

# Transferred, Preserved, and Destroyed The Dominion Lands Branch's Manitoba Files

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## Article abstract

During the 1950s, the Province of Manitoba microfilmed and then destroyed thousands of files created by the federal Department of the Interior's Dominion Lands Branch (DLB). These records, dating from about 1870 to 1930, were transferred from the federal government to the province in the immediate post-war period. They were drawn from a group of more than 5.6 million files occupying 11,640 square feet of office space in downtown Ottawa. During the Second World War, the civil servants responsible for the DLB files were pressured by their superiors to destroy the files in order to free up space and filing cabinets. DLB officials, although not trained archivists, took their responsibility as custodians of the records seriously and sought to prevent the wholesale and indiscriminate destruction of the files. They were supported by archivists who considered the DLB files to be valuable historical documents on the colonization of Western Canada. Eventually, the conflict between preservation and destruction was resolved by dispersing the records; some were transferred to the western provinces and territories, while the remaining files were deposited in the Public Archives of Canada. The first files to be transferred were those related to lands in Manitoba. This article clarifies the provenance of the DLB's Manitoba files and argues for their enduring value as records of the history of settler colonialism in the province while also revealing the role of non-archivist civil servants as custodians of government records in the mid- 20th century.

# Transferred, Preserved, and Destroyed The Dominion Lands Branch's Manitoba Files<sup>1</sup>

RYAN EYFORD

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**ABSTRACT** During the 1950s, the Province of Manitoba microfilmed and then destroyed thousands of files created by the federal Department of the Interior's Dominion Lands Branch (DLB). These records, dating from about 1870 to 1930, were transferred from the federal government to the province in the immediate post-war period. They were drawn from a group of more than 5.6 million files occupying 11,640 square feet of office space in downtown Ottawa. During the Second World War, the civil servants responsible for the DLB files were pressured by their superiors to destroy the files in order to free up space and filing cabinets. DLB officials, although not trained archivists, took their responsibility as custodians of the records seriously and sought to prevent the wholesale and indiscriminate destruction of the files. They were supported by archivists who considered the DLB files to be valuable historical documents on the colonization of Western Canada. Eventually, the conflict between preservation and destruction was resolved by dispersing the records; some were transferred to the western provinces and territories, while the remaining files were deposited in the Public Archives of Canada. The first files to be transferred were those related to lands in Manitoba. This article clarifies the provenance of the DLB's Manitoba files and argues for their enduring value as records of the history of settler colonialism in the province while also revealing the role of non-archivist civil servants as custodians of government records in the mid-20th century.

1 The research for this article was supported by a SSHRC Insight Development Grant (430-2015-00444). Thank you to Preeti Kaur and Jenna Klassen for their assistance with the research and to Paula Warsaba of the Archives of Manitoba for helping me in my attempts to locate Dominion Lands Branch files within the records of the Manitoba Lands Branch. Thanks also to Greg Bak, Gerry Friesen, and Tom Nesmith for encouraging me to send this article to *Archivaria* and for their very helpful comments on the first draft. The article has also benefited from the suggestions of two anonymous reviewers.

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**RÉSUMÉ** Pendant les années 1950, la province du Manitoba a transféré sur format microfilm des milliers de dossiers créés par le *Department of the Interior's Dominion Lands Branch (DLB)*, pour ensuite détruire les documents originaux. Ces documents, qui datent d'environ 1870 jusqu'en 1930, avaient été transférés du gouvernement fédéral vers la province du Manitoba immédiatement après la Deuxième Guerre mondiale. Ils ont été extraits d'un groupe de documents comprenant plus de 5.6 millions de dossiers occupant 11 640 pieds carrés dans un espace de bureau situé au centre-ville d'Ottawa. Pendant la Seconde Guerre mondiale, afin de libérer de l'espace, les fonctionnaires de l'État responsables des dossiers du *DLB* ont subi des pressions de leurs supérieurs pour détruire les dossiers. Les officiers du *DLB*, qui ne détenaient pas de formation en archivistique, il faut le préciser, ont pris leurs responsabilités de gardiens des documents au sérieux et ont cherché à prévenir la destruction sans discernement des dossiers. Ils ont été soutenus par des archivistes qui considéraient les dossiers du *DLB* comme étant des documents possédant une importante valeur historique, particulièrement concernant la colonisation de l'ouest du Canada. Éventuellement, le conflit entre la préservation et la destruction a été résolu par la dispersion des documents; certains ont été transférés vers les provinces et territoires de l'ouest alors que les dossiers restants ont été déposés aux Archives publiques du Canada. Les premiers dossiers à être transférés ont été ceux qui concernaient des terres au Manitoba. Cet article clarifie la provenance des dossiers du *DLB* du Manitoba et plaide pour leur valeur durable en les présentant comme des documents témoignant de l'histoire du colonialisme d'occupation dans la province, en plus de révéler le rôle important de fonctionnaires de l'État comme gardiens de documents gouvernementaux dans la période du milieu du 20<sup>e</sup> siècle.

On April 8, 1979, Nelson Gerrard of Arborg, Manitoba, wrote to the Public Archives of Canada (PAC) enquiring about records on Icelandic immigration and the settlement of the Icelandic reserve (New Iceland) in Manitoba. About eight weeks later, Gerrard received a reply from Terry Cook, then–archivist for natural resource records in the Public Records Division. Cook’s three-page letter listed various relevant PAC record groups, series, volumes, and files. Cook also explained that the main federal Department of the Interior file on Icelandic settlement was now held by the Province of Manitoba. “When control of natural resources passed from the federal government to the prairie provinces in 1930, many files of the Department of the Interior were also sent to the western provinces. The file on Icelandic settlement is Interior file no. 186440, vols. 1 and 2, sent to Winnipeg in carton 45H in July 1950.”<sup>2</sup> Cook referred Gerrard to Mrs. G. Lancaster, supervisor of land records and registry in the Department of Renewable Resources and Transportation, for help in gaining access to that file. Almost 30 years later, while conducting my own research on the Icelandic reserve,<sup>3</sup> I followed Cook’s 1979 directions in an attempt to locate Department of the Interior file 186440. The Manitoba Lands Branch (MLB) told me that any pre-1930 files had likely been transferred to the Archives of Manitoba (AM). Despite an exhaustive search of the accessible records at the AM, I was unable to locate the file. I wrote to Terry Cook, by that time a professor in the archival studies program at the University of Manitoba, hoping his later research into the Department of the Interior records might yield further clues. His reply was that the confusion over file transfers “doubtless meant a lot of records just got lost.”<sup>4</sup> This was one of many times that I had heard words like *doubtless*, *probably*, *possibly*, and *likely* used by archivists when answering questions about these records. My search for this one file opened the larger questions that this article addresses: why did the federal government send DLB files to the Province of Manitoba, and what happened to them after they arrived in Winnipeg?

2 Terry Cook to Nelson Gerrard, May 25, 1979. Thank you to Nelson for providing me with a copy of this letter from his personal papers and for granting permission to quote from the letter. The research he was engaged in at the time ultimately resulted in his *Icelandic River Saga* (Arborg, MB: Saga Publications, 1985), a monumental work of local and community history.

3 The result of this research was my *White Settler Reserve: New Iceland and the Colonization of the Canadian West* (Vancouver: UBC Press, 2016).

4 Terry Cook, personal communication to Ryan Eyford, April 11, 2009.

The records of the Canadian Department of the Interior provide some of the most detailed and revealing documentation of settler colonialism in Western Canada.<sup>5</sup> From 1873 to 1930, the department administered the *Dominion Lands Act*, the key statute governing colonization in Manitoba, Saskatchewan, and Alberta.<sup>6</sup> The records of the department's Dominion Lands Branch (DLB), in particular, detail the transformation of Indigenous homelands into private property controlled predominantly by white settlers. They include case files on homesteads, Indian reserves, Métis scrip, and special colonization projects. In the 30 years after the Department of the Interior was dissolved in 1936, its records were dispersed, reorganized, microfilmed, and, in some cases, destroyed. Today, the surviving records can be found at Library and Archives Canada; the provincial archives of Manitoba, Saskatchewan, Alberta, and British Columbia; and the territorial archives of Yukon and the Northwest Territories. The result was what Doug Bocking has called "an archival nightmare when considered in the light of the archival theories of *provenance* and *respect de fonds*."<sup>7</sup> This has had implications for historical research. As Terry Cook noted in *Archivaria* more than 30 years ago, "Because of the dispersal of the [Department of the] Interior's archival legacy, patterns of research and historiographical interpretation have varied depending on which part of the legacy is consulted or emphasized. Broken provenance leads to truncated history."<sup>8</sup> Cook's statement also applies to the history of the records themselves. The most comprehensive catalogue available leaves unanswered questions about the ultimate fates of some of the

- 5 I am guided here by Patrick Wolfe's definition of settler colonialism as "an inclusive, land-centred project that coordinates a comprehensive range of agencies, from the metropolitan centre to the frontier encampment, with a view to eliminating Indigenous societies." Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 393.
- 6 Before 1905, Saskatchewan and Alberta were part of the Northwest Territories. For the history of dominion lands administration, see Chester Martin, *"Dominion Lands" Policy* (Toronto: Macmillan, 1938); James Morton Richtik, "The Policy Framework for Settling the Canadian West, 1870–1880," *Agricultural History* 49, no. 4 (1975): 613–28; Kurt N. Lambrecht, *The Administration of Dominion Lands, 1870–1930* (Regina, SK: Canadian Plains Research Center, 1991).
- 7 Doug Bocking, "The Records Go West: Department of the Interior Records in the Saskatchewan Archives," *Archivaria*, no. 25 (Winter 1987–88): 112.
- 8 Terry Cook, "Legacy in Limbo: An Introduction to the Records of the Department of the Interior," *Archivaria*, no. 25 (Winter 1987–88): 73–74. Cook addresses Department of the Interior records related to the Yukon and the Northwest Territories in "Paper Trails: A Study in Northern Records and Northern Administration, 1898–1958," in *For Purposes of Dominion: Essays in Honour of Morris Zaslow*, ed. Ken S. Coates and William R. Morrison (North York, ON: Captus Press, 1989), 13–35.

records.<sup>9</sup> The task of investigating the provenance of the Department of the Interior's records, an important focus of Cook's research, is far from complete.<sup>10</sup>

This article pieces together a portion of that broken provenance and contributes to the larger history of the Department of the Interior records in three ways: first, by analyzing the internal debates, within and outside the federal government during the 1940s, over the preservation or destruction of the DLB files; second, by describing the circumstances that resulted in a significant portion of those files being transferred to the Province of Manitoba between 1948 and 1958; and, finally, by documenting the custodial history of the transferred files under the management of the MLB up to the early 1970s. Confusion over what happened in Ottawa prior to the transfer, how the transfer occurred, and what the MLB did with the files after the transfer has resulted in incorrect archival descriptions<sup>11</sup> and uncertainty as to which of the transferred records have survived.

The case of the DLB's *Manitoba files* provides insights into government records management practices during the mid-20th century, when new approaches to appraisal were introduced at both the federal<sup>12</sup> and provincial levels<sup>13</sup> and microfilm was adopted as an archival technology.<sup>14</sup> In the period that this

9 See Irene Spry and Bennett McCardle, *The Records of the Department of the Interior and Research Concerning Canada's Western Frontier of Settlement* (Regina, SK: Canadian Plains Research Center, 1993), 77.

10 On Cook's approach to researching the administrative history of records, see Barbara L. Craig, "Records and Recordkeeping History: The Fundamental Archival Task," in *All Shook Up: The Archival Legacy of Terry Cook*, ed. Tom Nesmith, Greg Bak, and Joan M. Schwartz (Chicago: Society of American Archivists, 2020), 72.

11 For example, the description of NR 0215, Federal Department of the Interior homestead files, in the Archives of Manitoba's Keystone database, reads, "Prior to transfer [from the federal government], records were re-arranged by Library and Archives Canada from the Department of the Interior's numerical filing system to a numerical system based on legal land description. Library and Archives Canada microfilmed the homestead files, destroyed the originals, and transferred the microfilms to the Province." "Federal Department of the Interior homestead files," Archives of Manitoba, accessed June 8, 2022, [http://pam.minisisinc.com/scripts/mwimain.dll/144/PAM\\_DESCRIPTION/DESCRIPTION\\_DET\\_REP/SISN%204048?sessionsearch](http://pam.minisisinc.com/scripts/mwimain.dll/144/PAM_DESCRIPTION/DESCRIPTION_DET_REP/SISN%204048?sessionsearch). As this article explains, the reorganizing, microfilming, and destruction was done in Winnipeg by the MLB, not by the PAC in Ottawa prior to transfer.

12 See Catherine Bailey, "Past Imperfect? Reflections on the Evolution of Canadian Federal Government Records Appraisal," *Archivaria*, no. 75 (Spring 2013): 13–17.

13 For one provincial case, see Barbara Craig, "Records Management and the Ontario Archives, 1950–1976," *Archivaria*, no. 8 (Summer 1979): 3–33. Unfortunately, no comparable study of post-war records management and the Provincial Archives of Manitoba has yet been undertaken.

14 W.E.D. Halliday, "The Public Records of Canada: Recent Developments in Control and Management," *American Archivist* 13, no. 2 (April 1950): 106. The Hudson's Bay Company began microfilming its extensive records in 1952

article covers, archivists did not have direct control over the DLB's Manitoba files. Archivists were interested in acquiring them, expressed opinions about their value, and were involved in decisions about their disposition. However, the records remained in the custody of the MLB rather than the provincial archives until at least the late 1970s. As such, this study highlights both the role of non-archivist civil servants in managing government records and the internal departmental dynamics surrounding decisions about retention and destruction.<sup>15</sup> It supports Catherine Bailey's assertion that, during what she refers to as the "historical/cultural" era of government records appraisal, records creators played a significant role in determining which records were deemed to be of historical value.<sup>16</sup> Officials in the lands branch of the federal Department of Mines and Resources resisted significant pressure from their superiors to destroy the DLB files by arguing for both their ongoing operational use and their significance as historical documents. However, the determination of the deputy minister's office to remove the files from storage, in the context of the wartime and post-war demands for space, made maintaining the status quo untenable. The agreements on government records related to the 1930 natural resources transfer acts provided one possible solution. The federal government was required to provide the Prairie provinces with "originals or complete copies" of records related to Crown lands.<sup>17</sup> The Department of Mines and Resources offered Manitoba, Saskatchewan, and Alberta their respective portions of the DLB files. Manitoba quickly accepted the offer, while Saskatchewan and Alberta demurred. As a result, the Manitoba files were the first to be segregated and transferred in the late 1940s and early 1950s.

Archivists in Ottawa and the West supported the plan to divide up the DLB files by province. They thought this was necessary to save what they considered to be valuable historical records from wholesale destruction. Western archivists

under the direction of Dominion Archivist W. Kaye Lamb. See Siân Madsen, "The Evolution of Recordkeeping at the Hudson's Bay Company," *Archivaria*, no. 66 (Fall 2008): 40.

- 15 The role of non-archivist civil servant recordkeepers in preserving and arguing for the value of the DLB's Manitoba files in some ways parallels the story of Department Indian Affairs records for the period up to 1914, which Bill Russell examines. See Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860–1914," *Archivaria*, no. 19 (Winter 1984–85): 70–71.
- 16 Bailey, "Past Imperfect?," 8.
- 17 "Memorandum of Agreement between the Government of the Dominion of Canada and the Government of the Province of Manitoba," December 14, 1929, in *Manitoba Natural Resources Act*, S.C. 1930, c. 29.

also wanted the federal records for their own collections. Manitoba Provincial Librarian J.L. Johnston expressed the hope that the DLB files would eventually help form the basis of a government records section in a new provincial archive.<sup>18</sup> However, the DLB's Manitoba files were transferred not to the Manitoba Legislative Library (the precursor to the Provincial Archives of Manitoba) but rather to the MLB, which destroyed a significant portion of the transferred DLB files before 1960. Manitoba Director of Lands R.W. Gyles considered the files to be important historical records and authorized their destruction only after the MLB had used a then-cutting-edge microfilm machine to photograph the files.<sup>19</sup> Microfilm made it possible to preserve the contents of records while also destroying large quantities of paper that required storage space and filing cabinets. Today, this situation presents both challenges and opportunities for research into the history of settler colonialism in Manitoba. The content of most of the transferred files has survived in microform format. However, the way the files were photographed has created significant problems, which must be addressed in order to make them more accessible and to answer some of the unsolved questions about the records' provenance.

## The Origins of the Dominion Lands Branch Files

From 1870 to 1930, the administration of Crown lands in Manitoba was under the jurisdiction of the federal government. Section 30 of the 1870 *Manitoba Act*, which established Manitoba as the fifth province of the Dominion of Canada, stipulated that "all ungranted or waste lands in the Province shall be . . . administered by the Government of Canada for the purposes of the Dominion."<sup>20</sup> Crown lands in Manitoba and the Northwest Territories were referred to as *dominion lands*. The Dominion Lands Branch was organized in March 1871.<sup>21</sup>

18 Library and Archives Canada (hereafter cited as LAC), RG 15, volume 2006, file 567230, part 2, J.L. Johnston to C.W. Jackson, March 1, 1944.

19 D.M. Loveridge, "Appendix 1: An Introduction to the Study of Land and Settlement Records," in Gerald Friesen and Barry Potyondi, *A Guide to the Study of Manitoba Local History* (Winnipeg, MB: University of Manitoba Press, 1981), 111.

20 *An Act to Amend and Continue the Act 32 and 33 Victoria Chapter 3; and to Establish and Provide for the Government of the Province of Manitoba [Manitoba Act]*, S.C. 1870, 33 Vic., c. 3, s. 30.

21 LAC, RG 2, Privy Council Office Fonds, A-1-a, reel C-3297, volume 285, Order in Council, PC 1871-720½, March 7,



It was under the authority of the Department of the Secretary of State until 1873, when the Department of the Interior was established.<sup>22</sup> For the first 12 years of its existence, the administrative head of the DLB was the surveyor general of Canada, who, after 1873, was also deputy minister of the interior. This reflected the importance of surveying to the branch's operations during its early years; surveyors assessed and classified the agricultural potential of lands in the Northwest and subdivided the land into parcels that could be granted or sold. The system of survey and the methods for acquiring title to dominion lands were established between 1869 and 1871 by a series of orders in council.<sup>23</sup> These regulations were consolidated and expanded in the *Dominion Lands Act* in 1872.<sup>24</sup> In 1881, a Dominion Lands Board composed of a commissioner of dominion lands and an inspector of dominion lands agencies was established at Winnipeg. In Ottawa, lands administration and surveying were divided into distinct branches of the Department of the Interior. The positions of deputy minister of the interior and surveyor general were separated, with the former taking over as the administrative head of the DLB in 1882–83.<sup>25</sup> In 1897, to centralize the administrative structure of the DLB, the commissioner of dominion lands was relocated to Ottawa, along with all of the associated records.<sup>26</sup> The DLB remained as one of the most important branches of the Department of the Interior until 1930, when responsibility for Crown lands and other natural resources was transferred from the federal government to the provinces of Manitoba, Saskatchewan, and Alberta under the natural resources transfer acts.<sup>27</sup> In 1936, the Department of the Interior was dissolved. Many of its former functions and its records passed to the Department of Mines and

1871; "Report of the Secretary of State of Canada for the Year Ended on the 30th June 1871," Canada, *Sessional Papers of the Dominion of Canada*, volume 7, 5th sess., 1st Parliament, 1872, no. 22, 3, 4, 14–16.

22 *An Act to Provide for the Establishment of the "Department of the Interior,"* S.C. 1873, 36 Vic., c. 4.

23 Spry and McCardle, *The Records of the Department of the Interior*, 55.

24 *Dominion Lands Act*, S.C. 1872, 35 Vic., c. 23, s. 33.

25 "Annual Report of the Department of the Interior for the Year 1883," Canada, *Sessional Papers of the Dominion of Canada*, volume 7, 2nd sess., 5th Parliament, 1884, no. 12, ix; Spry and McCardle, *The Records of the Department of the Interior*, 55–56, 73.

26 Spry and McCardle, *The Records of the Department of the Interior*, 149.

27 *Alberta Natural Resources Act*, S.C. 1930, c. 3; *Manitoba Natural Resources Act*, S.C. 1930, c. 29; *Saskatchewan Natural Resources Act*, S.C. 1930, c. 41.

Resources. The new department's Lands, Parks and Forests Branch inherited the DLB files.

The DLB files were organized according to the registry subject file system. Incoming and outgoing correspondence on a subject were grouped together in a single file.<sup>28</sup> A file jacket provided the file number, the year the file was created, the name and address of the initial correspondent, the file's subject, and the date received; it also included space for notes that summarized actions taken by DLB officials. Some DLB files contain more than one file jacket and more than one file number. This occurred, for example, when a dominion lands commissioner office file from Winnipeg was forwarded to Ottawa.<sup>29</sup> The extent to which such files were later integrated into the main body of DLB files is still unknown.<sup>30</sup>

The massive scale of colonization in Western Canada between 1873 and 1930 resulted in the accumulation of millions of DLB files in Ottawa. The files were numbered sequentially from 1 to 5,693,470.<sup>31</sup> DLB officials located files by referring to indexes organized by name, legal land description, and subject.<sup>32</sup> The majority of DLB's records consisted of case files related to various provisions of the *Dominion Lands Act*. For example, every 160-acre homestead claim generated a file in the branch's records. These *homestead files* included incoming and outgoing correspondence connected to the claims as well as forms completed by settlers and homestead inspectors, the DLB officials who determined that claims complied with dominion lands regulations before patents (legal title to land) were issued. The files contain personal information about settlers, such as immigration status and family size. Details about the homestead, such as the number of acres under cultivation, the number of livestock, and the value and sizes of farm buildings, are also included.<sup>33</sup> However, the DLB files were not

28 Cook, "Legacy in Limbo," 76.

29 For example, the subject of DLB file 170363, Land Commissioner, Winnipeg, to the Minister of the Interior, April 6, 1888, is "Encl[osing] his file No. 93656 & recommends that the claim of J. Bpte. Roulette Sr. to NE ¼ 18-14-8 W1 be disallowed." This file is included in Archives of Manitoba, NR215, Federal Department of the Interior Homestead Files, GR2060, reel M2331.

30 See Spry and McCardle, *The Records of the Department of the Interior*, 150.

31 LAC, RG 15, Department of the Interior Fonds, D-II-1, Dominion Lands Branch registry.

32 Cook, "Legacy in Limbo," 76; Spry and McCardle, *The Records of the Department of the Interior*, 80.

33 See, for example, Archives of Manitoba, NR0215, Federal Department of the Interior Homestead Files, GR2060, reel M2427, Department of the Interior file 1742170, F.J. Eyford, 1908 claim to the Northwest quarter of Section 25, Township 22, Range 10 West of the Principal Meridian.

only about homesteads – particularly in the Manitoba context, where Canadian colonization was superimposed upon the distinctive land tenure system of the Red River Colony and its predominantly Indigenous population.<sup>34</sup>

The DLB files provide rich documentation of the complexities of settler colonialism in Manitoba. Included within the files are records related to Indigenous land use and property rights and to relations between Indigenous peoples, white settlers, and the Canadian government. For example, file 170365 documents an Anishinaabe farmer's efforts to protect his lands northwest of Portage la Prairie from a white, Ontario-born land speculator.<sup>35</sup> In 1887, Jean Baptiste Metwewenin<sup>36</sup> learned that Alexander McMicken, a banker and former mayor of Winnipeg,<sup>37</sup> had obtained a patent to a portion of his farm along the Whitemud River. With the help of the local Catholic priest, Metwewenin challenged the legitimacy of McMicken's title and applied for a patent for the remainder of his lands, which he asserted that he had farmed for 40 years. Two white settler neighbours signed affidavits confirming that Metwewenin had occupied the lands and made improvements prior to 1869. This was important for his claim because, under section 32 of the 1870 *Manitoba Act*, settlers who were in "peaceable possession" of land at the time of the transfer of the Northwest to Canada had rights to the lands they occupied.<sup>38</sup> DLB officials in Ottawa accepted Metwewenin's claim and issued his patent on Christmas Eve 1888.<sup>39</sup> However, Metwewenin's victory was

34 On the settlement patterns of the Red River Colony, see Cole Harris, *The Reluctant Land: Society, Space, and Environment in Canada before Confederation* (Vancouver: UBC Press, 2008), 399–405. The DLB files included records related to land title in the parishes of the Red River Colony. These have survived in both paper and microfilm formats and are currently held by the Archives of Manitoba (NR217, Parish Land Files, GR1604 and GR2671).

35 Archives of Manitoba, NR215, Federal Department of the Interior Homestead Files, GR2060, reel M2331, Department of the Interior file 170365.

36 In the file, Jean Baptiste's surname is given both as Metwewenin, an Anishinaabe name that came from his father Joseph (ca. 1795–1871), and Roulette, likely a variant of the French-Canadian surnames Rolette or Ouellette. During the 1880s, Jean Baptiste and other members of his family used both surnames. Here I have chosen to use Metwewenin because Jean Baptiste's mother tongue was Anishinaabemowin.

37 Ruben C. Bellan, "McMicken, Alexander," in *Dictionary of Canadian Biography*, vol. 14, accessed June 13, 2022, [http://www.biographi.ca/en/bio/mcmicken\\_alexander\\_14E.html](http://www.biographi.ca/en/bio/mcmicken_alexander_14E.html).

38 *Manitoba Act*, S.C. 1870, 33 Vic. c. 3, s. 32.

39 This brief summary does not capture the full complexity of the case. One of the difficulties that Metwewenin faced in acquiring title to his land was that he was a treaty Indian and member of the Sandy Bay band. Under the *Indian Act* (S.C. 1876, s. 70), Indians could not obtain land grants as settlers. As an Anishinaabemowin-speaking Roman Catholic farmer of mixed Anishinaabe and French ancestry who was also a treaty Indian,

only partial; he was unable to reverse McMicken's patent and thus lost about 10 acres that he had cultivated and improved over many years. This case is indicative of the broader changes that occurred in Manitoba between 1870 and 1890, when white settlers and speculators from Ontario acquired vast quantities of land and became the dominant political and economic force in the province.<sup>40</sup> However, Metwewenin's case also adds nuance and complexity to that general story by highlighting both pre-1870 Indigenous agriculture in the province and determined Indigenous resistance to dispossession.<sup>41</sup>

Department of the Interior file 170365 was one of the more than 70,000 DLB files related to lands in Manitoba that were transferred to the province by the federal government between 1948 and 1951.<sup>42</sup> It was microfilmed in the early 1950s, and the paper file was destroyed. The question of why the federal government would disperse records created by its department relates to the implications for records of the 1930 natural resources transfer acts (NRTAs).

## The Natural Resources Transfer Acts and Government Records

The NRTAs gave Manitoba, Saskatchewan, and Alberta control over Crown lands and other natural resources within their boundaries. The memoranda of agreement that accompanied the three acts each included the same clause related to the transfer of records:

Metwewenin defied the Canadian government's distinctions between settlers and Indigenous people and between "Indians" and "Half-Breeds." When Metwewenin realized that he could not obtain his land as an Indian, he withdrew from treaty and accepted Métis scrip. See LAC, RG 15, D-II-1, volume 510, file 144451. For more on the complicated history of treaty, scrip, and the Sandy Bay band, see Gerhard Ens and Joe Sawchuk, *From New Peoples to New Nations: Aspects of Métis History and Identity from the Eighteenth to the Twenty-First Centuries* (Toronto: University of Toronto Press, 2016), 205–9.

- 40 For a recent analysis of this process in south-central Manitoba, see Alan B. McCullough, "The Confrontations at Rivière aux Îlets-de-Bois," *Manitoba History*, no. 67 (Winter 2012): 2–13; and Alan B. McCullough, "The Manitoba Settlements at St. Daniel and the Boyne, 1871–1901," *Manitoba History*, no. 89 (Spring 2019): 12–22.
- 41 For another important example, see Sarah Carter, "'They Would Not Give Up One Inch of It': The Rise and Demise of St. Peter's Reserve, Manitoba," in *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, ed. Zoë Laidlaw and Alan Lester (London: Palgrave Macmillan, 2015), 173–93.
- 42 File 170365 was transferred to Manitoba in July 1950 (LAC, RG 15, Finding Aid 15-15 part 21). It was microfilmed by the MLB in the early 1950s. The paper file was destroyed before 1955.

Canada will, after the coming into force of this agreement, deliver to the Province from time to time at the request of the Province the originals or complete copies of all records in any department of the Government of Canada relating exclusively to dealings with Crown lands, mines and minerals, and royalties derived therefrom within the Province, and will give to the Province access to all other records, documents or entries relating to any such dealings and permit to be copied by the Province any of the documents required by it for the effective administration of the Crown lands, mines, minerals and royalties.<sup>43</sup>

On October 25, 1930, the western premiers sent a joint telegram requesting the transfer of 28 categories of records held in Ottawa. These were the records that they considered necessary for administering natural resources within their boundaries. The records were primarily registers, account books, and indexes related to various aspects of dominion lands administration. The premiers did not specifically request DLB files, but they did state, “All provinces contend they are entitled under terms of agreements to all Ottawa files or complete copies thereof relating to Lands.”<sup>44</sup> Deputy Minister of the Interior W.W. Cory asked the commissioner of dominion lands, along with the department’s solicitor and financial controller, to submit a statement responding to the premiers’ request for records. These officials reported that 11 of the items listed in the telegram were already being prepared for transfer to the provinces. They noted that several of the items requested related to “Head Office Files,” and expressed the opinion that those files should be kept in Ottawa because of various agreements and commitments undertaken prior to 1930, such as debts owed by (or refunds due to) homesteaders. They asserted that the dominion government must keep a whole set of records so that “evidence of these agreements and commitments and the extent thereof may be available here for protection not only of the Dominion Government but of those to whom the commitments were made. This is an obligation which cannot be delegated or deputed elsewhere, even to a Provincial

<sup>43</sup> Memorandum of Agreement between the Government of the Dominion of Canada and the Government of the Province of Manitoba, December 14, 1929, included in *Manitoba Natural Resources Act*, S.C. 1930, c. 29.

<sup>44</sup> LAC, RG 15, volume 2006, file 567230, part 1, Telegram, John Bracken, J.T.M. Anderson, and J.E. Brownlee to Thomas Gerow Murphy, October 25, 1930.

Government.”<sup>45</sup> In essence, DLB officials were initially opposed to dispersing the records they referred to as the head office files to the provinces because of their ongoing operational use. They suggested instead that the provinces be invited to send accredited representatives to Ottawa, where they would be given office space and clerical assistance; the records would be left “undisturbed,” and experienced officials could help their provincial colleagues find the required information.<sup>46</sup> This suggestion does not appear to have been adopted. Doug Whyte notes that, after an initial period of co-operation related to records, relations between the provincial and the federal governments became acrimonious.<sup>47</sup>

In August 1931, an agreement was made between the minister of the interior, Thomas Gerow Murphy, and the premier of Manitoba, John Bracken, to transfer township registers; plans; files relating to lands held under entry, sale, lease, or other commitment; and plans and correspondence related to water power, forestry, surveys, and mining “as are necessary to enable the Provincial Government to function under the Resources Agreement.”<sup>48</sup> The terms of this agreement required that Manitoba safeguard the transferred records, provide the dominion government with information from the transferred records upon request, and make the transferred records available to dominion representatives if they were required. For its part, the dominion promised to “safeguard such records as remain in its custody.”<sup>49</sup> Various DLB records required for administrative purposes were sent to Manitoba during the 1930s in accordance with the arrangements made between the minister and the premier in 1931.<sup>50</sup> Apart from these transfers, for the remainder of the 1930s and into the early 1940s,

45 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, J.W. Martin, K.R. Daly, and P. Marchand to W.W. Cory, October 29, 1930.

46 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, J.W. Martin, K.R. Daly, and P. Marchand to W.W. Cory, October 29, 1930.

47 Doug Whyte, “Excavating the Archival Legacy of the Department of the Interior: The Records of the Mining Lands Branch,” *Archivaria*, no. 25 (Winter 1987–88): 96.

48 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum of Agreement, between the Government of Canada and the Province of Manitoba, August 1931.

49 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum of Agreement, between the Government of Canada and the Province of Manitoba, August 1931.

50 See LAC, RG 15, D-II-1, volume 1173, file 5616984, Receipts for files sent to the Province of Manitoba; and Archives of Manitoba (hereafter cited as AM), NR 0240, GR1603, G 4623, 42. Canada – Department of Interior – Receipts.

the DLB files were intact, housed along with other Department of the Interior records in the Vimy Building at 370 Sparks Street.

The obligation that the NRTAs placed on the federal government to supply Manitoba, Saskatchewan, and Alberta with original or complete copies of records served to protect the DLB files from being quickly destroyed to save space during the latter 1930s. The large-scale destruction of so-called obsolete files, which was practised elsewhere in the federal government during the same period, notably in the Indian Affairs Branch,<sup>51</sup> was not possible because the DLB files related to a function, the administration of Crown lands, that was now a provincial responsibility. The Prairie provinces had as much of a claim to the records as did their federal counterparts – if not a stronger one. To dispose of the files while also complying with the NRTAs, the Department of Mines and Resources had to either transfer the files to the provinces or obtain provincial consent for their destruction.

## The Push to Transfer or Destroy the DLB Files

The urgent need for office space and filing cabinets in Ottawa, generated by the rapid expansion of the federal government during Second World War, prompted a renewed conversation about the disposal of old files held by the Department of Mines and Resources. Department of the Interior records occupied approximately 11,640 square feet of space in the Vimy Building. DLB files accounted for more than 5,700 of the 8,155 file drawers of records.<sup>52</sup> In September 1942, the office of the deputy minister of mines and resources asked Roy A. Gibson, director of the Lands, Parks and Forests Branch, whether any of the old records in the Vimy Building could be disposed of. Gibson asked J. Lorne Turner, registrar of lands, to review the situation and provide a report explaining why the records were being retained.<sup>53</sup> Turner had been a long-time member of the

51 See Edward G. Sadowski, "Preliminary Report on the Investigation into Missing School Files for the Shingwauk Indian Residential School" (Sault Ste. Marie, ON: Algoma University College, Shingwauk Project Archive, 2006), 7–10, accessed June 27, 2022, [http://archives.algomau.ca/main/sites/default/files/2010-046\\_003\\_048.pdf](http://archives.algomau.ca/main/sites/default/files/2010-046_003_048.pdf).

52 LAC, RG 15, volume 2006, file 567230, part 1, Memoranda, Charles Olmstead to J. Lorne Turner, October 2, 1942, January 15, 1943, and July 12, 1943.

53 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, R.A. Gibson to J. Lorne Turner, September 30, 1942.

staff of the Department of the Interior. He began working for the Seed Grain Branch in 1914 and was later director of lands of the Northwest Territories and Yukon Branch. He became registrar of dominion lands in the Department of Mines and Resources in 1935.<sup>54</sup> Turner knew the records, and he argued that their retention was necessary in order to provide information to provincial governments and individuals. He noted that the files contained information on \$6 million in outstanding seed grain debts owed to the dominion government by homesteaders.<sup>55</sup> At this stage, at least from Turner's perspective, the ongoing operational use of the files was still the primary rationale for their retention. Gibson was not convinced that all the records should be retained. He informed the deputy minister's office that, other than files bearing on matters related to homesteaders' outstanding accounts with the department, the rest of the files could be sent to the provinces, put into "dead storage," or destroyed.<sup>56</sup>

The department first explored the option of sending the DLB files to the provinces. In November 1942, Minister of Mines and Resources T.A. Crerar sent letters to his provincial counterparts in Manitoba, Saskatchewan, Alberta, and British Columbia<sup>57</sup> offering to transfer old Department of the Interior files related to lands, timber, and mines within their provinces. Crerar proposed that, if the provinces did not want the records, his department would destroy "those that are not required for Dominion purposes, have those that seem of some limited value photographed on microphoto film, and keep intact what it is expected will be a comparatively small balance. Those of Historic value will be offered to the Dominion Archivist."<sup>58</sup> After writing to the provinces, Crerar submitted a report to the Privy Council asking for authorization to carry out his plan to dispose of the DLB files.<sup>59</sup> From this point on, discussions about what to

54 "J. Lorne Turner, 57, Dies Suddenly," *Ottawa Journal*, July 22, 1946, 8.

55 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, J. Lorne Turner to E.M. Dennis, October 6, 1942.

56 LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, E.M. Dennis to C.W. Jackson, October 21, 1942.

57 Unlike the Prairie provinces, British Columbia controlled its own Crown lands from the time it entered Confederation in 1871. However, the federal government controlled two areas of the province: the Railway Belt in the south and the Peace River Block in the east-central region of the province. It is these areas that the DLB's BC files relate to. See Spry and McCardle, *The Records of the Department of the Interior*, 133–34.

58 LAC, RG 15, volume 2006, file 567230, part 1, T.A. Crerar to J.S. McDiarmid, November 17, 1942.

59 Crerar's memorandum to the Privy Council is included in Whyte, "Excavating the Archival Legacy of the Department of the Interior," 103–4. The course of action outlined by Crerar was authorized by Order in Council PC 10772, November 26, 1942, included in LAC, RG 15, volume 2006, file 567230, part 1.



do with the files revolved around the three possibilities: transfer, microfilming, and destruction. In Crerar's report, the question of "historic value" was added to Turner's concerns about ongoing operational uses as another reason to preserve at least some of the files.

The responses of the provinces to Crerar's offer were decidedly mixed. Saskatchewan's minister of natural resources did not think the records would be of any value to his department and left the decision on retention or destruction to his federal counterpart's good judgment.<sup>60</sup> The Alberta minister of lands and mines was very reluctant to agree to the transfer, given "the vast quantity of the material that would be involved." He did not object to most of the records being destroyed but wanted his deputy to have an opportunity to select material that might be of use to his province.<sup>61</sup> The most positive response came from Manitoba. J.S. McDiarmid, Manitoba minister of mines and natural resources, replied that his province was prepared to take all of the files offered, except for the mining lands files, which he asserted were not needed by the province's mining branch.<sup>62</sup> He considered the dominion lands files to be of particular value:

Many of these old files contain original birth and naturalization certificates and other documents of a personal nature. We are frequently called upon to assist in locating such documents where applications have been made for old age pensions, etc. The Department would also be interested in key files related to townsites, settlement, Indian Reserves, Railways, and Swamp lands, University grants, Hudson's Bay trading posts and land matters, trading posts granted to individuals and companies, Group Lots, Half-Breed Scrip, and all files pertaining to parish Lots and their subdivision.<sup>63</sup>

At the same time, McDiarmid said that these land files presented "some difficulty," presumably because of their vast extent. He suggested that officials in

<sup>60</sup> LAC, RG 15, volume 2006, file 567230, part 1, W.F. Kerr to T.A. Crerar, December 30, 1942.

<sup>61</sup> LAC, RG 15, volume 2006, file 567230, part 1, N.E. Tanner to T.A. Crerar, December 23, 1942.

<sup>62</sup> For more on the transfer of files from the Department of the Interior's Mining Branch, see Whyte, "Excavating the Archival Legacy of the Department of the Interior," 93–106; and Spry and McCardle, *The Records of the Department of the Interior*, 121–26.

<sup>63</sup> LAC, RG 15, volume 2006, file 567230, part 1, J.S. McDiarmid to T.A. Crerar, December 7, 1942.

Crerar's department confer with R.W. Gyles, Manitoba director of lands, to determine which files should be turned over to the province.<sup>64</sup>

Major Richard Walter Gyles (1891–1961) played a central role in the history of the DLB's Manitoba files. Born at Virden, Manitoba, Gyles was a decorated veteran of the First World War. During the 1920s, he was a liaison officer for the federal Department of Immigration and Colonization, helping to facilitate group settlement projects in the West.<sup>65</sup> He joined the Manitoba Department of Mines and Natural Resources in 1930, became the director of lands later the same year, and held that position until his retirement in 1960.<sup>66</sup> As a Manitoban who had moved from the federal to the provincial civil service, Gyles was well positioned to work collaboratively with his federal counterparts on the transfer of records. On December 18, 1942, Gyles told federal Department of Mines and Resources Executive Assistant C.W. Jackson that his department was ready to accept "all Land Administration files relating to both patented and unpatented land within the Province of Manitoba."<sup>67</sup> Jackson warned Gyles that the volume of material was likely to be very large, requiring many train carloads, and that the dominion would not be able to supply any cabinets to house the files. He added, "Quite frankly we did not expect that you would want them. From our standpoint we will be only too glad to turn them over to you."<sup>68</sup> Perhaps having second thoughts about what he had agreed to, Gyles clarified that he wanted someone in Ottawa to "weed out" the files during the sorting process – eliminating, for instance, general inquiries about land.<sup>69</sup> There is no evidence that any such "weeding out" occurred prior to the end of the Second World War. Nonetheless, Gyles remained committed to accepting Manitoba's share of the DLB files.

64 LAC, RG 15, volume 2006, file 567230, part 1, J.S. McDiarmid to T.A. Crerar, December 7, 1942.

65 "British Families to Migrate New Year: Major R.W. Gyles Expects 1,200 Will Come to Canada in 1926," *Manitoba Free Press*, October 17, 1925, 1; "Over 1,000 Families Brought to Canada: Major R.W. Gyles Tells of Settlement in Past Year," *Manitoba Free Press*, October 11, 1926, 4.

66 He was first appointed acting director of lands in October, and he received the appointment on a permanent basis in December. See "Director of Lands Freer is Resigning: Reorganization of Branch of Dept. of Mines and Natural Resources Possible," *Manitoba Free Press*, October 10, 1930, 3; "A.B. Adamson is Appointed Farm Loans Commissioner," *Manitoba Free Press*, December 10, 1930, 2. For an overview of Gyles' public service career, see *Winnipeg Tribune*, September 14, 1961, 24.

67 LAC, RG 15, volume 2006, file 567230, part 1, R.W. Gyles to C.W. Jackson, December 18, 1942.

68 LAC, RG 15, volume 2006, file 567230, part 1, C.W. Jackson to R.W. Gyles, December 23, 1942.

69 LAC, RG 15, volume 2006, file 567230, part 1, R.W. Gyles to C.W. Jackson, January 12, 1943.

Apart from the records related to Manitoba, the remainder of the DLB files appeared to be headed for destruction. However, officials in the Department of Mines and Resources raised objections and were hesitant to destroy the records without further authorization from the Department of Justice. This opposition came from individuals who had worked for many years in the Department of the Interior<sup>70</sup> and were intimately familiar with the scope and contents of the DLB files. They knew that the files included matters of unfinished business, such as Métis scrip – grants of land or money to Métis people intended to extinguish their individual claims to land rights as Aboriginal people.<sup>71</sup> Aubrey A. Cohoon, who was placed in charge of the disposal-of-records initiative, believed it would be a mistake to destroy any files related to Métis scrip because “the obligation to redeem outstanding scrip constitutes a trust existing in respect of the lands, etc. transferred to the respective provinces under Clause 1 of each of the Resource Transfer Agreements.”<sup>72</sup> Cohoon’s argument may have contributed to the decision to retain DLB files related to Métis scrip in Ottawa.<sup>73</sup> J.M. Douglas, of the federal lands branch, believed that the department should not destroy the documents simply because the current representatives of provinces did not want them; the NRTAs contained language stipulating that the records would be retained. Douglas added, “A few years from now if one of the Provinces wants certain papers we can not very well cover ourselves by saying that the documents have been destroyed.”<sup>74</sup> Deputy Minister Charles Camsell referred the matter to the Department of Justice in January 1943.<sup>75</sup> The deputy minister of justice replied that, because the records in question could be needed for litigation at some point in the future, they should be microfilmed before being transferred to

70 “Honor J.M. Douglas Retiring After 33 Years Service,” *Ottawa Journal*, September 26, 1950, 8; “Aubrey Cohoon Popular Ottawa Curler Dies,” *Ottawa Journal*, September 12, 1959, 5.

71 On Métis scrip records, see Frank Tough and Erin McGregor, “‘The Rights to the Land May Be Transferred’: Archival Records as Colonial Text – A Narrative of Métis Scrip,” in *Natives and Settlers, Now and Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada*, ed. Paul W. DePasquale (Edmonton, AB: University of Alberta Press, 2007), 33–63.

72 LAC, RG 15, volume 2006, file 567230, part 1, A.A. Cohoon to J. Lorne Turner, January 11, 1943.

73 These files were eventually transferred to the PAC. See Spry and McCardle, *The Records of the Department of the Interior*, 100–105.

74 LAC, RG 15, volume 2006, file 567230, part 1, J.M. Douglas to J. Lorne Turner, January 18, 1943.

75 LAC, RG 15, volume 2006, file 567230, part 1, Charles Camsell to F.P. Varcoe, January 26, 1943.

the provinces or destroyed.<sup>76</sup> A general program of microfilming all the files was therefore being recommended as a preliminary step prior to transfer or destruction. This was different from what Crerar had proposed to the Privy Council; he had only envisioned microfilming those files “that seem to warrant such expenditure.”<sup>77</sup> Like the question of “historic value,” the criteria for which files were worthy of microfilming were not specified.

By June 1943, a stalemate had developed between the minister’s office and lands branch officials over destruction of the DLB files. C.W. Jackson, executive assistant to the deputy minister, pressed for the dormant files to be destroyed as soon as possible.<sup>78</sup> J. Lorne Turner continued to resist, stating that the memorandum from the Department of Justice required that microfilm copies be retained and that the provinces promise to return any originals transferred to them if requested.<sup>79</sup> As director of the branch responsible for the records, R.A. Gibson was caught between the deputy minister’s office, telling him to dispose of the records quickly, and his registrar of lands, telling him that the records needed to be preserved – with the latter’s position supported by an opinion of the Department of Justice. Gibson’s solution was to bring the issue to the attention of Dominion Archivist Gustave Lanctôt in hopes that he would agree to take at least some of the records into the Public Archives of Canada.<sup>80</sup>

## Involvement of the Public Archives of Canada

That the department would have resorted to the PAC only after considering the options of destruction, retention, and transfer internally illustrates the uncertain role of the PAC as a government records office during the period. The PAC did not have an effective government records program under either Lanctôt or his predecessor, Arthur Doughty. Both men were concerned primarily with collecting and copying manuscripts related to pre-Confederation Canadian

76 LAC, RG 15, volume 2006, file 567230, part 1, F.P. Varcoe to Charles Camsell, March 15, 1943.

77 T.A. Crerar, quoted in Whyte, “Excavating the Archival Legacy of the Department of the Interior,” 103.

78 LAC, RG 15, volume 2006, file 567230, part 1, C.W. Jackson to R.A. Gibson, June 11, 1943.

79 LAC, RG 15, volume 2006, file 567230, part 1, J. Lorne Turner to R.A. Gibson, June 18, 1943.

80 Marginal note, R.A. Gibson to J. Lorne Turner, June 22, 1943, included in LAC, RG 15, volume 2006, file 567230, part 1, J. Lorne Turner to R.A. Gibson, June 18, 1943, and Charles Camsell to Gustave Lanctôt, June 28, 1943.

history.<sup>81</sup> Lanctôt considered the preservation of government records important, but he lacked the power, administrative capacity, and physical space necessary to address the issue.<sup>82</sup> During Lanctôt's tenure, government departments were not obliged to send records to the PAC. As Catherine Bailey has noted, the *Public Archives of Canada Act* (1912) "neither imposed records management requirements on government departments nor defined the Archives' role in records disposition."<sup>83</sup> Consequently, the government's approach to preserving its records in the period from 1914 to the Great Depression was, in Bailey's words, "sporadic, even desultory."<sup>84</sup> This began to change in 1936, when the Treasury Board mandated that documents of general historical value be retained indefinitely. Prior to destroying records, a department first needed to notify the dominion archivist. The archivist had six months to submit a written objection to the proposed destruction of records on the basis of their historical value. If the department and the dominion archivist could not agree about whether to retain or destroy records, the Treasury Board would make the decision.<sup>85</sup> This was the process in place when Gibson approached Lanctôt in 1943.

The involvement of Lanctôt and other archivists lent support to the view that the DLB files had historical value, but it did not help resolve the impasse within the Department of Mines and Resources. Lanctôt concluded that, because of their association with the history of the colonization of Western Canada, the Department of the Interior records were of historical value and should be preserved. In July 1943, he indicated to Camsell and Gibson that the PAC was willing to accept "the transfer of all material that your own department does not wish to retain."<sup>86</sup> At the same time, he asked for more information about the records and

81 Ian Wilson, "A Noble Dream: The Origins of the Public Archives of Canada," *Archivaria*, no. 15 (Winter 1982–83): 33–35; Jarrett Henderson, "I Am Pleased with the Lambton Loot: Arthur George Doughty and the Making of the Durham Papers," *Archivaria*, no. 70 (Fall 2010): 153–76.

82 This situation did not change until W. Kaye Lamb made records management a core function of the PAC in the early 1950s. See Terry Cook, "An Archival Revolution: W. Kaye Lamb and the Transformation of the Archival Profession," *Archivaria*, no. 60 (Fall 2005): 206–16.

83 Bailey, "Past Imperfect?," 12, note 18.

84 Bailey, 13.

85 Jay Atherton, "The Origins of the Public Archives Records Centre, 1897–1956," *Archivaria*, no. 8 (Summer 1979): 44, 49; Bailey, "Past Imperfect?," 13–14.

86 LAC, RG 15, volume 2006, file 567230, part 1, Gustave Lanctôt to Charles Camsell, July 7, 1943, and Gustave Lanctôt to R.A. Gibson, July 7, 1943.

the space required to store them. PAC archivist Norman Fee had some familiarity with the records, having examined them alongside A.S. Morton, provincial archivist of Saskatchewan, several years earlier. Fee and Morton found that the files contained material “which would be useful to any student of history or writer interested in the history of settlement in the North West.”<sup>87</sup> Consequently, Fee recommended that the files not be “disturbed or destroyed” until persons competent to assess their value as historical documents had examined them. He thought this should wait until after the war, when “men discharged from the armed forces who wish to continue their studies in history and historical research” could carry out the task.<sup>88</sup> Lanctôt forwarded Fee’s memorandum to Camsell, at the same time indicating that, because of their vast extent – which Fee had grossly overestimated to be 40–60 million files – the PAC would not be able to take the records due to its own lack of storage space. At the same time, Lanctôt indicated that he was consulting with historians and archivists in the West in order to “find a solution to the problem without losing sight of the war exigencies and the historical importance of these records.”<sup>89</sup> Even though the PAC could not take the DLB files, the preliminary assessments by Morton, Fee, and Lanctôt helped ensure that they were not quickly destroyed.

The archivists’ recommendation to wait until after the war to assess the records in more detail was totally unacceptable to the deputy minister. Camsell told Lanctôt that the space and equipment were needed now, further delays were costing money, and a detailed examination of the records would be too expensive.<sup>90</sup> Lanctôt turned back to the transfer option. He wrote to Morton asking if he would be willing to take the dominion lands records. After consulting with the University of Saskatchewan and the provincial government on the availability of fireproof storage space, Morton agreed – provided that the federal government would pay the shipping costs.<sup>91</sup> Assuming that would not be

<sup>87</sup> LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, Norman Fee to Gustave Lanctôt, n.d. [ca. October 1943].

<sup>88</sup> LAC, RG 15, volume 2006, file 567230, part 1, Memorandum, Norman Fee to Gustave Lanctôt, n.d. [ca. October 1943].

<sup>89</sup> LAC, RG 15, volume 2006, file 567230, part 1, Gustave Lanctôt to Charles Camsell, October 5, 1943.

<sup>90</sup> LAC, RG 15, volume 2006, file 567230, part 1, Charles Camsell to Gustave Lanctôt, October 7, 1943.

<sup>91</sup> For more on Morton and Lanctôt’s discussions related to the records, drawn from the files of the Saskatchewan Archives Board, see Bocking, “The Records Go West,” 109–10.

a problem, Lanctôt recommended that the files pertaining to Manitoba lands be transferred to the Province of Manitoba and that the remainder of the files go to Saskatchewan. The PAC would receive “files relating to the Government’s general policy of land administration.”<sup>92</sup> The problem with this plan was that the minister of lands and mines for Alberta had made it clear that the Alberta government did not want Alberta records shipped to Saskatchewan. Alberta had no problem with the records being destroyed, so long as there was “special legislation which would make the Dominion responsible in the event of the Province being unable to defend itself in a land case because of the absence of records destroyed by the Dominion.”<sup>93</sup> Lanctôt replied that if Alberta did not want to take the files, then they should not be able to decide where they would be held. He also noted that the legal question raised by Alberta would be settled if the files were preserved.<sup>94</sup> The fate of the records was therefore both a federal-provincial and an interprovincial issue.

Pressure to destroy the records intensified in January 1944. Minister of National War Services Major-General L.R. LaFleche sent a letter to his cabinet colleagues requesting that an interdepartmental committee be set up, under the leadership of the government salvage officer, with a goal of salvaging “obsolete files” in order to produce paper urgently needed for war and civilian purposes.<sup>95</sup> R.A. Gibson attempted to exclude the DLB files from the conversation about salvaging paper. J. Lorne Turner replied that everything possible was being done to send obsolete files for salvage but added that “these are not papers which can be destroyed as they are records of Dominion Lands transactions for the past seventy odd years.”<sup>96</sup> C.W. Jackson refused to accept this. In a sharply worded memorandum, he complained of the lack of co-operation from Gibson and Turner and claimed that their main rationale for holding onto the files, potential litigation, was without merit: “Quite frankly it is difficult to understand your attitude in view of the fact that office space, filing equipment, and salvageable

92 LAC, RG 15, volume 2006, file 567230, part 2, Draft Memorandum, Gustave Lanctôt to Charles Camsell, n.d. [January 1944].

93 LAC, RG 15, volume 2006, file 567230, part 2, R.A. Gibson to Gustave Lanctôt, January 13, 1944.

94 LAC, RG 15, volume 2006, file 567230, part 2, Gustave Lanctôt to R.A. Gibson, January 14, 1944.

95 LAC, RG 15, volume 2006, file 567230, part 2, L.R. LaFleche to T.A. Crerar, January 13, 1944.

96 LAC, RG 15, volume 2006, file 567230, part 2, J. Lorne Turner to R.A. Gibson, January 28, 1944.

paper are badly needed at this time.”<sup>97</sup> Gibson phoned Jackson to discuss his memorandum, stressing that he and Turner had “not opposed any action which the Deputy Minister, the Minister, or Council wishes to take in the matter of these records but have merely drawn attention to the facts we thought should be considered before the records were destroyed, this being our duty as custodians of the records.”<sup>98</sup> Gibson and Jackson agreed that the federal government would offer to pay the costs of crating and shipping the records to the provinces. For their part, the provinces would agree to make the files available to the federal government if they were required at some point in the future.<sup>99</sup> A plan to break up the DLB files and to sort them by province began to take shape.<sup>100</sup> However, since the mines and resources department had lost staff to war service placements and military enlistments, the sorting of the files was delayed.<sup>101</sup> War needs had become the major impetus behind the drive to disperse the records, but a wartime labour shortage prevented any action from being taken.

The prospect of the DLB files being transferred prompted a discussion among archivists and librarians in the West about the records being incorporated into expanded provincial archives. A.S. Morton brought the issue to the attention of his colleagues in British Columbia,<sup>102</sup> Alberta, and Manitoba. In Alberta, representatives of the provincial government and the University of Alberta discussed the possibility of using the files to establish a department of public records, but did not come to any agreement.<sup>103</sup> J.L. Johnston, provincial librarian of Manitoba, expressed his hope that the proposed transfer of records would stimulate the development of public records branches in the western provinces. Johnston anticipated that, after the war, Manitoba would erect a building “for the purpose of consolidating all Government Department records. This, when provided, will enhance the possibility of the creation of a public records and

<sup>97</sup> LAC, RG 15, volume 2006, file 567230, part 2, C.W. Jackson to R.A. Gibson, January 26, 1944.

<sup>98</sup> LAC, RG 15, volume 2006, file 567230, part 2, R.A. Gibson to J. Lorne Turner, February 4, 1944.

<sup>99</sup> LAC, RG 15, volume 2006, file 567230, part 2, R.A. Gibson to J. Lorne Turner, February 4, 1944.

<sup>100</sup> LAC, RG 15, volume 2006, file 567230, part 2, Memorandum, C.W. Jackson to R.A. Gibson, February 18, 1944.

<sup>101</sup> See LAC, RG 15, volume 2006, file 567230, part 2, Charles Camsell to R.A. Gibson, August 31, 1944, and R.A. Gibson to C.W. Jackson, November 15, 1944.

<sup>102</sup> LAC, RG 15, volume 2006, file 567230, part 2, M. Wolfenden to C.W. Jackson, March 20, 1944.

<sup>103</sup> LAC, RG 15, volume 2006, file 567230, part 2, A.S. Morton to C.W. Jackson, April 14, 1944, and A.S. Morton to C.W. Jackson, July 24, 1944.



archives division of the Provincial Library under the revised Legislative Library Act of 1940.<sup>104</sup> The summer of 1944 passed without any firm commitments from the archivists in the West, much to the annoyance of Deputy Minister of Mines and Resources Charles Camsell.<sup>105</sup> No formal agreement relating to the transfer of Department of the Interior records was made with Saskatchewan prior to A.S. Morton's death in early 1945.

The decision about the fate of the DLB files ultimately fell to the Public Records Committee (PRC), a new body created "to give consideration to methods for providing adequate conservation of the public records, with particular reference to those records relating to the wartime activities of the government."<sup>106</sup> The committee was chaired by the secretary of state, who was then the minister responsible for the PAC, and included the dominion archivist and representatives from several federal departments. Two professional historians recommended by the Canadian Historical Association also sat on the PRC in an advisory capacity. The duties of the committee included that it would "advise and concert with departments and agencies of government on the organization, care, housing, and destruction of public records."<sup>107</sup> In November 1945, the PRC sent two questionnaires about the state of records in the Department of Mines and Resources.<sup>108</sup> In June 1948, the PRC approved the transfer of the DLB files related to Manitoba.<sup>109</sup> Then in 1951, after a detailed survey of the records, the PRC approved the destruction of several categories of records and the transfer of others to Saskatchewan, Alberta, British Columbia, and the Public Archives of Canada.<sup>110</sup> However, the segregation of the files began well before the formal

104 LAC, RG 15, volume 2006, file 567230, part 2, J.L. Johnston to C.W. Jackson, March 1, 1944.

105 LAC, RG 15, volume 2006, file 567230, part 2, Charles Camsell to John Harvie, August 31, 1944.

106 LAC, RG 15, volume 2006, file 567230, part 2, Order in Council PC 1945-6175, September 20, 1945. On the formation of the PRC, see Halliday, "The Public Records of Canada," 102-8; Atherton, "The Origins of the Public Archives Records Centre, 1897-1956," 50; Bailey, "Past Imperfect?," 15-19. The creation of the PRC was part of a larger shift in the approach to government records appraisal in North America during the mid-20th century onward. See Terry Cook, "Macroappraisal in Theory and Practice: Origins, Characteristics, and Implementation in Canada, 1950-2000," *Archival Science* 5, no. 2-4 (2005): 106-9; and Paula M. Warsaba, "Organizational Theory, Organizational Culture, and the New Archival Appraisal" (MA thesis, University of Manitoba, 2006), 82-96.

107 LAC, RG 15, volume 2006, file 567230, part 2, Order in Council PC 1945-6175, September 20, 1945.

108 LAC, RG 15, volume 2006, file 567230, part 2, W.C. Ronson to Charles Camsell, November 7, 1945.

109 LAC, RG 15, volume 2006, file 567230, part 3, W.E.D. Halliday to H.L. Keenleyside, June 8, 1948.

110 LAC, RG 15, volume 2006, file 5672360, part 4, W.E.D. Halliday, Memorandum for the Public Records Committee,

approval was given by the PRC; a clearer idea of the scope of each new division of the records was needed.

## The Segregation and Transfer of Manitoba Files

The segregation of the files related to Manitoba permanently removed them from their place within the original order of the DLB files. This process began in March 1946<sup>111</sup> and was overseen by A.A. Cohoon. He made a number of suggestions for expediting the work,<sup>112</sup> including that there would be no detailed examination of the files' contents during the initial search; files that clearly related to Manitoba would simply be removed from their current locations and placed together in a separate filing cabinet. Turner approved all of Cohoon's suggestions.<sup>113</sup> As Manitoba files were identified, the file jackets were stamped with the name of the province in block letters (see figure 1).<sup>114</sup> By April 1948, 90 file-cabinet drawers of Manitoba files were ready to be packed for shipment to Winnipeg.<sup>115</sup> The files were removed from the cabinets and packed into corrugated cardboard cartons that measured 9½ × 15 × 24½ inches and had an average weight of 55 pounds each.<sup>116</sup> Clerks compiled lists of the files as they were moved from the cabinets into the cartons.<sup>117</sup>

The Department of Justice advised the minister of mines and resources that, before any records were transferred, Manitoba should agree to return any that

Resources and Development, disposal of Dominion Lands records, January 18, 1951; and LAC, RG 15, volume 2006, file 5672360, part 4, W.E.D. Halliday to H.A. Young, February 5, 1951.

111 LAC, RG 15, volume 2006, file 567230, part 2, J. Lorne Turner to R.A. Gibson, March 2, 1946.

112 LAC, RG 15, volume 2006, file 567230, part 2, A.A. Cohoon to J.L. Turner, April 3, 1946.

113 LAC, RG 15, volume 2006, file 567230, part 2, marginal notes on A.A. Cohoon to J.L. Turner, April 3, 1946.

114 LAC, RG 15, volume 2006, file 567230, part 2, J. Lorne Turner to A.A. Cohoon, May 23, 1946.

115 LAC, RG 15, volume 2006, file 567230, part 3, Deputy Minister, Mines and Natural Resources to the Secretary, Public Records Committee, April 14, 1948.

116 LAC, RG 15, volume 2006, file 567230, part 3, R.A. Gibson to R.W. Gyles, August 11, 1948.

117 LAC, RG 15, volume 2006, file 567230, part 3, A.A. Cohoon to T.L. Cory, November 17, 1947. It is unclear whether these lists of files were the same as the "schedules" included with the shipments that listed the DLB file numbers for the files contained in each carton, or if they were a more detailed record that also included the title and other information about each file. The schedules can be found in LAC, Finding Aids 15-15, parts 16 to 31, List of file numbers transferred to the Provinces, Manitoba.

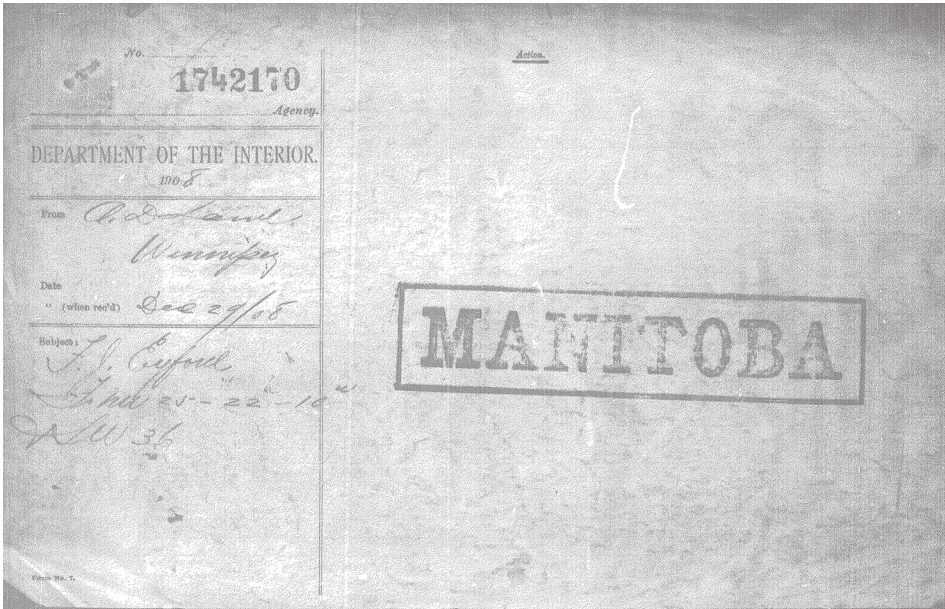


FIGURE 1 File jacket for Department of the Interior file 1742170, a homestead file related to F.J. Eyford's 1908 claim to the northwest quarter of Section 25, Township 22, Range 10W (west of the principal meridian). This file jacket shows the "Manitoba" stamp that clerks in Ottawa used to mark some of the files destined for Winnipeg during the segregation of the Manitoba files in the late 1940s and early 1950s. This file was sent to Winnipeg on October 24, 1949 (see Library and Archives Canada, RG 15, finding aid 15-15, part 20). The MLB grouped it with all files related to Range 10W. It was microfilmed in the early 1950s, and the paper file was destroyed by the MLB before 1955. Source: Archives of Manitoba, NR0215, Federal Department of the Interior Homestead Files, GR2060, reel M2427.

might be required by the federal department and to not destroy records without the consent of the minister of the federal department.<sup>118</sup> The Manitoba minister of mines and natural resources, J.S. McDiarmid, provided his assurance that "none of the records transferred will be destroyed without the consent of the Minister of Mines and Resources."<sup>119</sup> McDiarmid's letter was included with the formal application that the deputy minister of mines and resources sent to

<sup>118</sup> LAC, RG 15, volume 2006, file 567230, part 3, J. Allison Glen to John S. McDiarmid, March 4, 1948.

<sup>119</sup> LAC, RG 15, volume 2006, file 567230, part 3, J.S. McDiarmid to J. Allison Glen, March 25, 1948.

the Public Records Committee regarding the transfer of records to Manitoba. The records were described as “Dominion lands administrative files relating to both patented and unpatented lands within the Province, also files relating to townsites, settlements, Indian reserves, swamp lands, University grants, parish lots, group lots, trading posts, roadways, pulpwood berths, and school lands.”<sup>120</sup> When the PRC approved the transfer in 1948, it stipulated that “provision should also be made for access to these records by historians and other persons duly accredited by the Federal Government.”<sup>121</sup>

The majority of the Manitoba files were sent to Winnipeg in nine shipments between 1948 and 1951.<sup>122</sup> The first four shipments were quite large; they consisted of 431 cartons containing 70,960 files and collectively weighed nearly 12,000 kilograms.<sup>123</sup> From 1951 to 1958, there were five smaller shipments.<sup>124</sup> Each shipment was accompanied by a schedule that listed the file numbers for the files contained within each carton. No further description of the contents seems to have been communicated, except in the case of schedule 2; G.E.B. Sinclair, chief of the lands division, told Gyles that schedule 2 was composed of files dating from before 1909.<sup>125</sup> In Winnipeg, the transferred DLB files became known as Ottawa files to distinguish them from the MLB’s files.

The sorting of the Saskatchewan and Alberta files commenced in 1951. In October 1956, 112 cartons of DLB files were shipped to the Saskatchewan Archives Office in Saskatoon, and 290 cartons were shipped to the Alberta Department of Mines and Minerals in Edmonton.<sup>126</sup> A further 305 cartons were

<sup>120</sup> LAC, RG 15, volume 2006, file 567230, part 3, Deputy Minister, Mines and Natural Resources to the Secretary, Public Records Committee, April 14, 1948.

<sup>121</sup> LAC, RG 15, volume 2006, file 567230, part 3, W.E.D. Halliday to H.L. Keenleyside, June 8, 1948.

<sup>122</sup> See LAC, RG 15, volume 2006, file 567230, part 3, R.A. Gibson to R.W. Gyles, August 11, 1948.

<sup>123</sup> LAC, RG 15, volume 2006, file 567230, part 4, Canadian Pacific Railway Bills of Lading, March 24, 1949, October 24, 1949, and August 2, 1950; LAC, RG 15, volume 2006, file 567230, part 4, A.A. Cohoon to G.E.B. Sinclair, August 29, 1950.

<sup>124</sup> See LAC, RG 15, volume 2006, file 567230, part 4, C.K. LeCapelain to R.W. Gyles, May 7, 1951. This file contains other documents related to the later shipments.

<sup>125</sup> LAC, RG 15, volume 2006, file 567230, part 3, G.E.B. Sinclair to R.W. Gyles, September 17, 1948.

<sup>126</sup> LAC, RG 15, volume 2006, file 567230, part 4, C.K. LeCapelain to Lewis H. Thomas, October 3, 1956; LAC, RG 15, volume 2006, file 567230, part 4, C.K. LeCapelain to E.D. Barnard, October 3, 1956. On the transfer to Saskatchewan, see Bocking, “The Records Go West,” 110.

sent to Saskatoon in December 1956.<sup>127</sup> In Saskatchewan, unlike in Alberta and Manitoba, the transferred DLB files went directly into the custody of the archives rather than to the provincial lands branch. The portions of the DLB files not sent to the provinces were transferred to the PAC after 1951.<sup>128</sup>

## Reorganizing, Microfilming, and Destroying the Records

R.W. Gyles coordinated the disposition of the transferred records within the MLB. As they received the shipments, MLB officials reorganized the files and integrated them into their own filing system. This was absolutely necessary from a practical perspective, because the various correspondence registers, name indexes, and file record books formerly used to navigate the files had not been transferred with them.<sup>129</sup> There were three aspects to the MLB's reorganization: subdividing the DLB files into different groups; amalgamating the files with MLB's own records; and establishing a new filing arrangement for each group of records. A 1958 inventory of MLB records listed three groups that consisted exclusively of DLB files: "Miscellaneous Historical Files" (60 cubic feet); "Parish Settlement Files" (165 cubic feet); and "Indian Reserve Files" (7.5 cubic feet). The "Special Files" (60 cubic feet) were a combination of DLB and MLB files.<sup>130</sup> However, the single largest record group created through this process consisted of federal and provincial files related to the acquisition of lands by individual settlers. These files have been variously referred to as patented land files, land disposal files, homestead files, and quarter-section land files.<sup>131</sup> The

<sup>127</sup> LAC, RG 15, volume 2006, file 567230, part 4, C.K. LeCapelain to Lewis H. Thomas, December 26, 1956. For the fate of the DLB files in Saskatchewan, Alberta, and British Columbia, see Spry and McCardle, *The Records of the Department of the Interior*, 77–80.

<sup>128</sup> Spry and McCardle, *The Records of the Department of the Interior*, 76. The current location of these records is LAC, RG 15, Department of the Interior fonds, D-II-1, Dominion Lands Branch, Branch Registry. The files in this sous-fonds retain the original order of the DLB files in that they are organized according to the old file number system. However, there are many gaps in the file numbers. These missing numbers are files transferred to the western provinces and territories.

<sup>129</sup> These registers were destroyed in Ottawa around 1971. See Spry and McCardle, *The Records of the Department of the Interior*, 80.

<sup>130</sup> AM, Natural Resources L&S Branch (Schedules), CH 0047, GR9932, location S-20-7-15, Mines and Natural Resources/Lands Branch Inventory & Evaluation, 1958.

<sup>131</sup> See Spry and McCardle, *The Records of the Department of the Interior*, 73–75.

1958 inventory called them simply “Land Files” and estimated their extent to be 3,495 cubic feet.<sup>132</sup> To allow clerks to locate files efficiently, the land files were arranged according to the Dominion Land Survey system of section, township, and range.<sup>133</sup> For example, all the files related to lands in Range 1W (west of the principal meridian), were grouped together. This filing system was advantageous for the MLB because the township registers, which had been transferred from Ottawa in the 1930s,<sup>134</sup> were organized in the same way.<sup>135</sup> However, the section-township-range filing system could not be used for all groups of DLB files. The parish settlement files, which related to lands in the parishes of the old Red River Colony, were arranged alphabetically by parish name and then by lot number within each parish. The historical files were also arranged alphabetically, while the special files and Indian reserve files were assigned new MLB file numbers. For instance, DLB file 233743, which related to a proposed settlement of German Baptists at Minitonas in the Swan River district became MLB Special File 251.<sup>136</sup>

While the reorganization of the DLB files improved their accessibility from an administrative perspective, their vast extent still presented a storage problem. To resolve that issue, R.W. Gyles turned to the same solution that had earlier been considered by the federal government: making microfilm copies and then destroying the paper files. Microfilm was then coming into wider use for recordkeeping by both private companies and governments.<sup>137</sup> In requesting authorization for his proposed microfilm project, Gyles noted that Alberta had already adopted this method of managing its records.<sup>138</sup> At first, Gyles’ superiors were skeptical; Assistant Deputy Minister J.G. Cowan considered the DLB files

<sup>132</sup> AM, Natural Resources L&S Branch (Schedules), CH 0047, GR9932, location S-20-7-15, Mines and Natural Resources/Lands Branch Inventory & Evaluation, 1958.

<sup>133</sup> See Loveridge, “Appendix 1: An Introduction to the Study of Land and Settlement Records,” 101–4, for a clear and concise description of the Dominion Land Survey system.

<sup>134</sup> Their current location is AM, A 0212, GR7705, Department of the Interior Township Registers, 1870–1930.

<sup>135</sup> AM, NR 0240, GR1603, G 4626, Crown Lands Office, History and Records Division (Article by V. Patterson), 1953.

<sup>136</sup> AM, NR 0225, Lands Branch files organized by type of land use and Department of the Interior mixed land use and subject files, GR7700, reel M1655, special file 251, German Baptist Settlement (Proposed), Minitonas.

<sup>137</sup> On microfilm as an archival technology, see Preeti Kaur, “Microfilm in the Archives: Past Use, Present Sustainability, and Future Transformation” (MA thesis, University of Manitoba, 2019).

<sup>138</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, R.W. Gyles to J.G. Cowan, February 7, 1951.



FIGURE 2 A clerk operating a Recordak Triplex Microfilmer. Source: Detail from *50 Billion Records Can't Be Wrong: Recordak – Originator of Modern Microfilming, 3rd ed.* (Rochester, NY: Eastman Kodak Company, ca. 1949), included in Archives of Manitoba, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming.

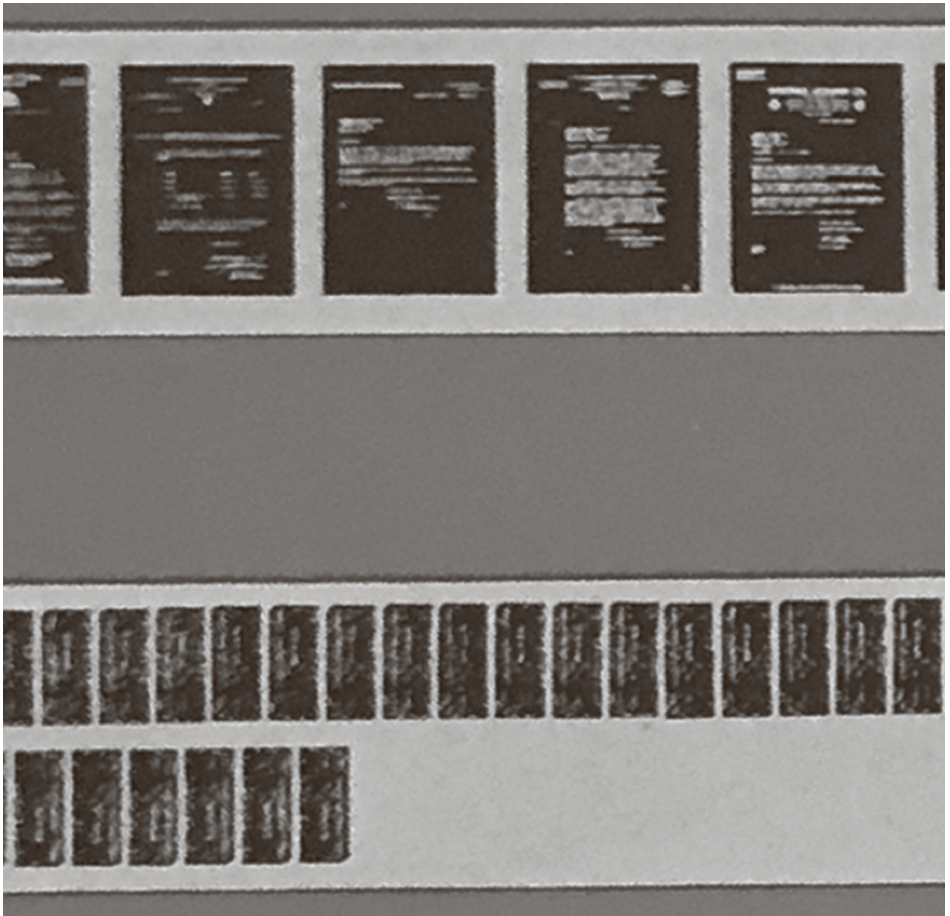


FIGURE 3 A comparison of the Standard (top) and Duo (bottom) microfilming settings on the Recordak Triplex Microfilmer. The MLB used the Duo setting when microfilming the homestead files in order to save film. Source: Detail from *50 Billion Records Can't Be Wrong: Recordak – Originator of Modern Microfilming*, 3rd ed. (Rochester, NY: Eastman Kodak Company, ca. 1949), included in *Archives of Manitoba*, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming.



to no longer have any value and recommended that they simply be destroyed.<sup>139</sup> However, Gyles persisted and ultimately succeeded in getting approval to proceed with microfilming. In April 1952, the MLB purchased a Recordak Triplex Microfilmer Model RF and a Recordak Film Reader Model PE 40 (see figure 2) and hired two operators. They began microfilming in July 1952, starting with the files for Township 1, Range 1W (west of the principal meridian).<sup>140</sup> At the 1952 western land directors' conference, Gyles explained to his colleagues that the MLB had decided to microfilm its patented land files to "preserve valuable documentary evidence" and "as a storage and space saver."<sup>141</sup> Microfilming cost more than buying filing cabinets to house the files, but the big saving was in storage space. Gyles estimated that, when the project was finished, all the films would fit in an ordinary four-drawer filing cabinet. He also touted the durability of microfilm: "Although I have not been able to obtain accurate information on the life of the film, the experts tell me they should be good for five hundred years. By that time I shall not be here, and will not worry!"<sup>142</sup>

Between 1952 and 1960, the land files were microfilmed and then destroyed. In order to save money on film, the MLB decided to use the Recordak microfilmer's Duo setting, which allowed a greater number of documents to be photographed on one roll of film than the Standard setting (see figure 3). This decision had implications for the legibility of the photographed documents, particularly those that were handwritten rather than typed. A total of 1,336 reels of microfilmed documents had been created by December 1960.<sup>143</sup> The first files to be microfilmed, which related to Ranges 1W–10W and Ranges 1E–21E and consisted of approximately 1,000 cubic feet of records,<sup>144</sup> were destroyed prior to the passage

<sup>139</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, J.G. Cowan to R.W. Gyles, February 15, 1951.

<sup>140</sup> AM, NR 0240, GR1603, G 4626, file 103, R.W. Gyles, paper presented at the 1952 Western Land Directors' Conference, Regina, August 4–7, 1952.

<sup>141</sup> AM, NR 0240, GR1603, G 4626, file 103, R.W. Gyles, paper presented at the 1952 Western Land Directors' Conference, Regina, August 4–7, 1952.

<sup>142</sup> AM, NR 0240, GR1603, G 4626, file 103, R.W. Gyles, paper presented at the 1952 Western Land Directors' Conference, Regina, August 4–7, 1952.

<sup>143</sup> I determined this by checking the dates of filming for the microfilm reels in AM, NR 215, Federal Department of the Interior homestead files, GR2060, and AM, NR 0225, Lands Branch files organized by type of land use and Department of the Interior mixed land use and subject files, GR7700, reel M1655.

<sup>144</sup> AM, Natural Resources L & S Branch (Schedules), CH 0047, GR9932, location S-20-7-15, Mines and Natural Resources/Lands Branch Inventory & Evaluation, 1958.

of the Manitoba *Public Records Act* in 1955. That Act required that a document committee be appointed “for the purpose of formulating regulations governing the disposal and preservation of Public Records after they have been micro-filmed.”<sup>145</sup> After the Act was passed, Gyles temporarily suspended the destruction of files.<sup>146</sup> On June 17, 1958, the Manitoba minister of mines and natural resources appointed a documents committee “to classify public documents in the Lands Branch” of his department.<sup>147</sup> The assistant deputy minister of mines and natural resources chaired the committee, which consisted of officers from the treasury, attorney general, and comptroller general’s divisions and Provincial Archivist Hartwell Bowsfield. That summer, the documents committee tabled a schedule of 65 groups of lands branch records, describing their content and making recommendations as to whether they should be retained or destroyed. The land files and the special files were categorized as D1 (retention until photographed), while the other three record groups containing significant numbers of DLB files – the miscellaneous historical files, parish settlement files, and Indian reserve files – were labelled D (permanent department record).<sup>148</sup> With the authorization from the documents committee in place, Gyles resumed the destruction of the paper files. In September 1958, 15 tons of land files related to Ranges 11W–25W were destroyed.<sup>149</sup> A year later, 900 pounds (45 cubic feet) of land files relating to Ranges 28W and 29W were burned in the provincial government’s power house on Memorial Boulevard.<sup>150</sup> No record of Gyles obtaining permission from the federal Department of Mines and Resources to destroy the originals, as stipulated in the transfer agreement, has been found. Gyles may have felt that the authorization was

<sup>145</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, R.W. Gyles to J.G. Cowan, October 14, 1955.

<sup>146</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, R.W. Gyles to J.G. Cowan, October 14, 1955.

<sup>147</sup> AM, Natural Resources L & S Branch (Schedules), CH 0047, GR9932, location S-20-7-15, Mines and Natural Resources/Lands Branch Inventory & Evaluation, 1958.

<sup>148</sup> AM, Natural Resources L & S Branch (Schedules), CH 0047, GR9932, location S-20-7-15, Mines and Natural Resources/Lands Branch Inventory & Evaluation, 1958.

<sup>149</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, R.W. Gyles to A.G. Wirdnam, September 11, 1958.

<sup>150</sup> AM, NR 0240, Director of Lands Office Files, GR1603, G 4632, file 240, Microfilming, R.W. Gyles to A.G. Wirdnam, September 10, 1959.

unnecessary because the files still existed on microfilm copies, which could be supplied to federal authorities upon request.

The history of the DLB's Manitoba files after 1960 requires further research. In 1969, Department of Mines and Natural Resources Administrative Officer D.W.T. Forbes told Provincial Archivist J.A. Bovey that there were 100 cubic feet of "old Department of the Interior correspondence files from 1890 to 1930" in the law courts basement that had been categorized by the records destruction committee as "awaiting evaluation and selection by the Archives."<sup>151</sup> In December 1973, Public Archives of Canada Archivist R.P. Gillis undertook a survey of the Department of the Interior records that had been transferred to Manitoba after 1930.<sup>152</sup> Gillis discovered that most of the records he was looking for were still in the custody of the MLB. With the help of MLB officials, including Supervisor of Records, Lands Section, W.H. Pople, Gillis was able to "trace a great number of files to their final resting place in various basements, vaults and warehouses in the City of Winnipeg."<sup>153</sup> Gillis identified two groups of DLB files – "Lands Branch, Quarter Section Land Files, 1890–1930 (111 cubic feet)," located in the law courts basement, and "Lands Branch, General Office Files, 1872–1930 (approx. 1000 cubic feet)" – which were "maintained in various vaults and storerooms by the Department awaiting transfer [to the Provincial Archives of Manitoba]."<sup>154</sup> Some of Gillis's description of these DLB files corresponds with the 1958 inventory. For example, one of the "specialized topics" Gillis mentioned was parish settlement files. Based on what he had seen, Gillis believed that "the bulk of the Dominion Lands Office material in Winnipeg has survived intact."<sup>155</sup> Given the volume of records destroyed during the 1950s, Gillis was surely mistaken. He was the source for Irene Spry and Bennett McCardle's somewhat cautious and uncertain

<sup>151</sup> AM, CH 0047, Natural Resources L & S Branch (Schedules), 1922–1968, S-20-7-15, D.W.T Forbes to J.A. Bovey, July 16, 1969.

<sup>152</sup> Gillis's exploratory trip to Winnipeg was a preliminary step in a larger project undertaken by the PAC's Public Records Division. See R. P. Gillis, "The Department of the Interior Project," *Archivaria*, no. 2 (Summer 1976): 66–67.

<sup>153</sup> Memorandum, R.P. Gillis to H. Naugler, December 10, 1973, copy held in the internal files of the Archives of Manitoba. Spry and McCardle gave the reference for this memorandum as National Archives of Canada, Government Archives Division, file 8130-INT. I contacted Library and Archives Canada to try to find the original of this memo, but they were unable to locate it.

<sup>154</sup> Memorandum, R.P. Gillis to H. Naugler, December 10, 1973.

<sup>155</sup> Memorandum, R.P. Gillis to H. Naugler, December 10, 1973.

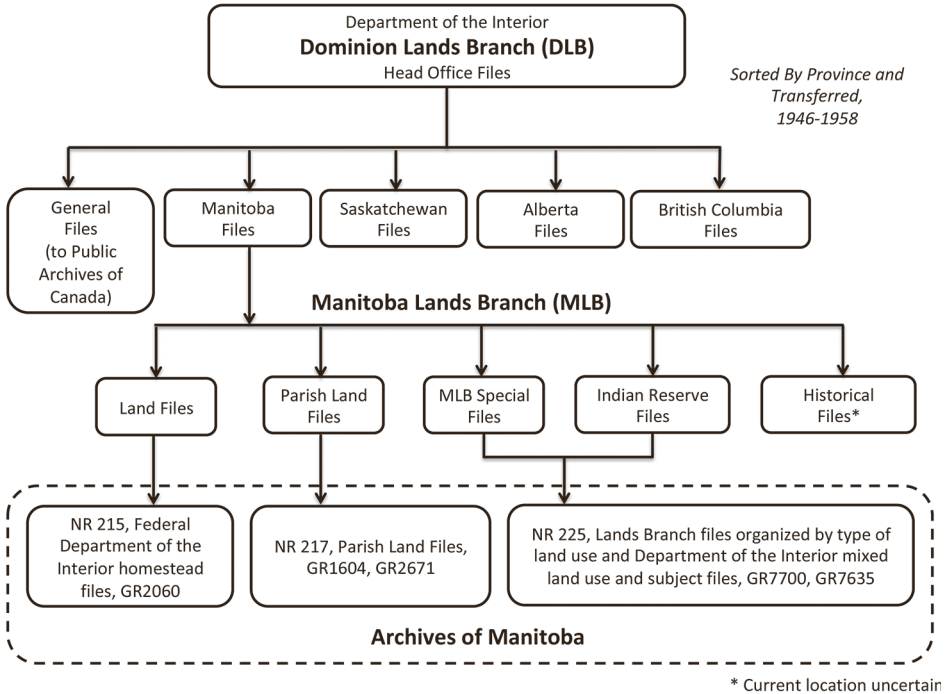


FIGURE 4 *The custodial history of the DLB's Manitoba files, which charts the history of the DLB's Manitoba files and provides the current references for major groups of DLB Manitoba files at the Archives of Manitoba.*

description of DLB files still held by the MLB in their 1993 guide to the Department of the Interior records.<sup>156</sup> What is certain is that the MLB continued micro-filming records during the 1960s and 1970s<sup>157</sup> and that copies of the microfilm reels and surviving paper files were transferred to the Provincial Archives of Manitoba during the 1970s and 1980s (see figure 4).

<sup>156</sup> Spry and McCardle, *The Records of the Department of the Interior*, 77.

<sup>157</sup> For example, the filming of the DLB files included on reels M1698 to M1700 at the Archives of Manitoba (NR 255, GR7635) began in September 1973. The original title of the films was "Ottawa files."

## Conclusion

In the protracted discussions over the fate of the DLB files, the civil servants who knew the files best took their roles as custodians of the records seriously and did their best to prevent wholesale destruction. In contrast, cabinet ministers and senior civil servants who were focused on the allocation of scarce resources in wartime were at the forefront of demanding that the files be destroyed in order to economize on filing equipment and office space. Archivists, including Gustave Lanctôt and A.S. Morton, were enthusiastic proponents of the records' value as historical evidence for the colonization of Western Canada, and they sought to have all the files preserved in archives. Some hoped that the records might form the core of new or expanded provincial archives in the Prairie provinces. The introduction of new processes for evaluating government records at both federal and provincial levels regularized what had previously been a somewhat uncertain process of deciding what should be retained and what should be destroyed.<sup>158</sup> However, the most important factor in breaking the deadlock between preservation and destruction in the case of the DLB files was the emergence of microfilm as a recordkeeping technology. R.W. Gyles was willing to consign large quantities of DLB files to the furnace because he felt assured that their valuable contents had been preserved in a durable and compact form.

The DLB's Manitoba files are a vital source for the history of settler colonialism in Manitoba. They document Indigenous dispossession, the acquisition of land by white settlers, and the attempts of Indigenous people to secure rights to their land, both individually and collectively. However, the full potential of the records as historical sources has yet to be realized. Several important studies of colonization in the region either have not used the records or have only sampled their contents.<sup>159</sup> The poor-quality microfilming and access restrictions make them difficult to use. The most significant microfilm issue relates to the land files, now generally called the homestead files. Because of the method of micro-

<sup>158</sup> On the history and theory of archival appraisal, see Terry Cook, "What Is Past Is Prologue: A History of Archival Ideas Since 1898, and the Future Paradigm Shift," *Archivaria*, no. 43 (Spring 1997): 17–63.

<sup>159</sup> John Langton Tyman did not use any transferred DLB files in his study of colonization in western Manitoba, *By Section, Township and Range: Studies in Prairie Settlement* (Brandon, MB: Assiniboine Historical Society, 1972). More recently, Sarah Carter cited 18 homestead files from the Archives of Manitoba in her study on the history of women and homesteading. See Sarah Carter, *Imperial Plots: Women, Land, and the Spadework of British Colonialism on the Canadian Prairies* (Winnipeg, MB: University of Manitoba Press, 2016), 383, 388, 389, 400, 401.

filming used by the MLB during the 1950s, many of the documents on the 1,250 reels of homestead files can be nearly illegible. In the 1980s, historian D.M. Loveridge found the microfilms so difficult to read that he needed to consult an optometrist after working with them.<sup>160</sup> Loveridge also had difficulty finding the items he was looking for. This is because the homestead files lack file-level descriptions. The procedure for finding a file is onerous and often frustrating. A 12,538-page Crown land information system report generated by the MLB in 1998 and contained on 47 microfiche cards serves as the nominal index to the homestead files at the Archives of Manitoba. The problem with this index is that the homestead files do not contain a file for every quarter section listed in the index. Therefore, a researcher could find the name of the person they are looking for in the microfiche index and then search through the relevant microfilm reel only to find that there is no file related to that person's claim to a particular quarter section.

While the homestead files are open to researchers, other series containing former DLB files are subject to access restrictions even though many of the records in question are more than 100 years old. For example, almost all of the DLB files on Indian reserves now held by the Archives of Manitoba date from between 1873 and 1930.<sup>161</sup> Finally, the current location of some transferred DLB files is unknown. Among these are the 60 cubic feet of DLB files referred to in 1958 as "Miscellaneous Historical Files."<sup>162</sup> These problems can be addressed by digitizing the microfilm reels, creating an item-level description of the files on each reel, comparing the lists of transferred DLB files with the current holdings of the Archives of Manitoba, and removing access restrictions for pre-1930 DLB files. This is a large task, but it is necessary in order to realize Terry Cook's hopes for improving access to and use of these important records.

160 D.M. Loveridge, "The Garden of Manitoba: The Settlement and Agricultural Development of the Rock Lake District and the Municipality of Louise, 1878–1902" (PhD diss., University of Toronto, 1986), 624, note 21.

161 See AM, NR 225, Lands Branch files organized by type of land use and Department of the Interior mixed land use and subject files, GR7635. On access at the Archives of Manitoba, see Kevin Palendat, "Accessing Manitoba's Archives: Exploring the Status and Response to Freedom of Information and Protection of Privacy Rights at the Archives of Manitoba" (MA thesis, University of Manitoba, 2018), 85–95.

162 The description of these files in the 1958 inventory does not seem to correspond to any current archival description in the Archives of Manitoba's catalogue.

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**BIOGRAPHY** Ryan Eyford is an associate professor in the department of history at the University of Winnipeg. His research brings together Indigenous and immigrant histories and links the history of colonization in Western Canada to the global history of settler colonialism. He is the author of *White Settler Reserve: New Iceland and the Colonization of the Canadian West* (Vancouver: UBC Press, 2016). His current project examines relations between Indigenous peoples and white settlers from Ontario in early Manitoba.