A total of 136 elders’ interviews were read for reference to treaty mineral rights. Of these, 58 were either not concerned with an Indian understanding of treaty or did not deal specifically with minerals. A list of the 68 interviews summarized below is attached as an appendix to this report.

Treaty 8

The elders interviewed in the Treaty 8 area appear to be much less certain about treaty mineral rights. Although a few of these elders describe these rights in a similar way as the Treaty 6 elders, the majority appear to be unaware of any treaty agreement on minerals or accept the fact that they own minerals only within reserve boundaries. Minerals are discussed in a total of twenty-four Treaty 8 interviews.

Five of the interviews support the claim that Indians never surrendered mineral rights under any of the land in the Treaty 8 area. The most complete response was given by William Okeymow, age 90, who was quite emphatic about these rights.

Example: “What we were promised is, only six shovels full in depth including white man’s land. If anything was discovered it is ours. In the future, things may be found such as gold or something in the rock or iron or useful things such as coal was mentioned. Anything in general, if discovered, would be to our benefit. This was promised by the King. This is why I say, the promises sound good
at that time. These promises have not been kept. We have lost a lot."

Example: Frank Halcrow, age 59, put it differently: "According to my grandmother we should have oil rights anyplace not only on the reserve anywhere in this country it's our land.... The ground surface that we live on in the reserve and outside should be given to us, should oil be discovered.... Wherever oil is discovered it should be given to us. Wasn't this our land at first?"

Example: Alfred Chatelain, 68, of Horse Lake says: "Long ago when the treaties were made the government people did not buy mineral rights. It was only on the surface of the land that they took. Now oil is being discovered everywhere on reserves we should be compensated for this. Sometimes we get money but not all the time."

Two other elders (ages not recorded) while not referring to minerals specifically, did say that the land was surrendered only to a depth of 'six inches' or 'a few inches.' The elder who mentioned 'six inches' apparently felt that this was to insure that the white man could not even farm the land.

The remaining 19 interviews lend little support to the claim that the Indian retained mineral rights under all of the land. Most of the elders emphasize that if any minerals are discovered within the reserve they should belong to the Indian people but they do not appear to have any knowledge of agreements concerning minerals outside the reserve.

Example: Samuel Giroux, 97, Driftpile. Question: "What is your understanding when we first got our treaty? What was promised to the people? One thing I will mention that might refresh your memory, if oil were to be discovered in the ground, would it be given to us or not? And if discovered on white man's land or if discovered within the reservation which would we be entitled to?"

Answer: "Only on the reservation would we succeed in that."

Example: Isadore Willier, Driftpile

Question: "Did we surrender the entire depth or just the surface? What was your understanding?"

Answer: "No, no, there was no mention of that right here. It was just the reserve. The reserve was just mentioned. The Indian owns what is within his reserve, no one can take what's within the reserve 'cause it belongs to the chief."

Example: Aristide Bigstone, Bigstone Band: "Nothing was mentioned 'cause no one knew what a mineral was."
In some of the interviews the elders were only asked about mineral rights within the reserve. Two of the elders simply stated that they were not sure what agreements were made on mineral rights.

Phillip McDonald of Fort MacKay feels that the Indians were cheated because the government knew where the minerals were and didn't tell the Indians:

The Commissioner never mentioned anything to the Indians about something underground that could be valuable such as minerals or oil. They only mentioned the fish and ducks for the purposes of daily food. There was never any mention of underground minerals, that could be worth something of value to the Indians. The government wasn't honest about it. They should have told the Indians right there. Maybe we would have a reserve here today. The government didn't do this. They only told the chief that he could choose land in an area where it would provide sustenance.

Four interviews are difficult to interpret for a variety of reasons. George Okeymow, 79, refers to the depth of six shovels full, but it is not clear whether he is saying that Indians own only six shovels full of reserve land, or that white people own only that much non-reserve land or both. Other interviews contain similar ambiguities about whether the respondent is talking about minerals within the reserve or outside.

General Remarks on the Interviews

Despite differences in detail and some differences between treaty areas, the elders' interviews express a fairly consistent and logical position on treaty mineral and resource rights.

Considering that the treaties were negotiated approximately 75 and 100 years ago, the similarity in the interviews conducted in widely separated geographical areas is quite remarkable.

Our research can not overlook the possibility that the elders' interpretation of mineral rights has a more recent origin than the treaties, and that it was only after considerable development of minerals had taken place that Indians began to claim that they had never been surrendered. This, at least, is an argument we will undoubtedly encounter from the government side.

However, it would seem much more likely that the elders' position is a sincere statement of how the treaties were understood at the time of the original negotiations. The position on minerals must be seen as part of a more general attitude towards all the natural resources of the earth. The elders appear to be saying that the Indian people could not
conceive of giving up all those natural resources which were God-given. Instead, what was granted was the permission for white settlers to use the land for specific purposes such as farming and perhaps other purposes such as mining and lumbering.

The concept of government ownership of natural resources is firmly established in Alberta. However, the elders appear to be saying that the government has never been granted 'ownership' of the resources by the Indian people, and therefore has no right or at least no exclusive right to the benefits of resource development.

(For list of elders interviewed, see original file)

NOTE: Summary re Treaty 6 see #IH-221
Summary re Treaty 7 see #IH-248

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