

THE DEPARTMENT OF THE INTERIOR IN THE WEST

1873 - 1883

An Examination of Some Hitherto Neglected Aspects of the
Work of the Outside Service.

A Thesis

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PREFACE

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ABBREVIATIONS

- C.S.P.,: Canada, Sessional Papers
- D.I.,: Orders-in-Council of the Department of the Interior
(Bound volumes in the Legislative Library of Manitoba.)
- P.A.M.,: Public Archives of Manitoba
- P.A.M.(LG): Uncatalogued Papers Relating to the Office of
Lieutenant-Governor. In Public Archives of
Manitoba.

CHAPTER 1

The Establishment of the Department

"Truly the history of North-West Canada is contained in the iron vaults of the Department of the Interior."¹

In sixteen short clauses an act of the Parliament of the Dominion of Canada in 1873 provided for the establishment of the Department of the Interior.² The brevity and directness of this act is expressive of the sanguine spirit of the Government in its approach to the tremendous task of incorporating a primitive area into the framework of the new trans-continental economic and political system being erected. The system, based on three national economic policies, settlement of the North-West, transcontinental transportation through all-Canadian territory, and industrialization by protective tariffs, was to falter seriously because of the Great Depression which stemmed the flow of the world economy until 1896. The Department of the Interior, born just weeks before the advent of this universal calamity, seems to have been imbued with the courage and confidence which marked the boom days of its nativity. In ten years it had so prepared the path in the North-West, that the national policies of settlement and transcontinental transportation could progress, essentially unhindered by local impediments.

The principal features of the course which that path was to

1. Archer Martin, The Hudson's Bay Company's Land Tenures (London, 1898), p.104.

2. Statutes (Can.), 1873, 36 Vict., Chap.4.

follow had been largely decided upon before the Department of the Interior was established. A premature application of Canadian Government policies to the territory of Rupert's Land, before that country was properly a part of the Dominion, had given rise to an insurrection at Red River, and those policies were expelled and excluded from the West until late in 1870. The Manitoba Act, largely a document of peace, not only provided for the organization of a new Province and established its government, but determined the basis of an extraordinary relationship which would exist between the Province and the Dominion for sixty years. Under this Act the Canadian Government retained control of the public domain for the purposes of the Dominion, and it assumed the obligation to settle all claims to land in the Province which had been recognized by the former governmental authority.³ Thus the scope of the Dominion's land policy was widened, and a large area for potential complications in its administration was opened. The first Department concerned with Dominion lands in the West was that of Public Works, but in March 1871 the Secretary of State assumed control.⁴

The Secretary of State, initially, had jurisdiction over Indian affairs in Canada, but, in 1869 a redistribution of the

3. Statutes (Can.), 1870, 33 Vict., Chap.3, Sections 30-32.

4. D.I., No. 1, p.59, Order-in-Council, 1 March 1871. Under 31 Vict., Chap.42, Section 36, all Crown Lands not specially under the control of the Public Works Department were to be controlled and managed by the Secretary of State. In 1869, however, Lt.-Col. Dennis was sent to the Red River settlement by the Minister of Public Works to devise a system of survey. See: C.S.P., 1870, No. 12, Return of 24 March 1870, pp. 1-2, McDougall to Dennis, 10 July 1869.

duties of the Secretariat transferred the jurisdiction to the Secretary of State for the Provinces. At the same time, the latter official had attached to his department the Geological Survey. These new duties had been added to the hitherto sole duty of conducting the correspondence between the Dominion and Provincial Governments; by the transfer it was hoped that a more equal division of labour would be achieved.⁵

The activities in these fields of Dominion Government administration increased immensely in the years immediately following the Government's assumption of actual and effective control in the North-West. The increase was not only the natural increment resulting from the acquisition of vast new territories, but was produced by the bold and dynamic programme of expansion which was undertaken. In keeping with the national policies, the western lands were to be rapidly prepared for settlement and the transcontinental railway was to be pushed to completion. The programme called for the extinction of the Indian title to the western lands, for a survey system which would be energetically prosecuted, for the settlement of the squatters' claims in the West, for the adoption of a railway land subsidy policy which would make possible its construction with the minimum of burden on the Canadian people, and for the introduction of governmental institutions which would assure the intending

5. D.I., No. 1, p.17, Order-in-Council, 8 December 1869. The office of Secretary of State for the Provinces seems to have been created by prerogative powers at the time when the first Queen's Privy Council for Canada took the oath. It was given statutory recognition by 31 Vict., chap. 33.

settler, peace and order in his new home.

The Government programme was launched with enthusiasm and its early progress was considerable. The revelation that this progress was impeded, in some instances, by mismanagement, and the adoption of ill-advised policies, should come as no surprise. Experience was the only teacher of the day, and there was as much to be learned from the mistakes which were made, as from the successes which were gained. In addition, there seemed to be behind the programme an impelling sense of urgency, making demands upon the administrative agencies which could not be entirely satisfied. The apparent need to do many things quickly, and, what is more, to do them simultaneously, despite conflict and confusion, would account for many of the problems which faced the administrators. The urge to push ahead with western development was shared by the peoples on the frontier who often displayed that quality of critical impatience which characterizes many in the vanguard of progressive movements.

The concurrent adoption of many policies for opening the West, policies which were often interdependent, required a more coordinated control if they were to be successfully administered. It was equally important that there should be one agency to integrate, assimilate and use to the best advantage the growing knowledge of Western affairs which was being acquired. The need for a unified jurisdiction had become evident, and so the Department of the Interior was established.⁶

6. In the chapters which follow, the details of the administration of various aspects of the Western development programme prior to the establishment of the Department of the Interior are fully discussed.

As much as one would like to herald the arrival of the Department on the scene, its advent simply marked the result of a lesson learned.

In view of the fact that it is possible to find in the territorial expansion programme of the United States, precedents for several elements in the Canadian programme, the question was asked; did Canada follow American precedents in establishing a Department of the Interior? Broadly speaking it is safe to answer in the negative. From the time of the Constitutional Convention of 1787 the establishment of a Home Office was considered desirable, and Presidents Madison, Adams (J.Q.), and Jackson urged such action in their annual addresses to Congress. The legislation to provide for such an office was not introduced, however, until 1849. Objections had been raised that to establish a new department would be to increase federal patronage, to add another cabinet officer to the government, and to extend federal authority to the detriment of the states. A bill was introduced and passed in 1849, and although President Polk did not like its consolidating tendency, he signed it on March 3, 1849.⁷

The new Department represented something less than had been planned. It was given supervisory power over the taking of the census and over the Patent Office formerly under the Department of State. The General Land Office was transferred from the jurisdiction of the Treasury Department, and from the War Department were transferred

7. United States, Statutes at Large, (9 Stat. L., 395), An Act to establish the Home Department, March 3, 1849.

the offices of Commissioner of Indian Affairs and Commissioner of Pensions. Supervisory power over Public Buildings was taken from the President and given to the new Department. The various branches of public business thus assigned did not possess any logical relation to one another and were given to relieve existing departments of work not suited to them. L.M. Short in The Development of National Administrative Organizations in the United States refers to the Department as "a residuary legatee", and states that, "the grouping of unrelated services in one department has ever since been the predominant characteristic of the Department of the Interior", and that, it "did not possess that degree of unity which makes for efficiency in administration".⁸

The Canadian Department of the Interior was established for the specific purpose of unifying the control over the administrative branches concerned with the management of affairs in the West, and thereby, to achieve greater administrative efficiency. In the choice of a name for the new department, the Canadian Government might have looked to the American department which controlled the

8. L.M. Short, The Development of National Administrative Organizations in the United States (Baltimore 1923) p.205 ff. The preceding general information about the United States Department was derived from the same source. For more particular information regarding the land and Indian offices see: M. Conover, The General Land Office (Baltimore 1923), and L.F. Schmeckebier, The Office of Indian Affairs, (Baltimore 1927).

public land and Indian offices.⁹

Under the Act establishing the Department, the office of Secretary of State for the Provinces was abolished, and the Minister of the Interior assumed control of the affairs of the North-West Territories and of Indian affairs, and supervisory control of the Geological Survey. The management of all Crown Lands, including those known as Ordinance and Admiralty Lands, was transferred from the Secretary of State to the new Minister. Inasmuch as this study is principally concerned with particular aspects of the work of the Department's outside services, it would be well to indicate briefly the changes which took place in the branch organization in the ten years following its establishment.

The Geological Survey remained, as it had been, largely autonomous for several years. The offices and museum of the Survey were in Montreal, the Director was vested with virtually plenary authority, and the staff was paid out of the general appropriation for the purposes of the Survey. In 1877 it was incorporated in the Department as a distinct branch and its permanent members were brought under the Superannuation Act. Provision was also made for

9. In 1877 Sir John A. Macdonald, referring to the Department of the Interior, said: "The Department was organized before (1873) but the name was then changed. (Debates (HC), 1877, p. 252). The Act establishing the Department abolished the office of Secretary of State for the Provinces; Macdonald apparently regarded the change as a regrouping of organized branches, which, in effect, it was. It is significant to note that a confusion in names for the American department, as between Home Department and Interior Department existed down to 1873 when a revision of the statutes provided for the sole name of Department of the Interior. See: Short, Administrative Organizations, p. 205.

the transfer, at a future date, of the staff and museum to Ottawa.¹⁰ The move was not made however until 1880-81. The delay was occasioned both by the lack of suitable accommodations in Ottawa, and by political pressures which made it inexpedient to effect the transfer.¹¹ In 1883 a further integration of the Survey with the Department was accomplished by placing the staff on the Civil List and by designating the Director as a Deputy Head of the Department.¹²

The control and management of the North-West Mounted Police was transferred from the Secretary of State to the Minister of the Interior in November 1878.¹³ The administration of the force was

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10. Statutes (Can), 1877, 40 Vict., Chap.9.
 11. See; (Debates HC), 1877, pp.311-316 and Ibid, 1879, pp.1681-1684 for examples of the arguments presented for and against the move.
 12. D.I. No.5, p.713, Order-in-Council, July 7, 1883. Criticisms had been raised for some years against the Survey for the lack of attention paid to the economic mineral resources of the country. (Debates (HC), 1878, pp.2104-09 and Ibid, 1884 p.1262). In consequence a Select Committee was appointed in 1884 to investigate the feasibility of satisfying this alleged need. The Committee severely censured the Survey for faulty and poorly distributed publications and for its neglect of the mineral resources. (Report of the Select Committee appointed by the House of Commons to obtain information as to Geological Surveys, Ottawa, 1884). The Department moved promptly to correct the faults and to follow the Committees recommendations. (D.I., No.7, pp.249 and 255, Orders-in-Council, June 5, 1885; also, C.S.P., 1887, No.7, pp.xxxv and xxxvi).
 13. D.I., No.2, p.781, Order-in-Council, 14 November 1878. The control of the Police had been assigned to the Minister of Justice under the Act establishing the force. (Statutes (Can), 1873, 36 Vict., chap.35) By an Order-in-Council of 20 April, 1876 the control was transferred to the Secretary of State. (C.S.P., 1877, No. 9, appendix D, p.21).

largely in the hands of the Commissioner of Police, and the central administration consisted, for the most part, of disbursing the Parliamentary appropriation.¹⁴ The President of the Council as Superintendent-General of Indian Affairs assumed control of the Mounted Police in 1883.¹⁵

The Department of the Interior gave up the management of Indian Affairs in 1880 when that branch was established as a separate Department. The Minister of the Interior retained supervisory control over the latter Department until 1883 when it was transferred to the President of the Council.¹⁶ It might be said that the years 1878-9 represented the zenith of the Department of the Interior's control over affairs in the North-West. Almost every phase in the programme of western development was under its jurisdiction in these years.¹⁷

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13. Sir John A. Macdonald seems to have had an affinity for the Police. He had first control as Minister of Justice. When out of power he criticized the transfer of control to the Secretary of State, arguing that it should remain with the Justice Department. (Debates (HC), 1878, p.1143). A few months later, however, he had the control transferred to the Department of Interior of which he was Minister, and when he relinquished the portfolio but remained Superintendent General of Indian Affairs he took the Police under his jurisdiction. See: (Debates (HC), 1881, p.1327) for Sir John's assessment of the Police.
14. D.I., No.5, p.230 and Ibid, p.599. The Police were reorganized during its years under the Department of the Interior. See; D.I. No.3 and No.4 for Orders effecting changes; also, Statutes (Can) 1882, 45 Vict., Chap.29.
15. D.I., No. 5, p.877, Order-in-Council, 17 October 1883.
16. Ibid.
17. The Department from its inception served as the channel of com-

Little need be said of the organization of the inside service; its pattern changed and its growth kept pace with the character and advance of the expansion movement in the West. In 1873 there were 28 lesser officials under the supervision of the Deputy Head of the Department; 10 years later there were 86 under 4 Deputy Heads.¹⁸ The Deputy Minister of the Interior explained the need for this division of responsibility:

"The business had become so extensive, and the operations directed by the Minister of the Interior so varied in their character, that a distribution of direct responsibility amongst the several officers at the head of the chief divisions of this work became imperative."¹⁹

The Department of the Interior has been introduced. In the chapters which follow frequent reference is made to the Department as an entity, and to the various branches whose work at some stage was specially related to that of the outside services which are discussed. Strictly speaking, there were only two branches of the Department which had organized outside administrative services; the

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17. munication between the Dominion Government and the Council of the North-West Territories, and the Minister guided relevant legislation through the House and Orders through the Council. For a discussion of the political development of the Territories the reader is referred to E.H. Oliver, "Saskatchewan and Alberta: General History," Canada and Its Provinces, Vol,xix, Part 1, p.147 ff. (Toronto, 1914). For this essay Oliver apparently has made use of the same Official Publications as the writer. See also; E.H. Oliver (ed.), The Canadian North-West, Its Early Development and Legislative Records, 2 vols., Publication of the Public Archives, No. 9, (Ottawa, 1914).
 18. D.I., No. 1, p.397, Order-in-Council, 13 August 1873; Ibid, No.5, p.227, Order-in-Council, 13 March 1883. Theoretical organizations.
 19. C.S.P., 1884, No.12, Burgess to Macpherson, 29 February, 1884. The Deputies were; Deputy Head of the Department, Surveyor-General, Comptroller of Mounted Police, and Director of Geological Survey.

Dominion Lands and the Indian Affairs.²⁰ It was not only for that reason, however, that these outside services, and more particularly, certain aspects of their work in the West for chosen for detailed examination. Much has been written about the affects, good and bad, of Canadian Government policies in the development of Western Canada, but little attention has been paid to the story of how these policies were administered, altered, and refined by the men whose duty it was to carry them out.

This story of office routine and seasonal fieldwork is told in the following pages. It is a story of administration, told without reference to the controversies which accompanied the opening of the West to settlement, and which therefore lack the interest which attaches to controversy. That it lacks such interest may in part explain the neglect it has heretofore suffered. It is nonetheless of central significance in the history of the Canadian West, and this assertion, it is hoped the following pages, and especially the concluding chapter, will reveal.

20. It has been noted that the Geological Survey, the Mounted Police and the Council of the North-West Territories were largely autonomous special agencies and not proper branches of the Civil Service.

CHAPTER 2

THE INDIAN BRANCH - OUTSIDE SERVICE

"So soon as the North-West Territories are added to Canada questions of great importance and delicacy will arise connected with the position, rights and claims of the Indians of that wide country."¹ Sir John A. Macdonald speaking thus, in December 1869, was anticipating the problems which lay ahead of the Dominion Government with respect to the fulfilment of an obligation assumed when the terms of the Deed of Surrender of the Hudson's Bay Company territory were accepted. Article 14 of the Deed stated, "Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government..."² The Government had given its bond, in this instance, in precise form, but there can be little doubt that it would have considered itself obligated to recognize the Indian title to the western lands for a reason less tangible. English colonists in America always had recognized the aboriginal title to the land, and the custom had, in fact, attained the force of law. Archer Martin, in discussing the legality of the Indian title, refers to an intimation by the Judicial Committee of the Privy Council; "...that though there had been all along vested in the Crown a

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1. D.I., No. 1, p. 18, Memorandum, Macdonald to Privy Council, 7 December 1869.
 2. Ibid, p.11.

substantial and paramount estate, yet it did not become a plenum dominum until the Indian title was 'surrendered or otherwise extinguished.' The title was, however, distinctly stated not to be a fee simple, but 'a mere burden' on the title of the Crown."³

Between 1871 and 1877 the Government negotiated seven treaties with the Indians of Manitoba and the North-West Territories, by which the Indians agreed to, "...cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands..."⁴ The compensation offered by the Government varied somewhat as between treaties, but, in general, amounted to a gratuity and perpetual annuity to each Indian, the assignment of reserves of sufficient size to allow a specified amount of land to each family of five, a yearly issue to each band of powder, shot, ball and twine, agricultural implements, tools, seeds, oxen and cattle to those bands who would engage in agriculture, and the maintenance of a school for each band when settled on a reserve. The story of the treaty negotiations is fascinating and romantic but it will not be told here.⁵ It

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3. A. Martin, The Hudson's Bay Company's Land Tenures, (London, 1898), p.98-9.
 4. A. Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories, (Toronto, 1880), appendix, p.331; from Treaty Number Four.
 5. Ibid, Alexander Morris tells in great detail the story of the treaties. He took an active part in Treaties No. 3, 4, 5, and 6, and the revision of Treaties 1 and 2. See also; D. Laird, "Our Indian Treaties", Transactions of the Historical and Scientific Society of Manitoba, Transaction No. 67, February 23rd, 1905, (Winnipeg 1905); Laird took part in Treaties No. 4 and 7. It is