

**SANDY BAY FIRST NATION INQUIRY**  
**TREATY LAND ENTITLEMENT ANALYSIS**

**OCTOBER 28, 2004**

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## **AGREEMENT BETWEEN PARTIES ON TLE COUNT**

<b>DATE OF FIRST SURVEY POPULATION .....</b>	<b>172</b>
<b>ABSENTEES AND ARREARS .....</b>	<b>22</b>
<b>LATE ADHERENTS .....</b>	<b>0</b>
<b>LANDLESS TRANSFERS .....</b>	<b>0</b>
<b>TOTAL TREATY LAND ENTITLEMENT COUNT IN AGREEMENT .....</b>	<b>194</b>

**DATE OF FIRST SURVEY POPULATION (1876 PAYLIST)  
AGREEMENT ON INCLUSION COUNT**

**NB: The TLE count for those band members with an asterisk beside their ticket number are in dispute between the parties. The TLE count for this table only shows the count in agreement**

Sandy Bay Paylist - DOFS Count Analysis				TLE Count	
Ticket #	Name	Paid	Profile	FN	CAN
1	Ahpeskekoman (aka Pierre Roulette)	8	m,w,6ch	8	8
2	Antoine Awahais	3	m,w,ch	3	3
3	Francois Awahais (Richard)	6	m,w,4ch	6	6
4	Joseph Boileau	1	m	1	1
5	Antoine Boileau	3	m,w,ch	3	3
6	Baptiste Boileau	6	m,w,4ch	6	6
7	Elizabeth Cameron	5	w,4ch	0	0
8	Eliza Desmarais	8	w,7ch	8	8
9	Joseph Desjarlais Sr.	6	m,w,4ch	6	6
10	Francois Desjarlais	6	m,w,4ch	6	6
11	Kah we tah piness	8	m,w,6ch	8	8
12	Kitche piness	4	m,w,2ch	4	4
13	Louison Lacoite	3	m,w,ch	3	3
14	Antoine Mousseau	7	m,w,4ch,r	7	7
15	Francois Mat wa we we nin	3	m,w,ch	3	3
16	Minno geshik gook	2	m,w	2	2
17	Michelle Matta we we	10	m,w,7ch,r	10	10
18	Mano - gezhic	10	m,w,8ch	10	10
19*	Netah cum mi ke mung	4	m,w,2ch	3	3
20	Nahequa	1	w	1	1
22	Nahweecheewaykahpo	5	m,w,3ch	5	5
23	Netah we koh poh wick	1	w	1	1
25*	Pay pah ma gezhic	5	m,3ch,r	4	4
26	Sha mog o nis	4	m,w,2ch	4	4
27	Baptiste Spence Jr.	7	m,w,3ch,r	6	6
28*	George Spence	7	m,w,5ch	6	6
29	Nicholas Spence	3	m,w,ch	3	3
30	William Spence	3	m,w,ch	3	3
31	Robert Sutherland	4	m,w,2ch	4	4
32	William Sutherland	5	m,w,3ch	5	5
33	Baptiste Spence Sr.	9	m,w,7ch	9	9

Sandy Bay Paylist - DOFS Count Analysis				TLE Count	
Ticket #	Name	Paid	Profile	FN	CAN
34	Tah-ganse	8	m,w,5ch,r	8	8
35	Too - toosh	5	m,w,3ch	5	5
36	William West	2	m,r	2	2
38	Wah-sa-houk	5	m,w,3ch	5	5
39	Wees-coop	4	m,w,2ch	4	4
<b>Total</b>				172	172

**DATE OF FIRST SURVEY POPULATION (1876 PAYLIST)  
AGREEMENT ON EXCLUSION COUNT**

Sandy Bay Paylist - DOFS Count Exclusions				TLE Count	
Ticket #	Name	Paid	Profile	FN	CAN
7	Elizabeth Cameron	5	w, 4ch	0	0

**First Nations Reasons for Exclusion:**

Elizabeth Cameron. Short time on list, moved to Yellowquill. Probably on Sandy Bay list by error. No other connections with Sandy Bay.

**Canada's Reasons for Exclusion:**

#7 Elizabeth Cameron - As per the Foley analysis, this is essentially for lack of continuity of membership with Sandy Bay. "First paid with portage Bands in 1872 (N.B. Paid at Portage La Prairie, with Long Plains/Swan Lake Indians, not at White Mud River). Paid at Winnipeg in 1873. Absent in 1875 and 1876. Paid with Sandy Bay Band in 1876. Absent in 1877. Name disappears from paylist in 1878. In 1880 this woman appears on the Long Plains paylist and is paid arrears for 1877. It is noted that she is owed arrears for 1878 and 1879. According to the 1998 Policy, individuals who remain with the band for a short time at DOFS will not be included in the DOFS population of a particular band if there is evidence suggesting they were members of another band. Elizabeth Cameron had a stronger affiliation with the Long Plains Band, as evidenced by the fact that she was paid with the Long Plains Indians both prior to and subsequent to DOFS. The Policy also requires that individuals appear on more than two paylists of a band in order to demonstrate continuity of membership with the band. Elizabeth Cameron does not satisfy this criterion, having been paid with the Sandy Bay Band for one year..."

**ABSENTEES AND ARREARS  
AGREEMENT ON INCLUSION COUNT**

**NB: The TLE count for those band members with an asterisk beside their ticket number are in dispute between the parties. The TLE count for this table only shows the count in agreement**

				<b>TLE Count</b>	
<b>Ticket #</b>	<b>Paylist Year</b>	<b>Name</b>	<b>TLE Gender</b>	<b>FN</b>	<b>CAN</b>
10	1878	Paul Desjarlais	m, w, 5ch	7	7
23*	1878	Baptiste Metwawenin Sr.	m, w, 7ch	9	9
24	1878	Baptiste Metwawenin Jr.	m, w, ch	3	3
11	1878	Joseph Desjarlais	m, w, ch	3	3
				22	22

**LANDLESS TRANSFERS  
AGREEMENT ON INCLUSION COUNT**

<b>Sandy Bay Paylist - Landless Transfers</b>					<b>TLE Count</b>	
<b>No.</b>	<b>Ticket #</b>	<b>Paylist Year</b>	<b>Name</b>	<b>TLE Gender</b>	<b>FN</b>	<b>CAN</b>
			None		0	0
<b>Total</b>					<b>0</b>	<b>0</b>

**NEW ADHERENTS  
AGREEMENT ON INCLUSION COUNT**

<b>Sandy Bay Paylist - New Adherents</b>					<b>TLE Count</b>	
<b>No.</b>	<b>Ticket #</b>	<b>Paylist Year</b>	<b>Name</b>	<b>TLE Gender</b>	<b>FN</b>	<b>CAN</b>
			None		0	0
<b>Total</b>					0	0



**POTENTIAL NEW ADHERENT'S - MARRIAGES  
AGREEMENT ON EXCLUSION COUNT**

Sandy Bay Paylist - New Adherent's (Marriages)				TLE Count	
Ticket #	Paylist Year	Name	TLE Gender	FN	CAN
32 1/2	1881	Samuel Spence	w	0	0
78	1894	Antoine Beaulieu Jr.	w	0	0
105	1901	George Spence Jr.	w	0	0
77	1903	Pierre Roulette Jr.	w	0	0
17 1/2	1905	Michel Levasseur (a.k.a. Kahkaypaywaywind)	w	0	0
16	1907	George Levasseur	w	0	0
125	1907	Patrick Beaulieu	w	0	0
127	1907	Edward Desjarlais Houle	w	0	0
145	1912	Joseph Desjarlais Jr.	w	0	0
158	1914	Harry Richard	w	0	0
165	1916	Louis Prince	w	0	0
169	1916	Francis Roulette	w	0	0
177	1919	Joe Roulette	w	0	0
179	1919	Hermas Beaulieu	w	0	0
56	1920	Augustin Levasseur (a.k.a. Kahwactahpeness or Ookestah)	w	0	0
181	1920	Michel Roulette	w	0	0
183	1920	Herbert Beaulieu	w	0	0
187	1921	Lawrence Beaulieu	w	0	0
116	1922	Alexie Roulette	w	0	0
202	1923	William Roulette	w	0	0
219	1927	Edward Roulette	w	0	0
221	1927	John Levasseur	w	0	0
243	1931	Adelare Houle	w	0	0
199	1932	Moise McIvor	w	0	0
238	1932	Abraham Mousseau	w	0	0
211	1933	Mike Beaulieu	w	0	0
257	1933	Harry George A. Beaulieu	w	0	0
142	1934	Pierre Levasseur	w	0	0
200	1934	Alex Roulette	w	0	0
266	1934	Fred Mousseau	w	0	0
273	1936	Wilfred Beaulieu	w	0	0

Sandy Bay Paylist - New Adherent's (Marriages)				TLE Count	
Ticket #	Paylist Year	Name	TLE Gender	FN	CAN
141	1940	Joe Beaulieu	w	0	0
108	1942	Ambrose Sutherland	w	0	0
272	1942	Sandy Beaulieu	w	0	0
327	1942	Roderick Roulette	w	0	0
292	1945	Joe Pascal Roulette	w	0	0
273	1948	Magloire Beaulieu	w	0	0
381	1950	Eugene Roulette	w	0	0
Total				0	0

### **POTENTIAL NEW ADHERENT'S - MARRIAGES**

**Canada's Comments:**

As noted by the title of the chart, the above is a listing of potential new adherents as not much is known about the background of any of these women who married into the FN. It is Canada's position that Sandy Bay must demonstrate on an appropriate standard of proof that none of the women marrying into the FN have TLE ancestry or scrip in their background.

**First Nation's Comments:**

At a meeting held in the spring 2004 between representatives of Canada, the First Nation and the Indian Claims Commission, the First Nation indicated they would not be claiming as part of its count for Treaty Land Entitlement any members from the table above.

**POTENTIAL NEW ADHERENT'S - OTHERS  
AGREEMENT ON EXCLUSION COUNT**

Potential New Adherent's - Others				TLE Count	
Ticket #	Paylist Year	Name	TLE Gender	FN	CAN
13	1877	Louison Lacoite	ch	0	0
14	1877	Antoine Mousseau	ch	0	0
15	1877	Francois Mat wa we we nin	ch	0	0
16	1877	Minno geshik gook	ch	0	0
26	1877	Sha mog o nis	ch	0	0
27	1877	Baptiste Spence Jr.	ch	0	0
35	1877	Too-toosh	ch	0	0
39	1877	Wees-coop	ch	0	0
40	1877	Saswis	w	0	0
6	1910	Baptiste Boileau	fr	0	0
211	1933	Mike Beaulieu	2b	0	0
262	1937	Mrs. William Joe Mousseau	2b, 2g	0	0
291	1938	Samson Beaulieu	w	0	0
<b>Total</b>				<b>0</b>	<b>0</b>

**POTENTIAL NEW ADHERENT'S - OTHERS**

- #13 - Louison Lacoite - 1877 Paylist**
- #14 - Antoine Mousseau - 1877 Paylist**
- #15 - Francois Mat wa we we nin - 1877 Paylist**
- #16 - Minno geshik gook - 1877 Paylist**
- #26 - Sha mog o nis - 1877 Paylist**
- #27 - Baptiste Spence Jr. - 1877 Paylist**
- #35 - Too-toosh - 1877 Paylist**
- #39 - Wees-coop - 1877 Paylist**

**Canada's Comments:**

As with the table on marriages, Canada takes the position that Sandy Bay First Nation must demonstrate that potential new adherents in the "Other" category are entitled to be counted for the purpose of treaty land entitlement. That is, the First Nation must show on an acceptable standard of proof that none of the "Other" potential new adherents have scrip or TLE ancestry in their backgrounds.

Generally, the 1877 paylist is problematic in that it did not record the reasons for increases or decreases in household payment numbers. Given that changes in payment numbers from 1876 to 1877 were not documented, 8 cases of potential new adherents present themselves. Canada believes that payee number changes were probably reflective of births or deaths. Again, Canada that Sandy Bay must demonstrate on an appropriate standard of proof that none of the women marrying into the FN have TLE ancestry or scrip in their background

### **First Nations Comments:**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list."

### **#40 Sawis - 1877 Paylist 1 woman**

#### **Canada's Comments:**

In his March 28, 2004 memo to Norman Boudreau, Rari's summary about this woman being a relative of Antoine Awasis #3 is completely wrong. Saswis was the mother of Antoine Mousseau, #14 Sandy Bay at DOFS. During 1876 and 1877, Mousseau was collecting for a relative. In 1878, Mousseau was no longer receiving annuity for the relative, who was identified by payroll commentary as his mother ("Decrease of 1 by His mother drawing for herself.") In 1878, Saswis, first showed upon Sandy Bay paylists as #40 and began collecting for herself. The 1878 commentary for Saswis reads, "Formerly drawn by Antoine Mooso her son."

In connection with the February 2003 payroll analyst meeting, Rari reviewed a summary Canada had written titled Additions To Foley Report Section 11. C. Ineligible Individuals, dated February 4, 2003. In his review, he inserted italicized comments as to whether he agreed or disagreed with respect to the payees profiled therein. With respect to Saswis, #40, he wrote:

"I concur that Saswis was counted with her son Antoine Mousseau, in 1876 and should not be counted again in 1878 when she started drawing under her own name."

Canada takes the position that this individual is not an additional person to Sandy Bay's TLE eligibility count. Rather, she has already been included as part of the First Nation's DOFS count. To count her again in 1878 would result in a double count.

#### **First Nation's Comments:**

Email of October 28, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "I have examined the Sandy Bay Treaty Paylists and enlarged the scanned version, and Richard [Yen] is correct -- the text reads "Mooso" rather than "Ahwasis". When I did my transcription of the payroll to the typewritten version I worked from from the old paylists. The agent's notation is in the extreme bottom right corner, and even on the enlarged version is difficult to read because of the blurred photocopying at the margins. However, through the enlarged version, I can see the correct text. As a result, the Sandy Bay count comes down one person to 231."

### **Baptiste Boileau, #6 - 1910 Paylist**

#### **Canada's Comments:**

Boileau is a DOFS payee who withdrew from Treaty in 1886. The payee and his family were reinstated in 1892 and were thereafter funded for scrip received. In 1899, the family complement, which is traceable from reinstatement, stood at 4 (m, w, 2g). In 1900, the family complement changes to 3 (m, w, fr). The 1900 payroll notes that the female relation was shown as a daughter the previous year and also records a death for 1 girl, which explain the changes from 1899 to 1900. The question arises as to whether the female relation in 1900 should be considered a new adherent. It is submitted that the female relative should not be considered as a new adherent, because the 1900 payroll and ones prior thereto indicate that the individual was funded on scrip, indicating TLE ancestry. The 1909 and 1910 paylists, however, raise the possibility of a new adherent. In 1909, the family complement was 2 (wg). In 1910, 2 persons

were paid but the family complement is for a woman and female relative. No explanation is given for the change. In 1913, the female relative is married off and collects under the ticket of Alex Mousseau, #152. From later paylists, it is known that the female relative was named Philomene and that she was born in 1898.

**First Nations Comments:**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list."

**Mike Beaulieu, #211 - 1933 Paylist**

**Canada's Comments:**

Comments for 1933 read, "man married non-treaty woman, boy born. The admittance of Emil & Magloire Beaulieu into Sandy Bay Bd. approved Letter 62-126 Aug. 4/32." These boys are likely illegitimate children of TLE ancestry. Further research is required to determine if they are new adherents to the band.

**First Nations Comments:**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list."

**Mrs. Wm Joe Mousseau, #262 - 1937 Paylist**

**Canada's Comments:**

The 1937 paylist comments for these children read, "Children admitted to band & paid by Dept. 21/1/41 F3-127." The reason for admitting these children is not clear from paylist comments - the children were likely illegitimate and of TLE ancestry, but further research is required. Status as potential new adherents must be confirmed.

**First Nations Comments:**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list."

**Samson Beaulieu, #291 - 1938 Paylist**

**Canada's Comments:**

The Foley Report has the spouse of this individual characterized as a potential new adherent through marriage in 1938. The report omits some significant information found on the 1933 to

1937 paylists. In these years, there are interlineations for a “Mrs. Samson Beaulieu.” The comments for 1933 read: “Paid by Dept. 14/8/41 F-3-127.” The comments for 1934 to 1937 read: “Admitted to band 12/3/41. Paid by Dept 14/8/41 F-3-127.” Given the interlineations, this woman may have been a new adherent in her own right rather than through marriage.

**First Nations Comments:**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: “This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other).” Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list.”

**NEW ADHERENT'S  
AGREEMENT ON EXCLUSION COUNT**

Potential New Adherent's - Exclusions				TLE Count	
Ticket #	Paylist Year	Name	TLE Gender	FN	CAN
123	1907	Mrs. Archie Spence	w, g	0	0
132	1908	William Spence	w	0	0
155	1913	John Roulette	w	0	0
157	1919	Pascal Roulette	w	0	0
193	1921	Francis Desmarais	m	0	0
313	1941	Gilbert Levasseur	w	0	0
<b>Total</b>				0	0

**First Nation's Comments in Reference to table above**

Email of September 8, 2004, Rarihokwats, Research Consultant to Sandy Bay First Nation to Steve Bouris, Head of Research, Indian Claims Commission: "This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents - Exclusions" list."

**General Comments from Canada**

This chart consists of those potential new adherents who, in Canada's view, are not to be counted, based upon:

- 1) Further genealogical information which has been provided by the FN<sup>1</sup>; or
- 2) Concurrence by the FN that exclusion is warranted.

**Mrs. Archie Spence #123 - 1907 Paylist**

**Canada's Comments:**

At February 2003 paylist meeting, FN indicated it would not be claiming.

**William Spence, #132 - 1908 Paylist**

**Canada's Comments:**

This payee's profile presented a potential new adherent based on marriage and was cited by Frances Foley as such. The payee's spouse was Victoria (DOB: November 14, 1892), who outlived the payee (she remarried one Joe Robinson) and commuted in 1949. Rari identified the payee's wife as Victoria Desmarais, the daughter of Chief Francois Desmarais, who left Treaty in 1886. According to Rari, Victoria was apparently born after Francois Desmarais' withdrawal from Treaty. If Victoria was the daughter of a Treaty individual, she is natural increase, of Treaty ancestry, and should not be counted. Rari contended, however, that Victoria should be counted as she was born after her father withdrew from Treaty.

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<sup>1</sup>See Rarihokwats to Harvey Pollock, *re: Late Additions, Sandy Bay TLE*, July 23, 2002.

### **John Roulette, #155 - 1913 Paylist**

#### **Canada's Comments:**

This payee's profile presented a potential new adherent based on marriage and was cited by Frances Foley as such. The payee's spouse was Maggie Demarais, who was born in 1896. Rari research indicated that this woman was also a daughter of Francois Desmarais. She was born after Desmarais left Treaty. Maggie Desmarais should not be counted because she is natural increase and of TLE ancestry. Like the case of William Spence, Rari asserted that Maggie Desmarais should be counted as she was born after her father withdrew from Treaty.

### **Pascal Roulette, #157 - 1919 Paylist**

#### **Canada's Comments:**

This payee's profile presented a potential new adherent based on marriage and was cited by Frances Foley as such. The payee's spouse was Christie Demarais (DOB: January 7, 1900). Rari's research indicated that this was another woman who was the daughter of Francois Desmarais, and who was born after Desmarais left Treaty. Canada views this woman as natural increase and of TLE ancestry; consequently she should not be counted. Rari indicated that the woman should be counted because she was born after Desmarais withdrew from Treaty.

### **Francis Desmarais, #193 - 1921 Paylist**

#### **Canada's Comments:**

At the February 2003 paylist meeting, Rari advised that he believed this individual was the same person as Treaty # 11 ½ (Francois Desmarais).

### **Gilbert Levasseur, #313 - 1941 Paylist**

#### **Canada's Comments:**

This payee's profile presented a potential new adherent based on marriage and was cited by Frances Foley as such. Paylist information suggests that the payee's spouse was Eva Laurent. Rari's research suggested that the spouse was really Christine Beaulieu, who came from Ticket No. 222. If this is the case, then the spouse is of TLE ancestry and should not be counted.



## DISAGREEMENT BETWEEN PARTIES ON TLE COUNT

	<b>First Nation</b>	<b>Canada</b>
<b>Date of First Survey</b>	<b>11</b>	<b>0</b>
<b>Absentees &amp; Arrears</b>	<b>26</b>	<b>0</b>
<b>New Adherents</b>	<b>0</b>	<b>0</b>
<b>Landless Transfers</b>	<u><b>0</b></u>	<u><b>0</b></u>
<b>Total</b>	<b>37</b>	<b>0</b>

## **A PRELIMINARY NOTE BY THE SANDY BAY FIRST NATION:**

“A common historical situation affects many of the persons the First Nation claims for its Treaty Land Entitlements, and which are rejected by Canada. Understanding that generic situation may be helpful in considering each of the individual cases.

Sandy Bay was not represented at the signing of Treaty 1. When Treaty payments were made, they were recorded on lists of “Portage Indians”. A few years later, some efforts were made to do a separate list of “White Mud Indians”. No particular importance or legal consequences were assigned to the lists which were maintained entirely by federal officials and agents. As nearly as known, the records were never examined by any First Nations officials to determine their accuracy.

The lists took on new importance, however, after the Treaty meeting at Round Plain in 1876. There was to be a separation of the lists into three distinct lists, one of which was for what was to become the Sandy Bay First Nation. Again, the list was made solely by federal officials, and as near as we know, was never examined by Sandy Bay people for completeness or error.

For most First Nations, the date of first survey is many years, even more than a decade, after the signing of the Treaty. In each of those intervening years, when annuities were paid, there was the opportunity to refine the paylists. This space of years often became a cushion for paylists to “settle down”, after which they remained relatively constant. The Sandy Bay date of first survey, however, is only days after the decision to set up separate administration of its paylists.

As one might expect, errors were made as some people from the established “Portage List” were found to be part of the long-established and well-documented Sandy Bay community which had been located at the base of Lake Manitoba for over half a century before Treaty. Some such omissions were discovered in 1877, others in 1878, and from that point on, the paylists were relatively constant.

This history should be kept in mind in dealing with the individual cases below.”

***A PRELIMINARY NOTE BY THE CANADA:*** (as forwarded by Richard Yen to ICC by email of September 16, 2004)

“With respect to the First Nation's submission above, Canada would note that the pre-1876 Portage Band paylists are of importance in terms of membership affiliation. As early as 1873, a demarcation between White Mud and non-White Mud components of the Portage Band is apparent. While the lists were maintained by Dominion government officials, their accuracy should not be dismissed for the reasons given by the First Nation. The record reveals that, subsequent to Treaty 1 and prior to 1876, the White Mud community did not want to have anything to do with the rest of the Portage Band and requested that Treaty payments be made in the White Mud vicinity -- arguably, this bolsters the accuracy of pre 1876 paylist demarcations.

Moreover, the First Nation's submission concerning the creation of three separate paylists in 1876 at Long Plain, and its questioning of the accuracy of the lists due to lack of consultation with the Sandy Bay people, is also tenuous. Alexander Morris' July 8, 1876 account of the meeting of the revision negotiations of June 19th and 20th, 1876, makes it clear that the communities that would emerge from the division of the Portage Band, were aggregated into three separate encampments. After the revision was effected, treaty payments were carried out immediately by James F. Graham. Without a doubt, the paylists would have been based on individuals self-identifying themselves with one of the three descendant bands of the Portage Band.

Finally, the First Nation's concluding commentary about paylist errors being discovered in 1877 and 1878 is questionable. None of the paylist commentary on either of these lists indicates that government officials acknowledged making an “error” in placing a payee with non-White Mud components of the Portage Band in previous years. If the First Nation is classifying the addition of absentees to a paylist as “errors”, with all due respect, this is unfair to Canada - officials of the time could not have reasonably been expected to know which individuals would affiliate with a band as new adherents subsequent to a community's Date of First Survey.”

## QUESTIONABLE'S - DATE OF FIRST SURVEY POPULATION

DOFS Count Questionable's				TLE Count	
Ticket #	Name	Paid	Profile	FN	CAN
19	Netah cum mi ke mung	1	ch	1	0
21	Noos hai me kook	2	w, ch	2	0
24	Pinesse we geeshi gook	3	w, 2ch	3	0
25	Pay pah ma gezhic	1	r	1	0
28	George Spence	1	ch	1	0
37	Wee soc wee tay equa	3	w, 2ch	3	0
<b>Total</b>				11	0

### REASONS FOR EXCLUSION/INCLUSION - DATE OF FIRST SURVEY POPULATION

#### #19 - Netah cum mi ke mung - 1876 Paylist (1 child)

##### Canada's Reasons for Exclusion:

#19 - As noted previously by Brad, there is some doubt re: continuity of membership - "In 1875 and 1876, Netahcummikemung is paid for 2 children. In 1877, one of these children disappears without explanation. Likely there was a decrease because of the death of 1 child, but it also begs the question as to whether there was a transferee lacking membership continuity. Secondly, Frances has correctly noted the paylist comment about the payee's wife being affiliated and paid with Long Plain. She gives her reasons for counting the spouse, which are valid, but could also be challenged, on the basis of the spouse's likely inclusion as being a member of a landed band."

##### First Nation's Reasons for Inclusion:

#19 – The comments regarding “the payee’s wife” are irrelevant to the question of the child. There are two children on the 1876 paylist, one in 1877. For the entire paylist, there are zero entries to note births or deaths – the number simply goes up or down. The First Nation was and is entitled to include the “missing child” in its count for Treaty Land Entitlement unless Indian Affairs can demonstrate the child was transferred to another band and was counted there. The initial thought should prevail – “likely there was a decrease because of the death of 1 child.”

1871 1872 1873 1874 1875 1876 1877 1878 1879 1880

##### ADDED IN 1876

19 Netacummikemung  
25 Netahcummikemung

11200 11010 11010 11020 11020  
wife pd in Short Bear's Band  
pd. Baptiste Spence Jr.  
increase 1 by birth

#### #21 - Noos hai me kook 1876 Paylist (1 woman, 1 child)

##### Canada's Reasons for Exclusion:

#21 - As noted previously by Brad, there is some doubt re: continuity of membership: "Up to 1875, there are very strong ties with either the Swan Lake or Short Bear components of the Portage Band."

**First Nation’s Reason for Inclusion:**

#21 – Nooshaimekook appears on the 1876 White Mud payroll, and was noted in 1879 to have died. Canada states that this woman had strong ties with either the Swan Lake or Short Bear components of the Portage Band. There is no evidence given of these “strong ties”. Sandy Bay claims two persons for Treaty Land Entitlement. These two persons were entitled to Treaty Land Entitlement in 1876, and if not allotted to Sandy Bay, they will not be allotted to any other First Nation. Frances Foley was absolutely right in counting her.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
ADDED IN 1876										
21 Nooshaionegook Noozaymekook						01100	-----	<<<<<		dead

**#24 - Pinesse we geeshi gook 1876 Paylist (1 woman, 2 children)**

**Canada’s Reason’s for Exclusion:**

#24 - There is an issue of continuity of membership. The payee was only paid once with Sandy Bay, in 1876. There is an Agent's notation as well that says “Changed from Fort Ellice”

**First Nation’s Reason for Inclusion:**

#24 – Canada states this woman and two boys is a “continuity issue”. Unfortunately, the family did not live long enough to establish “continuity”. They were entitled to be counted in 1876 in calculating Sandy Bay’s Treaty Land Entitlement, and there is no reason not to count them now. With regard to the notation, “changed from Fort Ellice”, if Canada feels they received Treaty Land Entitlement elsewhere, the burden of proof is on Canada to demonstrate that fact. In the absence of anything to the contrary, Sandy Bay claims for these three persons towards its Treaty Land Entitlement.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
24 Pinessiwigeeahigook 32						01200	-----	<<<<<		changed from Fort Ellice died in September

**#25 - Pay pah ma gezhic 1876 Paylist ( 1 relative)**

**Canada’s reason for Exclusion:**

#25 - As previously noted by Brad, there is some doubt re: continuity of membership: "... in 1876, the payee collects for a relative (possibly his mother, because the Portage paylists contain an entry for an individual known as Papahmagesik's Mother, who is paid by herself in 1873. In 1877, this relative disappears from the family complement, without any explanation, and the payee merely receives for 4 (m, 3b).”

**First Nation’s Reason for Inclusion:**

#25 – We can begin by asserting that the individual known as “Papahmagesik’s Mother” was Papahmagesik’s mother, Josephete Katakoiaway. We do not know what happened after 1877, but we do know Josephete was there from 1871 through 1876 when she was paid with her son. Some First Nation is entitled to include her in their count, and the only possible First Nation is Sandy Bay. Canada considers there to be a “continuity issue” regarding the “other relative” which appears with Paymahmaygesick in 1876. True, this person disappears without explanation in 1877. However, the name appears on the payroll in 1874 and 1875, and in 1876 Noel received two payments, meaning 1875 and 1876. Sandy Bay claims her towards its count for Treaty Land Entitlement. Continuity is not a legitimate issue, and Frances Foley was right.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
24 Papohmagesik's Mother				-----	-----					
26 Paymahmaygesick, Noel Boileau 25				10500	-----	103x1	103x0	10300	10300	10300
						two payments				

**#28 - George Spence 1876 Paylist (1 child)**

**Canada's reason for Exclusion:**

#28 - There is some doubt re: continuity of membership. In 1876, there are 5 children paid, while in 1876 only 4 are paid. No explanation is given for the reduction.

**First Nation's Reason for Inclusion:**

#29 – We have dealt with a similar situation above. No comments were made in 1877 for deaths or births – numbers simply went down or up. Some First Nation was entitled to count this boy for Treaty Land Entitlement. Sandy Bay is the only eligible candidate. Obviously the child died – no explanation is needed for the reduction. Sandy Bay sees no reason why this child should not be counted and claims this child as part of its Treaty Land Entitlement.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
29 Spence, George				11320	11320	115x0	114x0	11220	11230	11230
							[boy dropped]		[increase 1 by birth]	

**#37 - Wee soc wee tay equa 1876 Paylist (1 woman, 2 children)**

**Canada's reason for Exclusion:**

#37 - As Brad has previously noted, this family has stronger ties to the other components of the Portage Band between 1871 and 1875 (e.g. there is a phonetic match for the payee's name on the Portage paylist of 1875, wherein one "Wesahkootamequa", No. 148 is paid for 3 (wbg) for two years), and they are only paid in 1876 and 1878 with Sandy Bay.

**First Nation's Reason for Inclusion:**

#37 – What stronger ties? No conclusions whatsoever can be drawn about paylists for 1871-1873, and paylists for several years after are only marginally reliable. Paylists do not indicate "strong ties". Where she was in 1875 is not material – she was with Sandy Bay in 1876, appeared on the list for 1877, and was paid in 1878 with a "decrease of 1 by marriage. Her name appeared on the paylist for 1879 and 1880 before it was dropped. These three persons were entitled to Treaty Land Entitlement. There is no evidence they received it anywhere else. They appear on the list in 1876 and continue in 1878. Sandy Bay claims these three persons toward its count for Treaty Land Entitlement. Again, Frances Foley was right.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
ADDED IN 1876										
37 Wessocwestayequa						012x0	-----	01100	-----	-----
Wesakostaywequay								decrease of 1 by marriage		
Wesoakootaywequay										

## QUESTIONABLES - OTHER PAYLIST CATEGORIES

Absentees and Arrears Count Questionable's				TLE Count	
Ticket #	Paylist Year	Name	TLE Gender	FN	CAN
4	1877	Joseph Boileau	w	1	0
17	1877	Keewaytanook	w	1	0
20	1877	Keekowase (aka Littlefish aka Joseph Levasseur)	m,w,9c	11	0
29	1877	Naytahahgeezick	m,w,c	3	0
51	1877	Weezegan	m,w,ch	3	0
23	1878	Baptiste Metwawenin Sr.	1c	1	0
29 1/2	1878	Netawoosake	w, 2b	3	0
12	1878	Kahkeekayake	w	1	0
53	1895	Weescoup's son	w	1	0
342	1951	Gilbert Roulette	w	1	0
<b>Total</b>				<b>26</b>	<b>0</b>

## QUESTIONABLES - ABSENTEES AND ARREARS

### #4 - Joseph Boileau - 1877 Paylist - 1 woman

#### Canada's reasons for exclusion:

Canada's reasons for exclusion are set out in its March 15, 2004 payroll analysis roll up. Canada considers Joseph Boileau's wife to be a potential new adherent only. Frances Foley, by referencing the book *When The West Was Bourne*, indicates that the payee was married to a woman named Marie. Marie is also identified by comments on the 1884 payroll sheets for Sandy Bay. As with all women marrying into Sandy Bay, it is Canada's position that the First Nation must demonstrate on an appropriate standard of proof that Joseph Boileau's spouse did not come from a landed band; did not have TLE ancestry in her background; and did not take scrip or have scrip in her background.

#### First Nation's reasons for inclusion:

#4 – The marriage of Joseph Boileau to Marie Levasseur was 10 December 1877. There is no indication she was counted elsewhere for Treaty Land Entitlement. She was not counted with her father when he was paid in 1877 with the Sandy Lake Band. She was, therefore, entitled to be counted for Treaty Land Entitlement in her own right. The entire family had been part of the historic White Mud Totogan community for many years.

### #17 - Keewaytanook - 1877 Paylist 1 woman

#### Canada's reasons for exclusion

In his memo to Norman Boudreau of March 28, 2004, Rari identifies this individual as being the mother of Ahpekekoman (a.k.a. Pierre Roulette), #1 Sandy Bay at DOFS. He claims that Canada never counted the individual because of lack of continuity and asserts that she is a new adherent.

Canada has never provided any commentary on this woman relative to continuity.

Canada has constructed a payroll profile on Keewaytanook (a.k.a. "North Wind") and has ascertained that her name first shows up on Sandy Bay paylists under Ticket #17 in 1878. For that year, she collected for herself and payroll commentary reads, "arrears 77 \$5" & "paid for 1877 & 1878 drawn by her mother formerly who is dead." From 1879 to 1883, she was paid with Sandy Bay, sometimes collecting for herself, and at other times having Joseph Desjarlais collect money and arrears for her when she was absent. In 1884, Keewaytanook collected for herself and a child connected with Rolling River. Thereafter, from 1885 to 1893, the payee was absent, being a Little Saskatchewan (i.e. Rolling River). In 1893, she appears to have been struck off of Sandy Bay's paylists. In 1885, this woman showed up on South Quill (Rolling River) paylists as #33, "North Wind". The 1885 South Quill payroll commentary identified her as coming from Ticket #17, Sandy Bay. The payee collected for herself with South Quill from 1885 to 1900. In 1901, she was recorded as being deceased.

Rari's assertions that this woman was the mother of Ahpeskekoman is sheer speculation and is not supported by any evidence via genealogical research. Moreover, given the 1878 payroll commentary for Keewaytanook, Sandy Bay must demonstrate that this woman was truly a new adherent and not a double count. The 1878 commentary suggests that this individual's mother collected for her prior to 1878 and the mother then died.

### First Nation's reasons for inclusion

#17 – There are two approaches to this issue. Keewaytanook, a widow, appears on the Sandy Bay payroll in 1878, and she is paid arrears for 1877. She is paid again in 1879. In 1881, she is paid, as well as 1883 and 1884. In 1885 she adopted her nephew's child (#10 Rolling River). There were reports noted on the payroll that she had died, but it was found she was caring for her grandchild at Rolling River. Her name is on the list for 1890 and 1891 and marked as "absent" on both occasions. The fact she was not on the list in 1876 in no way detracts from her long-term continuing relationship with Sandy Bay.

Also, Baptiste Roulette married LaLouise Beaulieu. They had a son, Pierre Roulette (also known as Achpiskekooman\Wahpeskekoman), who in turn had a son Pierre Roulette (b. Sandy Bay April 1869/1870). The issue here is "his mother", paid in 1877. In 1878, Achpiskekoomaw disappears as #1, but appears as #44. The only person who could have been the mother is #17, Keewaytanook. Canada has not counted the mother for lack of continuity. Neither, however, have they counted Keewaytanook as a new addition. The facts indicate she could be counted as either one or the other, and the First Nation claims her for the TLE Count.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
001 Achpiskekoomaw				11430	11320	116x0	116x1			
005								one year for his mother		
001 Ahpeekekman										
001 Ahpaskikomaw										
44 Wahpeskekoman								11330	11330	11330
49 Wahpoahakoman										this name commenced with "A" on
the										
The only person who could be the mother on the payroll is:										
17 Keewaytanook							01000	01000	-----	
who										paid for 1877 drawn by her mother
										is not ???
										pd at agency 22 sept
										former pay lists
	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890
49 Wahpeskekoman	11330			11330	11330	<<<<<>>>>	[re-entered in 1892]			
										Withdrawn from Treaty
17 Keewaytanook	01000		01000	01001	-----	-----	-----		-----	-----
										pd at agency 22 sept
										pd to joseph dejarlais
										1 child of Nephew N°10 Rolling River adopted by her.
										absent
										left the band
										absent. left the band
										absent. Little Saskatchewan.
										Reported dead last year but
										caring her grandchild at Rolling
										River.
										living with her grandchild
										at Rolling River

## **#20 - Keekowase aka Littlefish aka Joseph Levasseur 1877 Paylist (1 man, 1 woman, 9 Children)**

### **Canada's reasons for exclusion**

Canada's reason for excluding this individual are set out in its paylist analysis roll up of March 15, 2004.

Keekawsase was paid with Short Bear in 1876 and then appeared on Sandy Bay's paylist in 1877 and was paid with Sandy Bay thereafter. Frances Foley did not count this individual with Sandy Bay because of: 1) Payment with Short Bear at DOFS; 2) Affiliation with non-White Mud components of the Portage Band prior to 1876; and 3) This individual was a transferee from a landed band. Canada concurs with the Foley analysis.

Canada also wishes to point out that A. C. Garrioch's history of Portage la Prairie, The Correction Line, places Keekawsase as being one of the original Indian settler families of Portage.<sup>2</sup> Chapter 12 titled "Blackbird and Grasshopper Handicaps at Portage" contains a full a listing of the Indian settler families and included amongst them is one "Kee-koo-sas, little fish". It should be noted that also in the list is "Oo-sa-oo-kown, yellow quill".<sup>3</sup> It is submitted that Garrioch's work is evidence buttressing Frances Foley's rationale for exclusion. Chapter 12 shall be forwarded to the Commission by Canada for the inquiry record.

### **First Nation's reasons for inclusion**

#20: This is the first of three "Short Bear Errors". In all three cases, it is obvious that officials in the 1870s making up the new 1876 distribution lists realized they had been misled by the names having appeared erroneously on the Short Bear list in earlier years. The following year, 1877, they corrected the errors and put the three names on the Sandy Bay list. Now, in 2004, Canada is relying upon the original errors to "prove" these persons should be credited to Short Bear, not Sandy Bay. In summary, FN contends that continuity of membership is with Sandy Bay from 1877 onward. In addition, the First Nation notes that the Levasseur family is exclusively Sandy Bay.

Canada has disallowed the count for this person and his family. Sandy Bay strongly disagrees and claims him and his family of ten as part of its count for Treaty Land Entitlement.

- Canada bases its position on the fact that he was a "transferee" from Short Bear Band in 1877, and since he was paid elsewhere in 1876, he cannot be counted for Sandy Bay. Canada's argument is based on convenience rather than consistency. Reverse the situation: if a person appeared on Sandy Bay's list only once after the date of first survey and then appeared on the paylists of another band for many years after, Canada would take the position he should not be counted with Sandy Bay for "lack of continuity".
- Canada states that "although there is no paylist for Short Bear prior to 1876, an examination of Portage Band paylists for the 1871 to 1875 period provides clues as to the component of Portage this family was affiliated with. He collected treaty at Portage and not at White Mud River or Rat Creek, Canada says, and the name does not appear on the 1874 or 1875 White Mud River lists. Sandy Bay replies that paylists do not determine membership and that the place where a payment might be collected is a matter of convenience rather than a demonstration of membership.
- Canada states that the evidence and application of Canada's TLE policy supports a stronger affiliation with Short Bear at DOFS. Sandy Bay states there is no evidence whatsoever of such affiliation. To the contrary, Joseph Levasseur's son Michael became a much respected chief at Sandy Bay. Most of his children married at Sandy Bay to Sandy Bay members. None married members of Short Bear's Band. There are no known brothers or sisters at Short Bear, and indeed, Joseph Lavasseur was born at Pembina.

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<sup>2</sup>A. C. Garrioch. *The Correction Line*. Winnipeg: Stovel Company Limited, 1933.

<sup>3</sup>Ibid, pp. 194 & 195.





1881 1882 1883 1884 1885 1886 1887 1888 1889 1890

ADDED IN 1877

30 Naytahahgeezick's Widow  
 01000 ----- <<<<<  
 one died since last payment. boy  
 pd to her at Pembina  
 absent  
 absent  
 dead

**#51 Weezegan - 1877 Paylist 1 man, 1 woman, 1 child**

**Canada's reasons for exclusion**

See Canada's commentary on Keekowase, #20 and Naytahahgeezick, #29, hereinbefore.

**First Nation's reasons for inclusion**

#51 – Short Bear Error #3. Weezegan: Continuity of membership after put on Sandy Bay list. Was erroneously included with Short Bear in 1876.

The same arguments as used for the other two "Short Bear Errors" are presented for Weezegan, #51.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
51 Weezegan							111x0	11010	11010	11010
							from Short Bear Band			

  

	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890
55 Weezegan	11010		11000	11000	11000	-----	-----	-----		
						man dead. Widow left reserve. absent. left the band Transferred to Long Plain Band Treaty N°1 as per instructions 29 July '87 N°24,246				

**#23 Baptiste Metwawenin Sr. - 1878 Paylist 1 child**

**Canada's reasons for exclusion**

Canada's reasons for exclusion are set out in its payroll analysis roll up of March 15, 2004. Frances Foley assigned an arrears count of 10 persons to this family (m, w, 8 ch). Given what is known about the family genealogy (excerpts from When The West Was Bourne) and a consideration of other payroll profiles which Canada constructed for this individual's family (e.g. Baptiste Matwewin, Christine Matwawanend, etc.), Canada could only find a basis for counting 9, otherwise continuity is an issue for any additional persons who might be counted with this payee.

**First Nation's reasons for inclusion**

Canada has a continuity issue "with respect to all of these individuals as their payroll profiles are difficult to interpret", and is satisfied only with a count of nine. However, the treaty payroll clearly states "paid for 10 in 1876". Sandy Bay claims for the full count of ten towards its Treaty Paylist Entitlement.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
18 Natwawanind, Baptist Sr.			11241	11241			11-10	11250	11231	11232
20							not at the Long Plain in 1876			
23 Mattowewenin, Baptist Sr.							claims 1 yr arrears pd for 10 in 1876 his married daughter his married daughter xxx. this man paid for his mother. The two brothers have different mothers xxx each one draws for a mother & 1 by a daughter drawing for herself this man draws for his mother and one grandchild daughter of (Pennell?) Spence			

**#29 ½ Netawoosake - 1878 Paylist 1 woman, 2 boys**

**Canada’s reasons for exclusion**

Canada’s reasons for exclusion are set out in its payroll analysis roll up of March 15, 2004, which read:

“This individual appeared on Sandy Bay paylists for the first time in 1878. Comments indicate that she migrated from the Roseau River Band and was paid under the instructions of the SGIA. The 1879 payroll identifies her as the daughter of Keeowsase (Joseph Levasseur). Canada submits that the payee is either from a landed band or is of TLE ancestry and should not be counted. FN asserts that the payee should be counted.”

Also, see Canada’s comments above regarding Keekowase and his family.

**First Nation’s reasons for inclusion**

29 ½ – Netawoosake: Daughter of Keeowasase above. Should have been counted with Sandy Bay in 1876. Her stay at Roseau River lacked continuity, and she and her two children returned to Sandy Bay where she continued to live with her family until her remarriage.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
47 Netawoosake								01200	01200	01100
31 Natahwossake								this is the woman who came back to her father from the Roseau River Band and who is paid under instructions from Superintendent General pd to her father Kakonosee 1 died since last payment		
	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890
31 Natahwossake	01100		-----	-----	-----	<<<<<				
Natahwosaki			this woman is absent							
			married into Dog Creek Band							
			Struck off. Married in Duck Creek Band to N°44.							

**#12 Kahkeekayake - 1878 Paylist 1 woman**

**Canada’s reasons for exclusion**

Canada’s reasons for exclusion are set out in its payroll analysis of March 15, 2004, which read:

“The payee was the son of Manogezhic, #18 (1876) and started collecting under his own number in 1878. The woman who is collecting for is not identified. The 1879 payroll reveals that the payee was the son in law of Baptiste Spence Sr. Canada made an inference that woman for whom the payee was collecting in 1877 was his spouse, was of TLE ancestry, and should not be counted. Rari examined the paylists and noted no change in the family numbers of Baptiste Spence Sr. for 1877 and 1878 and noted that 7 children were paid for both years - he interpreted this as suggesting that Spence’s daughter had not been paid before. Spence’s daughter may well have been paid with him in 1876 and 1877. The family complement may have changed in 1877, but was not documented on the 1877 payroll. In any event, it is incumbent on the FN to show that the woman was an absentee.”

**First Nation’s reasons for inclusion**

#12 – Kahkeekayake. Note there is no change in the family numbers of Baptiste Spence Sr. for 1877 and 1878 and note that 7 children were paid for both years. This suggests that Spence’s daughter had not been paid before with her father’s family. It seems that sometime between 1871 and 1876, this couple had been married. In 1878, they came to live with Baptiste Spence Sr., father of the woman, after which there is continuity. There is no evidence that the couple were counted for Treaty Land Entitlement elsewhere, and some First Nation is entitled to count them. They would not have established “continuity” to be counted either at Long Plain or Swan Lake.

	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	
12 Kahkeekayake								11000	11010	11010	
Menisquisk?								married since 1st paymt			
								increase of 1 by birth son-in-law to Baptiste Spence Sr. son-in-law to Baptist Spence Sr.			
33 Spence, Baptiste, Sr. 41						117x0		11430	11300	11300	
								decreased by stepdaughter & child (by wife by Fxxx ?)			

**#53 Weescoup’s son - 1895 Paylist 1 woman**

**Canada’s reasons for exclusion**

Canada’s reasons for exclusion are set out in its payroll analysis roll up of March 15, 2004 which read:

“This payee married a woman of Sioux ancestry in 1895. FN asserts that this woman should be counted as a new adherent. Frances Foley excluded the payee’s wife because of Sioux heritage. Canada concurs with the Foley report and submits that the payee’s wife should not be counted because the Sioux were not eligible to receive the benefits of Treaty.”

Canada would add that contrary to the First Nation’s reasoning below, the 1998 TLE policy does not countenance the counting of individuals of Sioux ancestry. Canada’s policy statement on the two categories of late additions, make it abundantly clear that “Indians who were bound by and eligible to receive the benefits of treaty but who had not yet appeared on any band’s payroll” and “Treaty Indians who were originally members of a landless band” (Emphasis added). The Sioux are not a treated aboriginal group within Canada.

**First Nation’s reasons for inclusion**

#53 – Weescoup’s son: woman is of Sioux ancestry. If policy is followed, the First Nation is entitled to count her: a) she had no paternal ancestor counted elsewhere nor accepted scrip; b) she was not from outside the treaty area, c) she is not “non-Aboriginal, d) she was not entered erroneously or fraudulently; e) she was not “natural increase”, f) she was not the off-spring of a “late addition”. Those are the basis for exclusion. To be excluded, the criterium for c) would have to be changed, “Non-aboriginal or Sioux individuals are not included.”

**#342 Gilbert Roulette - 1951 Paylist 1 woman**

**Canada’s reasons for exclusion**

Canada’s reasons for exclusion are set out in its payroll analysis roll up of March 15, 2004 which read:

“This payee married Esther Runearth of Oak River (Sioux) on December 19, 1950. The payee’s spouse was overlooked in the Foley report. Canada submits that the

individual should not be counted because of Sioux ancestry. The FN disagrees.”

Also, see the additional comments regarding Canada’s 1998 TLE policy in the section on Weescoup’s son, above.

**First Nation’s reasons for inclusion**

Gilbert Roulette: woman is of Sioux ancestry. If policy is followed, the First Nation is entitled to count her: a) she had no paternal ancestor counted elsewhere nor accepted scrip; b) she was not from outside the treaty area, c) she is not “non-Aboriginal, d) she was not entered erroneously or fraudulently; e) she was not “natural increase”, f) she was not the off-spring of a “late addition”. Those are the basis for exclusion. To be excluded, the criterium for c) would have to be changed, “Non-aboriginal or Sioux individuals are not included.”.

# Appendix 1



**Steve Bouris**  
09/08/2004 02:50 PM

To: morrisonb@inac.gc.ca@MAIL, yenr@inac.gc.ca@MAIL,  
RobinsonP@inac.gc.ca@MAIL, four\_arrows@canada.com@MAIL,  
nboudreau@dek-law.com  
cc: Diana Kwan/ICC@ICC, Ralph Brant/ICC@ICC, (bcc: Gilles Longpre)  
Subject: Confirming Our Conversation

Attach A File

Rari,

Thanks for your speedy response. I have cc'd all the parties to advise them of the First Nation's position

Regards,

Steve :)

Steve Bouris  
Head of Research  
Indian Claims Commission  
Tel: (613) 947-0740  
Fax: (613) 943-0157  
Email: sbouris@indianclaims.ca

----- Forwarded by Steve Bouris/ICC on 09/08/2004 02:47 PM -----

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**Date Received -** September 8, 2004  
**ICC Doc. # -** 103049  
**ICC File # -** 2106-10-1

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**Rarihokwats**  
<four\_arrows@canada.com>  
09/08/2004 02:30 PM

To: Steve Bouris <sbouris@indianclaims.ca>  
cc: Norman Boudreau <nboudreau@dek-law.com>  
Subject: Confirming Our Conversation

Attach A File

Greetings, Steve. This e-note will confirm our conversation that the Sandy Bay First Nation is not claiming as part of its count for Treaty Land Entitlement any of the eleven persons named in the list "Potential New Adherents (Other)." Neither is there a claim for any of the six persons on the "Potential New Adherents -- Exclusions" list.

Rarihokwats

## Appendix 2



**Rarihokwats**  
<four\_arrows@canada.com>

10/28/2004 10:54 PM

To: sbouris@indianclaims.ca, Richard Yen <YenR@inac-ainc.gc.ca>, Norman Boudreau <nboudreau@dek-law.com>  
cc:  
Subject: Re: Rari...please call me

[Attach A File](#)

I have examined the Sandy Bay Treaty Paylists and enlarged the scanned version, and Richard is correct -- the text reads "Mooso" rather than "Ahwasis". When I did my transcription of the playlist to the typewritten version I worked from from the old paylists. The agent's notation is in the extreme bottom right corner, and even on the enlarged version is difficult to read because of the blurred photocopying at the margins. However, through the enlarged version, I can see the correct text. As a result, the Sandy Bay count comes down one person to 231.

Thanks for calling this to my attention,

*Rarihokwats*

Certain pages which comprise part of this exhibit and originally appeared at this point in the document have been omitted from this CD-ROM due to copyright considerations.

Cover and title pages have been included for reference purposes.

The complete exhibit may be viewed at the offices of the Indian Claims Commission in Ottawa.



# THE CORRECTION LINE

*by*

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*Author of*

"FIRST FURROWS"

"THE FAR AND FURRY NORTH"

"A HATCHET MARK IN DUPLICATE"

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STOVEL COMPANY LIMITED

WINNIPEG, MANITOBA

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The following is a list of the Indian families of Portage la Prairie at the time of the Archdeacon's arrival, and without exception they came under his ministrations from time to time. In the case of a man and his wife who accepted Christianity they were baptized, and if they had a family the children were baptized also, after which the parents were married. In the following list Indians who only occasionally visited Portage la Prairie for the purpose of trade, are not included:

Pa-kwah-ki-kun.  
Pah-ki-ta-oon, *stricken*.  
Pa-chee-too, *image*.  
Pi-na-sio-pee, *thunder water*. The site of his house is now covered by the General Hospital.  
Kih-chi-wees, *a large tent*.  
Ma-chih-ki-wis, *the evil one*.  
Kee-na-swa, *cut to a point*.  
William Pee-chee, *something moving*.  
Pa-ta-ka-koo-si.  
Pa-swain, *oily*.  
Ma-na-pit, *ugly tooth*.  
Wi-si-kun, *sour*.  
Kee-koo-sas, *little fish*.  
Oo-sa-oo-cheet, *yellow anus*.  
Oo-sa-oo-kwon, *yellow quill*.  
Mis-si-si-ka-koos, *big little skunk*.

William Cochrane.  
Kwing-gwa-ha-ka, *wolverine*.  
Mus-ka-goo, *a Swampy*.  
Moo-soos, *the calf of a moose*.  
Nee-can-ji-wun, *before the current*.  
Kih-chip-i-nas, *the great bird*.  
Oo-ki-ma-wi-nin, *the man in power*.  
Ain-di-bah-ting, *sitting firmly by it*.  
Ka-pa-yu-tungh, *staying by it always*.  
At-a-ka-wi-nin, *gambler*.  
William Hodgson.  
Wee-skoop.

To refute that this is in any way evidence which would lead to any of these people being excluded from the Sandy Bay Treaty Land Entitlement count, it is necessary to review the history of the Portage settlement.

1. Archdeacon Cockran was in charge of the Church Missionary Society (Anglican) mission at St. Peter's near the mouth of the Winnipeg River. After an exploratory visit in 1851, he

"... sent tobacco to the principal Indians who wandered over that quarter to meet me at certain places in the month of May. . . I went in June to [Portage la Prairie] and fixed on a location and contracted for a schoolroom."<sup>1</sup>

2. Cockran "purchased" or leased from Chief Pequakekan the point of land and the Island on which the City of Portage la Prairie now stands, the price being paid in goods.<sup>2</sup>

"The settlers were to have all the bush land lying within the extensive southward curve of the Assiniboine River, and as much of the adjoining prairie as they might need for cultivation, pasturage and hay. In return, a payment of a bushel of wheat from every settler was to be made, an agreement which was duly honoured."<sup>3</sup>

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1 Letter, Archdeacon Cochrane to Church Missionary Society, 4 August 1853

2 *The Story of St. Mary's la Prairie Anglican Church, 1853-1953*, by Eldon F. Simms.

3 *First Furrows*, A.C. Garrioch, p. 92 ff. The account adds that the Archdeacon "was of the opinion that no better results were likely to be obtained in the field of evangelical effort than where the gospel and agricultural ploughs were worked side by side. The method, at any rate, had been tried by him at St. John's, St. Andrew's and St. Peter's, and with very pleasing results. His experiences [at Portage] were not so encouraging for while the earthly soil made generous return for the labour bestowed upon it with the agricultural implement, in the higher field a soil was encountered which responded less readily to the efforts of the husbandman. . ."

At St. Peter's he came into contact chiefly with Swampy Crees, who of all tribes in the continent are the most amenable to gospel teaching. In Portage la Prairie he had to do chiefly with the Ojibway, "who while believing in the supernatural as firmly as the Crees, are not so easily persuaded that the belief of their forefathers was a mistake."

3. A number of Half-breed parishioners from St. Andrews with their families accompanied Archdeacon Cockran to form the nucleus of the new parish in 1853, including Peter Garrioch,<sup>4</sup> William Garrioch, John Garrioch, Fred Bird, Charles and Martin Cummins, Gavin Garrioch, John and Henry Hudson.<sup>5</sup> In addition to this new venture at Portage, Cockran continued in charge of St. Peter's until 1857.

*[Note that all these people “moved on” before 1876, i.e., like many other members of this community such as Little Fish, they also did not become members of the Long Plains Band.]*

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- 4 Peter Garrioch was born at Red River in 1811, the son of a Hudson's Bay Company man and a woman who was "a native of the company". He was educated at Kenyon College, Ohio. He had many years of trading between the Red River and the Souris or Mouse River. His diaries for 1843-45 show him south of Melita, probably on south of the British border. He eventually married Margaret, a daughter of Mackenzie of the American Fur Company and moved to the Cockran settlement at Portage. Later, he was the first postmaster of Westbourne near the White Mud River community which became "Sandy Bay". Throughout his life, he was a vigorous opponent of the Hudson's Bay Company and its monopoly in trade. The Rev. A.C. Garrioch, author of *First Furrows*, is his nephew. [Source: *Souris River Posts* by G.A. McMorran., *Souris Plaindealer*. p. 21.]
  - 5 Although the Portage Centennial celebrated the "first white settlers who founded Portage," Portage was formally founded and settled by Half-breeds and Saulteaux. The only European there was the missionary. For further information, see also Gallo p. 6-7.

4. A Petition from Portage La Prairie, July 25, 1853, to the Church Missionary Society stated:

"Your petitioners have been residing at the Portage la Prairie for nearly two years, that it now contains a population of 213 souls, Indians and half-breeds . . . Your petitioners are of opinion that the Portage la Prairie affords many facilities for and promises ere long to become an extensive Missionary station, it . . . having a goodly number of Indians around who are really willing to give up their native habits and adopt those of the civilized man, and who are anxious that a praying master should be sent to them. . .

"The Roman Catholics have for some time had their eye on this place, and they have now promised that if twenty families of their persuasion will settle here, they shall have a priest. We fear the results, as we know too well the paralysing tendency of Popery."<sup>6</sup>

SIGNED:

Maskagoo (\*Muskeego = "Swampy Cree")

Paketahoond (brother-in-law of Peequahkeekan who was the son of Black Robe. Paketahoond later would not support Yellow Quill's land demands). This man could be "Puhkiteoon" on the list of "Indian families of Portage la Prairie *at the time of the Archdeacon's arrival*."<sup>7</sup> (Others on the same list are marked here with an asterisk.) Puhkiteoon means "stricken" -- he had a hump over his right shoulder blade.

Necannechewan (\*Nikanjiwan = "Before The Current")

Capayontang (\*Kepeyutungh = "Staying By It Always")

Cahwetawaywetang (on 1872 paylist, but not 1888)

Kehtochean

Moessons (on both 1872 and 1888 paylists and on the notice on the Church Door) (Moosoos?)

Missahkut

Ohskenahwaysh

Nahcanwawetang

Appotowecceckwap & several other Indians as well as many half-breeds.

5. Archdeacon Cockran wrote in support of the petition,

"The Indians and settlers have therefore lived in the hope of soon seeing a Missionary placed among them and they have prepared all the timber for a Church and a grist-mill."<sup>8</sup>

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6 **This prejudicial attitude of the Church of England adherents against Roman Catholics should be kept in mind in considering the post-Treaty relations with respect to the White Mud River Band who were primarily Roman Catholics.**

7 *First Furrows*, pp. 93-4.

8 Letter, Archdeacon Cochrane to Church Missionary Society, 4 August 1853.

6. A log school building was erected on the north side of the river road, close by a bluff on the banks of the river, where Mr. Cochrane had his home. The Archdeacon's son, the Rev. Thomas Cochrane, ran the school. Later, a new school was build near the centre of the village.
7. Others of the "Indian families at Portage la Prairie at the time of the Archdeacon's arrival" who did not sign the petition were: [all included on Garrioch's list]

Pacheetoo (Pechito), meaning "image", the son of John Tanner  
 Pinesiopee ("Thunder Water"). The site of his house is now covered by the  
 Portage General Hospital.  
 Kichchiwees ("A Large Tent")<sup>9</sup>  
 Machihkiwis ("The Evil One")  
 Keeneswa ("Cut To A Point")  
 William Peechee ("Something Moving")  
 Puckakoose  
 Paswain ("Oily")  
 Manapit ("Ugly Tooth")  
 Wisikun ("Sour")  
 Keekooses ("Little Fish")  
 Oosaochit ("Yellow Anus")  
 Missisikakoos ("Big Little Skunk")  
 William Cochrane  
 Kwingwahaka ("Wolverine")  
 Moosoos ("Moose Calf")  
 Kihchipines ("The Great Bird")  
 Ookimawinin ("The Man In Power")  
 Aindibeyhting ("Sitting Firmly By It")<sup>10</sup>  
 Atakawinin ("The Gambler", Pechito's son)  
 William Hodgson  
 Weescoop

Of these, at least Keekooses, Kihchipines "The Great Bird" (Kitchepeness on the Sandy Bay playlist), Weescoop were later Treaty members of the Sandy Bay Band. Others, such as "The Gambler" for whom Gambler's Reserve is named, moved on to other bands and destinies. Few became members of the Portage Band.

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9        Kechewis, which can also be translated as "Big Apron", was brother of Peguis. He spoke on behalf of the St. Peter's Band at Treaty N°1 negotiations. Another brother of Peguis and Big Apron was chief at Brokenhead. See also Gallo footnote 13.

10       Yellow Quill Band.

8. It was recorded in 1854 that at Cockran's mission at Portage,

"There are at present ten houses in which live 16 families, in number 112 souls, and seven Indian tents, inhabited by ten families, altogether 33 souls. The Indians have their tents nearly all together, the houses of the settlers are some distance from each other, stretching for about three miles along the margin of a kind of lake which Mr. Cochrane calls the ancient channel of the Assiniboine."<sup>11</sup> The half-breed settlers of Portage "prided themselves in being able to speak to their Saulteaux neighbours in their own language or in the Cree . . . and a knowledge of either of these dialects enabled them to converse readily with the French half-breeds as well."

9. An epidemic of diphtheria struck the Portage settlement in the 1850s with disastrous effects on the lives of the children.

10. Archdeacon Cochran caused an area of 717 acres to be surveyed on the western limits of the Portage settlement, the survey being undertaken to protect the campgrounds and gardens of the Ojibway from intrusion by the Christian community. Cochran moved permanently to Portage la Prairie in 1857, ending his service at St. Peter's. At Portage Cockran organized a Council on the model of the Assiniboia Council -- a president, a secretary, a magistrate, and two constables.<sup>12</sup>

11. In 1858, the Archdeacon established a mission school for the Indians at the west end of Portage la Prairie on what was known as the "Mission Farm". Malcolm Cummings was appointed teacher of the day school, about 65 yards from the brick and stone Indian school later constructed by the government [and which today is Yellow Quill College.] Sunday afternoon services were held there "for the benefit of the Indians". About thirty Indians attended the service, and an equal number of children attended the day school. A hot meal of barley soup and pemmican may have encouraged attendance.

12. By this time, Chief Peequahkeekan, Black Robe's son, had died, and the Hudson's Bay Company recognized Oozawekean (Yellow Quill) as chief.

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11 *CMS Record*, December 31, 1854.

12 Morton, *History*, p. 860.



13. In 1862, the abuse and greed of Minnesota settlers set off a war of revenge by the Lakota, starting at the town of New Uln on the Minnesota River. Many settlements were attacked and annihilated. By late October, a large area of Minnesota lay desolate. A total of 664 settlers had been killed. 93 U.S. soldiers had died in fighting. The Dakota had taken every available means to assure the Red River settlers they were in no danger -- the quarrel was strictly with the Americans. The favoured place of refuge was British Territory, the favoured location Portage la Prairie. Hundreds of Dakota moved into the area, part of their traditional territory.

14. The Portage Mission school was closed in 1865

". . . because the Saulteaux of the district had abandoned the apparently honest effort they had made to become civilized.<sup>13</sup> Due to the arrival of the settlers from Ontario, and a large influx of fugitive Sioux from South Dakota and Nebraska, they felt that they had to go elsewhere if they would live by hunting. So they dispersed to their hunting grounds and the opportunity of teaching in Portage la Prairie came to an end.

"It is rather remarkable though that these Saulteaux whose fathers a century before had come to occupy Portage la Prairie and the lower Assiniboine country at the invitation of the Stone Sioux [Assiniboine] should now be literally squeezed out of place by the other branch of the Sioux nation, the inveterate foes of themselves and the Assiniboines."<sup>14</sup>

15. Another explanation -- or possibly a result -- of the closing of the school was Archdeacon Cockran's retirement. He was in failing health, and decided to return to Canada in the Spring of 1865. The Portage mission was left under the care of his son-in-law, the Rev. Henry George who at the time was in charge of the mission at Westbourne at White Mud River close to Sandy Bay.<sup>15</sup>

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13 The great grasshopper plague of 1865 and a drought which ran from 1862 to 1868 had perhaps also aided in convincing them there was something better than agriculture.

14 *First Furrows*, pp.110-113.

15 **George's connection with Portage and with White Mud River may explain some of the later erroneous connection between the First Nation there and Yellow Quill, although this possibility could be lessened by the fact that many of the White Mud River People were Catholic rather than Church of England.** George died in 1881 while still on duty.

16. Cockran returned to the Red River area shortly after his departure, some say because he had heard of the grasshopper scourge and the intense heat which had wiped out the crops, other say because he sensed death was near. He died at age 70 on October 7, 1865, on exactly the same day, week, and month on which he had arrived from England forty years earlier,<sup>16</sup> universally regarded by the colony as the founder of the English Church in Rupert's Land.
17. Thus there were three principal Ojibway villages near Portage on the eve of Treaty #1. One was located in the Anglican Parish of St. Mary's (at Portage), the second was the Half-way Bank Village at Eagle's Nest west of Portage on the north shore of the Assiniboine River, and the third was at Totogan near Westbourne at the southern base of Lake Manitoba.
18. The White Mud River community was populated largely by Plains Ojibwa and Metis, on the White Mud River at its confluence with Rat Creek north of Portage. After it moved from the area after 1876, it became known as the "Sandy Bay Band". This village consisted of long-standing original residents supplemented by former residents of Father Belcourt's<sup>17</sup> Baie St. Paul Village which had moved to the "Indian Reserve" in the old Catholic Parish of St. Francois Xavier located on the Assiniboine River midway between Portage and the river mouth. [Many members of this community would move away from St. Francois Xavier during the anti-Catholic violence following the takeover of Red River by the Canadians in 1869.] The Protestant members of the Baie St. Paul Village consisted primarily, but not exclusively, of the "mixed-blood descendants" of John Tanner<sup>18</sup> and they dispersed further west.

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16 He had bathed on a warm afternoon in the cold White Mud or Westbourne River [near where the community which was to become "Sandy Bay" was then living.] A chill turned into diarrhea, and his only remedy, Parr's Life Pills, seemed only to aggravate his condition. He asked friends from Portage to take him back there in a carriage with a mattress in the back. He lived a few weeks longer. He left instructions that his remains should be conveyed to St. Andrew's, and that his body should remain a night in each mission church which he had founded. However, that idea was abandoned after a night at Poplar Point, Headingly, St. John's, and St. Andrews. He was buried on the south side of the entrance to the church and close by the walk. A scholarship was founded in St. John's College in his memory.

17 Father G.A. Belcourt was at odds with the Hudson's Bay Company. He used his influence to persuade the Metis to join the free traders and English half-breeds in a petition to the Imperial government for free trade.

18 John Tanner's Ottawa name was "Shawshawwabenase" (Falcon). He had been stolen from his family on the Ohio at the mouth of the Big Miami by Shawnees in the spring of 1789, when he was about nine years old. A few years later, he was adopted by old Netnokwa of the Ottawa First Nation, who became his mother. He eventually made his way to the Red River Settlement with other Saulteaux.

19. Over the years, the people of White Mud Creek River had made numerous improvements in the use of their lands, including homes, gardens, hunting camps, traplines, trails, etc. They continued to be the major labour for “the Portage”, travelling back and forth frequently throughout the year with the major freight volume headed to and from eastern Canada. Many persons would be at home in Totogan one morning, carry a load to Portage, and return the next day.

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It seems obvious that a list made in the 1850s is of minimal value in determining who belonged to the Long Plains Band or the Swan Lake Band in 1876, and as such, should be discarded.

As to Canada’s other reasons for exclusions, we can stand by the positions which have already been submitted.