

A Brief History of the Papaschase Band

as recorded in the Papaschase First Nation Statement of Claim

Chief Papaschase, his 6 brothers and their families moved to the Edmonton area in the late 1850's from the Lesser Slave Lake area. It appears they travelled and hunted in the Fort Edmonton, Fort Assiniboia and Lesser Slave Lake areas for some time before making Edmonton their home. Their band settled their and traded with the Hudson Bay Company and was employed with them from time to time.

On August 21, 1877, Chief Papaschase (also known as Passpasschase, Papastew, Pahpastayo, and John Gladiou-Quinn) and his brother Tahkoots, a Headman, signed an adhesion to Treaty 6 on behalf of the Papaschase band at Fort Edmonton.

In 1877, the Hon. David Laird, Lieutenant Governor and Indian Superintendent for the North-West Territories, recommended to the Department of Indian Affairs that surveyors be sent to lay out Indian reserves for the Edmonton Bands, however, no action was taken by the Federal Government to survey a reserve for the Papaschase Band until 1880.

By 1879, the buffalo had become virtually extinct and the Indians in the Edmonton area were suffering from severe starvation. Although a general famine had descended upon the Indians of the North-West Territories, the Federal Government of Canada did not provide necessary and sufficient relief to the Papaschase band or other bands as promised under the terms of Treaty 6.

On August 2, 1880, George A. Simpson, Dominion Land Surveyor, was instructed to survey the boundaries of Passpasschase Indian Reserve No. 136 for the Papaschase Band. According to Simpson's information, 241 members of the Papaschase Band were paid annuities in 1879 so he promised Chief Papaschase that 48 square miles of land would be set apart as a reserve for the Band. The Federal Government should have known that in fact 249 members of the Papaschase Band were paid annuities in 1879 entitling the Band to at least 49.9 square miles of reserve land. Chief Papaschase selected a reserve approximately four miles south of Fort Edmonton and Simpson began to survey the reserve located within the present boundaries of the City of Edmonton.

When Chief Papaschase realized he was not getting the size of the reserve he wanted, a dispute arose between him and Inspector T.P. Wadsworth (Inspector of Indian Farms and Agencies for the Dept. of Indian Affairs). On August 3, 1880, Inspector Wadsworth maliciously transferred 84 members of the Papaschase Band to a new treaty pay list he created for the "Edmonton Stragglers". Then Inspector Wadsworth instructed Simpson to survey no more than 40 square miles of reserve land from the Papaschase Band and to not set apart any land for the Edmonton Stragglers. On August 4, 1880, Inspector Wadsworth paid annuities to only 188 members of the Papaschase Band.

Local settlers in the Edmonton area did not want the reserve to be located near Edmonton. Frank Oliver, through his newspaper the Edmonton Bulletin advocated the removal of the band and its surrender. A mass meeting was held in January 13, 1881, to petition Sir John A. Macdonald, the Prime Minister to pressure Canada into moving the Papaschase Band and obtain a surrender of IR 136 for sale to non-Indians.

In the following year or so Frank Oliver, through his newspaper pressed Ottawa to move IR 136 and open the land for settlers. Use the heavy hand of the law to override the interests and treaty rights of the Papaschase Band when they conflict with the public interest. Incited a number of settlers to squat and trespass upon IR 136. And recommended that Canada induce the Papaschase Band to select a reserve at a more distant location in exchange for reasonable consideration.

On January 27, 1883, a second petition was delivered to representatives of the Crown to Ottawa requesting that IR 136 be moved away from Edmonton.

From 1879 to 1886, The Federal Government of Canada did not provide necessary rations or relief to members of the Papaschase Band who were suffering from starvation.

In the midst of the Riel Rebellion, the Half Breed Scrip Commission arrived in Edmonton on June 3, 1885 offering scrip to people of mixed Indian and white ancestry, including any treaty status Indians who could show they were of Metis ancestry. The commission issued scrip to 202 treaty Indians from June to July, 1885. This included 12 members of the Papaschase band. All recipients of scrip were discharged from Treaty 6 and this resulted in the loss of treaty status, any interest in Indian reserve land and their right to treaty annuities.

During this time land speculators induced treaty Indians to accept scrip with the lure of cash and the lie that the Indians would not be forced to leave their reserves if they took scrip. When the Half Breed Scrip Commission returned to Edmonton on July 3, 1886, the Papaschase Band motivated by starvation, poverty and general discord over Canada's failure to honour the terms of Treaty 6, requested scrip.

On July 19, 1886, Indian agents were instructed that any treaty Indian who could clearly show they were of mixed ancestry and who do not lead the 'same mode of life as Indians' should be allowed to withdraw from Treaty.

Inspector Wadsworth granted discharges to Chief Papaschase and his brothers, constituting a family of 58 members. This triggered a mass exodus from the Papaschase and Enoch Bands. A total of 102 members of the Papaschase Band, who were in starving condition and of poor health were induced to accept scrip. The Papaschase Band was reduced to only 82 members, most of whom were elders, women and children.

After receiving scrip, Chief Papaschase and other members of the Band continued in the honest belief they could use and occupy IR 136 because the Federal Government contributed to this belief by allowing the Papaschase band to harvest their crops in the fall of 1886.

In August 1886, local politicians, residents and the Edmonton Bulletin renewed their campaign to remove IR 136 and throw the land open for settlement. The Dept. of the Interior advanced a proposal made by the Edmonton Bulletin that the remaining members of the Papaschase Band be amalgamated with another band. Around December 30, 1886, Agent Anderson falsely and deliberately misstated that the Papaschase band requested that they be amalgamated with the Enoch band on the Stony Plain Reserve.

If the Papaschase Band wanted to join the Enoch Band they simply would have left without seeking permission from the Indian agent. Also, the Papaschase Band's reluctance to move to the Stony Plain Reserve in the spring of 1887 was inconsistent with Agent Anderson's assertion that they wanted to voluntarily join the Enoch Band. Agent Anderson encouraged a member of the Papaschase Band to move to Enoch and draw others with him so he could be Chief of the amalgamated bands. This went against a previous recommendation of the Dept. that the position of Chief for the Enoch Band should not be filled. An amalgamation agreement was purportedly signed between principal men of the Papaschase and Enoch Bands.

In January 1887, Commissioner Dewdney was directed by Indian Affairs to remove the Papaschase with their consent and to obtain a formal surrender of IR 136 so the land could be sold for their benefit. On August 12, 1887, Assistant Commissioner Reed persuaded the remainder of the Papaschase Band to move to the Enoch Band's Stony Plain Reserve. Asst. Commissioner Reed made no attempt to comply with the instructions to obtain surrender from the Papaschase Band before they moved.

Commissioner Reed then evicted Chief Papaschase and other discharged members of the Papaschase Band. They denied relinquishing their rights to live on the land and through a Cree translator they informed Commissioner Reed they did not understand the meaning of the language contained in the declarations they purportedly signed.

On a few occasions in late 1887 no attempts were made to convene a surrender meeting even though 8 - 10 members of the Papaschase Band were paid annuities at Enoch at different times. On November 19, 1888 Inspector Wadsworth purported to obtain a surrender of 39.9 square miles of land within IR 136 from only 3 adult male members of the Papaschase Band living on the Enoch Reserve. The descendants of the Papaschase Band plead that the purported surrender is invalid and void ab initio because it did not comply with the strict procedures governing the surrender of Indian reserves as set out in section 39 of the Indian Act, R.S.C. 1886.

According to the terms of the surrender instrument, all lands within IR 136 were surrendered in trust to the Crown to be disposed of "upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare and that of our people." The Govt. also undertook to collect all monies received from the sale or lease of IR 136 lands and to deposit the net proceeds after deducting management expenses into an interest bearing account to be held in trust. The surrender instrument expressly states that only the interest accruing from such monies shall be paid annually or semi-annually to the Papaschase Band and to our "our descendants forever."

From 1890 to 1930, the Govt. of Canada sold all of IR 136 lands to third parties and received monies as a trustee and fiduciary on behalf of the Papaschase Band and their descendants as per the terms of the surrender instrument. The Papaschase descendants allege that Canada has acted contrary to the express terms of the surrender and its trust and fiduciary obligations to the Papaschase Band by:

- a) failing to hold the principle amount collected on account of the sale of IR 136 lands in trust for the exclusive benefit of the Papaschase Band and their descendants forever,
- b) failing to distribute the interest generated from the sale of IR 136 land to the Papaschase Band and their descendants on an annual or semi-annual basis and,
- c) distributing any portion of the proceeds of sale, whether it is principal or interest, to any person who was not a member of the Papaschase Band or a direct descendant.

Most members of the Papaschase Band who moved to Enoch remained but a few joined other Bands. Most of the discharged Papaschase Band members relocated to various locations such as Elinor Lake, Lac La Biche, Beaver Lake and Kikino. As a result of the Govt. of Canada's actions in unilaterally transferring members of the Papaschase Band to the Edmonton Straggler's list, discharging a majority of the Papaschase Band from Treaty 6 in 1885-86 through the issuance of scrip, and inducing the remainder of the Band to vacate IR 136, the Papaschase Descendants have suffered significant damages to their culture, language, and collective identity, including the loss of Indian status, band membership and their land.