

NM 4-11-93  
 Cor 6-11-93  
 NM 11-7-97  
 Per 10-3-97

DEPARTMENT OF INDIAN AFFAIRS.

189 3

**ACTION.**

**ACTION.**—*Continued*

Jas. Clinkskill

19 Oct.  
24

Feb. Regarding a road through the Battleford Industrial school property.

21/22 Oct. Tel. from A. E. Forget  
23/26 " " " do

105/8-9

107184

BLACK

107184

T. D. Form 2.

# Canadian Pacific Railway Co.'s Telegraph.

All Messages taken by this Company are subject to the following Terms:

It is agreed between the sender of the following message and this Company that said Company shall not be liable for damages arising from failure to transmit or deliver, or from any error in the transmission or delivery of an unrepeatable telegram, whether happening from negligence of its servants or otherwise, or for delays from interruption in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same. To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz:—One per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance.

W. C. VAN HORNE, President.  
CHAS. R. HOSMER, Manager Telegraphs.



This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company, necessary to reaching its destination, but only as the agent of the sender and without liability therefor. This Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent, if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed in writing, within sixty days after receipt of the telegram for transmission. No employee of the Company shall vary the foregoing.

B. S. JENKINS, Supt., Winnipeg.  
J. WILSON, Supt., Vancouver, B.C.  
HOMER PINGLE, Supt., Toronto.  
JAMES KENT, Supt., Montreal.

SENT NO.	SENT BY	REC'D BY	TIME SENT.	TIME FILED.	CHECK.
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Send the following Message, subject to the above terms, which are hereby agreed to:

To Jas Chinkskill

Battleford, N.D.

Replying to your telegram 19<sup>th</sup> am  
making inquiry by wire regarding  
road through school property

cc 27 L.B.

(880) Hinton Reed

Indian Affairs. (RG 10, Volume 3908, file 107,184)

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CANADA

107366, FORM 1

## CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH.

## TERMS AND CONDITIONS.

— All messages are received by this Company for transmission, subject to the terms and conditions printed on their Blank Form No. 2, which terms and condi-



tions have been agreed to by the sender of the following message. This is an unrepeatable message, and is delivered by request of the sender, under these conditions.

W. C. VAN HORNE, President.  
CHAS. R. HOMER, Man. Telegraphs.  
H. S. JENKINS, Supt., Winnipeg.

J. WILSON, Supt., New Westminster, B. C.  
HOMER PEARCE, Supt., Toronto.  
JAMES BENTLEY, Supt., Montreal.

No.	SENT BY	RECD BY	CHECK
86	Ra J	490	Collect

Time 7:30 p.m. 27th 1893

From Regina N.W. 427

To Hayter Reed.

Ottawa.

Principal wires no objection new road passing half mile south N. E. Corner reserve provided another quarter section be reserved and right of way to hay swamp on carleton trail procured. Letter on way will be forwarded when received.

TO SECURE PROMPT DESPATCH SEND REPLY TO

A. E. Forger

Indian Affairs. (RG 10, Volume 3908, file 107,184)

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CANADA

T. D. Form 1.

# Canadian Pacific Railway Co.'s Telegraph.

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Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz:—One per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance.

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B. S. JENKINS, Supt., Winnipeg.  
J. WILSON, Supt., Vancouver, B.C.  
HOMER PINGLE, Supt., Toronto.  
JAMES KENT, Supt., Montreal.

SENT NO.	SENT BY	REC'D BY	TIME SENT.	TIME FILED.	CHECK.
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Send the following Message, subject to the above terms, which are hereby agreed to:

To J. Clinskill,  
Battleford, N.W.T.

C O P Y

28th October 1893.

Have no objection to road passing through school  
reserve provided it is about half mile away from buildings  
and we can get right of way to our hay swamp as suggested  
by Mr. Clarke. Am writing.

(Charge Indian Dept.)

(sgd) Hayter Reed.

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Rev. Thomas Clarke,  
Prin. Industrial School,  
Battleford, N.W.T.

SECV'S BRANCH,  
OCT 30 1898  
WRITTEN

DRAFT  
-----

Rev. Sir:-

*AM -  
in power*

I enclose herein, for your information, copy of a letter addressed by me to-day to Mr. Clinskill, Battleford, so that you may be aware of the conditions upon which permission has been given for the passage of the road through the school ~~XXXXXXXX~~ lands.

Should you find that these conditions are not being strictly complied with, kindly report at once to Mr. Assistant Indian Commissioner Forget at Regina.

*You will rec. a form of agent - for*  
Yr. Obit. Svt.

*The Regina Office*

*File - 107184*

J. Clinskill Esq.,

Battleford, N.W.T.

DRAFT  
-----

JEVY'S BRANCH  
OCT 30 1898  
WRITTEN

Sir:-

Respecting the road through the Battleford School Reserve, I telegraphed you as follows on the 28th instant:-

(Copy tel., under)

The delay in this matter resulted from out not knowing exactly whether any objection of which we were not aware could be raised to the passing of the road through the land, and I desired to see my way clearly before giving the desired consent.

*Agreed*

As I stated in the telegram, I have no objection to the road passing through the school reserve, provided it keeps at a <sup>good</sup> ~~nix~~ distance from the school, so that the children will not be brought constantly into contact with people passing.

As I understand it, the road will ~~run~~ run ~~north~~ directly across the school ~~lands~~ <sup>on the W or either side</sup> lands and not take a jog ~~to the north~~ and come in any way near to the ~~buildings~~ buildings.

Of course, it is understood that the Department will not be in any way responsible for the repair of the road. I think that an agreement ~~should~~ should be made whereby the

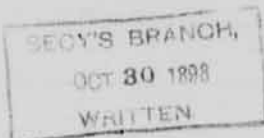
Government or Municipality shall keep the fences in repair, as the road is solely for the benefit of the public, and not for that of the school.

Mr. Clarke seems to make a point about <sup>right-of-way</sup> a ~~roadway to be cleared~~ to our swamp lands, and the same will, of course, have to be secured to <sup>us</sup> ~~him~~. *if the above, this particular Yr. Obt. Svt. is in any way militates against the School*

A. E. Forget Esq.,

Asst. Indian Commissioner,

Regina, N.W.T.



Sir:-

Respecting the road thorough the Battleford School Reserve, I telegraphed Mr. J. Clinskill, Battleford, on the 28th instant, as follows:-

(Copy tel., under)

And to-day I wrote him a letter, of which I enclose a copy for your information, so that *have arrangement drawn up in accordance with* you may ~~see to~~ the conditions upon which permission is given for the passage of the road *I see to the same being* through the school reserve ~~are~~ carried out.

Yr. Obt. Svt.

*J. A. G. M. S.*

COPY

107417

St John's Industrial School  
Battleford Sask.

94 C.

Oct 24th 1893

Sir,

With further reference to my telegrams of the 21st instant regarding road allowance through the school reserve, I beg to submit the following:---

1st, When the land for the school was first reserved, I was requested by your office not to enclose our land to the Battle River as there was an established road running through it --- the road referred to. This road passes through lands which have since been procured by Messrs Dewan and Laurie.

This road was established many years ago. It is the one, if I remember rightly, you drove over in 1877 when you came first to Battleford.

2nd, This road is the most convenient for the public in approaching Battleford from Saskatoon.

3rd, If this road be closed it will shut us off from easy access to our hay lands, while some four or

five

The Indian Commissioner  
Regina



five hundred dollars will be needed to grade and hedge the road allowance from the proposed new road to our hay lands. .

I would therefore beg to suggest that, if possible, Dewan's land be purchased for the use of the Institution and that the right of way be purchased from R. C. Laurie.

I see no objection to the road passing through the school land in the sand hills, one half a mile South of our N. E. corner post (about 100 yards south of the site of Judge Richardson's house), provided however, that another quarter section be reserved for the school in lieu of the two  $\frac{1}{2}$  quarter sections lying South of the proposed new road. It is absolutely necessary that we should have more pasturage for stock. Present and future requirements demand that we should not be enclosed on every side.

My opinion is, ---and I think I am expressing the views of all landowners East of the school and travellers generally, that the old Carlton Road should be kept open.

If however, Messrs Dewan and Laurie close the road, I beg to request authority to extend our fence to the Battle river for the sake of more pasturage. The new road will make a five or six mile drive to our hay swamp. This is too far to take the cows.

The question at issue, so far as I can understand

107417

stand, is, whether Messrs Dewan and Laurie have a right to close the old road or not. If they have, it is unnecessary for me to make any further remarks, but I must make it distinctly understood, that, so far as I am aware, no funds are granted for the purpose of making roads.

I do not wish to conflict with the public in road or any other matters so long as justice is done to all parties.

I have the honour to be

Sir

Your obedient servant

Sgd T. Clarke

Principal.P

OFFICE OF THE

Indian Commissioner.

NORTH-WEST TERRITORIES

Regina, October 31st 1893

Sir,

I have the honour to confirm the following telegram addressed to you on the 27th instant, which should read,--- "Principal wires no objection new road passing half mile South N. E. corner Reserve, provided another quarter section be reserved and right of way to hay swamp on Carlton trail procured. Letter on way will be forwarded when received."

and to transmit herewith a copy of the letter therein referred to.

The only remark that it occurs to make about the contents of the Rev Principal's letter, is by way of reminder, that the old Carlton trail was in existence long prior to date of survey, and consequently no right exists on part of anyone to close it.

I have the honour to be

Sir

Your obedient servant

Asst Commissioner

The Deputy of the

Superintendent General of Indian Affairs

Ottawa.

File No. 107/184

Return to  
Correspondence Branch.

The Asst Indian Commissioner <sup>Exd</sup>

—FOR—

Manitoba and the N. W. Territories,

Regina, S. W. T.

Ottawa, Nov 7 1893

Com'rs. No. 1311

Sir,

Referring to  
~~I have to acknowledge the receipt of~~  
your letter of the 31<sup>st</sup> ulto & the copy  
therewith recd of Principal  
Clarke's communication of the  
24<sup>th</sup> ulto respecting the road through  
the Battleford School reserve,  
I have to inform you  
that after reading the  
correspondence it would  
appear that the road should  
not be closed; <sup>if possible to prevent it</sup> and if the  
proposed new road goes through  
the School land fences  
must be put up by the  
Municipality and kept  
in repair &c. as stated in  
my previous letter of the 30<sup>th</sup>  
Yours &c.

RM

Am 23

151687

Extract from letter of Mr. R. C. Laurie, Dominion Land  
Surveyor, dated 16th, November, 1896.

---

With reference to your request to write you about  
the survey of the Saskatoon to Battleford trail I would  
state as follows:-

During the summer of 1894 I was employed surveying  
the trails from Battleford to Saskatoon and Onion Lake.

The trail coming up what is known as the Brickyard  
hill is on a quarter section which Thomas Dewan  
purchased for cash from the Dominion Government and  
which he claims cannot be made a public trail without  
compensation to him as he paid for the whole area. As  
the hill is impassable some winters owing to the snow  
drifting, I examined an old trail running across the  
Industrial School Reserve and found that a more direct  
route to the Battle River bridge could be obtained by  
using it part of the way and then by grading down the  
side hill come out on the trail going up the Battle  
River hill. This trail would only cross the School  
Reserve at a place where it would neither interfere with  
their pasture nor their cultivated land, and would be out  
of sight of the buildings, but the Indian Department  
refused me permission to locate it there and Dewan  
served written notice on me not to locate it on his land.  
I was compelled to leave this part of the trail  
unlocated.

✓ 151687

Extract from letter of Mr. J. S. Dennis, Chief Inspector of Surveys, dated 28th, November, 1896.

---

I enclose herewith for your information copy of a letter of the 16th instant from Mr. D. T. S. Laurie of Battleford, relative to portions of the Saskatoon-Battleford trail which he was instructed to survey in 1894.

In explanation of Mr. Laurie's letter, I may say that during my visit to Battleford last August, he spoke to me about this matter and I asked him to write me on the subject, and I also made an examination of the ground to enable me to report on the points referred to.

From my examination I should say that there is no doubt that the road should follow along the hill side through the Industrial School Reserve, instead of descending into the valley at the Brickyard hill referred to by Mr. Laurie and then climbing the hill again to reach the bridge across the Battle River. The old trail across the School Reserve referred to by Mr. Laurie has been in existence a long time, and to the best of my recollection was used by me in 1878 at the time when I ran the first survey line into Battleford. The opening of this trail will not hurt the School Reserve in any way, as it passes under the hill through the timber across a portion of the Reserve which cannot be cultivated. Of course the claim advanced by Thomas Dewan regarding the old trail across his place is of no value, as the point advanced by him has already been ruled upon by the Supreme Court of the Territories in the

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151687

the case of the Crown vs. Nimmons, but the proposed location along the hill side being much the best road I would recommend that it be adopted when the survey is completed.

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Ref. 351599

151637



Ottawa, 11th January, 1897.

107184

Sir,

In August 1894 Mr. Jas. Clinkskill, M.L.A. had some correspondence with the Commissioner of Indian Affairs for the North West Territories in reference to the road from Saskatoon to Battleford. Mr. Clinkskill asked that this road should be allowed to pass through the Industrial School Reserve, but the Commissioner refused his consent.

I now enclose extracts from recent communications from Mr. J. S. Dennis, Chief Inspector of Surveys and of Mr. R. C. Laurie, the surveyor who located the trail and I would be glad to know whether in view of the facts disclosed, the decision of the Commissioner could not be re-considered.

I have the honour to be,

Sir,

Your obedient servant,

*Arthur Duggan*  
Deputy of the Minister  
of the Interior.

Hayter Reed, Esq.,

Deputy Superintendent

General of Indian Affairs,  
Ottawa.

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CANADA**



MEMORANDUM.

To Indian Council.  
Ottawa

Department of Indian Affairs.

Ottawa,

23-1-1897

Will the Agent General express his  
opinion as to the new route for the  
road through the school grounds

H. H. -

YOUR REPLY REFER TO  
ALSO TO THE DATE OF THIS LETTER

DEPT. OF INDIAN AFFAIRS  
OTTAWA



Ottawa, 27th. January, 1897.

Memorandum for the Deputy Superintendent  
General of Indian Affairs.



With reference to letter dated 11th. Jan.  
1897, of the Deputy Minister of the Interior, and ex-  
tracts attached, I beg to report :

That there would appear to be no objection  
to the proposed new road going through part of the school  
reserve, if, as stated by Mr. Laurie and Mr. Dennis, it  
is located so as it will neither interfere with the pas-  
ture nor with the cultivated lands of the school and be  
out of the sight of the buildings.

Respectfully submitted,

*A. H. H. H.*  
Ind. Commr.

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CANADA

107184

The Indian Commissioner  
Regina N.W.T.  
Jan'y. 29<sup>th</sup> 1897

Sir

THIS LETTER HAS BEEN SENT

With reference to the matter of  
the location of a road across the  
Industrial School Reserve at Battleford,  
I beg to inform you that the Department  
has no objection to the road provided it  
is ~~well~~ located well down the side of  
the hill and that the Principal of the  
School is satisfied with the location.  
I think it would be advisable to send  
a sketch showing a location of the  
road where it would <sup>in his opinion,</sup> not be objectionable.

Yours &c

S. B.

140

FORWARDED FOR THE INFORMATION OF THE DEPARTMENT  
MAR 2 1897

C O P Y.

Indian Industrial School

Battleford, Saskatchewan.

H. W. T. Canada.

February 25 1897.

INDIAN COMMISSIONER

Sir:-

In reply to your letter of 3rd inst No. 1311 relative to the granting of a public roadway through the School reserve, I am unable at present to submit a sketch showing the best place to have it located. I am not even aware of it being wanted, as there is a public road, the old one, down the hill or the flat.

At any rate nothing can very well be done while the snow is so deep on the ground as it is now.

If the subject should be brought up I will endeavor to comply with your request as best I can, though I cannot at present tell if there is any better location down the hill than where the old road now runs.

I am, Sir,

Yours obediently,

(Sgd) E. Matheson.

The Indian Commissioner.

Regina.

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