Specific Claims Research Manual

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SPECIFIC CLAIMS RESEARCH MANUAL

Contents

Objectives of Specific Claims Policy

The government's primary objective with respect to specific claims is to resolve historical grievances relating to First Nation lands and other assets and to discharge any lawful obligations owed.

The government recognizes claims by First Nations that disclose an outstanding lawful obligation--an obligation on the part of the federal government derived from the law. A lawful obligation with regard to specific claims may arise in any of the following circumstances:

- the non-fulfilment of a treaty or other agreement between First Nations and the Crown;

- a breach of an obligation under the *Indian Act* or other statutes pertaining to "Indians" and any regulations under them;

- a breach of obligation arising out of government administration of First Nation funds or other assets; and

- an illegal disposition of land.

The government also acknowledges specific claims arising from the following circumstances:

- failure to provide compensation for reserve lands taken or damaged by the federal government or any of its agencies under authority; and

- fraud in connection with the acquisition or disposition of reserve land by employees or agents of the federal government where the fraud can be clearly demonstrated.

The Purpose of this Manual

This manual is designed to assist First Nations in researching their specific claims submissions to Canada and to assist government claims analysts in assessing specific claims. It provides an overview of the most common types of specific claims and explains the kinds of information and supporting documents that are required for the submission. The types of claims covered by this manual include: Treaties and Purchases, Establishment of Reserves, Establishment of Special Purpose Reserves, Treaty Land Entitlement, Surrenders of Reserve Land for Sale or Lease, Land Sales, Collection of Revenues, Expenditure of Trust Funds, Expropriations, Reserve Land Allotments, Flooding and Compensation for Flooding, Division of Shared Reserves and Assets and Band Amalgamation. There is a separate section devoted to each of the types of claims. In practice, these categories often overlap, and many claims will involve more than one of the types listed in this manual. In addition, the period in time and location of the events makes each claim original and distinct despite some commonality of the issues involved.

Each section includes:

- a list of issues to consider in researching your claim;
- a list of the main questions to answer in telling the story of your claim;
- some leads for sources to support your research;
- a checklist of suggested basic documents to supply with your claim; and
- a more detailed description of the kinds of documents and information that could be used to support the key issues of each type of claim.

Some issues are common to many claims; however, not all issues are important to every claim. When documenting your claim, it is important to concentrate on providing information and documents that are most closely related to the particular allegations raised by your claim while keeping in mind the necessary background.

Not all of the issues listed under a particular type of claim would necessarily have to be researched and documented with the same amount of detail. For example, if a surrender claim is based on allegations that the terms of a surrender were not properly carried out, it may not be necessary to thoroughly examine the issue of voter eligibility. On the other hand, if the claim hinges on the eligibility of voters, documentation on the identity of the voters would be most important, while the execution of the surrender would not necessarily form part of the submission.

It is also important to acknowledge that not all of the issues listed under a particular type of claim can actually be researched and documented, or at least not fully, owing to the fact that researchers face a number of barriers to fully documenting a claim. For example, it can be challenging to access restricted records in many repositories. In addition, the physical condition and legibility of original documents can be problematic and lead to gaps or missing documentation and information.

When researching and documenting a claim it is important to be aware of the sections of the *Indian Act* and other statutes and regulations that pertain to the subject of the claim. For example, if a claim is related to a railway being built through a reserve, it is necessary to be aware of the *Railway Act* and sections of the *Indian Act* pertaining to railways and any related regulations in force at the time. The statutes and regulations specify the procedures that must be followed, types of compensation required, etc. The documents submitted with a claim should indicate whether or not the applicable statutes and regulations were followed.

I. Treaties and Purchases

I.a. Pre-Confederation Era Treaties and Purchases

The Royal Proclamation of 1763 issued by British/Crown authorities outlined their policy regarding trade with Indians and the right of Aboriginal people to occupy their traditional lands. The Royal Proclamation formed the basis of the Crown's acknowledgement that these lands were protected and could only be ceded to or purchased by the Crown. Treaties and land purchases made subsequent to 1763 had to be taken by authorized representatives of the Crown at a public meeting or assembly of the Indians. The Royal Proclamation only covers a portion of Canada. In other parts of the country north, west and east, the policy was extended by treaties, agreements, and purchases (e.g., pursuant to the Rupert's Land transfer in 1870).

Crown treaties and land purchases provided for a variety of benefits including such things as reserve lands, other reserved areas (such as fisheries and burial grounds), one-time payments or presents, annuity payments, bulk payments, off-reserve resource use, clothing, and other benefits. Specific claims can be based on the proper fulfillment of treaty or land purchase obligations. As well, claims can be based on whether or not a group was represented, or adequately represented, at treaty negotiations and if they or their ancestors actually joined or adhered to the treaty.

If the allegations of non-fulfilment of treaty provisions involve reserve land see the sections II. Establishment of Reserves, III. Establishment of Special Purpose Reserves, or IV. Treaty Land Entitlement.

i) Basic Questions to Answer

Background:

1. Where are the lands that were being ceded or purchased?
2. Who are/were the aboriginal occupants of the lands at, or leading up to, the time the treaty or agreement was made?
3. What did the First Nation(s) use the lands for prior to and at the time of the treaty or agreement?
4. What kinds of activities did the First Nation(s) conduct on the lands?
5. Who were the Crown officials involved in making the treaty or agreement? What is known about their background?
6. Who were the First Nation(s) leaders involved?
7. Was there an existing relationship between the Crown and First Nation representatives?

8. What was the legislative or other authority of the Crown representatives involved, or of any other officials or actors purporting to control the land in making the treaty, agreement or purchase?

Negotiations/Meetings:

1. Who took part in the negotiations and/or meetings, including interpreters?
2. What was said by the different parties?
3. If there was an interpreter present, what was their background and level of skill?
4. What was the First Nation(s)'s prior experience with treaties, if any? What were the traditional protocols?
5. What agreements were made during the negotiations and/or meetings? What terms were reached?

Interpretation:

1. How did the First Nation(s) understand the terms of the treaty, agreement or purchase?
2. How did the Crown understand the terms of the treaty, agreement or purchase?
3. How did other parties understand the terms of the treaty, agreement or purchase?

Fulfillment:

1. Did the Crown fulfill the written terms, provisions, and promises of the treaty or purchase? How, or how did it attempt to?
2. Did the Crown fulfill any additional terms as understood by the First Nation(s)?
3. Did First Nation(s) leader(s) or Band members complain about the terms or fulfillment subsequent to the treaty or purchase?
4. Did the Crown (Department of Indian Affairs) respond to the complaints?
5. If so, what was the response?
6. What was the understanding of the First Nation(s) of what the treaty provisions or benefits represented?
7. Did the value of these provisions or benefits change over time?

For additional questions to consider, see the "Key Documents and Sources" section below, parts a) to d).

ii) Specific Research Areas to Document

A. Historical Background

1. Indicate the circumstances leading up to the alleged land purchase or treaty. Document important factors influencing the transactions, such as: pressures to settle land; development or squatting in the area; government policy to remove First Nations from traditional territory; requests by First Nations to secure a treaty.
2. Provide background on the Indigenous people involved in the treaty or land purchase. Indicate the territory traditionally used and occupied by them, including information on areas of special significance or particular use and any other information related to their traditional use and occupation of lands covered by the treaty or land purchase.
3. Provide background information on previous relations between the First Nation(s) and Crown officials or other third parties involved in making the treaty/purchase. Of particular interest are purchases or discussions preceding the formal treaty/purchase negotiations, and evidence of existing relationships between the Crown and Indigenous representatives which may have created an atmosphere of trust or expectation in either party.
4. Provide information on the Crown's policies with respect to treaties with First Nations. Typically, this would include instructions as to who was authorized to make a treaty, how treaty meetings were to be called, and the witnesses who were required to be present.

B. The Negotiations and Conclusions

1. Provide information on the intent of the parties taking part in the treaty/purchase. Focus particularly on documents that indicate what each party hoped to achieve through the transaction.
2. Identify the locations and dates of the meetings and councils where the treaty/purchase was proposed, discussed, and concluded. Provide documents that indicate how the Indigenous people were notified about the meetings and their purpose. Provide information on Indigenous protocols and whether they were followed.
3. Provide information on the participants. Identify the representatives of the Crown and provide the text of their authority to negotiate (e.g., instructions, Order in Council giving officials authority, etc.). Identify any third parties present (e.g., missionaries, land speculators, police, newspaper reporters) and describe their participation in the proceedings. Identify the Indigenous peoples and their representatives. Include any other information on the participation (or non-participation) of First Nations inhabiting the lands being ceded or sold and their relationships with one another.
4. Provide information on interpretation at the meetings. Identify any interpreters used and document their knowledge of English, French,

and relevant Indigenous language(s). Indicate if any of the attending language groups were not provided with competent interpreters.

5. Provide documents and indicate what was said during the negotiations including any promises or terms that were not recorded in the written agreement. Documents that give this type of information may include reports from officials, third party observers, and newspaper accounts. In addition, memoirs or interviews with elders may yield information on traditional understanding of the treaty proceedings.
6. Identify the tract(s) of land proposed to be covered by, and covered by, the treaty or land purchase agreement, and note if any land was specifically excluded or reserved from the treaty/purchase. These details may be provided in the written text of the treaty/land purchase, in related maps or survey plans, in land descriptions given in reports and correspondence files associated with the treaty proceedings, in First Nations histories and oral accounts, or other associated records.
7. Supply the written text of the treaty/land purchase and any Order in Council or other instrument indicating the government approved the transaction.

C. Interpretation of Terms of the Treaty

1. Provide information on the First Nation's understanding of the terms of the treaty/purchase.
2. Provide information on the Crown's interpretation of the treaty/purchase.

D. Fulfillment of the Terms of the Treaty

1. Provide information that indicates the degree to which specific terms of the treaty were fulfilled. See Key Documents and Sources section below for specific information and documentation to provide depending on the focus of the claim. If the establishment of reserve(s) under treaty is at issue, supply information on any existing reserve land as described in section IV. Treaty Land Entitlement.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for

Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[1] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Refer to departments and LAC process to access records. See Annex A for ATIP access procedures and contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous occupation of an area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological and ethnographic studies, publications, theses, books, and others;

[1] FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers', missionaries', and surveyor's accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For seventeenth and eighteenth-century missionary accounts pertaining to New France, which contain information on Indigenous occupation, society, and relations, see edited collection by R. G. Thwaites, *Jesuit Relations and Allied Documents, Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791* (73 volumes). For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - Helen Tanner, ed. *Atlas of Great Lakes Indian History*. Norman: University of Oklahoma Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties and agreements between the Crown and Indigenous peoples across Canada can be found in the

three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
- Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
- Other publications or unpublished materials concerning treaty history (proposals and negotiation) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions and promises;
- Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
- Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
- Newspaper accounts of the treaty-making;
- Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
- RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
- RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
  - For the pre-confederation period in Ontario and Québec, there are several potentially key collections at LAC besides RG 10, including LAC's RG 8 [R11517-0-6-E] (British Military and Naval Records: "C" Series), MG 11 [R-10976-0-4] (Colonial Office fonds) collection which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand), and MG 23 (Late Eighteenth-Century papers, which includes numerous collections spanning more than the late 18th-Century).

- Key published primary collections containing historic documents recording policies and proceedings of colonial governments that had military, trade, or diplomatic ties to Indigenous nations that occupied or used lands situated in present-day Ontario, Quebec, include: E. B. O'Callaghan, ed., *The Documentary History of the State of New York* (4 volumes covering seventeenth and eighteenth centuries); O'Callaghan, E. B., ed. *Documents Relative to the Colonial History of the State of New-York* (collection in 10 volumes with Index in Vol. 11); *The Papers of Sir William Johnson* (13 volumes); E. A. Cruikshank, ed. *The Correspondence of Lieut. Governor John Graves Simcoe, With Allied Documents Relating to His Administration of the Government of Upper Canada* (5 volumes); and E. A. Cruikshank and A. F. Hunter, eds., *The Correspondence of the Honourable Peter Russell, With Allied Documents Relating To His Administration of the Government of Upper Canada (3 volumes).*
- For BC, see Colonial Correspondence Collection and *Papers Connected with the Indian Land Question: 1850-1875* (collection of colonial government records regarding the administration of Indigenous lands and resources in the colonial period), *Papers Relative to the Affairs of British Columbia, 1859*, and Marjorie C. Holmes' *Publications of the Government of British Columbia 1871-1947*. The BC Surveyor General Branch also contains historic documents, including the Royal Engineers' field books, registers, files, grants, and maps. For official proceedings of the colonial government, see Journals of the Colonial Legislature. The BC Gazette: Part I contains government legal notices (such as lands reserved, surveys, applications for licenses or sales of lands, etc.) and orders in council beginning in 1863 and Part II contains regulations. (http://www.publications.gov.bc.ca.). Furthermore, the Report of the Superintendent for Indian Affairs for British Columbia for 1872 and 1873 contains the 1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia listing the 76 reserves in BC prior to confederation and provides the text of the treaties. Decisions about colonial policy can be found in Journals of the Colonial Legislature of the Colonies of Vancouver Island and British Columbia, 1851-1887 (or published collection by James Hendrickson, 1980). Consider consulting other Records Groups at the provincial archives, including British Colonial Office, Hudson's Bay Company, Colonial Secretary, Provincial Secretary, Chief Commissioner, Royal Engineers, etc.
- there are various publications and secondary sources dealing with government land policies, commissions, survey systems, etc. See for example:
    - Wilson Duff, "The Fort Victoria Treaties," *BC Studies 3* (Fall 1969), pp. 3-57;

    - Dorothy Kennedy. *A Reference Guide to the Establishment of Indian Reserve in British Columbia 1849-1911*. Ottawa: Claims and Historical Research Centre. Victoria: N.p.., 1995;
    - Paul Tennant. *Aboriginal Peoples and Politics: The Indian Land Question in BC, 1849-1989*. Vancouver: UBC Press, 1990;
    - Jean Barman. *The West beyond the West: A History of British Columbia*. Toronto: University of Toronto Press, 1996;
    - R. J. Surtees, “Indian Land Surrenders in Ontario 1763-1867,” DIAND, 1984;
    - Joan Holmes & Associates, “The taking of land cession treaties and reserve surrenders in pre-confederation Ontario: Volume 1 and 2 “, 2001 (available at CIRNAC/ISC Virtua Library)
- Maps showing the original reserve(s), changes made to the reserve(s) on amalgamation, changes made to the reserve(s) due to surrenders and/or subdivisions. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors’ field notebooks and diaries are also located on NRCan’s website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
  - Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;

- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;
- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
- Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
- See Annex D for additional resources related to lands, maps, and reserves in Canada.

- Documents regarding treaty policy, treaty negotiation and signing process, including information on settlement and/or resource development activities at the time; meetings; and First Nation(s) understanding of treaty terms at the time of signing. The Aboriginal perspective on the terms of the treaty may be indicated in oral testimony from Elders, traditional accounts of the meaning and intent of the treaty, correspondence from representatives protesting the treaty or requesting fulfillment of particular obligations, and accounts or correspondence of missionaries, teachers or other parties requesting assistance or treaty benefits for treaty First Nation(s). Also include documents establishing the existing relationship between the First Nation(s) and the Crown or other officials or individuals involved in negotiating the treaty and documents that identify the people participating in the negotiations including Chiefs and Headmen, missionaries, police or military officials, and government officials. It Is also important to include, where possible, documents that identify any interpreters employed to translate the proceedings along with any background information or comments on the ability or competence of these individuals.

- Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
- Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
- Several series in LAC's Indian and Inuit Affairs Program sous-fonds (RG 10, or R216-185-5-E) contain records documenting the pre-Confederation period when administration of Indian Affairs was either under military or civilian control, and include documents pertaining to policy, planning, proceedings, and implementation of treaties and land purchases. Many useful pre-Confederation records relating to different parts of the country can be identified using LAC Finding Aid 10-1, especially within the range of records between Volumes 1 and 1001, and Volumes 1819-1853 (but not limited to these volume ranges). Further details of records contained within those volumes, or within their parent series, can be found by consulting the series descriptions under RG 10 in LAC's Collection Search catalogue.
- RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
- There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
- RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
- RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of treaties, equipment, livestock, agriculture, hunting and fishing (ammunition and twine) entitlements, band membership, triennial clothing, annuity payments, agents'/superintendents' reports;
- RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses.

    - See Annex D for suggestions of additional archival repositories specific to your province/territory, region, or treaty area.
    - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca);
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
    - LAC RG 10 files concerning changes to the *Indian Act* during the relevant time period(s);
    - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
    - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
    - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as “Indigenous People” for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
    - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
    - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
    - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

a) Annuity Claims

- In claims focusing on the payment of annuities, provisions of annual presents, etc., supply available lists or paylists which indicate who was paid, in what years, and where, as well as any census returns to assist in establishing the population. Include in addition any correspondence or reports that explain who was and was not paid under the terms of the treaty or agreement. Archival files on the payment of annuities in the subject area should also be reviewed for additional information.

- Note that some pre-Confederation treaties and purchases relating to land in present-day southern Ontario provided for fixed or lump-sum annuities as payment for lands ceded, rather than a per-capita annuity. In such cases, information on annuity payments made to these First Nations (in goods or cash) may be found in records such as annuity or trust account ledgers (see further source information in Annex M under FA 10-1 and FA 10-95), general pre-Confederation Indian Department office records (R216-222-7-E), and correspondence files of officials such as the Deputy Superintendent General of Indian Affairs that include records relating to land purchases (eg., receipts, returns paylists).
- Useful information on entitlement population can be found in a variety of records such as:
    - Canada Census records from 1825 to 1926, which are open and available online through LAC, Family Search, and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. Most First Nations were enumerated under the name of their reserves. Consult the enumeration maps to locate the relevant district;
    - Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs. These can be found online at https://library-archives.canada.ca/eng/collection/research-help/indigenous-heritage/Pages/indian-affairs-annual-reports.aspx. Note that population figures frequently apply to the year previous to that of the published year of the Annual Report;
    - Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data;
    - Annuity paylists for payments made before 1910 are available online through Héritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC RG 10 Series B-8-d for Headquarters treaty annuity paylists, [R216-17-6-F] 1946–1988 (or RG 10 Series B-8-e for Interest Distribution Paylists, [R216-688-9-F] 1856–1982), or through CIRNAC's Genealogical and Archival Research Unit, while post-1970s paylists must be requested through CIRNAC Regional Offices. See Annex A for contact information. Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access. Some First Nations have retained copies of treaty annuity paylists;

- RG 10 Series B-8-j and B-8-al contain CIRNAC's Indian Register and Membership registers and lists, [R216-21-8-F] 1835-1984. First Nations also have registers and lists of varying dates and availability;
- Statements of departmental expenditures found in the Auditor General's reports published in the Annual Reports of the Department of Indian Affairs provide information on annuities provided to bands and/or agencies, including the number of Chiefs and Headmen;
- CIRNAC'S Genealogical Research Unit also holds membership registers;
- Voters' lists;
- Other sources such as church records (indexes of sacramental records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
- Online genealogies such as Wikitree and Ancestry; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com).

b) Provision of Goods, Equipment, and/or Services

- The evidence supporting a claim to non-provision of goods, equipment and/or services should be, as far as possible, focussed on data and documentation specifically concerning the First Nation submitting the claim.
- If the supply of particular items (e.g., livestock, clothing, or other goods) under the terms of the treaty is the focus of the claim, provide documents such as correspondence of military personnel (Captains, Lieutenants), Indian Superintendents, Superintendents of Indian Affairs, and other Colonial officers, and later, Agents' reports and correspondence, indicating specific items provided;
  - if the First Nation(s) expressed dissatisfaction with items supplied or withheld, look for government response to any complaints.

I.b. Post-Confederation Era Treaties and Purchases

The Royal Proclamation of 1763 issued by British/Crown authorities defined the British jurisdiction and territories following the Treaty of Paris, and outlined the Crown's policy regarding trade with Indians and the right of Aboriginal people to occupy their traditional lands. The Royal Proclamation formed the basis of the Crown's acknowledgement that these lands were protected and could only be ceded to or purchased by the Crown. Treaties and land purchases made subsequent to 1763, west of Québec, had to be taken by authorized representatives of the Crown at a public meeting or assembly of the Indians. The British Crown's policy under the Royal Proclamation was extended westward and northward by treaties, agreements and land 'cessions'.

Crown treaties and land purchases provided for a variety of benefits including such things as reserve lands, gratuity (one-time) payments or presents, annuity payments, bulk payments, off-reserve resource use, agricultural benefits, ammunition and twine, clothing for Chiefs and Councillors, and educational and medical benefits. Specific claims can be based on the proper fulfillment of treaty or land purchase obligations. The fulfilment of the terms of the treaty/purchase could be the primary focus of a claim. As well, claims can be based on whether or not a group was adequately represented at treaty negotiations and if they or their ancestors actually joined or adhered to the treaty.

If the allegations of non-fulfilment of treaty provisions involve reserve land see the sections II. Establishment of Reserves, III. Establishment of Special Purpose Reserves, or IV. Treaty Land Entitlement.

v) Basic Questions to Answer

Background:

1. Where are the lands that were being ceded or purchased?
2. Who are/were the aboriginal occupants of the lands?
3. What did the First Nation(s) use the lands for prior to and at the time of the treaty or agreement?
4. What kinds of activities did the First Nation(s) conduct on the lands?
5. Who were the Crown officials involved in making the treaty or agreement? What is known about their background?
6. Who were the First Nation(s) leaders involved?
7. Was there an existing relationship between the Crown and First Nation representatives?

Negotiations/Meetings:

1. Who took part in the negotiations and/or meetings, including interpreters?

2. What was said by the different parties?
3. If there was an interpreter present, what was their background and level of skill?
4. What was the First Nation(s)'s prior experience with treaties, if any? What were the traditional protocols?
5. What agreements were made during the negotiations and/or meetings? What terms were reached?

Interpretation:

1. How did the First Nation(s) understand the terms of the treaty or purchase?
2. How did the Crown understand the terms of the treaty?
3. How did other parties understand the terms of the treaty?

AGRICULTURAL BENEFITS

Historical Background:

1. On what date did the First Nation sign or adhere to the Treaty? (If necessary, provide evidence regarding the connection between the original signatory/adherent group and the Claimant).
2. Is there any available evidence about the circumstances of the First Nation's signing of/adhesion to the Treaty? (e.g., evidence of negotiations of terms, any other relevant information)
3. When was the reserve set aside?
4. What was the size of the reserve? Provide information on quality of lands, if available.
5. Was there any Band amalgamation or division? If so, specifically:
    a. Where were the two (or more) groups located (together or separately)?
    b. Did the groups have the same leadership?
    c. Were the groups on the same treaty annuity paylists?
    d. Is there any official documentation indicating whether the groups were viewed as separate Bands or as one Band by government officials?
    e. Were reserve lands surveyed and set aside? If so, for whom?
    f. What evidence is there that the groups consented or not to the amalgamation or division?
    g. What is the evidence regarding the Band's conduct before and/or after the amalgamation/division?
6. When did the Claimant First Nation settle on its reserve land?
7. Did First Nation members cultivate the land?
    a. What is the earliest evidence of the First Nation cultivating the land, for how long and when? (Look for evidence of the First Nation ploughing/breaking up the land, planting crops, harvesting,

reported crop failures, fencing off areas, and the like. Annual Reports and departmental correspondence are often helpful.)

8. Identify any evidence relevant to determining the First Nation's population (number of members) during this period and for ten years thereafter.[2] (See next sub-section, "fulfillment", regarding this period.)
   a. Provide a concluding summary of the First Nation's population in each of these years, ideally in chart form, with footnotes referencing the relevant evidence. Treaty annuity paylists can be a useful resource.

Fulfillment:

1. Identify the benefits that were to be provided according to the treaty.
2. Provide evidence of benefits provided for the whole period of the claim.
   a. Did the Crown fulfill the written terms, provisions, and promises of the treaty or purchase? How, or how did it attempt to?
      Present the quantities and types of benefits provided by the Crown in table format for ease of analysis and calculations.
   b. Did the Crown fulfill the terms as understood by the First Nation(s)?
   c. Did the Crown fulfill any additional or different terms as understood by the First Nation(s)? Provide all evidence of the First Nation requesting benefits.
3. Was/were the First Nation(s) dissatisfied about the fulfillment of the treaty?
   a. Did First Nation(s) leader(s) or Band members complain about the terms or fulfillment subsequent to the treaty or purchase?
   b. Did the Crown (Department of Indian Affairs officials) respond to the complaints? If so, what was the response?
4. What was the understanding of the First Nation(s) of what the treaty provisions or benefits represented?
   a. Did the value of these provisions or benefits change over time?
5. In order to determine the shortfall of benefits potentially owed by Canada, examine what benefits were actually provided to the First Nation by Crown officials during the relevant period.[3] For each benefit identified, conduct

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[2] Specific Claims Branch policy currently provides for a period of ten years for the implementation of the agricultural benefits under treaty to have taken place, beginning from the first date of cultivation on the reserve. The potential implementation period would start at the earliest potential date of cultivation and extend until 10 years after the latest potential date of cultivation. For example, if earlier research determined the date of cultivation to be somewhere between 1880 and 1885, the potential implementation period would be 1880 to 1895.

[3] According to the Specific Claims Branch's current treaty interpretation, the "relevant period" would start at the time the First Nation signed or adhered to the treaty and extend until 10 years after the latest possible date of initial cultivation. For example, if the First Nation signed the treaty in 1874, and began cultivating the land sometime between 1880 and 1885, the relevant period would be 1874 to 1895.

research and present findings (preferably in a table format) regarding all of the following:
    a. The date that the benefit was provided.
    b. A description of the benefit (which benefit was provided).
    c. Any available evidence about the quantity of the benefit provided.
    d. Any evidence regarding the quality of the benefit or its value, if available.
    e. Any available evidence that the benefit was provided in fulfillment of Canada's treaty obligation.
    f. Any available evidence that the benefit was provided to the Claimant First Nation specifically (differentiate between benefits provided at the agency level and First Nation level, if possible).
6. Present any available evidence that the First Nation had to use its own funds to purchase agricultural equipment, animals, seed, etc.
7. Expressly indicate where there is no available evidence regarding any of the above points.

OTHER TREATY BENEFITS (ANNUITIES, AMMUNITION AND TWINE, CHIEF AND COUNCILLOR SALARIES, TRIENNIAL CLOTHING, ETC.)

Historical Background:

1. On what date did the First Nation sign or adhere to the treaty? (If necessary, provide evidence regarding the connection between the original signatory/adherent group and the Claimant).
2. Is there any available evidence about the circumstances of the First Nation's signing of/adhesion to the treaty? (e.g., evidence of negotiations of terms, any other relevant information)
3. Was there any Band amalgamation or division? If so, specifically[4]:
    a. Where were the two (or more) groups located (together or separately) prior to amalgamation or division?
    b. Did the groups have the same leadership?
    c. Were the groups on the same treaty annuity paylists? If so, when was the First Nation put on a separate paylist?
    d. Is there any official documentation indicating whether the groups were viewed as separate Bands or as one Band by government officials?
    e. What evidence is there that the groups consented or not to the amalgamation or division?
    f. What is the evidence regarding the Band's conduct before and/or after the amalgamation/division?

Fulfillment:

[4] See also "Band Amalgamation" section of this manual.

1. Identify the benefits that were to be provided according to the treaty as understood by the First Nation(s) and as written or understood by Crown representatives, or as reported by others.
   a. Did the Crown fulfill the written terms, provisions, and promises of the treaty or purchase? How, or how did it attempt to?
      Present the quantities and types of benefits provided by the Crown in table format for ease of analysis and calculations.
   b. Did the Crown fulfill the terms as understood by the First Nation(s)? Provide any evidence of the First Nation requesting benefits.
   c. Did the Crown fulfill any additional or different terms as understood by the First Nation(s)? Provide all evidence of the First Nation requesting benefits.
2. Was/were the First Nation(s) dissatisfied about the fulfillment of the treaty?
   a. Did First Nation(s) leader(s) or Band members complain about the terms or fulfillment subsequent to the treaty or purchase?
   b. Did the Crown (Department of Indian Affairs officials) respond to the complaints? If so, what was the response?
3. What was the understanding of the First Nation(s) of what the treaty provisions or benefits represented?
   a. Did the value of these provisions or benefits change over time?
4. For each benefit identified, conduct research and present findings (preferably in a table format) regarding all of the following:
   a. The date that the benefit was provided.
   b. A description of the benefit (which benefit was provided).
   c. Any available evidence about the quantity of the benefit provided.
   d. Any evidence regarding the quality of the benefit or its value, if available.
   e. Any available evidence that the benefit was provided in fulfillment of Canada’s treaty obligation.
   f. Any available evidence that the benefit was provided to the Claimant First Nation specifically (differentiate between benefits provided at the agency level and First Nation level, if possible).
5. Expressly indicate where there is no available evidence regarding any of the above points.

For additional questions to consider, see the “Key Documents and Sources” section below, parts a) to d).

vi) Specific Research Areas to Document

A. Historical Background

1. Indicate the circumstances leading up to the alleged land purchase or treaty. Document important factors influencing the transactions, such

as: pressures to settle land; surveying activity, development or squatting in the area; government policy to remove First Nations from traditional territory in favour of settling on reserves; military conflicts; requests by First Nations to secure a treaty.

2. Provide background on the Indigenous people involved in the treaty or land purchase. Indicate the territory traditionally used and occupied by them, including information on areas of special significance or particular use and any other information related to their traditional use and occupation of lands covered by the treaty or land purchase.
   a. Provide, if possible, evidence of any prior treaty-making experience.
3. Provide background information on previous relations between the First Nation(s) and Crown officials or other third parties involved in making the treaty/purchase. Of particular interest are purchases or discussions preceding the formal treaty/purchase negotiations, whether with Crown officials or others, and evidence of existing relationships between the Crown and Indigenous representatives which may have created an atmosphere of trust or expectation in either party. Research Crown presence in the area prior to the treaty or purchase and Indigenous awareness of the same.
4. Provide information on the Crown's policies with respect to treaties with First Nations. Typically, this would include instructions as to who was authorized to make a treaty, how treaty meetings were to be called, and the witnesses who were required to be present.

B. The Negotiations and Conclusions

1. Provide information on the intent of the parties taking part in the treaty/purchase. Focus particularly on documents that indicate what each party hoped to achieve through the transaction.
2. Identify the locations and dates of the meetings and councils where the treaty/purchase was proposed, discussed, and concluded. Provide documents that indicate how the Indigenous people were notified about the meetings and their purpose. Provide information on Indigenous protocols and whether they were followed.
3. Provide information on the participants. Identify the representatives of the Crown and provide the text of their authority to negotiate (e.g., instructions, Order in Council giving officials authority, etc.). Identify any third parties present (e.g., missionaries, land speculators, police, newspaper reporters) and describe their participation in the proceedings. Identify the Indigenous peoples and their representatives. Include any other information on the participation (or non-participation) of First Nations inhabiting the lands being ceded or sold and their relationships with one another.

4. Provide information on interpretation at the meetings. Identify any interpreters used and document their knowledge of English, French, and relevant Indigenous language(s). Indicate if any of the attending language groups were not provided with competent interpreters.
5. Provide documents and indicate what was said during the negotiations including any promises or terms that were not recorded in the written agreement. Documents that give this type of information may include reports from officials, third party observers, and newspaper accounts. In addition, memoirs or interviews with elders may yield information on traditional understanding of the treaty proceedings.
6. Supply the written text of the treaty/land purchase and any Order in Council or other instrument indicating government approval of the transaction.
7. Provide information on Indigenous approval of the treaty as written (such as totems or other markings on the treaty document).

C. Interpretation of Terms of the Treaty

1. Provide information on the First Nation's understanding of the terms of the treaty/purchase.
2. Provide information on the Crown's interpretation of the treaty/purchase.

D. Fulfillment of the Terms of the Treaty

1. Provide information that indicates the degree to which specific terms of the treaty were fulfilled. See above "Basic Questions to Answer" and also Key Documents and Sources section below for specific information and documentation to provide depending on the focus of the claim. If the establishment of reserve(s) under treaty is at issue, supply information on any existing reserve land as described in section IV. Treaty Land Entitlement.

vii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and

10-145 for Nova Scotia.[5] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Refer to departments and LAC process to access records. See Annex A for ATIP access procedures and contact information.

viii) Key Documents and Sources

- Sources concerning the Indigenous occupation of an area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;

[5] FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyor's accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties and agreements between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiation) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions and promises;
  - For copies of modern treaties;

- Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
- Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
- Newspaper accounts of the treaty-making;
- Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
- RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
- RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
  - For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4] (Colonial Office fonds) collection which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
- Maps showing the original reserve(s), changes made to the reserve(s) on amalgamation, changes made to the reserve(s) due to surrenders and/or subdivisions. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be

identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;

- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;
- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada,

  some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
  - See Annex E for suggestions of oral history resources.
- Documents regarding treaty policy, treaty negotiation and signing process, including information on settlement and/or resource development activities at the time; meetings; and First Nation(s) understanding of treaty terms at the time of signing. The Aboriginal perspective on the terms of the treaty may be indicated in oral testimony from Elders, traditional accounts of the meaning and intent of the treaty, correspondence from representatives protesting the treaty or requesting fulfillment of particular obligations, and accounts or correspondence of missionaries, teachers or other parties requesting assistance or treaty benefits for treaty First Nation(s). Also include documents establishing the existing relationship between the First Nation(s) and the Crown or other officials or individuals involved in negotiating the treaty and documents that identify the people participating in the negotiations including Chiefs and Headmen, missionaries, police or military officials, and government officials. It Is also important to include, where possible, documents that identify any interpreters employed to translate the proceedings along with any background information or comments on the ability or competence of these individuals.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
  - RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;

    - RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of treaties, equipment, livestock, agriculture, hunting and fishing (ammunition and twine) entitlements, band membership, triennial clothing, annuity payments, agents'/superintendents' reports;
    - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses.
    - See Annex D for suggestions of additional archival repositories specific to your province/territory, region, or treaty area.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca);
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
    - LAC RG 10 files concerning changes to the *Indian Act* during the relevant time period(s);
    - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
    - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
    - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
    - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
    - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;

- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

c) Annuity and Gratuity Claims

- In claims focusing on the payment of annuities, supply available paylists which indicate who was paid, in what years, and where. Include in addition any correspondence or reports that explain who was and was not paid under the terms of the treaty. Archival and departmental files on the payment of annuities in the agency/district should also be reviewed for additional information on errors and/or explanations regarding the paylists; changes in Band membership as a result of transfers, commutations, enfranchisement, scrip, etc.; elections; instructions to Agents; and the payment of arrears.
- A new focus of these claims concerns the understanding around what the annuities or gratuities represented in terms of their value to the individuals or to the First Nation(s). Documenting the changes in this value over time is also the subject of claims.
  - Canada Census records from 1825 to 1926 are open and available online through LAC, Family Search, and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. Most First Nations were enumerated under the name of their reserves. Consult the enumeration maps to locate the relevant district;
  - Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs. These can be found online at https://library-archives.canada.ca/eng/collection/research-help/indigenous-heritage/Pages/indian-affairs-annual-reports.aspx. Note that population figures frequently apply to the year previous to that of the published year of the Annual Report;
  - Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data;
  - Annuity paylists for payments made before 1910 are available online through Héritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC RG 10 Series B-8-d for Headquarters treaty annuity paylists, [R216-17-6-F] 1946–1988 (or RG 10 Series B-8-e for Interest Distribution Paylists, [R216-688-9-F] 1856–1982), or through CIRNAC's Genealogical and Archival Research Unit, while post-1970s paylists must be requested through CIRNAC Regional Offices. See Annex A for contact information.

Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access. Some First Nations have retained copies of treaty annuity paylists;
- RG 10 Series B-8-j and B-8-al contain CIRNAC's Indian Register and Membership registers and lists, [R216-21-8-F] 1835-1984. First Nations also have registers and lists of varying dates and availability;
- Statements of departmental expenditures found in the Auditor General's reports published in the Annual Reports of the Department of Indian Affairs provide information on annuities provided to bands and/or agencies, including the number of Chiefs and Headmen;
- CIRNAC'S Genealogical Research Unit also holds membership registers;
- Voters' lists;
- Other sources such as church records (indexes of sacramental records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
- Online genealogies such as Wikitree and Ancestry; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com); Métis scrip records in LAC's RG 15 and on Métis National Historical Online Database (metisnationdatabase.ca).

d) Provision of Goods, Equipment, and/or Services

- The evidence supporting a claim to non-provision of goods, equipment and/or services should be, as far as possible, focussed on data and documentation specifically concerning the First Nation submitting the claim.
- If the supply of particular items (e.g., livestock, seed, provisions, other goods), equipment (e.g., agricultural implements, ammunition, fishing nets), or services (teachers, farming instructors, medical services) under the terms of the treaty is the focus of the claim, provide documents such as Agents' reports and correspondence indicating specific items provided, and whether First Nation(s) expressed dissatisfaction with items supplied or withheld and government response to any complaints.
- Tabular statements found in the Annual Reports of the Department of Indian Affairs provide information on livestock, agricultural implements, and seeds on hand/provided to bands and/or agencies as well as information on agricultural activities on reserves. The Annual Reports also contain statements listing schools and farms, and associated teachers and instructors.

- Statements of departmental expenditures found in the Auditor General's reports published in the Annual Reports of the Department of Indian Affairs provide information on agricultural implements, livestock, seed, ammunition and twine, salaries, etc. provided to bands and/or agencies.
- Handwritten ledgers available at LAC (RG 10 Volume 9189 and Volumes 11635-11675 - paper copies only; some restricted) provide some additional information on departmental expenditures between 1881 and 1920 on agricultural implements, seed, and livestock to bands in Treaties 1-7

e) Provision of Items to Chiefs and Councillors/Headmen

- If the supply of items to Chiefs and Councillors (e.g., flags, copy of treaty, medals, triennial clothing, buggies, etc.) under the terms of the treaty is the focus of the claim, provide documents to indicate specific items provided; also, if the First Nation(s) expressed dissatisfaction with items supplied or withheld and government response to any complaints.
    - A handwritten ledger found on LAC RG 10 Vol. 12619 [Restricted] contains a record of triennial clothing ordered and delivered to Chiefs and Headmen in various agencies/districts in the Prairie Provinces for the years 1949–1985.

II. Establishment of Reserves

Indian reserves have been created in a variety of ways in different time periods and regions of the country. Some reserves were set up before Confederation by a Royal Charter, which granted land either to a First Nation(s) or to a third party (such as a church or religious missionary order) on their behalf. Some reserves were set aside under the written terms of treaties, while others were originally lands granted by colonial government licenses or patents to First Nations or private groups. In some cases, reserves were set apart under legislation, or were purchased by First Nations. Many, but not all, reserves were confirmed by federal Orders in Council; in some cases, provincial Orders in Council were also involved. The true origin of some reserves is uncertain.

Whether the reserve under investigation was established before or after Confederation, it is important to know which colonial authority or level of government had jurisdiction at that time over the geographical area in which the reserve land was set aside, and which had authority to appropriate such land for Indian reserve purposes. It is also important to know which treaty(ies), if any, or legislation, were applicable to the area when the reserve was established.

Specific Claims relating to the establishment of reserves may include a range of diverse issues, information, and allegations concerning, for example: improper reserve surveys (e.g., incorrect boundaries or measurement units, other survey discrepancies), failure to set aside reserve land (or land in severalty, if applicable) in accordance with treaty provisions or other reserve-creating instruments, failure to provide sufficient resources within reserve lands set aside, reduction of reserve land without consent (e.g., sales without surrender, improperly issued leases, reserve cut-offs), additions to reserve lands, failure to protect or reserve traditionally used lands/sites, illegal use of and/or failure to adequately protect reserve land and resources/assets from intrusions (settlers, third party activities), and development of parks and protected areas, and issues of loss of use of such lands that were to be reserve and benefits related to such breaches or failures.

Other First Nation disputes may derive from the use without prior agreement/consent or loss of use of parts of reserves areas by other parties (navigation aids, grain elevators, squatters, trespassers, commercial activities such as prospecting and mineral extraction, radio or military stations) or failure to set aside reserves due to such other interests, and lack of environmental protection causing damage to a First Nation’s reserve or special purpose reserve (erosion, use of chemicals/fertilizers, pollution, etc. See Section XI on flooding claims). Other Specific Claims to reserves may also concern islands within or no longer within or newly created within reserves, and similarly, to river beds and lake beds forming part of a reserve.

Other specific claims in this category may relate to the (improper) management and administration of reserve land and resources, improprieties concerning works operated on reserve land on behalf of a First Nation, and potential related compensation issues. Any of these claims may intersect with other claim types, such as treaties and purchases, surrenders, expropriations, flooding, establishment of special purpose reserves, band amalgamation, division of shared reserves, and Treaty Land Entitlement.

If the allegations of your claim involve alienation, or loss of use of areas of established reserve land, also see sections V. Surrenders of Reserve Land for Sale or Lease, IX. Expropriations, or XI. Flooding and Compensation for Flooding. If the claim allegations relate to the establishment of special types of reserves (e.g., haylands, timber reserves, fishing reserves, for burial grounds, etc.), see section III. Establishment of Special Purpose Reserves. Claims that are based on allegations that the Crown failed to supply adequate reserve land based on acreage formulas contained in treaties are outlined in section IV. Treaty Land Entitlement.

Specific Claims relating to the subdivision and subsequent disposition of reserve land through issuance of location tickets, certificates of occupation, certificates of possession or other forms of landholding may also apply to special reserves and are discussed in section X. Reserve Land Allotments.

i) Basic Questions to Answer

Reserve Background and History:

1. Who were the Indigenous occupants of the land prior to it being set aside as a reserve? How did they use the land?
2. Who requested a reserve and why?
3. By what method, policy, or legal authority was the land reserved (e.g., treaty, colonial grant, letters patent from imperial authority, government legislation), and by whom?
4. Where was the reserve land supposed to be set aside, and for what reason or purpose?
5. Did the First Nation(s) for whom the land was set aside traditionally use other areas not included within the reserve?
6. Did the First Nation(s) or any other First Nation(s) complain about or dispute the reserving of lands?
7. If so, what was the government response?

Selection, Survey, or Granting:

1. When, where, and by whom was land surveyed or otherwise set aside?
2. How much land was supposed to be set aside (if specified) as a reserve, and/or how much land was actually set aside?
3. What type or quality of land was included? In addition to the land, were any resource rights reserved or granted?
4. Was/were the First Nation(s) consulted regarding the location, boundaries, and extent of the reserve prior to, or during, its survey?
5. Provide details concerning the population count of the First Nation(s) for whom the reserve(s) was established, at or around the time it was set aside.
6. Who was to have use of the land?
7. Was the surveyed reserve land accepted by the First Nation(s), and if so, how was this expressed? Identify any instruments by which the Crown accepted the establishment of the reserve (e.g., Order in Council, letters patent).
8. If the surveyed land was not accepted by the First Nation(s), indicate how and why.
9. What action, if any, did government representatives take to address this?

Use and Administration:

1. Who used the reserve land (Indigenous and non-Indigenous) once it was set aside and for what purposes? Where these parties permitted to use the reserve?
2. How were the lands accessed by the First Nation(s)?
3. How did the First Nation(s) use the lands, when/at what times of year and including any changes in use over time?
4. Did the Crown manage, administer, or otherwise recognize the land as a reserve?
5. Were waters or sub-surface resources included? Were they used by the First Nation?
6. Did the First Nation(s) complain about the size, location, boundaries, characteristics, or use of the reserve?
7. Did any other First Nation(s) complain about the existence or use of the reserved lands?
8. Did the Crown respond to any of the complaints, or implement any change to the earlier reserve allotment?

Loss of Use:

1. Did the First Nation(s) suffer loss of use of or loss of access to the reserve?

2. Did the First Nation(s) or First Nation member(s) complain about loss of use of or loss of access to the special reserve, use of the land by other parties without consent, lack of protection from environmental factors (erosion, use of chemicals/fertilizers, other pollutants), or destruction of resources?
3. Did the Crown respond to any such complaints made by the First Nation(s) or First Nation member(s), or on their behalf? Were any other options presented or discussed? What was the First Nation(s)'s response?

ii) Specific Research Areas to Document

A. Non-Treaty Reserves

If there is no treaty under which the reserve was established, use oral history sources, historical or ethnological records, pre-Confederation reports and commissions of inquiry on Indian affairs, the Reserve General Abstract reports generated through the ILRS/FNLRS[6], and secondary sources to determine the history of the use and occupation of the area and the identity of interested First Nation(s). See the Key Documents and Sources section below for specific information and documentation to provide depending on the focus or geographical area of the claim.

1. Provide information on the traditional use and occupation of the area around the reserve in question. It is important to establish what lands were used and for what purpose, especially if the intended location of the reserve is in question.
2. Provide information on the identity of the Indigenous people who used the land prior to the reserve being set aside, and how they are related to the First Nation(s) now interested in the reserve.
3. Supply information on any request by the First Nation(s) to reserve and/or protect the lands that were eventually reserved, or that the Crown may have allegedly failed to reserve.
4. Supply documents that show how, by whom, for whom, and for what purpose the reserve was established or was promised. Where no treaty was negotiated, this may include documents such as: provincial or federal statutes, royal charters, licenses, letters patent, title deeds, grants, legislation, leases, permits, Orders in Council, etc., as well as reports and correspondence.
    a. If the reserve was established before Confederation on non-treaty lands, provide relevant background on Imperial/Crown relations with the ancestors of the Indigenous people now interested in the reserve. Which colonial power assumed title/jurisdiction over the

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6 To generate Reserve General Abstract reports for specific First Nations or reserves go to the Indian Lands Registry System, create an account, and use the "Report" tab to generate specific Band-Reserve, Parcel Abstract, Instrument and Reserve General Abstract reports.

land? Until what period? Did they recognize Aboriginal Title in the region under investigation? Also identify and discuss relevant colonial legislation and policies that protected or reserved “Indian” lands within the region involved. It may be important to discuss how land use was organized in the area at the time (e.g., seigneurial system in New France/Québec).

5. If the reserve was ever surveyed, include information on:
   a. Instructions to the surveyor and the surveyor’s notes, records, diary, reports, plans, and correspondence;
   b. The First Nation(s)’s requests concerning the land set aside, and their participation in or knowledge of the survey;
   c. The quality and characteristics of the surveyed reserve land and its available resources, and whether any areas requested or intended to be reserved were excluded or already taken up, for example for mission, HBC, or homestead lands;
   d. Any specifics regarding the inclusion or exclusion of water, islands, fisheries, gardens, minerals, timber, and other resources;
   e. Any subsequent First Nations protest or agreement and communication about the surveyed reserve; and any internal First Nation(s) processes and procedures followed regarding the protest or agreement about the reserve land;
   f. Plans and descriptions of the reserve in use before and after the survey, including registration of plans after survey.
   g. Include information on whether the reserve was further subdivided and/or whether any allotments of areas/lots within the reserve to individuals took place (location tickets, certificates of possession, certificates of occupation, certificates or rights of use documents, etc.).
6. Provide details that indicate government recognition of the land as a reserve. This information could include statutes, Orders in Council, grants, federal-provincial Indian lands agreements, licenses of occupation, patents, Indian Reserve schedules published by the Department of Indian Affairs, or correspondence and reports that show the administration and management of the lands as an Indian reserve.

B. Treaty Reserves

1. Identify the treaty under which the reserve was set aside, and outline the relevant treaty provision(s) relating to the establishment of reserve land.
   a. Were the location, size, or other details of the reserve described in the treaty or were reserves to be set aside according to a particular formula (i.e., a specified acreage per person)?
   b. Determine whether the treaty had an option for land to be provided in severalty (Treaties 8 and 10).

   c. Did the treaty outline a consultation or reserve land selection process?
   d. Did the treaty include any other directions or promises regarding reserves? Note if the treaty refers to any First Nation rights specific to the land in question being set aside.
2. Supply documents that show how, by whom, for whom, and for what purpose the reserve was established or promised.
   a. What was the First Nation(s)'s understanding of the reserve establishment or promise?
   b. What was the Crown understanding of the reserve establishment or promise?
   c. If the reserve was established before Confederation, it may be helpful to provide relevant background on the Crown's treaty relations with the ancestors of the interested First Nation(s), as well as treaty and reserve policy.
3. Some claims are based on the way in which the reserve was described in the written text. This could include grievances based on the size or location of the reserve, the purpose of the reserve, or the people for whom the reserve was set aside. If this is the case, see section I. Treaties and Purchases on the negotiations and interpretation of treaties and provide that information. The documents provided should illustrate the differences between the reserve as established and the reserve that the First Nation(s) expected or requested to receive.
4. In some cases, reserves may have been established or authorized, but not surveyed or laid out in accordance with an earlier agreement or policy (e.g., Douglas), or surveyed years or decades later.
   a. Outline the understanding of the parties regarding the purposes of the reserve.
   b. Document the First Nation(s)'s use of the land supposed to have been reserved in the interim between the authorization/establishment and the survey date.
   c. Did the First Nation(s) complain or protest the authorization for the reserve, or the lack of survey?
   d. Were there any third-party interests in the lands reserved?
   e. What were the responses of Crown representatives to any of the above?
5. If the reserve was surveyed, provide the following information for the survey. This information should also be provided for any amending or conflicting surveys that affected the boundaries, location, or size of the original reserve.
   a. Indications of whether the First Nation(s) was consulted regarding the location, boundaries, and extent of the reserve prior to the survey;
   b. Instructions to the surveyor;

c. Records produced in association with the survey including fieldnotes, diaries, reports, surveyor correspondence, and plans;
d. Acceptance and registration of plans by government(s);
e. The plan referred to in (or appended to) the Order-in-Council formally setting aside the reserve as an Indian reserve under the *Indian Act*;
f. Any specifics regarding the inclusion or exclusion of water, islands, fisheries, gardens, minerals, timber, and other resources;
g. Include information on whether the reserve was further subdivided and/or whether any allotments of areas/lots within the reserve to individuals took place (location tickets, certificates of possession, certificates of occupation, certificates or rights of use documents, etc.).

6. Any protest or comment by the interested First Nation(s) or any other First Nation(s) regarding the size, boundaries, location, or nature of the reserve and any response by government officials to such protests (including amending, resurveying, or relocating the original reserve).
7. Provide the history of the interested First Nation(s) or any other First Nation(s) using the reserve before or after the survey and formal setting aside of the land as an Indian reserve.
8. Document other issues that may affect the establishment or use of the reserve, including delays in surveying and confirming reserves, amalgamation or division of First Nation(s) for whom the reserve was intended (*see also Amalgamations section of this manual*), changes in population between the time of treaty and the survey of the reserve, uncontrolled squatting on land intended for a reserve, errors in describing the lands in a treaty. In these cases, the circumstances should be documented as much as possible.
9. Document any indications of government recognition of the reserve. Recognition could include legal instruments such as the confirming Orders-in-Council, title deeds, grants, intergovernmental agreements, licenses of occupation, patents, etc. Administrative factors such as being listed in Indian Affairs "Indian Reserve Schedule" or being managed as a reserve by the Department of Indian Affairs may also suggest recognition.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.

- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[7] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their traditional territories, treaty area(s), reserve(s), nearby reserves, seigneuries, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.
- Many publications and sources examining the historical background and evolution of Indian reserves in different time periods and regions are publicly available. They are useful as background as well as for primary source leads. For example:
    - Richard Bartlett, "Indian Reserves and Aboriginal Homelands in Canada: A Homeland - a study in Law and History," University of Saskatchewan Native Law Centre, 1990;

7 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

- Richard Bartlett, "The Establishment of Indian Reserves on the Prairies" 1980;
- Richard Bartlett, "Indian Reserves in the Atlantic Provinces of Canada," *Studies in Aboriginal Rights No. 9*, University of Saskatchewan Native Law Centre, 1986;
- Richard Bartlett, "Indian Reserves in Quebec," University of Saskatchewan Native Law Centre, 1984;
- Larry Villeneuve, with updates by Daniel Francis, "The Historical Background of Indian Reserves and Settlements in the Province of Quebec," Ottawa: Indian and Northern Affairs Canada, 1984;
- Dorothy Kennedy, "A reference guide to the establishment of Indian reserves in British Columbia, 1849-1911." Ottawa: Claims and Historical Research Centre, Indian and Northern Affairs Canada, 1995;
- Union of BC Indian Chiefs. *Stolen Lands, Broken Promises. Researching the Indian Land Question in British Columbia* (Second Edition), Vancouver: UBCIC, 2005.;
- Chris Kelly, for the Litigation Support Directorate of the Department of Indian Affairs and Northern Development, "The creation of Indian reserves in British Columbia: a research guide," [Ottawa?]: Department of Indian Affairs and Northern Development 1995;
- Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, 2002.

iv) Key Documents and Sources

- Sources concerning the Indigenous use and occupation of an area, including documents establishing a joint or shared interest in the area in cases where more than one First Nation is allegedly interested in the reserve, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field

notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves.

- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
    - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.
    - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987
    - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as “Aboriginal peoples” circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
    - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
    - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
    - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC’s website
    - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history and interpretation;
    - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;
    - For copies of modern treaties;
    - Crown-Indigenous Relations and Northern Affairs Canada’s website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
    - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
    - Newspaper accounts of the treaty-making;

    - Provincial government websites often include a treaty area map and list of First Nations and/or Tribal Councils;
    - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
    - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel);
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
    - For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
- For BC, see Colonial Correspondence Collection and *Papers Connected with the Indian Land Question: 1850-1875* (collection of colonial government records regarding the administration of Indigenous lands and resources in the colonial period), *Papers Relative to the Affairs of British Columbia, 1859,* and Marjorie C. Holmes' *Publications of the Government of British Columbia 1871-1947*. The BC Surveyor General Branch also contains historic documents, including the Royal Engineers' field books, registers, files, grants, and maps. For official proceedings of the colonial government, see Journals of the Colonial Legislature. The BC Gazette: Part I contains government legal notices (such as lands reserved, surveys, applications for licenses or sales of lands, etc.) and orders in council beginning in 1863 and Part II contains regulations. (http://www.publications.gov.bc.ca.).
    - Furthermore, the Report of the Superintendent for Indian Affairs for British Columbia for 1872 and 1873 contains the 1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia listing the 76 reserves in BC prior to confederation and provides the text of the treaties.
    - Decisions about colonial policy can be found in *Journals of the Colonial Legislature of the Colonies of Vancouver Island and*

British Columbia, 1851-1887 (or published collection by James Hendrickson, 1980).

- The various Crown Lands Acts and iterations affecting Crown reserves, pre-emptions, etc. are also applicable to Indian Reserves. See, for example, *An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia 38 Vict. No. 5* of 1875, the 1888 *An Act to amend and Consolidate the Laws affecting Crown Lands, c. 16, section 77 within Consolidated Statutes of B. C. 1888, Volume I, Chap. 66* ("Land Act, I 884"), the *Land Act, 1888* and the *Land Act, 1908*
- Consider consulting other Records Groups at the provincial archives, including British Colonial Office, Hudson's Bay Company, Colonial Secretary, Provincial Secretary, Chief Commissioner, Royal Engineers, etc.
- There are various publications and secondary sources dealing with government land policies, commissions, survey systems, etc. See for example:
  - Wilson Duff, "The Fort Victoria Treaties," *BC Studies 3* (Fall 1969), pp. 3-57.
  - Robin Fisher, "An exercise in Futility: the Joint Commission on Indian Land in British Columbia, 1875-1880," *Historical Papers* (Canadian Historical Association. Historical Papers: 79-94, 1975).
  - Dorothy Kennedy. *A Reference Guide to the Establishment of Indian Reserve in British Columbia 1849-1911*. (Ottawa: Claims and Historical Research Centre. Victoria: N.p.., 1995);
  - Paul Tennant. *Aboriginal Peoples and Politics: The Indian Land Question in BC, 1849-1989* (Vancouver: UBC Press, 1990).
  - Jean Barman. *The West beyond the West: A History of British Columbia*, 1996
  - R. J. Surtees, "Indian Land Surrenders in Ontario 1763-1867," DIAND, 1984;
  - Union of BC Indian Chiefs. *Stolen Lands, Broken Promises. Researching the Indian Land Question in British Columbia* (Second Edition). Vancouver: UBCIC, 2005;
  - Joan Holmes & Associates, "The taking of land cession treaties and reserve surrenders in pre-confederation Ontario: Volume 1 and 2 ", 2001 (available at CIRNAC/ISC Virtua Library).

- See also provincial-federal agreements and legislation affecting reserve lands, including various agreements between Ontario and Canada, the

Natural Resource Transfer Act, provincial Crown Lands Acts, constitutional documents such as the 1871 Terms of Union under which the Colony of British Columbia joined the Dominion of Canada

- Maps showing the original reserve(s), changes made to the reserve(s) on amalgamation or division, any changes made to the reserve(s) due to surrenders, subdivisions, allotments to individuals, and/or reversions or re-purchases of formerly expropriated lands. Related documents such as instructions to surveyors, surveyors' reports, notes, plans, and diaries recording information on the reserve area set aside, as well as any correspondence, grants, letters patent, or licenses of occupation documenting the conveyance of land to a third party (for e.g., churches/missions, Hudson's Bay Company or other trading companies, schools, mining interests) where applicable, are also important to include. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A listing Key Contacts;
  - Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
  - Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
  - LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
  - The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the

history and location of Indian reserves in different provinces and territories;
    - For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
    - Plans of the Land Use Information Service;
    - Provincial and territorial gazetteers, geographic naming;
    - Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
    - Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
    - Provincial or territorial archaeological site databases;
    - If the area comprises a provincial or national park, consider research into relevant repositories;
    - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
    - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
    - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- Documents regarding the reserve, including documents describing the reserve to be set aside, reports, Council or meeting minutes, or letters describing consultations with Chief, Headmen, or First Nation(s) members regarding the reserve to be set aside, correspondence within the department or between department officials regarding the survey or location of the reserve. Oral histories may be helpful in presenting the First Nation perspective.
    - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
    - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;

  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 at LAC can be of help to identify record series and subject blocks in the Department of Indian Affairs Central Registry System, including Red Series, Black Series, First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns if band population/demographics are of interest;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files at LAC;
  - LAC RG 10 Series R216-686-5-E [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - RG 10 at LAC and CIRNAC (headquarters and regional) files, especially those concerning the subjects of reserve survey, surveyor reports, maps and plans, surrenders, relocations/removals, resettlement, amalgamation, land, land sales, Indian agency correspondence/letterbooks, and agents', inspectors', or superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses.
  - See Annex D for suggestions of additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies relating to Indian lands and reserves during the relevant period (e.g., Lord Elgin's Proclamation of 1850 extending provisions of the 1850 *Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury,* or the 1851 *An Act to authorize the setting apart of Lands for the use of certain Indian Tribes in Lower Canada* of 1851), which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations

found through the Justice Laws website are the most recent versions only;

- The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
- Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
- CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

III. Establishment of Special Purpose Reserves

A First Nation or group of First Nations often have interests or shared interests in reserves (reserves in common) that were created for special purposes, such as timber reserves, fishing stations, hay lands, grazing lands, gardens, hunting and trapping reserves/preserves, and burial grounds. Special purpose reserves were often specifically described in treaties, agreements or surrenders, or special commission documents. In some cases, these reserves were established by an administrative process as the result of a First Nation(s) request or because of a perceived need. As with other Indian reserves, special purpose reserves have been created historically in a variety of ways and include a range of diverse issues, information and allegations. See section II. Establishment of Reserves. In addition, there are often special regulations, ordinances and other legislation to take into account regarding special reserves (separate timber regulations and mining regulations, for example).

Researchers should be aware that there are also various land, land use, timber, quarrying, etc. regulations and policies for northern Canada that differ from the rest of the country. Special attention should be paid to the time period involved and the geographic area. Overlap exists between various geographic areas as well (for example, some records concerning Northwestern Ontario may be in Manitoba District/Superintendency files, some records concerning the Yukon may be in British Columbia District files).

Other First Nation disputes with regard to special purpose reserves may derive from the use without prior agreement/consent for, or loss of use of or access to special purpose reserve areas by other government departments or other parties (navigation aids, grain elevators, squatters, trespassers, prospectors and miners, radio or military stations, parks); applications for additional lands not received; failure to set aside reserves due to such other interests; or lack of Crown environmental protection causing damage to a First Nation’s reserve or special purpose reserve (erosion, use of chemicals/fertilizers, pollution, etc. See Section XI on flooding claims).

Other Specific Claims to reserves or special purpose reserves may also concern islands within or no longer within or newly created within reserves, and similarly, to river beds and lake beds forming part of a reserve or special purpose reserve, whether newly or originally. Claims arising from special purpose reserves might concern unfulfilled treaty or surrender obligations, improper management and administration of lands, or from loss of use due to expropriation, unauthorized alienation, disputed surrender, inadequate compensation, etc.[8] Other sections of this manual should be consulted for further information.

i) Basic Questions to Answer

Reserve Background and History:

1. Who were the First Nation(s) occupants of the land prior to it being set aside as a special reserve? How did they use the land? How did they access it?
2. Was the First Nation a signatory or adherent to any treaty, agreement or land surrender or part of any Reserve Commission activities? Provide information on treaty promises and understanding about reserve lands and special reserves.
3. Who requested a special reserve and why? Was the First Nation consulted? What was its intended purpose?
4. By what method, policy, or legal authority was the land reserved (e.g., treaty, colonial grant, letters patent from imperial authority, government legislation, commission), and by whom? How was it described?
5. Did the First Nation(s) or any other First Nation(s) complain about or dispute the reserving of lands? If so, what was the government response?

Reserve Establishment:

1. Was the land ever surveyed? Where, when, by whom, and for whose benefit and interest was it surveyed?
2. What type or quality of land was included? In addition to the land, were any other resource rights reserved or granted?
3. How was the special reserve granted or otherwise established? Did the Crown accept and confirm the survey (e.g., Order in Council, letters patent, etc.)?
4. If relevant to the allegations, provide details concerning the population count of the First Nation(s) for whom the reserve(s) was established, at or around the time it was set aside.
5. Were the boundaries or area of the reserve affected or adjusted at a later date, and if so, for what reason?
6. Are there any documents outlining the First Nation(s) agreement or disagreement with the reserve as surveyed, or any complaints? How was this expressed? What was the Crown’s response?
7. Were there any third-party interests in or conflicts with the reserved lands?
8. Were parts or the entire lands ever leased or sold?

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[8] Specific Claims cannot address or provide redress to rights of an ongoing nature, such as hunting, trapping, fishing, or gathering rights, under the current Specific Claims policy. Specific Claims need to speak to historic losses of land or other assets belonging to a First Nation.

Use and Administration of Reserve:

1. Who used the specially reserved land (Indigenous and non-Indigenous) once it was set aside and for what purposes? Were these parties permitted to use the reserve?
2. How were the lands accessed by the First Nation(s) after they were set aside?
3. How did the First Nation(s) use the lands, when/at what times of year and were there any changes in use over time?
4. Was it ever administered, managed, or otherwise recognized as Indian reserve land?
5. Were waters or sub-surface resources included? Were they used by the First Nation on the specially reserved area?
6. Did any other First Nation(s) complain about the existence or use of the specially reserved lands? Did the Crown respond to any of the complaints, or implement any change to the earlier reserve allotment?

Loss of Use:

1. Did the First Nation(s) suffer loss of use of or loss of access to the special reserve?
2. Did the First Nation(s) or First Nation member(s) complain about loss of use of or loss of access to the special reserve, use of the land by other parties without consent, lack of protection from environmental factors (erosion, use of chemicals/fertilizers, other pollutants), or destruction of resources?
3. Did the Crown respond to any such complaints made by the First Nation(s) or First Nation member(s), or on their behalf? Were any other options presented or discussed? What was the First Nation(s)'s response?

ii) Specific Research Areas to Document

A. Historical Background

1. Provide details and evidence that explain the context in which a special purpose reserve was established or was intended or requested to be set aside for the use and benefit of a particular First Nation or group of First Nations, including any previous use of the area by the First Nation(s).
2. If the establishment of the special purpose reserve was an obligation under a treaty, agreement or surrender or part of any Reserve Commission activities, supply the information on that surrender or treaty or agreement or commission.
3. Include information on the identity of the First Nation(s) interested in the special reserve. It may be important to document whether government

officials recognized their interest in the reserve to be set aside if the claim involves disputed beneficiaries.

4. Did the First Nation(s) for whom the land was set aside traditionally use other areas not included within the reserve? For what purposes? How did they access them?

B. Establishment of Special Reserves

1. Document where the reserve land was supposed to be set aside, and for what reason or purpose. Provide any information on discrepancies with the resulting reserve.
2. Who was to have use of the land? Was the First Nation(s) consulted regarding the land selection and survey (if any)?
3. If the reserve was ever surveyed, supply details of the survey as outlined in section II. Establishment of Reserves, for non-treaty or treaty reserves, as applicable.[9] If the reserve was not surveyed but was otherwise recognized and described, provide any related descriptions, sketches, reports, or notes available.
4. If the requested or discussed reserve was never surveyed or set aside, provide documentation that explains the circumstances surrounding the failure to have the special purpose reserve formally established.
    a. Was the First Nation(s) made aware?
    b. Did the First Nation(s) or its members complain?
    c. What was the Crown's response?
    d. Document the First Nation(s)'s uses of the land supposed to have been reserved. If their use was discontinued, provide details.
    e. Were any third-party interests involved?
5. Supply any other information relevant to the establishment or failure to set aside the special purpose reserve.
6. Provide all legal instruments such as licenses of occupation, Orders-in-Council, letter patent, grants, leases, etc. related to the establishment of the reserve.
7. Describe the area set aside as a reserve (or intended to be set aside) including location and boundaries, and pertinent features such as timber resources, water, fish, and wildlife, etc.

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9 Reserve General Abstract reports generated through the ILRS/FNLRS are one potential resource. To generate Reserve General Abstract reports for specific First Nations or reserves go to the Indian Lands Registry System, create an account, and use the "Report" tab to generate specific Band-Reserve, Parcel Abstract, Instrument and Reserve General Abstract reports.

C. Use of Reserve and Loss of Use

1. Describe how the reserve was used by the interested First Nation(s), other First Nation(s) or third parties; what resources were grown, harvested or used and at what times of year.
2. In the case of non-Indigenous use:
    a. Was the use in trespass,
    b. Was the use authorized by any parties,
    c. Was the interested First Nation(s) aware of the third-party use,
    d. If so, is there record of complaints or disputes,
    e. What was the Crown's response?
3. Describe any limitations attached to the use of the special reserves and the resources associated therewith, such as limitations on sub-surface rights, or fishing for commercial purposes.
    a. Were the limitations specified in the treaty/surrender/agreement/commission, or
    b. in any statute, or
    c. introduced by administrative practice?
    f. Was the interested First Nation(s) aware of the imposed limitations,
    g. If so, is there record of complaints or disputes,
    h. What was the Crown's response?
4. If alienation of a special reserve is at issue, see section V. Surrenders of Reserve Land for Sale or Lease and/or section IX. Expropriations. Key issues could include:
    a. The First Nation(s's) knowledge and consent in 'surrendering' their interests in the land and
    b. Receipt of agreed compensation and the procedures followed in the case of expropriation.
5. If failure to establish a reserve in accordance with a treaty or surrender is at issue, document the history of the use of the land that was intended for reserve status and whether "regular" or "special purpose", including the use of the lands by the interested First Nation(s) and others, the reasons why the land was not set aside, First Nation(s) protests and government responses.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, sizes, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western

Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[10] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- Indexes, part of Northern Administration and Lands Branch Lands Division records, including Card index to cancelled and current leases and agreements of sale; Lands Division; and Cancelled leases and agreements of sale and their central registry files.
  - Yukon central registry files
  - Yukon subject files
  - Office of the Commissioner, Yukon (info. on property rights)
- BC Lands Branch (Dept of Interior) and Department of Lands in Government Records (GR)
- Aperture Cards for Manitoba
- Land patents for surrendered lands
- Timber and Grazing Branch (Dept of Interior)
- Records of the Grazing Commissioner
- Records concerning lands within the Railway Belt
- Ontario Crown Lands Records RG 1, Archives of Ontario - Detail Page (gov.on.ca)
- Dominion Forest Service and Forestry Branch
- HBC Land Records
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their traditional territories, treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is

10 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.

- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous use and occupation of an area, such as:
  - Printed, published, archival or previous or new recordings of information obtained through oral history;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves;
  - Records and publications of provincial exploration parties, mapping parties, commissions reports, and provincial departmental (especially those associated with natural resources) specific to your area of concern;
  - Other studies, reports and publication concerning the history of the resource use or management.
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.

  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987.
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
- For the pre-confederation period in Ontario and Québec, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
- For BC, see Colonial Correspondence Collection and *Papers Connected with the Indian Land Question: 1850-1875* (collection of colonial government records regarding the administration of Indigenous lands and resources in the colonial period), *Papers Relative to the Affairs of British Columbia, 1859,* and Marjorie C. Holmes' *Publications of the Government of British Columbia 1871-1947*. The BC Surveyor General Branch also contains historic documents, including the Royal Engineers' field books, registers, files, grants, and maps. For official proceedings of the colonial government, see Journals of the Colonial Legislature. The BC Gazette: Part I contains government legal notices (such as lands reserved, surveys, applications for licenses or sales of lands, etc.) and orders in council beginning in 1863 and Part II contains regulations. (http://www.publications.gov.bc.ca.).
    - Furthermore, the Report of the Superintendent for Indian Affairs for British Columbia for 1872 and 1873 contains the 1871 Schedule of all Indian Reserves (surveyed) in the Province of British Columbia listing the 76 reserves in BC prior to confederation and provides the text of the treaties.
    - Decisions about colonial policy can be found in *Journals of the Colonial Legislature of the Colonies of Vancouver Island and British Columbia, 1851-1887* (or published collection by James Hendrickson, 1980).
    - The various Crown Lands Acts and iterations affecting Crown reserves, pre-emptions, etc. are also applicable to Indian Reserves. See, for example, *An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia 38 Vict. No. 5* of 1875, the 1888 *An Act to amend and Consolidate the Laws affecting Crown Lands, c. 16, section 77 within Consolidated*

Statutes of B. C. 1888, Volume I, Chap. 66 ("Land Act, I 884"), the *Land Act, 1888* and the *Land Act, 1908*
    - Consider consulting other Records Groups at the provincial archives, including British Colonial Office, Hudson's Bay Company, Colonial Secretary, Provincial Secretary, Chief Commissioner, Royal Engineers, etc.
    - There are various publications and secondary sources dealing with government land policies, commissions, survey systems, etc. See for example:
        - Wilson Duff, "The Fort Victoria Treaties," *BC Studies 3* (Fall 1969), pp. 3-57;
        - Robin Fisher, "An exercise in Futility: the Joint Commission on Indian Land in British Columbia, 1875-1880," *Historical Papers*. Canadian Historical Association. Historical Papers: 79-94, 1975;
        - Dorothy Kennedy. *A Reference Guide to the Establishment of Indian Reserve in British Columbia 1849-1911*. Ottawa: Claims and Historical Research Centre. Victoria: N.p.., 1995;
        - Paul Tennant. *Aboriginal Peoples and Politics: The Indian Land Question in BC, 1849-1989*. Vancouver: UBC Press, 1990;
        - Jean Barman. *The West beyond the West: A History of British Columbia*, 1996;
        - R. J. Surtees, "Indian Land Surrenders in Ontario 1763-1867," DIAND, 1984;
        - Union of BC Indian Chiefs. *Stolen Lands, Broken Promises. Researching the Indian Land Question in British Columbia* (Second Edition). Vancouver: UBCIC, 2005;
        - Joan Holmes & Associates, "The taking of land cession treaties and reserve surrenders in pre-confederation Ontario: Volume 1 and 2 ", 2001 (available at CIRNAC/ISC Virtua Library).
- Maps showing the original or intended reserve(s) and any changes made to the reserve(s) due to surrenders and/or subdivisions. Include reports, letters, survey instructions, plans, and diaries, explaining the intended location and use of the special reserve or the rationale for having it established. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
    - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System

(FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);

- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes and correspondence may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs or colonial authorities in cases where the status of the reserve land is in question;
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- RG 15 (Department of the Interior) records have a number of separate branches, such as the Timber and Grazing Branch;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;

- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
- Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
- See Annex D for additional resources related to lands, maps, and reserves in Canada.
- See Annex E for suggestions of oral history resources.

- Documents regarding the special purpose reserve, including documents that describe consultation with Chiefs, Headmen, or other First Nation(s) members regarding the location, nature, and purpose of the special reserve or, if the claim involves trespass, include documents that show the special reserve was used in trespass and how the land or resources were used and/or destroyed. Oral histories may be helpful in presenting the First Nation perspective.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - Minutes, Reports and Schedules (including fisheries) of the various Reserve Commissions;
  - Records of the BC Fisheries Commission and Dominion-BC Fisheries Commission in RG 23 (federal Department of Marine and Fisheries);
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
  - RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation,

  reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
  - See Annex D for suggestions of additional archival repositories specific to your province/territory, region, or treaty area.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs. Look for the legislation and regulations applicable to the time period;
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial – see above for BC legislation);
  - Provincial and territorial legislation may also be applicable;
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
  - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;

    - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations;
    - Provincial district or area Land Use Plans and Land Management plans; territorial Land Selections; Indigenous guardian programs or new agreements that may recognize prior use, occupancy and rights.
- If use of off-reserve resource areas (e.g., fisheries, government wildlife preserves, national parks, reserved trapping areas) or access to areas presumed to be reserved, such as gravesites or fisheries, is at issue, provide documents that indicate that the First Nation(s) used those resources prior to treaty, and include information on the circumstances under which the use of those areas was curtailed.
- What assets did the First Nation(s) or First Nation(s) members hold in this regard? Did they have trapping equipment or traplines? Hunting equipment? Fishing equipment? Cabins or homes? Dogs, horses, oxen, or cattle for transportation? Did First Nation(s) members use resources (timber, monies, etc.) to build trails or roads to access these special areas?
    - Document all of the above, including any receipt of compensation.

IV. Treaty Land Entitlement

Treaty Land Entitlement claims arise from the alleged failure of the Crown to set aside sufficient quantity of reserve land under the terms of a treaty. Under the numbered treaties, the size of reserve land to be set aside was based on a formula of a specific number of acres per family or per band member, so that each person who entered treaty secured an entitlement to land. In general, the Crown was responsible for establishing the First Nation's population and surveying a reserve in accordance with the population. However, not all band populations were counted accurately and not all reserves were surveyed promptly or according to the population of the First Nation. As a result, some Treaty First Nations have claimed outstanding land entitlement for members that were not counted.

For claims arising from the establishment or location of reserves (not according to a specified treaty formula) or the administration of reserve lands subsequent to treaty, see sections II. Establishment of Reserves, III. Establishment of Special Purpose Reserves, V. Surrenders of Reserve Land for Sale or Lease, or X. Reserve Land Allotments. See also sections I. Treaties and Purchases, XII. Division of Shared Reserves and Assets and XIII. Band Amalgamation.

i) Basic Questions to Answer

Background:

1. What formula for providing reserve land was included in the treaty?
2. What First Nation(s) was to receive a reserve under the treaty?
3. Was the First Nation's reserve location, boundaries and/or size described in the text of the treaty?
4. What lands did the First Nation use prior to the treaty and the establishment of reserve land? How were these lands used by the First Nation?
5. What was the First Nation understanding of the reserve provision? Were the First Nation leaders or members made aware of how the land quantum was to be decided?

First Survey:

1. When was the reserve in question first selected and surveyed? How and to what extent was the First Nation consulted?
2. How much land was surveyed?
3. Was the survey laid out according to the wishes of the First Nation and accepted by them? And was it accepted by the Crown (e.g., by provincial and/or federal Order in Council)?

4. Were additional lands set aside later on to satisfy outstanding treaty land entitlement, either by adjusting the reserve's boundaries or through the provision of an additional reserve(s)?

Entitlement:
1. Who was counted as part of the band at the time of the survey?
2. Was there a shortfall of reserve land and, if so, how many people were not allotted land?

ii) Specific Research Areas to Document

A. Historical Background
1. Provide information on the First Nation(s)'s understanding of the reserve provision under the applicable treaty.
2. Provide the text of the treaty and other documents that explain the basis or formula upon which reserves were to be established. A formula will usually be expressed as a certain number of acres per person or a certain number of acres per family of five.
3. Determine whether the provision of land in severalty was also an option under the treaty (Treaties 8 and 10).
4. Document whether the First Nation(s) was (were) informed about the quantity of reserve land they were entitled to under the treaty provisions.
5. Investigate whether the Crown consulted the First Nation(s) about the quantity or location of reserve lands.
6. Provide information on what lands the First Nation(s) used prior to the treaty and for what purposes.
7. Present findings on what the intended purpose of the reserve provision was according to the Crown? Include information on whether there was any discussion of the quality of the lands, dry lands versus waterbodies, etc.

B. Selection and Survey
1. Supply details of the reserve land selection process including First Nation requests and involvement, as well as details on the date of treaty or date of first survey (DOFS), the number of acres set aside, and the number of individuals or families considered to be interested in the reserve based on instructions as well as reports of the surveyor or Departmental officials.
2. Document what was meant to be included in reserves other than the lands – sub-surface minerals? Islands? Waters?
3. Provide information on the reasons that the First Nation(s) chose that particular land for a reserve.
4. Examine what use the First Nation(s) made of the land previous to it being set aside and at the time that it was set aside.

5. Document the First Nation(s)'s intended uses of the reserve land when received.
6. Provide a treaty paylist, census or band list or prepare a table that shows the names and number of people interested in the reserve at the time of the treaty or survey.
7. Examine the quality and characteristics of the surveyed reserve land and its available resources, and whether any requested areas were excluded for particular purposes or for third parties, for example, for mission or HBC lands.
8. Investigate whether the Crown set aside more land later on for the express purpose of satisfy outstanding treaty land entitlement, either by adjusting the reserve's boundaries or through the provision of additional reserve lands. Document the First Nation's understanding of the reason(s) for the provision of any such additional land as well as their involvement in its selection.
9. Document whether the First Nation complained about the reserve location, boundaries, or land quality, and whether the Crown responded to or addressed any such complaints.

C. Population Analysis

1. Provide an analysis of the population that should have been counted for the purposes of determining the First Nation's treaty land entitlement. This determination entails an examination of:
    a. The First Nation's population at the time of the treaty or of the reserve survey based on their treaty paylists and other sources, which would typically include those persons listed at the time of the treaty or survey, as well as those who subsequently received annuity arrears for the year of the survey, and those who were absent at the time of the survey but later returned;
    b. Post-survey additions to the First Nation's population, such as late adherents to treaty, transfers from other First Nations who had not yet received reserve land (to be determined by tracing paylists and other sources), Indigenous women who joined treaty through marriage, as well as children who were taken into the First Nation (illegitimate or adopted or otherwise). Persons who regained their status under Bill C-31, who had lost their treaty status prior to a survey, should also be noted where possible. Once eligible or potentially eligible late additions to the date of treaty or date of first survey population are determined, a potential adjusted date of first survey population can be calculated.
2. Determine whether any band splits or amalgamations occurred, and whether this has any bearing on the claimant First Nation's treaty land entitlement population, and/or on the amount of acreage surveyed and set apart. For example, if a band had received reserve land prior to a

band split, it would be necessary to examine if or how any existing reserve land provided under treaty was to be distributed between the newly formed bands.

3. Provide all treaty annuity paylists, census material, and other genealogical material upon which the analysis is based.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify band names (historic and contemporary), band number(s), and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[11] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes, membership changes and movements.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for

11 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources[12]

- Sources concerning the Indigenous occupation and population of the subject area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims

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12 Researchers should also consult Annex O for further sources and tips for using treaty annuity paylists for researching Treaty Land Entitlement claims.

    policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provision, and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - Any additional reports or correspondence discussing the amount of land that was supposed to be set aside for each signatory of the treaty;
  - LAC's RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - LAC's RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations.
- Maps and plans showing the original reserve(s) and the reports and returns concerning the first survey and any relevant subsequent allotments. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time. Some sources for retrieving these are:
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which

also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS), as well as at LAC (including but not limited to the 'First Nations reserves – Western Canada' database now available through Collection Search);

- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana;
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of

several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
  - Provincial or territorial archaeological site databases;
  - If the area comprises a provincial or national park, consider research into relevant repositories;
  - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- Archival and departmental files may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing First Nation reactions to the surveying and setting aside of reserves, including concerns or complaints about the process or the amount of land set aside expressed by members of the First Nation. Oral histories may also be helpful in presenting the First Nation perspective. Documents regarding the treaty signing process, instructions to the surveyor and other documents related to the first survey, and the setting aside of the reserve are also important.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - LAC's RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
  - LAC RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - LAC RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band

  - membership, annuity payments, commutations, enfranchisements, membership investigations, and agents'/superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
  - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Genealogical material that shows the names and number of individuals/families that belonged to the First Nation at the time of first survey. This may include band lists, paylists, census records, and genealogical material pertaining to the claimant First Nation's population, as well as for other First Nations from whom new members may have transferred. Some sources for retrieving this information are:
  - Annuity paylists for the Date of Treaty or Date of First Survey are of particular importance for TLE claims but paylists from the time of treaty adhesion and paylists for the years afterwards showing later additions to the community are also important. Annuity paylists for payments made before 1910 are available online through Héritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC RG 10 Series B-8-d for Headquarters treaty annuity paylists, [R216-17-6-F] 1946–1988 (or RG 10 Series B-8-e for Interest Distribution Paylists, [R216-688-9-F] 1856–1982) or through CIRNAC's Genealogical and Archival Research Unit. Post-1970s paylists must be requested through CIRNAC Regional Offices. See Annex A for contact information. Annuity and interest paylists dating from after 1910 and Membership lists all require permission under form 8(2)(k) for access, or, for departmental researchers, please follow departmental instructions for access. Some First Nations have retained copies of treaty annuity paylists and these may be available through Band Offices or Band Councils. Other sources for paylists may include regional Treaty and Aboriginal Rights Research organizations or Claims Research Units for various organizations;
    - It is strongly recommended that electronic tracing sheets be prepared from the treaty paylists to facilitate searching and tracking individuals and families over time, as names and band numbers (aka treaty numbers or ticket numbers) were frequently not consistent in the early post-treaty period (in particular for paylists generated between the 1850s and early 1880s, while

later paylists are generally easier to use; in such instances, it may be helpful to assign standard or working ticket numbers to each family to facilitate tracing efforts).The tracing sheets can also serve as a transcript for the paylists which are often difficult to read.
When creating tracing sheets, it is helpful to capture all details, such as name variants, aliases and translations, ticket (band) numbers, payment information (e.g., whether arrears were paid, or whether a gratuity was paid thus indicating that it was the recipient's first payment, or the number recorded paid the previous year), location information, changes to each individual and family including family composition, along with any explanatory remarks made by the paying agent (concerning bands of origin, whether people were from or absent in American territory, ages, relationships of other relations to the head of family, adoptions, etc.). It is important to flag any unexplained increases to individual families, as this could signify a potential late addition to the First Nation (for example, orphaned children who become late adherents to treaty when added to a relative's treaty ticket). Paylist error pages and associated correspondence files should also be checked for corrections and supplementary information. See Annex O for an example of an electronic tracing sheet.

- Canada Census records from 1825 to 1926 are open and available online through LAC, Family Search, and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. First Nations were often enumerated under the name of their reserves. Consult the enumeration maps to locate the relevant district. These records are difficult to use owing to variations in the spelling of names, and require careful searching;
- Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs. Note that population figures frequently apply to the year previous to that of the published year of the Annual Report. These returns can be helpful to determine religious denominations of Band members for use in locating relevant church records;
- Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data;
- LAC's RG 10 Series B-8-j and B-8-al contain CIRNAC's Indian Register and Membership registers and lists, [R216-21-8-F] 1835-1984. First Nations also have registers and lists of varying dates and availability;

CIRNAC'S Genealogical Research Unit also holds membership registers;
  - Voters' lists;
  - Other sources such as church records (indexes of sacramental (birth, marriage, burial records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
  - Online genealogies such as Ancestry, Family Search and Wikitree; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com); Métis scrip records in LAC's RG 15 and on Métis National Historical Online Database (metisnationdatabase.ca);
  - Elders and community members, who may have genealogical information or who can assist with the translation of names;
  - Language dictionaries such as https://www.creedictionary.com/ to determine possible name matches on paylists, since the early post-treaty paylists often use English translations as well as Indigenous names inconsistently. Note that many Treaty people migrated between First Nations particularly in the early post-treaty period, and that a single First Nation could have members who spoke a variety of languages such as Cree, Saulteaux, Anishnaabe, Blackfoot, Nakoda (Assiniboine), or Sioux.
  - Information on the entitlement population and dates of treaty or first survey for other First Nations, which can be found in claim settlement agreements on file in the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS), as well as the CIRNAC / ISC Library Catalogue and the Aboriginal and Treaty Rights Information System;
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - Canada's "Historic Treaty Land Entitlement (TLE) Shortfall Policy" which was approved by Cabinet in April 1998, states that the "base paylist" is the one compiled closest in time to DOFS, whether before or after DOFS, and that a TLE shortfall could be assessed by counting both the DOFS population and eligible "late additions" who joined the First Nation "shortly after DOFS";
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;

  - LAC RG 10 files concerning changes to the *Indian Act* during the relevant time period(s);
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
  - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
  - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.
- Any pertinent existing reports and research guidelines on TLE, which are available at claims research centres, and/or in Virtua (CIRNAC / ISC Library Catalogue), such as:
  - Donna Gordon, "Treaty Land Entitlement: A History," 1995, a lengthy historical background paper on the history of reserve land entitlement for use in the investigation of TLE claims, prepared for the Indian Claims Commission (ICC, or ISCC);
  - Individual ICC reports on specific TLE inquiries (Fort McKay, Lac La Ronge, Lucky Man, Bigstone, Kawacatoose, James Smith, Sandy Bay, Gamblers, Kahkewistahaw, Muskoday, Roseau River, Sakimay, Saulteau), and associated records in LAC's ICC fonds, for the inquiry reports that addressed Treaty Land Entitlement.
  - Office of the Treaty Commissioner materials, including their 1994 Research Methodology for Treaty Land Entitlement, which lists Dates of First Survey for several First Nations in Saskatchewan, Manitoba and Alberta;
  - Department of Indian Affairs and Northern Development, Office of Native Claims Historical Research Guidelines for Treaty Land Entitlement Claims, May 1983;

- Treaty and Aboriginal Rights Research Centre (TARR), "A Debt to be paid: Treaty Land Entitlement in Manitoba," 1994.

V. Surrenders of Reserve Land for Sale or Lease

General rules for alienating Indian lands and taking land "surrenders" were based in the assumption of Crown sovereignty and were outlined in the Royal Proclamation of 1763 and in various official colonial policy statements, instructions, proclamations, and statutes issued at later dates. Since 1876, formal rules for surrenders have been embodied in the *Indian Act*. The Act outlines how a surrender meeting is to be held, how those negotiating the surrender on the Crown's behalf must conduct themselves, how the vote is to be taken, and what documents are needed to approve and record it. Other parts of the *Indian Act* and related special regulations govern how the land or resources are to be sold or leased. Finally, the *Indian Act* states how the money earned from the surrender is to be banked and used for the benefit of the First Nation(s) and what percentage of the proceeds can be distributed at the time of the surrender. The latter two issues – the sale or lease of surrendered lands and the management of the proceeds received – are covered in separate sections of this manual.

This section applies to surrenders for sale or lease of Indian reserves and other reserved Indian lands, for example, fishing stations and timber reserves. Surrenders for lease were often taken to allow the First Nation(s) to earn revenue on lands that they did not want to permanently alienate. Lands could be rented out to farmers or ranchers who would use the land for a certain period of time, during which they would pay rent to the band. The important issues in a surrender for lease are the negotiations, the surrender meeting and vote, and the fulfillment of the terms of the surrender, including any provision for renewal or revised terms of leases or reversion of the land to reserve status at the end of the rental period. The major issues raised by surrender claims are outlined below. As explained in the introduction, not all claims require full investigation of every issue listed. Your surrender claim submission should focus on documenting the specific allegations being made in the claim.

If the allegations focus on the improper sale of the surrendered land, see sections VI. Land Sales, VIII. Expenditures from Trust Funds or VII. Collection of Revenues.

i) Basic Questions to Answer

Background:

1. Where is the reserve and what are its boundaries?
2. Who surveyed the reserve and when was it confirmed by Order in Council?
3. What First Nation(s) has (have) an interest in the reserve? Was there an amalgamation or split that could affect the beneficiaries of the reserve?

4. What were the reasons that the First Nation(s) choose that particular land for a reserve?
5. What did the First Nation(s) use the land for previous to it being set aside and at the time that it was set aside?
6. What were the First Nation's intended uses towards the reserve land when received?
7. What were the First Nation’s uses of the reserve at the time of the surrender?
8. Who wanted the land surrendered and why?
9. What was the Indian Act in effect at the time

Negotiation of Surrender:
1. Who had authority to negotiate for the Crown? For the First Nation(s)?
2. How were interested band members informed of the meeting?
3. Were any other options presented or discussed?
4. Who participated in the meeting(s)?
5. What was said at the meeting(s)?
6. What was agreed to at the meeting(s)?

Assent:
1. Was there a vote? How was it conducted? Who voted and what were the results?
2. Was everyone who voted eligible (Band member, men over the age of 21)?
3. If there was no vote, who assented on behalf of the band?
4. Was separate assent provided by or papers signed by individual band members who held interests in specific parcels of reserve land?
5. Were there any complaints voiced by the First Nation(s) at the time?
6. What was the response of Crown officials to these complaints?

Terms of the Surrender:
1. What was written in the surrender document?
2. Are there any other accounts of the terms of the surrender, such as oral accounts or those of third-party observers or witnesses?
3. What were their titles and roles?

Fulfilment of the Surrender:
1. Were the terms carried out as written in the surrender document?
2. Were the terms carried out as understood by the First Nation(s)?
3. Were the terms carried out as understood by individual First Nation members, where applicable?

ii) Specific Research Areas to Document

A. Historical Background

1. Document the location of the reserve or Indian land and the identity of the First Nation(s) for whom the lands were set aside.
2. Provide information on local circumstances leading to the request for a surrender by the government or a request by the First Nation(s) to surrender land. This may include factors such as squatters on Indian land, pressures from local settlers or business or government interests, the need to raise capital funds for the First Nation, desire by the First Nation(s) to relocate, amalgamation or division of First Nation(s), etc. In the case of a surrender of sub-surface rights, this may include factors such as discovery of coal, oil, or gas on the reserve or in the local area, or pressures from business interests to have the sub-surface rights made available.
3. Outline the history of any prior attempts to obtain a surrender of or requests for the same land.

B. Negotiations and Surrender Meeting

1. Provide documents explaining events preceding a formal surrender meeting, including:
    a. Preliminary discussions among department officials, between departmental officials and other interested parties and chief and council or other First Nation(s) members, including any discussion of proposed terms of a surrender;
    b. Correspondence within the government regarding the proposed surrender, including proposed terms, purpose of surrender, and any different government, municipal or other parties involved;
    c. The authority given to department officials to obtain a surrender along with any guidelines or instructions outlined by departmental headquarters;
    d. Notice of the time, place, and purpose of the meeting, including information on how the notice was posted or delivered to First Nation(s) leadership and members;
    e. Any other significant communications about the pending surrender.
2. Provide documents explaining the specifics of the surrender meeting, including:
    a. Who attended on behalf of the government;
    b. Identity of any outside parties present at the meeting (e.g., missionaries, traders, settlers, land speculators, politicians, business interests);
    c. Official representatives of the First Nation(s) present at the meeting and/or number and identity of First Nation(s) members at the meeting;

d. Any evidence of undue influence being exerted at the meeting or immediately prior to the meeting. This could include factors such as distribution of cash, lobbying by outside parties, threat to remove chiefs or cut off rations, etc.;
e. Any other factors which may have affected the outcome of the vote (for example if the meeting was called when a large proportion of the membership would be absent).

C. The Surrender Vote

1. Before 1876, determine if First Nation(s) members voted or if the surrender was taken from leaders. If taken from representatives, is there any evidence that the leaders had authority to act for their First Nation(s)? Provide all documents that explain the circumstances.
2. After 1876 (or in case of votes prior to 1876), provide details of the vote per *Indian Act* requirements, including:
    a. How many First Nation members were present at the meeting;
    b. How many people voted for and against the surrender;
    c. The names of voters, their First Nation(s) affiliation, place of residence, age and sex (only males 21 years of age and older were allowed to vote until 1951);
    d. Any evidence that First Nation(s) members or department officials questioned the results of the vote or the eligibility of voters;
    e. Any evidence of ineligible voters, or identities of absentees;
    f. Any evidence that any First Nation(s) other than those voting on the surrender had an interest in the lands being surrendered.

D. Terms of the Surrender and the Surrender Documents

1. Provide documents that show the following details (most of this information will appear in the written surrender document).
    a. Description of the land being surrendered, including any maps or plans;
    b. Written terms of the surrender, i.e., the purpose of the surrender (sale, lease, right of way, sub-surface rights), the exact rights that were surrendered (e.g., coal but not gas or oil in the case of a sub-surface rights surrender), method and terms specified for disposing of or leasing the surrendered land, time limitations, how proceeds were to be disbursed and/or banked, alternate lands to be purchased or obtained in exchange, etc.;
    c. Signatories to the surrender – who signed for the government, who signed for the First Nation(s), identity of any witnesses or other outside parties signing the surrender;
    d. Affidavit (Form 66) attached to the surrender, who swore to the authenticity of the signatories, surrender process, etc.; note place and date of affidavit;

e. Provide any evidence that there were outside promises which were not written into the surrender document;
f. Provide any evidence regarding interpreters or translators who may have described the intentions or terms of the surrender;
g. Provide documents that indicate the satisfaction or dissatisfaction of the signing First Nation(s), or any other First Nation(s), with the terms of the surrender, including any complaints at the time or afterward by leaders or members of the First Nation(s). How did the Crown address these?

E. Official Acceptance of Surrender

1. Provide documents related to the formal approval of the surrender by the Crown:
   a. Record of departmental official(s) forwarding the signed surrender and affidavit to headquarters;
   b. Submission of surrender to Privy Council or Governor General in Council for acceptance by Order-in-Council;
   c. Order-in-Council with any attachments, e.g., maps/plans, correspondence.

F. Execution of Terms of Surrender

1. If the claim hinges on some aspect of the fulfillment of the term(s) of the surrender, provide documents related to the grievances being claimed. This may include any of the following:
   a. Valuation of the surrendered land and improvements by a surveyor or other official (this may have taken place prior to the surrender);
   b. Any record of satisfaction or dissatisfaction on the part of the First Nation(s) regarding the valuation of land and/or improvements;
   c. If, how and when the surrendered land was surveyed;
   d. Any record of satisfaction or dissatisfaction on the part of the First Nation(s) regarding the amount, boundaries or location of the surrendered lands as surveyed;
   e. Any distribution of gifts or cash at the time of surrender, including details on the amount distributed, to whom, and any indication that insufficient or excess amounts were given out or ineligible persons received benefits. Include record of compensation for individual improvements and property (such as cattle, horses, gardens, etc.);
   f. Whether expenditures specified in the surrender were made as expected by the First Nation(s). Provide a record of any money that was spent as a result of the surrender and compare to the expenditures that were specified in the surrender or understood by the First Nation(s);
   g. How the surrendered land was sold and/or offered for sale (e.g., auction, lottery, by tender) and terms of sale (e.g., percentage

down payment, interest, time to pay by instalments). (For detailed claims based on sale of surrendered land, see the next section of this manual concerning "Land Sales");

h. If all of the surrendered land was not sold, identify the amount, location and boundaries of the unsold surrendered land; also indicate any unpatented or pre-empted land under sales contract (i.e., lands that were sold but payment had not been completed and the lands had not been legally transferred to the purchaser);
i. Any requests made by the First Nation(s) to have unsold land returned to reserve status;
j. Demonstrate any third-party interests in unsold surrendered lands;
k. Whether the proceeds of sale were credited to the First Nation(s)'s trust accounts (less amount distributed at time of surrender, where applicable). Specify the name and number of the trust account into which proceeds were deposited;
l. If and how the surrendered land was leased with details on as the lease terms, rates for payments including bonuses or royalties, interest rates, time periods, renewal clauses, area covered, restrictions or conditions;
m. Payment of rents in a timely manner on lands surrendered for lease; deposit of rents into First Nation(s)'s trust accounts;
n. Distribution of interest to First Nation members;
o. Provisions for renewal of leases – was lease automatically renewable at end of rental period, or was it supposed to be renegotiated? If the latter, did this occur and what were the new terms? Were these adhered to?
p. Provisions for reversion of rented land to reserve status – could First Nation(s) give notice of resumption of land during or at the end of the rental period?

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for

New Brunswick, P.E.I., and Newfoundland and 10-145 for Nova Scotia.[13] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.
- Existing research reports and studies for useful background information, biographical information on officials, and primary source leads, for example: Peggy Martin-McGuire, "First Nation land surrenders on the Prairies, 1896-1911" Indian Claims Commission, 1998; Stewart Raby, "Indian Land Surrenders in Southern Saskatchewan," *Canadian Geographer*, XII, 1, 1973; R. J. Surtees, "Indian Land Surrenders in Ontario 1763-1867," DIAND, 1984; Joan Holmes & Associates, "The taking of land cession treaties and reserve surrenders in pre-confederation Ontario: Volume 1 and 2 ", 2001 (available at CIRNAC/ISC Virtua Library); various ICC Inquiry reports on land surrenders.

13 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

iv) Key Documents and Sources

- Sources concerning the Indigenous occupation and/or use of an area, such as:
    - Printed, published, archival or existing or new recordings of information obtained through oral history;
    - First Nation histories;
    - Existing Traditional Land Use Studies;
    - Testimonials by Indigenous peoples before various government commissions;
    - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
    - Ethnographers' writings held by museums;
    - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
    - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements or reserves.
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
    - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
    - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
    - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
    - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;

- Treaty story maps: [Treaties and Agreements in Canada (arcgis.com);]
- Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on [LAC's website];
- Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
- Other publications or unpublished materials concerning treaty history and interpretation;
- For copies of [modern treaties];
- Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on treaties: [Treaties and agreements (rcaanc-cirnac.gc.ca);]
- Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
- Newspaper accounts of the treaty-making;
- Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
- RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
- RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

* Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
  - For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
* Maps showing the original reserve(s) and maps showing changes made to the reserve(s) on surrender. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also

help to clarify ownership and changes over time. Some sources for retrieving these are:

- Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories.
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial/territorial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, Northwest Territories Land Services (NTLS), or Legal Surveys for Ontario, may have copies of historic survey plans and field notebooks;

- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits;
  - Provincial or territorial archaeological site databases;
  - If the area comprises a provincial or national park, consider research into relevant repositories;
  - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- DIAND trust account statements
  - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a quick snapshot of trust account history and summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For additional information on trust fund records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
  - Trust account records/ledger books for 1849-1979 are available through LAC and the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
- Documents regarding the surrender, including correspondence or reports suggesting the surrender, instructions to departmental officials to seek the surrender from First Nation(s), notices informing First Nation(s) members of the surrender meeting, documents describing the surrender meeting, including persons present and the terms discussed, any other correspondence discussing the proposed terms of the surrender or discussion of voter eligibility, a voters list or record of poll. It is also important to include correspondence or reports reflecting dissatisfaction with the surrender or challenges to the surrender process, eligibility of voters, interested parties, lands involved, or other terms of the surrender; and any documents related to the way the surrender was carried out.
- Correspondence, reports, petitions or other documents detailing First Nation reactions to surrenders, including information on how the surrender was suggested to the First Nation(s), the terms proposed, conditions at the surrender meeting and voting, the signing of the surrender and the

First Nation(s) understanding of the consequences and/or benefits of the surrender. It is also important to document, where possible, First Nation(s) dissatisfaction with or challenges to the surrender terms or process. Oral histories may also be helpful in presenting the First Nation perspective. Such documents may be found in a number of ways:

- Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
- Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
- RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
- There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
- RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
- RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
- RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
- See Annex D for suggestions of additional archival repositories specific to your province/territory, region, or treaty area.
- See Annex E for suggestions of oral history resources.

- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Surrender documents, including the final signed surrender and any other drafts or versions of the surrender; signed affidavit (Form 66) attesting to the validity of the surrender; map, plan or description if the land being surrendered; Order-in-Council accepting and approving of the surrender, with any attachments
- If the eligibility of voters is at issue, provide paylists, band lists or other genealogical material that shows the names of individuals that were

considered to be members of the First Nation(s) and provides other information related to voting eligibility (i.e., age)

- Canada Census records from 1825 to 1926 are open and available online through LAC, Family Search, and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. Most First Nations were enumerated under the name of their reserves. Consult the enumeration maps to locate the relevant district;
- Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs. Note that population figures frequently apply to the year previous to that of the published year of the Annual Report;
- Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data;
- Annuity paylists for payments made before 1910 are available online through Héritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC RG 10 Series B-8-d for Headquarters treaty annuity paylists, [R216-17-6-F] 1946–1988 (or RG 10 Series B-8-e for Interest Distribution Paylists, [R216-688-9-F] 1856–1982) or through CIRNAC's Genealogical and Archival Research Unit, while post-1970s paylists must be requested through CIRNAC Regional Offices. See Annex A for contact information. Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access. Some First Nations have retained copies of treaty annuity paylists;
- RG 10 Series B-8-j and B-8-al contain CIRNAC's Indian Register and Membership registers and lists, [R216-21-8-F] 1835-1984. First Nations also have registers and lists of varying dates and availability;
- CIRNAC'S Genealogical Research Unit also holds membership registers;
- Voters' lists;
- Other sources such as church records (indexes of sacramental records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
- Online genealogies such as Wikitree and Ancestry.ca; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com); Métis scrip records in LAC's RG 15 and on Métis National Historical Online Database (metisnationdatabase.ca);

- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy council orders, research guides, and instructional resources;
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs. Look for the legislation and regulations applicable to the time period;
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
  - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
  - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

VI. Land Sales

Before the 1876 *Indian Act*, there were no specific guidelines governing how sales of surrendered reserve lands were to be made, and no standard system of land sales records. Consequently, the documents and accounts describing reserve land sales in the early period are often scattered and incomplete. Good summaries of the way in which land sales were managed are contained in the pre-Confederation reports on investigations into Indian Affairs (Bagot, McCauley, Pennefather). The records dating from after 1876 are more uniform and detailed. Important information regarding land sales is held at Library and Archives Canada, CIRNAC/ISC (subject files as well as the Indian Lands Registry, individual First Nation(s) trust account records, and in the annual reports of the Department of Indian Affairs.

Statutes and regulations governing the sale of Indian lands and management of the proceeds of sale vary throughout the historic period. It is important to be aware of the terms of the *Indian Act* and associated regulations that cover the period of the claim.

In order to establish the terms under which the lands were to be sold, most claims regarding land sales will also require a study of the surrender or alienation of the land offered for sale. See section V. Surrenders of Reserve Land for Sale or Lease. A land sales claim could focus on a grievance related to the specific lands offered for sale, the method by which the lands were sold, the terms of the sale, fair market value, the individuals or First Nation(s) that benefitted from the sale, the collection of the proceeds of sale, the expenditure of the proceeds of sale, and/or the disposition of unsold and/or unpatented surrendered lands. The type of information provided with the claim will depend on the focus of the grievances.

If the allegations involve the use of the proceeds of sale, see section VIII. Expenditures from Trust Funds. If the allegations involve how the funds from the sale were collected, see section VII. Collection of Revenues.

i) Basic Questions to Answer

Background:

1. What land was to be sold according to the surrender?
2. What were the terms of sale according to the surrender?
3. Who was to benefit from the sale according to the surrender?
4. What use did the First Nation or First Nation members make of the lands prior to the surrender?
5. How did they access the lands that were surrendered?
6. Did any other parties make use of or a claim to the lands in question?

The Sale:
1. What land was offered for sale?
2. How was the sale carried out?
3. What land was sold?
4. What were the terms or conditions of sale? What was the First Nation's or First Nation member's understanding of the conditions?
5. Did any sub-surface rights pass with the land? Did any waters pass with the lands?
6. Did any land remain unsold after the sale period?
7. Were unsold lands to revert to the Crown, the First Nation, or any third parties?
8. How much compensation did the First Nation receive from the sale (s)?

ii) Specific Research Areas to Document

A. Historical Background
1. Document the location of the reserve or surrendered land and the identity of the First Nation(s) for whom the lands were originally set aside.
2. Supply information on how the lands were used by the First Nation or First Nation members.
3. Provide background information on the land surrender that led to the sale, including circumstances leading to the request for a sale of the lands and any outside pressures or influences, or requests by the First Nation or its representatives.

B. Description of Land
1. Provide the location, acreage and description of land being offered for sale.
2. If the acreage or location of the land is important to the claim, supply information that shows any discrepancies in acreage or location of the land offered for sale and that which was surrendered.

C. Method of Sale
1. What were the *Indian Act* or other legislative provisions in place at the time of the sale?
2. Describe how the sale was intended to be carried out and who was responsible. This could include auction notices, instructions to the official responsible for the sale, correspondence planning the sale, conditions specified by the First Nation(s) in the surrender document or during discussions leading up to the surrender.
3. Provide a description of the actual sale (auction sale or lottery). This could include newspaper accounts, agent's reports, letters, memoirs,

or correspondence from persons attending the sale. In the case of lands being sold on an individual basis or sold by tender, provide lists of lands for sale including any information on upset prices and any correspondence or reports that indicate how sales were made, tenders selected, prices determined, etc.

4. Provide correspondence or reports that indicate there was any dissatisfaction by the First Nation with the method of sale or the manner in which the sale was carried out.
5. If the way in which the lands were sold is at issue, provide information that indicates that the First Nation(s) would have received greater benefit if the lands were sold by some other method and/or that any deviation from the method of sale stipulated in the surrender had an adverse effect on the First Nation(s) interest.
6. Provide comparative information on surrounding land sale prices during the period, where warranted.

C. Terms of Sale

1. Describe the terms of the sale, including:
   a. Percentage down payment required;
   b. Installment payments – dates and percentage to be paid'
   c. Interest rates – note especially if there is a different rate for annual interest and arrears;
   d. Payments to individuals for improvements;
   e. Settlement duties required

   This information may appear in a sales contract, auction notice, agent's report, or on the record of sale for each land sale.
2. What was the First Nation's understanding of the terms of sale? What information did the Crown provide or did the First Nation have?
3. Provide documentation on the satisfaction or dissatisfaction of the First Nation or First Nation member(s) with the terms. Did the First Nation or any First Nation member(s) make any complaints about the sale, and if so, how were they addressed?
4. If upset prices were established, document the following:
   a. How the upset price was arrived at;
   b. Any changes in upset prices and how changes were made;
   c. Compare upset prices with any minimum values for land discussed in surrender meetings or specified in surrender documents.
5. If the status of sub-surface rights (e.g., rights to oil, gas, coal, precious metals, etc.) is at issue, it should be noted through the following documentation:
   a. Instructions given to the official in charge of the sale and correspondence mentioning sub-surface rights on sale lands;
   b. Information given to prospective purchasers regarding the status of sub-surface rights. This information may appear in a sales contract,

auction notice, agent's report, or on the record of sale for each land sale. Note what rights are reserved and to whom. Compare this information with terms of surrender or alienation of land and identify any discrepancies.

D. Actual Sales

1. For most claims involving land sales, it will be necessary to provide documents that give the details of sales. Depending on the nature of the grievances, general statements regarding the sales may be sufficient. If the claim depends on the fine details of each sale, the records of each sale should be provided. Information of importance regarding sales includes the following:
    a. Legal description of parcels sold;
    b. Date of sale, price per acre, total price of land and improvements;
    c. Payments, including date and amount of each payment (principal and interest) and interest rate charged;
    d. Fulfillment (or non-fulfillment) of settlement duties;
    e. The dates lands were patented, and any unusual circumstances surrounding the completion of the sale (e.g., land not totally paid for, price reductions, changed to crop-share agreement). Reservations (e.g., sub-surface rights) and acreage excluded or reserved for roads should also be noted.

E. Fair Market Value

1. Land sales claims can be based on the contention that fair market value was not received for the sold lands. This type of claim should include the following documentation:
    a. A record of any conditions specified by the First Nation(s) in the discussion of the surrender or text of the surrender document regarding minimum prices or expected prices to be realized by the sale;
    b. Any valuations or appraisals performed prior to the sale. Note especially any changes in valuations or appraisals and associated circumstances and correspondence;
    c. Any other material regarding the prices expected to be obtained in the sale. Items such as departmental correspondence, reports, newspaper reports, or comments by third parties regarding the expected sale price of surrender lands and/or information on sale price of surrounding lands would be useful;
    d. Any information that suggests that prices were unfairly reduced, competition for lands suppressed, or tenders handled in a fraudulent or suspicious manner;
    e. any evidence that departmental employees purchased lands for themselves, their families or close associates;

f. It may be necessary to provide sales information on other lands to establish fair market value. For comparative purposes the lands should be in close proximity to the surrendered lands, similar with regard to improvements and land quality, and sold in the same general period.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[14] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for

14 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

some information. There are various publications outlining the exploration and mapping of the country.

- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous occupation and/or use of an area, such as:
  - Printed, published or recordings of information obtained through oral history;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - Harris, R. C. and G.J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.
  - Gentilcore, R. L. and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.

- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence,

instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:

- For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) which is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).

- Documents related to the completion of the sales, including land sales records (ledgers) showing details of sales and the date and amount of all payments actually made by the purchaser as well as letters patent for completed sales. See Annex J for instructions on how to find Indian land patents.
- Maps showing the original reserve(s) and maps showing changes made to the reserve(s) on surrender. Also include related surrender documents describing the lands surrendered for sale, plans depicting the land offered for sale, and documents identifying the First Nation(s) who should receive the benefit of the land sales. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
  - Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;

  - Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
  - Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
  - LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
  - The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
  - For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
  - Plans of the Land Use Information Service;
  - Provincial and territorial gazetteers, geographic naming;
  - Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
  - Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
  - Provincial or territorial archaeological site databases;
  - If the area comprises a provincial or national park, consider research into relevant repositories;
  - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- Documents regarding the surrender and sale, such as surrender documents describing the terms of the surrender, how the land was to be sold, minimum prices, requirement of settlement duties and any reservations of sub-surface rights; any relevant appraisals of the land for sale and/or existing improvements and any correspondence discussing valuations or upset prices; auction notice, call for tenders or other

documents describing the land to be sold and the conditions of sale; and reports describing the sale of the lands. Documents detailing First Nation reactions to surrenders and land sales and describing any dissatisfaction with the terms or process of the land sales and Oral histories may also be helpful in presenting the First Nation perspective.

  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files at LAC;
  - RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
  - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;

- Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
- The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
- Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
- CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

VII. Collection of Revenues

Revenues generated from reserve lands and resources have historically been collected by the Crown and credited to trust accounts. These revenues include moneys from sales, leases, permits and licenses of land and resources held by First Nations in common rather than by individual Band members. This includes land sales and rentals, as well as the sale of rights to resources such as timber, sand and gravel, oil and gas, and any other resources held in common.

Specific Claims for this topic need to investigate how moneys were calculated and collected and document the amounts credited to the First Nation. The key points are whether all the money owing was paid and if it was paid for in a timely manner and according to the agreed-upon terms.

It is important to be aware of the statutes and regulations that applied at the time, as well as policies and practices concerning the collection of revenues.

If the allegations involve the use of revenues, see section VIII. Expenditures from Trust Funds.

i) Basic Questions to Answer

Background:

1. When was the reserve initially established and who for?
2. When was the reserve surveyed and who requested the survey?
3. Was the reserve subdivided into lots for individual Band members?
4. When and how was it decided to sell or lease lands or resources?
5. What was the legislative and policy framework for the sale or lease of reserve lands and resources at the time, and specifically for the calculation of revenues?

Terms of Payment:

1. What was the First Nation's understanding regarding the terms of sale or lease or payments?
2. How much money was to be collected?
3. Was there a schedule of payments or a deadline for full payment?
4. Was interest to be charged?
5. Were there provisions for arrears or non-payment?
6. Were there any other conditions, such as breaking land, fencing, road construction, etc.?
7. Did the First Nation participate in setting the terms of payment?

Collections:

1. What was the First Nation's understanding with regard to the collection of money?
2. How were payments calculated?
3. How much money (principal and interest) was collected?
4. When was the money collected?
5. What efforts were made to collect outstanding payments?
6. Were alternate terms offered to purchasers whose payments were in arrears?
7. Did the First Nation(s) consent to any changes in the terms of payment?
8. Was the First Nation informed of the actual amounts collected?
9. Did the First Nation(s) complain about failure to collect money owing in a timely manner?
10. Did the Crown respond to First Nation(s) complaints?

Credits to First Nation Accounts:

1. What account were revenues initially placed in?
2. How much money was collected?
3. When was the money collected?
4. Were revenues transferred between accounts?
5. Were any of the revenues transferred to individual Band members, such as locatees?
6. What was the First Nation's level of awareness concerning the collection and deposits to their accounts?

ii) Specific Research Areas to Document

A. Historical Background

1. Basic information on the reserve is required to confirm:
   a. The location of the lands involved and names used to identify them;
   b. The ownership of the lands;
   c. Any subdivision of the reserve to create lots for individual Band members through certificates of possession or location tickets;
   d. The names of the agencies responsible for the reserve throughout the study period.
2. The requirements for sales of lands and resources are determined by legislation, regulations, and policy. Relevant issues include:
   a. Identify the government responsible for the lands at the time of sale. In most cases this will be Canada, but for research in Quebec, Ontario, and the Maritimes, during certain times and places the sale of Indian lands and resources may have been handled by provincial officials;

   b. Identify any legislation or regulations used to establish prices and conditions of sale or lease;
   c. Track the steps involved in the collection of revenues, including the identification of the officials responsible for the collections, record-keeping, and transfer of funds into the First Nation's accounts.

B. Terms of Payment

1. Determine how much money should have been collected:
   a. What unit was used to determine the price (such as acre, lot, total area)?
   b. What currency was used?
   c. What was the unit price? How many units were there?
      i. If there was a sale of lots, they should be identified in a list and the price for each calculated separately, because collections will likely be documented by lot or sale number. This is best accomplished on a spreadsheet.
      ii. It may be also useful to plot the lands involved on a plan to confirm that all relevant lands are identified and investigated.
   d. Calculate the total price that should have been paid (principal).
   e. Was interest to be charged on deferred payments? Was the rate specified?
      i. If yes, enter this information on the spreadsheet and calculate the interest that should have been charged for deferred payments.
   f. Was interest to be charged on arrears? Was the rate specified?
   g. Were any additional amounts to be paid, such as compensation for improvements?
2. Determine the required timeline for payments:
   a. Was there a requirement for a downpayment?
   b. Was there a schedule of payments?
   c. Was there a deadline for full payment?
   d. Was there a provision for renegotiation or cancellation in case full payment was not received by the deadline?
3. For rental agreements (e.g., leases), the following additional questions should be addressed:
   a. Was there an option to pay in crop shares? If so, specify the terms.
   b. Was some or all of the revenue payable to Band members with individual interests, such as locatees?
   c. What was the period or end date of the agreement?
   d. Was there provision for renewal?
   e. Was there provision for a review or renegotiation of the price?

4. Identify and describe any other conditions, such as breaking land, fencing, road construction, etc.

5. Document the knowledge and/or participation of the First Nation in setting the terms of payment and any changes to the original terms.

Note that terms of payment may be expressed differently in various documents and it is important to determine both the original final terms and any subsequent changes for the purpose of comparing them to actual collections.

C. Collections

1. For sales of land and timber, much of the information on collections is contained in sales ledgers, which are typically arranged by sale number and/or by lot. To document the collection of revenues for each lot or parcel sold, the following information is required:
   a. Sale Number, if relevant;
   b. Identification and area of lot or parcel;
   c. Name of original buyer and transfers;
   d. The amount of money collected, both principal and interest, and the dates at which it was paid;
   e. The interest rates charged on current payments and arrears;
   f. Notes on fulfillment of settlement conditions or other requirements;
   g. Land patent number.

It is generally preferable to prepare this information in a spreadsheet to facilitate calculations and comparisons.

2. Provide documentation to address the following:
   a. Awareness of or requests by the First Nation regarding any outstanding payments;
   b. Departmental efforts to secure outstanding payments;
   c. Any renegotiation of the terms of sale. This could include forgiveness of debt under Farmers' Creditors Arrangement Act, reduction of original sale price, forgiveness of interest, crop-share arrangements, cancellation of sales and application of monies submitted to alternate sales, etc.;
   d. Final patent showing total paid and total acreage or description of parcel;
   e. Any cancellation of sale and possible return of unsold surrendered land to reserve status;
   f. Level of involvement or knowledge of the First Nation.

It is important to document both the original discussion of terms of payment and any subsequent changes, including amounts, timing, renegotiations, and cancellations.

D. Credits to First Nation Accounts

1. This type of claim may include grievances related to the deposit of the proceeds of sale to the First Nation(s) Trust Accounts. This information is available in the trust account records and may be supplemented by information in departmental correspondence and sales ledgers.
2. it may be necessary to cross-reference credits to the account with other records to confirm that they relate to the specific sale or agreement in question.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[15] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- Confirm the government and department that managed the original sale or lease.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions in the relevant reserves, agencies or districts, as well as information on administrative changes. In addition, the summaries of trust account activity in the annual reports summarize revenue collections between 1880 and 1930. These statements generally include a

15 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

summary of the total collection of revenues by category, such as land sales, rentals, and bonuses.

- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the [First Nations | Indigenous Peoples Atlas of Canada](), the [First Nation Profiles Interactive Map (aadnc-aandc.gc.ca)]() and [Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca)]() for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources[16]

- Sources concerning the Indigenous occupation of an area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:

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16 Researchers should also consult Annex M. of this manual for sources relevant to trust fund account research.

  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provision, and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - Any additional reports or correspondence discussing the amount of land that was supposed to be set aside for each signatory of the treaty;

- LAC's RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
- LAC's RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
- Maps showing the original reserve(s), changes made to the reserve(s) due to surrenders and/or subdivisions. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
  - Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
  - Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
  - Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)

- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;
- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
- Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
- See Annex D for additional resources related to lands, maps, and reserves in Canada.

- Archival and departmental files may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing First Nation reactions to or complaints about the sale process and terms or the collection or non-collection of the money owing, as well as responses by the Crown to any such complaints. Oral histories may also be helpful in presenting the First Nation perspective. Some possibilities for retrieving these are:
    - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts.

- Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through [Héritage Canadiana](#).
- RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
- There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
- RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
- RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
- FA 10-32 includes a variety of relevant records for dates between 1859 and 1964, including
  - Some land accounts records between 1859 and 1963;
  - Lease ledgers for the period 1907 to 1959;
  - Timber license accounts, with records dated between approximately 1920 and 1955;
  - Timber dues cash books covering 1959 to 1964;
  - Mineral accounts, 1934 to 1958
- See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
- See Annex E for suggestions of oral history resources.

- Relevant published sources can also be identified through [Virtua](#), the CIRNAC/ISC Library Catalogue
- Land Sales Files: these are often held at LAC and may be identified as individual files or as a sub-series of Agency records. Similar files exist for leases, sales of timber, oil and gas rights, and the sales of other resources such as sand and gravel. Note that lease information may be contained in sales files and *vice versa*. Land Sales Files can contain key information, including:
  - Documentation of the sale, such as an auction notice, call for tenders, or advertisement of sale;
  - Contracts, leases, permits, or other documents that establish the terms of payment;
  - Documents or instructions regarding changes in interest rates, reductions in sale prices, cancellation of sales, forgiveness of interest, or other changes to the original terms of sale;

    - Any documents or instructions regarding the renegotiation of terms of sale;
    - Records of tenders, bids, or auctions;
    - Records of individual sales and payments, including receipts, vouchers, and correspondence;
    - Records of lease agreements;
    - Crop share reports.
- Sales and Lease Ledgers: ISC has transferred historical sales and lease ledgers to LAC. Older scans or photocopies of ledgers may be very difficult to read. Many have been digitized in recent years to make better copies available.
    - Records of recent sales and lease agreements are held by ISC. It may be possible to request reports from ISC on recent revenue collections through an 8(2)(k).
- Surveys and Reserves Files: these files were originally created by Indian Affairs and in many cases the original files were used for many decades before being closed. Older files may have been transferred to LAC but the CIRNA/ISC Records Office still holds many Surveys and Reserves files. Records Office personnel can also help with tracing files that have been transferred to LAC, which have sometimes been re-named or combined with other files. Surveys and Reserves files often hold basic documents concerning the sale or lease of reserve lands, including:
    - Correspondence with the First Nation, the local Indian Agent, bidders, and purchasers;
    - Agreements of sale or lease;
    - Internal correspondence;
    - Extracts or summaries of data from ledgers, which may be useful if the ledgers (see below) cannot be found
- Trust Account Records: Trust account records/ledger books for 1849–1979 are available through LAC in RG 10 Series B-4 [R216-257-4-F] and through the Trust Moneys Unit at ISC.
    - LAC records for ledgers created between 1849 and 1909 have been digitized and are available through Héritage without access restrictions. In some cases, the LAC copies are better quality images than those provided by the Trust Moneys Unit.
    - Account records post-1979 are only available through ISC
    - When requesting a collection of account records from ISC, identify the First Nation, including their contemporary administration code number as well as their account number(s), and ask for:
        - Ledgers from start date to 1984-85;
        - Summary statements where available (generally circa 1930 to 1965);
        - Report on Account Activity to present

        - See Annex A for contact information for requesting scans of trust account records. In addition, a research manual on trust funds which includes a listing of historic and contemporary account numbers can also be requested from the Indian Moneys Unit. See also section VIII. Expenditures from Trust Funds for further details on the history of trust fund account management by the Department of Indian Affairs.
    - Typically, First Nations have a single account number with two divisions, Capital (sometimes known as Principal) and Revenue (sometimes known as Interest). In general, revenues from the collections of principal on sales of land or resources is credited to the Capital Account, while collections of interest payments and rental income may be credited to either the Capital or the Revenue Account.
    - Sometimes DIAND created separate trust accounts for reserves in which multiple First Nations held an interest, where payments were credited initially before being divided and transferred into the accounts of the various beneficiary First Nations.
    - For each account, trust account records will document payments credited, with the following data:
        i. Date of each credit;
        ii. Description of source, which may or may not include the name of the payee;
        iii. Amount of each credit.
    - Trust account records will also document:
        i. Adjustments to correct errors or reverse non-fulfilled payments;
        ii. Transfers between accounts
- Land Returns: For sales of land and timber in Ontario and Quebec, revenues were collected and remitted by local agents on a monthly basis. Between about 1845 and 1930, agents prepared monthly reports enumerating the individual collections. Copies of land return cover letters exist in Departmental letterbooks, rarely accompanied by the actual returns. Some of these returns exist in LAC subject files and Agency correspondence. The returns document:
    - Sale number
    - Lot or location
    - Name of buyer
    - Number of installments
    - Amount paid, divided into principal and interest
    - Comments on fulfilment of other requirements, such as settlement conditions
- Patents: Land patents typically include information on the total amount paid for the lot in question, as well as the name of the final purchaser,

which may differ from the initial purchaser. See Annex J for instructions on how to find Indian land patents.

- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy council orders, research guides, and instructional resources;
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
    - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
    - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
    - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as “Indigenous People” for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
    - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
    - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
    - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

VIII. Expenditures from Trust Funds

Specific Claims can be based on the use of money in a First Nation(s) trust accounts. This type of claim could involve allegations that revenue from sales or leases was not spent by the Department of Indian Affairs as trustee on items and types of expenditures specified in surrender or lease agreements or as understood by the First Nation(s). Claims could also be based on allegations that money was withdrawn from the incorrect account for expenditure on certain types of items. In addition, a claim could focus on allegations that the supply of particular items or services (e.g., farm implements, teachers' salaries, rations, etc.) was guaranteed under treaty yet provided for from the trust fund monies of a First Nation(s).

If the allegations involve how money was collected or failure to collect it, see section VII. Collection of Revenues.

If the allegations involve the division of proceeds of sale between interested First Nations, see section XII. Division of Shared Reserves and Assets.

If the allegations involve the failure to purchase appropriate reserve land under the terms of a surrender, refer to sections II. Establishment of Reserves or III. Establishment of Special Purpose Reserves for guidance.

i) Basic Questions to Answer

Background

1. Is the First Nation signatory to a treaty?
2. Which accounts are relevant to this claim?
3. What surrenders or agreements have led to the collection of revenues credited to these accounts?

Requirements and Guidelines for Use of Funds

1. Are there relevant treaty provisions? If so, what are they?
2. What legislation was in place and what were the requirements and guidelines for the use of trust account moneys during the study period?
3. What were the terms of surrenders or agreements that led to the collection of revenues?

Expenditures

1. How were funds held in trust accounts actually spent?
2. How did the actual expenditures differ from the requirements or guidelines?

3. Was the consent of the First Nation(s) obtained for these expenditures? If not, what were the First Nation(s)'s intentions for use of the funds? Did the Crown consult them?
4. What impact did decisions about the management of the trust funds have on the First Nation?

ii) Specific Research Areas to Document

A. Historical Background

1. Has the First Nation signed a treaty or other agreement with Canada?
2. Identify all trust accounts in which the First Nation has an interest. The Trust Moneys Unit at ISC can assist with this. See Annex A for contact details.
3. Identify surrenders or agreements that led to the collection of revenues credited to the accounts. See section VII. Collection of Revenues.
4. Identify the names of the agencies responsible for the reserve throughout the study period.

B. Requirements for Expenditures

1. If the First Nation is signatory to a treaty, it needs to be identified and reviewed for any relevant provisions.
    a. If the claim focuses on allegations that expenditures from trust accounts were for items guaranteed under treaty, include the written text of the treaty as well as any relevant evidence from the records of negotiations that speaks to the intention and understanding of both the signatory First Nations and the Crown.
2. Identify relevant legislation, regulations, policy, and instructions to officials responsible for the management and expenditure of Band trust accounts in general, as well as instructions to the officials specifically responsible for these accounts.
3. Establish how money was to be spent according to the surrender or other agreement (e.g., capital funds are to be expended for certain items only; certain types of expenditures are to cease after a specific period of time). Include the written text of the surrender provisions as well as any documentation of discussions before or after the surrender that clarifies the following:
    a. What information did the First Nation have about actual and proposed expenditures at the time of the agreement?
    b. What did the First Nation understand to be the terms of the agreement as far as expenditure of the funds?
    c. How were the proposed expenditures described in records other than the written surrender or agreement?
4. Provide details of the amount of money distributed at the time of surrender. Determine the amount of the cash distribution as a percentage

of the total purchase price or expected returns on the sale. Document any dissatisfaction with the cash distribution.

   a. State who the money was distributed to. Include any documents that indicate the beneficiaries of the cash distribution were not entitled to receive the benefits of the land sale or that people entitled to take part in the distribution were excluded.

5. Describe any deductions made from the proceeds of sale. Deductions could include items such as percentages paid to the auctioneer or other officials, management fees, repayment of loans, etc. The amounts and nature of funds taken from proceeds should be identified.
6. If deductions were made for contributions to the Indian Land Management Fund (see below under “Background Research Preparation”), then the deductions need to be documented and compared to any refund issued when the Fund was closed.
7. Document the evidence of expenditures made according to the terms of the surrender or agreement, including:
   a. Identify purchases made, the estimated cost used to approve the purchases, and actual charges against the trust accounts;
   b. If the terms of an agreement specified that expenditures were to be made from capital or interest, document which account was charged. Be sure to note any transfers between accounts after the initial purchase;
   c. Identify any expenditures that were not made and document any relevant discussion, including evidence of Band complaints or dissatisfaction;
   d. Document any evidence of Band dissatisfaction with the expenditures that were made, any evidence concerning the type, quantity, and quality of items or livestock purchased, and any communication between officials concerning the fulfilment of the provisions of the surrender or agreement.
8. Document the evidence of First Nation knowledge of and participation in subsequent decision-making concerning expenditures from the account, including:
   a. Band requests for use of funds and Departmental responses, including Band Council Resolutions;
   b. Band complaints and Departmental responses;
   c. Correspondence or reports demonstrating what the First Nation knew about their account records and when.
   d. Evidence of authorization by the Department, such as approval of BCRs, or the Governor in Council, such as orders in council.

C. Presentation and Analysis of Expenditures

1. Establish how money was spent through the analysis and presentation of the information in trust accounts.

2. Include any supporting documents that indicate consultation with the First Nation(s) and/or consent of Chief and Council regarding the expenditures of funds as well as the Department of Indian Affairs' rationale for these expenditures.
3. If allegations are related to the amount expended for certain services or particular items, supply comparative information (e.g., if amount paid for costs of survey appear unreasonably high).

D. Impacts

1. Demonstrate how the management of their funds was detrimental to the First Nation(s), including whether the lack of funds had a direct influence on the ability of a band to initiate economic development or provide certain services or necessities (e.g., loans, education, relief, etc.). Describe evidence concerning the following:
    a. Impacts of expenditures made on the balance available for other purposes and at other times;
    b. Impacts of expenditures that were stipulated in surrenders or requested by the Band, but which were not made;
    c. Impacts of loans made from trust funds that were not repaid or that were repaid late.
2. Include any evidence from oral history or other sources on the financial and social impacts of decisions made by the Crown, the state of knowledge of the First Nation when key decisions were made, and opportunities to be involved in decisions or obstacles to involvement. Document any complaints by the First Nation and how they were addressed by the Crown.
3. If statutory breach is alleged, show how expenditures were inconsistent with statutes or regulations applicable at the time.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and

10-145 for Nova Scotia.[17] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

Indian Land Management Fund (ILMF)

The ILMF was a fund established by the Crown to pay costs associated with the management of Indian lands through transfers of 10% of all land sales revenues and 6% of all timber revenues on Indian reserves between 1856 and 1912. When the Crown decided to dismantle the ILMF in 1912, a decision was made to return to the Indian bands of all provinces *except* Ontario and Quebec 100% of their contributions, while the Ontario and Quebec bands would share the remainder. The rationale for this was that Ontario and Quebec bands had received more benefit from the use of ILMF funds than others. For all claims involving allegations of the mismanagement of trust funds, ILMF fees and refunds should

17 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

be calculated, but due to the method of distributing the funds, this issue is of particular significance for First Nations in Ontario and Quebec.

iv) Key Documents and Sources[18]

- Sources concerning the Indigenous occupation of an area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.

18 Researchers should also consult Annex M. of this manual for sources relevant to trust fund account research.

- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history and interpretation;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial government websites often include a treaty area map and list of First nations and/or Tribal Councils;
  - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations.
- Trust Account Records: Trust account records/ledger books for 1849–1979 are available through LAC in RG 10 Series B-4 [R216-257-4-F] and through the Trust Moneys Unit at ISC.

- LAC records for ledgers created between 1849 and 1909 have been digitized and are available through Héritage without access restrictions. In some cases, the LAC copies are better quality images than those provided by the Trust Moneys Unit.
- Account records post-1979 are only available through ISC.
- When requesting a collection of account records from ISC, identify the First Nation, including their contemporary administration code number as well as their account number(s), and ask for:
  - Ledgers from start date to 1984-85;
  - Summary statements where available (generally circa 1930 to 965);
  - Report on Account Activity to present.
  - See Annex A for contact information for requesting scans of account records. In addition, a research manual on trust funds which includes a listing of historic and contemporary account numbers can also be requested from the Indian Moneys Unit.
- Typically, First Nations have a single account number with two divisions, Capital (sometimes known as Principal) and Revenue (sometimes known as Interest). In general, revenues from the collections of principal on sales of land or resources is credited to the Capital Account, while collections of interest payments and rental income may be credited to either the Capital or the Revenue Account.
- Sometimes DIAND created separate trust accounts for reserves in which multiple First Nations held an interest, where payments were credited initially before being divided and transferred into the accounts of the various beneficiary First Nations.
- For each account, trust account records will document all expenditures, with the following data:
  - iv. Date of each debit;
  - v. Description of source, which may or may not include the name of the payee;
  - vi. Amount of each debit
- Trust account records will also document:
  - i. Adjustments to correct errors;
  - ii. Transfers between accounts
  - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 provide an overview of activity each year and can be used to supplement missing or illegible records.

- Archival and departmental files of relevance may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing First Nation expectations for expenditures and any complaints made. Oral histories may also be helpful in presenting the First Nation perspective. Some possibilities for retrieving these are:

- Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
- Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
- RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
- There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
- RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
- RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
- See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
- See Annex E for suggestions of oral history resources.

- Orders in Council: should be searched for documents relating to approval of expenditures from the First Nation's account.
  - Orders in Council prior to 1924 are available through the LAC website and can be searched using the Advanced Search option in Collection Search and choosing "Orders in Council" under the options for Databases.
  - Later orders in council are available at LAC for in-person consultation. They can be identified using the annual registers, which are indexed by subject and are available for in-person consultation in the Reference Room at LAC.
  - Many orders in council pertaining to expenditures are referrals from the Treasury Board and as such are included in bundles of documents submitted to the Governor in Council for approval. These orders in council have a two-part identification number, such as 01/234, where the first part indicates the number of the item in the bundle and the second part indicates the number of the order in council.

- Surrender and Land Sales Files: these are often held at LAC and may be identified as individual files or as a sub-series of Agency records. Similar files exist for leases, sales of timber, oil and gas rights, and the sales of other resources such as sand and gravel.
    - Note that lease information may be contained in sales files and vice versa.
    - Where multiple land sales files exist for a single reserve, it is often the case that the first one or two files contain general information, including documentation of communication with the First Nation and decisions concerning expenditures, while subsequent files document the collection of proceeds from individual sales. This may include paylists of any initial per capita payments made at the time of the surrender (if relevant) or later per capita payments.
- Agency Files: Records of some Indian Agencies include general correspondence, which may include copies of Band Council Resolutions requesting the use of Band funds as well as other relevant documents, including communication with the Band, correspondence between officials concerning expenditures, Band questions or complaints, and Departmental instructions and decisions concerning the proper use of Band funds. These files may also document decisions concerning the use of Band funds to make formal or informal loans to Band members.
- Interest Distribution Records: If the claim includes a concern about interest distribution payments, it may be relevant to review interest distribution paylists to confirm who was paid, when, and how much.
    - Paylists for payments made between 1910 and the 1970s can be accessed through LAC or the Genealogical and Archival Research Unit at CIRNAC, while post-1970s paylist must be requested through CIRNAC Regional Offices. See Annex A for contact information.
    - Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access.
- Subject Files: If money was spent for specific purposes, such as housing, roads, or a Band farm, records concerning the use of funds may be found in the relevant subject files. It is often advisable to review the records of expenditures first in order to determine potentially relevant files, if possible.
- Section 68/69 Files and Budget Authority Files: Both the CIRNAC/ISC Records Office and LAC may hold files documenting authorization allowing the Band to manage the expenditure of its own revenue moneys under Section 69 (previously Section 68) of the *Indian Act*. These files may include correspondence, Band Council Resolutions, and orders in council. They typically contain many Band Council Resolutions requesting the use of trust funds, including annual Band budgets, as well as occasional expenditures.

- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
  - Older versions of regulations that fall under the Indian Act can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
  - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
  - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

IX. Expropriations

Claims may be based on grievances associated with reserve lands that were expropriated for "public purposes"; that is, without a 'surrender' by the First Nation. Expropriations under Specific Claims can relate to various types of takings for government works (often referred to as a right-of-way) such as railways and railway widenings (as well as affiliated buildings and grounds), roads and road widenings, townsites, customs offices, airports, bridges, canals, seaways, river channelizations, hydroelectric transmission lines and towers, hydro dams, telegraph and telephone lines and poles, pipelines, lighthouses, military ranges (gunnery, air weapons) or stations/instalments/buildings, among others.

It is useful in preparing your claim to be aware of and include the sections of the *Indian Act* and other statutes and regulations that pertain to the type of expropriation under investigation. It is important to know the legislation that was in force at the time of the taking and any changes that may have been enacted during the period.

These types of Specific Claims can include information concerning loss of use of lands, loss of leasing revenues, etc. See also sections V. Surrender of Reserve Land for Sale or Lease, VII. Collection of Revenues, VIII. Expenditures from Trust Funds, or XI. Flooding and Compensation for Flooding.

i) Basic Questions to Answer

Background:

1. Where is the reserve and what are its boundaries?
2. Who surveyed the reserve and when was it confirmed by Order in Council?
3. What First Nation(s) has (have) an interest in the reserve?
4. What were the reasons that the First Nation(s) choose that particular land for a reserve?
5. What did the First Nation(s) use the land for previous to it being set aside and at the time that it was set aside?
6. What were the First Nation's intended uses towards the reserve land when received?
7. What were the First Nation's uses of the reserve at the time of the expropriation?
8. Who wanted the reserve land expropriated?
9. What was the purpose of the expropriation?
10. How was the band informed or consulted? What was the First Nation(s)'s reaction as reported or as told through oral history?
11. Who represented the interests of the First Nation(s)?

The Taking:
1. Under what government authorities and by what procedure was the land expropriated?
2. Were any other options considered by government officials?
3. Exactly what land and what associated rights were expropriated (e.g., surface and sub-surface)?
4. Who were the officials involved in the expropriation?
5. Were there any other interested parties? How did Crown officials interact with them? Was the First Nation made aware?
6. Which facts did the Crown officials disclose to the First Nation about the need for the land?
7. What was the First Nation(s)'s understanding of the purpose, potential impact, and extent of the expropriation?

Compensation:
1. How was the compensation amount arrived at? What options were discussed between the Crown and the First Nation representatives?
2. What, if any, valuations were performed of the affected lands?
3. Who acted for the First Nation(s) in any discussions about compensation? Who represented the Crown?
4. What was the First Nation(s) understanding of the value of the compensation? To what purpose was the compensation money intended to be put?
5. Provide details of the transaction. How was the compensation to be paid? Was there a payment schedule? Was payment to be made in cash, goods, or services?
6. Who was to receive compensation? The band, individuals, or both?
7. Were the terms of compensation carried out?

Subsequent Activity:
1. How was the expropriated land actually used?
2. Were there any unusual or unexpected consequences or impacts related to the expropriation?
3. Did the First Nation(s) complain or protest the terms of the expropriation?
4. Did the First Nation(s) voice any impacts of the expropriation?
5. Did the First Nation(s) leaders or its members complain or protest the receipt of compensation, or lack thereof, or unfulfillment of the understood terms?
6. Did the Crown (Department of Indian Affairs) respond to the complaints?
7. How did the Crown administer the lands after the expropriation?
8. How did the Crown administer the proceeds, if any, to the First Nation?

9. Did any trespasses occur on the expropriated lands?

ii) Specific Research Areas to Document

A. Reasons for Expropriation

1. Describe the purpose for which reserve land was required, i.e., railway, highway, utility right-of-way, hydro project, irrigation project, etc. This information is usually contained in correspondence between the expropriating authority (e.g., Provincial highways department, railway company, hydro company) and the Department of Indian Affairs.
2. Document the expropriating party's authority to do so (e.g., under the *Railway Act, Public Works Act, War Measures Act*, etc.).
3. Document the relevant provisions of the *Indian Act* in place at the time.

B. Notice to First Nation(s)

1. Provide documents that explain how the First Nation(s) was informed or consulted about the expropriation. Was their consent requested? Was a surrender sought? What were the results?
2. Describe from whom the First Nation(s) learned of the pending expropriation? Where applicable, did that individual have authorization to discuss land matters?
3. Provide documents that illustrate the First Nation(s) understanding of the purpose, extent, and impact of the expropriation.
4. Document any protest or concerns expressed by the chief and council or First Nation(s) membership and include response supplied by department officials.

C. The Taking

1. Document the procedure followed to expropriate the land in question, e.g., notices of intent to expropriate, Orders-in-Council, Ministerial orders, etc.
2. Describe the exact lands taken and all transactions concerned. Include reference to lands occupied by individual First Nation members and other related transactions (building of bridges or overpasses, etc.).
3. Document all surveys of the lands before and after the expropriation.
4. Provide documentation that gives an outline of how the expropriated lands were used after the expropriation. Depending on the focus of your claim this may be important to show that the lands were not used as stated in the expropriation documents or as agreed, or that the expropriation in some way had a negative impact on surrounding reserve lands.
5. Provide maps or plans showing the original reserve and the location of lands taken.

D. Compensation

There are often two distinct types of compensation offered: compensation for land, water, and resources in which the entire First Nation(s) has an interest, and compensation for individual property, usually called improvements (buildings, cultivated fields or gardens, trap lines, location tickets or certificates of possession/occupation/right of use, etc.) in which particular individuals or families hold an interest.

1. Provide details of how the amount of compensation was arrived at. Note in particular the names and titles of government or other officials that set the value of land and improvements, the facts that were considered when fixing compensation, formal appraisals or valuations, any indication that values were challenged or modified, protests from First Nation(s) members, etc. If applicable, investigate any conflicts of interest of Crown officers in the lands being expropriated.
2. Provide any account of First Nation(s) leaders' or members' understanding of the compensation and amount.
3. Determine who received compensation. Distinguish between compensation paid to the entire First Nation(s) for jointly held interests and individual compensation for individual improvements.
4. Document how the compensation to the First Nation(s) was paid. Was the money funded in the First Nation(s)'s trust account? Was some of the money disbursed immediately to First Nation members?
5. Provide details of any judgement, arbitration or other activity that fixed the final compensation package.
6. State who paid the compensation. Was the total amount paid?
7. Were there any complaints from the First Nation(s) leaders or members about the compensation (delays in payment, incorrect amounts, etc.)?
8. Did Crown officials address these complaints and how?

E. Sub-Surface Rights

1. In some cases, sub-surface rights (oil, gas, coal, precious minerals, etc.) were taken along with expropriated surface lands. It is important to consult the applicable legislation regarding the proper treatment of sub-surface rights upon expropriation. If sub-surface rights are an issue in your claim, you should provide the following:
    a. Any documents that discuss what would happen to the sub-surface rights when the surface rights were expropriated. This could include correspondence between the Department of Indian Affairs and the expropriating authority, internal records of either party, and/or records of discussions held with the First Nation(s);
    b. Any documentation regarding consultation with the First Nation(s) leaders or members concerning the future use of sub-surface rights or resources;

c. Any documents indicating that sub-surface rights were transferred to the Crown or to another party (e.g., letters patent, licenses, permits, etc.);
d. Any documents indicating that sub-surface rights were exploited whether transferred or not (e.g., mining or extracting resources underlying expropriated land such as sand, gravel, etc.);
e. Any documents indicating sub-surface rights underlying expropriated land were transferred back to reserve status or back to the Crown in trust for the First Nation(s);
f. Any documents outlining the compensation to be paid for sub-surface rights or resources;
g. Any documentation outlining complaints from First Nation(s) leaders or members about sub-surface rights or use/extraction of resources and any government responses.

F. Subsequent Activity

1. Some expropriation claims are based on the discontinued use of the expropriated land for purposes for which it was originally taken. If your claim involves such a grievance, you should document the following:
   a. Any changes in the nature of use of the expropriated land (i.e., it was no longer used for the railway purposes or right-of-way purposes for which it was taken);
   b. Any notification of change of use or legal measures taken to maintain the land under the authority of the expropriating body;
   c. Any records pertaining to departmental action in connection with these lands;
   d. Any legislation or documentation relating to reversion of expropriated lands to reserve status (after a certain amount of time or upon changes to use, for example);
   e. Any complaints from the First Nation(s) leaders or members about reversion of the expropriated lands; and any government responses;
   f. Any record of return of land to reserve status or back to the Crown in trust for the First Nation(s).

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This

information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[19] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files (code 32) require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous use or occupation of an area, such as:
  - Printed, published, archival or existing or new recordings of oral history information;
  - First Nation histories;
  - Existing Traditional Land Use Studies;

19 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

- Testimonials by Indigenous peoples before various government commissions;
- Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
- Ethnographers' writings held by museums;
- Journals, reports and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
- Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves.

- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.
  - R. L. Gentilcoreand G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiation) and interpretation and understanding, as

well as correspondence and reports that provide details on treaty intent, provisions and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations.
- Maps showing the original reserve(s) and maps showing changes made to the reserve(s) by expropriation. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian

Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;
- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
- Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
- See Annex D for additional resources related to lands, maps, and reserves in Canada.

- Trust fund account statements that show the amount of compensation received and when it was paid.
  - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a snapshot of trust account history. Summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For additional information on trust fund records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
  - Trust account records/ledger books for 1849–1979 are available through LAC in RG 10 Series B-4 [R216-257-4-F] and through the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
- Documents regarding the expropriation, such as correspondence indicating who requested the expropriation and its proposed use; the authorities used by the expropriating party (e.g., notice of intent to expropriate, Orders-in-Council, Ministerial orders, etc.); and documents regarding the appraisal or valuation of lands lost and/or affected by the expropriation. Archival and departmental files may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing how the First Nation(s) was informed of the pending expropriation and what information was presented to the First Nation(s) regarding the intent, impact, extent, and other details of the expropriation and documents illustrating the First Nation(s)'s understanding of the expropriation of the expropriation's purpose, impact, extent, and longevity. Oral histories may be helpful in presenting the First Nation perspective.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
  - RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation,

  reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
  - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Documents related to compensation, such as documents explaining how the amount of compensation was finalized, which First Nation(s) and/or individuals were to receive compensation, any record of disagreement or arbitration of disagreement regarding the expropriation and/or compensation, and Orders-in-Council approving the amount of compensation to be paid to interested parties.
- If the status of sub-surface rights is at issue, provide documents that include any discussion of the transfer or reservation of sub-surface rights, as well as documents indicating sub-surface resources were exploited or transferred.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs. Look for the legislation and regulations applicable to the time period;
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;

- CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations;
- Pertinent statutes under which the expropriation was made, such as the *Irrigation Act*, *Railway Act*, etc.

X. Reserve Land Allotments

An increasing number of specific claims have been researched pertaining to the improper or illegal disposition of reserve lands.

In many instances, this is connected to Band members resettling on their reserves following military service. The claims allege that reserve lands were allotted, and band resources expended, for band members returning from military service rather than providing them with off-reserve lands and loans under the *Soldier Settlemen*t and *Veterans Land Acts* as in the case of non-First Nation veterans. This issue relates to the administration and disposition of reserve land through the issuance of Location Tickets, Certificates of Occupation, Certificates of Possession, or informal means of land allocation.

The *Soldier Settlement Act* and *Veterans Land Act* are the two main pieces of legislation governing the benefits provided to service people returning from military service. The intentions of these statutes were to provide resettlement assistance to veterans in their transition back to civilian life. The *Soldier Settlement Act* was first passed during the First World War, and the *Veterans Land Act* was passed during the Second World War.

i) Basic Questions to Answer

Background:

1. Where is the reserve in question, when was it surveyed and confirmed, and what are its boundaries?
2. What First Nation(s) has (have) an interest in the reserve?
3. If applicable, identify the First Nation members who were returned war veterans and determine their eligibility for benefits according to the relevant legislation for the time period.

Allocation of Band Lands and Monies:

1. Was the reserve subdivided? When? How was it confirmed?
2. Was there any allotment system in existence on the reserve land in question? If so, when and how did it get introduced?
3. What land was allocated and when?
4. By what method was the allocation made? Did the First Nation approve it?
5. What were the terms of the allocation?
6. What was the impact of the land allocation?
7. Were Band funds used to fund the veteran’s establishment or maintenance (with grants, goods, equipment, housing, etc.)? Were they repaid? Did the Band Council authorize any such expenditures?

ii) Specific Research Areas to Document

A. Historical Background:

1. Document the location of the reserve or Indian land and the identity of the First Nation(s) for whom the lands were set aside.
2. Outline the history of land allotment on the reserve including its subdivision and any reasons for this.
3. Did the First Nation ever complain about or dispute the location, survey or subdivision of the reserve?
4. If so, what was the Crown's response?

B. Veteran Eligibility for Benefits:

1. Examine whether each veteran was eligible for veterans benefits under the criteria set out in the *Soldier Settlement Act*, or *Veterans Land Act* as appropriate.
    a. Under the *Soldier Settlement Act*, only active service personnel who served overseas, or suffered a disability as a result of their service, were entitled to benefits.
    b. The *Veterans Land Act* had 5 types of benefits, with section 35A pertaining to settlement on an Indian Reserve. Verify that the band member could be legally defined as a veteran under VLA, according to place of service, duration of service, and disability status attributable to military service.
2. Were any bylaws in place on the reserve?
3. Gather evidence on the extent to which the specific First Nation making the claim was informed by Canada of the various resettlement options under the VLA.

C. Description of Land:

1. Provide the location, acreage and description of allocated land.
2. If the acreage or location of the land is important to the claim, supply information that shows any discrepancies in acreage or location of the land.
3. Supply information on what economic activities took place on the reserve both before and after the allotments. Provide information on the quality or suitability of the lands for these purposes.

D. Description of Land Allocation:

1. Band members required land to settle on and often to farm in order to qualify for grants and loans under the legislation. Was the returned veteran member allotted lands before their military service, or after? If before, how was this done and what were the circumstances? Did the member receive additional lands, either on- or off-reserve, following their service?
2. Describe how the allocation was carried out.

a. By what method was the allocation made to individuals? (e.g., BCR, Location Ticket, Certificate of Occupation, Certificate of Possession, Ministerial or Director's authority).
b. Describe how the allocation was carried out, and the Band's knowledge of the allocation and method of authorization. The method of allocation may have evolved over the time when it was under the possession of the band member.
c. Gather evidence on the extent to which the specific First Nation making the claim was informed by Canada of the nature and scope of the allotments.
d. Present evidence on the process followed for converting the allocation BCRs into CPs, if applicable; and made efforts to determine the factual circumstances surrounding the issuance of the specific allocation BCRs at issue in the respective claim.
e. It would also be helpful to have information about how the specific First Nation generally allocated lands for occupation by its members, apart from the specific circumstances of enabling the resettlement of veterans under the VLA, whether location tickets and CPs were issued regularly, or whether the First Nation had another mode of allocating lands to its members within its reserve.
f. Information concerning Canada's involvement, if any, in the issuance of the BCRs and/or location tickets should also be included.

3. Did the First Nation impose any conditions or limitations to the allocation of lands to veteran band members? If yes, what were these conditions and how were they stated in authorizing documentation? Were the conditions agreed to by Crown officers and adhered to?
4. If a veteran member made an application for a grant under the Veterans Land Act, what were the conditions stated in these applications? Were any alternatives presented or discussed?
5. Document any veteran lands allotments that were authorized by BCR to be issued Certificates of Possession (The Certificates of Possession system was introduced in 1951, with the intention of replacing the system of location tickets. The new system gave legal recognition to individual band members living on a reserve of their lawful possession and property rights (e.g., right to sell, lease, and/or pass down). Issuance of Certificates of Possession was dependent on the wishes of the band, and many bands refused to allow anything beyond occupancy.)
6. Document any changes to the *Indian Act* or enactment of bylaws by the First Nation that would counter the allotments.

E. Potential Band Grievances:

1. If the way in which the lands were allocated is at issue, provide information that indicates that the First Nation(s) would have received greater benefit if the lands were used by some other method and/or that any deviation from the method of allocation stipulated had an adverse effect on the First Nation(s) interest.
2. Document any opposition or reluctance of the Band to allocate reserve lands for the purpose of resettling veterans. What was the Crown's response?
3. Determine if Band funds were expended to provide assistance to veteran band members who were committed to agriculture as a result of the *Soldier Settlement Act* or *Veterans Land Act*. Assistance may have come in the form of grants or loans for relief, or equipment and supplies connected to agricultural work.
    a. Examine the trust fund accounts of the First Nation for evidence of financial assistance provided to veterans.
    b. Examine *Veterans Land Act* reports, which were made regularly by Indian Agents and Superintendents to report on the status of farming operations connected to VLA grants. (These reports may comment on the need for Band loans to owing to failing farming operations.)
4. If the personal debts of settled veteran band members increased due to failed and abandoned agricultural operations (due to monies owed to the First Nation), examine whether any individuals leased their allocated lands to others, including outside farmers. (When First Nation councils allocated these lands to veteran band members, it was to satisfy the requirements of the *Veterans Land Act*, rather than to facilitate leases of reserve lands to outsiders for the purpose of alleviating personal debt of the veteran land holders.)
5. Typically, no compensation was paid to First Nations by the Crown for the allotment of reserve lands to veterans in lieu of off-reserve lands. First Nations that were willing to allocate lands after the Second World War later questioned the legality of issuing location tickets of common reserve lands to individuals, to enable Indian veterans to receive *Veterans Land Act* benefits, without compensation. Present any documentation that may inform this issue.

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.

- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[20] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent, or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions on the relevant reserves, agencies, or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the occupation and/or use of the land in question, and the service and membership of veterans, such as:
  - Printed, published, archival or existing or new recordings of oral history information;

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20 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
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  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;
  - For copies of modern treaties;
  - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
  - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
  - Newspaper accounts of the treaty-making;
  - Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
  - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
  - For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) collection is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
- Maps showing the reserve land in question. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System

(FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);

- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;

  - If the area comprises a provincial or national park, consider research into relevant repositories;
  - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- DIAND trust account statements.
  - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a quick snapshot of trust account history and summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For additional information on trust fund records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
  - Trust account records/ledger books for 1849-1979 are available through LAC and the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
- Documents regarding the allocation of lands to band members in the context of the *Soldier Settlement Act* and *Veterans Land Act*, in addition to documents indicating that First Nations expended band funds to assist the agricultural operations of veteran band members. Subjects to consider may include Band Council Minutes and Resolutions, surveys, allocations of land, band expenditures, band loans, relief assistance, farming and agriculture, and leasing of lands. Archival and departmental files may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing First Nation reactions to the allocation of lands to band members in reference to the *Soldier Settlement Act* and *Veterans Land Act*, or the expenditure of band funds in support of these individuals.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana;
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs

Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;

- Within the Modified Duplex system Sub-series (Item ID number 133712) are 13 Sub-sub-series of regional headquarters files. Under each region should be Veterans Land Act files indexed by the veteran's name, band name, and district name. (e.g.: "Indian Veterans - Veterans Land Act - F. Xavier - Muskeg Lake Band - Saskatoon District").
- RG 38 (R1188-11-8-E) FA 38-16 is a conversion list indicating microfilm reel number and alphabetical surname range of veterans with Soldier Settlement Board and Veterans Land Act account files held in RG 38 (The Director, Veterans Land Act, fonds). Review the appropriate microfilm reel listed in this finding aid to identify the correct IG-### (Indian Grant file) of known veteran band members.
- RG 38 (RG38, 10-0802-05 HFRC, 2011-00347-4) is an accession for *Veterans Land Act* Aboriginal grant records. FA 38-41 can be used to identify the correct reference ordering information of IG-### file numbers identified from FA 38-16. The IG-### are required to use this finding aid since personal information has been redacted from this finding aid.
- Military Service Files: LAC holds military service files before 1998. Records for those who served in the First World War, and those who died in the Second World War are open, but subsequent records are restricted. The ATIP requirements are very specific on the circumstances of the veteran in question, and the best guide to navigating these records has been prepared by LAC.
- There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files;
- RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
- RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, land allotment, reserve surveys, land, land sales, band management, band membership, and agents'/superintendents' reports, etc.;
- RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
- See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
- See Annex E for suggestions of oral history resources.

- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
  - First Nations Digital Document Source (ubcic.bc.ca);
  - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
  - LAC RG 10 files concerning changes to the Indian Act during the relevant time period(s);
  - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
  - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
  - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as “Indigenous People” for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial).
  - House of Commons Debates on the issue of returned soldiers;
  - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
  - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
  - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

XI. Flooding and Compensation for Flooding

Flooding claims under the Specific Claims policy can concern flooding of reserve lands or other damages to a reserve or a First Nation's or individual First Nation members' property or assets or First Nation-owed assets, such as houses, cabins, livestock, gardens, fisheries, trees, etc. Other claims regarding flooding issues may emanate from flooding of lands or waters that ought to have been or that the First Nation considered should have been reserved for their use. Many flooding claims are centered on the construction of water control structures and other water control mechanisms (such as channelization) and their effects on reserve lands or assets.

The losses to be demonstrated concern land or assets that Canada has an obligation to protect. Other types of claims may involve an expropriation of reserve land or assets for water control purposes or the surrender and sale of reserve lands. These types of claims may also concern dispensation of First Nation monies to alleviate the impacts of flooding.

Other sections of this manual to possibly consult include I. Treaties and Purchases, II. Establishment of Reserves, III. Establishment of Special Reserves, V, Surrenders of Reserve Land for Sale or Lease, VI. Land Sales, VIII. Expenditures from Trust Fund Accounts, IX. Expropriations, or X. Reserve Land Allotments.

i) Basic Questions to Answer

Background:

1. Which First Nation(s) traditionally used and occupied the flooded area?
2. Which First Nation(s) had a pre-flooding interest in the reserve or former reserve land?
3. Did this First Nation(s) sign a treaty or agreement with the Crown? What did the treaty or agreement state with regard to waters and waterpowers?
4. Who authorized or requested to flood the land and for what purpose?
5. What was the First Nation(s)'s response to the request?
6. Did Crown representatives address any complaints or protests?

Prior to Flooding:

1. Was the First Nation(s) informed about the proposed flooding? How were they informed? Who informed them? What was their authority?
2. Who represented the First Nation(s) in any discussions about the flooding?
3. Who represented the Crown in the discussions, if they occurred?
4. Were there third parties involved?

5. What was the condition of the land or assets prior to flooding? What resources were present on the land?
6. How did the First Nation(s) or First Nation(s) members use and occupy the flooded lands and/or resources beforehand?
7. What are the provisions of the *Indian Act* or any other relevant legislation with regard to water takings or flooding of reserve lands?

The Flooding:

1. What procedures and authorities were used to justify the flooding?
2. Exactly what land and resources were flooded?
3. What instruments were used to permit development of the works, where applicable, including the initial applications and agreements?
4. Who were the Crown (federal or provincial) officials involved in monitoring the flooding?
5. What was the First Nation(s)'s understanding of the purpose, potential impact, and extent of the flooding?
6. Which records exist of discussions regarding water power development in relation to the flooding, including documents recording what the First Nation was told about the water power development, its purpose, extent and duration?
7. Are there any documents regarding the power generating potential of the site(s), and any alterations to the site(s) for the purpose of increasing the power potential?
8. Do records exist of who benefited from the water power developments (e.g., private or publicly owned/operated companies)?
9. Did the First Nation(s) or any of its members protest or complain about the flooding and its impacts? If so, what was the Crown's response?

Compensation:

1. Was there any compensation? How was the compensation arrived at?
2. Who acted for the First Nation(s) in negotiating compensation (if applicable)?
3. Who acted for the Crown? Were there any conflicts of interest of Crown officials? Was there third-party involvement?
4. What was the level of consultation with the Frist Nation regarding compensation? What was the First Nation(s) understanding of the value of the compensation? What was the intended purpose of the compensation money? What was the First Nation(s) understanding of the nature of the compensation (was it once-for-all, ongoing, etc.)?
5. How was the compensation to be paid or provided? Was a payment schedule prepared?
6. Who was to receive compensation?

Subsequent Activity:

1. Was the compensation amount or other type of payment provided to the First Nation(s) or First Nation(s) members? Was it paid in the agreed-upon form and timeline?
2. What information is there on the long-term impacts of the flooding on the reserve or assets, or changes in the lands affected by the flooding?
3. Did the First Nation(s) complain or protest terms or impacts of the flooding?
4. How did the Crown respond to the complaints?

ii) Specific Research Areas to Document

A. Historical Background

1. Establish whether the lands flooded were reserve lands and identify the First Nation(s) who held an interest in those lands.
2. If the flooded land was not an Indian Reserve in the meaning of the *Indian Act*, provide documentation that shows there was an Aboriginal interest in the land.
3. Describe the treaty rights and understanding of each party with regard to water, waterpower development, and the protection of treaty rights.
4. Document the assets that were located on the flooded lands prior to the flooding.
5. Present findings on how the First Nation(s) used the lands or assets affected.
6. Establish to what extent or if the First Nation(s) was informed of the impending flooding and what the expected consequences were by Crown and First Nation parties.
7. Document whether the Crown investigated potential impacts and whether the First Nation(s) was informed or consulted.

B. The Flooding

1. Document the purpose of the flooding as understood by all parties.
2. Provide all research and surveys concerning water levels and acreage conducted by or for the company responsible for the flooding.
3. Provide correspondence/discussions between the flooding company officials and the First Nation(s).
4. Provide any evidence that water levels were raised prior to the issuance of flooding authority.
5. Give details of the legislative authorities and all legal instruments which permitted the flooding, including the initial applications for flooding authority or water structure construction.
6. Provide information on any reported effects of the flooding:

a. Was there any resulting pollution or a presence of other harmful substances on the reserve or surrounding area or unsurveyed reserve lands, or assets, as a result?
b. What studies were done about this and by whom?
c. Was the First Nation(s) informed, by whom and how?
d. What was the First Nation(s) understanding of the information provided?

C. Actions of Government

1. Document all of the actions of the Crown/Department of Indian Affairs with respect to the flooding, in particular:
   i. Efforts to determine projected flooding and damages, including original research and verification with third parties;
   j. Notification of the First Nation(s);
   k. Consultation with the First Nation(s) on their wishes with respect to the land proposed to be flooded, their estimation of projected damage and compensation they required;
   l. Consultation with surrounding non-native communities through various means (i.e., newspapers, public notices, meetings, etc.)
   m. Deliberations within the Department as to appropriate legal mechanisms for the transfer of land;
   n. Extent to which the Department attempted to protect the interests of the First Nation(s) before, during, and after the flooding, including monitoring of lands actually flooded;
   o. Whether the government was aware of any trespass and if so, what actions they took as a result;
   p. Whether other First Nation(s) in the area suffered flood damage to their reserves;
   q. Technical methodology for flood inspections and the people who carried them out;
   r. Was any remediation of the lands required or performed? By whom? At whose request?
   s. Were any funds expended out of the First Nation(s)'s trust fund account to pay for any remedial activities?

D. Water Levels

1. Gather all evidence with respect to low and high-water marks, in particular:
   a. What was the normal high-water mark prior to flooding;
   b. To what level was the body of water actually raised;
   c. How much reserve land and surrounding land was flooded;
   d. When did the flooding begin;
   e. How long did the flooding occur;

f. What, if any, other assets were to be affected (including below the high-water mark)?
g. Is the flooding still occurring today?

E. Measurements of Land

1. Describe the total area of reserve land and the total area of all bodies of water on the reserve as surveyed at the establishment of the reserve and after the flood.
2. Determine whether or not the surveyor, in each survey, included the area covered by water in his calculations of the First Nation(s)'s treaty (or by other agreement) land/land entitlement.
3. Describe the area of the reserve flooded by water control structures affecting bodies of water beside or running through the reserve. Distinguish between natural and artificial flooding and between permanent and seasonal flooding.
4. Describe the other areas outside of the reserve that were flooded and whether any First Nation assets were affected.

F. Third Party Involvement

1. Describe any consultation or lack thereof among the Department, the Province, the involved power companies or other third parties, and the First Nation(s) regarding negative effects of water control structures.
2. Provide documentation on who authorized the involved power companies to erect the control structures.
3. Document whether the regulatory and legislative requirements were followed.
4. Determine whether there are/were any beneficial or adverse effects of these structures to the First Nation(s).

G. Traditional Land Use/Compensation

1. Document the use which the First Nation(s) had traditionally made of the flooded area, and;
    a. Whether any buildings were flooded;
    b. The use made of these buildings by the community or community members, including how long it took to replace them;
    c. Whether any other assets were lost or affected;
    d. The cost of replacement or replacement value;
    e. If these amounts were paid/reimbursed;
    f. The source of payment.
2. Review the traditional use of the waterways by the First Nation(s) and document changes in their use as a result of flooding.
3. How did these changes affect the First Nation(s) economy/way of life?

iii) Background Research Preparation

- Use the First Nation(s)'s web presence and/or the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify Band names (historic and contemporary), Band number(s) allocated by CIRNAC, and reserve names, numbers, and locations.
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iv) Key Documents and Sources

- Sources concerning the Indigenous occupation and/or use of an area, such as:
  - Oral histories, published, printed, archival, prior recordings or new;
  - First Nation histories;
  - Existing Traditional Land Use Studies;
  - Testimonials by Indigenous peoples before various government commissions;
  - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
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- Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
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* Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations.
* Maps showing the original reserve(s), any changes made to the reserve(s) due to surrenders and/or subdivisions. Also include maps or plans showing the lands flooded or otherwise affected by the change in water level; any records of pre- and post-flooding water levels and records of proposed and actual acreage flooded, including any survey records of reserve land prior to and after flooding. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System

(FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;

- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
- Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
- See Annex D for additional resources related to lands, maps, and reserves in Canada.

* Trust fund account statements showing the amount of compensation received and when it was paid. Generally:
    - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a snapshot of trust account history and account numbering. Summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For information on earlier trust fund account records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
    - Trust account records/ledger books for 1849–1979 are available through LAC in RG 10 Series B-4 [R216-257-4-F] and through the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
* Documents regarding the purpose of the flooding and the party(ies) responsible for the flooding, as well as the lands affected and the compensation, if any:
    - all authorities used by the flooding party (e.g., applications for authority to flood, permits, Ministerial orders, etc.);
    - how the First Nation(s) was informed of the pending flooding and what information was given to the First Nation(s) regarding the intent, impact, extent, and other details of the flooding;
    - any appraisal or valuation of lands lost and/or adversely affected by the flooding;
    - the role the Crown/Department of Indian Affairs played in protecting the interests of the First Nation(s), including monitoring of flooding, verifying studies and reports of flooding, destruction of resources, etc.;
    - records of transfer of land to be flooded;
    - how the amount of compensation was finalized (e.g., who fixed the amount, upon what formula or basis was the amount of compensation arrived at);
    - which First Nation(s) and/or individual members were to receive compensation;

- Orders-in-Council approving the amount of compensation to be paid to interested parties.
- Archival and departmental files may include correspondence, reports, diaries and letterbooks, petitions, or other documents detailing First Nation understanding of the purpose, impact, extent, longevity or other relevant details related to the flooding or any grievances from the First Nation(s) related to the flooding and the response they received from the Department. Oral histories may also be helpful in presenting the First Nation perspective.
  - Correspondence, reports, other documents, and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts;
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Héritage Canadiana
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 can be of help to identify subject blocks in the Department of Indian Affairs Central Registry System, including First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files at LAC;
  - RG 10 Series R216-686-5-F [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - RG 10 and CIRNAC (headquarters and regional) files concerning the subjects of surrenders, relocations, resettlement, amalgamation, reserve surveys, land, land sales, band management, band membership, annuity payments, and agents'/superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
  - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Any relevant scientific or environmental studies of the area prior to the water control structure construction or flooding; and following the

incident(s) of flooding, noting any general impacts or impacts specific to the First Nation(s)'s reserve or claimed lands or assets;

- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca);
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs. Look for the legislation and regulations applicable to the time period;
    - Older versions of regulations that fall under the *Indian Act* can be found through Héritage Canadiana;
    - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
    - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
    - Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
    - CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
    - Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

XII. Divisions of Shared Reserves and Assets

Some Specific Claims are based on the division of reserve lands, resources, or other assets in which more than one First Nation held rights. Claims of this type could focus on the alleged unequal division of resources, or issues related to the validity of the surrender of interests, or the procedure used to separate the reserve lands or other assets between the First Nations. The procedures used to divide the First Nations, where this occurred, may also be at issue.
Joint assets of First Nations for purposes of this claim type, other than shared reserves or monies, could include any equipment belonging to the First Nation, unsold surrendered lands, resources such as timber, sand and gravel, minerals, etc.

See other sections of the guide, where a band division may impact the claim beneficiary: section I. Treaties and Purchases concerning receipt of treaty benefits, and sections II. Establishment of Reserves, III. Establishment of Special Purpose Reserves, IV. Treaty Land Entitlement, VI. Land Sales, VII. Collection of Revenues, and XIII. Band Amalgamations.

i) Basic Questions to Answer

Background:

1. What First Nation(s) had an interest in the shared reserves or assets?
2. How and on what basis did they come to share the land or assets?
3. What use did the First Nation(s) make of the lands before they were reserved? Before they were surrendered or leased?
4. What were the reasons that the First Nation(s) choose that particular land for a reserve?
5. What were the First Nation(s)'s intended uses of the land following the surrender or lease or division of resources or assets?

Division of Band:

1. Who initiated the division? Why?
2. What were the reasons given for the First Nations being divided or separated? What role did the Crown play in encouraging or facilitating the division?
2. Who were their leaders at the time of division?
3. What procedures were used or followed by the Crown?
4. Were the First Nations consulted by Crown representatives prior to the division? Is there evidence that the leaders or membership consented to the division?
5. What reserve lands or other assets were held jointly before division?
6. Were any reserve lands, resources, or assets held separately after the division?

Division of Reserve or Assets:
1. To what extent were the First Nations informed of the division of reserve land or assets? Was their consent sought?
2. What procedures were used to decide on how to divide the reserve or assets and by whom?
3. What information was provided to the First Nations about the procedures? Were other options presented or discussed?
4. Who participated at any meeting(s) and what were their respective titles and roles?
5. Was an interpreter present? If so, what was their skill level?
6. What assets or resources did each of the groups receive?
7. Were the intended terms of the division fulfilled?

Subsequent Activity:
1. Did any of the interested band members or First Nation(s) complain about the division of reserve land or assets?
2. Did the Crown respond to the complaints?
3. Were any lands or other assets removed or added to the First Nation(s) following division? What was the discussion around this?

ii) Specific Research Areas to Document:

A. Historical Background
1. Document how the ancestors of the First Nations used the lands or assets or resources prior to the reserve being set aside.
2. Provide details of how the reserve was set aside and for whom. See sections II. Establishment of Reserves and III. Establishment of Special Purpose Reserves for guidance.
3. Give details of any treaty provisions setting aside land for different groups or First Nation(s).
4. Document how the First Nations used the lands or assets or resources after the reserve was set aside.
5. Provide any information that indicates how the First Nations were distinct or separate from each other. Include descriptions of the leaders, their status, any genealogical connections between the leaders of the First Nation(s)/groups sharing a common area, where known.

B. Division of the Reserve or Assets
1. Describe the circumstances leading up to the division of the reserve. Show who requested the division and the reason the division was requested. List any protest to the proposed division, who opposed the division, and why?

2. Who represented each of the parties involved? What were their titles and roles?
3. Provide details of any meetings. Who was present? Were any interested parties absent or excluded from discussion? Who acted on behalf of the Department? Did the officer have proper authority? Were there any third-party interests?
4. Provide any documents indicating the procedure used to divide the reserve lands, resources, or other assets between the First Nations. Was there a surrender, an Order-in-Council, or Ministerial order?
5. Was there First Nation(s) agreement to the procedures and results?
6. What were the First Nation(s)'s procedures for affirming (or not) the division?
7. Identify what reserve land or resources were allocated to each party after the division. This may include maps or plans depicting a division of reserve land as well as separate trust accounts showing the division of monies held in trust, etc.
8. Provide documents that show the identity of the divided parties (e.g., leaders, family names, etc.). Can the parties who received interest in divided lands or resources be linked to the original groups who held joint interest in the original reserve or resources?
9. Provide documents that illustrate any alleged inequality in the division of lands or resources. This would be particularly important if the allegations of the claim were that one party received significantly more valuable land or resource-rich land.

C. Impacts

1. Document any complaints from the First Nation(s) against the division or any protests. How did the departmental representative(s) respond?
2. Provide any documents that illustrate whether the reserve, lands, or other assets were divided unequally.
3. Illustrate how the unequal division or other alleged inequalities had a negative effect on any of the parties involved.

iii) Background Research Preparation

- Use the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify band names, band numbers, and reserve names and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and

10-145 for Nova Scotia.[22] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.

- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the claim(s). These reports may also contain information on events and conditions in the relevant reserves, agencies or districts, as well as information on administrative changes.
- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous occupation of an area, such as:
    - Printed, published, archival or existing or new recordings of oral history information;
    - First Nation histories;
    - Existing Traditional Land Use Studies;
    - Testimonials by Indigenous peoples before various government commissions;
    - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;

22 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

  - Ethnographers' writings held by museums;
  - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
  - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:
  - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
  - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
  - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
  - First Nations Digital Document Source (ubcic.bc.ca) contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
  - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
  - Printed copies of the written treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website;
  - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history;
  - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;

- For copies of modern treaties;
- Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca);
- Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
- Newspaper accounts of the treaty-making;
- Provincial websites often include a treaty area map and list of First Nations and/or Tribal Councils;
- RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;
- RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).

- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations. In addition to other key documents and sources outlined in this section, a few possibilities for locating these materials would include:
  - For the pre-confederation period, there are several potentially key collections at LAC besides RG 10, including LAC's MG 11 [R-10976-0-4](Colonial Office fonds) collection is a key archival source documenting all aspects of the relationship between the British Crown and First Nations in the colonial period. There are many other important manuscript groups including *inter alia*, MG 19 F1 (Claus papers), MG 19 F2 Johnson papers, MG 19 F 35 (Superintendent of Indian Affairs), MG 1 (Archives des Colonies), MG 8 (Nouvelle France), MG 21 (Haldimand).
- Maps showing the original reserve(s), changes made to the reserve(s) on amalgamation or division, changes made to the reserve(s) due to surrenders and/or subdivisions. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);

- Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
- Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
- Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
- Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories;
- Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
- LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
- The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the history and location of Indian reserves in different provinces and territories;
- For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
- Plans of the Land Use Information Service;
- Provincial and territorial gazetteers, geographic naming;
- Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
- Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
- Provincial or territorial archaeological site databases;
- If the area comprises a provincial or national park, consider research into relevant repositories;
- The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada,

some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
    - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
    - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- Any trust account statements showing assets held jointly prior to division and those held separately after division.
    - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a quick snapshot of trust account history and summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For additional information on trust fund records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
    - Trust account records/ledger books for 1849-1979 are available through LAC and the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
- Documents regarding the division, including those indicating the basis on which the First Nations shared the common reserve land or assets, documents requesting or suggesting the division and the reasoning behind this action, correspondence discussing the proposed terms of the division, and the final surrender and/or agreement on division.
    - This could include government administration records (e.g., separate First Nation(s) lists, separate trust accounts, descriptions of First Nation(s) at time of survey of reserve, etc.).
    - It could also include oral history accounts, information on traditions of the First Nation(s), church records or missionary reports, background history or ethnology reports.
    - There may also be correspondence within the department addressing the issue of the distinct and separate nature of the First Nations.
    - Correspondence, reports, other documents and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts.
    - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Heritage Canadiana.
    - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 at LAC can be of help to identify record series and subject blocks in the

Department of Indian Affairs Central Registry System, including Red Series, Black Series, First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns if band population/demographics are of interest;
    - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files at LAC;
    - LAC RG 10 Series R216-686-5-E [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
    - RG 10 at LAC and CIRNAC (headquarters and regional) files, especially those concerning the subjects of reserve survey, surveyor reports, maps and plans, surrenders, relocations/removals, resettlement, amalgamation, land, land sales, Indian agency correspondence/letterbooks, and agents', inspectors', or superintendents' reports;
    - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
    - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
    - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Band membership lists, annuity and interest distribution paylists, census and other genealogical material that shows the names and number of individuals/families that were considered to be members of the First Nation before division and those who were members of the separate First Nations after division.
    - Canadian census records from 1825 to 1926 are open and available online through LAC, Family Search and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. Many First Nations were enumerated under the name of their reserves.
    - Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs.
    - Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data.

    - Annuity paylists for payments made before 1910 are available online through Heritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC or the Genealogical and Archival Research Unit at CIRNAC, while post-1970s paylist must be requested through CIRNAC Regional Offices. See Annex A for contact information. Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access;
    - Other sources such as church records (indexes of sacramental (birth, marriage, burial records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
    - Online genealogies such as Ancestry, Family Search and Wikitree; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com); Métis scrip records in LAC's RG 15 and on Métis National Historical Online Database (metisnationdatabase.ca);
    - Elders and community members, who may have genealogical information or who can assist with the translation of names;
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca);
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;
    - Older versions of regulations that fall under the *Indian Act* can be found through Heritage Canadiana;
    - Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
    - The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);

- Several publications examining the background, development and various iterations of the *Indian Act* are publicly available;
- CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policy that concern the *Indian Act* and regulations;
- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

XIII. Band Amalgamation

Specific claims regarding Band amalgamation focus on the reasons for and validity or legality of the Crown's actions in placing the members of one Band into the membership of another.

Band amalgamation may also impact other claims regarding Treaty benefits and Land Entitlement, Surrenders for Sale or Lease, Land Sales, Collection of Revenues, Expenditures from Trust Funds, Expropriations, Reserve Land Allotments, Flooding and Compensation. See Sections I, IV, V, VI, VII, VIII, IX, and XI.

i) Basic Questions to Answer

Background:

1. Which First Nations are involved in the amalgamation?
2. What reserve lands or other assets were held by each prior to the amalgamation?
3. How were these reserve lands or assets used?
4. What are the Indian Act provisions regarding Band amalgamations?

Amalgamation:

1. Who initiated the amalgamation?
2. What were the reasons given for the First Nations being amalgamated?
3. Who were their leaders at the time of amalgamation?
4. Were the First Nations consulted by Crown representatives prior to the amalgamation?
5. Is there evidence that the leaders or membership consented to the amalgamation?
6. What reserve lands or other assets were held jointly after amalgamation?
7. Were any reserve lands, resources, or assets held separately after the amalgamation?

Subsequent Activity:

1. Did any of the interested band members or First Nation leader(s) complain about the amalgamation?
2. Did the Crown (Department of Indian Affairs) respond to the complaints?
   If so, what was the response?
3. Were any lands or other assets removed or added to the First Nation following amalgamation?

ii) Specific Research Areas to Document:

A. Historical Background

1. Using historical and/or ethnological records, provide information on when the ancestors of the amalgamated First Nation(s) took up use and occupation of lands in the area of historic or present-day reserve(s).
2. Describe the establishment of the reserve(s) (see the section on "Establishment of Reserves" for guidance).
3. Give details of any treaty provisions setting aside land for different groups or First Nation(s).
4. Describe the emergence of distinct groups from among the Indigenous people historically using these lands.
5. Provide background leading up to the official division or recognition of these groups. Which groups received First Nation(s) status?
6. Describe the leaders, their status, any genealogical connections between the leaders of the First Nation(s)/groups sharing a common area, where known.
7. Document how the First Nations used the reserve lands or assets or resources after the reserve was set aside.
8. Provide documentation outlining reasons given by Crown officials for amalgamating separate First Nation(s).
9. Note any information concerning application of the *Indian Advancement Act* Band bylaws, or self-governing provisions of the *Indian Act* or self-government agreements or acts that indicate that the First Nation obtained management of their membership, and at what point.

B. First Nation(s) Membership

1. Provide treaty annuity paylists and surrounding correspondence noting particularly the year that changes occurred as to how the distinct First Nation(s) became part of a larger First Nation on these paylists.
2. Note any transfers of First Nation(s) members and whether they were formally authorized. Collect any Band transfer consent forms and identify the signatories to the forms.
3. Provide information on the First Nation(s) that transferees joined and any information indicating relationship between the transferring First Nation(s) and the one being joined.

C. Individuals Involved

1. Provide information on the individual(s) (Crown and/or First Nation) responsible for initiating the amalgamation and the reasons given for doing so.
2. Provide information on any association between the leadership of the amalgamated First Nations involved.

D. Supporting Documents/Government Policies

1. Provide the legislation or regulations governing transfers between First Nation(s) during the years of the amalgamated First Nation(s)'s existence.
2. Provide lists of which individuals were transferred under which set of regulations.
3. If possible/warranted, provide genealogical information to trace the individuals who were descendants of members of the originating First Nation and those who were descendants of the incoming First Nation(s) through time. An analysis may be made to show current members and whether they are descendants of the incoming First Nation, the originating First Nation, or of both groups.
4. Describe any appeals made by either of the First Nation(s) or individuals of either regarding their membership.
5. Describe any recognition by Crown/Departmental officials regarding the necessity to examine the membership changes in the First Nation(s).
6. Where applicable, give details of the establishment of any Commissions to investigate changes within the First Nation(s) and provide information on the work done by the Commission and their findings. Indicate whether any compensation or other remedies resulted.
7. Where warranted, detail any legal or Court decisions that arose concerning the amalgamation.

E. Financial Standing of First Nation(s)

1. Examine the First Nation(s)'s Trust Accounts and note if any withdrawals were made for the benefit of the transferees only rather than the original members or the First Nation as a whole.
2. Determine whether or not transferees to the First Nation(s) brought with them their per capita share of the capital held by the First Nation(s) that they left. If not, how was the money accounted or distributed?
3. Did the transferred First Nation(s) hold any other assets (Band-owned machinery, livestock, trapping areas, etc.)? If so, what action did the Crown take with regard to their disbursement? Was any compensation paid to the transferred First Nation's account or that of the newly-amalgamated First Nation, or to individual members?

F. First Nation(s)/Government Response

1. Provide information on the dissatisfaction or satisfaction expressed by the amalgamated First Nation(s) with the amalgamation and the Crown's response.

2. Describe, if applicable, the taking of the vote on the agreement or authorization to admit new members and the conformity of this agreement to the legislation and regulations in effect at the time and for the First Nation governing the transfer of First Nation(s) members.
3. Give details of any influence which Crown officers may have exercised to achieve surrenders or other goals as a result of the amalgamation.

G. Reserve Lands

1. Document the reserve lands held by each of the First Nations prior to amalgamation and afterwards.
2. Provide information on whether any reserve lands were sold, surrendered, given up or added as a result of the amalgamation. Document any compensation and provide details of deposits or withdrawals from the First Nation(s)'s trust fund account(s).
3. Provide information on any subdivisions of the reserve, any objections by the First Nation(s) members to these subdivisions, and whether or not members were forced to move from plots they occupied to accommodate incoming transferees.

iii) Background Research Preparation

- Use the First Nation Profiles section of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) website to identify band names, band numbers, and reserve names and locations.
- Identify Band names as they evolved throughout history as well as the government agencies/districts/field offices that they fell under. This information can be found using LAC Finding Aids 10-12 for Western Canada, 10-202 for British Columbia, 10-157 for Ontario, 10-249 for Quebec, and 10-475 for New Brunswick, P.E.I., and Newfoundland, and 10-145 for Nova Scotia.[23] LAC's RG 10 History Cards for Vols. 10885 and 10886 to identify band and agency codes as they changed over time and may also help to identify Indian Reserve numbers if you are starting with only a reserve name. The history cards specific to B.C. are in Finding Aid 10-654. CIRNAC also holds history cards for the Northern Affairs Lands Division (may need to be consulted in-person). LAC's Indexes of Western First Nations Bands can also be used to identify languages, agencies, inspectorates and regional offices.
- The Indian Agent, Inspector, Commissioner, Farming Instructor, Surveyor, Deputy Superintendent or Superintendent General reports found in the Annual Reports of the Department of Indian Affairs, available online through LAC, can be useful in identifying key individuals and locations related to the

23 FA 10-145 shows changes to district/agency organization over time but does not identify linked bands or reserves.

claim(s). These reports may also contain information on events and conditions in the relevant reserves, agencies or districts, as well as information on administrative changes.

- Good maps, historic and contemporary, as well as place names for the region being researched are useful in order to situate the claimants with respect to their treaty area(s), reserve(s), nearby reserves, waterways, surrounding towns, and the like. Consult your treaty organization or TARR Centre or Claims Research Unit for what is available; or government resources such as the First Nations | Indigenous Peoples Atlas of Canada, the First Nation Profiles Interactive Map (aadnc-aandc.gc.ca) and Aboriginal and Treaty Rights Information System (rcaanc-cirnac.gc.ca) for some information. There are various publications outlining the exploration and mapping of the country.
- Conditions of access for federal archival and departmental files vary depending on time period and content. Restricted files require a BCR and approval to consult under form 8(2)(k) for Specific Claims research. See Annex A for additional ATIP information and relevant contact information.

iv) Key Documents and Sources

- Sources concerning the Indigenous occupation of an area, such as:
    - Printed, published, archival or existing or new recordings of oral history information;
    - First Nation histories;
    - Existing Traditional Land Use Studies;
    - Testimonials by Indigenous peoples before various government commissions;
    - Ethnological, anthropological, and ethnographic studies, publications, theses, books, and others;
    - Ethnographers' writings held by museums;
    - Journals, reports, and correspondence of fur traders and fur trade companies, including the North West Company, Hudson's Bay Company, XY Company, free traders;
    - Explorers' and surveyors' accounts (reports, journals, field notebooks, correspondence, maps) of their activities and relations with Indigenous peoples. For certain regions, geological survey records, such as field notebooks found at LAC in RG 45, for example, may contain relevant information on Indigenous land use, settlements, or reserves
- Maps and atlases showing established Indigenous use and occupation areas, or showing the geography surrounding the reserve location. Some examples of commonly used published atlases include:

    - R. C. Harris and G. J. Matthews *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987;
    - R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987;
    - *The Atlas of Canada* is available online and provides a selection of maps and geographical data for reference and download. Includes webpage on thematic map topics such as "Aboriginal peoples" circa 1630, 1740, and 1823; Exploration (1497-1650, 1651-1760); and post-Confederation Territorial Evolution. Scanned versions of past editions of the *Atlas of Canada* are also available from the map archives page on the same site.
- Treaty or agreement of which the First Nation(s) is(are) party(ies) and supporting information such as:
    - First Nations Digital Document Source contains a collection of electronic documents used primarily for research in land claims throughout the country including legislation, treaties, claims policies, Privy Council orders, research guides, and instructional resources;
    - Treaty story maps: Treaties and Agreements in Canada (arcgis.com);
    - Printed copies of the treaties between the Crown and Indigenous peoples across Canada can be found in the three-volume collection *Indian Treaties and Surrenders*. Originals are available on LAC's website.
    - Publications, summaries, transcripts, or recordings of interviews of First Nation oral histories about treaty history and interpretation;
    - Other publications or unpublished materials concerning treaty history (proposals and negotiations) and interpretation and understanding, as well as correspondence and reports that provide details on treaty intent, provisions, and promises with respect to reserve land;
    - For copies of modern treaties;
    - Crown-Indigenous Relations and Northern Affairs Canada's website also contains a page on historic treaties, including links to treaty texts, illustrative maps of treaty-making in Canada, treaty research reports, and more: Treaties and agreements (rcaanc-cirnac.gc.ca)
    - Publications by or based on writings of government treaty officials/commissioners, interpreters, or third-party observers (such as missionaries), or personal papers;
    - Newspaper accounts of the treaty-making;
    - Provincial government websites often include a treaty area map and list of First Nations and/or Tribal Councils;
    - RG 10 Series D-10 for Treaties, surrenders and agreements [R216-78-4-E] 1680–1956;

  - RG 10 Series R216-661-0-E [formerly B-8] covering the CIRNAC Program Reference Centre and Treaties and Historical Research Centre contain a variety of material including background information on treaties (as well as departmental personnel).
- Source materials examining and documenting treaty policy in different time periods and regions of Canada, are publicly available from libraries, archives, websites, online collections of historical books and, and other locations. Such policy material may be present in official correspondence, instructions, reports, and proclamations.
- Maps showing the original reserve(s), changes made to the reserve(s) on amalgamation, changes made to the reserve(s) due to surrenders and/or subdivisions. The inclusion of related survey documents and Orders in Council and/or Reserve Commission documents will also help to clarify ownership and changes over time.
  - Maps and plans of reserves can be found through Natural Resources Canada (NRCan) and the Indian Land Registry System (ILRS), which also includes access to the First Nations Land Registry System (FNLRS) and Self Government First Nations Land Registry System (SGFNLRS);
  - Surveyors' field notebooks and diaries are also located on NRCan's website; while individual instruments affecting reserves can be identified within the various Land Registry Systems. Copies of instruments have to be separately requested. See Annex A for contact information;
  - Treaty organizations, Treaty and Aboriginal Rights Research Centres, and Claims Research Units may contain resources;
  - Other survey materials including surveyor diaries, fieldnotes, and correspondence, may be found at LAC in RG 88, RG 45, and RG 15, while RG 10 also contains numerous subject files pertaining to Indian reserve surveys for specific First Nations, or within particular Indian Agencies, districts, superintendencies, treaty areas, or provinces/territories.
  - Government schedules of reserves or other evidence that the land was administered and managed as a reserve by the Department of Indian Affairs in cases where the status of the reserve land is in question;
  - Surveyor General Branch at NRCAN has copies of Surveyor General files which can be reviewed in-person by appointment at 588 Booth Street, Ottawa;
  - Historical maps held by LAC are searchable by province or territory on Héritage/Canadiana (Browse by Province/Territory - Canadiana)
  - LAC has a database of maps and plans related to First Nations reserves and settlements in Western Canada;
  - The Canadian Encyclopedia online contains an article on Reserves in Canada, including links to separate articles with information on the

history and location of Indian reserves in different provinces and territories;
  - For information on the western Canada land system, including information on townships, ranges and meridians, as well as information on records and search tips, see LAC's Land Grants of Western Canada, 1870-1930 webpage;
  - Plans of the Land Use Information Service;
  - Provincial and territorial gazetteers, geographic naming;
  - Provincial land title offices, such as Information Services Corporation (ISC) for Saskatchewan, have copies of historic survey plans and field notebooks;
  - Canada Lands surveys publications, available through the Natural Resources Canada (NRCan) website includes a page on "Indian land history in Quebec," containing maps and summaries of the evolution of several Indian reserves in Quebec. Included is information on the land title history of each, and history of the survey of the reserve limits.
  - Provincial or territorial archaeological site databases;
  - If the area comprises a provincial or national park, consider research into relevant repositories;
  - The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s. See Annex N for information on using and ordering images from the NAPL;
  - Various government commissions examining the choosing and establishing of reserves, such as the Minutes of Decision, Correspondence, and Sketches of the British Columbia Reserve Commission and the McKenna-McBride Commissioner reports;
  - See Annex D for additional resources related to lands, maps, and reserves in Canada.
- Any trust account statements showing assets held separately prior to amalgamation and those held after amalgamation.
  - Summaries found in the Annual Reports of the Department of Indian Affairs from 1880 to 1930 can provide a quick snapshot of trust account history and summary statements for most accounts from 1930 to 1960 are available through LAC and Indigenous Services Canada (ISC). For additional information on trust fund records, see sections VII. Collection of Revenues and VIII. Expenditures from Trust Funds.
  - Trust account records/ledger books for 1849-1979 are available through LAC and the Trust Moneys Unit at ISC. Account records post-1979 are only available through ISC. See Annex A for contact information.
- Documents regarding the amalgamation, including documents requesting or proposing the amalgamation, the justification for the amalgamation, correspondence discussing the terms of the amalgamation, and band

protests and complaints and Departmental responses thereto. Oral histories may be helpful in presenting the First Nation perspective.
  - Correspondence, reports, other documents and departmental records can be found through Collection Search at LAC and through requests for departmental files at CIRNAC. See Annex A for key archival and departmental contacts.
  - Increased digitization has made many files related to Indian Affairs throughout Canada's history available online. If a microfilmed file is not available online through LAC it may be available through Heritage Canadiana.
  - RG 10 (R216) Series B-3 Finding Aids 10-96 and 10-376 at LAC can be of help to identify record series and subject blocks in the Department of Indian Affairs Central Registry System, including Red Series, Black Series, First Series, Thousand Series and Modified Duplex Numeric System; these include membership reports and membership returns if band population/demographics are of interest;
  - There is a subject block list in FA 10-16, which can be used with FA 10-128 to identify files at LAC;
  - LAC RG 10 Series R216-686-5-E [formerly B-3] consists of records generated by the Genealogical and Archival Research Unit;
  - RG 10 at LAC and CIRNAC (headquarters and regional) files, especially those concerning the subjects of reserve survey, surveyor reports, maps and plans, surrenders, relocations/removals, resettlement, amalgamation, land, land sales, Indian agency correspondence/letterbooks, and agents', inspectors', or superintendents' reports;
  - RG 18 (RCMP/NWMP records) at LAC contain material documenting interactions with, and activities of, Indigenous people that can include information regarding treaty negotiations and implementation, (re)settlement on, or use of reserve land, and Indigenous occupation and use of non-reserve land. Such records may provide detail about First Nation perspectives and responses;
  - See Annex D for additional archival repositories specific to your province/territory, region, or treaty area.
  - See Annex E for suggestions of oral history resources.
- Relevant published sources can also be identified through Virtua, the CIRNAC/ISC Library Catalogue
- Band membership lists, annuity and interest distribution paylists, census and other genealogical material that shows the names and number of individuals/families that were considered to be members of the separate First Nations before amalgamation or division and those who became members of the new amalgamated or divided First Nation. Account for any families who did not join the amalgamated First Nation or families who appear on the new amalgamated list but were not members of the First

Nations which were joined together. (Perform the reverse tasks for Band divisions.)

    - Canadian census records from 1825 to 1926 are open and available online through LAC, Family Search and Ancestry. The Automated Genealogy website provides additional indices and search tools for the 1851, 1901, 1906, 1911, and 1921 census records. Many First Nations were enumerated under the name of their reserves.
    - Departmental census information, along with other tabular statements, can also be found in the published Annual Reports of the Department of Indian Affairs.
    - Genealogies compiled by individuals or First Nations or genealogical sources collected by the First Nation(s) concerned. Other claims previously submitted by the First Nation(s) may have also addressed population and/or membership data.
    - Annuity paylists for payments made before 1910 are available online through Heritage Canadiana. Paylists for payments made between 1910 and the 1970s can be accessed through LAC or the Genealogical and Archival Research Unit at CIRNAC, while post-1970s paylist must be requested through CIRNAC Regional Offices. See Annex A for contact information. Annuity and interest paylists dating after 1910 and Membership lists all require permission under form 8(2)(k) for access.
    - Other sources such as church records (indexes of sacramental (birth, marriage, burial records and the records themselves; *codexes historicus*), provincial archives and offices for vital statistics, genealogical information on the Provincial Archives of Manitoba Keystone search for HBC biographical sheets and name indexes Name Indexes;
  - Online genealogies such as Ancestry, Family Search and Wikitree; indices put together by others that include First Nation and Métis families, such as CORE INDEXES « A Canadian Family (wordpress.com); Métis scrip records in LAC's RG 15 and on Métis National Historical Online Database (metisnationdatabase.ca);
  - Elders and community members, who may have genealogical information or who can assist with the translation of names;
- Any pertinent government legislation, regulations, and policies during the relevant period, which may be obtained from:
    - First Nations Digital Document Source (ubcic.bc.ca);
    - Copies of pertinent legislation and regulations may be found in the *Indian Act*, archival and departmental files, as well as in sources published by the Government of Canada, such as the Annual Reports of the Department of Indian Affairs;

- Older versions of regulations that fall under the *Indian Act* can be found through Heritage Canadiana;
- Official versions of consolidated acts and regulations can be found at Consolidated Acts (justice.gc.ca). Note that the acts and regulations found through the Justice Laws website are the most recent versions only;
- The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as “Indigenous People” for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial);
- Several CIRNAC publications examining the background, development and various iterations of the *Indian Act* are publicly available;
- CIRNAC administrative files, agency/superintendency/inspectorate files, or publications on government policies that concern the *Indian Act* and regulations;
- Publications and records of the Indian Claims Commission that address the application and interpretation of *Indian Act* provisions and regulations.

Annex A. Key Departmental and Archival Contacts

Government of Canada Government Electronic Directory Services (GEDS)

Crown-Indigenous Relations and Northern Affairs Canada

- Contact Us

Crown-Indigenous Relations and Northern Affairs Canada Records Office

- HQ/Gatineau/Ottawa: recordsncrarchivalresearch@sac-isc.gc.ca; aadnc.recordsncrarchivalresearch.aandc@canada.ca; recordsncrmain@sac-isc.gc.ca
    - The Main Records Office can request listings of files from the Region in question
    - First Nations researchers must have ATIP approval prior to making their request. Researcher 8(2)(k) forms can be found online: https://www.rcaanc-cirnac.gc.ca/eng/1592234256641/1592234494662#sec2
    - Complete 8(2)(k) forms for CIRNAC and ISC can be submitted to: upvp-ppu@sac-isc.gc.ca

Indigenous Services Canada (for trust fund account statements and treaty paylists)

- Trust Moneys Unit: fisatimeta@sac-isc.gc.ca
    - If you are contacting the Trust Moneys Unit using this email address, please ensure that the email subject line clearly indicates the purpose of your inquiry, e.g. "Trust Moneys Research – [FN Name]"
- Genealogical and Archival Research Unit: genea@sac-isc.gc.ca

Regional Contact Information for Registered Land Instruments (located in ILRS/FNLRS/SLRS)

- Headquarters/Land Registry Enquiries: aadnc.land-registry-inquiries-questions-registre-des-terres.aandc@canada.ca
- AB: aadnc.registredesterresab-landregistryab.aandc@canada.ca
- Indian Oil and Gas Canada: aadnc.contactiogc.aandc@canada.ca

- Atlantic: aadnc.terreat-atlands.aandc@canada.ca
- BC: aadnc.bclandregistry.aandc@canada.ca
- MB: aadnc.mblandreg.aandc@canada.ca
- NWT: aadnc.rlm-grt.aandc@canada.ca
- ON (Brantford): aadnc.onbbclandreg.aandc@canada.ca
- ON (Sudbury): aadnc.onsbclandreg.aandc@canada.ca
- ON (Thunder Bay): aadnc.ontbaybclandreg.aandc@canada.ca
- QC: aadnc.qcregistreterreslandregistryqc.aandc@canada.ca
- SK: aadnc.sklandregistry.aandc@canada.ca
- YK: aadnc.yukonlandsregistry.aandc@canada.ca

Library and Archives Canada

- Register for a User Card (only necessary at the Ottawa location): https://library-archives.canada.ca/eng/services/public/pages/registration-intro.aspx; registration@bac-lac.gc.ca
- How to make an ATIP request: https://www.bac-lac.gc.ca/eng/transparency/atippr/Pages/how-to-make-request.aspx
    - Access to Information and Privacy Officer/Director: bac.daiprp-atipd.lac@canada.ca
- Reference Archivist contact information:
    - Ottawa: bac.reference.lac@canada.ca
    - Vancouver: bac.referencevancouver-vancouverreference.lac@canada.ca
    - Winnipeg: referencewin@bac-lac.gc.ca
    - Halifax: halifax@bac-lac.gc.ca

Annex B. The Specific Claims Policy and Process Guide

Introduction[24]

In 1982, the federal government released Outstanding Business: A Native Claims Policy, which set out the policy on specific claims and guidelines for the assessment of claims and negotiations. Important amendments were made to the Specific Claims Policy in the early 1990s.

On June 12, 2007, the Prime Minister announced Justice at Last: Specific Claims Action Plan, which outlined plans to accelerate the resolution of specific claims in order to provide justice for First Nation claimants and certainty for government, industry and all Canadians. The Action Plan is intended to ensure impartiality and fairness, greater transparency, faster processing and better access to mediation.

A key feature of the Action Plan is the *Specific Claims Tribunal Act*, which came into force on October 16, 2008. Pursuant to the Act, First Nations may choose to file claims with the independent Tribunal that are not accepted for negotiation or that are not resolved through a negotiated settlement agreement within a specified time frame.

The fundamental principles of the Specific Claims Policy as articulated in Outstanding Business: A Native Claims Policy have not changed. These principles are: an outstanding lawful obligation must be confirmed, valid claims will be compensated in accordance with legal principles and any settlement reached must represent the final resolution of the grievance. The purpose of this document is to set out an updated policy statement and process guide that reflects the foregoing developments and ensures consistency of language between the Specific Claims Policy and the *Act*.

Justice at Last: Specific Claims Action Plan

Justice at Last: Specific Claims Action Plan is designed to dramatically improve the specific claims process and address the backlog of specific claims through the implementation of practical measures to enhance the efficiency of processing. The Action Plan built on the lessons learned from previous attempts to reform the specific claims process, the recommendations in the Standing Senate Committee on Aboriginal Peoples' final report on specific claims entitled Negotiation or Confrontation: It's Canada's Choice, which was tabled in the Senate on February 7, 2007, and the advice of First Nations.

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[24] This document can also be found online at: https://www.rcaanc-cirnac.gc.ca/eng/1100100030501/1581288705629

The Action Plan has four interdependent pillars:

- creation of a legislated independent Tribunal with the authority to issue binding decisions;
- dedicated funding for settlements in the amount of $250 million per year for ten years;
- faster processing of specific claims and improvements to internal government procedures; and
- better access to mediation services to help the parties reach negotiated settlements.

The Specific Claims Tribunal Act

The *Specific Claims Tribunal Act* (the Act), developed jointly with the Assembly of First Nations, was introduced in the House of Commons on November 27, 2007, received Royal Assent on June 18, 2008 and came into force on October 16, 2008. The *Act* creates an independent adjudicative body known as the Specific Claims Tribunal (the Tribunal) and introduces timelines for the assessment and negotiation of specific claims. The Tribunal provides First Nations with a further alternative to the courts to settle specific claims.

As set out in the *Specific Claims Tribunal Act*, there are four scenarios in which a First Nation may file a claim with the Tribunal:

- the Minister has notified the First Nation of his or her decision not to negotiate the claim, in whole or in part;
- three years have elapsed after the day on which the claim was filed with the Minister and the Minister has not notified the First Nation in writing of his or her decision on whether to negotiate the claim;
- in the course of negotiating the claim, the Minister consents in writing to the filing of the claim with the Tribunal; or,
- three years have elapsed after the day on which the Minister has notified the First Nation in writing of his or her decision to negotiate the claim, in whole or in part, and the claim has not been resolved by a final settlement agreement.

The Policy

The term "specific claims," generally, refers to claims made by a First Nation against the federal government which relate to the administration of land and other First Nation assets and to the fulfilment of Indian treaties, although the treaties themselves are not open to renegotiation.

The primary objective of the federal government with respect to the Specific Claims Policy is to discharge its lawful obligation, as determined by the courts if necessary. Negotiation, however, remains the preferred means of settlement by the federal government. The Specific Claims Policy establishes the principles and process for resolving specific claims through negotiation.

Assessment of Claims

In order to be assessed within the Specific Claims Policy, a specific claim:

- must be submitted by a First Nation[25] and the First Nation submitting the claim must be the First Nation suffering the alleged grievance, or a group of First Nations if all are submitting the same claim;
- must concern events that occurred at least 15 years prior to the filing of the claim;
- cannot be based on a land claims agreement[26] or self-government agreement entered into after December 31, 1973 or any related agreement or Act of Parliament;
- cannot concern the delivery or funding of programs or services related to policing, regulatory enforcement, corrections, education, health, child protection or social assistance, or of any similar programs or services;
- cannot be based on an agreement between the First Nation and the Crown that provides for another mechanism for the resolution of disputes arising from the agreement;
- cannot be based on, or allege, Aboriginal rights or title;
- cannot be based on treaty rights related to activities of an ongoing and variable nature, such as harvesting rights; and
- must be compensable in accordance with the compensation criteria.

Grounds for a Claim

A First Nation may submit a claim seeking compensation for its losses based on any of the following grounds:

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[25] These terms are defined in the Glossary section of Annex B.
[26] These terms are defined in the Glossary section of Annex B.

1. a failure to fulfil a legal obligation of the Crown[27] to provide lands or other assets under a treaty or another agreement between the First Nation and the Crown[28];
2. a breach of a legal obligation of the Crown[29] under the Indian Act or any other legislation - pertaining to Indians or lands reserved for Indians - of Canada or of a colony of Great Britain of which at least some portion now forms part of Canada;
3. a breach of a legal obligation arising from the Crown's[30] provision or non-provision of reserve lands, including unilateral undertakings that give rise to a fiduciary obligation at law, or its administration of reserve lands, Indian moneys or other assets of the First Nation;
4. an illegal lease or disposition by the Crown[31] of reserve lands;
5. a failure to provide adequate compensation for reserve lands taken or damaged by the Crown[32] or any of its agencies under legal authority; or
6. fraud by employees or agents of the Crown[33] in connection with the acquisition, leasing or disposition of reserve lands.

Compensation

The compensation criteria as previously set out in Outstanding Business: A Native Claims Policy shall continue to be the basis upon which compensation is determined.

1. As a general rule, a claimant band shall be compensated for the loss it has incurred and the damages it has suffered as a consequence of the breach by the federal government of its lawful obligations. This compensation will be based on legal principles.
2. Where a claimant band can establish that certain of its reserve lands were taken or damaged under legal authority, but that no compensation was ever paid, the band shall be compensated by the payment of the value of

[27] These terms are defined in the Glossary section of Annex B.
[28] These terms are defined in the Glossary section of Annex B.
[29] These terms are defined in the Glossary section of Annex B.
[30] These terms are defined in the Glossary section of Annex B.
[31] These terms are defined in the Glossary section of Annex B.
[32] These terms are defined in the Glossary section of Annex B.
[33] These terms are defined in the Glossary section of Annex B.

these lands at the time of the taking or the amount of the damage done, whichever is the case.

3.

   a) Where a claimant band can establish that certain of its reserve lands were never lawfully surrendered, or otherwise taken under legal authority, the band shall be compensated either by the return of the lands or by the current unimproved value of the lands.

   b) Compensation may include an amount based on the loss of use of the lands in question, where it can be established that the claimants did in fact suffer such a loss. In every case the loss shall be the net loss.

4. Compensation shall not include any additional amount based on "special value to the owner" unless it can be established that the land in question had a special economic value to the claimant band, over and above its market value.

5. Compensation shall not include any additional amount for the forcible taking of land.

6. Where compensation received is to be used by the First Nation for the purchase of other lands, such compensation may include reasonable acquisition costs, but these costs must not exceed 10% of the appraised value of the lands to be acquired.

7. Where it can be justified, a reasonable portion of the costs of negotiation may be added to the compensation paid.

8. In any settlement of specific native claims the government will take third party interests into account. As a general rule, the government will not accept any settlement which will lead to third parties being dispossessed.

9. Any compensation paid in respect to a claim shall take into account any previous expenditures already paid to the claimant in respect to the same claim.

10. The criteria above are general in nature and the actual amount which the claimant is offered will depend on the extent to which the claimant has established a valid claim, the burden of which rests with the claimant. As an example, where there is doubt that the lands were ever reserve land, the degree of doubt will be reflected in the compensation offered.

In respect to criterion 2, established practice will continue. Compensation will be equal to the market value of the reserve land at the time that it was taken brought forward to the present value. Similarly, in respect to damage, compensation will be equal to the historical value of the damage done brought forward to the present value.

Certainty and Finality

The federal government requires certainty and finality when it settles a claim. A claim settlement must achieve complete and final redress of the claim. First Nations must, therefore, provide the federal government with a release and an indemnity with respect to the claim, and may be required to provide a surrender, end litigation or take other steps so that the claim cannot be re-opened at some time in the future.

In any settlement of specific claims the federal government will take third party interests into account. The federal government will not accept any settlement which will lead to third parties being dispossessed. A claimant may use settlement money to purchase lands. Any land purchased by a claimant would be on a willing-seller/willing-buyer basis.

First Nations achieving a settlement of their claims are expected to manage the proceeds of the settlement themselves. In the case of substantial settlements, the final agreement may specify the structure of mechanisms established by the First Nation to administer settlement benefits.

Statutes of Limitation, the Doctrine of Laches and Other Defences

Statutes of limitation are federal or provincial statutes which limit the time within which legal action may be taken in the courts to resolve a grievance. The right to take action will, therefore, expire after a certain length of time unless legal proceedings have been started.

With respect to specific claims, however, the federal government decides whether to negotiate each claim on the basis of the issues involved. First Nations with longstanding grievances will not have their claims rejected before they are even heard because of the technicalities provided under the statutes of limitation or under the doctrine of laches. In other words, the federal government is not going to refrain from negotiating claims on the basis that they are submitted too late (statutes of limitation) or because the First Nation has waited too long to present its claim (doctrine of laches).

Each claim submission will be assessed on its own facts and merits. All relevant historical evidence will be considered and not only evidence which, under strict legal rules, would be admissible in a court of law. Therefore, the acceptance of a claim for negotiation is not to be interpreted as an admission of liability and, in the event no settlement agreement is reached and litigation ensues, the federal government reserves the right to plead all defences available to it, including limitation periods, laches and lack of admissible evidence.

The Specific Claims Process

The Process

1. Submission

First Nations are responsible for researching their own claims and submitting those claims in accordance with the Minimum Standard (see Annex A). The Minister of Indian Affairs and Northern Development will notify First Nations in writing when their claim submission has been received.

2. Early Review: Minimum Standard

Within six months of receipt by the Minister, all claim submissions will be assessed against the Minimum Standard. All claim submissions that meet the Minimum Standard will be filed with the Minister. The First Nation will be notified in writing whether the claim has been "filed with the Minister." It is the date of filing that marks the beginning of the three-year assessment period. If a claim submission does not meet the Minimum Standard, it will be returned to the First Nation with an explanation as to why it has not been filed with the Minister.

The claim filed with the Minister is the same claim that may ultimately be filed with the Tribunal by the First Nation, consequently, no new allegation, grounds or evidence can be added to the claim once the First Nation has been notified that its claim has been filed with the Minister.

3. Research and Assessment

Once the claim is filed with the Minister, the Minister then has three years to assess it in accordance with the assessment criteria and the six grounds for establishing a specific claim set out in the Policy section of this publication. As part of its assessment, the Specific Claims Branch may perform additional research and obtain legal advice.

In the event the First Nation does not receive a response as to whether its claim has been accepted for negotiation within the three-year time period, the First Nation has the option of either waiting for the results of the federal government's assessment or filing the claim with the Tribunal for a determination on its validity and compensation.

4. Negotiation and Settlement

In cases where the Minister has notified the First Nation that its claim has been accepted for negotiation, in whole or in part, negotiations with the First Nation will follow. Although the three-year time frame for negotiations begins on the date the Minister notifies the First Nation in writing that the claim has been accepted for negotiation, the negotiation process itself will not begin until the Minister has received evidence, such as a Band Council Resolution, stating that the First Nation is prepared to enter into negotiations on the basis set out in the notification of acceptance.

A First Nation may choose to refer the claim to the Tribunal for a determination on validity and compensation if after three years a settlement agreement has not been reached or within the three-year negotiation period if both the First Nation and the Minister agree.

Once an agreement has been reached between the First Nation and the federal government, the final settlement agreement is ratified and signed, final releases and compensation are provided and the claim is settled.

Mediation

The vast majority of specific claims that enter into a negotiation process will likely be resolved by a final settlement agreement. The federal government remains committed to the principle that specific claims are best settled through negotiation. Mediation can be a valuable tool to help in settling disputes and the federal government will ensure these services will be available.

Claims over $150 million

Claims valued over $150 million require the Minister to obtain a discrete mandate prior to being accepted for negotiation. "Claims over $150 million" is not a new class or category of claim. These claims are still specific claims as defined in the Specific Claims Policy.

Conclusion

All Canadians benefit from the resolution of specific claims and the resolution of claims outside of the court process is in the best interests of all Canadians. Negotiated settlements are about justice, respect and reconciliation. They are not only about coming to terms with the past and respect for treaties but also about moving forward together to realize a better, shared future.

Find out more

Call (toll free): 1-800-567-9604
(TTY): 1-866-553-0554

Glossary

- "First Nation" means a Band as defined in section 2(1) of the *Indian Act*; or a group of persons that was, but is no longer, an *Indian Act* Band that has retained the right to bring a specific claim under a land claim or self-government agreement.
- "land claims agreement" has the same meaning as in subsection 35(3) of the *Constitution Act, 1982*.
- "Crown" means her Majesty in Right of Canada.
- For the purposes of the section "Grounds for a Claim," "Crown" means as follows:
  - For the purpose of applying paragraphs (a) to (c) in respect of any legal obligation that was to be performed in an area within Canada's present boundaries before that area became part of Canada, a reference to the Crown includes the Sovereign of Great Britain and its colonies to the extent that the legal obligation or any liability relating to its breach or non-fulfilment became - or would, apart from any rule or doctrine that had the effect of limiting claims or prescribing rights against the Crown because of passage of time or delay, have become - the responsibility of the Crown in right of Canada.
  - For the purpose of applying paragraph (d) in respect of an illegal lease or disposition of reserve land located in an area within Canada's present boundaries before that area became part of Canada, a reference to the Crown includes the Sovereign of Great Britain and its colonies to the extent that liability for the illegal lease or disposition became - or would, apart from any rule or doctrine that had the effect of limiting claims or prescribing rights against the Crown because of passage of time or delay, have become - the responsibility of the Crown in right of Canada.
  - For the purpose of applying paragraphs (e) and (f) in respect of reserve lands located in an area within Canada's present boundaries, a reference to the Crown includes the Sovereign of

Great Britain and its colonies for the period before that area became part of Canada.

Annex A

Minimum Standard

The *Specific Claims Tribunal Act* requires the Minister to post the Minimum Standard on the Internet. The Minimum Standard is replicated here in its entirety. The "Specific Claims Policy" referred to below is this publication, The Specific Claims Policy and Process Guide.

Minimum Standard for Kind of Information

1. Claim Document

The claim document must include:

- a list of allegations based on one or more of the grounds related to the validity of the claim, as set out in the Specific Claims Policy;
- legal arguments supporting each allegation;
- a statement of the facts supporting the allegations;
- a statement that compensation is being claimed; and,
- a list of authorities with citations, including treaties, statutes, case law and law journal articles, that support the allegations (copies not required).

2. Historical Report

An historical report, including references to supporting documents, outlining the factual circumstances surrounding the allegations, must be provided.

3. Supporting Documents

Complete copies of primary documents and relevant excerpts of secondary documents relied upon to support the allegations included in the claim document and referred to in the historical report are also necessary. Further details related to supporting documents are included in the "Form and Manner" Minimum Standard.

Minimum Standard for Form and Manner

1. The documents provided in support of the claim submission must be clearly labelled with the document source and number. Supporting documents must be identified as referenced in the claim document and/ or the historical report and/or the list of all allegations. A separate document

index setting out, at a minimum, the document number, date and archival reference where applicable, must be provided with the claim submission.

2. Documents can be submitted as hard copies and/or on CD-Rom, DVD-ROM, or any other standard mass storage device.
3. The supporting documents must be legible and complete. This may require preparing transcripts of documents that are of poor quality or are difficult to read. Avoid writing on copies of documents included in the submission and ensure that document pages are not cut off, stapled through or added to binders in a manner that obscures the text. Minor technical errors, such as a missing page or illegible photocopy, will be brought to the attention of the claimant so that the error may be addressed by the claimant. This should not, however, affect compliance with the Minimum Standard.
4. Specific claims submissions must be sent by mail or courier to the Director General for the Specific Claims Branch at Indian and Northern Affairs Canada at the following address:

Director General
Specific Claims Branch
Indian and Northern Affairs Canada
Les Terrasses de la Chaudière
10 Wellington Street, Room 1660
OTTAWA ON K1A 0H4

A claim submission cannot be submitted electronically by fax or e-mail.

5. The specific claim submission must include a clear statement indicating that the claim is being submitted on behalf of a "First Nation" as defined in the Specific Claims Policy.
6. Where a specific claim is submitted on behalf of a First Nation as defined in the Specific Claims Policy, the claim submission must include evidence, such as a Band Council Resolution, that the claim is being submitted with the express authority of that First Nation.

Annex C. Tips for Meeting Minimum Standards

Specific Claim Submissions must consist of:

- Claim document
- Historical report
- Document index
- Supporting documents

This guide and Annex apply to the historical report, document index and supporting documents portions of the minimum standard.

Historical Report

- Must contain references to specific supporting documents and outline factual circumstances
- Be focussed
- Cover the key elements and issues of the claim allegations
- Ensure that bands (including any prior names), lands, officials, and other important third parties are clearly identified. Inserting maps or sketches into the body of the report can be helpful.
- Include a research methodology section outlining how the research was conducted and noting any research limitations
- Footnote all factual information with references to documents and/or oral history materials
- Where tables of data or information are provided as part of or appended to the historical report, ensure that the sources are included and referenced somehow

Document index

- At minimum, include document number, date and reference
- Use of a database to track documents and maps as they are collected can help facilitate the creation of a document index for inclusion in the submission
    - Use of additional fields or columns for descriptors (correspondents, title, type of document, summaries, issue coding), although not required, can help facilitate the identification of distinct documents in large databases

Supporting documents

- Label documents with source information immediately upon collection

  - It may be helpful to photograph/scan the cover pages of paper or microfilmed files to ensure that you have complete reference information on hand, including any microfilm reel numbers
  - Many archives require the use of a piece of paper with the reference when photographing documents; this can be a good practice for ensuring that the reference information is correct on your submitted documents
  - Ensure that documents obtained from restricted files are clearly labelled as restricted
  - Copy and include the title pages and publication information for secondary and/or published sources, as well as any applicable footnotes or endnotes
- Label with a document number when it is certain which documents have been used in the report
- Do not write on the document or otherwise obscure the text
- Photograph only one document at a time per frame. Attached notes should be photographed separately
- In using information obtained from non-paper-based sources, such as interview recordings, be sure to include the name of the interviewer(s), the name of the informant(s), where permitted, and date and location of interview
  - If possible, include verbatim typed transcripts of the interview sessions with the above information, in English (translate where required) (various software and online services are also available)
  - It is permitted to submit interview recordings (sound or video) with your claim
  - If the interview is from a printed or published source, be sure to cite it properly
- Ensure that documents are legible
  - When collecting documents off of microfilm reels, ensure that the document image is centered, bright and in focus. Also ensure that the document image is not cut off or severed in any way. Sometimes for legibility, it is useful to obtain a negative image of a document.
  - When photographing or scanning documents from paper files ensure that the entire document is in frame and is in focus. Use of a tripod may be helpful in these cases.
  - When scanning or photographing paper documents be sure to check if it is double sided so that portions of the document are not missed.

    - If documents are illegible due to age, damage, or issues with microfilm quality they should be accompanied by a transcript (a typed out verbatim version of the document, as far as you're able, including author, recipient, their titles, department, date, all marginal notes)
        - Use existing transcripts where possible
        - Exclude tangential documents; it may be helpful to postpone transcript work until it is clear which documents will be used in the report
        - Budget for transcripts
        - Identify transcripts with the reference and document number of the corresponding historical document

Other Research Tips

- Maintain an annotated Records Researched (listing of sources reviewed during the course of research and notations or comments on whether the source provided useful information or not and of what kind)
- Be cautious when reusing research. If research or documents are being reused, ensure that they are relevant to the current claim being submitted and update any quotes or extracted information as necessary.
    - If the research emanated from records deemed restricted, ensure that you have the required permissions to reuse it.

Annex D. Additional Resources

This Annex contains links to some online academic, government, and Indigenous resources that may be helpful when conducting claims research. The links provided cover a variety of topics and resources, including maps, atlases, primary, and secondary sources. Sources for oral histories can be found in a separate Annex: Annex E. Please note that this is not intended as an exhaustive list of databases, archives, or research guides that may be helpful in claims research but many are key.

National Centre for Truth and Reconciliation: https://nctr.ca/

Report of the Royal Commission on Aboriginal Peoples: https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx

Specific Claims Tribunal: https://www.sct-trp.ca/

- SCT Registry: claims.revendications@sct-trp.ca

Land, Maps and Reserves

- Indigenous Peoples Atlas of Canada: https://indigenouspeoplesatlasofcanada.ca/section/first-nations/
- The Atlas of Canada: https://natural-resources.canada.ca/maps-tools-and-publications/maps/atlas-canada/10784
- Canadiana/Héritage Map Collection: Browse by Province/Territory - Canadiana
- Native Land Digital: https://native-land.ca/
- Aboriginal Mapping Network http://www.nativemaps.org
- Geographic Names of Canada http://geonames.nrcan.gc.ca
- Schedule of Indian Reserves and Settlements, 1972: https://publications.gc.ca/site/eng/9.845194/publication.html
- Ontario First Nations Maps: https://www.ontario.ca/page/ontario-first-nations-maps
- Government of Ontario, A Guide to Boundaries, Names and Regional Governments: http://www.archives.gov.on.ca/en/maps/index.aspx
- Aboriginal Lands of Canada Legislative Boundaries: https://search.open.canada.ca/openmap/522b07b9-78e2-4819-b736-ad9208eb1067
- Union of British Columbia Indian Chiefs: Our Homes are Bleeding – Digital Collection: https://ourhomesarebleeding.ubcic.bc.ca/index.html
- R. C. Harris and G.J. Matthews. *Historical Atlas of Canada Vol. 1, From the Beginning to 1800*. Toronto: University of Toronto Press, 1987.

- R. L. Gentilcore and G. J. Matthews. *Historical Atlas of Canada Vol. 2, The Land Transformed 1800-1891*. Toronto: University of Toronto Press, 1987.
- Reserve General Abstract reports can be generated through the ILRS/FNLRS. To generate Reserve General Abstract reports for specific First Nations or reserves go to the Indian Lands Registry System, create an account, and use the “Report” tab to generate specific Band-Reserve, Parcel Abstract, Instrument and Reserve General Abstract reports.

Academic Resources

- Database, archives, and scholarly Journal Resources compiled by the Centre for Indigenous Studies at the University of Toronto: https://indigenousstudies.utoronto.ca/resources/scholarly-journals/
- Glenbow Western Research Centre at the University of Calgary: https://www.glenbow.org/art-artifacts/library-archives/
- Indigenous Initiatives at McGill University: https://www.mcgill.ca/indigenous/resources/resources-researchers
- Indigenous & Northern Studies Research Guide at the University of Saskatchewan: https://libguides.usask.ca/ind
- Indigenous Peoples Historical Resources at the University of British Columbia: https://archives.library.ubc.ca/indigenous-peoples-historical-resources/
- Indigenous Studies Portal Research Tool (iPortal) at the University of Saskatchewan: https://iportal.usask.ca/
- Our Legacy from the University of Saskatchewan: http://digital.scaa.sk.ca/ourlegacy/
- Peel’s Prairie Provinces from the University of Alberta: http://peel.library.ualberta.ca/index.html

Treaty and Aboriginal Rights Research

- Grand Council Treaty #3 The Government of the Anishinaabe Nation in Treaty #3 Treaty and Aboriginal Rights Research: http://gct3.ca/land/treaty-aboriginal-rights-research/
- Lesser Slave Lake Indian Regional Council Treaty Aboriginal Rights Research Program: https://lslirctarr.ca/archives/our-collection/the-archives/
- Treaty 8 Treaty and Aboriginal Rights Research (TARR) Department: http://treaty8.bc.ca/tarr/
- Treaty and Aboriginal Rights Research (T.A.R.R.) Centre of Manitoba, Inc.: https://tarr.mb.ca/
- Nishnawbe-Aski Nation, Governance & Treaty Implementation: https://nan.ca

Provincial and Territorial Archives

- Canadian Archival Information Network: https://archivescanada.accesstomemory.ca/
- Provincial Archives of Alberta: https://provincialarchives.alberta.ca/
- British Columbia Archives: https://search-bcarchives.royalbcmuseum.bc.ca/
- Archives of Manitoba: https://www.gov.mb.ca/chc/archives/
- Provincial Archives of New Brunswick: https://archives.gnb.ca/archives/?culture=en-CA
- Northwest Territories Archives: https://www.nwtarchives.ca/
- Nova Scotia Archives: https://archives.novascotia.ca/
- Nunavut Archives: https://www.gov.nu.ca/culture-and-heritage/information/archives
- Archives of Ontario: http://www.archives.gov.on.ca/en/index.aspx
- Prince Edward Island Archives: https://www.princeedwardisland.ca/en/service/search-public-archives-material-online
- Provincial Archives of Saskatchewan: http://www.saskarchives.com/
- Bibliothèque et Archives nationales du Québec: https://www.banq.qc.ca/
- Yukon Archives: https://yukon.ca/archives

Indigenous Organizations

- Alliance Autochtone du Québec: http://www.aaqnaq.com/
- Assembly of First Nations: https://www.afn.ca/
- Association of Métis, Non & Status Indians Saskatchewan: http://www.amnsis.ca/
- Congress of Aboriginal Peoples: https://abo-peoples.org/
- Federation of Sovereign Indigenous Nations: https://www.fsin.ca/
- Indigenous Congress of Alberta Association: http://www.indigenouscongress.com/
- Indigenous Peoples Alliance of Manitoba: http://www.ipamcanada.ca/
- Inuit Tapiriit Kanatami: https://www.itk.ca/
- Métis National Council: https://www.metisnation.ca/
- Native Council of Nova Scotia: http://www.ncns.ca/
- Native Council of PEI: http://www.ncpei.com/
- Newfoundland Indigenous Peoples Alliance Inc.: https://www.facebook.com/Newfoundlandindigenous/
- New Brunswick Aboriginal Peoples Council: http://www.nbapc.org/
- Nishnawbe Aski Nation: https://www.nan.ca/
- North West Indigenous Council: http://www.nwindigenous.org/
- NunatuKavut: http://www.nunatukavut.ca/
- Ontario Coalition of Indigenous Peoples: http://www.o-cip.org/

- Treaty 8 Tribal Association: http://treaty8.bc.ca/
- Union of British Columbia Indian Chiefs: https://www.ubcic.bc.ca/research

Provincial/Territorial Government Claims Information

- Northwest Territories: Concluding and Implementing Land Claim and Self-Government Agreements: https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements
- Nova Scotia Office of L'nu Affairs: Negotiations: https://novascotia.ca/abor/office/what-we-do/negotiations/
- Ontario: Guide for Submitting Land Claims: https://www.ontario.ca/page/guide-submitting-land-claims-ontario
- Saskatchewan: Treaty Land and Entitlements: https://www.saskatchewan.ca/residents/first-nations-citizens/treaty-land-and-entitlements

Other Government Departments

- Department of Fisheries and Oceans, Fisheries and Oceans Canada Online http://www.dfo-mpo.gc.ca/index.htm

Annex E. Oral History Resources

Oral histories are an important resource when researching claims as they provide the Indigenous perspective which may be left out of the written record and documents created by government or Crown or third-party actors or observers. This perspective may address Indigenous use and occupation of land, place names, family/ancestral names, the Indigenous understanding of treaty negotiations and agreed-upon terms, Indigenous expectations for reserve selection, settlement and development, and Indigenous understandings or expectations regarding changes made to reserves or other assets.

Indigenous Oral History Resources are available across Canada, in audio and video recordings, film, transcripts, and other printed form. Some are open while others require special permissions to access them, and more and more are becoming available online. Many archival repositories have research guides that include or are devoted to oral history sources. TARR Centres or cultural centres, national, provincial, and local museums, libraries, universities, and archives at all levels often have their own collections. Oral histories can also be found in various publications. Some research avenues include:

- University of Winnipeg Oral History Centre, which describes oral history holdings in various repositories
- Archives of Ontario oral history sources, including:
    - Sound Recording and Moving Images Collection;
    - C 65 Manitoulin Historical Society Collection;
    - C 254 Indian History Film Project Collection;
    - C 86 Herbert F. McLeod Collection;
    - C 257 Multilingual Television Ltd. (Toronto, Ontario) Collection;
    - C 67 Village of Skoot Collection
- Ojibway-Cree Cultural Centre (Timmins)
- Kahnawake Oral History Project (ongoing)
- Provincial Archives of Alberta has oral history materials, including recordings, related to Cree, Metis, Blackfoot, and Blood. Consult this guide PROVINCIAL ARCHIVES OF ALBERTA
- Glenbow Ethnology Department Cree Oral History Project

- Elder Interviews in Treaty 8 communities available through the Lesser Slave Lake Indian Regional Council TARR
- Provincial Archives of Manitoba oral history collection, which includes:
    - Cross Lake Treaty No. 5 Reenactment oral history collection
    - Metis Women of Manitoba Inc. oral history project records
    - Fisher River Band Oral History fonds
    - Gilbert Abraham fonds
    - Bradshaw, Thecla fonds
- Saskatchewan Archives
    - Trapping in Northern Saskatchewan fonds
    - Saskatoon Native Women's Association: Metis Oral History Project fonds
    - Oral History of the Wahpaton Dakota fonds
    - Metis History Research Project fonds
    - Indian and Metis Elders of La Ronge fonds
    - Ethnocultural Groups of Saskatchewan: The First People fonds
    - Ethnocultural Groups of Saskatchewan: The Métis fonds
    - Chipewyan and Métis People of La Loche fonds
    - Churchill River Study: Oral History Project fonds
    - Indian History Film Project fonds
    - Fonds du Musée de Saint-Boniface
    - Henri Latourneau fonds
    - Saskatchewan River Development Association fonds
    - BF 14 Saskatchewan History and Folklore Society fonds
- Saskatoon Tribal Council Area: Treaty 6 education stories from the book, *"…And They Told Us Their Stories" A book of Indian Stories*.
- Resources available at the University of Regina oURspace Institutional Repository
- Prince of Wales Northern Heritage Centre, Northwest Territories, various oral history sources, NWT Archives (accesstomemory.org) including the

Committee for Original Peoples' Entitlement Oral History Project Committee for Original Peoples' Entitlement. Oral History Project fonds - NWT Archives (accesstomemory.org); Fort Simpson Oral History Project Fort Simpson Oral History Project - NWT Archives (accesstomemory.org), Dene-Metis Oral History Project Oral History Projects - NWT Archives (accesstomemory.org), Northern Women Project Lyn Hancock fonds - NWT Archives (accesstomemory.org), Great Bear Lake Oral History Project Great Bear Lake Oral History Project interviews - NWT Archives (accesstomemory.org), Salt River Settlement Oral History Project Salt River Settlement Oral History Project fonds - NWT Archives (accesstomemory.org)

- Janice Knighton, *The Oral History of the 1852 Saanich Douglas Treaty: A Treaty for Peace* (University of Victoria, 2004).
- Royal British Columbia Museum and Archives; for example, Collection F6 – Archives sound recording collection, and the Imbert Orchard fonds PR-0374 BC Archives (royalbcmuseum.bc.ca)
- The Provincial Archives of New Brunswick also has oral history holdings within their Integration of Indigenous Culture, Knowledge and Traditions Guide Provincial Archives of New Brunswick (gnb.ca)
- Our Roots (local histories) http://www.ourroots.ca

Oral histories and testimonies may also form part of special federal or provincial commission hearings or special committees or investigations, including the reports, proceedings and archival files of the Indian Specific Claims Commission, held at LAC as a separate fonds: https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=fonandcol&IdNumber=3944392.

Transcripts of community sessions held by the Specific Claims Tribunal are also available. Contact the SCT Registry to request a list of available documents/submissions relevant to your claim: claims.revendications@sct-trp.ca

Publications

There are several online and secondary sources providing information and guidance on oral history gathering best practices[34] and oral history bibliographies. Some of these include:

34 Remain alert to and understand the issue of ownership of the knowledge and data obtained via oral history and be sure to consult the First Nation's and any other necessary legal guidelines and protocols in that respect. Consult also the First Nations Information Governance Centre concerning First Nations data sovereignty and the OCAP (ownership,

- Maureen Simpkins Ph.D., Turtle Island Consulting, Victoria, B.C., "From Ear to Ear: Cross-Cultural Understandings of Aboriginal Oral Tradition" (2002);
- Kristina R. Llewellyn and Dana Nowak, "Annotated Bibliography of Oral History in Canada: 1980-2012," *Oral History Forum d'histoire orale 33* (2013);
- Poppy de Souza, Fran Edmonds, Scott McQuire, Michelle Evans, and Richard Chenhall, "Aboriginal Knowledge, Digital Technologies and Cultural Collections: Policy, Protocols, Practice," Melbourne Networked Society Institute Research Paper 4 (October 2016);
- Terry Tobias, *Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design*, 2000;
- UBCIC*, Stolen Lands, Broken Promises,* "Chapter 6: Oral History." Stolen Lands, Broken Promises - UBCIC;
- UBCIC and Ecotrust Canada, *Living Proof*
    - The latter two resources present methodologies for conducting mainly land use and occupancy mapping projects, but the interview techniques and associated project management ideas are applicable to all research projects involving live informants.

control, access, and possession) principles, tools, and resources. See First Nation principles of OCAP® and Online Library for further information.

Annex F. Finding Aids at LAC

Not all files have been indexed in the database of LAC's Collection Search and can only be identified through reviewing finding aids.

Paper

- Some files listed in finding aids are only available on **paper.** In this case go to 2nd floor at 395 Wellington (Ottawa service location) to review them.
    - Some paper finding aids are also available at LAC's Regions (Vancouver, Winnipeg, and Halifax).
- Sometimes a paper finding aid is RESTRICTED or SEVERED (usually redacted personal information). For these FAs, contact an archivist and request access to the finding aid. Reference staff via email or at the desk on the second floor can connect you to an archivist for the record group concerned. When requesting a finding aid, always request the finding aid number PLUS the [item ID number] or [accession/ban#] as provided on LAC's Collection Search.
- Electronic copies of paper finding aids covering a particular area of the country may also be available by contacting the reference desks at LAC's Regions: bac.referencevancouver-vancouverreference.lac@canada.ca; referencewin@bac-lac.gc.ca; halifax@bac-lac.gc.ca

Electronic

- Some finding aids are available in **electronic** form, but have still not been imported into the LAC Collection Search database. There may be a copy of the finding aid linked in PDF or Excel format on the record information page.
- Some **electronic** finding aids have not been put online yet. Or they may be RESTRICTED or SEVERED. If you have RG access, you can submit a request for these just like a paper finding aid. This can be done by asking an archivist at the Reference Desk, booking an appointment (in person, or by telephone or videoconference) online or by emailing bac.reference.lac@canada.ca
- Electronic finding aids covering a particular area of the country may also be available by contact LAC's Regions: bac.referencevancouver-vancouverreference.lac@canada.ca; referencewin@bac-lac.gc.ca; halifax@bac-lac.gc.ca

Searching for specific Finding Aids Online

- Access LAC's online Collection Search and select "Advanced search"
- Select Search in "Archives"
- Under "Additional search options" select Database "Collections and Fonds"
- Under "Specific terms" select "Finding aid" and search for the specific Finding Aid number you require (only the number – there is no need to type "RG" before it) and the records connected to that finding aid that have been indexed in the database will appear in the results
- You may also locate a finding aid by using the lefthand sidebar under "hierarchical level" under Fonds, Sous-fonds, and/or Series
    - Looking at the results under "Record Information" in a particular series can lead you to the relevant finding aid and its availability
- Be sure to always check for Accessions (new acquisitions) and to expand the Record Information for "Finding aid"

Annex G. DIAND File Classification Guides

Record-keeping practices and systems used by the Department of Indian Affairs have evolved significantly over time, reflecting changes in departmental size, complexity, and mandate. The Department's file classification guides can be requested from the Main Records Office. These present information on identifying file subjects and their coding according to the Department's filing system for the time period involved. This knowledge of how the Department created and kept its files is an important aspect of conducting research on Specific Claims. The "History Cards" as noted elsewhere can provide information on the disposition or confirm the destruction of files not located in searches or finding aids.

The major DIAND record-keeping systems from 1872 to 1984 include:

- 1829: First record-keeping system, in the form of outgoing letterbooks, is established
- 1844–1872: Incoming and outgoing correspondence filed separately and entered in an alphabetical index by correspondent
- 1872: Introduction of straight numeric filing system, known as the Red and Black Series for organizing eastern (red) and western (black) Canadian correspondence (with some overlap for certain areas)
    - A Subject Extension Register was used to group letters alphabetically by correspondent or subject
    - As this system was more complex than earlier systems it did not use a simple sequential numeric system. A subject file block system with superscript agency responsibility code were introduced
    - General Subject System, also known as the "Sub number Series," was adopted in the Red Series in 1902 and the Black Series in 1913 to address the complexity of the subject file block system.
    - Red and Black Series records were created into the 1950s, with the later sequential numeric file registration system referred to as the High Red and High Black Series
- 1923: Introduction of the duplex numeric system with five subject-based file systems, and then broken down to create file number comprised of a subject block and an agency code.
    - First Series: non-reserve specific correspondence

  - Thousand Series: reserve specific correspondence
  - School File Series: controlled by the Education Division responsible for the administration of Indian Day Schools and Residential Schools
  - Land Sale Series
  - Engineering and Construction Files
- 1947: Modified Duplex Numeric system created as a result of a Special Joint Committee of the Senate and House of Commons recommendation for the settlement of Indian claims
  - File numbers comprised of a responsibility centre code and a subject code
- 1984: Block numeric system introduced
  - Files organized from general subject area with increasingly precise numbering to reflect a particular subject (for example, E5600 for Lands – E5673 for Lands-Surveys and Reserves, E5673-3 for Lands-Surveys and Reserves-Land Purchases). The major areas of this system include Administrative files, Operational files (of the Indian and Inuit Affairs Program), and Northern Affairs files.

For more detailed information on the evolution of DIAND's record-keeping practices see:

- Sean Darcy. 2004. "The Evolution of the Department of Indian Affairs' Central Registry Record-Keeping Systems: 1872-1984". *Archivaria* 58 (August), 161-71. https://archivaria.ca/index.php/archivaria/article/view/12482.

For pre-Confederation era recordkeeping:

- Bill Russell. 2013. "Indian Department Headquarters Records, 1844–1861: A Case Study in Recordkeeping and Archival Custody". *Archivaria* 75 (April), 187-223. https://archivaria.ca/index.php/archivaria/article/view/13438.

Annex H. Sources for Identifying Legislation and Case Law

Legislation (Colonial/federal)

1758-1867

- The British North American Legislative Database, 1758-1867 (bnald.lib.unb.ca/) contains an extensive electronic collection of legislation passed by the pre-Confederation assemblies of eastern British North America: Nova Scotia; Cape Breton; Prince Edward Island; New Brunswick; Lower Canada; Upper Canada, the United Canadas (1841-1867); and Newfoundland. Researchers can search by province, concept (such as "Indigenous People" for acts referring to Indigenous people, lands, and rights), and/or level of jurisdictional relevance (the area to which the act applies - local or provincial).
- Colonial Officials passed legislation, proclamations, and ordinances prior to Confederation, including the 1860 Land Ordinance in British Columbia, the 1865 *Ordinance for regulating the acquisition of land in British Columbia No. 27*, and the *Ordinance to Amend and consolidate the Laws affecting Crown Lands in British Columbia*. The *Revised Statutes of BC, 1870* has the pre-confederation proclamations. They are also published here: *The Laws of British Columbia consisting of the Acts, Ordinances, & Proclamations of the formerly separate colonies of Vancouver Island and British Columbia, and of the United Colony of British Columbia, 1871* [available at https://archive.org/details/cihm_14355]. See also *Papers Relative to the Affairs of British Columbia, 1859* [available at https://archive.org/details/cihm_29848*]*. Another good resource is Marjorie C. Holmes' *Publications of the Government of British Columbia 1871-1947* (1950) [available at https://openlibrary.org/books/OL15529245M].

1867-1872

- Statutes of Canada
  - http://eco.canadiana.ca/view/oocihm.9_08050

1873-1900

- *Acts of the Parliament of the Dominion of Canada*
  - http://eco.canadiana.ca/view/oocihm.9_08051

1901-2000

- *Acts of the Parliament of the Dominion of Canada*
    - https://archive.org/details/canadaactsofparliament&tab=collection
    - The documents are in PDF/A mode so pages cannot be extracted until you turn off PDF/A view mode.
        - In Adobe Acrobat, select the following: Edit \ Preferences \ (Categories) Documents \ PDF/A View Mode \ View documents in PDF/A mode \ choose “Never” \ OK.

Current Acts

- http://laws.justice.gc.ca/eng/
    - As of June 1, 2009, all consolidated Acts and regulations on the Justice Laws Website are "official", meaning that they can be used for evidentiary purposes.
- The Library of Parliament’s LegisInfo website (http://www.parl.gc.ca/LEGISINFO) provides a wide range of information about individual bills from parliamentary sessions starting from January 2001.
- The *Revised Statutes of Canada* provide indexes for searching federal statutes
- Federal regulations are published in the “Consolidated Index of Statutory Instruments” in Part II of the *Canada Gazette*

Once you have located the relevant statute(s), you may need to find out if it has been amended (changed) or repealed (cancelled) as this can assist in understanding its history and how it may have evolved over time. The *Canadian Abridgment* can assist and is available at law libraries. Annotated versions of legislation help the reader to determine changes as well, with commentary that often contains the legislative history of the section, or references to cases considering the section, or both.

Often it is necessary to consult provincial/territorial legislation as well, including Public Lands Acts, Lands Acts, Natural Resources Acts, Game Acts, etc.

Some printed sources relating to legislation on Indigenous issues include:

- Shin Imai (ed.), *2004 Annotated Indian Act and Aboriginal Constitutional Provisions* (Toronto: Carswell, 2003).
- Sharon H. Venne, *Indian Acts and Amendments 1868-1975 - an indexed collection* (Saskatoon: University of Saskatchewan Native Law Centre, 1981).
- Derek G. Smith, (ed.), *Canadian Indians and the Law: Selected Documents, 1663-1972* (Ottawa: Carleton University Institute of Canadian Studies & McClelland and Stewart Ltd, 1975).
- Jack Woodward, *Native Law* (Scarborough: Carswell, 1989).
- *Consolidated Native Law Statutes, Regulations and Treaties* (Scarborough, ON: Carswell, 2000).
- *Indian Treaties and Surrenders: from 1680 to 1890* (Saskatoon: Fifth House Publishers, 1992). This is a reprint of a series originally published by the Queen's Printer in 1891.
- Bill Henderson's "Aboriginal Law and Legislation online": http://www.bloorstreet.com/300block/ablawleg.htm.

Judicial Decisions

Various guides to court decisions are available at law school libraries and courthouse libraries, many available online. Band Offices, Indigenous Organizations, Tribal Councils and other First Nation Resource or TARR Centres frequently have copies of decisions.

The *First Nations Research Guide* contains information on locating relevant law-related information: http://www.law-lib.utoronto.ca/resguide/aborig.htm

The *Canadian Native Law Reporter* contains important court decisions and discussion on Indigenous law and Specific Claims. Issues are usually available at local libraries and resource centres.

Commercial online legal databases, such as QUICKLAW, Westlaw and Lexis-Nexis, are also available for a fee.

The Canadian Native Law Cases, at the Native Law Centre, University of Saskatchewan: http://library.usask.ca/native/cnlch.html.

Supreme Court of Canada decisions and reports beginning from 1985: http://www.scc-csc.gc.ca.

Provincial Courts of Appeal and Supreme Courts often have their decisions online.

Court registries have copies of cases decided in their jurisdiction.

Online blogs and publications of various law firms.

Shin Imai (ed.), *Annotated Aboriginal Law* (various years). Now authored and updated by First Peoples Law as the Indigenous Peoples and the Law in Canada: Cases and Commentary.

Kate Gunn and Bruce McIvor, "Canadian Aboriginal Law in 2018: Essays & Case Summaries," (online with free subscription).

Links to Useful Resources

- Canadian Journal of Native Studies
- Canadian Native Law Reporter
- UBCIC (Union of British Columbia Indian Chiefs) Online Resources
- Aboriginal law handbook by Olthuis, Kleer, Townshend
- Indigenous Law Journal, University of Toronto
- Supreme Court of Canada cases involving Indigenous peoples – Simon Fraser University
- Indigenous Studies Portal University of Saskatchewan
- First Peoples Law Publications and Law Reports

Annex I. Survey Plans and Land Registry Systems

There are a number of resources available for finding official plans and other documents related to lands. The two most common for legal survey plans and land-related instruments are presented here; others concerning maps and plans generally are included in various sections of this manual.

Natural Resources Canada has a Survey Plan Search for identifying and downloading survey documents for Canada Lands, which includes all provinces, the Yukon, Northwest Territories, Nunavut; more than 3,100 Indian Reserves; Canada's National and Historic Parks; and Canada's offshore area. See Beyond Boundaries: Survey Plan Search 3. User's Guide for detailed instructions on how to search and interpret results. The reserve survey plans and field books use the same five-digit reserve codes as are used by the Department of Indian Affairs to identify reserves. The plans can be searched in several ways including by reserve name, reserve number, plan number surveyor name, reserve codes (under "Canada Land"), date ranges, and other criteria.

The Indian Lands Registry System provides access to a variety of documents related to Indian lands. The First Nation Lands Registry and Self-Governing First Nations Lands Registry Systems are also searchable through the ILRS. Using these systems instruments, evidence of title, and documents related to specific land parcels can be identified.

You must provide an email address and create a password to access it.

In addition, a number of reports can be generated using the "Reports" tab:

- Band-Reserve reports to obtain location and area of reserve,
- Reserve General Abstracts for a list of registered transactions affecting a particular reserve and their associated instrument numbers,
- Parcel Abstract Report (must have the Parcel Identification Number (PIN) for the parcel as provided in a land search),
- Instrument Report allows the user to search by type of instrument, date range and a variety of other criteria. The resulting report provides details on type of instrument, date, registration (instrument) number, purpose, etc.

The Search Instruments tab is used to search by type of legal instrument, purpose, registration (instrument) number (can be obtained from the Reserve General Abstract report), and other criteria.

The Search Evidence of Title tab provides an area for conducting searches by EOT, for reserves affected by instruments such as location tickets, allotments, certificates of possession, notices of entitlement, etc., or can be searched by the EOT number or PIN if known.

The Search Land tab is a more detailed search for particular parcels using the PIN, legal description, type of parcel, plan type, plan number, etc. The Advance Search provides further criteria for parcel status, grantee or grantor, etc.

The Land Registry includes a link to eRIP/CLSS to bring up a map to facilitate parcel searches and types of land holding on-reserve.

*It is important to recall to “add” each criteria using the + sign. When beginning a new search, it is important to select the “x” next to the criteria no longer desired.

Copies of the actual instruments or documents are not available on the Land Registry System but must be requested from the region that administers the reserve in question. The “Contact Us” area provides contact information for each office, including addresses, phone numbers, and email addresses.

Note that provinces and municipalities also maintain their own land registries for searching property records, including instruments and plans. Often researchers can access resources on historical registers and related indexes for a particular area or land registry office/district. Many require researchers to search on-site in order to obtain proper plan numbers or registration numbers but a growing number are providing online services, usually for a fee.

Annex J. Instructions on how to find Indian land patents

RG 68

Patents issued for Indian lands reside in several collections at Library and Archives Canada. Up to October 1886, the responsibility for issuing patents for Indian lands was the responsibility of the Registrar's Branch, Secretary of State (RG 68 at LAC). From 1887-1951, this responsibility was transferred to the Department of Indian Affairs. These duties were returned to the Registrar General after 1951.

1) The "Indexes to Indian and Ordnance Land Patents" (Mikan 192544) sub-series consists of a nominal index and geographical index to Indian and Ordnance Land Patents from 1845-1886 on several microfilm reels (M-1011, M-1638, M-3693). The geographical index was used to identify each individual patent issued to patentees by the township of interest. These indices contain information on the patentee, lots patented, date of patent and Liber (register) and Folio (page) references.

2) Next, use microfilm conversion finding aid 68-2 to identify the RG 68 volume and microfilm reel you need.

3) Once the microfilm reel has been identified, either review physical microfilm at LAC, or check Canadiana.

RG 10

RG 10 (Indian and Northern Affairs) series D-11-a (Mikan 133563) consists of office copies of land patents issued for former Indian reserve lands by Indian Affairs Headquarters. In October 1886, responsibility for issuing patents to former Indian lands was transferred from the Registrar's Branch, Secretary of State, to the Department of Indian Affairs. In 1951, this responsibility was transferred back from the Department of Indian Affairs to the Registrar General's office. This explains why patents in this series date only for the period 1886-1951.

This series consists of around 75 boxes, containing approximately 16,500 patents. These patents are organized only by patent number, and the finding aid does not provide any criteria (patentee name, date, legal description) for the records. The researcher must have a patent number in order to retrieve the correct document.

Annex K. Conversion Tables – Units of Length and Area

Units of Length[35]

1 League	3 Nautical Miles 3.455 Statute Miles 18,240.81 Feet 95.085 Arpents
1 Arpent	10 French Perches 191.835 Feet 58.47 Meters .036 Miles
1 Rod	16.5 Feet
1 Pole	16.5 Feet
1 Perch	16.5 Feet
1 Chain	4 Rods = 66 Feet = 100 Links
1 Mile	8 Furlongs = 80 Chains = 5,280 Feet
1 Nautical Mile	1.15156 Statute Miles = 6,080.27 Feet
1 French Perch	19.1835 English Feet
1 French Foot	1.06575 English Feet
1 English Foot	0.93830 French Feet
1 Link	0.66 Chains = 7 15/16 Inches
1 Foot	0.30480061 Metres (U.S. Survey) 0.304800 Metres (Ont. Co-ord. system)
1 Metre	3.280833 Ft. (U.S. Survey) 3.2808399 Ft. (Ont. Co-ord. System)
1 Fathom	6 Feet
1 Hand	4 Inches

[35] This information is derived from: Association of Ontario Land Surveyors. *Manual Relating to Surveys and Surveyors*. Issued by the Association of Ontario Land Surveyors, 1973.

1 Span	9 Inches
1 Furlong	40 Poles = 220 Yards

Units of Area

1 Arpent	.85 Acres
1 Acre	43,560 Square Feet = 208.74 Feet Square
1 Square Perch	30.25 SquareYards = 272.25 Square Feet 0.00625 Acres = 1/160 Acres
1 Square Chain	484 Square Yards = 16 Square Perches
10 Square Chains	43.560 Square Feet = 1 Acre = 160 Square Perches
1 Rood	1/4 Acre = 40 Square Perches = 10890 Square Feet

Annex L. Topographic Surveys

The Surveys and Mapping Branch of the federal Department of Energy, Mines and Resources (now NRCan) was charged with the topographical survey of Canada. Topographic maps, data, applications, and tools, can be helpful in visualizing the land concerned in a given claim. Topographic maps show reserves, parks, historical sites, bodies of water, contours, elevation, forest cover, marsh, pipelines, power transmission lines, dams, buildings, and boundary lines (country, township). They can be obtained in various scales.

Geospatial data and topographic maps can be found online through National Resources Canada. Use the Indexes of the National Topographic System of Canada by province to identify the maps you need.

For more information see National Resources Canada's National Topographic System Maps page.

Researchers may also visit or inquire with the main NRCan office in Ottawa.

Note that a variety of other maps are also available to consult:

- national Minerals and Mining Map Minerals and Mining | Natural Resources Canada (atlas.gc.ca)
- national Forest Maps Forest Maps (canada.ca)
- various editions of the national atlas (including elections map, hydrological atlas, national parks) Map Archives (canada.ca)
- under the Reference Maps, researchers can find maps of drainage basins and provincial maps showing major cities Reference Maps (canada.ca)
- the website also provides access to a number of publications and scientific studies Publications (canada.ca)
- the mapping tool allows users to view selected/layered details on an interactive map and to download them, along with related data Toporama | Natural Resources Canada (atlas.gc.ca)

Annex M. Indian Affairs Trust Fund Accounts

The following is a listing of sources that may be helpful when starting Trust Fund Account research. Please note that the files listed under LAC finding aids may be subject to access restrictions.

LAC Finding Aids

- FA 10-376 – Indian and Inuit Affairs Sous Fonds: provides an explanation of the evolution of the central registry filing systems, including the Red and Black Series, for locating records related to trust fund accounts
- FA 10-1 – Indian Affairs Pre-Confederation Records: many relevant records can be found using this finding aid, including those in the following series:
    - General Accounts, 1846-1979
    - Various Land Sale Account Records, 1830-1948
    - General Land Records Central Superintendency, 1837-1964
    - Indian Department Accountant, 1846-1857
    - Coldwater Superintendency, 1833-1837
    - General operational records Western Superintendency, 1842-1888
    - Accounts – Six Nations, 1844-1880
    - Annuity Accounts – Central Superintendency, 1836-1864
    - Accounts – Northern Superintendency, 1837-1845
    - Accounts General Pre-Confederation Indian Department Office Records, 1780-1864
- FA 10-49 – Matheson Blue Books: records acquired from the Program Reference Centre and from the Treaties and Historical Research Centre, Indian and Northern Affairs Canada, with a number of pre- and post-Confederation documents relating to Indian Trust Funds
- FA 10-95 – Trust Fund Ledgers on microfilm, 1849-1956
- FA 10-47 – INAC Financial Records, 1895-1963: provides a guide to finding the following records:

  - Band Fund Authorities, 1961-1964
  - Indian Agency Trust Accounts, 1960-1968
  - Records related to payments sent to the Receiver General, ca. 1936-1962
  - Trust Fund journal vouchers and cheque requisitions, 1943-1963
- FA 10-32 – Trust Fund Journals by ledger number, 1875-1938
- FA 10-36 – Trust Fund Ledgers, 1956-1975

Along with trust fund accounts for specific bands, there are also general accounts, especially the suspense account in which a band's initial revenues and expenditures may have been recorded before receiving its ow separate account; individual accounts (mainly departmental employees), and schools accounts.

Published Sources

- Published Reports of the Auditor General, 1874-1938: contain Summaries of Expenditures of the Indian Trust Fund with details by band and include information on any discrepancies between the account books of the Indian Department and those of the Auditor; also include Summary of Expenditures of Appropriations by Vote
- Annual Reports of the Department of Indian Affairs, 1864 – present: include statements of expenditures which may include amounts paid out of band funds and amounts covered by "parliamentary appropriation" or "vote"; reports from 1864-1938 include Band Fund Statements, from 1864-1876 and 1927-1938 they are summary reports only but for 1877-1926 they are detailed reports

The Department's Trust Funds Researchers Manual, Trust Fund Account Names and Account Numbers Users' Manual, and Guidelines Manual for Conducting Research into the Management of Pre-Confederation Indian Land and Annuity Funds and Post-Confederation Capital and Interest Accounts are available by contacting Sean Darcy sean.darcy@canada.ca or sean.darcy@rcaanc-cirnac.gc.ca or the Manager in the Assessment Coordination Engagement area of the Policy Development and Coordination Branch or CIRNAC.

Annex N. Tips for Using National Air Photo Library

The National Air Photo Library (NAPL) of Natural Resources Canada archives over 6 million aerial photographs covering all of Canada, some of which date back to the 1920s.

Online searches can be done of over half of the NAPL's collection using The Earth Observation Data Management System (EODMS).

The EODMS visually depicts the "footprint" of air photos on a map background. After a search is completed, the air photos can be ordered from the NAPL.

90% of the NAPL collection is black and white. Scale of photos range from 1:3,000 (1 cm = 30 metres) to 1:90,000 (1 cm = 900 metres or 0.9 km)

Digital images can be ordered through the EODMS. Prices vary from $25-$38 depending on resolution.

Searching

https://www.eodms-sgdot.nrcan-rncan.gc.ca/index_en.jsp

You must register for an account to order any images. However, you can search without creating an account.

1. Select an area of interest
    - Search for a geographic location
        - Enter name or postal code
    - Use current map extent
        - this feature is handy if you want the pink boundary to be your entire screen
2. Select dates
    - Your best bet is to put in a limited date range to ensure that you are only seeing the results for the time period of interest. Some reserves have hundreds of entries.
3. Select data
    - Just select NAPL
4. Select data options

- scale can be adjusted to help limit your results. If you are not sure the scale you want, ignore this and do a search first.

5. Submit Search

    - **Important:** the default limit for search results is 150. You must increase this (options are 500, 1000, or 5000) or else you may miss out on seeing relevant photos.

Results

Search results appear on the left side of the page and the map is on the right. The pink boundary represents your search term. So, if you searched for an Indian Reserve, then this will help guide you. The pink boundary cannot be moved or altered unless you go back and delete the search term. In the results field, you can check off a box in the column “Footprint on map” this will outline the area of the aerial photograph. These boundaries will stay on the map unless you switch to another results page.

Submitting an order

When you are in the results page, check off each photo you want using the “Order” column. You will be redirected to an order options page where you select the media type (digital), file format (jpeg or tiff), and image resolution. To complete your selection, you have to check the “Select item(s)” box and then click on the “Update cart” button.

Once you are finished selecting all your items, you can make any changes in your cart.

You do not pay for your order at checkout. You will get an e-mail about 5-10 days letter saying your order is complete and the e-mail will include a link to the payment page. After your payment has been processed, you will receive a separate e-mail (sometimes the same day) with a link to an FTP site where you can download the images. Once you have downloaded the images, you are supposed to reply to the e-mail and tell them you are finished so that they can delete the images off their FTP server.

Annex O. Treaty Annuity Paylists

Treaty annuity paylists are essential documents when researching certain types of claims, such as annuity/gratuity payment claims, TLEs, and band amalgamations or divisions, as well as in surrender claims where determining voter eligibility is important. Paylists record the payment of annuities and gratuities to members of the First Nations beginning with the 1850 Robinson Huron and Superior treaties and all of the numbered treaties (1-11). They also include data on the payment of salaries to chiefs and headmen. Paylists can provide important insight into band leadership, size, location, and relationships or connections with other bands. It should be borne in mind that paylists present the paying agent's interpretation of the band affiliation, status, gender, family composition, and names of the family heads listed on the date of payment. This means that the data therein is prone to error, especially in cases where the Agent was unfamiliar with the band. It should also be borne in mind that paylists only include Band members as identified by departmental officials.

While paylists are essential documents they come with their own challenges such as:

- Names: paylists from the 1870s to the 1940s only list the names of heads of families. From the 1940s to 1960s the paylists will occasionally list the names of every family member paid on a ticket and this became standard practice in the 1970s. In earlier paylists from the 1850s through to the 1880s Indigenous names are frequently spelled out phonetically, which can lead to inconsistencies in the ways in which names appear on paylists from year to year. In addition, sometimes aliases or English translations are used interchangeably. Careful comparison between earlier paylists may be necessary for tracking payments until names become more consistently listed in the mid to late 1880s.
- Ticket Numbers (sometimes referred to as Check numbers in the records, and often abbreviated to Ck.): much like names, ticket numbers are frequently inconsistent in the early decades of treaty annuity paylists. Ticket numbers generally become consistent in the mid to late 1880s as applying to a unique head of family but careful comparison is necessary for tracking payments in earlier years when ticket numbers may not have applied to the same individuals. Boys who came of age or got married were transferred to their own ticket numbers.
- Family composition: the majority of paylists record the number of men, women, boys and girls (sometimes combined and recorded as children),

and other relatives (sometimes divided by male and female) paid on a ticket. In years where names and ticket numbers are inconsistent or illegible this information can be helpful in tracking families and identifying payments. However, this information should not be relied on too much as there can be mistakes or inconsistencies in the ways that family compositions are recorded (such as mistakes in recording the gender of children or inconsistencies in recording boys/girls as men/women as they get older) that are only corrected in later years.

- Remarks column: the remarks column frequently includes important information that can explain absences, changes in family compositions, transfers to/from other bands, and transfers to new ticket numbers within the same band. Ensure that facing pages are lined up properly so that remarks are applied to the correct ticket. This may require printing the pages in question on paper.

- Funded payments: payments for children who were away attending school were frequently recorded as funded payments (rather than absentees). While some paylists may include notes indicating funded payments and the names of the children concerned, others may simply record the funded payments in the far right-hand “Funded” column. Ensure that this column is accounted for in your analysis so that the totals at the end of the paylist are correct. Sometimes there is a notation that the amount has been “places in savings”.

- Totals: the majority of paylists will include totals for each family and for each column listed on each page and then on the last page. However, researchers should confirm these totals themselves to catch any potential errors. Recapitulation pages may also help to confirm totals, especially when legibility is in question, but these also must be used with caution. Another way to confirm totals is by looking at the total amount paid and dividing it by the per capita annuity amount for the treaty in question. (Caution: some early treaties denote these amounts in old British currency of pounds, shillings, and pence.)

Other Sources for Band Composition and Band Member Populations

It may also be helpful to consult archival files containing correspondence related to the payment of annuities as they may contain documents explaining absences, arrears, transfers, or other payment discrepancies, as well as band census data.

Other supplementary sources of data could include

- Oral Histories and personal documents, such as family bibles
- Church and school records
- HBC records (account books, lists of servants, miscellaneous censuses)[36]
- Métis scrip records
- Vital records (births, deaths, marriages)
- Newspapers (obituaries, marriages)
- Genealogical studies
- Cemetery records
- Canada census returns
- For First Nations whose members often travelled and lived in American territory, US Indian Census Rolls and American federal census data can also be helpful.

A Treaty Paylist Verification project was commissioned by CIRNAC in 2009 (then known as INAC), which entailed the scanning of the microfilmed paylist collection held by LAC to create a searchable database of the available paylists to 1955. The final report prepared for this project, available on request from the Genealogical and Archival Research Unit, provides detailed information on the paylist availability for individual bands as well as information on band name changes, divisions, or amalgamations over time.

Tracing Sheets

The creation of electronic tracing sheets can greatly help facilitate paylist analysis. These provide a transcript of paylist data with sorting and filtering capabilities.

See below for an example of a tracing sheet, with headings, which was created in Microsoft Excel, and contained the following headings:

- Band Name

---

[36] The HBC records are especially relevant for the Robinson Treaties (Ontario) and some British Columbia treaties and agreements as HBC employees were in charge of listing payees and making the payments on behalf of the Crown in the early years before entering Confederation.

- Year
- Name
- Ticket # on Paylist
- Working Ticket #
- M [men]

W [women]

- B [boys]
- G [girls]
- CH [children]
- OR [other relatives]
- OMR [other male relatives]
- OFR [other female relatives]
- TOTAL
- Number paid last time
- ARREARS [year, amount of people]
- Births (amount and gender) - to capture this information when recorded
- Deaths (amount and gender) - to capture this information when recorded
- Where Paid
- Transcript of Paylist Remarks (Verbatim)
- Bands/Places mentioned
- Researcher's remarks
- Reference

Besides the columns listed, it can also be useful to create additional columns to track research, or for other purposes. For example:

- Research Notes to Self – an optional field to record any observations or problems.

- Sort Order – another optional field, useful to restore the worksheet to its original sort order if necessary

Sample of Tracing Sheet – Extract:

B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Band Name	**Year**	**Name**	**Ticket # on Paylist**	**Working Ticket #**	**M**	**W**	**B**	**G**	**CH**	**OR**	**OMR**	**OFR**	**TOTAL**	**Number paid last time**	**ARREARS [year, amount of people]**	**Births (amount and gender)**	**Deaths (amount and gender)**	**Where Paid**	**Transcript of Paylist Remarks (Verbatim)**	**Bands/Places mentioned**	**Researcher's remarks**	**Reference**
______ Band	1874	[Name appearing on paylist]	1	1	0	0	0	0	0	0	0	0	0	0							Paylist dated June 2, 1910 at the Reserve (name of reserve not specified). Records 2 persons paid when last paid.	LAC RG 10 Vol. 1235

Information and Tips for Tracing Sheets

Tips for entering information:

- Though in many cases nearly the same information appears year after year, best practice does not involve copying and pasting one year's data to use for the following year: this is how errors and inaccuracies get perpetuated.
- It took several years after the treaties were signed for a standardized mode of record-keeping to develop. If certain columns do not exist for the year you are transcribing, simply use "n/a" to indicate that the information is not available.

Transcription protocol:

- information should be entered exactly as it appears on the source treaty annuity paylists (i.e., orthographic errors should not be corrected)
- when in doubt due to illegibility or damage to the original, put your best guess in square brackets, for example: [one illegible word] or [two illegible words - boy and girl?]
- when comments pertaining to a single entry span more than one line, use [next line] in square brackets to indicate this
- if ditto marks are used to repeat a comment over several entries, do not use ditto marks in your transcribed remarks, instead, include the original comment for all subsequent entries to which it refers but put it in square brackets []

- if there is no number in the column for which you are transcribing information, do not use "0"; rather, determine a single way to indicate the TOTAL ABSENCE OF INFORMATION, such as "n/a" or a simple dash mark "-" and use this method consistently throughout the tracing sheet
- arrears column information can be transcribed by indicating the date followed by the number of people for which arrears were paid, as follows: 1886-3. If arrears were paid for more than one year, use a semicolon: e.g. 1886-3; 1887-1.
- if the notation that a ticketholder was a chief or head man appears next to the name this should be included in the name column
- sometimes remarks appear in the name column, though they are clearly not the ticketholder's name - include them in the name column, and again in square brackets in the "transcript of paylist remarks" column

Ticket # vs. Working Ticket #

- Ticket # is the ticket number appearing on the actual paylist. In the absence of any number, use a dash mark as follows: -
- Working Ticket # is the number assigned by the researchers (the permanent ticket number can be used) to sort and filter the worksheet.

How to use the Tracing Sheets:

- To see all payment data for a particular year, filter by year
- To see all payment data for a particular family, filter by Working Ticket # (if created) or Ticket #
- Can filter by more than one criterion
- Remember to un-filter data
- Filtering by name is not recommended as spelling and format usually change frequently

Annex P. Contents of Department of Indian Affairs Annual Reports

The annual reports of the Department of Indian Affairs (sometimes also published as the *Annual Report of the Indian Branch of the Department of the Minister of the Interior* or the *Report of the Indian Branch of the Department of the Secretary of State for the Provinces*, depending on the time period in question) are published collections of primary source documents concerning all aspects of Indian Affairs across Canada. The annual reports were often contained within the Sessional Papers, which are reports and papers which have been tabled in the House of Commons (and sometimes the Senate).

These reports can be valuable document sources when preparing claims as they provide agency and band specific information, information on the surveying of and conditions on reserves, and important statistical information. Note that the information provided in these reports varies over time and the summary of contents below may not be available in all reports. Annual Reports published after 1940 are briefer.

Documents found in the Annual Reports of the Department of Indian Affairs include, but are not limited to:

- Interdepartmental correspondence and reports: this may include reports from the Superintendent General or Deputy Superintendent General of Indian Affairs, Secretary of State, Treaty Commissioners, Indian Agents or Superintendents, Inspectors of Indian Agencies, Indian Superintendents, Principals, School Inspectors, Indian and Indian Reserve Commissioners, and Indian Reserve and Dominion Land Surveyors
- Tabular Statements: providing band or agency level information on land, agriculture, industry and development, education, and population, including
    - returns of grain and roots sown and harvested, buildings erected, and livestock on hand (both personal property and those given under treaty or loan);
    - immoveable property, land cultivated and ploughed, personal property (including livestock and agricultural implements), other on-reserve development, and fish, furs, and other industries;
    - crops sown and harvested by reserve;

  - departmental census returns and/or tables showing the number and locations of Indians;
  - number of acres of Indian lands sold;
  - reports on the condition of Indian schools;
  - the religious affiliations of Band members;
  - sometimes the names of Chiefs or of Chiefs and Headmen;
  - schedules of reserves.
- Financial Statements: providing information on transactions, appropriations, and expenditures, including
  - statements of transactions for individual band trust fund accounts and school accounts, the Indian Land Management Fund, suspense account, Indian School Fund, Survey Account, and Superannuation Account;
  - returns of expenditures, organized by province/territory, agency, or by treaty area;
  - earnings of certain individual Indians, but mostly organized by agency and band;
  - sources and value of income;
  - commutation of annuity;
  - and the Auditor General's Reports, which can provide information on the government's expenditures for annuities, relief, seed, livestock, farming implements, suits of clothing, and ammunition and twine.
- Lists of departmental employees, their positions, and salaries.

*Be aware of departmental changes in organization. Frequently, the Agency under which a particular Band was listed one year could change in the next.

Also note that the year the report is published reflects information for the previous government fiscal year.

The Annual Reports are available online: Indian Affairs Annual Reports, 1864-1990 (canada.ca). Printed versions can also be consulted at the departmental library.

To access a Northern Affairs annual report from before 1967, search for copies of the annual reports of the department responsible for Northern Affairs at that time in Aurora or at another library.

Annex Q. LAC Records Relating to Indigenous People

For a detailed examination of LAC records relating to Indigenous people, see *Archival Records Relating to Native People in the Government of Canada Archives Division of the National Archives of Canada: A Thematic Guide*, prepared by Bennett McCardle for the Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985, and Revised and Updated by S. Barry Cottam and Theresa Redmond for the Government of Archives Division, National Archives of Canada 1995.

This thematic guide provides summaries of LAC record groups that contain files related to Indigenous people. Each summary includes a description of the types of documents contained in the record group, related records, language of record, microfilm and access information, and information on finding aids. Please note that reference and microfilm information may have changed since the time of publication and revision, but this publication can be used as a starting point in claims research. Note especially the RG number and the title of the fonds or series for conducting Advanced Searches in Collection Search.

Some guides and databases are available on LAC's website: A to Z tools and guides (canada.ca)