “We did not come here for battle, that is not what we mean.” So Chief Raphael said, “If that is the case, and you want to hold on to something that you love, why do you have officers, strapped with guns and bullets, there are no money on them. We also love our land. So therefore, let only two stand where money can be handed onto us through their hands.” The rest of the officers got out of their uniforms, and dressed up in their plain clothes like the Dene, then the Dene returned their guns back to their homes.<sup>34</sup>

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34 Interview with Frank McIntyre.



To the Dene, if the government was going to guard their money with guns, then they too would guard what was valuable to them—the land—with weapons. But when the Dene, at Raphael's request, went and armed themselves, McKenna misinterpreted their actions, believing that this had been done in preparation for a fight. The Dene's motivation, however, was not violence, but simply to show the commissioner the importance of the land to them and that they felt that they too had an equal right to guard their own treasure.

One of the areas to be negotiated was the matter of money. In past treaties, the government had provided First Nations with annuities of \$5 per band member, \$12 for headmen, and \$25 for chiefs. Chief Apesis, however, took the unusual step (in the eyes of the government) of asking for arrears dating to Treaty One in Manitoba in 1871.<sup>35</sup> Apesis told McKenna,

I see, however, you handed out money to other areas. It's been quite long since then and you went around us. Since the day you started handing out money, how many years now? I like you to give us all what you have given since that day.<sup>36</sup>

This request took McKenna off-guard:

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<sup>35</sup> It had been twenty-five years since Treaty One was negotiated in Manitoba, so, in effect, Chief Apesis would have been asking for \$125 per band member, as well as \$625 for himself as chief.

<sup>36</sup> Interview with Frank McIntyre.

In my reply, I convinced them that such a claim as they put forward for what they called "arrears" had never before been heard of, and that I could not for a moment recognize any obligation on the government's part except such as would be put upon it in virtue of the execution of the treaty.<sup>37</sup>

McKenna countered by offering \$12 per person for the first year, as well as \$22 for headmen and \$32 for the chiefs. In subsequent years, the bands would receive the original \$5, \$12, and \$25 offer.<sup>38</sup> In the end, the Dene accepted this offer.

The biggest concern for the Dene, however, was not the money that the government was offering as part of the treaty, but whether they would receive guarantees that their way of life would not be subjected to government interference. Chiefs Apesis and Raphael, and, later, Chief John Iron, asked McKenna repeatedly to promise them that the government would not subject them to laws that would restrict their traditional hunting, fishing, and trapping activities on which they relied for subsistence. The treaty commissioner's report reflected these fears:

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<sup>37</sup> *Treaty No. 10 and Reports of Commissioners*, 6.

<sup>38</sup> One story from the elders about how they arrived at the payment of \$5 was that a Cree man, when asked about how much money he wanted, held up his five fingers, and that is how they settled on the annuity payment rate (Interviews with Sarazine Ratt and Elizabeth Misponas).

There was a general expression of fear that the making of the treaty would be followed by the curtailment of their hunting and fishing privileges, and the necessity of not allowing the lakes and rivers to be monopolized or depleted by commercial fishing was emphasized.<sup>39</sup>

According to elder Eugene Sylvestre, McKenna told the Dene “there was supposed to be no impediments to our way of life, nothing was supposed to be closed from us. It was like that, you can hunt, you can fish, and you can trap and that’s how it was.”<sup>40</sup>

Elder McIntyre expands on the story:

the Indian commissioner said, “If you take this money, this treaty money, your way of life will not be subjected to anything. You can kill game anywhere so you can feed your people. We will not even speak out on it, there will be no policy made on it.” The chief replied, “I guess you already created a policy on it, and you know about it. Tell us then about the policy.” The Indian commissioner replied, “How the policy is that every \$5 person<sup>41</sup> will not be subjected to policy where their way of life is

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39 *Treaty No. 10 and Reports of Commissioners*, 5.

40 Interview with Eugene Sylvestre.

41 Treaty people were referred to as “\$5 people,” to differentiate them from Metis who took scrip.

infringed.” That is what the Indian commissioner said. The chiefs replied, “How then shall we know that? Which \$5 person will not be subjected to policy?” The commissioner replied, “Even without the written word, you see this sun shines, you [see] this river flowing, this grass growing; every year like this, you will receive money. New money just like this grass grows new. And this policy, you see this sun, it sets and rises; it will be like it. It will not be different from what we say to you. If someone says to you, ‘We have authority,’ and it does not come from us, the Indian commissioner, it will not [be] changed.”

McKenna confirmed his promise when he wrote, “I guaranteed that the treaty would not lead to any forced interference with their mode of life.”<sup>42</sup> But McKenna also added,

I explained to them that, whether treaty was made or not, they were subject to the law, bound to obey it and liable to punishment for any infringement thereof; that it was designed for the protection of all and must be respected by all the inhabitants of the country, irrespective of colour or ori-

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<sup>42</sup> *Treaty No. 10 and Reports of Commissioners*, 6.

gin; and that, in requiring them to abide by it, they were only being required to do the duty imposed upon all the people throughout the Dominion of Canada. I dwelt upon the importance, in their own interest, of the observance of the laws respecting the protection of fish and game.<sup>43</sup>

The elders state that no such caveats were put on the commissioner's promise.

No, he did not tell the people of government regulations. 'The way you live now would be subjected to the Indian commissioner.' He did not say that. He said to the people, 'the way you people live off the land, it shall not be moved.'<sup>44</sup>

In his report, McKenna also wrote about how he told the Dene, as well as the Canoe Lake Cree, that

the same means of earning a livelihood would continue after the treaty was made as existed before it; and that Indians would be expected to make as good use of them in the future as in the past.<sup>45</sup>

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43 Ibid.

44 Interview with Frank McIntyre.

45 *Treaty No. 10 and Reports of Commissioners*, 6.

This could only be achieved, however, if the people maintained the same access to their traditional activities as they had previously. The final treaty text, which the Dene could not read, echoed McKenna's report and interpretation of the negotiations, but not their own:

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

Despite his assertions to the contrary, it seems unlikely that McKenna informed the Dene chiefs that their hunting, trapping, and fishing rights were not guaranteed, but, in fact, subject to government legislation. Continued unimpeded access to their traditional hunting, fishing, and trapping was so important to the Dene, and later the Cree of Canoe Lake, that any such restrictions placed on these activities would have been a deal-breaker in their eyes. As historian Anthony Gullig has written,

It would be incorrect to assume that the Indians believed this clause would allow the government complete latitude with their traditional activities. It is clear by the consistent and voluminous Native comments during the negotiations process that the Indians would never have concluded the treaty unless they were absolutely certain, regardless of the limited implications of otherwise obscure terms like “from time to time,” that their subsistence activities were secure. The hunting and fishing rights were reserved by the Indians, not granted or given by the government.<sup>46</sup>

The other issues of concern to the Dene during the negotiations included: education, which Chief Apesis hoped would not interfere with the “system of religious schools now conducted by the mission;”<sup>47</sup> support for the elderly; rations in times of need; cattle and farm equipment; and access to medicine and doctors. The English River and Clear Lake bands were also promised reserves, but McKenna

made it clear that the government had no desire to interfere with their mode of life or to restrict them to reserves and that it undertook to have land in the proportions

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46 Gulig, “Yesterday’s Promises,” 30.

47 *Treaty No. 10 and Reports of Commissioners*, 6.

stated in the treaty set apart for them, when conditions interfered with their mode of living and it became necessary to secure them possession of land.<sup>48</sup>

In short, unlike in the post-treaty era in the south, First Nations would not be forced to live on reserves and the government would actually encourage them to continue surviving as subsistence hunters, fishers, and trappers.<sup>49</sup> McKenna went on to say that he believed that in the future

[t]he demand will be for ammunition and twine, as the great majority of the Indians will continue to hunt and fish for a livelihood. It does not appear likely that the conditions of that part of Saskatchewan covered by the treaty will be for many years so changed as to affect hunting and trapping, and it is expected, therefore, that the great majority of the Indians will continue in these pursuits as a means of subsistence.<sup>50</sup>

The Dene, and later the Cree at Canoe Lake, were also told that they could take their reserves in severalty, meaning that they could own it as individuals rather

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48 Ibid.

49 Coates and Morrison, 36.

50 *Treaty No. 10 and Reports of Commissioners*, 7.



than take land communally as a band. However, no member of any band opted for individual land allotments.<sup>51</sup>

In response to their requests, the treaty commissioner told the Dene gathered that access to education would occur regardless of the treaty, that “medicines would be placed at different points in the charge of persons to be selected by the government,”<sup>52</sup> and that cattle and farming equipment would be made available to those who “are actually prepared to go into those industries.”<sup>53</sup> Provisions were also made to provide the Dene with ammunition and twine. Finally, when it came to rations and help for the elderly, McKenna later wrote,

I stated that the government was always ready to assist Indians in actual destitution; that in times of distress they would, without any special stipulation in the treaty, receive such assistance as it was usual to give in order to prevent starvation among them, and that the attention of the government would be called to the necessity of some special provision being made for assisting the old and indigent who were unable to work and dependent on charity for subsistence.<sup>54</sup>

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51 Gulig, “Yesterday’s Promises,” 39.

52 *Treaty No. 10 and Reports of Commissioners*, 7.

53 *Ibid.*

54 *Ibid.*, 6.

McKenna also told the Dene that the treaty would last “for as long as the sun shines, the rivers flow, and the grass grows”—in other words, forever.

Having believed that they had secured promises that their way of life would not be disrupted, as well as promises for annuities, education, and other matters discussed above, Chiefs Apesis and Rapheal turned to Père Rapet to ask him whether they should accept the government’s promises.

They said, “Father, just like our Creator, you represent and stand for Him in its place, how ... Where it will be good for us, tell us then, this money they want to hand over to us will create havoc and difficulty amongst us.” Père Rapet replied, “Ayyy, they tell you things all for your good and your way of life will continue and not be subjected. On top of that, to assist you, for supplies, the price will not be expensive. Therefore, if you take the money, you will be doing a good act.” That’s what Père Rapet said to the people. Chief Apesis and Raphael said to Père Rapet, “So, therefore Father, you told us before you come on behalf of the Creator, just like the word of God, we will accept what you tell us and take the money. They said \$12 per person and that’s how we’ll accept it. Then,

sometime in the future, when we are going to be subjected to any policy, you are priests, stand up and represent us, stand up for us and talk on our behalf, just like you are talking on behalf of the commissioner, that's why we are accepting the money." This was what they said to him. When they told him this, Père Rapet got up and proceeded to sit by the shore. People were going to him and talking to him, but he would not speak a word to them. He wouldn't answer questions that were being asked. So Chief Apehis and Raphael said, "Therefore we will accept the money." Therefore, treaty payments were handed out <sup>55</sup>



The Treaty Ten Signing Party at Ile-a-la-Crosse, 1906. Père Rapet (second from the left, seated), Willow Heart (middle), Chief William Apehis (two over to the right, behind Willow Heart). Courtesy Max McIntyre.

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55 Interview with Frank McIntyre.

The treaty was finalized on August 28<sup>th</sup>, 1906 as Chief Apesis touched a pen to the written treaty, and received his \$32 and a treaty medal. With him, one hundred and fifty-two members of the English River band entered into treaty, including his two headmen, Joseph Gun and Jean Baptiste Estralshenen. Chief Raphael Beh-thee-del-kez entered into the treaty along with forty-five of his band members. Raphael also told McKenna that the rest of his people would meet the commissioner at Buffalo Narrows as McKenna made his trip back from Portage La Loche, where he was going to provide scrip to the Metis.



## *Treaty-Making with the Canoe Lake Band*

McKenna stayed at Ile-a-la-Crosse until August 30<sup>th</sup> and then departed for Portage La Loche. The treaty commissioner left Portage La Loche on September 8<sup>th</sup> for the La Loche mission across the river, and on his way he met with three women at Bull's House, "a traditional gathering point on the northeastern shore of Peter Pond Lake."<sup>56</sup> The three elderly women, who were a part of the Clear Lake band, were paid their \$12 and entered into the treaty. McKenna moved on to deal with more Metis scrip requests, then left the mission at La Loche on September 11<sup>th</sup>. Five days later, he arrived at Buffalo Narrows to meet with the rest of the Clear Lake band. The next day, the 17<sup>th</sup>, one hundred and ten more members of the band were accepted into treaty and received their \$12. McKenna reported that the people "were satisfied with the action of their chief in becoming a party to the treaty."<sup>57</sup> As well, Chief Raphael asked whether he could wait until the next year to pick his headmen, a request to which McKenna agreed.

Having completed his work, McKenna returned to Ile-a-la-Crosse, where he was scheduled to meet with the Canoe Lake band and Chief John Iron, who, like all chiefs, was very well respected and had many responsibilities:

[I]n those days, like I said earlier, there was a lot of respect for the chief, and in

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56 Gulig, "Yesterday's Promises," 39.

57 *Treaty No. 10 and Reports of Commissioners*, 4.

those days he was a doctor, ambulance, police, and a marriage councilor. All those things put together. Something happened or someone got hurt, marriage breakup, they go to the chief.<sup>58</sup>

Much like the negotiations with the English River and Clear Lake bands, the main concern of the Canoe Lake Cree was that their traditional hunting, fishing, and trapping way of life would continue unaffected. Chief Iron also looked to gain promises with regards to education, as he “stated that there were about twenty-five children of school age in his band and asked that a day school be established at Canoe Lake for their benefit and that it be put under the management of a woman teacher.”<sup>59</sup> According to elder Armen Iron, Chief Iron’s grandson,

My grandfather was very smart. He must have put a lot of thought into these treaties. They were allowed to fish, hunt, and trap without any charges laid. They were given five dollars at the signing of the treaties. They would not be charged for their things as long as the sun shines. . . . They would not have to pay for anything if they went hunting for moose and hunt for ducks. They wouldn’t have to pay, any logging they didn’t have to pay.<sup>60</sup>

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58 Interview with Max Iron.

59 *Treaty No. 10 and Reports of Commissioners*, 6.

60 Interview with Armen Iron.

Assisted by interpreter Archie Park, McKenna made all the same promises to the Canoe Lake Cree that he had to the Dene of English River and Clear Lake, including those of education and non-interference in their traditional way of life. According to elder Marius Iron, “We were told that we could trap anywhere and we would not require a license. They [government agents] said it [the land] was ours and we would not need a license.”<sup>61</sup> They were also given other provisions, like tea and sugar, as well as nets and ammunition.<sup>62</sup> Chief Iron and his people accepted the treaty on September 19<sup>th</sup>, 1906. In total, eighty-one people took treaty with Chief Iron, including his headmen, Baptiste Iron and Jerome



First Council of the Canoe Lake Band, Signed Treaty Ten on September 19, 1906 at Ile-a-la-Crosse. L-R Baptiste Iron, Chief John Iron (sitting), Jerome Couilloneur.

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61 Interview with Marius Iron.

62 Interview with Gilbert Iron.



Couilloneur. McKenna was unable to continue his trip north to Stanley Mission to continue negotiations with other First Nations due to low water levels and a fear of being frozen in, and so instead returned to the south. It was left to Thomas Borthwick, an Indian agent from Mistiwasis' reserve in the Treaty Six area, to complete negotiations with the Barren Land and Hatchet Lake bands in 1907.

The written version of Treaty Ten, while not a wholly accurate document with regards to what was negotiated at Ile-a-la-Crosse in the summer of 1906, especially concerning hunting, fishing, and trapping, provided the government of Canada with access to nearly 220,000 square-kilometers of land in northern Saskatchewan. In exchange, the treaty provides for the following:

- reserves, at a rate of one square-mile per family of five, or taken as severalty at the rate of one hundred and sixty acres per person;
- a one-time cash pay-out of \$32 for chiefs, \$22 for headmen, and \$12 for band members;
- annuity payments of \$25 for chiefs, \$15 for headmen, and \$5 for band members;
- chiefs were provided with a silver medal, a flag, and “next year and every third year thereafter each chief shall receive a suitable suit of clothing.” Headmen were also provided with bronze medals;
- provisions “as may be from time to time be deemed advisable for the education of the Indian children;” and

- the government agreed to “furnish such assistance as may be found necessary or advisable to aid and assist the Indians in agriculture or stock-raising or other work and to make such a distribution of twine and ammunition to them annually as is usually made to Indians similarly suited.”

In the ensuing years, the parties would interpret the treaty very differently, with the government relying on the written version for their interpretation and the bands using their own oral history. The Cree and Dene, as well as all other First Nations who negotiated treaty with the federal government, maintain that the written version tells only part of the story. For instance, the written treaty states that the Cree and Dene “do hereby cede, release, surrender and yield up to the government” their lands, but First Nations from all the numbered treaty areas deny that this was ever the case, stating that they agreed only to share the land with the incoming settlers. In the coming years, the government would contend that the treaty also gave them control of the areas natural resources, something that the Cree and Dene argue was never discussed at the negotiations. The written treaty also lacks the promises made to the Cree and Dene in regards to help for the elderly and rations in times of need. Because of these different understandings of the treaty, First Nations have argued that they were not receiving what they had been promised, and for the Dene and Cree of Ile-a-la-Crosse, their main contentions came in the areas of hunting, fishing, and trapping.



## *The Other Table: Metis Scrip*

When McKenna came to Ile-a-la-Crosse to negotiate treaty, he was also charged with taking applications for scrip from those Metis who had not yet participated in that process. Scrip was originally designed as a means of providing the Metis of Red River the 1.4 million acres owed them after the creation of Manitoba in 1870. Through the Manitoba Act, Metis children were given a scrip ticket for 240 acres of land, while adults were given money scrip for \$160.<sup>63</sup> In the end, the Red River Metis managed to hold on to less than twenty percent of the land allocated them through the Manitoba Act, and they received none of it before 1885. According to historian Jim Miller, the reasons for this were varied:

Ottawa improperly altered the terms of the land grant to the disadvantage of the Metis; surveys proceeded slowly; government land offices proved unable to redeem the land scrip (or promissory paper) that the Metis were issued for real estate; and land was diverted to white speculators.<sup>64</sup>

When Louis Riel and Gabriel Dumont tried to assert a Metis claim to land in the Batoche area in 1885, one

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63 Frank Tough, "Metis Scrip Commissions, 1885-1924," in *Atlas of Saskatchewan*, ed. Ka-iu Fung (Saskatoon, University of Saskatchewan, 1999), 62.

64 Jim Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations*, 3<sup>rd</sup> Edition (Toronto: University of Toronto Press, 2000), 206.

that was rejected with force by the North-West Mounted Police (NWMP), the government eventually tried to deal with these claims by offering more scrip. The scrip commission traveled the northwest taking applications, and it was eventually decided to deal with scrip and treaty at the same time. During the Treaty Eight negotiations, the option was presented to take either scrip, which was redeemable for either \$240 or 240 acres of land, or enter into treaty. A similar approach was taken with Treaty Ten—the Dene and Cree of the area could either enter into treaty or take scrip as Metis. As Coates and Morrison explain,

The government maintained the policy, adopted earlier for mix bloods covered by Treaties Eight and Nine, of allowing the people to decide for themselves whether they wished to be dealt with as mixed bloods, and hence eligible for a one-time only grant, or treaty Indians, and therefore granted perpetual coverage of the treaty terms. The government was, in essence, requiring the Native people to make a formal declaration of ethnicity.<sup>65</sup>

Scrip eligibility required participants to be over eighteen (the scrip of eligible minors was issued to either their father, mother, or guardian) and that neither they nor their parents had taken scrip previously.

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<sup>65</sup> Coates and Morrison, 30.

At Ile-a-la-Crosse, elder Eugene Sylvestre said that when it came time to make treaty, the people “saw two ways that it was being done. For the other table, money was big and lots and that table is where the Metis with their children [went] and what we had was five dollars, but we had the land.”<sup>66</sup> The inhabitants were forced to choose which way they wanted to go—did they take treaty or did they go for scrip, the latter choice providing them with more up front, but less security down the road. Elder Marius Iron of Canoe Lake Cree Nation explains why Chief John Iron and the elders chose treaty instead of scrip:

[T]here was two separate tables: one for the Metis—the ones who took the money—and another for the treaty people. The elders at the time were thinking not only of themselves but of the future. Their reasoning was that if they chose treaty, it was theirs forever and ever. The elders figured that the money would run out, but what was promised through treaty would be there forever.

The decision was such that in some cases brothers chose to go different routes, making one Metis in the eyes of the government and the other an Indian under treaty.<sup>67</sup> In *Treaty Elders of Saskatchewan*, Buffalo River Den-

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<sup>66</sup> Interview with Eugene Sylvestre.

<sup>67</sup> Interviews with Eugene Sylvestre and Raphael Marceland.

suline Nation elder Alfred Billette told of the effect that these choices had on his family:

In my family, some of our relatives are treaty, others are Metis and some are non-status. This happened when my father was young. He became treaty and took the name “Billette.” Another brother became Metis and took the last name “Cummings” and the third brother “Lemaigre” and a sister who married a Mongrand also was not recognized as treaty because of that too.<sup>68</sup>

McKenna himself commented on the similarities between those Metis who decided on scrip and the Dene and Cree who took treaty:

The Indians dealt with are in character, habit, manner of dress and mode of living similar to the Chipewyans and Crees of the Athabaska country. It is difficult to draw a line of demarcation between those who classed themselves as Indians and those who elected to be treated with as half-breeds. Both dress alike and follow the same mode of life. It struck me that the

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68 Harold Cardinal and Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream Is That Our Peoples Will One Day Be Clearly Recognized As Nations* (Calgary: University of Calgary Press, 2000), 21.

one group was, on the whole, as well able to provide for self-support as the other.<sup>69</sup>

Taking treaty or scrip also meant more than simply how much money one would receive. Elder Raphael Marceland from Birch Narrows Dene Nation stated that when it came to school, the First Nations were better off:

Like me, I went to Beauval school. I was treaty so I stayed there for seven years in school. I didn't pay for nothing, my Dad didn't pay for nothing, we just got it free. But in Ile-a-la-Crosse, you know, when kids went to Ile-a-la-Crosse, this was a half-breed school, and they would pay ten dollars a year, and that was too much for some people. Because they paid that ten dollars and you had to pay for your clothes, too, your winter clothes. So it was kind of hard for these people.<sup>70</sup>

If a claimant decided to take scrip, a further decision had to be made whether to take land scrip or money scrip. In 1906, McKenna heard 541 scrip claims, of which the commission denied forty-three. In total, 271 took money scrip, with the remainder opting for land

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<sup>69</sup> *Treaty No. 10 and Reports of Commissioners*, 7.

<sup>70</sup> Interview with Raphael Marceland.



scrip.<sup>71</sup> In 1907, Borthwick heard 202 claims, rejecting twenty-four, and issued fifty-nine money scrip certificates and one hundred and nineteen land scrip certificates.<sup>72</sup> Not all those who took land scrip, however, kept it. As historian Arthur Ray writes, the reason for this was that

[b]y the time ... Treaty Ten was concluded in northern Saskatchewan, any Metis who might have wanted to settle on Dominion lands would have had to abandon their communities and travel either to the Peace River area or the arid lands of southern Saskatchewan or Alberta—the only places where surveyed lands were still open to homesteading.<sup>73</sup>

Taking money scrip left many Metis with considerable cash, so much that some Metis laughed at First Nations because they thought that their choice of treaty had left them poor in comparison.<sup>74</sup> Other individuals did some odd things with their money, including using it to light their cigarettes. Another story was told about an individual named Tsu-Tsa-Bizz.

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71 Frank Tough and Leah Dorion, *The Claims of the Half-Breeds ... Have Been Finally Closed': A Study of Treaty Ten and Treaty Five Adhesion Scrip* (Ottawa: Royal Commission on Aboriginal Peoples, 1993), 5.

72 Ibid.

73 Arthur Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada's First Nations People* (Toronto: Lester Publishing, 1996), 263-4.

74 Interview with Marius Iron.

Then grandmother said, “Ayyy.” There was a lot of purchasing here. There was a little box, it was sugar, and they thought they had a lot. ... Then when we left, he was staying at Sandy Point. He was traveling by boat to our side by paddle, and he took that box and throw it in the lake. That was sugar. Then he said, “All of this lake will taste like sugar.”<sup>75</sup>

The motivation for these actions is not completely known, with some believing that the Metis believed that the money would last forever, with others contending that the money was essentially valueless to the Metis, as they had never used legal tender before.

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<sup>75</sup> Interview with Serazine Ratt.



## *The Post Treaty Era: Hunting and Fishing*

For the Cree and Dene of the Canoe Lake, English River, and Clear Lake bands, the promise to not interfere with their hunting, trapping, and fishing was the most important one made at the treaty negotiations. These activities had sustained them since time immemorial and they knew that any limitations would endanger their well-being. Despite McKenna's promise in 1906 that there would be no interference, in subsequent years the chiefs continued to seek and receive confirmation from the Canadian government in regards to this promise simply because it was so important to them. For instance, in July 1907, Chief William Ape-sis met with the second Treaty Ten commissioner, Thomas Borthwick, who was in the north completing treaty negotiations with other First Nations and making treaty payments to bands that had already finalized their agreement. During the meeting, the chief told the commissioner that "they were afraid that they would be prevented from fishing and hunting in their country as usual, and that they would starve if such should be the case."<sup>76</sup> As McKenna had done previously, Borthwick tried to allay these fears by telling Ape-sis that "they would not at any time be prevented from hunting and fishing for their own use heretofore."<sup>77</sup> However, in this case, unlike with McKenna, Borthwick did not bother

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76 National Archives Canada [NAC] Record Group [RG] 10, volume 4006, file 241-209-1. *Memoranda Re: The Indians of Treaty No. Ten.*

77 *Ibid.*

to tell the chief, or write in his report, that the government could put restrictions on their hunting, fishing, and trapping from time to time if it was deemed necessary to protect certain species.

During a meeting with the treaty-paying officer in the summer of 1908, the chiefs again pressed their concern over possible limitations to hunting and fishing with regards to beaver<sup>78</sup> and otter.<sup>79</sup> The government response was typical. The treaty-paying officer told them that “no such restrictions as that of which they were complaining and apprehensive of would be imposed upon them.”<sup>80</sup> The official also wrote that he told them that if such restrictions were forthcoming, the Dene and Cree would be “duly notified by the Government,”<sup>81</sup> which was yet another example of contradicting statements made by government officials when it came to hunting, fishing, and trapping. It was also stated in his letter that he had told the chiefs that any proposed government legislation was meant to help conserve the beaver, an issue that was used to justify much legislation over the next few decades.

The chiefs’ fears, however, were not without basis, because in April 1907 the Province of Saskatchewan, which had been given authority over “fur bearing and

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78 This concern may have come from the fact that in 1906 the federal government imposed and subjected Treaty Eight bands to a beaver hunting ban (Ray, *I Have Lived Here*, 277). Treaty Eight bands lived to the west of the Treaty Ten bands.

79 NAC, RG 10, vol. 8595, file 1/1-11-6. Treaty Paying Officer to Superintendent General of Indian Affairs.

80 Ibid.

81 Ibid.

game animals”<sup>82</sup> in 1905, passed legislation that imposed hunting seasons and restrictions on certain animals, including caribou, moose, elk, wapiti, and deer.<sup>83</sup> While the Cree and Dene were not subject to these restrictions<sup>84</sup> until 1919, it “signaled the beginning of provincial involvement in game regulation,”<sup>85</sup> something about which the Cree and Dene had not been told at the treaty negotiations. This legislation was also passed just several months prior to the chiefs’ meeting with the treaty-paying officer in 1908, in which he promised that the First Nations would be notified if any legislation were introduced. This clearly was not the case. Over the next several decades, both the federal and provincial governments, citing conservation and economic necessities, introduced legislation that slowly eroded the hunting, fishing, and trapping rights of the Ile-a-la-Crosse Cree and Dene. For example, in the 1920s and 1930s, the federal government attempted to limit First Nations fishing in the north by placing regulations on which lakes were allowable for First Nations to fish, hoping to create a commercial fishery.<sup>86</sup> The federal government did not stop there, however, passing other

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82 Gulig, “Yesterday’s Promises,” 29.

83 Government of Saskatchewan, *Statutes of the Province of Saskatchewan* (Regina: Government Printer, 1907), 257-62.

84 In a personal communication, Gulig states that some First Nations were subject to the 1907 Game Laws, but that, in the end, it depended on the game wardens themselves whether to enforce them or not.

85 Gulig, “Yesterday’s Promises,” 35.

86 Anthony Gulig. “‘We Beg the Government’: Native People and Game Regulation in Northern Saskatchewan, 1900-1940,” *Prairie Forum* 28.1 (Spring 2003): 85.

laws meant to limit northern First Nations access to fish, including for subsistence purposes.<sup>87</sup> By the 1930s, commercial and sports fishing had reduced the available fish in many northern lakes, including Cold Lake, Peter Pond Lake, Canoe Lake, and Churchill Lake, to the detriment of the local First Nations.<sup>88</sup> To the federal government, the commercial aspect of the fishery was more important than the subsistence needs of the Cree and Dene, regardless of what had been promised them through the treaty.

While the federal government worked to limit Cree and Dene access to fish, the provincial government worked to limit their access to game. These restrictions came about as the provincial government looked both to capitalize on the fur market and conserve game stocks for sports hunting.<sup>89</sup> Over time, as game stocks in the north became depleted, the blame was laid at the feet of First Nations, rather than the increase of non-Aboriginal hunters in the north. As Arthur Ray has argued,

Recurrent resource-depletion problems in frontier zones can be traced to the growing number of non-Native hunters and trappers. Most of these intruders, who had ventured north as prospectors, min-

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87 For a complete analysis of these regulations, see Chapter 6 of Anthony Gulig, "In Whose Interest? Government-Indian relations in Northern Saskatchewan and Wisconsin, 1900-1940." (Ph.D. diss., University of Saskatchewan, 1997).

88 Gulig, "We Beg The Government," 85-6.

89 Ibid, 86.

ers, loggers, construction workers, farmers, and merchants, hunted and trapped on a part-time or cyclical basis. The income they earned from trapping grubstaked their other economic pursuits.<sup>90</sup>

As a result of government claims that First Nations were responsible for the reduction in game, starting in 1919 they “became fully subject to provincial game laws, seasons, and bag limits”<sup>91</sup> on the basis of conservation. Resource and RCMP officers flooded the north in subsequent years to enforce those laws.<sup>92</sup>

The Cree and Dene, however, also wanted to conserve game stocks; they just believed that they could continue to monitor it themselves as they always had. According to elder Jacob Est,

Now us Dene, the way we hunted in the past, we didn't kill animals any old way, we didn't play with them on our land. We had great reverence and respect for our land. We did what we had to do to live off the animals. When we kill game, it won't be for a while longer yet before we go get another kill. We didn't kill game every day. That was how it was. But the English think we don't practice conservation, [so] they keep these regulations on us.<sup>93</sup>

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90 Ray, *I Have Lived Here*, 275.

91 Gulig, “We Beg The Government,” 87.

92 Ibid, 89.

93 Interview with Jacob Est.



The Cree and Dene depended on the game for survival, and so they obviously desired that measures be taken to conserve the stocks.

To further complicate matters for First Nations, in 1930 the federal government passed the National Resources Transfer Act (NRTA), which gave Manitoba, Alberta, and Saskatchewan control over their natural resources. When these provinces entered Confederation—Manitoba in 1870 and the other two in 1905—control of the resources stayed in the hands of the federal government. For First Nations, passage of the NRTA was a clear violation of the treaties, as they believed that they had never given up control of the resources in the first place, and then were not even consulted before the transfer took place. Section 12 of the NRTA dealt with First Nations hunting, trapping, and fishing:

In order to secure to the Indians of the Province the continuance of the supply of game and fish for their support and subsistence, Canada agrees that the laws respecting game in force in the Province from time to time shall apply to the Indians within the boundaries thereof, provided, however, that the said Indians shall have the right, which the Province hereby assures to them, of hunting, trapping and fishing game and fish for food at all seasons of the year on all un-occupied Crown lands and on any other lands to which said Indians may have a right of access.

While the NRTA was meant to protect some aspects of First Nations hunting, trapping, and fishing, in the end First Nations were subject to all game laws. Essentially, section 12 allowed the provinces to limit First Nations hunting and fishing rights as they saw fit, and only allowed the Cree and Dene to hunt, trap, and fish for subsistence purposes in areas where they had “a right of access”—commercial activities were reserved for non-Aboriginal hunters and fishers.<sup>94</sup> First Nations “enjoyed only the most limited license-free hunting privileges, often only during the provincially sanctioned open seasons.”<sup>95</sup> The end result was much different to what McKenna and Borthwick had promised.

Elder Eugene Sylvestre says that for a while after the treaty was negotiated, things remained as they had been before the signing. However,

one day they showed up with these people who watched everything [resource officers]. They were there for a long time after the treaty was made already, and their head office was at Ile-a-la-Crosse. In the winter they used dog teams to watch everything. And up until that point we still hunt, we still fish, and nobody bothered us, and then Bill Smith [a 1930s resource officer] showed up. He started taking the muskrat traps out of muskrat holes and

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94 Gulig *We Beg the Government* 91.

95 *Ibid.*

some had muskrats on them, and he hung them out on a stick. It seemed like that was the message—the season is closed. Even though he didn't take the traps away, he began telling people, "The season is not open yet."

Up to that point, licenses were still not being paid for. Up to that point, we were using our treaty number to buy stuff at stores and to sell our fur with and our fish. And then one day they introduced licenses [1940s]. The treaty was still useful up until that point when Bill Smith showed up, and then you had to start buying licenses. Now everything has fallen apart. All you needed was a treaty number to set your net.<sup>96</sup>

With the NRTA came a whole new set of regulations and an influx of resource officers in the north. According to Gulig, "by 1933, the province retained the services of no fewer than 369 voluntary game guardians and at least 58 paid game guardians."<sup>97</sup> Despite the government's attempts to curb treaty rights, individuals attempted to fight for what they believed had been promised them at treaty. According to elder Frank McIntyre, his grandfather, Chief William Apesis, who had negotiated the treaty, refused to allow stand the provin-

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<sup>96</sup> Interview with Eugene Sylvestre.

<sup>97</sup> Gulig, "We Beg the Government," 91.

cial government's ban on muskrat trapping. The confrontation that he describes took place on the Beaver River.

After awhile in 1930, this Resource Transfer Agreement, these things throughout all our territory were given to the provincial government. The federal [government] controlled the money. Then it was announced—this I remember in 1930, I was with my late grandfather—it was announced that “there was to be no shooting of muskrats this spring.” This announcement came from the Metis people living in Ile-a-la-Crosse. Then my grandfather said, “Well, what they had told us, it has come to that point now. What we had also said, the people that had said this should have the papers or documents. But us, we were told without the written word, just like this sun setting and rises, how you lived off the land will never move. I will rely and speak on that basis. I’m going to be shooting muskrats,” said my grandfather. Then my grandfather was told, “If you shoot a muskrat, we will not buy it.” Then he said, “If it’s not going to be bought from, then it won’t be bought from me, of how I’m going to live on.” Therefore, the elder that visited my grandmother went back across the lake.

After awhile, about three days, the conservation officers, the RCMP, an interpreter named Clement Roy came over to my grandfather. I was a young person then, about seven or eight years old. My grandfather was making snowshoes. We were going to go hunting, to hunt for food. My grandfather was a hard working person, even in hunting. Therefore, in 1930, this Transfer Agreement was put in place without the people knowing about it or any consultation with them between the provincial government and the Indian Affairs. Therefore, my grandfather was asked by the RCMP, "We come here to ask you some questions." So grandfather said, "Okay, if you're going to ask me questions, I'm working here right now and it's not appropriate. Let's go sit over by the table and drink some tea." My grandmother poured some tea and they all sat down, the Indian agent, the RCMP, and conservation officer, and Clement was interpreting. Clement Roy is the late father of Joe Roy.

"Ah, my friend, this Indian agent and this RCMP come here to ask you what they heard you said!" "Okay", said my grandfather, "If they came to ask me, then they should if there is anything that I have

said.” Therefore, the RCMP took out a document and said, “Now, there is a policy put in place in this province. There is to be no shooting of muskrats, but you said you were going to shoot muskrats, that is why we are asking you.” My grandfather said, “Yes, what I said is true, that I’m going to shoot muskrats. Now what are you going to do with the muskrat when I shoot it?” They replied, “It won’t be bought.” Now grandfather started speaking and Clement Roy was interpreting, they were talking in Cree and I understand it too. “Therefore, you told us we had an agreement for the better, that’s what you said, at the first time you gave us the money. Now the time has come that things are to be different. I am sitting here, you see, there is only me. Back then when we accepted the money, there was a lot of my men, the ones who I was speaking on their behalf. Today, where they are now, go to each one of them, the ones that accept the money. Tell them all that there is no shooting of muskrats. But yet still, I’m going to speak on their behalf. You still see the sun setting and rising. You told us that as long as the sun sets and rises it would never be different. Now what did you do with it? You, who is dressed in red”—referring to

the RCMP—“it may not be you, but people dressed like you, strapped with guns, they were there. We stated our position that it will not be changed as long as this sun rotates, it will not be changed. As long as this river flows, it will not be different. This is what you told us. Now you see, where are my people right now? They’re not here, go look for them, wherever they are, tell them. That is why I’m saying this, ’cause I know for sure my people are going to shoot muskrats. Even if I didn’t shoot it, for sure it will be them that will shoot it. Therefore, I will still speak on behalf of my people, if you are speaking also on behalf of the manager.”

After my grandfather spoke this word, the RCMP person stood up and shook my grandfather’s hand and said, “You are telling the truth, chief.” He said this through the interpreter Clement. “You are the chief of your people and you are telling the truth; the way you spoke, you are telling the truth. What was said, we have those documents also, and you spoke of it in detail, like the sun setting and rising, you are right. Now you are sitting alone here, okay, it’s alright then to shoot muskrats.” That’s what he said to my grandfather.<sup>98</sup>

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98 Interview with Frank McIntyre.

The question is why did Borthwick and McKenna make promises to the bands that they could not keep, or perhaps had no intention of keeping? Why did they promise that there would be no restrictions on traditional subsistence activities when, in fact, they knew this to be false? In a letter to Borthwick giving him his commission as treaty commissioner for 1907, J.D. MacLean, the assistant deputy and secretary of the Department of Indian Affairs, told Borthwick that when it came to the terms of the treaty, “these should not be added to or curtailed and you should be careful not to make any verbal promises as varying or extending the terms of the Treaty.”<sup>99</sup> Gulig writes that McKenna,

was unable to make any special concessions to the Indians. ... Even though he wrote the document himself, McKenna was a messenger, not a negotiator. Without authority to alter the terms of the treaty to get Indian agreement, the commissioner was forced to tell them what they wanted to hear in order to conclude the treaty. More than anything the government wanted a peaceful and speedy conclusion to the treaty. ... McKenna had to be coy when explaining the extent to which the treaty would interfere with hunting and fishing.<sup>100</sup>

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<sup>99</sup> NAC, RG 10, Col. 4006, file 241, 209-1, McLean to Borthwick.  
<sup>100</sup> Gulig, “Yesterday’s Promises,” 31.



As neither McKenna nor Borthwick had the authority to change the terms of the treaty, but were also required to get the Cree and Dene to agree to the terms, one suspects that they might have promised anything in order to obtain an agreement. Historians Arthur Ray, Jim Miller, and Frank Tough argue that in order to “sell” the treaty to the Cree and Dene, the treaty commissioners had to convince the First Nations “that it was not necessary to stipulate the government’s intentions in the written text of the treaty.”<sup>101</sup> For example, when the bands asked for provisions in times of need, they were told that they would not need any “special stipulation,”<sup>102</sup> as the government was prepared to do that regardless, but no such provision was placed in the written version of the treaty. What the government did not plan for, however, was that the chiefs would be so adamant in subsequent years that those promises be kept, especially in the areas of hunting, fishing, and trapping. The episode involving William Apesis and the conservation officer illustrates this well. The Cree and Dene had only entered into treaty after securing promises to preserve their traditional way of life, and they would not allow those broken promises to stand.

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101 Ray et al, *Bounty and Benevolence*, 183.

102 *Treaty No. 10 and Reports of Commissioners*, 6.



Original Treaty Ten Medal Presented to the Canoe Lake Band by Treaty Commissioner J.A.J. McKenna, 1906. Photo by Author.



Reverse side of Treaty Ten Medal, with image of King Edward VII. Photo by Author.

## *The 1907 and 1908 Meetings*

Concerns over hunting and trapping were not the only issues on which the Cree and Dene interpretation differed with that of the government, regularly raising these concerns with visiting government officials. In 1907, Thomas Borthwick, the second Treaty Ten commissioner, went north to finish negotiations with the Barren Land and Hatchet Lake bands, take more scrip applications from Metis individuals, and present the Canoe Lake, Clear Lake, and English River bands with their annuities, twine,<sup>103</sup> and ammunition,<sup>104</sup> as well as listen to their concerns.<sup>105</sup> Borthwick also took along with him some jaya tea, flour, and salted bacon for those who could no longer take care of themselves.<sup>106</sup> Borthwick left the Mistiwasis reserve on June 11<sup>th</sup>, 1907 and arrived at Ile-a-la-Crosse on June 22<sup>nd</sup>. The government had agreed to meet with First Nations representatives earlier in the year, rather than in August and September, as in 1906, because the fall meetings interfered with the traditional hunting season. Meeting in June was much more conducive to the First Nations way of life, occurring “after the important spring spawning season and before the height of summer when other subsistence activities took priority.”<sup>107</sup>

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103 This included Gilling Twine, as well as Seine Twine #5 and #9.

104 This included FFG gunpowder, doubled chilled shot, balls and gun caps.

105 Borthwick was also meeting with some Treaty Six bands that were living in the North.

106 NAC, RG 10, Vol. 4006, file 241, 209-1, McLean to Laird.

107 Gulig, “Yesterday’s Promises,” 31.

On his arrival at Ile-a-la-Crosse, Borthwick met briefly with the Canoe Lake's Chief John Iron and his headmen, who asked the treaty commissioner whether the Canoe Lake Cree could wait for two more days to get their annuities. Borthwick acceded to their request, and when Chief Iron finally met with the treaty commissioner two days later, he asked that his band "be allowed to remain on the grounds which they occupied at the present time at Canoe Lake, and that they be given a reserve there when they would ask for one."<sup>108</sup> According to Max Iron of Canoe Lake, John Iron's grandson, the band had wanted to settle permanently at Canoe Lake for specific reasons.

Well, according to stories I heard, they looked for a place where the ground was good for gardening and also the situation of the lake. I think they started in Keeley, south of here, about half an hour's drive. I think they looked at that area, but they didn't like the ground—it was different soils. From what I hear, they came down the Keeley River and they found us here. And they seen east of here, the meadows, they seen the meadows and they said that would be good for animals, for hay. And then they came to the narrows and the bay here, Janz Bay, good shelter from the big lake, the narrows. It was all good. So, I

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108 *Memoranda Re: The Indians of Treaty No. Ten*

guess they went all around the Canoe Lake. This is from stories I have heard. And they noticed that all the rivers came into Canoe Lake, the lake itself. All the rivers—there's the Arsenault River, there's the McCusker River and there's the Durocher Lake, the Keeley Lake, all the rivers. And all the little other ones, the streams, they all come to Canoe Lake. And there's only one outlet, and that's the Canoe River. And I guess that's why they, that's one of the reasons, too, huh, they picked it. So they picked this area mostly for gardening and stuff like that.<sup>109</sup>

In 1912, three reserves were surveyed for the band on Canoe Lake: reserve #165, south of Weepooskow Bay; reserve #165A on the southwest side of Canoe Lake; and reserve #165B on the east side of Canoe Lake, near the mouth of the Burntwood River.

Chief Iron also asked for a school for the nineteen school-aged children of the band, and was told by Borthwick that it was uncertain what the government would do, especially given that the band had not yet had a reserve surveyed for them. The chief also expressed concern about the amount of goods, twine, and ammunition that they received, stating that they were less than the year before and asked that “supplies be

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109 Interview with Max Iron.

increased for next year.”<sup>110</sup> One of the more interesting complaints put forth by the chief concerned the previous year’s treaty negotiations with McKenna, to which Chief Iron stated that “they were not given sufficient time by the Commissioner of last year to enable them to present their views fully to him.”<sup>111</sup> The negotiations in 1906 with McKenna had lasted only one day, meeting on September 18<sup>th</sup>, and finalizing the treaty the next day, but Chief Iron’s concern was shrugged off by Borthwick, who wrote that “no credence was given to that statement.”<sup>112</sup> Borthwick, however, did not specify the issues that Chief Iron wanted to raise with McKenna. Before breaking for an hour, Chief Iron also told Borthwick that the band had seven elderly members, and said that “he would like the Government to assist them with some useful clothing as well as with some food.”<sup>113</sup> The chief also asked the government for

some scythes, scythestones, rakes and forks and some hoes and other farming implement, and also some garden seed, such as turnip, onion and carrot seed, and added that they would like to have the seeds sent to them in time for next spring seeding.<sup>114</sup>

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110 *Memoranda Re: The Indians of Treaty No. Ten.*

111 *Ibid.*

112 *Ibid.*

113 *Ibid.*

114 *Ibid.*

In both cases, Borthwick told the chief and his headmen that he would put forth their wishes, but made no promises as to whether the government would agree.

After the break, the Chief told Borthwick

that heretofore they were in the habit of receiving a regale from the Hudson's Bay Company at New Year and Easter time and they would like the Government to do similar to that given by the H. B. Co.<sup>115</sup>

In *Bounty and Benevolence*, Ray, Miller, and Tough argue that this request, which Borthwick denied, showed that the Cree's "belief that the dominion government was assuming the kind of relationship with them that the Hudson's Bay Company previously had had."<sup>116</sup> With that request denied, Chief Iron moved on to ask for a bob-sleigh and a harness for his horses, and was told that he would be given one as soon as was possible. The meeting then ended and annuities were handed out to those present. The next morning, the treaty commissioner finished distributing payments to the remaining band members. Once complete, Chief Iron had one more request. The chief asked Borthwick if annuity payments could be made at Canoe Lake next year

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115 Ibid.

116 Ray et al, *Bounty and Benevolence*, 183.



as it was a long distance for them to come to Isle a la Crosse, and in support of their demand they pointed out that coming to Isle a la Crosse necessitated their being away from their places for a considerable time, and that whilst absent from their homes they sustained loss owing to their cattle breaking into their gardens and destroying their little crops.<sup>117</sup>

The chief was told again that Borthwick would ask his superiors, but the following year, 1908, the annuities were once again handed out at Ile-a-la-Crosse. On June 28th, Chief Iron again met with Borthwick, but this time asked for admittance of new band members, including Morin Lariviere and his eight family members, and Joseph Bear and his seven family members, who wished to transfer from the Meadow Lake band. (All were admitted.)

Borthwick next met with the English River and Clear Lake bands on June 29<sup>th</sup>, 1907. Aside from his concerns over the restrictions on hunting, trapping, and fishing, Chief William Apesis of the English River band called on the commissioner to give them reserves on Snake Lake and the Beaver River. The commissioner said that he would forward their request to the government, but it took another fifteen years before the English River bands received any reserves because there was no pressing need in the eyes of the government to

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117 *Memoranda Re: The Indians of Treaty No. Ten.*

do so. In 1922, Lot 78 of the Ile-a-la-Crosse settlement was set aside for the chief of the English River band.<sup>118</sup> Then, in 1923, the rest of the English River reserves were surveyed at La Plonge (#192), Elak Dase (#192A), Knee Lake (#192B), Dipper Rapids (#192C), and Wapachewunak (#192D), for a total of 15,639 acres (this total includes the 14.3 acre reserve surveyed for Chief Apesis at Ile-a-la-Crosse).

Apesis also asked for a doctor to be sent to live with the Dene, as “much sickness prevailed among them.”<sup>119</sup> It was decided, however, that it was too expensive to have a doctor come north, but instead opted to send a “[d]octor to visit them annually at the time of paying them their annuities.”<sup>120</sup> And, in a clear sign of the government’s true concerns, Borthwick told Chief Apesis that “later on when the white settlers would come nearer to them, a Doctor might reside within reach of them.”<sup>121</sup> Apesis also asked Borthwick to provide his people with supplies to build houses, including such tools as whipsaws, jack planes, grindstones, and screw augers, as well as gardening supplies. Finally, Chief Apesis asked that the government honour the promise of helping the old, for his band had thirty-two elderly people in need of food and clothing. As with all things, Borthwick told Chief Apesis that he would inform

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118 This reserve was officially surveyed in 1923 and is marked as reserve #192E.

119 *Memoranda Re: The Indians of Treaty No. Ten.*

120 *Ibid.*

121 *Ibid.* Medicine chests were brought to the three First Nations during the treaty paying officer’s trip north in 1908.



Beauval Indian Residential School, September, 1908. Courtesy Saskatchewan Archives Board, S-B 8916.

his superiors of their requests and see what might be done.

One matter that neither Chief Apesis or Chief Raphael of the Clear Lake band asked about, however, was education, and this was because that treaty promise had been fulfilled rather quickly when the Beauval Indian Residential School began construction in 1906. Run by the Oblate priests, the school originally instructed only in French. Tragedy struck the school in 1927, however, when it burned to the ground, killing nineteen children,<sup>122</sup> who came from all over the north.

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122 The names of those who died in the fire at the Beauval Indian Residential School in 1927 were: Mariel Lemaigre (age 7); Jimmy Iron (age 8); Alex Opikokew (age 8); Simon Sayers (age 8); Raphael Corrigan (age 9); Jules Coulionner (age 9); Samuel Gardiner (age 9); Roderique Iron (age 10); Joseph Sayers (age 10); Thomas Alcrow (age 11); Freddy Bishop (age 11); Antoine Durocher (age 11); Patrice Grosventre (age 11); Frank Kimbley (age 11); Alfred Laliberte (age 11); Moise Lariviere (age 11); Zephirin Morin (age 11); Albert Sylvestre (age 11); and Ernest

As elder Eugene Sylvestre states,

It was shortly after treaty that a request for a school was made at Beauval, and it was a lumber school. And shortly after that it was used awhile until the children died in the fire. And then the leaders of Patuanak, Dillon, Waterhen, and La Loche got together and said, “We’re not sending our kids back until we get a stone building [brick].” And only after that stone building was made did we let our children go back.

When the Clear Lake chief, Raphael Beh-thee-delkez, met with Borthwick on June 29<sup>th</sup>, 1907, the first thing that happened was the band elected as headmen Pierre Nezcroche and Michael Rabitskin. Rabitskin had not adhered to Treaty Ten yet so he and his family were also paid their initial treaty money. For some reason, Borthwick and the band did not meet again for several days, and then, on July 3<sup>rd</sup>, sat and discussed treaty issues. One of Chief Raphael’s primary concerns, other than hunting, fishing, and trapping, was that he had not received the canoe McKenna promised him when they met at Buffalo Narrows in September 1906. Chief Raphael also asked for a buggy and a lumber wagon for his people, just as had been given to the “Chiefs in the

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Bishop (age 12).

plains country.”<sup>123</sup> Borthwick told the Clear Lake chief that he would inquire about the canoe and that he would probably receive a lumber wagon after they settled onto a reserve. However, if Raphael wanted a buggy, then he would have to pay for it as the prairie chiefs had.

During his meeting with Borthwick, Chief Raphael did not ask for a reserve, but it would soon become a pressing issue for the band. In the 1910s and 1920s, the band petitioned the government to get their reserves surveyed because, as J.D. MacLean noted in April 1923,

The Indians of the Clear Lake band have been pressing for the survey of their reserve on account of the fact that they desire certain hay lands included in their reserve and owing to the scarcity of hay lands in their vicinity and the increasing number of white men and half breeds coming into their district, they fear that these will be taken up before the reserve is selected and surveyed, if it is not done at an early date.<sup>124</sup>

After surveying was complete in 1923, reserves were established at Peter Pond Lake (#193), Churchill Lake (#193A), and Turnor Lake (#193B) for a total of

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123 *Memoranda Re: The Indians of Treaty No. Ten.*

124 NAC, RG 10, Vol. 7537, File 27, 132-1, pt.2, Memorandum from Deputy Minister for Chief Surveyor.

27,076 acres. The band, however, did not receive all the land that they were hoping to get, as the hay lands of Ball Island<sup>125</sup> were not surveyed as reserve land despite their request. In 1932, Chief Raphael Campbell wrote to Indian Affairs asking that Ball Island be surveyed and incorporated into the existing reserve on Clear/Churchill Lake.

We Indians of Clear Lake Band were cutting hay on Ball Island, since forty years ago, although that Island is not surveyed. Our reserve is small, there is no hay on it. Last summer a half-breed called Marchand Maurice who lives close to our reserve took a permit for cutting hay on that island. Water having raised more than in ordinary years, the result is that our horses now are without hay. Last summer I talk to you about this matter but I received no answer. Would it be possible to have that island included in our reserve. By doing so, it would greatly help us as we can not find hay elsewhere. It is to be noted that one year I could not remember which, somebody stole us that Island; but at that time the Agent was informed of it and return back to us that island.<sup>126</sup>

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125 Ball Island is located on Clear Lake (now known as Churchill Lake), southeast of reserve #193A (the Churchill Lake reserve).

126 NAC RG 10, Vol. 7537, File 27,132-1, pt.2, Campbell to Mr. Simpson, Minister of Indian Affairs.

The response from the government was that the band had never asked for the island to be surveyed and that there was plenty of hay land at the Peter Pond reserve near Dillon, so “it will be necessary for him to secure a hay permit from the provincial Land Agent”<sup>127</sup> if they wanted to continue using Ball Island. What the department did not take into account was that the distance to the Peter Pond reserve was two days travel and, as a result, the hay was not accessible for the horses at the Churchill Lake reserve. As well, in 1927, J.D. MacLean himself asked the Land Patents Branch to transfer Ball Island to the Department of Indian Affairs, and then put into reserve status for the Clear Lake band. It would seem apparent, then, that the band had asked for the island to be a part of their reserve.

The rest of the meeting between Chief Raphael and Borthwick followed a similar script to that of the other meetings the treaty commissioner had had with the other chiefs. Raphael asked for various tools and supplies, including whipsaws, axes, and gardening hoes, and told the commissioner that the band had sixteen elderly people who needed food and clothing from the government. Once again, Borthwick told the chief that he would do his best to see that their demands were met, and also promised to double their provisions next year.<sup>128</sup> With that the meeting was over and Borthwick moved on to complete his duties—taking scrip applica-

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127 NAC RG 10, Vol. 7537, File 27,132-1, pt. 2, MacDonald to MacKenzie.

128 *Memoranda Re: The Indians of Treaty No. Ten.*

tions and negotiating with bands in the northeast corner of the province. In the summer of 1908, one of the government's treaty paying officers arrived at Ile-a-la-Crosse and met with the chiefs of all three bands. In his report, the officer only told of the aforementioned concerns that the bands had with regards to hunting and fishing.

Accounts of these meetings demonstrate that the chiefs were quite aware of what had been promised them at the time of treaty and were adamant that the government adhere to its end of the bargain. Whether it was obtaining the proper provisions and tools or the fulfillment of promises that never made it into the written treaty (e.g. the canoe promised to Chief Raphael in 1906 by McKenna, or the help for the elderly<sup>129</sup>), the chiefs continually reminded the government that a deal had been made and they expected the government to fulfill what had been promised. Over the years, however, the government failed to live up to its promises, and not just in the area of hunting and fishing. According to elder Jacob Est,

They didn't get everything, that's another thing. Supplies like tools, garden supplies, were supposed to be given to us. In the old days, we used to get, like, nets—not nets, but twine to make nets with—also hooks, flour, and supplies like that, we were to

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129 Gulig contends that McKenna never forwarded the requests put forth by the Dene and Cree in regards to help for the elderly. See note 28 in “Yesterday's Promises.”



receive them. He said this we will receive for time immemorial. They said we would get supplies for gardens. We don't receive any of them. We don't get to see them even to this day.<sup>130</sup>

With their hunting and fishing restricted, and not receiving supplies promised them by the government, in the following years after the treaty many of the Cree and Dene of the Ile-a-la-Crosse region struggled through considerable hardship.

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130 Interview with Jacob Est.

### *The Elders' View of the Treaty*

In them days, they promised everything. We were, like, we would get everything, say, maybe free or maybe, like, our schools, our land, that we hunt on, that we lived on, just like we owned the land. We don't own the land, but we were promised that we could use the land for any type of livelihood. And so they promised that we would get everything from school to hospital to housing and stuff like that. We've been getting stuff like that okay, but there's a lot of things that we can't do now because on the account of the, I don't know, it's just like a split up. They put so many people that, they didn't promise that when they did that before. Now there's so many people, there just like Bill C[-31]'s and all this type of, me, I don't understand that. Why are they making it so hard for the people?

- Rapheal Marcellin, Birch Narrows  
First Nation

The best way I can answer that is, I don't know, they were in their own land. This was where they were going to settle. Nobody was going to drive them out of this land and I think that's why. I'm not for

sure...but to my way of thinking, I think that's why they wanted to settle and when the settlement came. And also because the promises that they were given, like no taxes and those other things. And the treaties would go on and on and on, like the "sun shines, the grass grows and the rivers flow," those things. And I don't think it had to be one or the other, if the river runs dry up the sun would still be shining ...

- Max Iron, Canoe Lake First Nation

For people that lived off the land, it was okay for them, because they survive off the land. In today's circumstances, it has become difficult. When they've taken the land from us, for that reason, the provincial government and some people have become wealthy. Through exploration, wealth has been found in our lands and we get nothing in return. If it wasn't like that, the way events transpired during treaty negotiations, all these was for us. Today there's nothing, it's not for us. That is one reason we are having a difficult time. ... I'm proud to be a treaty. I am a Dene and I'm happy we have a treaty. However, for I can understand these things is, us Dene and Cree people that have treaty, we were to have things available to us. But it's not

that way. The reason for this is at first the federal government had control of these things and now it has been transferred to provincial government. Things have depleted and now there's provincial laws.

- Noel McIntyre, English River First Nation

Personally, I don't think it was very good. Even today, this treaty is being talked about. We are told to do everything by ourselves. Even though I've never been to school, at times I think about the treaty, I wonder why they talk about it. In the past, when treaty was made, things weren't supposed to be closed off from us and your way of life will continue. Now, without license we get charged when we set a net without license, we go to court. Also, guns without a license, you are not to have a gun. This is not how it's supposed to be when treaty was agreed to in the past. This was probably one of the reasons why they didn't agree to the treaty. It took them a long time to agree to it.

- Elizabeth Misponas, English River First Nation

The people used to say that now it's not even there. If you kill game, right away

you are taken to court. There will be a lot of talk about the land, you will have to buy the land. The Creator put these things on earth for us. He did not say, "You will have authority over this land, you will buy this land." That is our land, we live on it because the Creator gave us the land. How we hunt is just the way it is, without going to court. Today, now they say this is not Dene territory, not Dene territory. Why? Sometimes I wonder about it, how come? We pay for the land. The English did not make the land, the Creator made the land for us, to live on our land. We didn't live their lifestyle in the old days. We weren't wealthy. We had dog team, fish nets, trapping, that's how we made a living. No welfare. Why, in the first place when treaty payment was handed out they said they were going to treat the people fairly. Now there's nothing since. It's not that way.

- Mary Lariviere, English River  
First Nation

Today, \$5 is of no use at all. Up to now, us Denesuline cannot comprehend, we had no understanding of the written word, just our voice we had. Now we are starting to find and realize a little at a time. Therefore, it's good to have it documented, for

our children and the youth. We may not see it. Only the youth now will benefit from it. How it was supposed to be there was to be no end to it, nothing to be shut down from us. The treaty was there, that's how I understand it. Today that was how it was supposed to be. Today, things are different and have changed. This land we reserve, it was to be in its own place. Now, today, I think it has moved from its place. Therefore, this reserve is all we have left. When we say next community, already we are paying tax. What was promised us, we're only utilizing it on the reserve. If we don't help each other, our treaty could be lost in the future. That is why we are working at it today.

- Louis Paul, English River First Nation

No, the Dene were treated unfairly. This is what I mean. They said we were to receive supplies. Supplies like working tools were to be given to the people. There's nothing. Therefore, the people were treated unfairly. It's like they took advantage of the people, put them in a hole. Also, they had said that wildlife and our way of life was never to be regulated, even that there's nothing. Now, when a treaty person kills game, they go to court and get charged.

Now us Dene, the way we hunted in the past, we didn't kill animals any old way, we didn't play with them on our land. We had great reverence and respect for our land. We did what to do to live off the animals. When we kill game, it won't be for a while longer yet before we go get another kill. We didn't kill game every day. That was how it was. But the English think we don't practice conservation, they keep these regulations on us. There was a lot of things that were regulated from us in the past. It wasn't supposed to be like that from what they said. They broke their word.

- Jacob Est, English River First Nation

And today everything is so different. If we hunting, fishing, trapping, we get fined for that. A lot of times we sit and talk about what is happening with our way of life. It is so different. Who is responsible for that? We were promised these things in our treaties as long as the river flows. Our elders were smart and thought things through. And now today, we have to pay for our GST and PST and that shouldn't be, but that is what is happening. ... I'm going to tell you something else about the treaties. The children should be taught not to abuse

anything they kill. Young children should be taught not to waste anything they kill. My belief is if you abuse this treaty right, you are hurting our culture. Food should not be wasted because everyone is watching that we don't abuse these rights.

- Armen Iron, Canoe Lake First Nation



Chipewyan village at the mouth of the Buffalo River (Dillon, SK) September, 1908. Courtesy the Saskatchewan Archives Board, S-B 8833.





## *Conclusion*

In total, the federal government negotiated eleven treaties with the First Nations of the three prairie provinces, as well as parts of British Columbia and the North West Territories. In each and every instance, the federal government failed to live up to promises they made to the First Nations in exchange for settler access to Aboriginal lands. With the restriction of their hunting, trapping, and fishing, First Nations in the Treaty Ten area were, especially after the NRTA in 1930, arrested and fined for doing what they were guaranteed would never be compromised. The chiefs negotiated the treaty to ensure that future generations could sustain themselves through hunting, trapping, and fishing. Negotiating for annuities, help for the elderly and sick, provisions in times of need, and education, the chiefs were protecting their people for hard times, and the reason why they were so adamant during the treaty negotiations that the government accede to their demands. In the years following, these chiefs did their best to ensure that the promises were kept, on occasion confronting government officials to see that the treaties were followed.

As the bands mark the 100<sup>th</sup> anniversary of Treaty Ten, it is important to look back at the events surrounding the negotiations of the treaty, as well as its aftermath, to honour those who worked hard to try to ensure the future health and well-being of their people. While the chiefs are the most visible symbols of the treaty, we

must also remember those who worked alongside them, including many who gave their stories for this book. By sharing, these elders have ensured that future generations will benefit from their knowledge, and that the history of Treaty Ten, from a First Nations standpoint, will be better understood. In the end, this story is really about the youth of the Meadow Lake Tribal Council Treaty Ten bands, for they are the ones who will carry these stories forward into the future as they fight for the implementation of the treaties that the chiefs negotiated on their behalf.

## *Appendix: Treaty Ten Timeline*

### **1883**

- November 5<sup>th</sup> – The federal government receives a letter from the Bishop of St. Albert, writing on the behalf of the Cree and Dene of Ile-a-la-Crosse, calling for the negotiations of a treaty in the area.

### **1902**

- April – The Metis of Ile-a-la-Crosse petition the government for a resolution to their scrip claims.

### **1905**

- September 1<sup>st</sup> – Saskatchewan officially becomes a province of Canada.

### **1906**

- July 20<sup>th</sup> – The federal Privy Council passes Order in Council no. 1459, which establishes the Treaty Ten Commission, with James Andrew Joseph McKenna as Treaty Commissioner.
- Early August – McKenna leaves Winnipeg for Ile-a-la-Crosse.
- August 24<sup>th</sup> or 26<sup>th</sup> – McKenna reaches Ile-a-la-Crosse and meets with the Clear Lake and English River bands. McKenna, who is in a hurry to reach Portage La Loche, tries to get the Dene to agree to the treaty without formal negotiations, but they refuse and walk away from the negotiations.

- August 28<sup>th</sup> – The two bands return to negotiate with McKenna, and by the end of the day agree to enter into Treaty Ten with the Crown. In total, 153 members of the English River band enter into Treaty, while forty-six members of the Clear Lake band enter into treaty.
- August 30<sup>th</sup> – McKenna leaves Ile-a-la-Crosse for Portage la Loche.
- September 5<sup>th</sup> – McKenna reaches Portage la Loche and takes Metis scrip claims.
- September 8<sup>th</sup> – McKenna departs from Portage la Loche and meets with three women of the Clear Lake band at Bull's House, where they are paid their treaty money and entered into treaty. McKenna then moves on to the La Loche mission where he takes more Metis scrip applications.
- September 11<sup>th</sup> – McKenna leaves the La Loche mission for Buffalo Narrows.
- September 16<sup>th</sup> – McKenna arrives at Buffalo Narrows.
- September 17<sup>th</sup> – McKenna meets with Chief Raphael of the Clear Lake band and pays treaty to 110 more of the band members. McKenna then departs for Ile-a-la-Crosse, which he reaches that night.

- September 18<sup>th</sup> – McKenna meets with the Canoe Lake band at Ile-a-la-Crosse.
- September 19<sup>th</sup> – The Canoe Lake band, under Chief John Iron, agree to treaty, including seventy-nine band members and two headmen.

## 1907

- June 22<sup>nd</sup> – Thomas Borthwick, the second Treaty Ten commissioner, arrives at Isle a la Crosse where he meets briefly with the chief of the Canoe Lake band.
- June 24<sup>th</sup> and 25<sup>th</sup> – The Canoe Lake band meets with Borthwick and receives their annuities.
- June 28<sup>th</sup> – Morin Lariviere and his eight family members are taken into Treaty, and Joseph Bear and his seven family members of Meadow Lake are transferred to the Canoe Lake Band.
- June 29<sup>th</sup> – The English River and Clear Lake Bands meet with Borthwick and receive their annuities. At this meeting, Pierre Nezcroche and Michael Rabitskin were acclaimed headman of the Clear Lake Band.
- July 3<sup>rd</sup> – Chief Raphael meets again with Borthwick.

## **1908**

- June 22<sup>nd</sup> – Treaty Paying officer meets with all three bands at the Roman Catholic Church at Ile-a-la-Crosse.

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