- Ms. Hickey uses various anthropological and historical sources to throw some light on the way in which the Indians of the treaty 6 and 7 regions might have interpreted the treaty promises.

The understanding of the treaties which the Indian elders have can perhaps be corroborated in some ways by anthropological sources. For the most part, such corroboration must necessarily be indirect, in the sense of documenting that the understanding of a particular issue in the treaty on the part of members of a particular tribe could not have been the same understanding possessed by a white, English treaty commissioner for the simple reason that there were entirely different cultural understandings of that issue. For example, if people sharing a particular culture do not conceive of land as property which can be bought and sold the way a dog or horse is property which can be bought or sold, it would not even make sense to such people to be asked to sell their land. Furthermore, if this land as property concept is absent, there probably would not even be a way to express the selling of land transaction in the people's language.

Unfortunately, there is not a tremendous amount written on the Indians of Alberta and most of what there is concentrates on the Treaty 7 area, with hardly anything in the Treaty 8 area. However, missionary accounts and traders' journals may
also be of some use, particularly in the north judging from the profitable use anthropologists have made of these sources for the Blackfoot.

What has been found so far which may be used to support what the elders are saying about Treaties 6 and 7 is presented below. Not enough information on the Treaty 8 area has yet been found to make a summation worthwhile.

Treaty 6

The primary conception of the nature of the treaty which derives from the elders' interviews is that it is something that guarantees the Indian certain rights in exchange for permitting the white man to share in the use of the land. The use of land allowed, however, was only to a certain depth.

This idea that land could be shared and used by different societies at the same time is one which Mandelbaum recorded for the Plains Cree for the period 1860-70. He collected his data during field trips in 1934 and 1935 from the oldest informants on several reserves in Saskatchewan and says:

There were no individually owned fur-trapping grounds, fishing places, or hunting locales. Rigid territorial lines were unknown. A band welcomed any other band of Plains Cree, Assiniboin, or Plains Ojibway who might hunt in their territory when buffalo were abundant. If the herds failed, no other band would want to come into the area. Thus there were never any disputes over the occupation of the land. (1941:204)

So, it would seem that for the Plains Cree, any idea of land ownership which existed was not based on any exclusive right to possession and use, but rather on a right to use of the land based on, a) need of a resource, b) presence of that resource, c) presence of "friendly" tribes or, conversely, absence of "unfriendly" tribes. Furthermore, the fact that "there were no individually owned fur-trapping grounds, fishing places, or hunting locales" is further evidence that there was no idea of exclusive ownership, control over, or right to use of either land or resources by either an individual or even the group.

If this is what the treaty commissioners believed they were obtaining from the Plains Cree, it is not very likely that the Indians could have understood it this way. Some might argue that at the time of the treaty, the Cree must have known about the sort of property concepts possessed by the white man, if only from hearing about settlers further east. But it is possible that since Canada's west was settled with relative slowness, the Indians were not made aware of conflicting ideas of land ownership by the very presence of hordes of settlers clamoring about things like trespassing. Certainly the treaty commissioners' reassurance about the Indian's right to pursue
his traditional lifestyle was not designed to make the Indians aware that they were relinquishing their control over the land.

Another subject frequently brought up by the Treaty 6 elders is their belief that the mountains were never sold or surrendered to the white man. If would have been inconceivable to sell the mountains (even if it were possible to buy and sell land) because they were just too good a source for game or because the mountains were a sacred place where "answers" and medicinal roots and herbs could be found, and were a place that was considered "clean and good" (according to Edward Fox, Onion Lake, Sask.).

Mandelbaum (op. cit.: 252) lends support to this idea that mountains were a special and sacred place to the Plains Cree when he discusses the vision quest.

When a boy approached puberty, his father or grandfather might send him out 'to fast'. Not all boys sought visions, but many did. The boy and his father went to some lonely place, carrying with them cloths for offerings and a filled pipe. The place chosen was often atop a high hill, although any secluded spot might be chosen.

This preferred "high hill" among Indians living in Saskatchewan would probably be translated into a mountain by Alberta Indians.

The objective behind seeking visions was visitation by a spirit power. These spirit powers or atayohkanak possessed every living thing and also nonorganic things. For example, there was a bear spirit power, horse, maple, even stone. Spirit powers were intermediaries between the Creator and man.

When a spirit power appeared to an individual in a vision, it became that person's pawakan, his supernatural guardian, or better, his spirit helper. The power did not guard and protect a man against all contingencies, but rather aided him in definite, prescribed situations. When a spirit power revealed itself, it enumerated to the visioner the blessings to be conferred upon him, and the feats he might accomplish under its aegis. (ibid.:251)

Thus, if the mountains were regarded by the Plains Cree as a place where the supernatural aid and protection of a spirit power could be obtained, it is highly unlikely that the Indians would knowingly consent to selling or surrendering such a place to the white man. Unfortunately, elders today are reluctant to discuss the significance of the mountains, but if their meaning relates to what Mandelbaum has recorded about visitation by a spirit power, it is easy to understand why it is said the mountains were never sold.

What has just been discussed may be relevant in some ways
to what the Treaty 6 elders have to say about hunting, fishing, and trapping rights. Many elders say that the Indians never sold nor gave away the game animals and fish to the white man. One might ask whether it would even be conceivable to be able to sell creatures in which a spirit power resided, especially to white men.

From Mandelbaum's data, it does not appear that the Plains Cree felt that they were in any way in control of most animals. Therefore, why or how could they relinquish such "control" to whites? Often the presence of hunting medicines or magic is interpreted to mean that the people feel they have some control over the animals hunted and can influence the outcome of a hunt. For the Plains Cree, however, "There were few hunting medicines. Those in use were mainly for the purpose of luring furbearing animals into traps. In all there was remarkably little concern with the supernaturals in the procuring of food" (ibid.: 258). Mandelbaum was told that "When a bear was located, the hunter addressed the animal and promised to give it a feast if the bear would allow itself to be taken" (p. 283), and Skinner (1914:542) was present at a Qu'Appelle River Cree Bear Ceremony at which a pipe was offered to the dead bear which was told that "it had been slain to furnish food, and begging its good will and future abundance of bears".

Although such bear observances were dying out when Mandelbaum did his study, if accurately portrayed, they may reflect a propitiatory, rather than a commanding attitude towards game animals on the part of the Plains Cree. If this is the case, surrendering "control" over these animals to the white man would simply not make sense.

A final word might be said about the significance of the pipe. Although it has not been mentioned in the taped and later translated interviews of the Treaty 6 elders, the field researchers have mentioned that elders have talked about the fact that the pipe played a role during the treaty negotiations. Apparently, the fact that the pipe was smoked made the terms of the treaty particularly binding on the parties who signed it. Perhaps it would be analogous to having signatures on a contract witnessed by a Commissioner for Oaths instead of merely signing the contract.

Mandelbaum has gone into some detail about what he was told concerning the significance of the pipe in social relationships. In purely secular contexts such as the social situations of the Sioux dance or the Pow-wow.

Pipes were circulated without being offered up in prayer. Whenever men casually assembled, they passed a pipe among themselves. Smoking connoted a friendly and equitable relationship among the participants and was universal to all social intercourse.

A pipe was shared before making a request or asking a favor. Tobacco was sent with every invitation or important
message and smoking it "signified acceptance of the invitation or assent to the proposition stated in the message" (ibid.). So, it is probable that when the white treaty negotiator took the pipe that was offered, this was taken to mean that the government fully accepted the terms of the treaty as understood by the Indians and did so with solemn acceptance of its responsibility in the agreement.

Mandelbaum also reports that there was a sacred Pipestem bundle, oskitci, given to Earth Man by Great Manito. Ownership of this bundle involved a tremendous obligation and responsibility and the Pipestem possessed great potency because "no intemperate action could occur in the presence of the Pipestem.... When peace was to be made with a hostile tribe, the Pipestem Bearer led the way. When the enemy saw the pipe, they recognized it and respected its sanctity" (p. 259). The Sacred Pipestem bundle could also be used to settle disputes within a band. Young men who had proved themselves to be brave fighters and daring raiders (referred to as Worthy Young Men by Mandelbaum) could settle blood feuds among their relatives by forcing them into a tipi and pointing the Sacred Pipestem at each. "When the Sacred Pipestem was presented to a man in this way, he was obliged to pass his hand along the stem and then over his face and chest. This gesture indicated that the angry man, compelled to do so by the presence of the Pipestem, relinquished his anger" (p. 230-231). It is thus likely that the stroking of the pipe mentioned by Morris had a much deeper meaning than accepting "the friendship of the Cree nation" (Morris, 1880:183).

Fur traders' journals for the Treaty 6 area have yet to be examined. It is possible that a lot more information about aboriginal Cree concepts may be gathered from these sources.

Treaty 7

So far, a far greater amount of information from anthropological sources has been found to support what the Treaty 7 elders have to say about the treaty than is the case in the other two treaty areas. Much has been written about the Blackfoot, less about the Stoneys, and very little on the Sarcees. What is repeatedly stressed in the sources on the Blackfoot is the fact that since their territory traditionally straddled the Canada-U.S. border, any statement which is made about the post-contact Blackfoot must necessarily consider the nature of relationships between them and the government or whites in general on both sides of the border. The same should probably be said about the Stoneys, although the point is not really brought out in the literature.

The main impression which emerges from the Treaty 7 interviews is that the treaty was made simply to establish peace and provide for the care and support of the Indians. Contrary to the statements of the Treaty 6 elders, the treaty did not have anything to do with selling land to the whites or letting them use it. The only way in which land was a subject at all in the treaty negotiations was in the sense that as part
of the treaty, the Indians were to choose the land they wanted to keep.

It was originally felt that the idea of the treaty being nothing but a peace agreement might be a function of having interviewed only Blackfoot speaking elders from the Treaty 7 area. Perhaps there was something about the Blackfoot language or culture which only permitted conceptions of the treaty as a peace agreement. Evidence from elders who spoke a language from a different group, e.g., either Stoney or Sarcee, was needed to eliminate the possibility that the Blackfoot language was responsible for the "peace treaty" idea. So, about seventy-five Stoney interviews were read and what has emerged from this new data is that the Stoneys also feel that the treaty was made to establish peace and provide for the care and support of the Indians. About six Stoney elders do say, however, that by the terms of the treaty, the whites were allowed the use of the land surface, usually expressed as about six inches in depth. This divergence from the Blackfoot point of view could possibly be explained by the fact that the Stoneys and Crees have traditionally been very friendly, and so the Stoneys may have picked up this idea from Crees in the Treaty 6 area. Certainly many Stoney elders have claimed that one or another of their grandparents understood Cree and could thus understand what was said by the Cree halfbreed interpreter they say was used at the treaty negotiations.

The fact that both Stoney and Blackfoot speakers claim the treaty was a peace agreement may support the view that David Laird really did stress or overemphasize the peace aspect of the treaty to the point of neglecting the "land surrender" aspect. Of course, such unanimity of opinion could also result from recent attempts to "spread the word" about the treaty, and this possibility must be kept in mind.

Many Stoney elders themselves stress the role of the missionary, John McDougall, in getting them to accept the treaty. Some things that he told them were that "the government will look after you properly" (Nelson Rabbit) and that "it was bad to kill each other" (Lazarus Wesley). Certainly if McDougall had been teaching the Stoneys about the value of peace before the treaty, it is reasonable that this would have an effect on the Stoneys' perceptions of the treaty negotiations.

Perhaps similar factors were operating for the Blackfoot, although the Blackfoot interviews do not mention missionary influence on the decision to sign the treaty. Hanks and Hanks in their study (1950) carried out on the Blackfoot reserve in 1938 and the summers of 1939 and 1941 state that the Blackfoot told them "a close friendship developed between the Black-robe (Father Lacombe) and Crowfoot, with whom he frequently lived." (p. 8) During Lacombe's first visit to the Blackfoot in 1865, the Cree suddenly attacked. Crowfoot participated as a defender of the camp, and the good Father distinguished himself for bravery under fire. After
the battle Lacombe gave aid to the wounded and baptized the dying. A few years later when small-pox plagued the Blackfoot camps, Father Lacombe returned to say a prayer for the dying and to bury the dead. For such deeds he received from the Blackfoot the name 'Kind Hearted Person.' (ibid.)

Hanks and Hanks say that Crowfoot and many other Blackfoot had a tremendous admiration for Father Lacombe, probably because he exhibited such admired qualities as bravery, generosity, and kindness, all chiefly attributes. They also theorize that any of Lacombe's teachings about brotherhood and peace would, therefore, have had a strong effect, particularly upon Crowfoot with whom he lived off and on. "In any case Crowfoot soon attempted to carry into practice certain Christianlike ideals. He ordered that all horses seized in raids from the Cree by members of the Moccasin band be returned. He himself adopted a Cree girl in his loneliness after the death of his son" (ibid.). Furthermore, it is pointed out that the coming of the Mounted Police may have somewhat reinforced Father Lacombe's ideas about peace in Crowfoot's mind. "Their intent was to restore peace to the land, for they dispersed the Yankee traders as well as the Indian raiding parties" (ibid.:9).

It is possible, too, that McDougall's influence on the Stony and Blackfoot, that the treaty was a peace agreement and a promise to take care of the Indians is very reasonable and perhaps more historically accurate than it would otherwise appear.

Further indirect evidence that the Blackfoot saw the treaty as a peace agreement might be deduced from their probable conception of most white men as enemies. The fact that there was to be a meeting with a fair number of whites at Blackfoot Crossing along with Mounted Police who were keepers of the peace and that the Sarcees and Stoney were to be present also, may have reinforced the idea that such a meeting could only have as its objective the establishment of peace. It was probably unlikely that so many members of three tribes
would gather together in one spot for any purpose other than the establishment of peace, particularly when one tribe, the Stonies, were allies of the enemy Cree.

The idea that white men should be considered enemies by the Blackfoot, so that making a peace treaty with them would be a very logical step is not unreasonable considering the nature of Blackfoot-white relationships in the U.S. and Canada. Lewis (1942) has documented the history of such contacts beginning with the establishment of trade with the enemy Kutenai through the building of Kutenai House in 1807 by David Thompson. Thompson was only able to get across the mountains to reach the Kutenai because the Peigans had gone south to avenge the deaths of two Peigans killed by Lewis of the Lewis and Clark Expedition in the U.S. With the establishment of Kutenai House, the enemies of the Blackfoot had access to firearms and in 1810, the Peigan suffered their first defeat by the Kutenai and Flathead. In the meantime, relationships with American traders degenerated starting with an incident during which a man from Manuel Lisa's post at the junction of the Yellowstone and Big Horn Rivers (established 1807-8) was discovered in a Crow camp and helped the Crow fight the Blackfoot.

Relationships with Canadian traders were a little better probably because they were less of a threat to the Blackfoot. White trappers were not sent into Blackfoot territory to compete with the Indian suppliers of furs, and the posts were built on the very outskirts of Blackfoot territory. Furthermore, the Hudson's Bay Company traders had more experience than the Americans and also a code of conduct for dealing with the Indians. However, all was not well in Canada either, as the Blackfoot felt the traders were partial to Crees and provided them with more arms, since the Crees were specialists at trapping beavers, whose skins were more valuable than those of the wolves and foxes caught by the Blackfoot (ibid.:18-27).

During the 1860s, Blackfoot-white relations in Montana worsened drastically with heavy settlement by whites who were "indiscriminately killing an Indian when seen" (ibid.:64, citing the Annual Report of the Indian Agent at Fort Benton in 1867). In addition, several treaties were made with the Blackfoot during this period which were either not ratified by the U.S. Congress or not recognized by the Blackfoot. These led to the Peigan War of 1869-70 and a massacre of one hundred seventy-three Peigan women and children in 1870 (ibid.).

Regardless of whether the Blackfoot perceived Canadian whites and the Canadian government in a different light from American whites and the American government, it is inconceivable that the unpleasant events south of the border did not have some negative effect on the Blackfoot conceptions of white men. Even if the Mounted Police were highly regarded and respected for their impartial peace-keeping role, the Blackfoot still had had a bitter experience with settlers to the south and were aware of what the coming of settlers meant. In light of this experience, making a peace treaty with the whites was eminently
sensible.

As to another aspect of what the elders are saying about the nature of the treaty, that the treaty simply was not concerned with any sort of land surrender, Hanks and Hanks found much the same things being said by the Blackfoot back in the late 1930s.

Certainly the tribe did not know that 'surrender and yield up to the Government of Canada, to her Majesty the Queen and her successors all their rights, titles and privileges' would mean giving all these buffalo lands to white settlers and settling in perpetuity on a certain designated spot. It was beyond their remotest dream that they should give up the Indian life and become farmers and herdsmen like the whites. They expected rather that life would continue in much the same way with the added benefits of sums of money coming to them every year.

About the probable difficulties encountered in attempting to convey to the Blackfoot what the treaty was all about at the actual time of the negotiations Hanks and Hanks say:

All terms were carefully read to the chiefs, and their questions sagaciously answered. Yet, it is doubtful whether M. L'Hereux, the interpreter, could meaningfully translate the concepts of Governor Laird to the chiefs, or of the chiefs to Governor Laird. In the first place, disposal of land was completely foreign to the Blackfoot. Though horses and teepees could be sold, land was not property in the same sense. (ibid.:10)

Denig, a U.S. Indian agent, in writing about the Assiniboin or Stoney around 1854, makes a similar point when he says, "To sell their lands, they say, would be the same as to sell their means of living" (1930:477). To do such a thing was simply not conceivable. Furthermore, he speaks of a sort of religious basis for their right to use of the prairie.

They do not think the Great Spirit created them on or for a particular portion of the country, but that he made the whole prairie for the sole use of the Indian, and the Indian to suit the prairie, giving among other reasons, the fact that the buffalo is so well adapted to their wants as to meat and clothing, even for their lodges and bowstrings. To the Indian is allotted legs to run, eyes to see far, bravery, instinct, watchfulness, and other capacities not developed to the same degree in whites. The Indian, therefore, occupies any section of prairie where game is plentiful and he can protect himself from enemies. With regard to any other kind of right
than that of possession and ability to defend, besides the general right granted by the Great Spirit, they have not the most distant idea. (ibid.: 397)

For the Blackfoot and other Plains tribes, although their "lands were not considered 'property', each tribe recognized trespass and would kill a stranger at sight. This was with good reason, for no one ventured outside his territory - except to steal horses or go to war" (Hanks and Hanks, op. cit.:5). As with the Cree, however, certain tribes were welcome in Blackfoot territory, namely the Sarcee and Gros Ventre.

Although the Treaty 7 elders do not speak of the mountains specifically as something which was never surrendered, it can be inferred that such is the case from the fact that they do not say the land was ever surrendered. The spiritual nature of the relationship between the mountains and the Indians which is so marked in the Treaty 6 interviews does not appear in the Treaty 7 interviews. However, Lewis (op.cit.:56) mentions that "the hills" had some importance, at least for poorer Blackfoot men in preparing for a war party. "Not owning war bonnets, beautiful headdresses, or medicine pipes, the poor went to the hills to seek supernatural power for a successful war party, while those who could afford it bought their charms from renowned medicine men."

What the elders of the Treaty 7 area have to say about mineral and other resource rights is not very great and mainly centres around a concern that somehow the Indians are being cheated out of mineral rights. Most do not say that the government actually promised them such rights, but that the Indians were never asked to surrender them. Therefore, they should retain a right to benefits derived from minerals. In this regard, it should be noted that at the time of the treaty, the Blackfoot in all likelihood had some knowledge of the value of minerals, at least of gold, to the white man. In 1855, a U.S. treaty had set up a common hunting ground for the Blackfoot and Gros Ventres which extended from the valleys of the Three Forks of the Missouri River, east to the upper waters of the Yellowstone. Gold was discovered in 1862 at Grasshopper Creek within this territory and the Blackfoot were faced with an influx of miners in addition to the previous influx of cattle ranchers (Lewis, op. cit.: 63). Edmonds (n.d.:3) refers to an adventure Jerry Potts had outwitting a Sioux war party while acting as a guide for Major Speell (Sleeping Thunder) who was prospecting "for precious metals" in Montana. It seems likely that the Blackfoot, having knowledge of the value of certain minerals to the white man, would not have knowingly signed away their rights to such minerals. Deception may have been involved if it was not made clear to the Blackfoot what rights they did sign away.

The Treaty 7 interviews do not emphasize the hunting, fishing, and trapping rights guaranteed by the treaty. The
Stoney elders tend to stress the subject more than the Blackfoot by stating that they were to be allowed to carry on their lives as before, while the Blackfoot place emphasis on the ammunition money or ammunition they were promised. The lack of emphasis on trapping rights is consistent with what Wissler has said of the Blackfoot, "The Blackfoot, like their immediate neighbors, were not given to the taking of furbearing animals. The traps used by them were few and simple, and looked upon as pertaining to boyish things" (1910:52).

A few sources have gleaned some information about the role of the Blackfoot as suppliers of provisions to the fur traders. Some of the information was taken from fur traders' journals, which should be checked for verification. The data could be useful for making a case that at the time of the treaty, at least certain tribes were earning a part of their livelihood by selling or trading meat and other provisions. For example, Wissler (op. cit.:24) says:

In early days, the great fur companies of the northwest consumed a great deal of dried meat. To meet this demand, the Indians supplied a kind of pemmican, packed in large bags sealed with tallow. In buffalo days, the Blackfoot produced a great deal of this material. For their own use, they often stored buffalo meat cut in to small pieces and mixed with dried and toasted back-fat.

Lewis (op. cit.:28) cites Innis' *The Fur Trade in Canada*, p. 304, which says that the Blackfoot:

because of their control of the rich buffalo grounds, became a major source of provisions. The fur traders of the forest regions above the North Saskatchewan depended upon those posts which were supplied with provisions by the Blackfoot, and whenever a shortage of food occurred, sent to them for assistance.

Lewis (ibid.) then goes on to explain that the "food trade consisted of large quantities of dried and pounded meat, pemmican, backfat and fried berries," and also mentions that huge quantities of buffalo tongues were sent to St. Louis.

Lewis also discusses what the Blackfoot received in exchange for the provisions they traded, citing information from Thwaites' *Early (? ) Travels*, vol, 24, p. 161, "...generally they receive twenty balls and powder for all the flesh of one buffalo cow, or even less when the animals are numerous; but as many as forty charges for a gun are paid them when the buffalo are at a distance." The Blackfoot also traded horses and provisions for traps, axes, kettles, awls, strouds, blankets, chiefs' coats, and liquor, according to Lewis.

The business acumen of the Blackfoot is also emphasized by
Lewis (op. cit.:39-44) who cites A.S. Morton's, The Journal of Duncan M'Gillivray, p. 46, which discusses the Blackfoot's knowledge of the value of creating ariticia; scarcities. "The Plains around us are all on fire - The Indians (Blackfoot) often make use of this method to frighten away the animals in order to enhance the value of their own provisions." Another quote from the same source demonstrates the bargaining ability of the Blackfoot:

I have seen one of this tribe employ a half hour in bartering a dozen wolves and twice as many Depouilles (fat on the ribs and back) and so unreasonable as to demand a Gun, Pistol, or any other article that attracted his attention for one skin...

Lewis feels that the development of such shrewdness and business sense was the product of a competitive fur trade.

One might wonder whether the Blackfoot, if they had such good business sense and experience at driving hard bargains, could sign a treaty relinquishing control over land and other resources if they truly understood the terms of the treaty.

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