

Mediating the Numbered Treaties: Eyewitness Accounts of Treaties

Between the Crown and Indigenous Peoples, 1871-1876

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Sheldon Kirk Krasowski, candidate for the degree of Special Case Doctor of Philosophy in History, has presented a thesis titled, ***Mediating the Numbered Treaties: Eyewitness Accounts of Treaties Between the Crown and Indigenous Peoples, 1871 – 1876***, in an oral examination held on April 26, 2011. The following committee members have found the thesis acceptable in form and content, and that the candidate demonstrated satisfactory knowledge of the subject material.

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Abstract

This thesis looks at the historical period of treaty-making in Western Canada when six numbered treaties were negotiated between Canada and the Anishnabeg, Cree, Saulteaux, and Assiniboine Nations between 1871 and 1876. The main interpretation of treaty-making during this period is that the treaty commissioners and Indigenous leadership experienced “cultural misunderstandings” and that Euro-Canadian witnesses to treaty did not understand the treaty relationship. As a result, most of the eyewitness accounts by Euro-Canadian fur traders, missionaries, journalists, settlers and government representatives have been ignored by historians. This thesis argues against cultural misunderstandings and shows that Euro-Canadian negotiators and eyewitnesses clearly understood the roles and responsibilities in the treaty relationship. Violations of treaty did occur as new settlers moved into treaty territory and government representatives became more concerned about financial restrictions than the promises made during the negotiations. However, during the treaty-making period, Euro-Canadians understood their obligations under the treaty relationship. This thesis analyzes previously under-utilized primary documents and re-evaluates standard sources on the numbered treaties to show that during the treaty-making period, Euro-Canadians understood the expectations of Indigenous peoples in the treaty relationship.

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Chapter One: Introduction

*Just a few years before the Indians had danced and rejoiced at the treaty signings, and thanked the generous White men; now, they faced starvation, degradation, subjugation, and the assignment of manual labour from these same White men.*¹

Douglas W. Light

Most historians viewed the numbered Treaties on the Canadian prairies as mere scraps of paper² upon which Indigenous peoples and Euro-Canadians could neither agree nor understand. Misunderstandings certainly took place during the treaty negotiations, but this thesis argues that Euro-Canadian negotiators clearly understood the expectations of Indigenous peoples. Historians have argued that cultural barriers prevented Euro-Canadians from understanding Indigenous perspectives during the treaty negotiations.³ The cultural misunderstandings thesis has negatively impacted Western Canadian history because it is incomplete and dismissed Euro-Canadian eyewitness accounts of the numbered treaties. This thesis argues against the cultural misunderstanding thesis and shows that Euro-Canadian witnesses to the numbered treaties understood their relevance and the roles and responsibilities of the treaty relationship. This thesis analyzes under-utilized primary documents and re-evaluates standard sources on the numbered treaties to show that during the treaty-making period, Euro-Canadians understood the expectations of Indigenous peoples in the Treaty relationship.

The cultural misunderstandings thesis originated with the historian G. F. G. Stanley but was applied in various ways by historians who wrote on the history of treaty-making in Canada. Stanley argued that Indigenous and Euro-Canadian negotiators did not come to an understanding on the terms of the numbered treaties because the superiority of European civilization was an insurmountable barrier that could neither be equalled nor

¹Douglas W. Light, *Footprints in the Dust* (North Battleford: Turner-Warwick Publications, 1987), 71.

²Arthur S. Morton, *A History of the Canadian West to 1870-71* (London: Thomas Nelson and Sons, 1937), 258.

³George F.G. Stanley, *The Birth of Western Canada: The History of the Riel Rebellions* (Toronto: University of Toronto Press, 1960), 194.

challenged by Indigenous civilization.⁴ According to Stanley, the negotiations were not based on equality between the negotiating parties. He argued that Indigenous negotiators had no choice but to accept the terms offered by Canada and discussions on the matter were irrelevant.⁵ According to Stanley, “the common assumption of free consent and the equality of the contracting parties” was unsound and the “natives seldom understood the full implications of the contract.”⁶ Stanley further argued that the disparity of power between the two parties to treaty was insurmountable. The end result, in Stanley’s view, was that the numbered treaties were merely “preparatives and apology for disputes” rather than “securities for peace.” In other words, the terms of treaty were mere grants that the “weaker parties might accept” and an apology for settlement.⁷

Though Stanley’s arguments were made in 1936, he maintained his thesis in later articles and his views were rarely challenged. Stanley’s “As Long as the Sun Shines and Water Flows: An Historical Comment” was published in 1983 and reinforced his cultural misunderstandings thesis. Stanley claimed that inevitably “the Indians and the Whites looked upon the treaties from different standpoints.”⁸ The former viewed treaties more generously and broadly while the latter viewed treaties only in a narrow legalistic sense. According to Stanley, this was based on cultural differences and the inevitable result was that a meeting of the minds did not take place. Stanley’s thesis resulted in a disparaging account of the numbered treaties and although his arguments about the irrelevance of the numbered treaties were challenged by later historians, the cultural misunderstandings thesis influenced many of the secondary sources on the numbered treaties.

⁴Ibid., 194.

⁵Ibid., 213.

⁶Ibid.

⁷Ibid., 213.

⁸George F. G. Stanley, “As Long as the Sun Shines and Water Flows: An Historical Comment,” in Ian A. L. Getty and Antoine S. Lussier, eds. *As Long As The Sun Shines and Water Flows: A Reader in Canadian Native Studies* (Vancouver: University of British Columbia Press, 1983), 8.

Methodology

For practical considerations, this thesis focuses on the time period immediately surrounding the negotiation of Treaties One through Six (1871 - 1876). Precedents to the numbered treaties, including the Selkirk Treaty (1817) and Robinson Huron/Superior Treaties (1850) are also relevant and treaty-making in the North-West continued with Treaty Seven in 1877 and Treaty Eight in 1899. However, Treaties One through Six included important contributions from Lieutenant-Governor Alexander Morris and after his retirement, the negotiations of 1877 and 1899 changed considerably with David Laird as the main negotiator. The main sources for Treaties One through Six are the Euro-Canadian eyewitness accounts and Indigenous oral histories that have been written down and translated. It is important to note that this thesis does not limit the definition of a treaty to the text written by the commissioners at the close of the negotiations. The numbered treaties and the larger treaty relationship are primarily defined by the verbal negotiations which took place between the treaty commissioners and the Indigenous leadership. The sources for these discussions are the accounts recorded by Euro-Canadian eyewitnesses to the negotiations and Indigenous oral histories of the numbered treaties. Euro-Canadian eyewitness accounts confirm the rights and responsibilities of the treaty relationship that were acknowledged during the negotiations. Indigenous oral histories also confirm the rights and responsibilities, but add the spiritual and ceremonial traditions, which were affirmed through the pipe ceremonies. Finally, the text of treaty is considered, especially the original manuscripts of the numbered treaties.

Historians have traditionally avoided using Indigenous oral histories. Some have questioned their value and veracity as historical sources, while others believed that oral histories would compete with the written record of the treaty negotiations.⁹ In “Reflections on the Social Relations of Indigenous Oral Histories” Winona Wheeler

⁹See J.R. Miller, “Reading Photographs, Reading Voices” in *Reading Beyond Words: Contexts For Native History* Ed. Jennifer S. H. Brown and Elizabeth Vibert (Peterborough: Broadview Press, 1998), 477.

stressed that studies which rely solely on non-Indigenous documented records reinforce colonialist notions.¹⁰ Many of the early histories of the numbered treaties reinforced notions of Crown superiority and the inferiority of Indigenous nations, precisely because they did not consider Indigenous perspectives. Unfortunately, most historians who attempt to incorporate Indigenous oral histories into their research “lack the understanding and skill to ‘do’ Indigenous oral history within its own context.”¹¹ According to Wheeler, Indigenous oral histories cannot be treated like any other source. Historians who have incorporated oral histories de-spiritualize, sanitize and amputate the stories.¹² Indigenous oral histories must be understood within their own context.

Though recorded and transcribed oral histories can add to the written record of treaty, they must be treated carefully. Like the analysis of historical sources, careful attention must be paid to the speaker, the recorder and how the document compares to other written and oral sources on the subject. A good example is the well-known account of a speech given by Grandes Oeilles “a Great Chief of the Chippeways.”¹³ According to an unnamed North West Company (NWC) clerk who recorded the speech in 1814, the chief spoke to several partners of the NWC at the Indian Hall at Red River to protest the policies of the Selkirk settlement, including a recent ban on hunting. The original copy of the speech is available at both the Archives of Ontario and the Archives of Manitoba and has been transcribed in numerous publications.¹⁴ The speech began by addressing the conflicts at Red River between the settlers and the traders. The chief then asked,

What are these landworkers? What brought them here? Who gave them our lands? and how do they dare to prevent our Traders from purchasing whatever we have to give them, upon our own lands? But it would appear that these Strangers, these makers of gardens, look upon themselves as the real possessors

¹⁰Winona Wheeler, “Reflections on the Social Relations of Indigenous Oral Histories,” in *Walking a Tightrope: Aboriginal People and Their Representations*, Ed. David McNab, (Waterloo: Wilfred Laurier Press, 2005), 191.

¹¹Ibid., 194.

¹²Ibid., 196.

¹³Archives of Ontario (AO), Series F 4337-11, MS 2607, “Grand Oeille Speech, 1814.”

¹⁴Penny Petrone, *First People, First Voices* (Toronto: University of Toronto Press, 1983), 46-48.

of this land, and presuming upon this extraordinary right, would wish to prevent you from returning here, by depriving you of your stock of provisions traded on this River, in hopes thereby to drive you from the country, and make slaves of the Indians when deprived of their friends and protectors.¹⁵

This speech is often quoted in the context of Indigenous and Euro-Canadian relations because it clearly described a conflict between the Saulteaux and the settlers or “makers of gardens.” According to the recorded speech, the “landworkers” are unreasonable and determined to set up “barriers” against the traders. The speech also portrayed the NWC traders and Indigenous peoples in harmony with each other. A footnote to the speech claimed that the bones of Grandes Oreilles’ father were preserved on a scaffold at Fort William and “a Flag is placed over them by the Company as a mark of distinction and respect for the memory of the dead Chief.”¹⁶

Though the speech has been quoted often, most historians have used it uncritically to show that early settlers in Western Canada were resented by both the Indigenous peoples and the NWC. The speech by Grand Oreilles is also problematic because it was recorded by an unnamed NWC clerk and given to several unnamed partners “of the North West Company.”¹⁷ When George Bryce attempted to verify the speech in the publications of the NWC in 1816-1820 he discovered that the author “had manufactured the speech and “Grandes Oreilles” had never spoken it.”¹⁸ According to Bryce, the speech was created as part of the NWC’s strategy to threaten the government with the “hostility of the Indians” whom they claimed to control. It is difficult to say with certainty that the speech was manufactured, but as neither the author nor the NWC “witnesses” to the speech are named and the content blatantly supports the NWC, it was likely manufactured. The content of the speech also conflicts with other sources that suggested the Saulteaux and Assiniboine nations supported the colony, which was later emphasized

¹⁵AO, Series F 4337-11, MS 2607, “Grand Oreille Speech, 1814.”

¹⁶Ibid.

¹⁷Ibid.

¹⁸George Bryce, *The Remarkable History of the Hudson’s Bay Company* (New York: Burt Franklin, 1968), 247.

with the successful negotiation of the Selkirk Treaty in 1817.

Recorded and transcribed oral histories can add to the written record of treaty, but they must be treated carefully. Like the analysis of historical sources, careful attention must be paid to the speaker, the recorder and how the document compares to other written and oral sources on the subject. Both Indigenous and Euro-Canadian eyewitness accounts of the treaty negotiations survive in the documentary record and in oral histories. Many accounts were recorded by missionaries or written down as letters or memoranda and sent to the Department of Indian Affairs. These letters and petitions have been collected in the records of the Department of Indian Affairs and in the manuscript collections of various archives. There are also a number of journals and diaries that relate to the numbered treaties, as well as reminiscences by treaty commissioners, interpreters, NWMP officers and missionaries that have been published. The written accounts of the eyewitnesses will be discussed in great detail. They reveal as much about the witnesses themselves, as they do about the intent of the treaty negotiations.

Note on Terminology

This thesis follows a recent trend in academic writing and capitalizes all of the general terms used for Indigenous peoples in Canada, including Aboriginal, Native, Indian, First Nations, Métis and Indigenous. These terms are often used interchangeably in the academic literature regardless of the context, but based on their different meanings they should only be used where appropriate. The most widely used general term in the academic literature is Indigenous peoples, which refers to belonging naturally to a particular place or area.¹⁹ Because the term “Indigenous” has an international political connotation (it has been used by the United Nations and the World Council on Indigenous Peoples) it is the preferred term in the context of treaty history. The term Aboriginal has become defined as “dwelling in any country prior to the arrival of later

¹⁹Oxford English Dictionary (London: Oxford University Press, 2008).

(European) colonists”²⁰ but its original definition related to being first, or the earliest and was not related to being Indigenous.²¹ In Canada, the term Aboriginal is mainly used in a legal context, for case law and recent government publications. This thesis also capitalizes the formal names of the treaties (Treaty Six) to emphasize their importance.

The term “Native” is associated with ‘belonging to’ or ‘connected’ and is defined as “a person born in a specified place, region or country.” It can refer to both Indigenous peoples or recent immigrants whose children were born in Canada.²² The term is used widely in history within the context of Native-newcomer relations.²³ The strength of the term “Native-newcomer” is that it distinguishes between those who trace their heritage in Canada for many generations, and those who are newcomers (first or second generation Canadians). The weakness is that the term erases the colonial connotations that “European” or “Euro-Canadian” evoke. The term “newcomer” is innocent and suggests that the newcomers, or non Indigenous Canadians, played no role in the negative colonial policies of Canadian history.

The term “Indian” is the most commonly used term in the primary documentation of treaty history, but it is rarely used in current academic literature. The term originates from the Spanish *los Indios*, applied first by Christopher Columbus in a letter written in 1493.²⁴ Europeans described all of Asia east of the Indus River as India, so it followed that Columbus would apply the term *los Indios* to the Indigenous peoples in the area that he thought was Asia. Even when the correct Indigenous names became known to the Spanish, they still used the term *los Indios* to refer generally to Indigenous peoples. In Canada, the term Indian is mainly used in a legal context or in reference to the *Indian*

²⁰Ibid.

²¹Ibid.

²²Ibid.

²³J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McLelland and Stewart, 2004), ix.

²⁴Robert Berkhofer, *The White Man’s Indian: Images of the American Indians from Columbus to the Present* (Toronto: Random House Canada, 1979), 5.

Act.²⁵ Most of the early case law used the term Indian and it was the standard descriptive term used by the Department of Indian Affairs during the treaty-making period.

The term “First Nations” originated with the Canadian political organization the Assembly of First Nations (AFN) and originally referred to “Status Indians” represented by the AFN. The term has since adopted a more general usage to include anyone who traces their ancestry to Indigenous peoples. The term First Nations originally excluded the Métis, who trace their origins to the intermarriage of Scottish and French fur traders with Indigenous women in the 17th and 18th centuries. However, some authors have defined First Nations as including the Métis and in some cases the term has been adopted more generally in Canada.²⁶ Though the terms, “Indigenous,” “First Nations,” “Native,” “Indian,” and “Aboriginal” are commonly used interchangeably, they should only be used within their own context. The terms “Aboriginal” and “Indian” will be used in this thesis only when discussing case law or government publications. The term “First Nations” will be used sparingly because of its political context. The term “Native” will be used rarely, though it is used commonly in the history of Native and non-Native relations. The term “Indigenous peoples” is considered here to be most appropriate general term in the context of treaty history.

This thesis will utilize appropriate general terms where necessary, but will also use the specific terms chosen by each Indigenous nation to refer to themselves. In *Peace Power Righteousness* Taiaiake Alfred recommended that authors use the terms from Indigenous languages which Indigenous communities use to refer to themselves.²⁷ Alfred gave the example of the term Mohawk, which popularly refers to the Kanien’khaka nation of the Rotishonni confederacy. Despite its common usage, the term Mohawk is an

²⁵ Taiaiake Alfred, *Peace Power Righteousness: An Indigenous Manifesto* (Don Mills: Oxford University Press, 1999), xxvi.

²⁶ Canada, Royal Commission on Aboriginal Peoples. *Report of the Royal Commission on Aboriginal Peoples*, Vol. 1 (Ottawa, Indian and Northern Affairs Canada, 1996), 8.

²⁷ Alfred, *Peace Power Righteousness*, xxvi.

anglicized version of an Algonquin word meaning “cannibal monster.” As Alfred showed in this example, using Indigenous terms is important to avoid unintentional insults. Alfred also stressed the continued importance of Indigenous languages.

This thesis uses the terms “Euro-Canadian” and “non-Indigenous” to refer to European explorers, settlers and traders who were on the prairies during the negotiation of the numbered treaties. Other general terms in common usage include “non-Native,” “European,” “white” and the previously discussed “newcomer.” The term Euro-Canadian is the most accurate term, as most of the settlers, traders, government agents and missionaries were either born in Europe or are of European descent and born in Eastern Canada. Very few were born in western Canada. This thesis focuses on the time period after the 1867 *British North America Act*, which created Canada out of the united provinces of Canada, Nova Scotia and New Brunswick. For the missionaries, settlers and government representatives, the sense of being Canadian was very new.

Most of the accounts of treaty negotiations written by historians are rife with Eurocentric language, which revealed an interpretive bias. Terms such as “signed” and “concluded” reflect the European view of treaties as simple contracts that are written down. Recently published oral histories have described Indigenous views of the numbered treaties as inherently spiritual.²⁸ A treaty is a living document that is renewed and evolves, rather than a static document that is closed and unchanging. The Eurocentric language that surrounds treaty historiography has limited the focus of treaty-making to the written treaty text. According to the eyewitness accounts, the written treaty document was rarely discussed during the treaty negotiations in the 1870s. The verbal negotiations between the Indigenous leadership and the Canadian negotiators played the largest role, and the written treaty document was usually only mentioned at the very beginning or end of the negotiations. Thus, using the term ‘signed’ privileges the written accounts over the

²⁸Harold Cardinal and Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream is that Our Peoples Will One Day Be Clearly Recognized as Nations* (Calgary, University of Calgary Press, 2000), x.

oral accounts.

The language used to discuss the negotiations should also be appropriate and accurate. For example, most historians claimed that the numbered treaties were signed by the Indigenous leaders, which indicates a connection between the chiefs and the written document. In fact, for all of the numbered treaties most chiefs simply touched the pen of the clerk, who then made the mark of an “x” on the treaty and recorded the name.²⁹ Touching the pen evoked a compromise between an oral culture unfamiliar with the written word, and the European culture in which the written treaty document is paramount. It also created distance between the Indigenous leadership and the written treaty document. In “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective” Raymond J. Demallie described this practice as a well proven strategy used by treaty commissioners in the United States to distance the Indigenous leadership from the written document.³⁰ It is likely that Canadian negotiators had knowledge of this strategy and employed it for the same purpose.

Prospectus

The literature review in chapter two organizes the secondary literature on the numbered treaties into four thematic categories that follow a rough chronology. The first category focuses on nation building from the turn of the last century to World War II. The second category marks the transition from national histories to the social histories of the 1970s. The third category focuses on Indigenous and Euro-Canadian relations and the final category encompasses Indigenous centred histories. The chapters that follow the literature review are organized chronologically beginning with the unsuccessful negotiations at Lake of the Woods in 1870 and 1871 and the successful negotiation of

²⁹See for example: Library and Archives Canada, “Western Treaty No. 1” RG 10 Vol. 1846, IT 255, p. 7.

³⁰Raymond J. DeMallie, “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective,” in Frederick C. Luebke, ed. *Ethnicity on the Great Plains*, (Lincoln: University of Nebraska Press, 1980), 40.

Treaties One and Two in 1871 (chapter three); Treaty Three of 1873 follows in chapter four; Treaties Four and Five (1874, 1875) follow in chapter five; and Treaty Six of 1876 follows in chapter six. The final chapter includes a summary and conclusion.

Chapter three begins with a discussion of the failed negotiations at Fort Frances between the Crown and the Anishnabeg chiefs in 1870 and 1871. These negotiations mainly focused on the right-of-way treaty negotiated in 1870, which later hindered the completion of a more comprehensive treaty with the Anishnabeg peoples near Fort Frances. After the failure of the negotiations at Fort Frances in 1871, the Treaty Commissioners travelled to Fort Garry and Manitoba House to negotiate Treaties One and Two with the Cree and Saulteaux peoples. Chapter three ends with a discussion of the outside promises controversy, in which promises made during the verbal negotiations were not added to the text of the treaty.

Chapter four describes the successful completion of the Treaty Three negotiations at Lake of the Woods in 1873. This was the first numbered treaty negotiation led by Lieutenant-Governor Alexander Morris, who was also appointed commissioner for Treaties Four, Five and Six as well as the re-negotiation of the outside promises of Treaties One and Two. Chapter four expands the written sources on Treaty Three to include newly considered accounts of the negotiations, which show that the official accounts of the discussions must be viewed with a critical eye. Chapter five describes the Treaty Four negotiations in 1874. Most of the primary accounts recorded by Morris emphasized animosity between the Cree and Saulteaux peoples during negotiations. However, a close analysis of these accounts reveals that the animosity was between the Indigenous nations and the HBC.

Chapter six describes Treaty Six, negotiated at Forts Carlton and Pitt in August and September of 1876. In 1875 there was a feeling of discontent among the Cree communities of the Saskatchewan. Chief Sweetgrass had requested a treaty with the

Crown as early as 1871, but in 1875 the Canadian government sent surveyors, the construction crew for the telegraph line and the geological survey into Cree territory prior to the negotiation of a treaty. After the construction crew and geological survey were stopped by the Cree and Saulteaux peoples, Canada agreed to negotiate Treaty Six. There are a number of eyewitness accounts of the Treaty Six negotiations, which differed significantly when compared to the official government documents recorded by the commissioners. Chapter Seven includes a summary and concluding remarks, which emphasize that during the treaty-making period between 1871 and 1876 Indigenous peoples and Euro-Canadians clearly understood the treaty relationship. This understanding is reflected in the eyewitness accounts and Indigenous oral histories of the numbered treaties.

Chapter Two: Literature Review

Some of the things written about the Indians are incredibly bad history, particularly when authors try to project present problems or concerns into the past without any attempt to understand the past in its own terms.¹

T.D. Regehr

A review of the historical literature on the numbered treaties reveals that the secondary sources begin to tell the history of the numbered treaties, but there are gaps in the analysis and the use of primary sources. Very few secondary sources included eyewitness accounts of the numbered treaties, especially those by Euro-Canadians. These accounts have been ignored because historians concluded that Euro-Canadian witnesses to treaty did not understand Indigenous perspectives.² However, as this thesis argues, many of the eyewitnesses to the treaty negotiations clearly understood the Indigenous perspectives of the treaty relationship. As stated in the introduction, the cultural misunderstandings thesis originated with Stanley's *The Birth of Western Canada*, but is also present in most of the secondary literature on the numbered treaties. Though many of the authors in this chapter argued that treaties are more significant than Stanley and others had admitted, the assumption of cultural misunderstandings permeates most of the secondary sources on the numbered treaties.

The secondary sources on treaty-making can be divided into four separate periods of scholarship that follow a rough chronological order. The first period is nation building and included sources from the turn of the 20th century to World War II. This period included works by George F.G. Stanley, Allan G. Harper and others. The second period focused on social history from the 1950s to the 1970s. It included authors who were less concerned with imperial and national histories and focused instead on overlooked areas of Canadian society, including Indigenous histories. This period included writings by

¹T.D. Regehr, "Historiography of the Canadian Plains After 1870," in Richard Allen, ed. *A Region of the Mind: Interpreting The Western Canadian Plains* (Regina: Canadian Plains Studies Centre, 1973), 97-98.

²See Stanley, *The Birth of Western Canada*, 194; Lewis G. Thomas, Ed. *The Prairie West to 1905: A Canadian Sourcebook* (Toronto: Oxford University Press, 1975), 81; and Allen G. Harper, "Canada's Indian Administration: The Treaty System," *America Indigena*, Vol. 7, No. 2 (April, 1947), 140.

Arthur J. Ray, John Tobias, Harold Cardinal and John Leonard Taylor. This period was also influenced by Native land claims and the Aboriginal case law that followed the *Calder Case* in 1973. The third period focused on Indigenous and Euro-Canadian relations written after 1970 and included work by J.R. Miller, Bill Waiser and Blair Stonechild, as well as Sarah Carter and Walter Hildebrandt. The fourth period included Indigenous centred histories from the 1980s to the present. These included Indigenous oral history collections by Freda Ahenakew, Joseph Dion and Harold Johnson. Other Indigenous authors who wrote about the numbered treaties included Sharon Venne and Neal McLeod. Non-Indigenous authors who focused on Indigenous interpretations of the numbered treaties include Stephen Sliwa, John Chalmers, D. J. Hall and others.

Nation Building and the Numbered Treaties

The first period of treaty history included authors who either marginalized the numbered treaties or completely misrepresented them. This included publications from the turn of the 20th century to World War II when historians were mainly concerned with national histories of Canada. Many of these histories described treaties very briefly or claimed that treaties were the result of a superior European civilization expressing domination over inferior Indigenous nations. According to H.J. Hanham in his overview of Canadian historiography, early Canadian historians were more concerned with nation building than with tackling critical issues.³ Historians like Creighton, Lower and W.L. Morton focused on “the flattering characteristics of national life” and ignored specific issues like treaty-making and relations with Indigenous peoples.⁴ Those who studied treaties saw them through the lens of the white man’s burden, whereby treaties were the prime example of an inferior Indigenous population succumbing to a superior European population. According to this perspective, Indigenous peoples are out-manoeuvred at the treaty table and then overwhelmed by a flood of settlers. The terms of treaty, and

³Thomas, *The Prairie West to 1905*, 81.

⁴Ibid.

Indigenous peoples are quickly forgotten or ignored.⁵

One of the first, and perhaps the most influential study of the numbered treaties is Stanley's *The Birth of Western Canada*. First published in 1936, Stanley's work focused mainly upon the Riel Rebellions of 1869 and 1885, but also included a chapter on the numbered treaties. Though Stanley's description of treaty-making is brief, his belief that treaties were defined by the impact of a superior European civilization upon an inferior Indigenous civilization influenced many of the historians who followed him. In *The Birth of Western Canada*, Stanley often described the "white man's burden," as European people's contempt for savage Indigenous societies.⁶ This prejudice directly impacted his interpretations of the numbered treaties. According to Stanley, the numbered treaties were doomed to failure because they were based on the unsound assumption of "free consent and equality."⁷ Stanley believed that the superiority of Canada's representatives over the Indigenous leadership reduced the treaties to mere grants of acceptable terms and apologies for disputes.

Allan G. Harper's "Canada's Indian Administration: The Treaty System" included many of the same findings as Stanley. Harper claimed that the numbered treaties were negotiated at Canada's insistence to enable peaceful settlement of the west. He described the initial treaty payments as "token payments" and treaty annuities as a "bribe."⁸ In Harper's view, Indigenous peoples were the "Sovereign's Indian subjects" and the recognition of treaties between two free and independent nations was "nonsense."⁹ Though Lewis G. Thomas' *The Prairie West to 1905* was published later, it contained similar statements on treaty history. In Lewis H. Thomas' section on Indian Affairs, the author claimed that the treaties were never between two equal parties. Lewis H. Thomas

⁵Stanley, *The Birth of Western Canada*, 213.

⁶Ibid.

⁷Ibid., 194.

⁸Harper, "Canada's Indian Administration," 140.

⁹Ibid., 142.

also argued that Indigenous peoples never had the opportunity to dictate concessions in return for the surrender of their land. The numbered treaties were a “take it or leave it proposition.”¹⁰ The discussions by Harper and Thomas show the influence of Stanley’s white man’s burden thesis. In their view, Indigenous peoples had no negotiating power and the superiority of European civilization led to the surrender of Indigenous lands.

There were other historians who wrote about the North-West during this time period, but none of them addressed the numbered treaties in any significant way. Alexander Begg’s *History of the North-West* was published in 1895, but contains little meaningful analysis of Indigenous history and no information on the numbered treaties.¹¹ Arthur S. Morton’s *A History of the Canadian West to 1870-71* focused on the fur trade and Manitoba’s Red River settlement. Treaties One and Two and the Selkirk Treaty are mentioned only briefly.¹² W.L. Morton’s *The Kingdom of Canada and Manitoba – a History* also described the numbered treaties only briefly with an emphasis on lands ceded and title extinguished.¹³ Donald Creighton’s *Canada’s First Century* and *The Story of Canada* contained no mention of treaties, and very little discussion of Indigenous peoples. Harold Adams Innis’ *The Fur Trade in Canada* briefly described the role of Indigenous peoples in the fur trade and addressed treaties only by linking treaty annuity payments to increased sales by the Hudson’s Bay Company (HBC).¹⁴ Margaret McWilliams’ *Manitoba Milestones* included only a one-paragraph description of Treaty One.¹⁵ Arthur Lower’s *Colony to Nation* included extensive details on the colonization of Canada, though it focused mainly on Eastern Canada and neglected treaty history

¹⁰Lewis H. Thomas, “Government and Politics in Manitoba and the North West Territories,” in Lewis G. Thomas, *The Prairie West to 1905*, 83.

¹¹Alexander Begg, *The History of the North-West* (Toronto: Hunter, Rose and Company, 1895), 417.

¹²Arthur S. Morton, *A History of The Canadian West To 1870-71* (London: Thomas Nelson and Sons, 1937), 258.

¹³W. L. Morton, *Manitoba: A History* (Toronto: University of Toronto Press, 1967), 47.

¹⁴Harold Adams Innis, *The Fur-Trade of Canada* (Toronto: Oxford University Press, 1927), 98.

¹⁵Margaret McWilliams, *Manitoba Milestones* (Toronto: J.M. Dent and Sons, 1928), 111-112.

completely.¹⁶ Chester Martin published one of the first articles on the creation of the province of Manitoba. He managed to juxtapose the purchase of Rupert's Land with the Riel "Insurrection" of 1869, but made no mention of Aboriginal title to lands, nor the Selkirk Treaty or Treaty One.¹⁷

Social History and the Numbered Treaties

The move away from national histories to regional histories did not take place until the 1960s. According to Gerald Friesen there were two reasons for the shift in focus. The first is that after 1960 there was more interest in social history, rather than economic or political analysis. The second is the rapid growth of Canadian universities and the training of history specialists. In "Historiography of the Canadian Plains After 1870" T.D. Regehr claimed that the social history movement had firmly taken hold by the 1970s. Regehr predicted that the focus on social history, as well as the publication of older collections on the early settlement period, would lead to a "major reassessment of prairie society during the settlement period."¹⁸ Regehr also hoped that increased concern over Indigenous peoples in Canada would impact research and publication of Indigenous histories.

Arthur J. Ray's *Indians and the Fur Trade* was the first study to focus the topic of the fur trade on the role of Indigenous peoples. Many historians had written on the fur trade, but treated the role of Indigenous peoples superficially. Prior to Ray's work, historians had considered Indigenous peoples to be passive agents who were content to follow the lead of Europeans. They argued that Indigenous peoples participated in the fur trade because they had become dependent on European trade goods. Ray countered that rather than dependency, the relationship between Indigenous peoples and traders was one

¹⁶Arthur Lower, *Colony To Nation: A History of Canada* (Toronto: Longmans, Green and Company, 1946).

¹⁷Chester Martin, "The First 'New Province' of the New Dominion," *Canadian Historical Review* Vol. 1 No. 4, 1920, 364.

¹⁸Regehr, "Historiography of the Canadian Plains," 97.

of interdependency.¹⁹ Though *Indians and the Fur Trade* does not mention treaties specifically, much of Ray's analysis relates to the treaty-making period. Ray discussed the impact of European diseases on Indigenous communities. The smallpox, measles and flu epidemics were disastrous and led to Indigenous leaders demanding protection from pestilence and disease during treaty negotiations. Ray's discussion of fur trade ceremonies between Indigenous peoples and the HBC mirrored the treaty ceremonies. These included the concepts of gift-giving, the pipe ceremony and economic aid in times of need. Even the clothing given to trading captains by the Hudson's Bay Company mirrored the treaty suits given to chiefs.²⁰ Ray's discussion of the Indigenous economy during the fur trade is also important to treaty history. As he stated in his later work *The Canadian Fur Trade in The Industrial Age*, the Canadian government's claim that the treaty right to hunt is subsistence-based ignores the reality of the Indigenous economy. The commercial and subsistence sectors of the Indigenous hunting economies were interdependent. Assuming that the hunting rights protected by treaty were subsistence based and not commercial is incorrect and does not reflect the Indigenous economy of the time.²¹

In his reflections on treaty history, Ray acknowledged the work of John L. Tobias.²² Tobias' "Protection, Civilization, Assimilation" published in 1976, used archival records from the Department of Indian Affairs to show that the main goal of Canada's Indian policy was the civilization and assimilation of Indigenous peoples into mainstream society. While Canada was negotiating the numbered treaties, the Department of Indian Affairs was creating policies to undermine the rights and traditions

¹⁹Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters and Middlemen in the Lands Southwest of Hudson Bay, 1660-1870* (Toronto: University of Toronto Press, 1998), xxi.

²⁰Arthur J. Ray, *The Canadian Fur Trade in the Industrial Age* (Toronto: University of Toronto Press, 1990), 27.

²¹Ibid.

²²Arthur J. Ray, Frank Tough and Jim Miller, *Bounty and Benevolence: A Documentary History of Saskatchewan Treaties* (Montreal: McGill-Queens University Press, 1999), 208.

of Indigenous peoples. The first policy was the imposition of the elective system of leadership under the *Indian Act* to eliminate the autonomy of the hereditary chief system. This was followed by policies of enfranchisement (to remove special status and treaty rights); prohibition on traditional gift-giving ceremonies (to encourage private property); prohibition on the sale of livestock; and the introduction of the residential school system.²³ All of these policies sought to undermine the special rights and status of First Nations recognized under treaty. According to Tobias, the Canadian government acknowledged that their policies had failed when very few Indigenous peoples had become enfranchised by the 1950s. In response, the government created the 1969 White Paper of Indian Affairs, which sought to abolish the *Indian Act* and assimilate Indigenous peoples into Canadian society. Indigenous peoples responded with a storm of protest and the White Paper was never implemented. For many historians, Tobias' descriptions of Canada's Indian policy shattered the belief of a just and respectful relationship with Indigenous peoples.²⁴ After Tobias, historians became much more critical of the role Canada played in negotiating treaties with First Nations.

Tobias followed up his "Protection, Civilization, Assimilation" with "Canada's Subjugation of the Plains Cree, 1879-1885," which applied the thesis of Canada's unjust Indian policy to the numbered treaties. Tobias revealed that treaties were not instigated by the Canadian government as part of a just policy to deal with Indigenous claims to land, but were negotiated at the insistence of the Cree, Saulteaux and Ojibwa (Anishnabeg) peoples. Tobias also showed how the treaty process was fraught with difficulties and misunderstandings. When the Cree Chief Big Bear told Treaty Commissioner Morris at the end of the Treaty Six negotiations that he feared the rope about his neck, Morris interpreted this to mean that Big Bear feared being hanged.

²³John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," *Western Canadian Journal of Anthropology*, Vol. 6, No. 2 (1976), 13.

²⁴Ray, Miller, Tough, "Bounty and Benevolence," 208.

According to Tobias, Big Bear actually feared the control of the Canadian government over his community.²⁵ The only fault of Tobias' article is that he relied mainly upon records of the Department of Indian affairs, which are occasionally interpreted uncritically. He named Poundmaker as a police informant, though the chief's actions after the Métis resistance and his imprisonment by Canada after 1885 put that claim in doubt.²⁶

Another work that sought to reveal Canada's disgraceful treatment of First Nations was Harold Cardinal's *The Unjust Society*. Cardinal's publication had a more popular appeal than Tobias' work, and has reached a wider audience. Cardinal was originally a scholar and then a politician who fought for Indigenous rights with the Indian Association of Alberta. He later returned to university and taught in the Indigenous Law Centre at the University of Saskatchewan. In *The Unjust Society*, Cardinal argued that a buckskin curtain separated Indigenous peoples from Canadians. The curtain was created by government bureaucrats, missionaries and the police and was enforced through the *Indian Act* which limited the rights of Indigenous peoples and blocked the implementation of treaty rights.²⁷ Cardinal was one of the first authors to quote from the text of the numbered treaties. He cited the clauses for reserve creation, education and farming assistance. Though he found the written text of the numbered treaties problematic (many verbal treaty promises are not included in the text) he maintained that Canada has not met any of its obligations in the treaty text.²⁸

The first author to take a critical approach to Canada's Indian policy and apply it to an analysis of the numbered treaties was John Leonard Taylor. His work appeared as early as 1975 and was included in Richard Price's *The Spirit of the Alberta Indian Treaties*. In "Canada's Northwest Indian Policy in the 1870s: Traditional Premises and

²⁵John L. Tobias, "Canada's Subjugation of the Plains Cree 1879-1885," *Canadian Historical Review* 64, No. 4 (December, 1983), 523.

²⁶*Ibid.*, 524.

²⁷Harold Cardinal, *The Unjust Society* (Vancouver: Douglas and McIntyre, 1999), 7.

²⁸*Ibid.*, 29.

Necessary Innovations” Taylor sought to critique Canada’s claim to a just Indian policy and analyze the role Indigenous peoples played during the negotiation of treaties.²⁹ Taylor questioned Canada’s claim to have purpose, wisdom and benevolence in the negotiation of the treaties. Rather, it was Indigenous Nations who introduced the most important treaty terms.³⁰ According to Department of Indian Affairs documents, Canada was initially prepared to offer only an initial payment and annual annuities. Farming implements, educational assistance as well as supplies for hunting and fishing were all introduced by Indigenous peoples, and only grudgingly included in the treaties by Canada after difficult negotiations.³¹ In “Two Views on the Meaning of Treaties Six and Seven” Taylor attempted to describe differences between the Canadian government’s understanding of treaties and the First Nations’ understandings. Unfortunately, his descriptions of the Treaty Six and Seven negotiations were superficial and relied mainly upon the accounts left by Treaty Commissioner Morris and Treaty Six interpreter Peter Erasmus.³² Another critique of Taylor’s work is his superficial use of oral history. Price’s *The Spirit of the Alberta Indian Treaties* includes a collection of oral histories conducted with Indigenous Elders in the Treaty Six and Seven areas. Taylor used these interviews only to show different conceptions of land held by Europeans and Indigenous peoples. Canada believed that they gained access to all the land after treaties were negotiated (through the surrender clause) while Indigenous Nations argued that they were only giving up subsurface rights to the land (to the depth of a plow). Taylor’s discussion of land is important, but he could have made greater use of the oral histories, especially in his critique of the surrender clause.

Much of the academic writing on treaty history originated with land claims

²⁹John Leonard Taylor, “Two Views on the Meaning of Treaties Six and Seven,” in Richard Price, ed. *The Spirit of the Alberta Indian Treaties* (Montreal: Institute for Research on Public Policy, 1979), 6.

³⁰*Ibid.*, 40.

³¹*Ibid.*, 5.

³²*Ibid.*, 40.

research. The first court case to focus academics on Indigenous histories was the *Calder v. The Queen* (1973), in which the Supreme Court of Canada ruled that Aboriginal rights in British Columbia had not been extinguished.³³ Much of Ray's work on the Native economy originated with his work for the *Calder* and *Delgamuukw* (1997) cases. In response to an increase in Aboriginal claims and litigation, the Department of Indian Affairs (now known as Indian and Northern Affairs Canada (INAC)) commissioned a set of treaty research reports. Unfortunately, most of these reports discuss treaty history superficially. They all rely on standard secondary sources and include very little critical analysis. Wayne Daugherty's research report on Treaties One and Two relied mainly upon an uncritical analysis of Morris' *Treaties of Canada with the Indians*. Daugherty described Treaty Commissioner Wemyss Simpson as a strict but fair negotiator who presented the terms for surrender to the Cree and Saulteaux peoples as an ultimatum.³⁴ Daugherty even claimed that Native title to the area had already been extinguished by the Selkirk Treaty, using only W.L. Morton as a source. The one positive aspect of the report is Daugherty's explanation of the verbal promises made to the Cree and Saulteaux that were not included in the treaty text (later known as the "outside promises"). However, his discussion of the outside promises is later ignored when he summarized his report by stating that Treaties One and Two were a success and a model for the treaties that followed it.³⁵ In fact, the outside promises caused a great deal of concern for both Canada and Indigenous peoples and changed the way that the later numbered treaties were negotiated.³⁶

John Leonard Taylor's research report on Treaty Four is a better effort than Daugherty's, but still contains flaws and errors. Taylor's thesis followed the argument of

³³Cardinal, *The Unjust Society*, ix.

³⁴Wayne E. Daugherty, "Treaty Research Report: Treaty One and Treaty Two" (Ottawa: Treaties and Historical Research Centre Research Branch, Indian and Northern Affairs Canada, 1983), 8.

³⁵*Ibid.*, 17.

³⁶Library and Archives Canada (LAC), RG10, Volume 3598, File 1447, "Treaties #1 & #2 – The fulfillment of treaty obligations, 1873-1874."

early histories that cultural misunderstandings between negotiators for Canada and the Cree and Saulteaux peoples impeded a mutual understanding of treaty.³⁷ There certainly were vast cultural differences between the two groups, but Taylor's interpretation ignored strategies employed by the Canadian government to purposely mislead Indigenous negotiators. In his "Canada's Northwest Indian Policy in the 1870s" Taylor showed how Morris purposely misled the Cree peoples in Treaty Six by not discussing the surrender clause during the treaty negotiations. This conflicts with the cultural misunderstandings thesis because Morris understood the potentially explosive nature of the surrender clause and did not mention it during the treaty negotiations. Taylor also wrote the research report for Treaty Six, which managed to incorporate the elders' oral histories from the Indian Association of Alberta research. His cultural misunderstandings thesis is still present, but he acknowledged that Canada may have exploited cultural differences for its own benefit. Taylor noted that the chiefs who attempted to come to an understanding on land surrenders were either ignored like Poundmaker, or kept away from the negotiations like Big Bear.³⁸ Like his discussion in "Two Views on the Meaning of Treaties Six and Seven" Taylor showed that Morris avoided discussing the land issue during the negotiations. Unfortunately, Taylor did not expand on this point to show the flaws in the cultural misunderstandings thesis, though Canada's benevolence during the treaty negotiations is certainly left in doubt.

Indigenous and Euro-Canadian Relations

The work in Indigenous land claims led historians to focus on relations between Euro-Canadians and Indigenous peoples including the role of the numbered treaties. The first collection of articles on Indigenous and Euro-Canadian relations was titled *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies* and included

³⁷ John Leonard Taylor, "Treaty Research Report: Treaty Four" (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985), 2.

³⁸ John Leonard Taylor, *Treaty Research Report: Treaty Six* (Ottawa: Indian and Northern Affairs Canada, 1985), 23.

work by Stanley and Tobias, as well as John Milloy and David McNab. This was followed by essay collections edited by Robin Fisher and Ken Coates, and later by J.R. Miller. Miller also wrote *Skyscrapers Hide the Heavens* which was one of the first studies of Indigenous and Euro-Canadian relations that discussed the numbered treaties in detail. Miller's *Skyscrapers* was followed by similarly themed works by Sarah Carter and Walter Hildebrandt. Like Miller's work, these studies successfully critiqued the role played by Canada in the treaty negotiations, but left the role of Indigenous peoples unclear.

Ian A.L. Getty and Antoine S. Lussier's *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies* takes its title from the introductory essay by Stanley. Though published almost fifty years after *The Birth of Western Canada*, Stanley's thoughts on treaty history had changed very little. He described the white man's burden as an instrument of good in which the white man shares the burden of progress imposed upon him by God. He denied that treaties with Native peoples were treaties at all, referring to them as "simple real estate deals," indentures, agreements or surrenders.³⁹ Stanley also claimed that the idea that Canada deliberately intended to deceive Native peoples during the treaty negotiations should be completely discarded. This is no different from Stanley's earlier thesis that a superior European culture acted benevolently toward Native peoples during treaty negotiations. However, his only defence for this statement is that deliberate dishonesty by Canada toward Native peoples is "too simplistic."⁴⁰ Treaty interpretation is certainly complicated, but Canada's dishonesty during the treaty negotiations cannot be discarded because it is simplistic. Stanley's article is followed by Tobias' "Protection, Civilization, Assimilation," which had been originally published in 1976. As stated earlier, Tobias' thesis is that Canada did deceive Indigenous Nations during the treaty process. Rather than implement treaty rights, Tobias

³⁹Stanley, "As Long as the Sun Shines and Water Flows," 8.

⁴⁰Ibid., 16.

showed that Canada chose policies of assimilation. The articles by Stanley and Tobias defined the debate for the remaining essays. Were Canada's policies towards Indigenous peoples during the colonial period benevolent as argued by Stanley, or were they disruptive and assimilative as argued by Tobias?

For the most part, the essays in *As Long as the Sun Shines* argued against the benevolence of Canada's Indian policies. John Milloy's "The Early Indian Acts: Developmental Strategy and Constitutional Change" argued that Canada imposed enfranchisement on First Nations beginning in 1857, despite opposition from Indigenous leaders. According to Milloy, Canada's goal was the erosion of self-government and dismantling of reserve lands through a system of wardship, tutelage and colonization.⁴¹ Robert J. Surtees, David McNab and Douglas Leighton all described the colonialist nature of Canada's Indian policies, though Leighton's article on the Canadian Indian Department attempted to justify the policies based on the acceptance of Victorian ideals.⁴² The remaining essays in *As Long as the Sun Shines* do not discuss treaty history, but do continue the debate on Canada's disruptive Indian policies into the areas of environmental history (Irene Spry), justice (Don McCaskill) and United States relations (Robert Allen). With the exception of the essays by Diamond Jenness and Thomas Flanagan, the remaining articles argue that Canada's Indian policies during the time period were disruptive. Rather than benefitting First Nations, the Indian department's colonial policy served only to benefit Canada through cost-savings and by limiting Indigenous rights.

As Long as the Sun Shines and Water Flows was followed by J.R. Miller's *Sweet Promises: A Reader on Indian-White Relations*. The introduction to Miller's *Sweet Promises* focused on cultural differences between the Indigenous peoples and European

⁴¹John Milloy, "The Early Indian Acts: Developmental Policy and Constitutional Change," in Getty and Lussier, eds. *As Long As The Sun Shines and Water Flows*, 63.

⁴²Douglas Leighton, "A Victorian Civil Servant at Work: Lawrence Vankoughnet and the Canadian Indian Department," in Getty and Lussier, eds. *As Long As The Sun Shines and Water Flows*, 117.

newcomers and the inevitable clashes that occurred between the two groups. Miller described the Indigenous view of the numbered treaties as pacts of friendship and mutual assistance, while the Canadian government viewed them as land surrenders. Miller praised Taylor for emphasizing the important role that Indigenous peoples played during the treaty negotiations. Tobias's "Subjugation of the Plains Cree" is described as a "chilling" look at how Canada violated its treaty promises.⁴³ The only new essay in this collection that discussed treaty history is Blair Stonechild's "The Indian View of the 1885 Uprising." Stonechild mainly described the Riel Rebellion of 1885, but he also discussed the negotiation of the numbered treaties and explained why treaty rights were not implemented prior to 1885. According to Cree oral histories, the negotiation of treaties was more than a political act, it was also a sacred act.⁴⁴ The intention of Indigenous peoples was to uphold the treaties, as breaking them would offend the Creator. Canada did not view the treaties as sacred documents and provided insufficient rations and inadequate supplies for farming. Stonechild described the time after the negotiation of treaty as "The Time of the Great Hunger" and noted that the Indigenous population dropped from 32,549 to 20,170 between 1880 and 1885.⁴⁵ During this period the Indigenous peoples of the plains were attempting to organize a great council to petition Ottawa for the implementation of their treaty rights, but as Tobias also described, the Canadian government used the battle with the Métis to further restrict Indigenous peoples and undermine their treaty rights.⁴⁶

Many of the ideas proposed by Stonechild in "The Indian View of the 1885 Uprising" are expanded in his later *Loyal till Death: Indians and the North-West Rebellion*, co-authored with Bill Waiser. *Loyal till Death* focused mainly on the North-

⁴³J.R. Miller, Ed. *Sweet Promises: A Reader on Indian-White Relations* (Toronto: University of Toronto Press, 1991), xiii.

⁴⁴Blair Stonechild, "The Indian View of the 1885 Uprising," in *Sweet Promises: A Reader on Indian-White Relations*, ed. J.R. Miller (Toronto: University of Toronto Press), 262.

⁴⁵*Ibid.*, 263.

⁴⁶Tobias, "Canada's Subjugation of the Plains Cree 1879-1885," 521.

west Rebellion of 1885, but also included a chapter on Treaty Six. Like the previous work by Taylor, Stonechild and Waiser's account of Treaty Six relies on the standard primary sources (Morris and Erasmus) and interprets them uncritically. Erasmus' *Buffalo Days and Nights* provides most of the narrative for the Treaty Six negotiations despite the fact that Erasmus was an admitted proponent of treaty.⁴⁷ Despite this flaw, *Loyal till Death* also included constructive points of analysis. The chapter on Treaty Six focused on the requests for agricultural implements by the Cree peoples. Stonechild and Waiser described the willingness of Cree Chiefs Mistawasis and Ahtahkakoop to farm and also emphasized the important role that assistance in farming would play in the transition from the buffalo hunt to growing crops. The Canadian government's poor response in providing agricultural implements was one of the factors that lead to resistance by Indigenous peoples during the North-west Rebellion.⁴⁸

Like many of the works during this period, Gerald Friesen's *The Canadian Prairies: A History* argued that the numbered treaties were more important than previously thought. Friesen stated that rather than being scorned as an "empty form imposed by a conqueror on the conquered, the treaties of the 1870s should not be dismissed so quickly."⁴⁹ Friesen described each of the numbered treaties briefly, but made some important points. He recounted the protracted negotiations of Treaty One and noted that it was the increased terms and assistance with agriculture that influenced the Cree and Saulteaux chiefs. He also described the failed negotiations at Fort Frances, but much of his discussion of the successful Treaty Three negotiations at Lake of the Woods was based on an uncritical reading of Morris' account. Friesen claimed that there were divisions and jealousies among the Anishnabeg, but used only Morris' account as a

⁴⁷Peter Erasmus, as told to Henry Thompson, *Buffalo Days and Nights* (Calgary: Glenbow Institute, 1999), 257.

⁴⁸Blair Stonechild and Bill Waiser, *Loyal till Death: Indians and the North-West Rebellion* (Calgary: Fifth House Publishers, 1997), 26.

⁴⁹Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1984), 137.

reference. Friesen did use some eyewitness accounts of the numbered treaties in his analysis, especially Peter Erasmus' account of the Indian councils.⁵⁰ However, most of Friesen's discussion of the numbered treaties relied upon an uncritical reading of Morris' *Treaties of Canada with the Indians*.

Other important secondary sources from this period that focused on Indigenous history and included sections on treaty history are Jim Miller's *Skyscrapers Hide the Heavens: A History of Indian – White Relations in Canada*, Sarah Carter's *Aboriginal People and Colonizers of Western Canada to 1900* and Walter Hildebrandt's *Views From Fort Battleford*. Miller's *Skyscrapers Hide the Heavens* was originally published in 1989, then revised in 1991 and 2000. The 1989 edition included a chapter on the numbered treaties which acknowledged that the instigation of the numbered treaties was as much the result of Indigenous resistance to Euro-Canadian incursions, as it was of Canada's Indian policy. Miller's thesis is that Indigenous peoples and Canada's treaty commissioners had fundamentally different purposes in negotiating treaties. Indigenous peoples sought a relationship with Canada that would offer them assurances for the future and assistance in the transition from the buffalo hunting economy to agriculture. Canada's treaty commissioners sought the surrender of lands as cheaply as possible.⁵¹ Near the end of the section on the numbered treaties, Miller argued that the goals of both groups were included in the written terms of treaty. From the commissioner's perspective, the text of Treaty Six included the surrender clause and from the Indigenous perspective it included the terms for agricultural assistance and the assurance of the Queen's bounty and benevolence.⁵²

Miller's revision to *Skyscrapers Hide the Heavens* in 2000 is notable, not for what is changed, but for what is added to the section on the numbered treaties. Though Miller's

⁵⁰Ibid., 144-145.

⁵¹J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1989), 165.

⁵²Ibid., 168.

thesis on treaty-making remained the same, he expanded his sources and added to his discussion of the goals of Indigenous peoples. Using Erasmus as a source, Miller argued that the Queen's assistance in Treaty Six was not only welcomed by the chiefs, but viewed as the only alternative in the face of declining buffalo herds. He also added the idea from Jean Friesen's work that Indigenous cultures emphasized mutuality and balance. One of the main goals for the Indigenous leaders was that concessions from Canada would reciprocate the generous concessions Indigenous peoples were making to share their territory. Miller also analyzed how the use of metaphor during the Treaty Six negotiations emphasized cultural differences. The use of terms like "the Queen Mother" and "Indian children" were rooted in different cultural traditions and resulted in tragic misunderstandings on the meaning of treaty. On the use of sources, Miller acknowledged that oral history research has been conducted with Indigenous Elders and shows a surprising degree of internal consistency, which has conflicted with the text of treaty.⁵³ While the original chapter on the numbered treaties published in 1989 ended with Miller's discussion about the uncertainty of the buffalo resource, the 2000 edition added the uncertainty felt by Indigenous leaders over Canada's implementation of the numbered treaties.

Jim Miller's *Lethal Legacy: Current Native Controversies in Canada* focuses on Native and non-Native relations and also included an expanded chapter on treaty history, including an updated discussion of the use of kinship terminology during the treaty negotiations. According to Miller, the use of the terms "Queen Mother" and "Indian children" led to confusion when interpreted in light of the Indigenous and European traditions. In the Indigenous tradition, children were free and protected by their parents, but in the European tradition children were controlled, dependent and submissive.⁵⁴

⁵³Ibid., 218.

⁵⁴J.R. Miller, *Lethal Legacy: Current Native Controversies in Canada* (Toronto: McLelland and Stewart, 2004), 137-138.

While both Native and non-Native peoples referred to themselves as the Queen's children during the treaty negotiations, their meanings were very different. Miller also analyzed the meaning of the pipe ceremony, the role of metaphor in the chief's speeches and treaty grievances. Miller viewed the adoption of Cree kinship terminology by the treaty commissioners as a naïve attempt to follow traditional protocols.⁵⁵

Another recent publication on treaty history is Walter Hildebrandt's *Views From Fort Battleford*. In his discussion of the Treaty Six negotiations Hildebrandt had a great deal of respect for Cree "bargaining" during the negotiations, but he questioned whether the Crown and Indigenous Nations negotiated as equals. He described the Cree peoples as "starving groups who had lost their way of life,"⁵⁶ and assumed their negotiating potential was severely limited by their circumstances. However, he did not suggest that Indigenous peoples simply accepted the treaty terms offered. In fact, he criticized Stanley's claim that Indigenous peoples were not able to bargain in their own interests. The differences between Treaty Three and Treaty Six showed that the Crees were astute bargainers and got what they could from a difficult situation.⁵⁷ Sarah Carter's *Aboriginal Peoples and Colonizers of Western Canada to 1900* takes a critical look at the Canadian government's treaty policies. In her section on the numbered treaties, Carter criticized the behavior of the treaty commissioners.⁵⁸ Because the treaty commissioners honestly believed that settlement, farming and education were the best options for Indigenous peoples, less effort was spent protecting the buffalo or Indigenous rights. Carter also provided an excellent analysis of some of the important treaty debates. Her critique of the interpreters at Treaty Seven casts doubt on the land surrender clause. She also condemned the Canadian government for their practice of avoiding prominent chiefs that held anti-

⁵⁵Ibid.

⁵⁶Walter Hildebrandt, *Views From Fort Battleford: Constructed Visions of an Anglo-American West* (Regina: Canadian Plains Research Centre, 1994), 16.

⁵⁷Ibid.

⁵⁸Sarah Carter, *Aboriginal People and Colonizers of Western Canada to 1900* (Toronto: University of Toronto Press, 1999), 120.

government sentiments like Big Bear and Piapot, who were deliberately avoided when treaties were negotiated in their traditional territories.⁵⁹

Indigenous Centred Histories

As historians became more interested in Indigenous peoples, oral history interviews and accounts of the numbered treaties were incorporated into treaty histories. In her “Reflections of the Social Relations of Oral Histories” Winona Wheeler described some of the early attempts by historians to incorporate oral histories into their work. She was highly critical of work by Jim Miller and F. Laurie Barron who ignored oral histories in their respective works *Big Bear*⁶⁰ and *Walking In Indian Moccasins*.⁶¹ Wheeler was also critical of Stonechild and Waiser for distancing themselves from the oral history collections made for *Loyal till Death: Indians and the North-West Rebellion*.⁶² However, she observed that historians continue to recognize the value of Indigenous oral histories to “offer fresh insights and valuable information on significant historical events and outstanding personalities.”⁶³ As Wheeler noted, many of these historians made mistakes in their interpretations of Indigenous oral histories, but they can still be valuable contributions to Indigenous history.⁶⁴

The published oral histories that focus on treaty history include Freda Ahenakew’s *The Counselling Speeches of Jim Kâ-Nîpitêhtêw*, Joseph Dion’s *My Tribe the Crees* and Deanna Christensen’s *Ahtahkakoop: The Epic Account of a Plains Cree Head Chief, His People, and Their Struggle For Survival 1816-1896*. Ahenakew’s *The Counselling Speeches of Jim Kâ-Nîpitêhtêw* is based on a series of public speeches given

⁵⁹Ibid., 123.

⁶⁰J.R. Miller, *Big Bear Mistahimusqua* (Toronto: ECW Press, 1996).

⁶¹F. Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: UBC Press, 1997).

⁶²Winona Wheeler, “Reflections on the Social Relations of Indigenous Oral Histories” in David T. McNab, ed. *Walking a Tightrope: Aboriginal People and Their Representations* (Waterloo: Wilfred Laurier Press, 2005), 194.

⁶³Ibid., 191.

⁶⁴Ibid., 194.

by the Cree Elder Jim Kâ-Nîpitêhtêw and translated by Ahenakew and Wolfart. Kâ-Nîpitêhtêw was a unilingual Cree speaker and was 90 years old when he passed away in 1996. In the chapter titled “The Pipestem and the Making of Treaty Six,” he discussed the concern felt by the Cree over the sale of Rupertsland by the HBC. Kâ-Nîpitêhtêw was also one of the first Cree elders to discuss the “depth of the plow” and its relation to the Treaty Six negotiations. According to Kâ-Nîpitêhtêw, Treaty Commissioner Morris did not buy “what is deep beneath the land.”⁶⁵ Canada only had rights to the depth of one foot. What is deep beneath the land was to benefit the Cree. Indigenous peoples agreed to share their land, only to the depth of the plow, to enable the European newcomers to farm. Elder Kâ-Nîpitêhtêw also discussed the Treaty Six pipe ceremony, in which Morris was bound to speak the truth during the negotiations. The pipestem was the bible of the Cree people. It embodied the promises made during the treaty negotiations. The promises recognized by the treaty pipestem include education rights, cattle, a horse and buggy, as well as a medicine chest, in which the Cree “will never pay for medicine with which the doctor treats you.”⁶⁶ When the treaty parties swore to tell the truth during the Treaty Six pipe ceremony, Kâ-Nîpitêhtêw said that no human being walking on two legs would ever be able to break the promises.

Dion’s *My Tribe the Crees* was based on “word of mouth narratives which deal with events which date back four or five generations.”⁶⁷ Dion’s descriptions of Treaty Six are deeply rooted in the Cree oral tradition. His summary of the treaty promises is very similar to the promises recounted by Kâ-Nîpitêhtêw. Dion cited Treaty Commissioner Morris’ promises to look after the Crees in times of need, provide agricultural assistance, as well as a horse and a buggy and the protection of the red coats (NWMP). His account of the treaty negotiations also included elements of humour. He described how some of

⁶⁵Freda Ahenakew and H.C. Wolfart, eds. *The Counselling Speeches of Jim Ka-Nipitehtew* (Winnipeg: University of Manitoba Press, 1998), 111.

⁶⁶*Ibid.*, 109.

⁶⁷Joseph F. Dion, *My Tribe the Crees* (Calgary: Glenbow Museum, 1979), x.

the Cree men changed their appearance and received more than one treaty payment, or borrowed children to increase the family payment. Dion did not fail to mention that the money had to be returned in later years after the Department of Indian Affairs recognized the over payments.⁶⁸ Dion also described treaty grievances, including the erosion of the position of traditional chiefs, poor farming instructors and the imposition of the permit system which required the Indian Agent's permission to sell seed or livestock. These violations of treaty caused much hardship for the Cree peoples and led to the Frog lake massacre during the Riel Rebellion of 1885.

Christensen's *Ahtahkakoop* also included oral history, but falls short of the standard set by Ahenakew, Wolfart and Dion. Christensen's work focused on the life of the Cree chief Ahtahkakoop and his contributions to the Treaty Six negotiations. Unfortunately, the section on Treaty Six relied mainly upon the standard sources and included very little oral history. In fact, the majority of the chapter is made up of direct quotations from Erasmus and Morris copied verbatim from the primary sources. There is very little commentary on the quotations with the analysis accounting for only two pages at the end of the chapter. Christensen also argued that there were misunderstandings between the non-Indigenous version of treaty and the oral history, which was the result of Morris' flowery words or Erasmus' translations.⁶⁹ During this time period, Ahtahkakoop's community was unique among the Crees because they had begun farming under the direction of the Anglican missionary John Hines. The treaty clauses for assistance with farming, assistance in times of famine and the medicine chest clause were important to Ahtahkakoop. The clauses did not make up for the loss of autonomy that occurred after treaty, but overall Christensen viewed the negotiations as a success for Ahtahkakoop's band. The negotiations may not have been perfect, but the Cree

⁶⁸Ibid., 78.

⁶⁹Deanna Christensen, *Ahtahkakoop: The Epic Account of a Plains Cree Head Chief, His People, and Their Struggle for Survival, 1816-1896* (Shell Lake: Ahtahkakoop Publishing, 2000), 276.

leadership “had to negotiate for what is obtainable” or end up with less.⁷⁰

More recent histories of the numbered treaties include works by Ray, Miller and Tough as well as Jill Saint Germaine. Their focus on the numbered treaties exclusively makes them valuable resources, however they fall short in providing an analysis of the different perspectives and goals of Indigenous and Euro-Canadian participants in the treaty process. Although there are no sources which focus on non-Indigenous interpretations of the numbered treaties, Robert Talbot’s *Negotiating The Numbered Treaties: An Intellectual and Political Biography of Alexander Morris* comes the closest by explaining Treaty Commissioner Morris’ perspectives of Treaties Three through Six and the outside promises of Treaties One and Two.

One of the first publications to study the history of the numbered treaties in Saskatchewan is *Bounty and Benevolence: A Documentary History of Saskatchewan Treaties* by Arthur J. Ray, Jim Miller and Frank Tough. The opening chapter of *Bounty and Benevolence* expands on Ray’s connections between the fur trade and the protocols of the treaty negotiations. The following chapters focus on precedents to the numbered treaties, including the Selkirk Treaty and the Upper Canada treaties. These opening chapters are well developed and make excellent use of both primary and secondary sources to explain the development of treaty policy. Ray, Miller and Tough’s main thesis is that Canada did not have a clearly defined treaty policy. The government engaged in treaty-making only when forced by pressures of settlement, western expansion or resource development. Canada’s treaty policy was cobbled together by relying on the knowledge of the Hudson’s Bay Company, as well as Christian missionaries and the North West Mounted Police.⁷¹

While *Bounty and Benevolence* made some excellent progress on the use of documentary sources, it did not include oral histories of treaty. Indigenous oral histories

⁷⁰Ibid., 277.

⁷¹Ray, Tough and Miller, *Bounty and Benevolence*, xvi.

became the focus of a related publication, *Treaty Elders of Saskatchewan: Our Dream is that Our Peoples will one Day be Clearly Recognized as Nations* by Harold Cardinal and Walter Hildebrandt. *Treaty Elders* documented a series of Treaty Elders Forums that took place throughout the province of Saskatchewan in the late 1990s. *Treaty Elders* is the final result of those Elders Forums and includes quotations and analysis from a number of Treaty Elders. It contains wonderfully rich treaty stories, many of which are shared with the larger audience for the first time.⁷² *Treaty Elders* described some long overlooked elements of the treaty-making process. These include the background on Indigenous ways and philosophies, commonalities between different Indigenous treaty-making traditions, and the importance of spirituality to the Indigenous interpretations of treaty. The first chapter of *Treaty Elders* begins with a quotation from Cree Elder Jimmy Myo who stated, “You cannot begin to understand the treaties unless you understand our cultural and spiritual traditions and our Indian laws.”⁷³ Spirituality was discussed in terms of mutual respect, brother to brother relations and a close connection to land. The elders described the spiritual connection to treaty-making as the link between Indigenous peoples and the land. This link illustrates the obligations Indigenous peoples have as stewards of the land. The Elders also emphasized that the treaty relationship continues and “cannot be changed or altered.”⁷⁴

Another publication that focuses on treaty oral histories is Neal McLeod’s *Cree Narrative Memory: From Treaties to Contemporary Times*. McLeod focused on Treaty Six narratives which formed the basis for how the *nêhiyawak* (Cree) “argue for their rights and place in Canada.”⁷⁵ McLeod began his discussion by analyzing precedents to the numbered treaties. He traced the fur trade relationship, which was based on

⁷²Harold Cardinal and Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream is that Our Peoples Will One Day Be Clearly Recognized as Nations* (Calgary, University of Calgary Press, 2000), x.

⁷³*Ibid.*, 1.

⁷⁴*Ibid.*, 25.

⁷⁵Neal McLeod, *Cree Narrative Memory: From Treaties to Contemporary Times* (Saskatoon: Purich Publishing, 2007), 33.

reciprocity (*miyo-wichitowin*, “helping people in a good way”) and discussed the earlier eastern treaties. Mcleod’s discussion of the Treaty Six negotiations is balanced with both oral histories and secondary accounts. According to Mcleod, if the Cree understanding of the treaty process is taken into account, treaties can “represent the peaceful collaboration and sharing of resources by two peoples.” To attain this goal, Mcleod’s analysis focused on the Cree oral histories of Treaty Six. He re-told the story originally told by Dion in *My Tribe The Crees* of men and women receiving more than one annuity payment, Mcleod’s story emphasized passive resistance. Rather than take up arms to fight settlers, the *nêhiyawak* resisted passively by receiving multiple annuity payments.⁷⁶ Mcleod also told stories about farming on reserve lands and interactions with Christian missionaries. The treaty oral histories shared add greatly to the knowledge of Treaty Six, especially from the perspective of the *nêhiyawak*.

A recent publication that attempted to tackle the numbered treaties is Jill St. Germain’s *Indian Treaty-Making Policy in the United States and Canada, 1867 – 1877*. In her introduction, St. Germain was highly critical of early historians who emphasized the role that geography played in Indigenous and Euro-Canadian relations in Canada. St. Germain focused on “the active role of the participants” and “dislodged” factors of emigration, geography and economy from her study.⁷⁷ These factors certainly would have helped clarify her discussion of treaty policies in Canada and the United States. Here she dismissed the roles played by the American army, the NWMP, European emigration, the impact of disease and the Hudson’s Bay Company. The key difference between the two countries, she claimed, was the confidence that the Canadian government had in their treaty process, and doubts that the Americans had in their similar process.⁷⁸ When St. Germain ignored the economic relationship and focused on Canadian and American

⁷⁶Ibid., 62.

⁷⁷Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada, 1867-1877* (Toronto: University of Toronto Press, 2001,) xix – xx.

⁷⁸Ibid., 20.

policy she narrowed the field and missed some key debates.

In her analysis of the text of the numbered treaties, St. Germain focused much of her attention on the surrender clause, which she claimed “constitutes the bulk of the text of the numbered treaties.”⁷⁹ A close look at the text of Treaty Six reveals that the surrender clause accounts for only 12 out of 205 total lines of text.⁸⁰ St. Germain also claimed that the question of land was central to both Indigenous peoples and the Canadian government. Land was certainly the Canadian government’s main goal, but Indigenous peoples had more pressing concerns including the demise of the buffalo, the impact of disease and relations with the new settlers. St. Germain’s discussion of the importance of the surrender clause also fails to take into account Alexander Morris’ statement during the Treaty Six negotiations at Fort Carlton: “What I have offered does not take away your living, you will have it then as you have it now, and what I offer now is put on top of it.”⁸¹ As Taylor noted in his earlier article on Treaty Six, Morris’ treaty speeches did not emphasize the surrender clause.⁸² In fact, nowhere in Morris’ accounts of the numbered treaty negotiations is the concept of the surrender clause mentioned.⁸³ St. Germain clarified her position on the land issue in her later work, *Broken Treaties: United States and Canadian Relations with the Lakota and the Plains Cree, 1868-1885*. She admitted that Canada avoided discussing the surrender clause and obscured its motives during the Treaty Six negotiations “to the point of implying that it had none at all.”⁸⁴ However, she maintained that it was unlikely that the Cree chiefs could have been unaware of the surrender clause, despite the commissioners’ attempt to undervalue the

⁷⁹Ibid., 41.

⁸⁰LAC, RG10, Volume 1847, File IT – 296, Reel T-9940.

⁸¹Alexander Morris, *The Treaties of Canada With The Indians Including The Negotiations on Which They Were Based And Other Information Relating Thereto* (Toronto: Coles Publishing, 1971), 211.

⁸²Taylor, *Canada’s Northwest Indian Policy*, 17.

⁸³See Morris’ *Treaties of Canada with the Indians*. None of the collected speeches, records of the treaty negotiations or reflections by Morris mention the surrender clause.

⁸⁴Jill St. Germain, *Broken Treaties: United States and Canadian Relations with the Lakota and the Plains Cree, 1868-1885* (Lincoln: University of Nebraska Press, 2009), 45.

importance of the terms in the treaty text.⁸⁵

Another recent publication on treaty history is *Treaty Promises Indian Reality: Life on a Reserve* by Harold Lerat and Linda Ungar. *Treaty Promises* is the biography of Harold Lerat with a focus on Treaty Four and the Cowessess Reserve. Lerat presented his history in blunt terms. Regarding motivations for Treaty Four, Lerat stated that the Canadian government “wanted our land, simple as that.”⁸⁶ Though his writing style is accessible to a general audience, it also leads to bombastic and sometimes inaccurate statements. Lerat stated that it was the traders, white settlers and Métis who slaughtered the buffalo for their robes.⁸⁷ This was certainly a trait of white settlers, but the Métis rarely killed buffalo and took only the robes.⁸⁸ In contrast, Lerat’s description of the transition from buffalo hunting to farming after the Treaty Four negotiations is detailed and thoughtful. By the turn of the century, Cowessess was a prosperous community with many farms, regular harvests and livestock. Lerat also described relations with Métis people and white settlers. Relations with the Métis were strained because some were recognized as band members and others were given scrip instead. According to Lerat, the inconsistent policies of the Department of Indian Affairs were responsible for the strain.

Lerat’s family history revealed an interesting aspect of relations between the Cowessess band and white settlers. Lerat’s mother was born out of wedlock in a non-Indigenous community and she gave up her child to the Lebreton Mission. In the early 1900s, the priests took abandoned children to the Cowessess reserve to be adopted, and that is how Harold Lerat became a Treaty Indian. As he stated, “it just shows how welcome children were on the reserve, whether they were Indian, Métis or white it didn’t matter.”⁸⁹ Lerat’s discussion of the Cowessess land surrenders unveiled another

⁸⁵Ibid., 54.

⁸⁶Harold Lerat and Linda Ungar, *Treaty Promises Indian Reality: Life on a Reserve* (Saskatoon: Purich Publishing, 2005), 13.

⁸⁷Ibid., 14.

⁸⁸Constance Kerr Sissons, *John Kerr* (Toronto: Oxford University Press, 1964), 52.

⁸⁹Lerat, *Treaty Promises*, 95-96.

characteristic of the non-Indigenous settlements. The non-Indigenous communities coveted the prime farm land on the Cowessess reserve. They pressured Indian Commissioner William Graham to surrender sections of the Cowessess reserve and open them for settlement. In many of the surrenders, Graham violated treaty rights by paying individual band members to facilitate the surrenders.

Two Families: Treaties and Government by Harold Johnson is another recent publication that looks specifically at the numbered treaties. Johnson is a Cree lawyer from Northern Saskatchewan who wrote *Two Families* at the request of his law students who asked for more sources on treaty history. The book is framed in terms of the Cree kinship analogy. Johnson described Treaty Six as an adoption of Europeans by the Cree people, and refers to non-Indigenous peoples as *Kiciwamanawak* or cousin.⁹⁰ The kinship focus allowed Johnson to describe the differences between European and Cree traditions as the differences between two families, and this is where the book is the strongest. From the Cree perspective, Johnson described Treaty Six as a bond far stronger than any contractual obligation. The European tradition allows for breach and remedy of a treaty, but the Creator's law does not allow for any breach. Johnson also described the emphasis on livelihood in Treaty Six and how the Queen would help the Cree people transition from buffalo hunting to farming.

If the strength of *Two Families* lies in the discussion of Cree and European kinship traditions, the weakness is in the discussion of the Treaty Six negotiations. Though Johnson is from La Ronge in the Treaty Six Adhesion area (1889) of Northern Saskatchewan, all of his discussion of the treaty negotiations focuses on the negotiations at Forts Carlton and Pitt in 1876. Johnson began his analysis by stating that the Cree did not understand European concepts of property, and it is likely that Treaty Commissioner Morris did not explain the meanings of "cede, release and surrender." These points have

⁹⁰Harold Johnson, *Two Families: Treaties and Government* (Saskatoon: Purich Publishing, 2007), 29.

already been made by Taylor, Cardinal and many others, but Johnson provided no footnotes or discussion of their work. Johnson also claimed that treaty grievances are encompassed by the differences between the Cree oral histories and the written text of treaty.⁹¹ As a lawyer, Johnson should be aware that written historical documents connected to the treaty text are also important sources. By comparing only the written treaty text, Johnson creates a dichotomous argument where the oral history is correct and true and the written version is corrupt and false.

Another more recent study that attempted to incorporate Indigenous oral histories is Robert J. Talbot's *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris*. Though structured as a biography, Talbot's study focused on the numbered treaties and Morris' role in their negotiation. Talbot's positive contribution is that rather than focusing on the cultural misunderstandings thesis, he argued that Morris' understanding of the Native perspective was much more accurate than previously thought.⁹² Talbot claimed that Morris's perspective expanded beyond his conservative, Christian upbringing and his business interests in land speculation. Through his contact with Indigenous peoples of the North-West, Morris built relationships and became an advocate for treaty rights. Talbot claimed that Morris negotiated the numbered treaties with the interests of Indigenous peoples at heart. He fought the Federal Government bureaucracy for treaty implementation and understood the importance of mutual reciprocity and mutual assistance.⁹³ Talbot's approach is significant, because with the exception of Indigenous oral history collections, *Negotiating the Numbered Treaties* is the only secondary source that was not influenced by the cultural misunderstanding thesis.

Unfortunately, Talbot's use of oral history was peripheral at best. He mainly

⁹¹Ibid., 41.

⁹²Robert J. Talbot, *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris* (Saskatoon: Purich Publishing, 2009), 11.

⁹³Ibid.

relied upon Cardinal and Hildebrandt's *Treaty Elders of Saskatchewan* and discussed it only briefly. This resulted in an unclear understanding of Indigenous perspectives in the treaty relationship. Talbot acknowledged that the extinguishment of title through the surrender clause was the "principal goal of the treaties" but claimed that Morris viewed treaty-making as the basis for a positive reciprocal relationship with Indigenous peoples based on equality.⁹⁴ The main overriding and recurrent theme of all Indigenous oral histories of the numbered treaties is that the land was never surrendered.⁹⁵ At the very least, Talbot should have acknowledged this point and realized that the land surrender clause conflicted with a reciprocal treaty relationship based on equality. How can you have a reciprocal, familial relationship between two nations based on equality in which one nation has "surrendered" all their rights, titles and privileges?

Jim Miller's *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* is an expansion of his thesis that treaties are more important than historians and Canadians have acknowledged. He also argued that treaties were not merely land surrenders, but that they created a familial reciprocal relationship between Indigenous and non-Indigenous peoples.⁹⁶ Compared to his previous work, *Compact, Contract and Covenant* uses a colloquial writing style and attempted to describe the treaty precedents, including the Peace and Friendship treaties and the Upper Canada Treaties, in an accessible format. Miller told a number of stories to set the context to each treaty-making period and much of his discussion is accurate and engaging. Miller's focus on the Upper Canada treaties is commendable, as these early treaties are often neglected by historians. He also does an excellent job linking all the treaty-making periods, from the early pre-

⁹⁴Ibid., 65.

⁹⁵Office of the Treaty Commissioner, "Treaty Elders Forums" (Office of the Treaty Commissioner, 2000). Saskatchewan's Office of the Treaty Commissioner undertook over a dozen Treaty Elder's Forums from 1999 to 2000 to interview Treaty Elders and at each forum the elders remind the commissioner that the Indigenous peoples never surrendered the land.

⁹⁶J.R. Miller, *Compact, Conflict, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), 293.

confederation peace and friendship treaties to the modern treaty-making period from 1975 to 2008.⁹⁷

One of the first historians to publish a journal article exclusively on the numbered treaties is John W. Chalmer's "Treaty No. Six." Chalmer's article is a straightforward account of the Treaty Six negotiations with a number of important observations and good use of primary sources. Chalmers described the adhesions to Treaty Six and noted that not until 1950 do the names of Indigenous women appear on the treaty. Chalmers also questioned the surrender clause in the treaty text, wondering "what those Cree-speakers made of all that legal jargon."⁹⁸ The strength of Chalmer's article is his discussion of treaty grievances. The "ink was hardly dry," before Canada violated the terms of treaty.⁹⁹ According to the treaty text, education was supposed to be provided for those who desired it, rather than forced upon First Nations communities. According to the Crees, Treaty Six should include not only what was written down, but also what was understood by the two agreeing parties. The five dollar annuity should be interpreted in light of changing conditions (inflation) and the medicine chest clause should be interpreted to mean free health care.¹⁰⁰ Chalmers introduced many of these treaty grievances to the academic community for the first time. He does not propose any solutions, but his frank assessment of treaty grievances should be considered a ground breaking analysis.

In "A Serene Atmosphere? Treaty 1 Revisited" D. J. Hall argued for the renewed importance of Treaty One to the history of the numbered treaties. Hall claimed that the Treaty One negotiations had been dismissed by Stanley, who viewed Treaty Three as the more important precedent to the later numbered treaties.¹⁰¹ Hall argued that every demand made by Indigenous peoples in the later numbered treaties was first made during

⁹⁷Ibid., 306.

⁹⁸John W. Chalmers, "Treaty No. Six," *Alberta History*, Vol. 25, No. 2 (Spring, 1977), 25.

⁹⁹Ibid., 26.

¹⁰⁰Ibid., 28.

¹⁰¹D. J. Hall, "A Serene Atmosphere? Treaty 1 Revisited," *The Canadian Journal of Native Studies*, No. 2, (1984), 324.

the Treaty One negotiations. For the most part, Hall's argument is correct. However, he does not clearly explain why Stanley viewed Treaty One as less important than Treaty Three. Hall also took issue with Tobias' statement that Canada had no plan to deal with Indigenous peoples after the purchase of Rupertsland.¹⁰² According to Hall, Canada's intention was to negotiate treaties and pressure from Indigenous leaders may have, "rushed the government's timetable somewhat."¹⁰³ Hall's use of sources is also limited, but his descriptions of the Treaty One negotiations are strong. He highlighted the selection of chiefs as representatives and the confusion expressed by both parties over the size of reserves. Hall also portrayed the Treaty One chiefs as astute negotiators and emphasized their tenacity in their fight for the implementation of the "outside promises."

Another important article on treaty history is Stephen Sliwa's "Treaty Day for the Willow Cree." Using historical sources and oral history from the Beardy's First Nation's Elders group, Sliwa argued that rather than a simple adhesion to Treaty Six, the Willow Cree negotiations should be viewed as a separate treaty with obligations unique to the Beardy's and One Arrow communities.¹⁰⁴ While the primary goal of Mistawasis and Ahtahkakoop at the Fort Carlton negotiations was to secure assistance in farming, the primary goal of Chief Beardy was to secure a relationship between the Willow Crees and Canada. According to Sliwa, the terminology used by Commissioner Morris emphasized this relationship and created obligations for reciprocity as between family members.¹⁰⁵ Sliwa also argued that Beardy had no intention to relinquish his proprietary rights to land. Beardy agreed to lease the land to the Crown in exchange for agricultural assistance. Beardy also viewed Treaty Six as re-negotiable. The terms of the treaty could be changed when circumstances dictated. Of course, Canada viewed Treaty Six as non-negotiable,

¹⁰²Ibid., 322.

¹⁰³Ibid., 325.

¹⁰⁴Stephen Sliwa, "Treaty Day for the Willow Cree," *Saskatchewan History*, Vol. 47, No. 1 (Spring, 1995), 8.

¹⁰⁵Ibid., 9.

which resulted in treaty grievances and misunderstandings. This is the weakest part of Sliwa's article because he argued that differences of interpretation were not enough to blacken the treaty. Instead he argued that despite differences of interpretation, the treaty addressed the needs of Beatty's community.

Sharon Venne is a Cree author who has published numerous articles on Treaty Six. Her earliest effort is "Understanding Treaty 6: An Indigenous Perspective" and was included in Michael Asch's *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference*. Venne discussed the collective memory of Cree oral history in which knowledge was held by many different elders. She also described how Cree leadership relied upon the consent of the community. A Cree leader can never impose his or her will on the people and cannot unilaterally make decisions on behalf of the community. Venne's main thesis is that Treaty Six was negotiated between the Crees and the Queen. The role played by Canada was either unclear or non-existent.¹⁰⁶ Her discussion of Treaty Six oral history supports her thesis, but some of the other claims she made about the Treaty Six negotiations are dubious. She claimed that treaty annuity payments originated with First Nations, but the historical record suggests that annuity payments originated with the cost-saving measures of the Canadian government.¹⁰⁷ Rather than issue a one-time payment, as was practiced during the Upper Canada treaties, Canada chose to implement annuity payments to reduce financial pressures on a frail Canadian economy.¹⁰⁸ Venne also assumed that the oral history of Treaty Six was completely different than the written record,¹⁰⁹ when there are many examples of the written record of treaty complementing the oral history.¹¹⁰ Despite these weaknesses,

¹⁰⁶Sharon Venne, "Understanding Treaty 6: An Indigenous Perspective," in *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference*, ed. Michael Asch (Vancouver: UBC Press, 1997), 185.

¹⁰⁷ Douglas Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890," (Unpublished PhD Dissertation, The University of Western Ontario, 1975), 282.

¹⁰⁸Ibid.

¹⁰⁹Venne, "Understanding Treaty 6," 174.

¹¹⁰See the discussions in Chapters Four and Six of this thesis.

Venne's discussion is an important addition to the accounts of Treaty Six. Her examples from elder's oral accounts complement those made by Dion and Kâ-Nîpitêhtêw. She described the depth of the plow, the role of the NWMP and the purpose of reserve lands.

Conclusion

All of these sources on treaty history include important debates that have helped shape the literature. The key debate focused on Stanley's assumption of European superiority and the inferiority of Indigenous nations, which was not a relationship between equals. According to Stanley, the cultural differences between European and Indigenous nations prohibited a mutual understanding of the numbered treaties. The early treaty histories by Stanley and Harper argued that European superiority placed a burden on the treaty negotiations in which Indigenous peoples had no agency, and could only accept the treaty terms offered by Canada. A corollary to cultural misunderstandings is that Canada acted benevolently to protect Indigenous rights and lands. Later treaty histories written by Tobias, Taylor and others argued against this position. They claimed Indigenous peoples had agency; that they were shrewd negotiators who managed to influence the treaty negotiations; and that Canada acted in its own interest and did not act benevolently toward Indigenous peoples. These authors successfully argued that the numbered treaties were more important than previously thought, but they were also influenced by Stanley's cultural misunderstandings thesis. Most later historians argued that, due to differences between Indigenous and European traditions, the negotiators of the numbered treaties did not come to a common understanding.

The cultural misunderstandings thesis states that cultural differences between Europeans and Indigenous peoples impeded a common understanding of the meaning of treaty. For Johnson, Christensen and Venne, these misunderstandings are based on the differences between the oral discussions during the negotiations, and the text of treaty. For Miller and Tobias, these differences were based upon the differences between the

European and Indigenous traditions, especially in the use of metaphoric language during the treaty negotiations. The cultural misunderstandings thesis asserts that Canada is not to be blamed for the failure of treaty to represent the intentions of both Indigenous Nations and Canada. The divide between the European and Indigenous cultures was wide and cultural differences could not be overcome.

This thesis argues that the cultural misunderstandings thesis limited the sources on treaty history to the official accounts recorded by the treaty negotiators and ignored other eyewitness accounts of the negotiations. If a common understanding was not reached during the negotiations, then the eyewitness accounts are irrelevant and unimportant. This thesis argues against cultural misunderstandings and shows that Euro-Canadian negotiators and eyewitnesses clearly understood the roles and responsibilities in the treaty relationship. An analysis of the eyewitness accounts left by government agents, missionaries, NWMP, journalists and settlers all viewed treaties as creating a relationship with Indigenous peoples. The numbered treaties were not mere land surrenders. The eyewitnesses to the numbered treaties understood their relevance and the roles and responsibilities of the treaty relationship.

Chapter Three: Treaties One and Two and the Outside Promises The Stone Fort and Manitoba Post Treaties

In entering into a Treaty with them, I cannot too strongly urge the necessity of making them thoroughly acquainted with its provisions, before regarding it as being finally concluded If this is true and if the Indians with the general assent of the tribe enter into a treaty, after thoroughly understanding it, they will I am confident adhere to it most faithfully. If, on the other hand, they did not understand it, circumstances might arise in carrying it out, which would leave them to suppose they were overreached, and in that case it [the treaty] would not be worth the parchment on which it was written.

S. J. Dawson, December 19, 1870¹

Although Treaty One was the first treaty successfully negotiated by the new government of Canada, the first attempted treaty negotiations were at Fort Frances in 1870 for the right-of-way for the Canadian military. The troops were allowed to pass unharmed, but the Anishnabeg peoples did not agree to a treaty that included settlement. On April 17, 1871 the Canadian government issued an order in council to appoint Wemyss M. Simpson as Indian Commissioner to negotiate a treaty with “the bands inhabiting the tract between Thunder Bay and the Stone Fort.” A later order-in-council dated April 25, 1871 appointed Simon J. Dawson of the department of Public Works and Mr. Robert Pither of the Hudson’s Bay Company to an association with Simpson to use their advantages to treat with the Indians.² The area covered by the order-in-council included the watershed of Lake Superior to the Northwest Angle of Lake of the Woods and from the American border to the height of land from which the streams flow toward Hudson Bay. According to the Crown, this land was occupied by Saulteaux and Lac Seul Indians of the Ojibbeway Nation and numbered about twenty-five hundred men women and children. After the negotiations at Fort Frances, Commissioner Simpson travelled to Fort Garry, where James McKay replaced Dawson as treaty commissioner and

¹Archives of Manitoba (AM), M 1-1, MG12, A 1, Box 1, Archibald, Adams George, Correspondence and Papers, 1869-1872, “Dawson to Archibald, December 19, 1870.”

²LAC, Order-In-Council Number 1871-0873, RG2, Privy Council Office, Series A-1-a, Charles Tupper, April 25, 1871.

Lieutenant-Governor Adams G. Archibald took the lead in the negotiations that resulted in Treaty One.

The Fort Frances Negotiations, 1871

From the Crown's perspective, very little was known about the Anishnabeg peoples north of Lake Superior (known as *Saulteaux* or *Ojibbeway* by the Crown). Indian Commissioner Simpson described the Anishnabeg at Rainy River as "quite untamed and in their native state ... They seem fully alive to their own interests and evince no small amount of intelligence in maintaining their views."³ Simpson was brother-in-law to HBC Chief Factor Sir George Simpson and was also attached to the HBC at various forts throughout the west, eventually running the HBC fort at Sault Ste. Marie until 1864. Despite this experience, Simpson appeared to have very little knowledge of the Anishnabeg peoples in the Lake Superior area. During the period of negotiations with the Anishnabeg from 1870 to 1872 Simpson paid only four visits to the territory.⁴ In his report to Lieutenant Governor Adams Archibald dated August 19, 1870 Simpson described the Anishnabeg peoples in the Fort Frances area as "filthy in the extreme, most improvident and ... quite incapable of understanding gratitude."⁵ He was aghast that they had steadily refused to allow any denomination of Christian missionaries to come among them, and thought that their conditions could never be improved. Simpson was shocked by their burial techniques and claimed that they did not grow crops, but acknowledged their reliance on the wild rice harvest. In his summary to Archibald, Simpson feared that the Anishnabeg at Fort Frances "would become a most serious bar to the settlement of the North West."⁶ Though Simpson's comments were extremely negative and short sighted, he considered his appointment as Indian

³LAC, RG 10, Vol. 1868, File 577, Despatch by Wemyss M. Simpson to Joseph Howe, December 12, 1872.

⁴LAC, RG10, Vol. 1921, File 2914, S. J. Dawson to E. A. Meredith, July 11, 1874.

⁵LAC, RG 10, Vol. 1868, File 577, Wemyss M. Simpson to Joseph Howe, December 12, 1872.

⁶AM, MG12, A 1, Wemyss M. Simpson to Secretary of State Joseph Howe, August 19, 1870.

Commissioner to be part-time and when the Manitoba Executive Council recommended the appointment of a full-time Indian Commissioner in the Fall of 1872, he resigned to devote himself to business interests in Sault St. Marie.⁷

Simpson's assistant treaty commissioner Robert Pither was also a former HBC employee at Fort Frances until he was appointed Indian Agent in 1871. In 1870 Pither was contracted by the Canadian government to distribute gifts among the Anishnabeg at Fort Frances and assist Colonel Wolseley's military expedition to Red River.⁸ Simpson had nothing but praise for the work of Pither. Prior to 1870 he knew Pither only by reputation, but was "happy to testify to his admirable qualities." Simpson claimed that Pither "knows personally every Indian and to what family he belongs and ... he also speaks their language and French and is much respected by everyone who knows him."⁹ This was certainly high praise from Simpson who was rarely supportive of his colleagues. Nicolas Chastelaine was also contracted by the Indian Department to distribute presents and try to influence the Fort Frances Anishnabeg and Métis communities, but he was severely criticized by Simpson. In his report to Archibald, Simpson claimed that "Chastelaine was much given to favour the Indians in any negotiation and I do not think much to be trusted."¹⁰ Simpson only grudgingly accepted Chastelaine's presence at Fort Frances because he had been "kept down by Mr. Pither."¹¹ Chastelaine was later hired as an interpreter by the Department of Indian Affairs and eventually helped interpret the negotiations in 1873. He received a salary of \$250 per annum until his death in 1892.¹²

Though Pither was praised by Simpson, he was severely criticized by other

⁷Brian Titley, *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873–1932* (Edmonton: University of Alberta Press, 2009), 18.

⁸AM, M 1-1, MG12, A 1, Box 1, Archibald, Adams George, Correspondence and Papers, 1869-1872, "S. J. Dawson to R. J. N. Pither, January 6, 1870."

⁹AM, M 1-1, MG12, A 1, Box 1, "Simpson to Howe, August 19, 1870."

¹⁰AM, M 1-1, MG12, A 1, Box 1, "Simpson to Archibald, August 19, 1870."

¹¹Ibid.

¹²David T. McNab, Chatelaine, Nicolas in *The Dictionary of Canadian Biography*, Vol. XII: 1891 to 1900, 187.

government agents. In a letter to John A. Macdonald, F. Burton Marshall claimed that the chiefs did not trust Pither because of his association with the HBC. After attending a council with the chiefs in February of 1872, Marshall wrote, “I feel sure that should Mr. Pither remain this winter at Fort Frances, that the government may effect no treaty next year.”¹³ Marshall’s point may have been exaggerated as he was angling for Pither’s job, but there was mistrust between the Anishnabeg and the HBC, especially after the free traders moved in and started selling goods cheaper than the HBC’s prices. During the 1873 Treaty Three negotiations, Pither played a limited role and did not participate in the speeches. He was named a commissioner to negotiate the treaty mainly because of his role as Indian Agent at Fort Frances.¹⁴

Of the three treaty commissioners appointed in 1871, Simon J. Dawson had the most experience with the Anishnabeg communities as he was responsible for surveying the road from Prince Arthur’s Landing on Lake Superior to the North West Angle of the Lake of the Woods. Dawson’s experience with the Anishnabeg peoples stretched back to 1857 when he was a member of the Hind expedition commissioned to explore Rupert’s Land. Dawson then surveyed the Red River route and managed relations between the Anishnabeg peoples and the Department of Public Works.¹⁵ In the Fall of 1869, Dawson was called upon by the Canadian Government to negotiate a “right-of-way” with the Anishnabeg Chiefs to allow the military safe passage through their territory. Dawson recalled that there was a great deal of apprehension “as to the position these Indians would assume on troops being sent into their territory.”¹⁶ He was “entrusted the duty” of negotiating the right of way and securing the loyalty of the Anishnabeg chiefs to the Canadian Government. Dawson recalled that the chiefs had no intentions of interfering

¹³LAC, RG10, Vol. 1869, File 582, “F. Burton Marshall to John A. Macdonald, Department of Justice, July 25, 1872.”

¹⁴LAC, RG10, Vol. 1921, File 2914, S. J. Dawson to E. A. Meredith, July 11, 1874.

¹⁵Elizabeth Arthur, *Simon J. Dawson, C.E.* (Thunder Bay: Thunder Bay Historical Museum, 1987), 5.

¹⁶LAC, RG10, Vol. 1921, File 2914, S. J. Dawson to E. A. Meredith, July 11, 1874.

with the troops and both he and Simpson were able to successfully negotiate for the right-of-way in the Spring of 1870. In the Fall of 1870, Dawson described the reaction of the Anishnabeg communities to the arrival of the troops:

Last summer, however the number [of Anishnabeg peoples] was greater than usual, there having been at one time full fifteen hundred people in the vicinity of Fort Frances. They had heard that the White Man, with boats and warriors innumerable, was to pass through their land, and with natural curiosity they waited as long as they could to see so great a marvel, but the sturgeon disappeared at the usual season, and hunger compelled them to disperse before the troops arrived, with the exception of a few bands of small numbers.¹⁷

According to Dawson, the Anishnabeg agreed to the right-of-way based on curiosity and self-interest. The Anishnabeg peoples wanted to view the Canadian soldiers and they resisted the pressures from the Métis at Red River to detain the military. Simpson quoted the Anishnabeg response to the request for safe passage in his letter to Archibald. According to Simpson, Chief Manatontenis said, “I do not intend to try and stop the soldiers from passing through my lands on their way to Red River, but I expect a present and if Mr. Dawson is to make roads through our country I expect to be paid for the right-of-way.”¹⁸

The Anishnabeg respected Dawson and were willing to trust his word on the military expedition. The Anishnabeg oral histories about Dawson described him as tall and fair and weighing two hundred pounds. He was always “good to the Indians” especially those who worked with him on the road.¹⁹ Anishnabeg Elder Joe Charlie remembered that Dawson had adapted Homer’s tale of the siege of Troy to the North West for campfire entertainment.²⁰ Charlie also claimed that Dawson could travel through the North West armed only with a jack knife. Dawson was once accosted by a party of surveyors from Toronto who were “armed to the teeth with all sorts of fearful

¹⁷AM, M 1-1, MG12, A 1, Box 1, “Simpson to Archibald, August 19, 1870.”

¹⁸Ibid.

¹⁹Anonymous, “Silver Islet, Its Historical Value and the Developments of the Mine” in *The Daily Times-Journal*, September 30, 1911.

²⁰Briton B. Cooke, “First Door to the New West, Story of the Man Dead and the Trail Forgotten That Opened the West to Commerce – Started at Port Arthur” in *The Daily News*, February 11, 1910.

and wonderful weapons.” Dawson addressed the party and their weaponry with a grin and asked “Is it Indians ye’re after or cinnamon bears?” The surveyors responded that they needed to be careful, but Dawson replied, “Yes, I fancy I have seen as much of its bad places as you will see, but do you see what [weapons] I carry myself?” He then slowly turned out all his pockets revealing only a stout jack-knife.²¹

During his employment with the Department of Public Works, Dawson was responsible for between three and four hundred workmen, as well as emigrants and their families who used the road to Red River. In a letter to the Minister of the Interior, Dawson described his strategy for negotiating relations between Euro-Canadians and the Anishnabeg peoples. He admitted that there had been differences between the two groups, mainly because their habits and origins differed so greatly, but he was always able to resolve them. When differences occurred Dawson always called a “Council of the Chiefs and made them punish or reprimand their own people.” While Dawson “dealt with and kept in order the white people.”²² Dawson was aware that the Anishnabeg governance system was consensus based. Each head of a family had a say in matters relating to the community, with the hereditary chief having the principal authority. According to Dawson, the chief with the most authority was the one whose hereditary line “ruled over the tribes in by-gone times.”²³ Dawson also knew that the Anishnabeg held their councils at Rainy River in the Spring when all the communities gathered together for meetings, feasts, ceremonies and to fish for sturgeon. In a letter to Howe dated December 12, 1872 Dawson described his relations with the Anishnabeg leadership in glowing terms. He wrote, “Since the first attempt was made at opening the country the utmost harmony has prevailed between the Indians and the people on the Public Works.”²⁴ Dawson claimed that without the assistance of the Saulteaux as allies and

²¹Ibid.

²²LAC, RG10, Vol. 1921, File 2914, S. J. Dawson to E. A. Meredith, July 11, 1874.

²³AM, M 1-1, MG12, A 1, Box 1, “Dawson to Archibald, December 19, 1870.”

²⁴LAC, RG10, Vol. 1872, File 747, Dawson to Joseph Howe, December 12, 1872.

guides it would have been nearly impossible to construct a transportation system through the region.²⁵

Generally, Dawson's strategy was sound and he created many successful partnerships with the Anishnabeg chiefs. He was also one of the few government representatives who had a good relationship with Chief Blackstone (Mukadaossin) from Lac des Milles Lacs. Chief Blackstone was first on Marshall's list of people who are "detrimental to the speedy arrangement of a Treaty" and was described as a "notorious scoundrel."²⁶ After witnessing the negotiations in 1870 and 1871, Marshall wrote that Blackstone was likely to cause trouble because he had a claim against the government for assisting the troops.²⁷ Marshall also recounted an incident in which Chief Blackstone accepted a present of flour from a contractor to assist twenty-five men (brought in to build steamers) across Lac des Milles Lacs. According to Marshall, Blackstone sent two guides with instructions to abandon the men in the middle of the lake. This caused the loss of three days and when the group returned to the portage, all of their supplies and tools had been burned.²⁸ During the treaty negotiations in 1872, Blackstone was described as one of the chiefs "holding out against" the treaty.²⁹ At the conclusion of the unsuccessful negotiations in 1872 each chief was presented with a shotgun by the commissioners, but Blackstone had already received one at the conclusion of the negotiations in 1871. He was instead presented with a pair of gloves which "roused his native dignity." When he was asked to go into the wagons he refused saying "Am I a woman, not able to walk?"³⁰

Though Chief Blackstone had a reputation for causing trouble and appeared to

²⁵Brian Walmark, "Alexander Morris and the Saulteaux: The Context and Making of Treaty Three, 1869-73" (Unpublished MA Thesis, Lakehead University, 1994), 45.

²⁶LAC, RG10, Vol. 1869, File 582, "F. Burton Marshall to John A. Macdonald, April 19, 1872."

²⁷*Ibid.*

²⁸*Ibid.*

²⁹From a Correspondent, "Prince Arthur's Landing, October 22nd, 1872" in *The Manitoban*.

³⁰*Ibid.*

hinder settlement at every opportunity, he was supported by Dawson. He described Blackstone as “only a sort of quasi chief” of a band numbering less than one hundred.³¹ When Blackstone attended the treaty negotiations at Fort Frances, the other chiefs gave him no great countenance until he was recognized as a chief by the treaty commissioners. When Blackstone spoke at the Treaty Three negotiations in 1873, Dawson supported his claim and recognized his authority to speak.³² Chief Blackstone also supported Dawson after a number of misconduct charges were sent to the Indian Department by misappropriating Blackstone’s name. Dawson’s refutation of the charges was supported by Blackstone’s appearance at Prince Arthur’s Landing to give a statement. In the translation of Blackstone’s statement, the chief refuted all of the charges against Dawson and denied that he had authorized anyone to speak for him to the Indian department. Regarding his position on the upcoming treaty negotiations, Blackstone stated that “as the other chiefs had poor heads, they had made him spokesman and when the Government came to make a treaty they would all come down in a friendly manner and arrange it.”³³ Dawson and Blackstone had discussed the terms of treaty at length and though Blackstone was viewed as a difficult negotiator, his friendship with Dawson provided assistance to the commissioners.

The other Anishnabeg chiefs present at the negotiations in 1871 included Keejikookai (from Rainy Lake) and Manatontenis (from Rainy River). *The Manitoban* reported that Chief Keejikookai, who was described as wearing a military frock coat, half scarlet and half blue with a plug hat, was in favour of making treaty, but Manatontenis and Blackstone were not.³⁴ The treaty negotiations in 1871 were held at Fort Frances and were well attended. According to the treaty commissioner’s report, the main barriers to a successful treaty were the obligations from the right-of-way, negotiated by Dawson and

³¹LAC, RG10, Vol. 1872, File 747, “Dawson to Joseph Howe, December 12, 1872.”

³²Morris, *Treaties with the Indians*, 64.

³³LAC, RG10, Vol. 1872, File 747, “Dawson to Joseph Howe, December 12, 1872.”

³⁴From a Correspondent, “Prince Arthur’s Landing, October 22nd, 1872.”

Simpson in 1870 and the chiefs' unfamiliarity with the government's treaty terms. There was also an outbreak of scarlatina fever, which caused the various groups to separate to prevent the spread of the disease.³⁵ The right-of-way delayed the discussion of treaty terms because the chiefs believed that a debt was owed for allowing the Canadian military through their territory the previous year. Simpson agreed to a one-time payment of three dollars per person in 1870 for safe passage of the Canadian military, but the chiefs viewed it as an annual payment for the continued use of the road. The treaty commissioners admitted that a debt was owed regarding the right-of-way. The order-in-council signed by Charles Tupper on April 25, 1871 authorized the transfer of six thousand dollars in silver to Fort Frances. It also stated that "the presents which were promised the Indians last year and a similar quantity for the present year should be collected at Fort Frances...."³⁶ The commissioners distributed the clothing and provisions upon the understanding that "these presents and payments are accepted by them as equivalent for all past claims whatever."³⁷

The Right-Of-Way Negotiations

From the Canadian government's perspective both Simpson and Adams Archibald, the Lieutenant-Governor of Manitoba, favoured negotiating a comprehensive treaty that included a land surrender. The Anishnabeg favoured a treaty that did not include settlement and demanded a ten dollar annuity in exchange for the right-of-way as well as flour, pork, tea and tobacco for a feast during the annual payments.³⁸ Archibald believed the right-of-way issue was problematic because he questioned the viability of the Dawson Route. In 1870, the government was adopting the Dawson route for commerce

³⁵LAC, RG10, Vol. 1864, File 375, "Despatch from Simpson, Dawson and Pither to Joseph Howe, July 11, 1871."

³⁶LAC, Order-In-Council Number 1871-0873, RG2, Privy Council Office, Series A-1-a, Charles Tupper, April 25, 1871.

³⁷LAC, RG10, Vol. 1864, File 375, "Despatch from Simpson, Dawson and Pither to Joseph Howe, July 11, 1871."

³⁸AM, MG12, A1, "Wemyss M. Simpson to Secretary of State Joseph Howe, August 19, 1870."

and travel, but Archibald argued that it was “utterly impossible to make it a route that is anything but temporary in its character.”³⁹ He recommended to Dawson and Pither that the Anishnabeg should be given a one-time payment for any “supposed injury” suffered by the passage of the troops and leave the matter of future passage for “when the necessity arises.”⁴⁰ Archibald thought that the annuity payment for the right-of-way was poor value in which the government was required to make an annual payment, but could get no annual advantage in return.

In his research report on Treaty Three, Wayne Daugherty asserted that the confusion over the right-of-way payments illustrated different conceptions of treaty-making between Canada and the Anishnabeg. According to Daugherty, the Anishnabeg were prepared to negotiate a treaty for the right-of-way through their territory in 1870, but were not prepared to discuss sharing the land or resources. Canada had initially intended to negotiate a comprehensive treaty in 1870, but the pressure to assert Canadian sovereignty at Red River made them settle for an agreement to allow safe passage of the troops. Unlike the Asnishnabeg, the Canadian government did not view the right-of-way as a treaty, but rather as an agreement for compensation. The Anishnabeg viewed the right-of-way as a treaty with mutual obligations on both sides.⁴¹ Canada was responsible for an annual payment and a distribution of gifts, while the Anishnabeg were to allow safe passage. In 1871, the Anishnabeg chiefs were prepared to discuss resource and land sharing, but only as an addition to the right-of-way agreement negotiated the previous year. The treaty commissioners’ attempt to ignore the right-of-way and negotiate a new comprehensive treaty was futile. The chiefs were adamant that a right-of-way treaty existed and Canada’s obligations were outstanding. Simpson reinforced Daugherty’s point when he blamed the failure of the treaty negotiations in 1871 on Dawson’s

³⁹AM 1-1, MG12, A 1, Box 1, “Archibald to Robert Pither, November 27, 1870.”

⁴⁰AM 1-1, MG12, A 1, Box 1, “Archibald to Pither, November 27, 1870.”

⁴¹Daugherty, *Treaty Research Report: Treaty Three*, 11.

Department of Public Works. Dawson had been paying annuities and distributing gifts to the Anishnabeg in exchange for a right-of-way for the road crews for many years. Simpson claimed that because of these precedents, the Anishnabeg peoples' expectations were too high. It is unclear whether Dawson thought he was entering into a treaty with the Anishnabeg chiefs by providing an annuity and distributing gifts, but the Anishnabeg considered it to be a treaty relationship when they allowed the road crews into their territory, and accepted an annuity in return.⁴²

The confusion over the right-of-way issue continued into the negotiations of 1872 when the Anishnabeg again gathered in large numbers at Fort Frances but failed to reach an agreement. The barriers to treaty were the claim for safe passage and the use of the road to Red River. The commissioners also underestimated the importance of the right-of-way to the chiefs. The payment and distribution of gifts made in 1871 was to extinguish "all past claims whatever" but in 1872, it was the right-of-way and claim for safe passage that again hindered the treaty negotiations. In their official dispatch, Treaty Commissioners Simpson, Dawson and Pither explained their reasons for the failure of the Treaty Three negotiations in 1872:

Sir, we have the honor to inform you, that during the past sixteen days we have had repeated interviews with the Saulteaux Indians of this place, and have done everything in our power to negotiate a treaty with them in conformity with the views of the government conveyed to us through your department, but regret to say that in this we have not been successful. The Indians could not be induced to go into the discussion of the provisions made in the various articles of the treaty, and notwithstanding the clear understanding had with them, last year, to the effect that the payments and presents, then made, were to cover all claims real or supposed up to that time – have advanced the most extravagant demands for roads made on their lands and wood taken for steamers and buildings.⁴³

After sixteen days of negotiations the commissioners could not get past the previous claim for right-of-way. Despite the assurances that all claims had been dealt with the previous year, the chiefs still believed that a debt was owed to them and they refused to

⁴²Ibid., 17.

⁴³LAC, RG10, Volume 1868, File 577, "Simpson, Dawson and Pither to Joseph Howe, July 17, 1872."

hear the treaty provisions until it was paid. The chiefs also believed that the amount of annuities offered was too small. According to the commissioners, the chiefs were aware of the discovery of gold and silver on their territory and said, “you offer us \$3 per head and you have ‘only to pick up gold and silver from our rocks to pay it many times over.’”⁴⁴

The delay in negotiating a comprehensive treaty increased the pressure on the Canadian government to secure access to the North West. In the later numbered treaties the impetus for treaty negotiations usually came from the Indigenous peoples, but in the case of Treaty Three the pressure to begin negotiations originated with the Canadian government. The Anishnabeg were adamant that they be paid for the right-of-way and use of roads in their territory, but were not interested in a comprehensive agreement which included settlement. They certainly did not want farmers or other settlers on their land.⁴⁵ Ironically, the Canadian Government had a better chance of negotiating a comprehensive treaty in 1870 when there was a decline in furs and increased pressure on resources. Dawson described the economic position of the Anishnabeg in a letter to Lieutenant-Governor Adams Archibald dated December 19, 1870:

The small pox, at one time nearly annihilated the Indians, but has long been absent from the country and in a long period of peace in which they have had few opportunities of losing their own scalps or of obtaining those of others, there can be no doubt to the increase of the population. The traders all agree in this, but while the number of Indians has increased the produce in furs as a natural consequence has diminished. Besides which petty traders now get among the Indians and manage to possess themselves of their furs, without leaving them any adequate return, and the Hudson’s Bay Company, when they do not get the furs as formerly, cannot provide for their wants they used to when the trade was wholly in their hands. They [Anishnabeg] are worse clad now than when I first saw them upwards of eleven years ago.⁴⁶

⁴⁴LAC, RG10, Volume 1868, File 577, “Simpson, Dawson and Pither to Joseph Howe, July 17, 1872.”

⁴⁵Daugherty, *Treaty Research Report: Treaty Three*, 6.

⁴⁶Simpson disagreed with Dawson on the economic position of the Anishnabeg communities. In his letter to Archibald in 1870 Simpson stated “These people do not seem to be on the increase.” He noted that two men, two women and seven children had died during his visit and he “heard of only three births.” As this was Simpson’s first visit to Fort Frances since 1843, Dawson’s account is likely more accurate. See AM 1-1, MG12, A 1, Box 1, “Simpson to Archibald, 1870.”

By 1870 the declining resource base, competition from free traders and a lack of support from the HBC all led to challenging economic times for the Anishnabeg. Dawson hinted to Archibald that such information may be “of use when negotiating with them” and recommended that annuities be paid in clothing and goods. He also claimed that the principal chief at Fort Frances was not averse to entering into negotiations with the Federal Government for the right-of-way or the “cession of their lands.”⁴⁷ From Dawson’s perspective the Canadian government had a good chance of negotiating a comprehensive treaty with the Anishnabeg, however with the news of Riel’s actions at Red River the Canadian government abandoned their intentions to negotiate a comprehensive treaty and instead focused on the safe passage of the troops.⁴⁸

Early Non-Indigenous Views of the Numbered Treaties

By the Spring of 1871 Canada was under enormous pressure to assert its sovereignty in the North-West. The newly formed government at Red River needed to attract settlers and British Columbia’s terms of entry into confederation included a national railway line. Title to Anishnabeg territory was critical to the construction of the rail line. The order-in-council of April 25, 1871 signed by Charles Tupper originally authorized an annuity of “as much as twelve dollars a head partly in goods and partly in money for the surrender of lands”⁴⁹ This order-in-council is important because the per “head” was scratched out and in its place was written per “each family not exceeding five.” It appears that Dawson’s recommendation of an annuity of \$12 per head was originally accepted, but later struck through and changed to \$12 per family of five. The change was not done in Tupper’s hand and though interesting, it eventually becomes irrelevant when the Anishnabeg refused to discuss the surrender of their lands in the treaty negotiations of 1871. Canada’s goal, as articulated in the reports of Archibald,

⁴⁷AM 1-1, MG12, A 1, Box 1, “Dawson to Archibald, December 19, 1870.”

⁴⁸Daugherty, *Treaty Research Report: Treaty Three*, 14.

⁴⁹LAC, Order-In-Council Number 1871-0873, RG2, Privy Council Office, Series A-1-a, Charles Tupper, April 25, 1871.

Simpson, Dawson and Pither was to negotiate a comprehensive treaty with the Anishnabeg that included both the right-of-way and the use of lands by settlers.

Beginning in 1870 the newly formed government at Red River became concerned about complaints from Indigenous groups about traders and settlers interfering in their territory. These complaints caused Archibald to issue a proclamation on December 21, 1870, which was printed in *The Manitoban*.⁵⁰ The proclamation attempted to appease the Indigenous groups with effusive language and evoked a fear that violence between settlers and Indigenous peoples could occur. The proclamation was issued in both English and Cree and was the first inclusion of an Indigenous language in *The Manitoban*.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc., etc.

Whereas, We have learned with great grief and sorrow, that certain evil disposed persons in our North West Territories, have lately attempted to stir up strife and ill-will between our loving subjects, the Native Indians of these regions, and others of our subjects resorting thereto, as they have been used and accustomed to do for many years past for purposes of trade in furs; and whereas, we are desirous of preserving among all our subjects of the Territories, feeling of good will and kindness, and are fully persuaded that our Indian subjects will cheerfully comply with our wishes, when the same are clearly made known to them.⁵¹

The proclamation continued by remonstrating that anyone with a “just complaint” can be heard in the “Courts of our Justices assigned to keep the Peace” and any outrage or act of violence would be punished severely.”⁵²

In many ways, Archibald’s proclamation reflected the complex nature of the Red River community which had been defined by conflicts from its earliest days. In “The Historiography of the Red River Settlement, 1830-1868” Frits Pannekoek described Red River as a community equally influenced by Indian, Scot, Métis, Half-breed, Canadien

⁵⁰*The Manitoban* was one of the first newspapers at Red River. It was published beginning in 1870 as *The Manitoban*; then *The Manitoban and Northwest Herald*; and finally as *The Standard*, until 1879.

⁵¹George W. Hill Private Secretary, “Proclamation North West Territories,” *The Manitoban*, December 21 1870,” 2.

⁵²*Ibid.*, 2.

and Canadian and the “disintegrative forces” of Red River were constantly at work.⁵³ One of the main disintegrative forces at Red River following confederation was John Shultz, a politician and businessman from Ontario who managed to alienate the Métis and Indigenous communities and cause friction between both French and English settlers. While campaigning in the provincial election of 1870, Schultz said that he did not agree at all with the idea of the Indian Reserve at St. Peter’s and “would strain every nerve to do away with the reserve altogether.” This sentiment most likely aligned with the electorate in St. Andrew’s where he was campaigning, but alarmed the electorate of St. Peter’s. Schultz responded to the alarm by writing a letter to Chief Henry Prince with James Settee, George Irvine, Thomas Bear, Jas. Asham and Charles Pratt as witnesses:

Dear Sir – I was surprised to hear that you learned that I was against the legal rights of the Indians. I beg to state that this is not the case; and on the contrary, I promise you and them to secure them, if in my power, all their rights to the Reserve which they now hold which is on what is known as the Indian Reserve. I have reason to believe that that Reserve was never sold by the Indians, and is yet their own.⁵⁴

St. Peter’s had been known as an “Indian Reserve” since the Selkirk Treaty was negotiated in 1817. The Reverend Abraham Cowley contributed to the settlement’s permanence by introducing European farming to Henry Prince’s late father Chief Peguis.⁵⁵ The discord between settlers and Indigenous peoples had been present since the time of the Selkirk settlement, but had recently intensified with the arrival of new settlers and the establishment of the Canadian government after the Riel Resistance of 1869.

Tensions between settlers and Indigenous peoples extended beyond Red River as well. A letter dated January 9, 1871 by Henry Steinhauer and signed by Chief James Seenum of Whitefish Lake welcomed Lieutenant Governor Archibald to Manitoba, but also warned the settlers that their neighbours, the Plains Cree “entertain strange and

⁵³Frits Pannekoek, “The Historiography of the Red River Settlement, 1830-1868,” *Prairie Forum*, Vol. 6, No. 1 (Spring, 1981), 81.

⁵⁴“Dodging” in *The Manitoban*, Feb. 4, 1871.

⁵⁵F. A. Peake, “Cowley, Abraham” in *The Dictionary of Canadian Biography*, Vol. XI: 1881 to 1890.

wrong ideas” regarding the government’s method to treat with them and “think that their lands and hunting grounds will be taken from them without remuneration.”⁵⁶ Another letter to Archibald from George McDougall and Richard Hardisty, written on behalf of the “Whites, English Half-breeds, and Crees” from Victoria and Whitefish Lake also extended their most hearty welcome. They thanked Archibald for prohibiting alcohol in the North-West, but requested that a “force be sent into the country” to enforce the prohibition. The letter also warned the government about the views held by the Plains Cree and suggested that “some qualified person, altogether unconnected with either mercantile or ecclesiastical interests” should visit and explain the policies of the government.⁵⁷ *The Manitoban* printed both letters as well as the reply by Archibald in which he claimed that the Queen “will deal fairly by all her Red people. She has always done so, and thousands of her Indian subjects, towards the rising sun, love and bless her for what she has done for them.”⁵⁸ According to Archibald, when the lands of the Plains Crees are required for settlement the Queen would let them know and “treat with them and deal fairly by them.” Archibald’s response was meant to appease both the Indigenous groups in the North-West and the settlers at Red River. He emphasized the justice of the “Great Mother the Queen” and the power of treaty-making to end the conflicts over land.

The Manitoban seized upon the discussion in all three letters and provided further commentary on relations between settlers and Indigenous peoples in an article titled “The Indian Question.” The article is important because it summarized the philosophy of journalists, who were important eyewitnesses to the treaty negotiations. It also captured many of the fears held by settlers regarding the question of Indian title to land. *The Manitoban* described the “perpetual trouble” of relations between Native and non-Native peoples south of the border and suggested that it was in the best interests of Indigenous

⁵⁶Henry B. Steinhauer, “Wesleyan Mission, Jan. 9th, 1871” in *The Manitoban*, March 25, 1871.

⁵⁷George McDougall, “Congratulatory Address to the Lieutenant-Governor” in *The Manitoban*, March 25, 1871.

⁵⁸A. G. Archibald, “To Chief James Seenum” in *The Manitoban*, March 25, 1871.

peoples north of the border to “cherish British rule, have confidence in it and to repudiate any idea of change.”⁵⁹ The fears held by settlers were two-fold. They feared violent encounters with Indigenous peoples in areas where Indigenous rights were ignored and they feared the interests in the area shown by the United States. The Métis and many Indigenous groups had considered an alliance with US interests in an effort to resist the Canadian government. For the settlers at Red River, the answer to both of these fears was the negotiation of treaties with just compensation awarded. The author of the article stated:

Though the Indian title to lands is of a peculiar and abnormal nature, Britain has never denied it; and apart from mere title, properly so-called, she has always recognized their claim, based on common humanity. If, in the interests of progress and civilization, she has to take possession of their hunting grounds, she always provides them with a means of living otherwise.⁶⁰

This view of Indian title was common at the time and is based on the perceptions of British colonization. The article opened with, “It is one of the glories of Britain that she treats all the various classes and races which compose her vast empire with perfect fairness.”⁶¹ This sense of British fairness was commonly understood at the time and was shared by both the settlers and treaty commissioners. The settlers did not view Indigenous nations as equals, but recognized their title to land “based on common humanity.” Regardless, Indigenous title to land was acknowledged and the settlers at Red River viewed treaties as the solution to relations with Indigenous nations. When land was needed for settlement, the government would enter into treaty negotiations and provide Indigenous peoples with “the means of living otherwise.”⁶²

Treaty One: The Stone Fort Treaty, 1871

Pressures to negotiate Treaty One reached Canada soon after Lieutenant Governor Archibald’s arrival at Red River in the Fall of 1870. The Cree and Saulteaux represented

⁵⁹“The Indian Question” in *The Manitoban*, March 25, 1871.

⁶⁰*Ibid.*

⁶¹*Ibid.*

⁶²*Ibid.*

by six chiefs, including Na-sa-kee-by-ness or *Les Grand Oreilles*, demanded a council meeting with Archibald. The chiefs demanded payments for the use of their lands and for keeping the peace during the Riel Resistance. According to Archibald they represented 550 people and were promised “that a treaty would be made with them about their lands.”⁶³ Archibald admitted that large promises were held out to them, but was unable to negotiate a treaty without a sense of the present state of affairs. He instead ordered ammunition, gun flints, flour, tobacco and tea from the HBC to distribute on the condition that the Cree and Saulteaux communities immediately disperse to their hunting grounds.⁶⁴ The chiefs accepted the gifts as the Cree and Saulteaux economy was suffering much like the Anishnabeg economy. Increased competition for resources led to a decline in food and furs throughout the North-West. Even rabbits, which were often plentiful, had completely disappeared due to the introduction of an unknown disease.⁶⁵ The precarious economic situation and competition for resources increased resentment toward the settlers. In a letter to the Secretary of State Joseph Howe, Archibald stressed the absolute necessity “to have these Indian claims settled upon a permanent basis” in the following spring.⁶⁶

The dispersal of *Les Grand Oreilles*’ community relieved some of the pressure on Archibald, but encroachments by settlers on “Indian lands” led to more conflicts. On December 17, 1870 Chief Moosnos placed a notice on the door of St. Mary’s church in Portage La Prairie. It warned that Indian title had not been extinguished and those who “cut-off” the wood have no right or title to the lands. Fred Bird was a witness to the notice and explained to Archibald that “the Chief complains that people come and cut wood without leave and permission and it is not right ... the woods belong to the Indians

⁶³Canada, *Sessional Papers*, Vol. V. Fourth Session of the First Parliament of the Dominion of Canada, 1871, 34.

⁶⁴Ibid.

⁶⁵AM, 1-1, MG12, A 1, Box 1, “Dawson to Archibald, no date.”

⁶⁶Canada, *Sessional Papers* Vol. V., 34.

and it seems to them that the people are stealing.”⁶⁷ Archibald was certainly aware of the conflicts between settlers and the Cree and Saulteaux. He responded to land purchase inquiries with the statement that no land could be sold until “extinguishing the Indian title.” Archibald wrote in a letter to a land speculator in Montreal that as soon as the “Spring opens, a treaty is to be made and the Government of the Dominion will then be in a position to deal vigorously with the lands.”⁶⁸ Archibald clearly viewed Indian title to land as the main barrier to settlement. He also viewed treaty negotiations as the method of extinguishing Indian title and acknowledging Indigenous claims.

By the summer of 1871 both the settlers as well as the Cree and Saulteaux peoples were impatient for the treaty negotiations to begin. When Simpson returned from Fort Frances with Commissioners Dawson and Pither, Archibald convened a meeting which also included James McKay. As Pither had returned to Fort Frances and Dawson was less familiar with the Cree and Saulteaux at Red River, McKay was an obvious choice to assist the commission.⁶⁹ He was a former HBC fur trader, was fluent in Cree and Saulteaux and was a member of both the Council of Assiniboia and Archibald’s first provincial council. Despite his many contributions to the settlement of the North-West, very little has been written about McKay. In her thesis on Métis cultural brokers, Allyson Stevenson attributed McKay’s influence to his Métis heritage and his “adherence to Aboriginal diplomatic forms.”⁷⁰ McKay traced his Métis heritage to his mother Margaret Gladu and his grandmother Margaret Ross. McKay’s father, James McKay Senior, was from Scotland and came to Canada in the service of the HBC. James McKay Junior was educated at the St. John’s Anglican school at Red River and worked for the HBC from 1853 to 1859. He then acted as a guide for both the Palliser Expedition and later for HBC

⁶⁷AM, 1-1, MG12, A 1, Box 1, “Notice, December 17, 1870.”

⁶⁸AM, 1-1, MG12, A 1, Box 1, “Archibald to S.W. Wright, November 27, 1870.”

⁶⁹David T. McNab, “Hearty Cooperation and Efficient Aid: The Métis of Treaty Three,” *Canadian Journal of Native Studies*, Vol. 3, No. 1 (1983), 132.

⁷⁰Allyson Stevenson, “The Métis Cultural Brokers and the Western Numbered Treaties, 1869-1877,” (Unpublished MA Thesis, University of Saskatchewan, 2004), 48.

Governor George Simpson. Though not overly tall, McKay weighed nearly three hundred pounds and was known for his strength and horsemanship.⁷¹ Palliser described him as a splendid guide who was “fearless and knowledgeable” and was responsible for many of the difficult and dangerous jobs. In 1859 McKay married Margaret Rowand, the daughter of HBC Chief Factor John Rowand and one of the wealthiest families at Red River. After the marriage, McKay’s business interests expanded as he became involved in freighting and supervised the construction of the Dawson Route from Lake of the Woods to Red River. He remained neutral during the Riel Resistance but advocated for a peaceful resolution to the crisis and attempted to broker a peace between the Canadian government and the Métis.⁷²

Prior to the arrival of the treaty commissioners at Red River, news of the failed treaty negotiations at Fort Frances reached the community. *The Manitoban* recounted the negotiations and decried, “It is a thousand pities it [the treaty] was not signed at once.”⁷³ There was also a fear that like the negotiations at Fort Frances, the treaty at Red River would be of a “tentative and temporary character.”⁷⁴ This alarmed the community as the settlers considered Indian title to be the main barrier to settlement. There were also rumours that the terms demanded by the Cree and Saulteaux would include a ten pound annual payment “for life.” The settlers were alarmed as a group of Saulteaux had camped at “the forks of the rivers, and pointedly refuse to attend the treaty.”⁷⁵ The Saulteaux were unhappy that the treaty negotiations were to take place at the Lower Fort. *The Globe* reported that the “Indians were vexed because the treaty has been delayed, and will not allow settlers to cut wood or hay in that quarter.”⁷⁶ *The Manitoban* reported that the

⁷¹Ibid., 38.

⁷²Allan R. Turner, “McKay, James,” in *The Dictionary of Canadian Biography*, Vol. X: 1871-1880, 474.

⁷³“Indian Treaties: The Chippewas in Council” in *The Manitoban*, July 22, 1871.

⁷⁴Ibid.

⁷⁵Ibid.

⁷⁶By Special Telegraph to *The Globe*, “Negotiating with the Indians: The Chippewas on Their Dignity, No Treaty Yet Agreed to,” in *The Globe*, August 12, 1871.

“natives around Riding Mountain have distinctly forbidden anyone to approach their territory until the treaty has been consummated.”⁷⁷ Clearly, both the settlers and Indigenous nations were impatient for the negotiations and there was a great deal of pressure that the treaty be successful.

Simpson arrived back at Red River on July 16th and after meeting with Archibald and McKay issued a proclamation that Archibald would meet with the “Indians of Manitoba to negotiate a treaty” at the Lower Fort on July 25 and at Manitoba Post on August 17 of 1871.⁷⁸ There was great interest in the negotiations at the Lower Fort with at least five newspapers reporting on the progress. The main correspondent was from *The Manitoban*, but there were also articles published by *The Manitoba Liberal*, the *Daily Free Press*, *The Globe*, and the *Ottawa Free Press*. Interest was probably due to the failure of the treaty at Fort Frances; the location of the negotiations in a relatively large urban centre; and the close link between the treaty and settlement. *The Globe* reported that three hundred emigrants were traveling to Red River over the Dawson Route and were close on the heels of the commissioners as they travelled from Fort Frances.⁷⁹ There was also “a considerable deputation of leading pressmen and officers from different parts of the States.”⁸⁰ This was certainly a different scene than the recent negotiations at Fort Frances which were relatively isolated with few settlers and journalists present.

On July 25th 1871 Archibald, Simpson and McKay met the Cree and Saulteaux to begin treaty negotiations at Lower Fort Garry (The Stone Fort). Archibald wore a Windsor uniform and was accompanied by an armed guard of volunteers and Commissioner Simpson wore a colonel’s uniform. There is no description of McKay’s dress for the opening day of negotiations but he usually dressed in “Red River style,” including a red and black flannel shirt, brown and white trousers and leather moccasins

⁷⁷“Indian Treaties,” in *The Manitoban*, July 22, 1871.

⁷⁸*Ibid.*

⁷⁹By Special Telegraph, “Negotiating with the Indians” in *The Globe*, August 12, 1871.

⁸⁰*Ibid.*

on his feet.⁸¹ Reverend Henry Cochrane was the interpreter for the treaty negotiations with assistance from Henry McCorrister and McKay. The members of the commission sat under an awning shielded by the sun and the chiefs and speakers sat or stood in front of them. There was also a large party of “ladies and gentlemen” who sat behind the commissioners and witnessed the negotiations. The illustrations of the negotiations showed that the commissioners and other Euro-Canadians outnumbered the chiefs who sat across from them. The number of Euro-Canadians present for the negotiations is highly significant and emphasized the importance of the treaty to settlement in Manitoba.⁸²

The Treaty One negotiations officially started at four PM on July 27, 1871 at an opening adjacent to the Indian encampment near the fort. The number of tents in the encampment was estimated at between 100 and 120 and the number of individuals estimated at 8000. The Indian encampment was described by the special correspondent to *The Manitoban*:

The encampment is in the form of a semi-circle, with the chief's lodges – near which a handsome flag flies – in the centre. Of the followers it must be said that they are apparently very comfortable. Most of their lodges are birch bark, but a considerable number have good tents. Each lodge or tent has a fire in front or inside, where the Indian women are everlastingly baking bread or making tea. Any number of horses or dogs roam through the camp, and along in the afternoon one or more large crowds gathered near the tents; the sound of a tambourine, or the noise of a person hammering a frying pan with a piece of wood, accompanied by two or three persons chanting in a low tone, proclaim that gambling is going forward. A near approach to one of these groups will show the gamblers playing the moccasin game, or some other, with the stakes – generally clothing – lying close at hand.⁸³

The description of the encampment is important as its permanence hints that it had been in place for some days leading to the negotiations. As Dawson had revealed at the Fort

⁸¹Stevenson, “The Métis Cultural Brokers,” 41.

⁸²Sheldon Krasowski, “Images of Treaty Negotiations, Annuity Payments and Treaty Days – Treaties 1 to 10” *Native Studies Review*, Volume 13 (1), 2000.

⁸³Special Correspondence of *The Manitoban*, “Commissioner Simpson and The Lieutenant Governor Meet the Indians” in *The Manitoban*, July 29, 1871.

Frances negotiations, Saulteaux governance is consensus based. In the days leading up to the Treaty One negotiations, groups met and councils were held to decide the merits of entering into a treaty with the Canadian government. The councils are an often overlooked source on the treaty relationship. Like the orders-in-council and correspondence of the treaty commissioners, the council discussions would have clearly articulated the relationship that the chiefs were willing to enter into with Canada. Unfortunately, neither the commissioners nor the journalists at the Treaty One negotiations provided descriptions of the treaty councils, as was done at Treaty Six in 1876.

The Treaty One negotiations were recorded by the “Special Correspondent of *The Manitoban*” and different versions of the seven days of negotiations were reproduced in various newspapers. According to the editor of *The Manitoban*, “The lengthened narrative is the result of no small expenditure of time and labour. We would advise our readers carefully to preserve the numbers of the 5th and 12th of August, inasmuch as it is the only narrative of a Canadian Indian Treaty to be found in the files of any Canadian newspaper”⁸⁴ *The Manitoban* had the most complete coverage, but as D. J. Hall stated, “the account is frustratingly incomplete at crucial junctures.” The recorded accounts of the negotiations are not verbatim. Rather, the speeches and discussions were summarized and the author attempted to capture much of the original language and colour in a shortened format. The sixth day of negotiations was one of the longest, but *The Manitoban* dedicated only a single column to the speeches and discussions. The final day of negotiations and acceptance of the treaty terms were summarized in only 13 lines of text. Despite the summarized format, Archibald thought the account of the negotiations was an accurate portrayal. He included *The Manitoban*’s account in his official report on the negotiations and Simpson referenced the account in his reports as well.⁸⁵ An edited

⁸⁴Special Correspondent of *The Manitoban*, “The Treaty,” *The Manitoban*, August 12, 1871.

⁸⁵LAC, MG27, Sir Adams George Archibald Fonds, Microfilm Reel M-5538.

version of the account of the negotiations is published in Morris' *Treaties With the Indians of Canada*, but the originals have been microfilmed and are available at the Archives of Manitoba and Library and Archives Canada.

The Treaty One Negotiations

The Saulteaux and Cree chiefs who were selected to represent their people at the treaty negotiations included Yellow Quill (Do-za-we-kiwin or Oo-za-we-kwun) and Ay-ee-pe-pe-tung (Je-ta-pe-pe-tungh or "He Who Sits By It") from the Portage who represented 1000 people, 326 of whom were present during the negotiations.⁸⁶ Yellow Quill's territory extended out from the Assiniboine River and out to Long Plain north of Portage la Prairie. There was also Na-sa-kee-by-ness (Na-sha-ka-penais; "Flying Down Bird" or Les Grand Oreilles) who represented 500 followers from the Oak Point community on the Seine River of whom 300 were present. Henry Prince or Mik-koo-kinew (Red Eagle) represented the Saulteaux or Christian Saulteaux at St. Peter's Indian reserve (now the Peguis First Nation) and also spoke for the Oak Point community. He chose Ka-ma-twa-ka-nas-nin as his spokesperson, but he also contributed to the discussions. George Kasias also represented the Saulteaux at St. Peter's and claimed to represent 500 people. Ka-ke-ke-penais (Ka-kee-ga-by-nes, Everlasting Bird or William Pennefather) represented 241 Saulteaux near Fort Alexander (now the Sagkeeng First Nation) west of Lake of the Woods of whom 20 were present. The traditional territory of Wa-ko-wish or Whippoorwill was between Pembina and Fort Garry. He claimed to represent "half of the Rosseaux River Indians."⁸⁷ Chiefs Qu-a-ty-ash (Driven Round by the Wind) and Na-na-wyn-an ("He Who Cannot Succeed in Laying Hold" or "Centre of Birds Tail") and Wa-ko-wish all chose Wa-sus-koo-koon (Rat Liver) as their spokesman during the treaty negotiations. These three chiefs represented 600 individuals, of whom

⁸⁶Special Correspondent of *The Manitoban*, "The Chippewa Treaty: Third Day's Proceedings," in *The Manitoban*, August 12, 1871.

⁸⁷*Ibid.*

125 were present.

The most prominent speakers at the Treaty One negotiations included Henry Prince, Les Grand Oeilles, Ay-ee-pe-pe-tung and Wa-sus-koo-koon. Prince was descended from Chief Peguis (baptized William King in 1840) who negotiated the Selkirk Treaty in 1817 and passed away in 1864 at the age of ninety. During the Treaty One negotiations, Prince displayed Peguis' hand-written will and made a speech in which he "expressed strong attachment to the British flag."⁸⁸ In his opening response to Commissioner Simpson Prince stated, "It is many years since I first heard such gentlemen would come among us; but this is the first time that I have heard the Queen's representative. I am very much obliged by His Excellency for the kind advice he has given us and in hearing the Commissioner this evening I feel that we have heard the Queen's voice."⁸⁹ Prince was said to represent the Christian Saulteaux at St. Peter's Indian Reserve, but during the Treaty One negotiations he spoke for most of the Saulteaux nations. Prince also had a connection to Archdeacon Cowley, the Anglican missionary who had been stationed at St. Peter's between 1857 and 1866. Prince's connection to Cowley and his father Peguis' legacy provided a dual advantage during the treaty negotiations. Prince's first advantage was revealed during a discussion about reserves during the second day's proceedings, Prince's representative immediately addressed the controversial point about reserves. Ka-ma-twa-ka-nas-nin said:

Yesterday we heard you (The Governor and The Commissioner) speak, and with great pleasure have turned it over in our mind. Only one thing we did not comprehend: about the Reserves. We did not rightly understand why the Reserves were to be made for the Indians, instead of allowing them to choose a Reserve for themselves. He [Prince] understood what was meant by saying the Reserves were not to be large. But there was a Reserve made 56 years ago, and when the Indians heard of your coming to treat with them, this matter was shaken about (discussed) ... As for the Reserves, the Indians wish it to be distinctly understood that they are to have a voice in that alone.⁹⁰

⁸⁸Ibid.

⁸⁹Ibid.

⁹⁰Ibid.

In contrast to the numbered treaties, which provided reserves for Indigenous peoples, the Selkirk Treaty of 1817 provided reserves for the settlers along the banks of the Red River and the rest of the territory remained in possession of the Saulteaux. Few would have remembered the details of the Selkirk Treaty, but Prince did and questioned why the reserves were now chosen by the Canadian Government for the Indians.⁹¹ It was certainly to the advantage of the chiefs for the Canadian Government to choose the reserves for settlers and leave the remainder as unceded First Nations land, as had happened with the Selkirk Treaty. Prince's second advantage was that he could also read and write and had some understanding of the negotiating tactics of the Canadian government. He presented his demands in a humble, almost conciliatory fashion and almost always referenced Chief Peguis' legacy. Near the end of the negotiations Prince expanded the government's terms by suggesting assistance with farming. Prince started his speech by discussing Peguis' attempts to farm and then continued, "it is said the Queen wishes the Indians to cultivate the ground. They cannot scratch it – work it with their fingers."⁹² Prince would certainly have known the difficulties associated with farming and the high costs of seed and equipment. By balancing his knowledge of European ways with the traditions of his father, Prince was able to negotiate better terms for Treaty One.

Very little oral history of Treaty One has been recorded, but the Archibald papers contain notes of an interview with Prince that discussed the upcoming treaty negotiations. The interview is significant because Archibald used the discussion to get a sense of the demands made by the Indigenous communities and the concessions that would be required under treaty. The interview can also be considered a private document as Archibald used the notes for his own research and they remained unpublished and buried among the documents collected by Archibald during his time as Lieutenant Governor of Manitoba. The interview took place at St. Peter's Parish school on September 13, 1870.

⁹¹Ibid.

⁹²Ibid.

Archibald introduced himself as “The Representative of Your Queen” and thanked Prince for following the example set by Chief Peguis who was “known for his devotion to the British Crown.”⁹³ Prince replied that his father was loyal all his life, “When the snows of a hundred winters had passed over his head he called me to him and said, ‘My son, do as I have done and always act with loyalty.’”⁹⁴ Prince then explained that others had also come saying that they represented the Queen, but they never helped in any way. Prince requested compensation for all they had suffered in their loyalty to the Queen, which had already been promised to them. Archibald replied, “The loyalty which costs nothing is worth nothing” and he intended to “treat all her loyal subjects well.”⁹⁵ He asked that Prince be patient to wait until the Spring when his government had a better footing and was able to enter into treaty negotiations.

The interview with Prince included the transcription of three speeches by the chief and the responses from Archibald. When compared to the speeches made by Prince during the Treaty One negotiations recorded by *The Manitoban*, both the language and the main points are very similar. Prince spoke in the same humble and conciliatory style but was very clear in his demands. He said, “I have no pay in my hands for my services” though we have suffered much on account of our loyalty. He also mentioned the Selkirk Treaty and reminded Archibald that “we were never paid for the lands which Lord Selkirk borrowed from us.” Prince also clarified the position of the Swampy Crees at St. Peter’s. He claimed the Saulteaux and Swampy Crees are “all as one ... and I want to keep them as one.”⁹⁶ Archibald measured his responses carefully, but the interview would have been an important preparation for the Treaty One negotiations. He learned of the immense dissatisfaction that the Indigenous nations felt about the conflict between

⁹³LAC, MG27, Sir Adams George Archibald Fonds, “Notes of Interview between the Lieut. Governor of Manitoba and Henry Prince ...” Microfilm Reel M-5537.

⁹⁴Ibid.

⁹⁵Ibid.

⁹⁶Ibid.

Canada and the Métis. Archibald realized that they would be seeking compensation and that they had no intention to sacrifice their autonomy in the leadership of their peoples. It would also have been difficult for Archibald to miss the reverence that Prince held for the Queen. Both Archibald and Simpson claimed to represent the Queen and spoke of Her Majesty's love and benevolence at great length during the Treaty One proceedings.⁹⁷

Ay-ee-pe-pe-tung of The Portage Sauteaux nation was the second chief to speak at the Treaty One negotiations. He was described as "a tall old brave, who was naked all but the breech-clout, and his body smeared with white earth ..."⁹⁸ At the close of Prince's opening speech the rain began to pour but Ay-ee-pe-pe-tung continued without interruption. He initially spoke about Indian lands in a "vehement manner, constantly flourishing an eagle wing ..." then asked to "clean everything away from the ground that it may be clean." By this he meant the release of the Sauteaux who were in jail for "deserting the Company's [HBC] service." Archibald granted Ay-ee-pe-pe-tung's request to show the "bounty and goodness of the Queen" but Ay-ee-pe-pe-tung viewed the concession as a sign of weakness. After McKay pressured Ay-ee-pe-pe-tung into defining the limits of the reserve he responded, "When first you (His Excellency) began to travel (from Fort William) you saw something far off, and this is the land that you saw. At that time you thought I will have that some day or other; but behold you see before you now the lawful owner of it. I understand you are going to buy this land from me. Well God made me out of this very clay that is besmeared on my body."⁹⁹ Ay-ee-pe-pe-tung then handed in the description of his traditional territory but Simpson responded, "If all these lands are to be reserved, I would like to know what you have to sell."¹⁰⁰

By the fifth day of negotiations Ay-ee-pe-pe-tung had become frustrated and was ready to withdraw. He said, "I live at the end of the Settlement in a clean place

⁹⁷Special Correspondent, "The Chippewa Treaty," in *The Manitoban*, August 5, 1871.

⁹⁸*Ibid.*

⁹⁹*Ibid.*

¹⁰⁰*Ibid.*

(unsettled), and as I travelled through the Settlement I looked on nothing but my property.... After I showed you what I meant to keep for a reserve, you continued to make it smaller and smaller. Now I will go home today to my own property, without being treated with. You (the Commissioner) can please yourself.”¹⁰¹ Archibald responded that only God owned the land and questioned Ay-ee-pe-pe-tung’s ownership, claiming that the Saulteaux had arrived recently from Lake Superior and only had the right to hunt. Ay-ee-pe-pe-tung responded, “You say the white man found this country and that we were not the first Indians in it. What is the name of the first Indian along the sea coast?” Archibald abandoned the debate and insinuated that the Saulteaux were being influenced by Anishnabeg visitors who had already refused treaty. Ay-ee-pe-pe-tung did not reply, but at the close of the day’s proceedings he said that he would accept the treaty for three dollars per person, rather than the twelve dollars per family of five that was originally offered. The commissioner quickly accepted Ay-ee-pe-pe-tung’s offer, and eventually added a present of three dollars to the annuity.

Chief Na-sa-kee-by-ness or Les Grand Oreilles represented the Oak Point Nation and was one of the chiefs who met Archibald in the Fall of 1870 and demanded a treaty or compensation for keeping the peace. Na-sa-kee-by-ness spoke only briefly during the negotiations, but he was the first chief to bring up the issue of the Lake of the Woods road. The right-of-way associated with the Dawson road delayed the conclusion of negotiations at Fort Frances, but the Lake of the Woods road had not been mentioned at Fort Garry. Na-sa-kee-by-ness said, “I was camped along the Lake of the Woods road. Last fall you saw me there. Something was then promised me: but whenever I look along the road I see nothing. They spoke to me at the Fort here. What was promised me then?” Simpson replied, “By whom?” Na-sa-kee-by-ness answered that it was promised by John McTavish, (the HBC Chief Factor of Upper Fort Garry). Simpson claimed that the HBC

¹⁰¹Ibid.

had nothing to do with the treaty before them, but George Kasias continued discussing Na-sa-kee-by-ness' concern about the road. He said, "There is also something which you are using (Lake of the Woods road) for which my children ought to receive compensation ... but I have not yet received anything for it. Where will my children get anything to shelter them from the heat? They expect it from the road."¹⁰² Both Na-sa-kee-by-ness and Kasias made the point about shelter or housing and connected it to the permissions granted for construction of the Lake of the Woods road.

Neither Archibald nor Simpson acknowledged the debt owing from the Lake of the Woods Road, but Na-sa-kee-by-ness continued, "Then, I'll make one request for my braves and councillors - I would like you to dress them."¹⁰³ This request also had its origins with the HBC and is the first request for coats for the chiefs and headmen, which later become known as the "treaty suits." In *Bounty and Benevolence* Ray, Miller and Tough connected this request to the HBC practice of presenting captain's and lieutenant's coats to chiefs and headmen. The suits were made of "a coarse cloth coat, either red or blue, lined with baize with regimental cuffs and collar. The waistcoat and breeches are of baize, the suit ornamented with broad and narrow orris lace of different colours; a white or checked shirt; a pair of yarn stockings tied below the knee with worsted gaiters; a pair of English shoes."¹⁰⁴ The HBC distributed the suits to recognize the authority of the traders and to encourage a trade relationship. The treaty suits also recognized the authority of the chiefs to govern and the headmen's suit recognized the authority to distribute justice and police their communities.¹⁰⁵

Wa-sus-koo-koon was the speaker for chiefs Qu-a-ty-ash, Na-na-wyn-an and Wa-ko-wish. In the first days of treaty negotiations Wa-sus-koo-koon said little and made his first speech on the fourth day claiming the territory from Red River to the international

¹⁰²Ibid.

¹⁰³Ibid.

¹⁰⁴Ray, Miller and Tough, *Bounty and Benevolence*, 6.

¹⁰⁵Cardinal and Hildebrandt, *Our Dream*, 33.

boundary and East to Pembina. The eyewitness account in *The Manitoban* claimed Wa-sus-koo-koon's speech was "much more flowery than convincing, in support of this tremendous demand." Wa-sus-koo-koon's second speech also focused on land and questioned why they were to get "shut up on a small reserve." He also asked if a man settles down with a family of five and then has more children, "where is their land?" Archibald replied that when "his children get more numerous than they are now, they will be provided for further West. Whenever the reserves are found too small the Government will sell the land and give the Indians land elsewhere."¹⁰⁶ Hall considered Archibald's response to be an "extraordinary promise"¹⁰⁷ with two implications. The first is that Archibald had not considered Indigenous claims further west, which were not extinguished. The second, is that "the remark suggested the notion that the reserve settlement in the treaties was not necessarily final and unchangeable."¹⁰⁸ This would have appealed to the Treaty One chiefs as the Indigenous perspective of treaty-making was an ongoing relationship, which could be subject to change, rather than a static immutable written document.¹⁰⁹

The Original Manuscript of Treaty One

The written Treaty One text is available on microfilm from Library and Archives Canada¹¹⁰ and a transcribed version was also reprinted in *The Manitoban* and Morris' *Treaties with the Indians of Canada*. Treaty One was hand written on four pages of ledger paper with an official wax seal and red ribbon on the first page. The Treaty One original manuscript was written in the same hand, including errors and omissions, which were struck out with text added between the lines. The last page includes the names of the seven leading chiefs, with "his mark" and an "x" written in the same handwriting.

¹⁰⁶Special Correspondent, "The Chippewa Treaty," in *The Manitoban*, August 12, 1871.

¹⁰⁷Hall, "A Serene Atmosphere?" Treaty 1 Revisited," 326.

¹⁰⁸*Ibid.*

¹⁰⁹Special Correspondent, "Dress Them" *The Manitoban*, August 12, 1871.

¹¹⁰LAC, RG10, Volume 1846, IT 255, "Western Treaty No. 1," 3 August 1871.

The treaty commissioners had the chiefs “touch the pen” which originated in the negotiation of Indian treaties by the American government.¹¹¹ To the left of the names of the chiefs were the signatures of the eleven witnesses to the treaty, beginning with Adams G. Archibald and ending with his wife Elizabeth Alice Archibald. The signature of Indian Commissioner Simpson was placed above the names of the chiefs. The treaty also included a cover page which was microfilmed last and was used to wrap and seal the treaty with red ribbon so that it could be transported to Ottawa. Each of the four pages of the treaty text were folded in half and then four folds were made to bundle the treaty. The pages were then wrapped in the cover sheet which was titled, “No. 124 Treaty No 1. Between Her Majesty The Queen and The Chippewas and The Crees of the Province of Manitoba and the Country Adjacent.” The back side of the cover sheet included a signature by the Secretary of State and Registrar General and was dated December 12, 1871 by the Registrar’s Branch.¹¹² There was at least one other copy of Treaty One made by hand and it is a nearly exact reproduction of the original. The only distinctions between the two handwritten documents are that the copy (now held in the Provincial Archives of Manitoba) does not have the original signatures or the wax seal and ribbon.¹¹³

The original manuscript of Treaty One has nine separate paragraphs. The first included the date that the treaty was concluded, August 3, 1871 and the introduction of the parties to the treaty (the Queen as well as the Chippewa and Swampy Cree Tribes of Indians). The second paragraph noted the setting of the Stone Fort and expressed the “desire of Her Majesty to open up to settlement and immigration a tract of country bounded and described as hereinafter mentioned and to obtain the consent thereto of her

¹¹¹ Raymond J. DeMallie, “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective,” in Frederick C. Luebke, ed. *Ethnicity on the Great Plains*, (Lincoln: University of Nebraska Press, 1980), 40.

¹¹² LAC, RG10, Volume 1846, IT 255, “Western Treaty No. 1,” 3 August 1871.

¹¹³ AM, MG1, A5, Indian Treaty No. 1.

Indian subjects inhabiting the said tract and to make a Treaty and arrangements with them” The third paragraph is the list of chiefs who were chosen to represent the Saulteaux and Swampy Cree communities. The fourth paragraph described the chief’s traditional territories and also included the surrender clause, which stated that “The Chippewa and Swampy Cree Tribes of Indians and all other the Indians inhabiting the District hereinafter described and defined do hereby cede, release, surrender and yield up to Her Majesty the Queen and Successors forever all the land included within the following limits”¹¹⁴ This clause combined the wording of the surrender clause in the Manitoulin Island Treaty (1862) and the Robinson Huron / Superior Treaties (1850). The fourth paragraph also stated that each chief was entitled to a reserve within the limits of their traditional territory to the extent of 160 acres per family of five, “or in that proportion for larger or smaller families. And if there are any settlers within the boundaries of the reserved lands, Her Majesty reserves the right to deal with such settlers.”

The fifth paragraph described the “present of three dollars for each Indian man; woman and child belonging to the bands here represented.” The following paragraph described the education clause that stated, Her Majesty agrees to maintain a school on each reserve whenever the Indians of the Reserve should desire it. The seventh paragraph included a ban on the sale of intoxicating liquor to Indians inhabiting the reserves or living elsewhere. The eighth paragraph called for a census and stated that at some period during the month of July the sum of fifteen dollars Canadian currency would be annually paid to each family of five, “such payment to be made in such articles as the Indians shall require of Blankets, clothing, prints (assorted colors) Twine or Traps ...” or in cash. The last paragraph included the peace and good order clause which stated,

And the undersigned Chiefs do hereby bind and pledge themselves and their people strictly to observe this treaty and to maintain perpetual peace between themselves and Her Majesty’s White subjects, and not to interfere with the property or in any way molest the persons of Her Majesty’s White or other

¹¹⁴LAC, RG10, Volume 1846, IT 255, “Western Treaty No. 1,” 3 August 1871.

subjects.¹¹⁵

The original manuscript of Treaty One ends with the signatures of the witnesses and marks of the chief's who have "set their hand, and seal at Lower Fort Garry." The "seal" referred to the totem signatures used by the Anishnabeg and Saulteaux Chiefs in the Upper Canada treaties and the Selkirk Treaty. The text is taken from the Robinson Huron / Superior Treaties. The introduction of the practice of "touching the pen" eliminated the previous tradition where the chiefs signed the treaty documents with their totems or seals. As stated previously, touching the pen originated with the American Indian treaties and was a strategy to distance the Indigenous treaty participants from the text of treaty. Rather than making their own mark or seal on the treaty text, the chiefs merely touched the pen, and the clerk made the mark of an "x" on the document.¹¹⁶

Though the Manitoulin and Robinson Huron / Superior Treaties were used as examples, the Treaty One commissioners made significant variations. Unlike the previous treaties, Treaty One did not recognize "the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof as they have heretofore been in the habit of doing"¹¹⁷ It is unclear why the right to hunt and fish was not included in the text of Treaty One. The commissioners recognized this right verbally during the negotiations. Archibald stated in his opening speech:

When you have made your Treaty, you will still be free to hunt over much of the land included in the Treaty. Much of it is rocky, and unfit for cultivation; much of it that is wooded, is beyond the places where the white man will require to go, at all events, for some time to come. Till these lands are needed for use, you will be free to hunt over them, and make all the use of them which you have made in the past. But when lands are needed to be tilled or occupied you must not go on them anymore. There will still be plenty of land that is neither tilled nor occupied, where you can go and roam and hunt as you have always done, and if you wish to farm you will go to your own reserves, where you will find a place ready for you to live on and cultivate.¹¹⁸

¹¹⁵Ibid.

¹¹⁶DeMallie, "Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective," 41.

¹¹⁷Morris, *Treaties with the Indians*, 303.

¹¹⁸Special Correspondent, "The Chippewa Treaty: Second Day's Proceedings" in *The Manitoban*, August 5, 1871.

Archibald clearly intended to recognize the continued Indigenous right to hunt and fish, but the clause was not included in the text of Treaty One. It is possible that the recent poor hunting economy and focus on farming assistance during the negotiations led Archibald to believe the clause was unimportant. From his letters and speeches, Archibald clearly thought that the future economy for Indigenous peoples would be based on farming and raising livestock. In his opening speech he also stated that the Queen would like the Indians to “adopt the habits of the whites – to till the land and raise food, and store it up against a time of want.”¹¹⁹ Much of Archibald’s focus on the farming economy was based on his Euro-centric attitude, but he had also seen the successful farms at the St. Peter’s reserve and realized that the Indigenous nations could make a livelihood from farming.

The other significant difference between Treaty One and the Robinson Huron / Superior Treaties is the description of the annuity payments. The Robinson Huron / Superior Treaties provided a lump sum perpetual annuity of “five hundred pounds” but also stated that if the government could increase the amount of annuity without incurring a loss “the same would be augmented from time to time” to a maximum of one pound provincial currency.¹²⁰ This has become known as the “escalator clause” and was not included in the text of Treaty One or in the recorded negotiations. Compared to the Great Lakes area, the territory of Treaties One and Two had less mineral and timber wealth which led the commissioners to view the land as less valuable. Indian Commissioner Simpson was also extraordinarily frugal. In a letter to Howe, Simpson described his summer after the right-of-way negotiations at Fort Frances as “miserable.” He was half-starved and had only fish caught by his own rod for food.¹²¹ In settling accounts, Simpson alerted Howe that Pither was owed one hundred pounds salary, but that Chastelaine was

¹¹⁹Ibid.

¹²⁰Morris, *Treaties with the Indians*, 303-304.

¹²¹AM, M 1-1, MG12, A 1, Box 1. “Simpson to Howe, August 19, 1870.”

worth only fifty pounds. He did not mention his own salary and was not paid as Indian commissioner until the following summer. Regarding the payments made to the Anishnabeg at Fort Frances, Simpson wrote, “I can only add that I have been guided by the greatest economy possible knowing that in dealing with Indians, being lavish is the worst policy as once given is always expected.” Simpson’s comment is partially in response to Dawson’s recommendation to pay a \$10 annuity, which Simpson considered outrageous. However, in almost all of his dealings Simpson was guided by thrift. His hesitancy to increase the annuities at Fort Frances was one of the main reasons for the delay in securing the treaty.

One of the criticisms of the numbered treaty process is that the text of treaty was provided as a template from the Federal Government in Ottawa and the negotiations were a sham to appease the Indigenous peoples.¹²² The argument states that the treaty terms were set prior to the negotiations and could not be changed by the influence of the chiefs. It is true that the later numbered treaties used the preceding treaty as a template, but this was not the case for Treaty One. Both Simpson and Archibald were familiar with the Robinson Huron / Superior treaties, but there is no evidence in either Simpson’s records or the Archibald papers that a template was provided by the Indian department. In fact, the only treaty precedent in the Archibald papers is a template used for negotiating treaties in Nova Scotia dated 1860.¹²³ The template is one page long and includes the introductory paragraph and surrender clause followed by a space to add the names of the chiefs and the territory involved. Though the text of Treaty One is influenced by earlier treaties, many of its provisions are unique and genuinely reflect the negotiations. The present of \$3 as well as the \$15 annuity per family of five both originated in the discussions.¹²⁴

¹²²Harper, “Canada’s Indian Administration,” 145.

¹²³AM, M 1-1, MG12, A 1, Box 1, “Release to the Queen.”

¹²⁴Special Correspondent, “The Indian Treaty” in *The Manitoban*, August 19, 1871.

Though many of the clauses and descriptions in the text of Treaty One can be traced directly to the negotiations, others were added as part of previous treaty precedents mandated by the Indian department or through lobbying by the witnesses to treaty. The education clause for the establishment of a “school on each reserve whenever the Indians of the Reserve should desire it” did not originate in the negotiations and may have been suggested by the Anglican missionary Cowley, who assisted the commissioners during the negotiations. A school on the reserve fit with the missionary’s desire to have the Saulteaux and Cree peoples settled at St. Peter’s and receive their assistance with farming as stated during the treaty negotiations.

The most controversial addition to the text of Treaty One was the surrender clause. The language of the surrender clause is clear and includes the terms “cede, release, surrender and yield up” What is not clear is the extent to which the surrender clause was communicated to the Saulteaux and Cree Chiefs during the Treaty One negotiations. The Selkirk Treaty included the transfer of a specific parcel of land from the Saulteaux and Cree to Lord Selkirk in exchange for an annual payment of “one hundred pounds of good and merchantable tobacco” each. It did not include a surrender clause.¹²⁵ When Lord Selkirk died in 1820, the annuity payments ceased and the land reverted back to the Cree and Saulteaux. Based on the precedent of the Selkirk Treaty and the language of the Treaty One negotiations it is unlikely that the Cree and Saulteaux peoples agreed to cede or surrender their lands. The language of the treaty commissioners during the negotiations emphasized sharing the land and ensured that a large section of the country will not be “inhabited by white settlers.”¹²⁶ Simpson claimed that he was “not purchasing from them land of great value” but rather giving them a “present” for the use of the land. Archibald assured the chiefs that after the settlers take up the land “there will still be

¹²⁵LAC, RG10, Volume 124(1), IT 257, “Selkirk Treaty , Western Treaty No. 1”

¹²⁶Special Correspondent, “The Chippewa Treaty” in *The Manitoban*, August 12, 1871.

plenty of land that is neither tilled nor occupied”¹²⁷ The commissioner’s speeches emphasized land-sharing rather than surrender and an assurance that their livelihood would not be affected. Those who chose to farm on reserve lands would be protected from white settlers and those who chose to hunt would have access to unsettled lands. At no point in the verbal negotiations do the commissioners mention the surrender of lands or surrender of Indigenous rights.¹²⁸

Treaty Two: The Manitoba Post Treaty

Compared to Treaty One and the numbered treaties that followed, very little has been written on Treaty Two. It is considered an extension of Treaty One and the treaty text is almost identical. Following the conclusion of the Treaty One negotiations, Simpson, Archibald and McKay travelled to Manitoba Post (House) on the west shore of Lake Manitoba to negotiate with the Saulteaux nations from Swan Creek and Manitoba Lake (Chief Sou-Sonse), Fairford (Chiefs Ma-sah-kee-yash and Woodhouse), Waterhen River, Crane River (Chief Francois) and Riding Mountain or Keeseekoowenin First Nation (Chief Mekis). Manitoba Post consisted of the HBC post, the Anglican mission church, parsonage, as well as the school and post office. Treaty Two became necessary when the commissioners agreed to extend the treaty territory outside the borders of the province of Manitoba and into the timber lands of the Saulteaux of Lakes Winnipeg and Manitoba. When Archibald met the Indigenous communities in the fall of 1870 he also promised to meet them in their home communities to enter into treaty negotiations.¹²⁹

At the conclusion of the Treaty One negotiations the treaty commissioners travelled to Manitoba Post with Molyneux St. John, who had earlier arrived at Red River working as a journalist, then clerk and later Indian agent.¹³⁰ As Simpson had issued a

¹²⁷Special Correspondent, “The Chippewa Treaty: Second Day’s Proceedings” in *The Manitoban*, August 5, 1871.

¹²⁸Special Correspondent, “The Chippewa Treaty” in *The Manitoban*, August 12, 1871.

¹²⁹Sessional Papers, Vol. V, *Fourth Session*, 1871, 34.

¹³⁰LAC, RG10, Volume 3598, File 1410, “Simpson to Howe, February 17, 1873.”

proclamation to meet the Saulteaux at Manitoba Post on August 17th, he and the remaining commissioners left Winnipeg on August 13th. Due to “adverse winds on Lake Manitoba” the commissioners did not arrive at Manitoba Post until August 19th which left plenty of time for the chiefs to familiarize themselves with the terms offered at the Stone Fort through word of mouth with other treaty witnesses.¹³¹ Simpson and Archibald offered the chiefs the same treaty terms, which they accepted on August 21st after two days of negotiations. Simpson paid both the three dollar present and the three dollar annuity and left the remaining supplies at the post.¹³²

Treaty Two was important to the treaty commissioners as it opened up an area to settlement three times the size of Treaty One. In Archibald’s dispatch to Tupper he claimed the territory included 25 million acres of land with the benefits of both timber and water. He estimated the Indigenous population at one thousand mainly Saulteaux peoples. Based on the reports by Archibald and Simpson, Tupper recommended that Treaty Two be accepted and enrolled in the office of the Registrar general.¹³³ The original manuscript of Treaty Two contains the same clauses as Treaty One. The only differences are the description of land involved, the names of the chiefs and witnesses and a slightly different peace and good order clause. Treaty Two was written out in a different hand than Treaty One and is written on ledger paper rather than single sheets. It has no wax seal or ribbon on the opening page, but includes the wax seal on the signatures page.¹³⁴ Rather than touching the pen, as the chiefs had done at the Stone Fort, each chief made his mark (x) on the treaty document with the exception of Chief Richard Woodhouse who signed his name.¹³⁵

Most of the treaty clauses are in exactly the same wording as Treaty One with the

¹³¹LAC, RG10, Volume 448, “Simpson to Howe, November 3, 1871.”

¹³²LAC, RG10, Volume 3569, File 95, “Simpson to Howe,” March 25, 1872

¹³³LAC, RG10, Volume 650B, “Charles Tupper to the Office of the Registrar General,” November 25, 1871.

¹³⁴LAC, RG10, Volume 1846, IT 263, “Western Treaty No. 2,” 21 August 1871.

¹³⁵Ibid.

exception of the final peace and good order clause which focused on the administration of justice and abiding the law, rather than interfering with property which was the focus of Treaty One. The differences in the two clauses reflected the different stages of settlement in the two treaty areas. While Treaty One territory included many Euro-Canadian settlers, Treaty Two had very few and there had been no interference with property as there had been in Treaty One territory. As with Treaty One there is also at least one identical copy of Treaty Two, the only difference is that the copy does not have the original signatures or the wax seal. Treaty Two is dated August 21, 1871 and includes a cover sheet which states that it was enrolled with the registrar's branch in Ottawa on December 15, 1871.¹³⁶

Initially, the reaction by settlers and journalists toward the conclusion of Treaties One and Two was positive. The *Ottawa Times* commented that Treaty One was "the most important step in the progress of Manitoba."¹³⁷ The Portage la Prairie settlers who had been warned from taking wood and planting crops proceeded with the cultivation of their farms "without interference or interruption from the red men."¹³⁸ The *Toronto Globe* considered the terms of Treaty One to be fair, but not too liberal and "all its conditions, we doubt not, will be faithfully carried out."¹³⁹ Unfortunately, it soon became apparent that the terms of Treaty One were not faithfully carried out. After Commissioner Simpson paid out the \$3 presents and left paylists for those who had not received their annuities under Treaties One and Two, he left for his home in Thunder Bay. During the Winter of 1871-72 a number of grievances were sent to both Archibald and McKay regarding the payment of annuities and the distribution of agricultural implements. Simpson claimed that he had been ill during the Winter and in March of 1872 was "completely crippled with rheumatism." He recommended that a local agent for Manitoba be appointed as "it was quite impossible for one person to carry out the whole details of the treaties over

¹³⁶Ibid.

¹³⁷"The Indian Treaty," *The Ottawa Times*, August 28, 1871.

¹³⁸Ibid.

¹³⁹Ibid.

such a large tract of Country.”¹⁴⁰

One of the main complaints made against Simpson by both Archibald and McKay was that he was not available to distribute rations and agricultural supplies to those who required them in Treaty One and Treaty Two territories. Archibald claimed that “the Government of Canada succeeds to the position of the Hudson’s Bay Company with the Indians” and chastised Simpson for leaving the excess provisions after the Treaty Two negotiations under lock and key at Manitoba Post.¹⁴¹ Simpson responded that the HBC would continue to provision the Indians as long as the fur trade continued to exist. He also questioned the need for provisions as each Indian had recently “received \$6 in cash, for which as yet they have given nothing as there is not a single white settler on their lands.” McKay complained that, “the heads of the families of the tribes to whom the treaties were made are, without exception anxious as soon as possible to make a commencement in farming.” Simpson claimed that only “one third of the heads of families will ever farm.”¹⁴² Though Simpson attempted to brush off the criticisms, many of his arguments rang hollow. He claimed that there was not a single white settler in Treaty Two territory but the Icelandic settlers had begun to arrive.¹⁴³ Simpson also interpreted the treaty provision for agricultural supplies differently than Archibald and McKay. He wrote to Secretary of State for the Provinces, Joseph Howe:

The way that I understand the treaty to read was this. That whenever any family settled down on the reserve and built a house or showed that they were anxious to take up the life of white men – they should then have a plough and harrow given them, but not that each Indian could demand those articles as soon as the treaty was signed the effect of which would be that such ploughs and harrows would be traded for whiskey in almost every instance.¹⁴⁴

Simpson’s argument frustrated Archibald and McKay as there were many families who had settled down and practiced farming in Treaty One. Simpson was from Thunder Bay

¹⁴⁰LAC, RG10, Volume 3569, File 95, “Simpson to Howe,” March 25, 1872.

¹⁴¹Ibid.

¹⁴²LAC, RG10, Volume 3569, File 95, “Simpson to Howe,” March 25, 1872.

¹⁴³Morris, *Treaties with The Indians*, 141.

¹⁴⁴LAC, RG10, Volume 3569, File 95, “Simpson to Howe,” March 25, 1872.

and had little knowledge of the Indigenous communities in Treaty One and Two. He ended his response to the Treaty grievances by stating, “if the treaties were carried out in the way that would suit the Hon James McKay I feel the people of the Dominion would grumble at the cost.”¹⁴⁵

From the accounts in the press it appeared the people of the Dominion were more concerned about honouring the treaty provisions than Simpson’s focus on frugality. The *Ottawa Times* reported on October 7, 1873:

The time is rapidly coming when the plains, which now yield to the Indians their chief source of sustenance in the buffalo, will be covered with the crops of numberless settlers, and when the bison will have become a thing of history. The Indian must, therefore, change his whole character; he must become civilized, or he must starve, and starving men are not easily dealt with. It therefore behoves us, not only to make treaties with the Indians, and to see that they are carried out to the letter, but to make our treaties so liberal that the conditions will not bear heavily upon the weaker of the two contracting parties. The Indian must find his road to civilization an easy road, or depend upon it, he not tamely submit to follow it. He is the original possessor of the soil, and he has a pretty clear comprehension of the rights which such possession gives, he will not therefore be satisfied with anything less than what he considers a fair quid pro quo; nor should he in justice receive less.¹⁴⁶

The press demanded liberal treaties that were “carried out to the letter.” They did not want undue pressure applied to Indigenous peoples for fear that they would abandon treaty-making and choose military resistance instead. In a later article discussing treaty grievances, the *Ottawa Times* chastised the commissioners stating, “... there is little use making treaties or locating reserves, unless the terms of the former are rigidly adhered to.... We have great work before us in the settlement of Indian difficulties all over the North-West and the Commissioners should see to it.”¹⁴⁷ Most accounts of treaty in the press implored the commissioners to act judiciously. The settlers especially feared “acts of injustice and spoilation, which would arouse the ire” of Indigenous peoples and lead to

¹⁴⁵Ibid.

¹⁴⁶“Our Indians,” in *The Ottawa Times*, October 7, 1873.

¹⁴⁷“The Indians,” *The Manitoban*, February 28, 1874.

bloodshed.¹⁴⁸ It is important to note that all of the examples from journalists in this chapter emphasized a clear understanding of complicated treaty issues. The newspaper accounts did not describe treaties as simple land surrenders. They insisted that the treaty terms be liberal and honoured by the government, as the Indigenous nations are ‘the original possessor of the soil’ and have a ‘pretty clear comprehension of the rights which such possession gives.’

The Outside Promises of Treaties One and Two

Despite the efforts of Archibald and McKay to implement the treaty provisions that they had promised during the negotiations, the grievances surrounding Treaties One and Two continued to grow, and were referred to as the “outside promises.” Though described by the treaty commissioners and Indian Affairs officials as promises made outside the text of Treaty One, the outside promises were actually made during the negotiations. Molyneux St. John, who was an Indian agent in Manitoba and a witnesses to Treaty One described the outside promises in a letter written in 1873:

When Treaty No. 1 was in process of negotiation the spokesman of the several Indian bands enumerated the gifts and benevolences which they requested from Her Majesty’s Representatives in return for the surrender of the Indian country. Some of these were accorded and some refused, but in the natural desire to conclude the treaty, His Excellency the then Lieutenant Governor and Mr. Commissioner Simpson assumed, as it afterwards proved too hastily that their instructions and decisions were understood and accepted by the Indians. Amongst the several speakers on the part of the commission was a clergyman who had been for many years in pastoral charge of the St. Peter’s Reserve, and this gentleman supplemented the articles enumerated by the Indians by mentioning offers which the Lieutenant Governor, he said, had authorized him to say they were to receive. Though immediately interrupted by Mr. Commissioner Simpson, the words had been spoken, and at that juncture of affairs it would have been difficult and probably inexpedient, to entirely disallow them. So the treaty was signed, the Commissioner meaning one thing, the Indians meaning another. The proceedings were over but a short time before it became evident that there was some misunderstanding, and with the view of settling the matter at rest, at least as far as regarded one side, His Excellency the then Lieutenant Governor asked Mr. Commissioner Simpson, the Hon. James

¹⁴⁸“Our Indians” *Ottawa Times*, October 7, 1873.

McKay and myself, as the persons knowing best the circumstances and details of the matter to join with him in signing a list of articles which we severally and collectively understood to be the things promised to the Indians, but not mentioned in the treaty.¹⁴⁹

There are numerous letters and reports in the Department of Indian Affairs records describing the outside promises of Treaties One and Two, but this account by St. John is probably the most accurate. During the treaty negotiations, St. John was a clerk of the Privy Council and was later appointed Indian Agent in Manitoba. He was a witness to the Treaty One and Two negotiations and also helped draft the list of outside promises that was sent to Ottawa and was later amended to Treaty One. The outside promises are selected verbal promises made or confirmed by the commissioners during the Treaty One negotiations, which were not written down in the text of treaty. The clergyman from St. Peters mentioned by St. John was the Anglican priest Abraham Cowley.¹⁵⁰ What is not clear is whether Cowley had authority to make promises during the treaty negotiations. Regardless, his promises were confirmed by Archibald and when St. John attempted to pay treaty annuities the following year there was much discontent that the promises had not been fulfilled. St. John wrote that “The Indians of St. Peter’s Reserve were loud in the complaints and ... kept me for six hours in discussion with their chiefs and spokesmen before they could be pacified and persuaded to accept their annuity.”¹⁵¹

Unfortunately, the documented accounts of the Treaty One negotiations are not complete. None of the transcripts or summaries of the Treaty One negotiations mentioned promises made or confirmed by Cowley. Instead, the Department of Indian Affairs relied upon the memories of Archibald, Simpson, St. John, and McKay who met to write their recollections of the outside promises in a memorandum. This two page memorandum was sent to the Indian Affairs Department and was eventually appended to Treaties Number

¹⁴⁹LAC, RG10, Volume 3598, File 1447, “Treaties #1 & #2 – The fulfillment of treaty obligations, 1873-1874.”

¹⁵⁰LAC, RG10, Volume 1846, IT 255, “Western Treaty No. 1.” Cowley’s signature is the third on the list of witness signatures on the last page of the treaty original manuscript.

¹⁵¹LAC, RG10, Volume 3598, File 1447, “Treaties #1 & #2 – The fulfillment of treaty obligations, 1873-1874.”

One and Two. The undated memorandum states:

Memorandum of things outside of the Treaty, which were promised at the Treaty of the Lower Fort, signed on the 3rd Aug. 1871. For each chief that signed the Treaty, a dress distinguishing him as chief. For Braves and Councillors of each chief, a dress – it having been supposed that the Braves and Councillors will be two for each Chief.

For each Chief except Yellow Quill, a Buggy.

In lieu of a yoke of oxen for each Reserve, a Bull for each; and a cow for each chief: a Boar for each Reserve; and a Sow for each chief; and a male and female of each kind of animal raised by farmers – these when the Indians are prepared to receive them. A plough and harrow for each settler cultivating the ground.

These animals and their issue to be government property but to be allowed for the use of the Indians under the Superintendence and control of the Indian Commissioner. The Buggies to be the property of the Indians to whom they were given. The above contains an understanding of the terms concluded with the Indians. Signed by Adams G. Archibald, William Simpson, Molyneus St. John and James McKay.¹⁵²

The outside promises mainly focused on agricultural implements, which is likely accurate as that was the focus of Cowley's work. The dress for the chiefs, braves and councillors originated with HBC trade protocols. The buggies are mentioned in other RG10 documents relating to the outside promises. As late as June 1876, many of the Treaty One chiefs insisted that the outside promises had not been implemented. As proof that the buggies were provided, the Department of Indian Affairs sent a memorandum on the costs, which stated that thirty buggies were constructed in May of 1872 and distributed to ten chiefs and twenty headmen. The chiefs and headmen of the Portage and White Mud River communities did not receive buggies. The total cost to construct and transport thirty buggies in 1872 was \$4,359.65.¹⁵³

The last section of the outside promises included livestock and a plough and harrow. These were intended to help assist the transition from a gathering and hunting economy to one based on agriculture. The impetus for the agricultural assistance likely

¹⁵²Ibid.

¹⁵³LAC, RG10, Volume 3634, File 6516, "Cattle, Manitoba Lake Band, 1876."

originated with Cowley, as he had achieved some success with farming at St. Peter's.¹⁵⁴ Though there are no references to the outside promises in the accounts of the Treaty One negotiations, the transcript of the proceedings from *The Manitoban* sheds some light on the promises made. The article titled "The Chippewa Treaty" described the sixth day of the Treaty One negotiations. According to the journalist from *The Manitoban*, it was Prince who first mentioned agricultural assistance. Prince first questioned the government's claim to expand the Indian settlement at St. Peter's, then he stated: "The Queen wishes the Indians to cultivate the ground. They cannot scratch it – work it with their fingers. What assistance will they get if they settle down?"¹⁵⁵ Archibald responded with the promise to provide a school and school-master on the reserve, as well as ploughs and harrows for those who desire to cultivate the soil. It is unclear how much influence Abraham Cowley had with Archibald, but the promise of schools on reserves would have appealed to the Anglican priest, and according to the account in *The Manitoban* it was not a request made by Prince or any other chief.

It was the Oak Point chief Grand Orielles who requested suits of clothing "for my braves and councillors."¹⁵⁶ The request for buggies came from the Pembina Chief Was-sus-koo-koon. He stated: "We want buggies for the chiefs, councillors and braves, to show their dignity!" The chief also demanded a house, a plough and cattle, fine clothes for the children, hunting supplies for men and supplies for the women. Chief Was-sus-koo-koon also demanded freedom from taxes and stated, "If you grant this request ... I will say you have shown kindness to me and to the Indians."¹⁵⁷ Chief Was-sus-koo-koon's requests match the outside promises memorandum in a number of ways. Was-sus-

¹⁵⁴LAC, RG10, Volume 8594, File 1/11-11 Pt. 2, "Reserve set aside under stipulations of Treaty No. 1."

¹⁵⁵Special Correspondent of *The Manitoban*, "Sixth Day's Proceedings, Lower Fort Garry, Wed. Aug. 3" *The Manitoban*, August 12, 1871.

¹⁵⁶Special Correspondent, "Dress Them" *The Manitoban*, August 12, 1871.

¹⁵⁷Special Correspondent, "More Demands – The Commissioner Astounded" *The Manitoban*, August 12, 1871.

koo-koon was the only chief to request cattle and mention buggies, both of which are included in the outside promises memorandum. Chief Was-sus-koo-koon also stated that he did not speak for the Portage Band (Yellow Quill's community) and the outside promises memorandum noted that buggies are granted for each chief "except Yellow Quill." According to St. John's recollections of the outside promises, it was Cowley who stated terms that he had authority to grant. It is possible that Cowley granted some of the requests made by Chief Was-sus-koo-koon, but it is also possible that the requests were granted by Simpson.

The most important question is why the commissioners did not add the promises to the text of the treaty manuscript. The commissioners either forgot to add the promises as stated in the Department of Indian Affairs records, or could not add the terms because they did not have the authority to do so. A close look at the original manuscript of Treaty One reveals that the latter explanation is likely correct. The commissioners purposely neglected to add the promises, either for fear of repercussions from Ottawa, or in the hopes that the promises made would be forgotten and the costs to implement them would be unnecessary. As stated earlier in this chapter, the original manuscript of Treaty One was written out in the same handwriting, likely by the same individual. The text of Treaty one also includes blank spaces where requests made by the chiefs which were granted by the commissioners could be added. At the top of the blank space, the commissioner's added new text regarding the present of \$3 "to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians parties to this Treaty ..." and the provision for schools on each reserve "whenever the Indians of the reserve should desire it."¹⁵⁸ Because the commissioners remembered to add the three dollar present and the provision for schools on reserves, it is likely that they purposely excluded the clothing, agricultural implements and buggies from the text of treaty. It is not plausible that the

¹⁵⁸LAC, "Western Treaty No. 1" RG10, Volume 1846, IT 255, 2.

treaty commissioners could remember to add two new clauses based on the negotiations, but forget the others made in the same negotiations. There was certainly enough space in the original manuscript below the provision for schools to include the remaining promises. In fact, the commissioners were required to draw a line through the space, rather than leave it blank.

It is also interesting to note that the narrative in *The Manitoban* captured other requests made by the chiefs in the context of the outside promises. Chief Was-sus-koo-koon requested cattle, a plough and buggies, which were granted in the outside promises memorandum. On the same occasion he also requested clothing for children, supplies for both men and women, housing and freedom from taxes. The commissioners may have been “astonished” by the last two requests, but the demand for housing was a recurring one which was linked to the permission to build the road from Lake of the Woods to Fort Garry. Archibald claimed that the road was not an issue in the treaty negotiations, but George Kasias also asked, “Where will my children get anything to shelter them from the heat? They expect it from the road.”¹⁵⁹ There is no record of further discussions on housing, but the subject resurfaced whenever grievances over the outside promises were brought forward.¹⁶⁰

After the Treaty One and Two negotiations, the outside promises remained a fixture of controversy for many years. When Alexander Morris replaced Archibald as Lieutenant Governor of Manitoba in 1872, the grievances over the outside promises had not been settled. It was not until the autumn of 1875 that Morris obtained the agreement from the chiefs to settle the matter.¹⁶¹ The Federal Government authorized the settlement of the outside promises by an order-in-council dated April 30, 1875. The order-in-council stated:

¹⁵⁹Special Correspondent, “Kasian Wants to Come to a Point” *The Manitoban*, August 12, 1871.

¹⁶⁰LAC, RG10, Volume 3625, File 5495, “Payment of Treaty Annuities, Treaties 1 + 2”.

¹⁶¹LAC, RG10, Volume 3625, File 5495, “Morris to the Minister of the Interior, October 11, 1875.”

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 30th April, 1875.

On a Memorandum dated 27th April, 1875, from the Honorable Minister of the Interior, bringing under consideration the very unsatisfactory state of affairs arising out of the so called "Outside Promises" in connection with the Indian Treaties No. 1 and 2, --- Manitoba and the North West Territories concluded, the former on the 3rd August, 1871 and the latter on the 21st of the same month; and recommending for the reasons stating: --

1st. That the written Memorandum attached to Treaty No. 1 be considered as part of that Treaty, and of Treaty No. 2, and that the Indian commissioner be instructed to carry out the promises therein contained in so far as they have not yet been carried out, and that the Commissioner be advised to inform the Indians that he has been authorized so to do.¹⁶²

The outside promises memorandum had already been added to Treaties One and Two, but it had had done little to placate the communities who believed that the promises made at the treaty negotiations had not been kept. The order-in-council acknowledged that there had been a misunderstanding, but reminded the Cree and Saulteaux peoples that the "Treaty is binding alike upon the Government and upon the Indians."¹⁶³ In an attempt to have the chiefs agree to settle the outside promises controversy, the "Government, out of good feeling to the Indians and as a matter of benevolence, is willing to raise the Annual Payment to each Indian under Treaties Nos. 1 and 2, from \$3.00 to \$5.00 per annum." The chiefs and headmen were to receive an extra \$20.00 and a suit of clothing every three years, as long as they "abandon all claim whatever against the government in connection with the so-called 'Outside Promises' other than those contained in the Memorandum attached to the Treaty."¹⁶⁴ The last line of the order-in-council is the most interesting as it acknowledged that there were other promises made that were not included in the memorandum. These were likely the promises regarding housing and freedom from taxes. The document required that these claims must be abandoned before accepting the

¹⁶²LAC, RG10, Volume 3571, File 124, pt. 2A, "Report of the Committee of the Honourable the Privy Council."

¹⁶³LAC, RG10, Volume 3571, File 124, pt. 2A, "Report of the Committee."

¹⁶⁴Ibid.

increase in annuities.

Accompanying the copy of the order-in-council was a template for the agreement of the chiefs and headmen. The only new term added in this template was that the number of headmen (Braves and Councillors) for each chief “shall be four at present instead of two as printed” This last term was likely overlooked in Ottawa and added by Morris as both he (with McKay and Grahame) and Joseph Albert Norbert Provencher (who had replaced Simpson as Indian Commissioner) visited the communities to obtain the signatures, with McKay as interpreter. When Morris and Provencher finally collected the signatures from all of the Treaty One and Two chiefs, Morris wrote to the Minister of the Interior: “You will therefore perceive, that with the exception of the Portage Band, with regard to whom I wrote you fully on the 2nd August, the assent of all the Indians, interested therein to the proposed mode of settlement of the **un-recorded promises**, made at the conclusion of Treaties Nos 1 + 2 has been obtained, and I feel that I have reason to congratulate the Privy Council, on the removal of a fruitful source of difficulty and discontent.”¹⁶⁵ Interestingly, Morris referred to the outside promises as the “un-recorded promises” despite the fact that they were recorded in the account of the negotiations in *The Manitoban*, the memorandum attached to Treaties One and Two and Commissioner Simpson’s despatch to the Secretary of State for the Provinces. In 1875, Morris also failed to secure the signature of Chief Yellowquill at the Portage, whose dispute with the Indian Department was mainly over the size and location of his reserve.

It is also interesting to note that Morris secured most of the signatures at Manitoba Post, which was more convenient than visiting each reserve and was a more central area than Fort Garry. It is likely that during the time of the outside promises controversy, most First Nations communities considered Treaties One and Two the same, rather than two separate treaties. This is also reflected in the RG10 documentation. The commissioners,

¹⁶⁵LAC, RG10, Volume 3625, File 5495, “Morris to the Minister of the Interior, October 11, 1875.” Emphasis added.

Indian agents and other administrators always referred to Treaties One and Two together. They were never discussed separately. After 1873, most Indian Affairs administrators referred to the first numbered treaty as Treaty One and Two and the outside promises memorandum, as the memorandum was considered to be of equal importance to the text of the treaties. The outside promises also had an immense impact on the later numbered treaties. The Canadian government learned that verbal promises could not be made flippantly during the negotiations, and the negotiating skills and memories of the Cree and Saulteaux chiefs could not be under-estimated. Some historians have described the treaty negotiations as simply “telling the Indians what they wanted to hear,” and having the chiefs touch the pen.¹⁶⁶ The outside promises controversy showed that this was not the case and the chiefs would not be duped into accepting empty promises. That is not to say that the commissioners for later treaties were completely honest and forthcoming during the negotiations, but they avoided making explicit promises that they could not deliver.

Conclusion

Treaties One and Two are important to the history of the numbered treaties as they were the first treaties successfully negotiated by the Canadian government in the North-West. However, the failed negotiations with the Anishnabeg at Fort Frances in 1871 were also important and have been overlooked by historians. The negotiations for the right-of-way through Anishnabeg territory involved Canada’s first Indian Commissioner in the North-West (Simpson) as well as assistant commissioners Dawson, Pither and James McKay. It is important to note that the commissioners appointed in 1871 were highly knowledgeable men with many years of experience with Indigenous communities. Both Simpson and Pither were employed by the HBC and had intimate knowledge of the ceremonies and protocols of the fur trade relationship. Dawson had

¹⁶⁶DeMallie, “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective,” 40.

long experience with the Anishnabeg communities through the Department of Public Works. He understood the leadership traditions of the Anishnabeg peoples and was sensitive to their goals. Finally, James McKay had the dual advantage of fluency in Indigenous languages and his experience with the HBC. McKay was also knowledgeable about the Indigenous traditions and ceremonies through his connection to the Métis community at Red River. Based on their experiences in the North-West, it would have been difficult for any of these men to misunderstand the Anishnabeg negotiators in a treaty setting, let alone all four of them.

After the failed negotiations at Fort Frances in 1871, Simpson joined Lieutenant-Governor Archibald and McKay in negotiating Treaties One and Two at Fort Garry on August 3 and Manitoba Post on August 21. The commissioners were under enormous pressure to successfully complete the negotiations. The Cree and Saulteaux had demanded a treaty immediately after Archibald's arrival at Red River in the Fall of 1870 and continued to pressure the Canadian government by prohibiting the use of wood and hay lands. Recent immigrants wanted the land question settled so that they could begin to settle the land. After eight days of negotiations at Fort Garry an agreement was reached. The terms included the standard provisions authorized by the Canadian government including a three dollar annuity payment, reserved lands, a prohibition on liquor and a census. In response to the difficult negotiations and demands made by the chiefs, the commissioners added a present of three dollars and a provision for schools on reserves.

Though assistance with agriculture was promised during the negotiations, the commissioner's neglected to add the provision to the text of treaty. This led to the "outside promises" controversy, which caused animosity between the Cree and Saulteaux peoples and the Canadian government. The disagreement over the outside promises was never resolved to the satisfaction of all parties, but the provisions for agricultural implements, the chief's and headman's suits, as well as buggies for the chiefs were

eventually appended to Treaties One and Two in a memorandum signed by Archibald, Simpson, St. John and McKay. In 1875, Lieutenant-Governor Morris added an increased annuity payment and also increased the annual payments for chiefs and headmen in an attempt to end the controversy of the outside promises. At face value, the outside promises suggested that misunderstandings took place during the negotiations, but a more thorough analysis revealed that there were consequences when an understanding did not take place. When the promises made at the Treaty One negotiations were not written into the text of treaty, the Cree and Saulteaux communities refused their annuity payments and petitioned the Indian department. The resolution of the outside promises showed that misunderstandings had to be resolved and could not be exploited to the advantage of the Canadian government.

Chapter Four: Treaty Three, The North-West Angle Treaty

*... they stand on their natural rights as lords of the land ... and flatly, firmly decline to enter into treaty with the government The Indians must be afraid of the white people or they will very soon make the white man fear them.*¹

Anonymous, 1872

After the first attempt at negotiating a treaty between the Canadian government and the Anishnabeg (Saulteaux) at Fort Frances failed, Treaty Commissioners Wemyss Simpson, Simon J. Dawson and W.J. Pither met again with the Anishnabeg chiefs north of Lake Superior in 1872. The negotiations were again unsuccessful. On June 16th 1873 the Canadian Government issued a “Commission to Negotiate a Treaty with the Indians” which appointed Alexander Morris, the Lieutenant-Governor of Manitoba and the North-West Territories, Assistant Surveyor General Lindsay Russell and Indian Commissioner Joseph Albert Norbert Provencher as commissioners. Russell argued that his position as land surveyor of Indian reserves put him in a conflict of interest and resigned. Morris appointed Dawson in his place and was also accompanied by Pither, who had attended the negotiations for the last three years. Provencher was accompanied by Indian Agent Molyneux St. John and James McKay acted as interpreter along with Nicholas Chastelain and George McPherson. Chiefs Mawedo-peness from Rainy River and Chief Pow-wa-sang from Lake of the Woods led the negotiations for the Anishnabeg. They were also assisted with contributions from Chief Blackstone (Mukadaossin) from Lac des Mille Lacs and Chief Sah-Katch-eway from Lac Seul. After five days of meetings in preparation for the discussions and three days of discussions, Treaty Three was successfully negotiated on October 3, 1873.

As discussed in the previous chapter, the claim for safe passage and the use of the Dawson Route were the major barriers at the Fort Frances treaty negotiations in 1871. The commissioners also underestimated the importance of the right-of-way agreement of

¹LAC, RG10, Volume 1869, File 582, “Confirmation on Remarks on Indian Affairs.” Newspaper clipping sent to Indian Affairs by Burton Marshall, August 29, 1872. The publication is not referenced, but the heading is: “Letter from Fort Frances. The Indian Treaty. Fort Frances, July 13, 1872.

1870. At the end of the negotiations in 1871, the commissioners paid three dollars to extinguish “all past claims whatever” but in 1872, it was the right-of-way and claim for safe passage which again hindered the treaty negotiations. In a letter to Secretary of State for the Provinces Joseph Howe, Treaty Commissioners Simpson, Dawson and Pither explained their reasons for the failure of the Treaty Three negotiations in 1872:

Sir, we have the honor to inform you, that during the past sixteen days we have had repeated interviews with the Saulteaux Indians of this place, and have done everything in our power to negotiate a treaty with them in conformity with the views of the government conveyed to us through your department, but regret to say that in this we have not been successful. The Indians could not be induced to go into the discussion of the provisions made in the various articles of the treaty, and not withstanding the clear understanding had with them, last year, to the effect that the payments and presents, then made, were to cover all claims real or supposed up to that time – have advanced the most extravagant demands for roads made on their lands and wood taken for steamers and buildings.²

After sixteen days of negotiations the commissioners could not get past the previous claim for the right-of-way. Despite the assurances that all previous claims had been dealt with the previous year, the chiefs still believed that a debt was owed to them for the right-of-way and they refused to hear the government’s proposed terms until it was paid.

The commissioners recommended to Indian Affairs that the amount of annuities be increased to seven dollars, but did not think that there was much hope that continuing the negotiations would result in a successful conclusion.³ The commissioners also claimed that Indigenous groups from the United States bragged that their treaty payments were many times that offered by Canada. As the Department of Indian Affairs records reveal, the commissioners were well aware that the demands made by the chiefs were far greater than the terms authorized by the Canadian Government. As *The Manitoban* reported on October 22, 1872, of the three principal chiefs, Keejikooka from Rainy Lake, Blackstone from Lac des Milles Lacs and Manatontenis (Mawedo-peness) from Rainy River, only Keejikooka was disposed to accept the government’s terms. The article

²LAC, RG10, Volume 1868, File 577, “Simpson, Dawson and Pether to Joseph Howe, July 17, 1872.”

³Ibid.

reported that after the meetings, which were led by Dawson, “nothing was done and the Indians took their departure for their distant wigwams. Each chief was presented with a shot-gun, with the exception of Blackstone, who had got one last year.”⁴ The article noted that despite being considered a secondary chief, Blackstone claimed “precedency” and his resistance to treaty had much support.

The Treaty Three Commissioners, 1873

By the time that preparations were made for resuming the Treaty Three negotiations in 1873, Simpson had retired as Indian Commissioner and Provencher was appointed in his place. According to the order-in-council which appointed Provencher as Indian Commissioner, Simpson resigned due to “urgent private affairs rendering his residence in Manitoba inconvenient to him.”⁵ Simpson’s resignation was accepted and Provencher was appointed on February 28, 1873. Provencher was originally appointed secretary to William McDougall’s North West Council in 1869, but when Louis Riel barred McDougall’s entrance to Canada, Provencher was unable to assume his position.⁶ Provencher was later appointed immigration agent for the North-West on August 1, 1871. He spent the first year of his appointment in Red River and then was transferred to Paris for a three-month term to encourage immigrants from France.⁷ Following this term, Provencher was appointed Indian Commissioner and arrived in Manitoba on June 2, 1873. According to Brian Titley, Provencher’s appointment as Indian Commissioner was significant and improved the department’s presence in the west, as Simpson’s previous appointment was only part-time.⁸ Titley described Provencher as “large and ungainly.” His appearance was generally unkempt, but Provencher’s love for fine wines and food

⁴From a Correspondent, *The Manitoban*, “Prince Arthur’s Landing, October 22, 1872.”

⁵LAC, RG2, Order In Council 1873-0229, “Indian Commissioner recommends that the resignation of Commissioner Simpson be accepted, February 28, 1873.”

⁶Titley, *The Indian Commissioners*, 15.

⁷LAC, RG2, Order In Council 1872-0563, “Immigration Agent in Europe Recommends Appointment of J.A.N Provencher June 1, 1872.”

⁸Titley, *The Indian Commissioners*, 17.

contradicted his dishevelled exterior. Provencher was born in Lower Canada in 1843 and educated through the generosity of his uncle, Bishop Joseph-Norbert Provencher. He studied law, but worked as a journalist in Montreal before his appointment to the North West Council.

Provencher was fluently bilingual, but he was not successful as Indian Commissioner. He did not get along with other government administrators and was eventually dismissed in 1878 for fraud. According to Titley, Provencher made a number of errors which led to his dismissal. Despite his youth (Provencher was 26 when he first arrived at Red River) he resisted accepting advice and showed little deference to the office of Lieutenant-Governor. His attitude toward the Saulteaux and Cree communities in Treaties One and Two territory was condescending. Provencher missed scheduled meetings with chiefs and delivered supplies of inferior quality only after much delay. His office administration was described as “very objectionable and unbusiness like.”⁹ Treaty One Chief Henry Prince refused to accept treaty annuities and wrote a letter of complaint to Indian Affairs, which resulted in a reprimand against Provencher. In his defence, Provencher blamed a missed meeting on Reverend Henry Cochrane, who selected the Stone Fort as meeting place while Prince waited at St. Peter’s Indian Reserve. The department did not accept Provencher’s explanation, as most of the Cree and Saulteaux peoples in Treaty One refused to meet at the HBC fort. Provencher claimed he was not aware of “the Honorable Mr. Archibald ever having been blamed for having held councils with those very same Indians and at that same Stone Fort, nor Mr. Simpson, nor Mr. St. John for having paid them there.”¹⁰ Provencher’s excuse was ignored by the department and the reprimand held. Despite his many errors, Provencher’s term as Indian Commissioner included the successful negotiation of Treaty Three and the resolution of the outside promises grievance of Treaties One and Two.

⁹Ibid., 25.

¹⁰ LAC, RG10, Volume 3603, File 218 1/2, “Indian Commissioner’s Office, Winnipeg, 10 July, 1873”

Alexander Morris had also replaced Adams Archibald as Lieutenant-Governor of Manitoba. Morris was born in Perth, Ontario in 1826 into a prosperous Scottish Presbyterian home. He received his early education in Scotland, but completed his law degree at McGill College in Montreal (1851). Morris practiced commercial law in Montreal for ten years and focused on land speculation.¹¹ In 1861, he was elected to parliament and was made Minister of Inland Revenue in 1869. Morris was disappointed when he was passed-up for the first position of Lieutenant-Governor of Manitoba, but by 1872 politics had taken its toll on his health and he wrote to Prime Minister Macdonald asking for an appointment as a Judge in Manitoba. Morris' request was granted and by the middle of 1872 he was appointed Chief Justice of Manitoba. The community of Red River welcomed Morris graciously and *The Manitoban* noted that "Chief Justice Morris means work" as only a few hours after his arrival he was sworn in by Archibald.¹² When Archibald later resigned to return to Nova Scotia, Morris was appointed Lieutenant-Governor of Manitoba in December of 1872.

Like his father, Morris was a staunch Conservative and experienced land speculator. Manitoba's land reserves appealed to his business interests and by January 1872, Morris had acquired at least 92 lots in Red River.¹³ In *Negotiating the Numbered Treaties*, Robert Talbot noted that Morris treated the disparate groups of Red River fairly, but held his land interests above all others. Morris bought Métis Red River lots at outrageously low prices and withheld his assent from a bill introduced to cancel the sales. He also fought against the town's plan to widen streets because it interfered with his property holdings.¹⁴ Talbot argued that Morris applied his experiences as a land speculator to his treaty negotiating strategy. Morris was described as an uncompromising negotiator who seldom wavered from his original purpose. Morris "approached the

¹¹Talbot, *Negotiating The Numbered Treaties*, 37.

¹²"Chief Justice Morris" in *The Manitoban*, August 24, 1872.

¹³Talbot, *Negotiating the Numbered Treaties*, 54.

¹⁴*Ibid.*, 53-54.

negotiations with the firm hand he believed his position as an official of the government demanded.”¹⁵ Brian Walmark had a different interpretation than Talbot. In “Alexander Morris and the Saulteaux” Walmark agreed that Morris benefitted from his experiences as a land speculator, but he argued that Morris also benefitted from his position of Lieutenant-Governor and representative of the Queen. For Walmark, this association with the Queen and the assistance of the Red River Métis representatives at Treaty Three were essential to Morris’ success at Treaty Three.¹⁶

The Treaty Three commissioners also included McKay, Pither and Dawson and the site of the negotiations was changed from Fort Frances to Lake of the Woods. Fort Frances was the traditional gathering place for the Anishnabeg communities and was the most convenient treaty site. However, the recent appointment of Provencher as Indian Commissioner and Morris’ recent appointment as Lieutenant-Governor of Manitoba delayed the preparations for negotiations in 1873. William Spragge, the Deputy Superintendent General of Indian Affairs contacted Dawson on June 24th and inquired about setting the negotiations for September. Dawson replied that September was possible, but only at the North-West Angle as most Anishnabeg communities disperse from Fort Frances and move to “their hunting grounds in the interior” in the fall.¹⁷ Dawson confirmed the September date for the Treaty Three negotiations with the Anishnabeg leadership at Fort Frances in July on his way to Fort Garry.

The Treaty Three Chiefs, 1873

According to the account of the Treaty Three negotiations recorded for *The Manitoban*, there were two main speakers for the Anishnabeg peoples, Chief Mawedopeness from Rainy River (Fort Frances) and Chief Pow-wa-sang (Powasson) from Lake of the Woods (North-West Angle). Chief Blackstone from Lac des Mille Lacs also spoke

¹⁵Ibid., 69.

¹⁶Walmark, “Alexander Morris and the Saulteaux,” 2.

¹⁷LAC, RG10, Volume 1902, File 2122, “Treaty 3 – J.S. (*sic*) Dawson stating that negotiations with the Saulteaux could be resumed in September, 1873.”

as well as Chief Sah-Katch-eway from Lac Seul. It was Sah-Katch-eway who first stated that he was prepared to accept the commissioner's treaty terms. David McNab considered this to be the turning point of the negotiations,¹⁸ but there is some debate about whether Chief Sah-Katch-eway's acceptance of the treaty terms was a spontaneous part of the negotiations, or whether it was planned in advance with Morris. Walmark stated that there was "some speculation that this was a spontaneous act on the part of the Lac Seul chief," but did not explain the origin of the speculation.¹⁹ Wayne Daugherty noted that the main Treaty Three RG10 file contains an account of a meeting between Morris and Chief Sah-Katch-eway dated October 1, 1873.²⁰ The file documented Chief Sah-Katch-eway's authority to speak for his community of 400 people and his willingness to accept treaty in exchange for the terms offered by Morris, as well as agricultural seeds and supplies.²¹ Whether Chief Sah-Katch-eway's contribution to the negotiations was spontaneous or planned, it emphasized Morris' threat that he could treat with individual chiefs who were willing to accept his terms and leave out the "few disaffected ones."²² After Chief Sah-Katch-eway spoke, Chief Blackstone suggested that the chiefs hold a council to discuss the matter and Morris agreed.²³

Chief Blackstone's only recorded contribution to the negotiations was the request to hold a council, which is in striking contrast to his vehement rejection of treaty in 1872 and 1871. During the negotiations, Dawson hinted that the principal chief of Shebandowan, Ke-ha-ke-ge-nen (Pierre Rat McKay) had not authorized Blackstone to speak for him.²⁴ This may have been a veiled threat or at the very least an interruption of

¹⁸McNab, "Hearty Co-operation and Efficient Aid," 146.

¹⁹Walmark, "Alexander Morris and the Saulteaux," 102.

²⁰Wayne Daugherty, *Treaty Research Report: Treaty Three*, 33.

²¹LAC, RG10, Volume 1918, File 2790B, "Treaty No 3"

²²LAC, RG10, Volume 1918, File 2790B, "Morris to the Minister of the Interior, October 14, 1873."

²³*The Manitoban*, "Indian Treaty" October 11, 1873.

²⁴*Ibid.* Dawson's response to Blackstone's speech is difficult to interpret and the account in *The Manitoban* differs from Morris' revised version in *Treaties with the Indians of Canada*. Dawson is recorded to have said, "What I have to say is that the Indians may not be deceived by false representations made to them that Rat McKay came to me and said that he had no confidence in Blackstone." Morris edited

Blackstone's speech before he could get carried away in his condemnation of the treaty terms. After the interruption, Blackstone presented a document that he thought gave him authority to speak, but was merely an acknowledgement of a letter from the Department of Indian Affairs. Dawson certainly had reason to be wary of Blackstone, as the chief had promised to accept treaty in both 1871 and 1872, but resisted settlement and opposed mining while he held out for better terms. However, by 1873 his community at Shebandowan had resolved to accept treaty in exchange for better terms. Daugherty noted that the more isolated communities in Treaty Three had resolved to accept the terms while the communities in the south were less sanguine. The southern communities near Fort Frances and Lake of the Woods could receive wage labour for work on the steamers and were not interested in settling for the government's limited terms.²⁵

Chiefs Mawedo-peness and Pow-wa-sang were the two main negotiators for the Anishnabeg during the Treaty Three negotiations at Lake of the Woods. Chief Mawedo-peness (Wawintopinesse, Manatontenis) spoke at the Treaty Three negotiations in 1872 and was described as one of the main chiefs, but Chief Pow-wa-sang (Powawassin) was newly appointed, likely due to the fact that the site of the negotiations moved to Lake of the Woods where he was the hereditary chief. The Anishnabeg leadership had also recently undergone a number of changes, mainly due to the changing economic situation (decline of the HBC and introduction of free traders), the increased population due to fewer smallpox epidemics and the opening up of communication and transportation along the Dawson route. The changes in leadership also explain how Chief Sah-Katch-eway was able to meet Morris in private during the 1873 negotiations. During the negotiations in 1871 and 1872 sentries were posted at Fort Frances and no individual chiefs met with

this sentence from Dawson's speech. It appears that Dawson supported Blackstone by denying rumours involving Rat McKay. Morris also supported Blackstone and took his advice to break the negotiations so that the chiefs could hold a council. Dawson's account of the negotiations stated, "Did the band authorize Blackstone to speak for him?"

²⁵Daugherty, *Treaty Research Report: Treaty Three*, 31.

the commissioners.

Despite making the most significant contributions to the Treaty Three discussions, the background of Chiefs Mawedo-peness and Pow-wa-sang was discussed only briefly in the commissioner's reports or the account published in *The Manitoban*. There are numerous descriptions of Chief Blackstone in the newspapers and Dawson's letters, but there are very few of Chiefs Mawedo-peness or Pow-wa-sang. The account in *The Manitoban* stated only that Chief Mawedo-peness spoke first during the negotiations and that Chiefs Mawedo-peness and Pow-wa-sang carried on the negotiations "with wonderful tact."²⁶ More information about the chiefs comes from Anishnabeg oral histories, some of which have been recorded. In her thesis on wild rice harvesting rights, Kathi Avery Kinew noted that the Anishnabeg negotiators "included some of the most powerful medicine people in the region." They held powerful medicine bundles and pipes, one of which "had been known to change shape into a huge bear to scare off Sioux warriors."²⁷ Ceremonies played an integral role at the treaty negotiations. When Morris arrived at Lake of the Woods on September 25, the Anishnabeg chiefs held a pipe ceremony. The chiefs then spent six days performing ceremonies, including "purification sweats, pipe ceremonies and *chisiki*" (shaking tent). According to Avery Kinew, these ceremonies created a state of spiritual readiness and also continued throughout the negotiations.²⁸ In *Treaty Elders of Saskatchewan* Harold Cardinal and Walter Hildebrand noted that the importance of spirituality and ceremony to the numbered treaties has often been overlooked by historians. Both authors asserted that it is impossible to fully understand the negotiations without an understanding of Indigenous ceremonial traditions.²⁹ Ceremonies and spirituality were present during the Treaty Three

²⁶*The Manitoban*, "Closing Proceedings" October 18, 1873.

²⁷Kathi Avery Kinew, "*Manito Gitigaan* Governing in the Great Spirit's Garden: Wild Rice in Treaty #3," (Unpublished PhD Dissertation, University of Manitoba, 1995), 115.

²⁸*Ibid.*, 116.

²⁹Cardinal and Hildebrandt, *Treaty Elders*, 1.

negotiations, but were rarely recorded by the commissioners or eye-witnesses. Morris noted that the pipe ceremony took place, but did not discuss any other ceremonies or the symbolic language in the chiefs' speeches.³⁰

Though very few ceremonies are described in the commissioner's reports and eyewitness accounts, many of the Anishnabeg oral histories of Treaty Three emphasized the importance of ceremony and spirituality. An oral history recorded by Neogezhik (Walter Oshie) recounted an exchange between Chief Mawedo-peness and an Anishnabeg elder during the negotiations. "The Elder drew a circle on the ground and drew a line across. He said to the others, 'Did you stand aside and allow them to use all your land?' He went on to say that only half the circle be (shared) and that half be used for people who would be living in time forward." Chief Pow-wa-sang, whose name means "fruit falling off the stem or branch"³¹ spoke after the Anishnabeg Elder and stated to the commissioners: "As deep as the plow and harrow will go, that is all we are allowing you to use. The islands of the lake are not relinquished as a result of this Treaty ... only the ground as I have outlined."³² Dawson noted the importance of the islands in an earlier report. He stated that in the Lake of the Woods territory there are "many islands of varying character some barren, some fertile, on some of which the Indians have grown maize from time immemorial."

Both Mawedo-peness and Pow-wa-sang were powerful medicine people well versed in Anishnabeg spiritual traditions. The "circle on the ground" drawn with Chief Mawedo-peness during the Treaty Three negotiations represented the sweat lodge, which as Anishnabeg Elder Alex Skead explained "is a sacred circle itself."³³ At the very least, describing the sharing of land with the metaphor of the sweat lodge emphasized the

³⁰Morris, *Treaties with the Indians*, 47.

³¹James Redsky, *Great Leader of the Ojibway: Mis-quona-queb* (Toronto: McLelland and Steward, 1972), 13.

³²Kinew, "Manito Gitigaa," 118-119.

³³Peter Kulchyski, Don McCaskill and David Newhouse, eds. *In the Words of Elders: Aboriginal Cultures in Transition* (Toronto: University of Toronto Press, 1999), 168.

relationship between Indigenous peoples, land and the Creator. Like the sweat lodge, the relationship to land was sacred. The chiefs were not relinquishing that relationship, but were allowing newcomers to use the “top-half” of the land, to the depth of a plow. Cardinal and Hildebrandt stated that “the circle symbolized the oneness of First Nations people with the Creator and the spiritual, social and political institutions of the First Nations.” For the elders, the circle emphasized “loyalty, fidelity and unity,”³⁴ which were all important components of the treaty relationship between the Anishnabeg peoples and Euro-Canadians.

Anishnabeg and Euro-Canadian Relations after 1872

The political climate facing the treaty commissioners at the North West Angle in 1873 was tense and foreboding. The Fort Frances negotiations in 1872 did not go well and after negotiating for sixteen days, tensions were high. A journalist who accompanied the commissioners summed up the end of the 1872 negotiations:

The Indians flatly, firmly decline to enter into treaty with the Government until they have been paid for the road. The fact that they received, \$3 each man, woman and child, last year, and a liberal present of provisions in payment of all claims in the past, and on their promise voluntarily made, that they would enter into a treaty this year, is ignored by them. They have a hundred excuses and side issues to help them out of any corner; they stand on their natural rights as lords of the land, when that attitude suits one purpose; and appeal to the generosity of their great chief when their doing so suits another purpose. They bargain and beg alternately and squirm when confronted with their own admissions.³⁵

The Anishnabeg were often described as “lords of the land” and their claims to natural rights of ownership were never questioned by the commissioners. In the same letter the reporter also hinted that the Anishnabeg chiefs were “by no means a unit in their opinions” and noted that some groups favoured treaty, but others had grown impatient with the negotiations. One evening in the late stages of negotiations, a council was held in the Fort Frances dining hall with the Chief from Rainy Lake (Keejikooka), who was in

³⁴Cardinal and Hildebrandt, *Treaty Elders*, 14.

³⁵LAC, RG10, Volume 1869, File 582, “Confirmation on Remarks on Indian Affairs.” August 29, 1872.

favour of accepting the commissioner's terms. According to the reporter, a group of young Anishnabeg men interrupted the council and threatened the chief. The men were "impudent, noisy, and generally objectionable." One young Anishnabeg man followed the treaty commissioner (likely Simpson)³⁶ along a platform and mocked him, while another interrupted the commissioners' table and helped himself to a glass of ice-water. This break from the young men's usual "quiet and polite nature" signalled the end of negotiations.³⁷ The commissioners abandoned the discussions the next day and recommended that a police force be established in the territory to protect settlers and commercial interests. Dawson predicted that work on the road would be "stopped by the Indians" and presents would be demanded for the use of the road. Shortly after the commissioners ended the negotiations, the chiefs demanded all mining operations and prospecting – "picking the rocks" – be discontinued. Chief Blackstone claimed that if prospectors were found at work the Indians would stop them.³⁸

As stated in the previous chapter, the original impetus for negotiating a treaty with the Anishnabeg was the right-of-way for Canadian troops in 1870. After successfully negotiating the right-of-way, the Canadian government sought a land surrender based on the terms of Treaties One and Two. Commercial interests, especially mining and forestry, had become important and the territory would soon be needed for the railway line to unite British Columbia with the rest of Canada. According to John A. Macdonald's timetable, the railway line from Pembina to Red River would be completed by December 31, 1874 and the line north of Lake Superior would be completed by the end of 1876.³⁹ It is important to note that in negotiating the right-of-way in 1870 the Canadian government, at least in the eyes of the Anishnabeg chiefs, had committed to paying a three dollar

³⁶Friesen, *The Canadian Prairies: A History*, 138.

³⁷LAC, RG10, Volume 1869, File 582, "Confirmation on Remarks on Indian Affairs." August 29, 1872.

³⁸*Ibid.*

³⁹Daugherty, *Treaty Research Report, Treaty Three*, 18.

annuity for the use of the road. In light of the successful negotiation of Treaties One and Two (which included a land surrender) the Canadian government wanted the right-of-way agreement terminated and preferred a comprehensive treaty in line with the terms of Treaties One and Two. During the Fort Frances negotiations in 1871, Commissioner Simpson attempted to pay an extra \$3 annuity to negate the right-of-way claim, but in 1872 the Anishnabeg chiefs argued that the debt for the right-of-way was still outstanding. As the settlers and miners continued to use the road, the chiefs asserted their right to charge for the right-of-way. The Anishnabeg leadership had been charging explorers and settlers a fee or toll to pass through their territory as early as the Hind expedition of 1857. Dawson recollected an instance when he and Henry Youle Hind were intercepted by a group of Anishnabeg warriors. Dawson and Hind were “invited to a council” where the chiefs stated:

The reason why we stop you is because we think you do not tell us why you want to go through that way, and what you want to do with those paths. You say that all the white men we have seen belong to one party, and yet they go by three different roads, why is that? Do they want to see the Indian’s land? Remember, if the white man comes to the Indian’s house, he must walk through the door, and not steal in by the window. That way, the old road is the door, and by that way you must go. You gathered corn in our gardens; did you never see corn before? Why did you not note it down in your book?⁴⁰

The chief admonished Dawson and Hind for using a different trail and avoiding payment of the tolls for the right-of-way. In order for the Anishnabeg chiefs to enforce the right-of-way and collect tolls the explorers and settlers had to stay on the main trail. The chief claimed the explorers were sneaking around without permission and was wary of them viewing the “Indian’s land.” After Hind requested guides to lead him through Lake of the Woods to Red River, the chief continued:

It is hard to deny your request; but we see how the Indians are treated far away. The white man comes, looks at their flowers, their trees and their rivers; others soon follow; the lands of the Indians pass through their hands, and they have

⁴⁰Henry Youle Hind, *Narrative of the Canadian Red River Exploring Expedition of 1857 and of the Assiniboine and Saskatchewan Exploring Expeditions of 1858* (Edmonton: Hurtig Ltd, 1971), 100-101.

nowhere a home. You must go the way the white man has hitherto gone. I have told you all.⁴¹

As Dawson was sick with the flu, Hind accepted the chief's position and agreed to travel to Red River on the main trail through Rat Portage. In exchange for the use of the trail and two guides, Hind promised to send presents from Red River, including tea and tobacco.⁴²

The right-of-way through Anishnabeg territory was the main motivation for negotiating a treaty with the Anishnabeg, but after the negotiations of 1872 it was clear that the government would no longer pay an annuity of \$3 for the use of the road. As stated in the previous chapter, when Dawson and Simpson negotiated the right-of-way for the Canadian military in 1870 there were pressures for successful negotiations to guarantee the safety of the troops. As early as 1868, Dawson was aware that the Anishnabeg resisted settlement in their territory in order to protect their fisheries. By 1872, forestry and mining had become more important north of Lake Superior and there was increased pressure to negotiate a more formal treaty which included a land surrender, as well as the right-of-way. The Aemilius Irving papers at the Archives of Ontario contain papers supporting the dispute between the province of Ontario and federal government over Treaty Three. According to the "Report on Indian Claims Arising Out of the North-West Angle Treaty No. 3" by E.B. Borron, secondary motivations to negotiate Treaty Three included control of the "pine timber which was supposed to be vast and almost inexhaustible ..." as well as the "mineral wealth of the region."⁴³ Though Borron argued that the terms of Treaty Three were extravagant and benefitted mainly the provinces of Manitoba (to provide settlement) and British Columbia (construction of the railway), there is evidence of both Ontario timber leases and mining exploration in the

⁴¹Ibid., 101.

⁴²Ibid.

⁴³Archives of Ontario (OA), A.E. Irving Fonds 30/36/6 (2) "Report on Indian Claims Arising Out of the North-West Angle Treaty No. 3" by E. B. Borron, 25.

1870s.⁴⁴ Borron admitted that Ontario had received monies from the sale of timber limits, but that it amounted to much less than the costs of administering Treaty Three. In a letter to Surveyor General S. J. Dennis, E. A. Meredith included a map of mineral claims and recommended that Dawson avoid surveying reserves where applications for mineral lands had been filed.⁴⁵

In the “Commission to negotiate Treaty” authorized by Secretary of State J.C. Aikins, the main Crown motivation was the cession of the Indians’ “rights titles and claims to lands.”⁴⁶ The commission authorized the creation of a “Board of Commissioners” to settle the general policies of Indians Affairs and the goal was clear: the cession of Indian lands in Manitoba and the North-West Territories.⁴⁷ There is some debate about the value of the Board of Commissioners. Brian Titley claimed that the board was ineffective because Indian Commissioner Provencher failed to defer to Morris as Lieutenant-Governor. In return, Morris resented the equal powers held by the board members. Morris preferred having a veto, otherwise the two remaining board members could out-vote him on policy.⁴⁸ As the board became less relevant, Morris ignored it and relied instead on his own North-West Council. As a result, much of the early policy on Indian lands and treaty negotiations is unclear. According to Titley, much of the strategy for the Treaty Three negotiations came from informal discussions among the commissioners, rather than formal policies adopted by the board and supported by the Indian department.⁴⁹ It was this lack of formality, combined with the failed attempts in 1871 and 1872, that led to the increased treaty terms in 1873.

Unlike the Cree and Saulteaux on the prairies, the Anishnabeg made no demands

⁴⁴Ibid., 38-39.

⁴⁵LAC, RG10, Volume 1918, File 2790D, “E.A. Meredith to S.J. Dawson, July 28, 1874”

⁴⁶POA, A.E, Irving Fonds 30/36/2) “Commission to Negotiate Treaty” F 1027-1 North-West Angle Treaty, #3.

⁴⁷Ibid.

⁴⁸Titley, *The Indian Commissioners*, 26.

⁴⁹Ibid., 25.

or petitions for treaty negotiations with the Canadian government. There was no large scale settlement north of Lake Superior as there was at Red River and the Anishnabeg peoples were not suffering from the impact of European diseases or the demise of the buffalo. According to Dawson, the only time the Anishnabeg felt increased economic pressure was in 1869 when there were fewer animals on the traplines and the rabbit population declined.⁵⁰ The only motivation for treaty negotiations was for a formal right-of-way agreement when construction on the Dawson road increased and settlers began emigrating to Red River. According to J.E. Foster, the motivations of the Anishnabeg were for material wealth, which was based on the fur trade system, and the creation of a political relationship through the creation of treaty.⁵¹ The Anishnabeg chiefs acknowledged that there were economic benefits to an alliance with Euro-Canadians. In 1873, Anishnabeg men from from Rainy River and Lake of the Woods were employed working on the steamers and with Dawson's Department of Public Works on construction of the road.⁵² Though they feared settlement in their territory which interfered with their hunting grounds, fisheries and wild rice fields, the chiefs also feared a decline in relations with the Canadian Government which could occur without a treaty.

When the Anishnabeg peoples became aware of Canada's intention to open treaty negotiations in 1873, the chiefs re-submitted a list of demands to the commissioners. The original list was dated January 22, 1869 and was handed over to Dawson or Pither before the right-of-way negotiations in 1870. This original list was re-submitted to Morris and he made a copy and included it in the RG10 Treaty Three file. The document was titled "Demands made by the Indians as their terms for Treaty" and signed by seventeen Anishnabeg chiefs of the Fort Frances and Lake of the Woods area. It stated that they would "agree to make the Treaty with the Queen's Commissioners" if the following

⁵⁰AM 1-1, MG12, A 1, Box 1, "Dawson to Archibald, no date."

⁵¹J.E. Foster, "The Saulteaux and the Numbered Treaties – An Aboriginal Rights Position," in *The Spirit of the Alberta Indian Treaties*, 171.

⁵²Daugherty, *Treaty Research Report: Treaty Three*, 21.

conditions were met:

- 1st That every chief gets a pay of fifty dollars every year
- 2nd That every member of council gets a pay of twenty dollars each year
- 3rd That every first soldier of each chief gets a pay of fifteen dollars every year
- 4th That every second soldier of each chief gets a pay of fifteen dollars each year
- 5th That every head of Indian men women and children gets a payment of \$15 for the first payment, and every subsequent year ten dollars.
- 6th That every head of Indians gets a suit of clothes from the 1st chief to the last Indian and according to their rank every year
- 7th That every chief gets a double barrelled gun every four years, and every man gets one single barrel gun during the same period
- 8th That every chief gets 100 lbs of powder, three hundred lbs of shot, flints, and caps, according to the quantity of munitions every year
- 9th That every chief gets a yoke of oxen, plough, harrow, and utensils for cultivation every four years
- 10th That every chief gets ten cows and one bull every eight years
- 11th That every chief gets a team of Horses, Buggy and Harness every four years
- 12th That every chief gets a she and a he lamb, and one sow and one boar every four years
- 13th That every married woman gets fishing twine and line to make four nets every year
- 14th That every chief gets a set of carpenter's tools, pitsaws included, every six years
- 15th That every chief gets one cooking stove and utensils every 4 years
- 16th That every member of the council, first soldier, and second grade soldier gets one box stove every 4 years
- 17th That every chief gets 20 sacks of flour, 10 Barrels of Pork, I Big Chest Tea, and 100 lbs of sugar every 8 years
- 18th That every chief gets 30 bushels of wheat, 20 bushels peas and various kinds of garden seeds every 8 years
- 19th That every chief gets one ox every year, and rations for all the Indians during the time of the payment each year
- 20th That all the aforesaid demands should last, if granted, forever, that it to say during all the time that an Indian will be alive in this part of the country⁵³

The Treaty Three file does not include any comment on the list of demands, and they are not mentioned in any of the commissioner's reports. There was an estimate of the money

⁵³LAC, RG10, Volume 1918, File 2790B, "Demands Made by the Indians as their Terms for Treaty, October 2, 1873."

value of the demands made which totalled \$123,112.⁵⁴ The list emphasized Foster's point that the Anishnabeg sought material wealth in exchange for sharing their land with Euro-Canadians. It is important to note that this list was submitted in early 1869 when the Canadian government's interest in the territory was first suggested. 1869 was also a year of hardship for the Anishnabeg peoples and many of the demands included food or supplies to assist their hunting and fishing economies. The demands also included seed for farming to add to the wild rice and maize harvest. Taken as a whole the demands show how highly the Anishnabeg valued their lands. The annuities, rations and hunting supplies were much higher than those offered in Treaties One and Two. The demands also represented the entire Anishnabeg community. All men who were head of families would receive a gun, higher annuities and a suit of clothing, rather than just the chiefs and headmen. All the married women would receive fishing line and twine to make nets. These demands followed the traditional gift-giving protocols which maintained alliances between the British and Indigenous peoples.⁵⁵ The men often received guns or ammunition yearly, while women received fabric, thread or sewing needles.

It is likely that Morris transcribed the list in preparation for the verbal demands that would be made during the negotiations. He knew that the chiefs had demanded \$10 annuities during the previous negotiations in 1871 and 1872. There is also evidence that the chiefs re-submitted the list to Morris in order to clarify their demands to the new treaty commissioner. The list of demands submitted by Morris was dated October 2, 1873 which was when the Treaty Three chiefs re-submitted their terms to Morris. It is also possible that Morris transcribed the list and submitted it to Indian Affairs to illustrate the government's difficult negotiating position and explain why it was necessary to increase the terms authorized by the department. Morris chose to initially offer a one-time

⁵⁴LAC, RG10, Volume 1918, File 2790B, "Estimate of money value of demands made by the Indians"

⁵⁵Robert S. Allen, *His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1774-1815* (Toronto: Dundurn Press, 1992), 163-164.

payment of \$10, and an annuity of \$5, which was higher than the \$3 offered during the Treaty One and Two negotiations. Morris later increased the amount of the one-time payment to \$12. He also provided hunting, fishing and some agricultural assistance, but not to the extent described in the list of demands.

The Treaty Three Negotiations, 1873

After numerous delays, Morris left Red River for the North-West Angle of the Lake of the Woods on September 23rd. Upon his arrival, Morris was joined by Provencher and Dawson. Pither was the Indian Agent in charge at Fort Frances and had arrived prior to the commissioners. The principal delay concerned the site of the negotiations. Dawson originally suggested that the negotiations be held at the North-West Angle of Lake of the Woods on September 10th and confirmed this with the chiefs in June, but in early September they requested that the site of the negotiations be changed back to Fort Frances. Morris viewed the change in location as part of the chief's negotiating strategy. If Morris agreed to the change in location, he would be viewed as weak by the Anishnabeg leadership. This was likely a correct assumption. During the Treaty One negotiations in 1871, Chief Ay-ee-pe-pe-tung requested that a group of Saulteaux men be released from jail. Archibald granted the request and Ay-ee-pe-pe-tung's demands for reserved lands increased.⁵⁶ In contrast to Archibald's decision, Morris denied the request to move the site of the negotiations and sent Pierre Lavallier to Fort Frances with a message that the negotiations would begin on September 25th at the North-West Angle or "not at all this year."⁵⁷ The chiefs agreed and *The Manitoban* noted that "the Indians, on account of Thursday's snow, are looking out for winter quarters at the Angle."⁵⁸

In his official report on Treaty Three, Morris claimed that the Anishnabeg chiefs

⁵⁶Special Correspondent, "The Chippewa Treaty," in *The Manitoban*, August 5, 1871.

⁵⁷LAC, RG10, Volume 1918, File 2790B, "Morris to the Minister of the Interior, October 14, 1873.

⁵⁸*The Manitoban*, "The Treaty" September 20, 1873.

refused to begin the negotiations for five days because they had not met for many years and there “were divisions and jealousies among themselves.”⁵⁹ The Anishnabeg oral histories stated that the cause of the delay was to perform ceremonies and attain spiritual readiness.⁶⁰ Morris was unaware of the extent of the ceremonies. He reasoned the delay was caused by jealousies because the chiefs had placed a guard in front of his house and Dawson’s tent, to “prevent ~~underhanded~~ individual communication.”⁶¹ By September 29th Morris’ patience ended and he gave the chiefs an ultimatum to meet the following day. The arrival of “disagreeable wet and cold weather” and the delay of the Lac Seul chiefs pushed the opening of negotiations to October 1. There are two published eyewitness accounts of the Treaty Three negotiations, which are nearly identical as well as a third unpublished account by Dawson. The first is coverage by an anonymous correspondent for *The Manitoban* who reported the results in three separate issues of the newspaper. The second is a slightly edited transcription of the accounts in *The Manitoban* published in Morris’ *Treaties of Canada with the Indians*. There are also accounts of the negotiations in Morris’ report on the proceedings of Treaty Three, which he wrote upon his return to Fort Garry on October 14.⁶² The final account of the negotiations is an unpublished transcription of the negotiations recorded by Dawson.⁶³ This account is important because it was recorded for Dawson’s own use and was not included in the commissioner’s reports. The account is written in Dawson’s handwriting and appears unedited. It was included in the Simon James Dawson manuscript collection at Library and Archives Canada.

⁵⁹LAC, RG10, Volume 1918, File 2790B, “Morris to the Minister of the Interior, October 14, 1873.

⁶⁰Kinew, “*Manito Gitigaa*,” 115.

⁶¹LAC, RG10, Volume 1918, File 2790B, “Morris to the Minister of the Interior, October 14, 1873.” Interestingly, in the original letter Morris crossed out “underhanded” and replaced it with “individual.” He clearly understood that the chiefs prohibited any unauthorized discussions, but chose to characterize the event as an “individual” meeting rather than an “underhanded” one, which is likely how the other Anishnabeg chiefs would view it.

⁶²LAC, RG10, Volume 1918, File 2790B, “Morris to the Minister of the Interior, October 14, 1873.

⁶³LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

The first account of Treaty Three appeared in *The Manitoban* in September of 1873. On September 20th *The Manitoban* announced that troops left for the North-West Angle and that the commissioners would follow. Morris had requested 55 Canadian soldiers to accompany the commission to provide a show of force. There is very little documentation on the role played by the troops at the North-West Angle. During the Treaty One negotiations, the Canadian soldiers enforced a prohibition on alcohol consumption. They may have played a similar role in 1873, but many of the Anishnabeg oral histories portrayed the soldiers as a coercive force. Elder Neogezhik recalled that the “full dress military escort” was armed and the intention was to intimidate the Anishnabeg chiefs.⁶⁴ Morris did not make his intentions clear in his request for the soldiers, but both Simpson and Dawson recommended that soldiers be sent to the Fort Frances area after the negotiations failed in 1872.⁶⁵ In his report on the proceedings Morris commended the detachment of troops “for their soldierly bearing and excellent conduct while at the Angle. Their presence was of great value ... and moreover exercised a moral influence which contributed most materially to the success of the negotiations.”⁶⁶ The next issue of *The Manitoban* announced the departure of the commissioners, including Morris, his daughter Christine, Mr. Beecher (Morris’ secretary), as well as McKay, St. John and others. The newspaper stated, “We will watch with interest the result of this meeting and hope it may turn out as satisfactory as the principals engaged in it expect.”⁶⁷

The commissioner’s party travelled the Dawson Route from Fort Garry to the North-West Angle where the road ended at the Lake of the Woods. The site of the negotiations was near the HBC fort, which George Bryce described as “built on a narrow neck of land” at the exit of Lake of the Woods.⁶⁸ Morris occupied the HBC officer’s

⁶⁴Kinew, “*Manito Gitigaa*,” 118.

⁶⁵LAC, RG10, Volume 1868, File 577, “Simpson, Dawson and Pether to Joseph Howe, July 17, 1872.”

⁶⁶LAC, RG10, Volume 1918, File 2790B, “Morris to the Minister of the Interior, October 14, 1873.”

⁶⁷*The Manitoban*, “Indian Treaty” September 27, 1873.

⁶⁸George Bryce, “The Lake of the Woods: Its History, Geology, Mining and Manufacturing,” *Manitoba Historical Society Transactions*, Series 1, No. 49 (Read 23 February 1897).

house and the remaining “officers of the commission” occupied tents on the HBC grounds. The “tents of the Indians” were placed along the river and numbered approximately one hundred when the commissioner arrived.⁶⁹ The negotiations took place in a large marquee tent, which Morris obtained from the soldiers. The reporter from *The Manitoban* counted approximately eight hundred Anishnabeg participants and described them using colourful romantic imagery:

Among the natives are many fine physically developed men, who would be considered good looking were it not for the extravagance with which they besmear their faces with pigments of all colours. And every day makes this feature of their ornamentation more atrocious in the eyes of those who see no beauty in the taste displayed in putting streaks of blue and yellow on one side of the face and blackening the other as if a shoe brush had been drawn across it, the whole spotted with dots of vermillion, or any other pigment that comes to hand.⁷⁰

It was no accident that the reporter found the painted faces atrocious, as one of the reasons the men applied pigments was for intimidation. In this sense, the ornamentation served the same purpose as the commissioners’ soldiers who flanked the Lieutenant-Governor’s party during the negotiations. The eyewitness account in *The Manitoban* also described the communities represented by the chiefs and estimated their territory at fifty-five thousand acres. The number of Anishnabeg peoples was claimed to be approximately four thousand.⁷¹

The next report in *The Manitoban* was dated October 1 and described the opening proceedings. After introductions and pleasantries the chiefs brought up the issue of the right-of-way treaty and claimed that if the promises that were made to them were not now fulfilled “they would not consider the broader question of the treaty.” Dawson addressed the issue and reminded the chiefs that he was present during the discussion of the right-of-way for the Canadian military. He thanked them for their loyalty to the “Great Mother

⁶⁹*The Manitoban*, “Indian Treaty, North-West Angle Sept. 30, 1873” October 11, 1873.

⁷⁰*Ibid.*

⁷¹*The Manitoban*, “Indian Treaty, North-West Angle Sept. 30, 1873” October 11, 1873.

the Queen” but explained that since the proposals offered in 1871 and 1872 were refused by the chiefs, the agreement was “broken off.” The chiefs then addressed the wood and water taken for steamers. Dawson replied that “wood on which they bestowed their labor was always paid for”⁷² but the rights to wood and water were common to all. The chiefs insisted that the right-of-way grievances be treated separately, but Morris refused. He insisted that all matters “the big and the little” must be settled as one and he refused to discuss the terms he was prepared to offer unless the chiefs agreed. In response, the chiefs decided to hold a council and according to Dawson’s notes of the proceedings, Posh-king-on (spokesperson for the chiefs) said “We would like to hear first what is the offer you have to make us After he has made his offer we will present our demands.”⁷³ After the council, the chiefs grudgingly decided to hear Morris’ offer and set aside the right-of-way grievances.

According to Walmark, Morris’ success in overcoming the right-of-way grievances was due to his position as a representative of the Queen.⁷⁴ In his “lengthy reply” to Chiefs Mawedo-peness and Pow-wa-sang, Morris mentioned the Queen numerous times. A shortened version of Morris’ response was included in *The Manitoban*’s account of the negotiations:

Many of his listeners had come a long way, and he, too had come a long way, and he wanted all the questions settled at once, by one treaty. He had a message from the Queen, but if his mouth was kept shut, the responsibility would rest on the Indians, and not with him if he was prevented from delivering it. He had authority to tell them what sum of money he could give them in hand now, and what he could give them every year; but it was for them to open his mouth. He concluded his remarks, which were forcibly delivered, with an emphatic “I have said.”⁷⁵

Morris certainly relied on his position as the Queen’s representative. Both he and Dawson

⁷²LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

⁷³Ibid.

⁷⁴Walmark, “Alexander Morris and the Saulteaux,” 102.

⁷⁵*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

referred the “our Great Mother the Queen” numerous times in their speeches. Dawson’s account of Morris’ opening speech included nine references to The Queen:

I am very glad to be here today amongst the **Queen’s** subjects I see before me. I have been sent here with Mr. Provencher to see you all – to shake hands with you and wish you well. I can tell you that the **Queen** has always loved her Indian subjects – **she** is always kind to them and they have been kind to **her** in return. **She** has sent me to see you. I am one of **her** servants. I am **her** governor in this great country and **she** has sent me here to see and talk with you. I am glad of the honour of meeting you here today. My father was a white chief “Sic-a-gee-sic” and much thought of by the Indians on the Ottawa. The reason I am here today is that the **Queen’s** Government wish to have a treaty with you to take you by the hand and never let your hand go.⁷⁶

Dawson’s account is worth quoting at length as there is no record of Morris’ opening speech in *The Manitoban* or *Treaties of Canada with the Indians*. The speech emphasized Morris’ reliance on his relationship to the Queen and also noted his father’s role in relations with the Indigenous peoples of the Ottawa region. According to Morris’ son Edmund, the name “Sic-a-gee-sic” (Shakeishkeik) meant “The Rising Sun” and symbolized the importance of relations with Indigenous peoples.⁷⁷ In the context of Morris’ blatant over-emphasis on the Queen, his pronouncement of his father’s Anishnabeg name seemed out of place. Regardless, both themes in the speech are important because they defined the treaty relationship, in which the Queen played a central role.

Jim Miller has written extensively on the familial language used during the treaty negotiations and the over-use of the relationship to the Queen. Beginning with Archibald, the successive lieutenant-governors of Manitoba and the North-West Territories “portrayed themselves as representatives of Queen Victoria” even though they were appointed by and were answerable to the federal government.⁷⁸ According to Miller, the

⁷⁶LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.” Emphasis added.

⁷⁷AM, Morris Papers, “Edmund Morris, Lieutenant Colonel Irvine and the North-West Mounted Police.”

⁷⁸Miller, *Compact, Contract, Covenant*, 157.

Crown was “perceived as a symbol of power and compassion” and was often juxtaposed against the United States and the long knives of the US cavalry.⁷⁹ Morris consistently relied upon the monarchy in all his treaty negotiations, but his interpretation of the role of the Queen in the treaty relationship is unclear. After his appointment as lieutenant-governor, Morris made his first speech in parliament. Prime Minister Macdonald wrote to congratulate him on February 18, 1873 and included the following criticism: “You style yourself the Representative of The Queen – You are only immediately so. You are the representative of the Governor-General who is the representative of The Queen.”⁸⁰ Six months after Morris received the criticism from Macdonald he told the Treaty Three chiefs “the Queen sent me here to see you.” Though Morris knew the Queen did not send him to Treaty Three territory and was aware that Archibald and his fellow treaty commissioners relied upon the reputation of the monarchy in their dealings with Indigenous peoples, Morris truly believed that his government represented the monarchy. On the same day that Morris wrote his report of the Treaty Three proceedings to the Minister of the Interior he also posted a letter to Governor-General Dufferin on the successful conclusion of Treaty Three.⁸¹ Dufferin replied to Morris:

I congratulate you heartily on having secured a treaty of such importance to the future of the Dominion and of which the results will I believe not only prove beneficial in providing a fresh inlet for colonization, but will furnish an additional evidence that the method adopted by the Government in dealing with the Indians is such as to secure their protection and to avert the troubles which too frequently attend the advance of the white man.⁸²

Morris’s references to the Queen were not merely empty rhetoric. He believed that the Queen symbolized power and compassion, which was Morris’ view of the Crown in treaty negotiations. Morris certainly had his faults and was never entirely honest during

⁷⁹Ibid., 158.

⁸⁰AM, Morris Papers, “Sir John A. MacDonald to Morris, February 18, 1873.”

⁸¹AM, Morris Papers, Dufferin, Earl of Canada to Morris, November 4, 1873.”

⁸²Ibid.

the treaty negotiations,⁸³ but in his discussion of the monarchy he was entirely honourable.

After the chiefs agreed to “hear what is the offer you have to make us,”⁸⁴ Morris explained the treaty terms. He offered “reserves for farms and reserves for your own use” up to one square mile per family of five. Morris assured the chiefs that it would be many years before the other lands would be needed and they were free to hunt and fish over them. Morris also offered schools so that “your children may have the cunning of the white man.”⁸⁵ Interestingly, Morris edited the version that he published in *Treaties with the Indians of Canada* to state, “your children will have the **learning** of the white man.”⁸⁶ Though he used the term “cunning of the white man” during the negotiations,⁸⁷ he probably thought that the term was too negative as it can mean knowledge, but can also mean “guileful and sly.”⁸⁸ Morris next added a one-time payment of ten dollars and an annuity of five dollars for “every one of your wives and children” For the chiefs he offered twenty dollars “a year for ever.” Morris’ final offer was for a gift of presents and provisions “to take you home.” Morris’ offers were high enough that they were not outright rejected by the chiefs, as had happened in 1871 and 1872 when annuities of \$3 were offered and the highest one-time payment offered was \$6. However, Morris’ offer was significantly less than the demands submitted by the chiefs on paper, which included a one-time payment of \$15 and an annuity of \$10 as well as an annuity of \$50 for the chiefs. After a short consultation the chiefs decided to discuss the matter in council and

⁸³The treaty discussions recorded in *Treaties of Canada with the Indians* made no mention of the surrender clause, though it is included in the texts of the numbered treaties. See Taylor, “Treaty Research Report: Treaty Six,” 14.

⁸⁴LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

⁸⁵*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

⁸⁶Morris, *Treaties with the Indians*, 58. Emphasis added.

⁸⁷LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.” Dawson’s account stated: “I am glad that some of you wish your children to learn the cunning of the white man.”

⁸⁸Oxford English Dictionary (London: Oxford University Press, 2008).

meet with the commissioners the following morning. According to Dawson's notes, Posh-king-on ended the second days proceedings by stating:

Once more we come before you to let you know we are of one mind of what you have set before us. We have one mind to go and think over what you have said and I hope it will never end during our lives. Two chiefs are sitting here who are the greatest chiefs and we are now going to hold a council so that there may be no jealousy among them.⁸⁹

The third day of negotiations was opened by Chief Pow-wa-sang who confirmed Morris' relationship to the Queen and reiterated that this area was Anishnabeg property "where the great spirit has planted us"⁹⁰ He then re-stated the demands which were submitted to the commissioners in 1870, including annuities of \$10 and \$50 for the chiefs. Chief Mawedo-peness followed by repeating the same demands and emphasized the unity of the chiefs by stating: "We are all of one mind." He then handed Morris the paper with the list of demands. Chief Canda-com-igo-ninnie followed and said, "if you grant us what is asked on that paper, we will talk about reserves. If you grant us what is written there, today the treaty will be made."⁹¹ Morris' counter argument to the demands submitted by the chiefs was twofold. He first argued that he was a servant of the Queen and could only offer what she had authorized. He then compared his offer to the United States treaty process, in which annuities were only paid for twenty years. Morris' offer of perpetual annuities was discussed in language designed to appeal to the Anishnabeg chiefs. He said, "I only ask you to think for yourselves, and for your families, and for your children and children's children, and I know that if you do that you will shake hands with me to-day."⁹² Morris' offer of perpetual annuities would have been hard to resist, but Chief Mawedo-peness quickly replied, "Our hands are poor but our heads are rich, and it is riches that we ask so that we may be able to support our families as long as the sun rises

⁸⁹LAC, MG29, C67, Volume 1, R4465-0-2-E, "Dawson, Simon James, North-West Angle Indian Treaty, 1873."

⁹⁰Ibid.

⁹¹Ibid.

⁹²*The Manitoban*, "Indian Treaty, North-West Angle Oct. 1 1873" October 11, 1873.

and the water runs.”⁹³

After heated arguments from both Mawedo-peness and Pow-wa-sang, Morris refused to accede to any of the chiefs demands and threatened to “go without making terms.” Chief Pow-wa-sang questioned Morris’ representation of the Queen stating, “it seems like you have only half the power that she has, and that she has only half filled your head.”⁹⁴ This was a slightly veiled hint that Morris needed to double his terms offered. Morris responded that he was “sent here to represent the Queen’s Government, and to tell you what the Queen was willing to do for you.”⁹⁵ At this point in the negotiations Morris continued to expound upon what the Queen was prepared to do for her children and the chiefs became sceptical. An Anishabeg oral history asserted that one of the chiefs attempted to poke fun at Morris and asked, “Are the Queen’s breasts big enough to feed all her children?” Morris did not hesitate, but simply replied, “Yes, the Queen’s breasts are large enough to feed all her children.”⁹⁶ There may have been laughter and snickering at Morris’ response, but he remained undeterred in his opposition to the chiefs’ terms. In response to Chief Mawedo-peness’s point that “we would not refuse to make a treaty if you would grant us our demands,” Morris replied, “I have made you a liberal offer, and it is for you to accept or refuse it as you please.” Mawedo-peness replied that the chiefs would not change their decision and Morris stated that the conference was then at an end.⁹⁷

It was at this point of the negotiations that Chief Sah-Katch-eway expressed his willingness to accept Morris’ treaty terms in exchange for some assistance and implements. Sah-Katch-eway stated:

We are the first that were planted here; we would ask you to assist us with every kind of implement to use for our benefit, to enable us to perform our work; a

⁹³Ibid.

⁹⁴Ibid.

⁹⁵Ibid.

⁹⁶Assembly of First Nations Treaty Conference, Edmonton Alberta, July 1999.

⁹⁷*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

little bit of everything and money. We would borrow your cattle; we ask you this for our support ... If I should try to stop you – it is not in my power to do so; even the Hudson’s Bay Company – that is a small power – I cannot gain my point with it. If you give what I ask, the time may come when I will ask you to lend me one of your daughters and one of your sons to live with us; and in return I will lend you one of my daughters and one of my sons for you to teach what is good, and after they have learned to teach us. If you grant us what I ask, although I do not know you, I will shake hands with you. That is all I have to say.⁹⁸

Chief Sah-Katch-eway’s speech is often quoted in the academic literature. It is an exceptional example of oratory because it has many levels of meaning. The speech is both demanding, in terms of his request for farming implements, and disarming when he could not prevent the settlement of Euro-Canadians any more than he could prevent the presence of the HBC. The terms “lend” and “borrow” were deeply rooted in the Indigenous treaty tradition and emphasized a relationship rather than an exchange of material goods. Sah-Katch-eway also evoked the metaphor of exchanging daughters and sons so that once returned to their families, they could teach their home communities. This metaphor was especially poignant during the Treaty Three negotiations as one of Morris’ daughters was present.⁹⁹

Morris’ response to Sah-Katch-eway’s speech did not address any of these subtleties. He focused on the chief’s desire to accept the terms and noted that the chiefs were “not all of one mind.”¹⁰⁰ In his report on the proceedings, Morris recalled that Sah-Katch-eway also asked for a schoolmaster and some grain for seed, although these requests were not recorded in *The Manitoban*’s account. Morris also stated that Chief Sah-Katch-eway spoke under coercion from the other chiefs, as some had tried to prevent him from speaking.¹⁰¹ After Morris responded to Chief Sah-Katch-eway, Chief Blackstone quickly requested a break so that he could hold a council. The other chiefs

⁹⁸Ibid.

⁹⁹Christine Morris signed the Treaty Three original manuscript as a witness. See RG10, Vol. 1846, IT 266, Indian Affairs’ Consecutive Number 131, 132, 10.

¹⁰⁰*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

¹⁰¹LAC, RG10, Volume 1918, File 2790B, “Morris to the Minister of the Interior, October 14, 1873.

agreed and Morris ended the discussions for the day. According to Morris, the Métis people who had accompanied the commissioners were invited to the Indian councils. This included McKay, Nolin, Leveillee and Genton. All four men attended the councils and were eventually joined by Provencher and St. John. All were instructed to give “friendly advice” but it was clear that they promoted the Canadian government’s terms. McKay attempted to persuade the Anishnabeg chiefs to accept treaty in both 1871 and 1872 and he had previously been joined by Chastelaine. The only description of the council is a brief eyewitness statement from *The Manitoban*: “... after a most exhaustive discussion of the circumstances in which they were placed, it was resolved to accept the Governor’s terms, with some modifications.”¹⁰²

There is some debate about the role that McKay played in the Indian council. Walmark stated that McKay and the Red River Métis “forged a middle ground between two parties who shared little if anything in common.”¹⁰³ But McNab argued that the Métis contribution was minor at best, especially compared to the effort of Chief Sah-Katch-eway to break ranks and accept Morris’ terms. A key argument from Walmark is that the both sides were far apart after Chief Blackstone suggested a council, but after McKay and others provided “friendly advice” the Anishnabeg chiefs agreed to accept Morris’ terms.¹⁰⁴ Jean Friesen also commended the effort of the Métis in Treaty Three. She claimed that they prepared the way for the negotiations, kept the discussions alive during the opening arguments and eventually helped persuade the chiefs to accept treaty. Friesen also stated that the Anishnabeg may have viewed Treaty Three as a ‘tripartite arrangement’¹⁰⁵ between themselves, the Métis and the Crown. There is little evidence to support Friesen’s argument, but it is clear that the Métis played an important role in

¹⁰²*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

¹⁰³Walmark, “Alexander Morris and the Saulteaux,” 109.

¹⁰⁴*Ibid.*, 104.

¹⁰⁵Jean Friesen, “My Birthright and My Lands”: The Making of Treaty Three” in *Proceedings of the Native Studies Conference* (Brandon University: Brandon Manitoba, 1981. Cited in Walmark, “Alexander Morris,” 105.

Treaty Three. However, the success of the Treaty Three negotiations cannot be attributed to a single effort, whether it was Morris' negotiating skills or the assistance of the Red River Métis. The contributions of Chief Sah-Katch-eway, Morris' relationship to the Queen, Dawson's experience with the Anishnabeg and even the failed negotiations of 1871 and 1872 were all significant factors in the negotiations and it is difficult to identify a single one as the most important.

After five days of preparations and three days of negotiations Chief Mawedo-peness opened the fourth day of negotiations with the intent to accept the government's terms. He first reminded Morris that each chief has councillors, warriors and messengers. This was likely in reference to the higher annuities for chiefs and headmen. Chief Mawedo-peness then asked Morris "to know your most liberal terms, and give us your utmost."¹⁰⁶ Morris first offered assistance with farming "so that if it is a bad year for fishing and hunting you may have something for your children at home." This assistance included both farming tools and seed for growing crops given "once for all."¹⁰⁷ Morris then promised ammunition and twine annually up to \$1,500 dollars. According to Titley, the idea for ammunition and twine came from Provencher¹⁰⁸ and Morris assured the chiefs that the "commissioner [Provencher] will see that you get this at once."¹⁰⁹ Morris then claimed that he could not increase the annuity payment, but was willing to add \$2 to the one-time payment this year (for a total of \$12). Chief Mawedo-peness further requested tools and clothing. Morris replied that suits of clothes would be given to the chiefs every three years and cloth would be given with the provisions at the close of negotiations. Chief Mawedo-peness also requested guns, but Morris replied, "I have made every advance I could. I have no more power."¹¹⁰ The chief then asked for

¹⁰⁶LAC, MG29, C67, Volume 1, R4465-0-2-E, "Dawson, Simon James, North-West Angle Indian Treaty, 1873."

¹⁰⁷*The Manitoban*, "Closing Proceedings" October 18, 1873.

¹⁰⁸Titley, *The Indian Commissioners*, 27.

¹⁰⁹*The Manitoban*, "Closing Proceedings" October 18, 1873.

¹¹⁰LAC, MG29, C67, Volume 1, R4465-0-2-E, "Dawson, Simon James, North-West Angle Indian Treaty, 1873."

assurances that family members on the American side be included in the treaty. Morris assured Chief Mawedo-peness that those who were added to the paylists within two years “will be ranked with them.” The chiefs’ final request was that the Métis, “those who have been born of our women of Indian blood” also be included in the treaty. Morris assured them that those who called themselves “Indians” would be included in the treaty list, but those who called themselves “white” would get land. However, he promised to refer the matter to Ottawa.¹¹¹

As part of his acceptance of Treaty Three, Chief Mawedo-peness stated that “he did not wish to turn out with my warriors” and would not aid the British in any wars if they got “into trouble with the nations.”¹¹² Morris accepted this and stated that the British never call the Indians out of their country. Another chief stated that the Asnishnabeg should not have to pay for passage on the railway – “carriages that go by fire.” Morris responded, “I think the best thing that I can do is become an Indian.”¹¹³ Morris’ predecessor as Lieutenant-Governor made the same statement near the end of the Treaty One negotiations. In response to a demand for freedom from taxes, Archibald stated, “I am proud of being an Englishman. But if Indians are to be dealt with in this way, I will take my coat off and change places with the speaker.”¹¹⁴ Morris likely read the account from *The Manitoban* of the Treaty One negotiations¹¹⁵ and remembered that Archibald’s comment received “a general roar of laughter.” There is no description of laughter in *The Manitoban*’s account of the 1873 negotiations, but another chief referred the same question to Dawson, who replied, “I am always happy to do anything I can for you. I have always given you passage on the boats when I could. I will act as I have done

¹¹¹*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹¹²LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

¹¹³*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹¹⁴*The Manitoban*, “Sixth Day’s Proceedings” August 12, 1871.

¹¹⁵Morris provided a summary of the Treaty One negotiations in *Treaties with the Indians of Canada*.

though I can give no positive promise for the future.”¹¹⁶ The same chief asserted the right to travel the country where it is vacant. McKay interjected and assured the chief, as he “had told them so [during the council].”¹¹⁷ Continued use of unsettled land was likely promoted heavily by McKay, who realized that settlement would not occur for many years. As someone who was a contractor on the Red River route and a respected businessman, McKay’s advice on settlement would have been respected by the chiefs.¹¹⁸

The last two points raised by the chiefs included the discovery of minerals and the protection of reserved lands, the rivers and gardens. Precious metals had been one of the main themes of the negotiations. On the previous day’s negotiations Chief Mawedo-peness stated, “the sound of the rustling of gold is under my feet where I stand.”¹¹⁹ The point was important to Morris as his version of the negotiations in *Treaties of Canada with the Indians* italicized Chief Mawedo-peness’s quotation for emphasis.¹²⁰ Morris may have italicized the quotation to show the value of lands ceded. At the close of the unsuccessful negotiations in 1872, Chief Blackstone issued a ban on “picking the rocks” as there had been a number of prospectors in Anishnabeg territory since 1870.¹²¹ Despite the obvious importance of mining, Morris’s reply was casual. If minerals were discovered on reserves, they would be sold for the benefit of the community with their consent. Like many of Morris’ responses, the reply to the question of minerals seemed rehearsed and cautious. The commissioners had discussed the issue of mining in great detail and Morris’ response was calculated to be safe and uncontroversial. When the chiefs raised the issue of protecting the rivers, Morris did not have a prepared response. Chief Mawedo-peness stated:

I will tell you one thing – You understand me now that I have taken your hand

¹¹⁶*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹¹⁷*Ibid.*

¹¹⁸Stevenson, “The Métis Cultural Brokers,” 46.

¹¹⁹*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

¹²⁰Morris, *Treaties with the Indians*, 49.

¹²¹LAC, RG10, Volume 1869, File 582, “Confirmation on Remarks on Indian Affairs.” August 29, 1872.

firmly and in friendship. I repeat twice and you have done so, that these promises that you have made, and the treaty to be concluded, let it be as you promise, as long as the sun rises over our head and as long as the water runs. One thing I find, that deranges a little my kettle. In this river, where food used to be plentiful for our subsistence, I perceive it is getting scarce. We wish that the river should be left as it was formed from the beginning – that nothing be broken.”¹²²

Morris replied, “this is a subject that I cannot get into.” However, Dawson was able to assure the chiefs that “Anything that we are likely to do at present will not interfere with the fishing, but no one can tell what the future may require, and we cannot enter into any engagement.”¹²³ The issue of reserves was dealt with when Morris was temporarily absent from the negotiations. The reserves were already “laid out,” or selected by the chiefs, but they wanted their gardens protected as well. Provencher assured the chiefs that they would have enough good farming land, but the chief replied, “if we have any gardens through the country, do you wish that the poor man should throw it away?” Both Dawson and Hind described immaculately kept gardens of Indian corn, potatoes and squash during the expedition of 1857.¹²⁴ The importance of gardens to the Anishnabeg is often overlooked by historians, but the protection of existing gardens was important to the chiefs and acknowledged by Provencher.¹²⁵

In closing the negotiations, Chief Mawedo-peness asked for a ban on alcohol and said, “I will break the kegs and destroy the houses where it is sold.” Morris replied that he “was glad to hear him speak so and stated there was a law against bringing it into the country.”¹²⁶ The chief then stated, “Now, you have promised to give us all your names. I want a copy of the treaty that will not be rubbed off, on parchment.”¹²⁷ Though the Anishnabeg nation at the time of Treaty Three was primarily an oral culture, written

¹²²*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹²³*Ibid.*

¹²⁴Hind, *Narrative of the Canadian Red River*, 99.

¹²⁵*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹²⁶LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

¹²⁷*The Manitoban*, “Closing Proceedings” October 18, 1873.

documents played an important role. Laura Peers described the appropriation of the power of writing that occurred with the introduction of the syllabic system in the 1840s¹²⁸ and the chiefs often remarked on the importance of writing during the Treaty Three negotiations. On the last day of negotiations Chief Mawedo-peness reminded commissioner Morris that “You must remember that our hearts and our brains are like paper; we never forget.”¹²⁹ The chiefs also began the negotiations by producing a copy of their demands on paper and hired Joseph Nolin to take notes of the negotiations on paper for their records. Although the chiefs respected written words and utilized them during the negotiations, they also had an “Indian reporter, whose duty was to commit to memory all that was said.”¹³⁰ The concern over written documents and the need for an accurate representation of the negotiations was emphasized in Chief Mawedo-peness’s closing speech at the end of the negotiations. With the exception of Chief Crowfoot’s speech at Treaty Seven, this speech is the most well-known from the numbered treaties. In *The Manitoban* Chief Mawedo-peness’s speech was recorded as:

Now you see me stand before you all; what has been done here today has been done openly before the Great Spirit, and before the nation, and I hope that I may never hear anyone say that this treaty has been done secretly; and now, in closing this council, I take off my glove, and in giving you my hand, I deliver over my birthright and lands; and in taking your hand, I hold fast all the promises you have made and I hope they will last as long as the sun goes round, and the water flows as you have said.¹³¹

Dawson recorded Chief Mawedo-peness’s closing speech differently. In his papers at the Library and Archives Canada, Dawson recorded the speech as:

Here I stand before the face of the Nation and of the Commissioners. I trust there will be no grumbling. The words I have said are the words of the Nation and have not been said in secret but openly so that all could hear and I trust that those who are not present will not find fault with what we are about to do today. And I trust, what we are about to do today is for the benefit of our Nation as

¹²⁸Laura Peers, *The Ojibwa of Western Canada, 1780 to 1870* (Winnipeg, University of Manitoba Press, 1994), 171.

¹²⁹*The Manitoban*, “Closing Proceedings” October 18, 1873.

¹³⁰Morris, *Treaties with the Indians*, 48.

¹³¹*The Manitoban*, “Closing Proceedings” October 18, 1873.

well as for our white brothers – that nothing but friendship may reign between the Nation and our white brothers. And now I take off my glove to give you my hand to sign the Treaty. And now before you all, Indians and whites, let it never be said that this has been done in secret. It is done openly and in the light of day.¹³²

The two versions have significant differences. Morris' version includes Chief Mawedo-peness's statement "I take off my glove, and in giving you my hand, I deliver over my birthright and lands" but in Dawson's account the statement is "And now I take off my glove to give you my hand to sign the Treaty." The first version conflicts with the Anishnabeg oral history of Treaty Three which used the analogy of the sweat lodge to show that only half of the land would be shared with Euro-Canadians. If the oral history is accurate, Chief Mawedo-peness would not have delivered over his birthright and his lands. But why would the reporter for *The Manitoban* add that sentence if it was not stated by Mawedo-peness? The account in *The Manitoban* is a newspaper article and a public document which may have been influenced by the pressures to achieve a surrender of lands, rather than merely a right-of-way agreement. Dawson's account of the negotiations is a private document made for his use only. Dawson's account was not published or shared in his correspondence with the Department of Indian Affairs. There were no pressures (either explicit or implicit) to alter the words or to change the tone of the speech. Both documents have their biases, but Dawson's account is a more accurate portrayal of the Treaty Three negotiations. Unlike the account in *The Manitoban*, it does not conflict with Anishnabeg oral histories. In fact, Dawson's account strengthens the oral histories which stated that the Anishnabeg chiefs did not give up their rights, but instead agreed to share half of their lands. Chief Mawedo-peness did not intend to deliver over his birthright, but rather to show that the treaty was negotiated openly for the benefit of both "Indians and whites."

The Original Manuscript of Treaty Three

¹³²LAC, R4465-0-2-E, "North-West Angle Indian Treaty, 1873"

After Chief Mawedo-peness' closing speech, the chiefs and commissioners shook hands and the council adjourned for an hour so that the text of treaty could be completed. The council then reconvened and James McKay translated the terms of treaty for the chiefs. McKay was a curious choice to read the treaty, as two other paid interpreters were present and McKay was a commissioner, rather than interpreter. Unfortunately, the eyewitness accounts of Treaty Three did not describe McKay's translation of the treaty text. It is possible that Morris believed that the translation of treaty required considerable political tact and McKay had the experience to explain some of the more difficult passages of the treaty text ("cede, release, surrender and yield up"). Regardless, the treaty was read and "duly signed."¹³³ The first signature was made by James McKay, followed by Molyneux St. John and Robert Pither. The three commissioners signed next, with Morris' signature first, then Provencher and Dawson. None of the Treaty Three chiefs signed their name to the Treaty Three original manuscript. Some made their mark, but most of the twenty-four chiefs named on the document simply touched the pen.¹³⁴ This is significant because it distanced the chiefs from the treaty manuscript, which Morris later sent to the Minister of the Interior. The chiefs were given a copy transcribed by both Morris and Dawson, but both the original manuscript and the statement of Chief Sah-Katch-eway were sent to Ottawa and were not shared with the Treaty Three nations.

The signatures of the witnesses to Treaty Three followed the chiefs beginning with Morris' daughter Christine then followed by Charles Nolin and thirteen others, including Nicholas Chastelaine, who signed last. Like the Treaty One original manuscript, Treaty Three has a cover page which was folded four times so that it could be used to wrap the treaty. The cover page stated "Original of a Treaty Made at the N West Angle – between her Majesty's commissioners and the Saulteaux Indians – October 3rd, 1873." There is an additional note that the treaty was returned from the registry office

¹³³*The Manitoban*, "Closing Proceedings" October 18, 1873.

¹³⁴LAC, R4465-0-2-E, "North-West Angle Indian Treaty, 1873"

on November 2, 1874 and that Treaty Three should be filed with “the other Surrenders.”¹³⁵

There has been some debate about who completed the treaty manuscript and when it was written out. Researchers for the Grand Council of Treaty Three argued that the commissioners used the treaty written out by Dawson in 1872, which diminished the importance of the 1873 negotiations.¹³⁶ The treaty manuscript referenced by the Grand Council was actually a copy of the original Treaty Three manuscript and it was transcribed by both Dawson and Morris.¹³⁷ As it was a copy of the Treaty Three original manuscript written in 1873, it could not have been written by Dawson in 1872. The original manuscript of Treaty Three is not part of the RG10 collection at Library and Archives Canada. It was removed from RG10 and microfilmed separately for the Treaties and Surrenders collection. The original manuscript of Treaty Three was written out by Dawson and was dated the third day of October 1873. It contained the new treaty terms from the 1873 negotiations including the twelve dollar one-time payment, five dollar annuity payment, schools for instruction, fifteen hundred dollars annually toward the purchase of ammunition and twine, farming implements and seed, as well as the chief and subordinate officers’ salaries.¹³⁸ The chief’s received twenty-five dollars and the subordinate officers received fifteen dollars, who were listed as maximum three per band to reflect Chief Mawedo-peness’ point that each chief has councillors, warriors and messengers.

All ten pages of the Treaty Three original manuscript were written by Dawson and are on the same type and size of paper. The first page is missing from the original scans on the Library and Archives Canada website, but the page is available on microfilm and was also copied by Morris and Dawson and held in the RG10 records.¹³⁹ The opening

¹³⁵Ibid.

¹³⁶Kinew, “*Manito Gitigaa*,” 113.

¹³⁷LAC, RG10, Volume 1918, File 2790B, “Treaty 132 Indian Office, Treaty No 3.”

¹³⁸LAC, R4465-0-2-E, “North-West Angle Indian Treaty, 1873”

¹³⁹LAC, RG10, Volume 1918, File 2790B, “Treaty 132 Indian Office, Treaty No 3.”

page named the commissioners, the date (October 3, 1873) and place of negotiations (North-West Angle). It has a wax seal in the upper left corner and part of a ribbon. As the pages of the treaty were folded in four, the wax seal left an imprint on the bottom left-hand corner of the opening page. There was also a notation added that the treaty was recorded on the 24th of October, 1874 by the Secretary of State and Registrar General of Canada.¹⁴⁰ The text of Treaty Three is very similar to the text of Treaties One and Two, and Treaty One was likely used as a template. Many of the clauses in the Treaty Three text are worded exactly the same as Treaty One.

The first page of the original manuscript of Treaty Three begins with the peace and good order clause, followed by the names of chiefs and headmen who are “authorized on their behalf to conduct such negotiations and sign any Treaty to be founded thereon and to become responsible to Her Majesty for their faithful performance by their respective bands of such obligations as shall be allowed by them.”¹⁴¹ The description of the territory ceded and the surrender clause followed the names of the chiefs and headmen. The original wording of the surrender clause was exactly the same as Treaty One, but Dawson added six new words between the lines. The surrender clause read:

The Saulteaux Tribe of the Ojibway Indians and all other, the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and Her Successors forever all *their rights, titles and privileges whatsoever* to the lands included within the following limits¹⁴²

The italicized section “their rights, titles, privileges whatsoever to” was added between the lines of treaty text in Dawson’s handwriting, but in a much smaller script. There is no explanation for this addition in the commissioner’s report or the Indian Affairs records, but it was likely done on the last day of negotiations when the new terms from the negotiations were added. From the perspective of the commissioners, the new

¹⁴⁰LAC, R4465-0-2-E, “North-West Angle Indian Treaty, 1873”

¹⁴¹LAC, R4465-0-2-E, “North-West Angle Indian Treaty, 1873”

¹⁴²Ibid.

text strengthened the surrender clause and ensured that rights, titles and privileges were also surrendered with the land.

The remaining pages of the Treaty Three original manuscript described the terms agreed upon during the negotiations. Most of them accurately reflected the discussions, including the one-time payment and annuity payment. Another similarity to the Treaty One original manuscript is that blank space was left and struck-through in pen. After the description of the annuity payment there are a number of blank lines, which are then followed by the annual payment for the purchase of ammunition and twine. The commissioner's report is silent on other terms of treaty, but the blank space alludes to the potential of other offers from the commissioners. The final page of text included the peace and good order clause, which was much longer than the same clause in Treaty One. The clause described a strict observation of the treaty and ensured that no property would be molested and no people passing through the territory interfered with. The new text reflected the importance of security on the Dawson route and the commissioner's attempt to protect the settlers and miners, which they had been unable to do in 1871 and 1872.¹⁴³

More important than the original manuscript of Treaty Three is the Paypom document, named after the Anishnabeg Elder who purchased it from the photographer C.G. Linde. The document contains the notes taken by Charles Nolin for Chief Pow-wa-sang during the Treaty Three negotiations. Nolin was a member of the Red River Métis group who Morris hoped would influence the negotiations in the Crown's favour. He was paid by Morris as an interpreter, but was also paid by Chief Pow-wa-sang to take notes during the negotiations. Whether Nolin's allegiances leaned toward the Anishnabeg chiefs or the Canadian government is impossible to say. Nolin originally supported the Canadian government at Red River in 1869, but was part of Riel's provisional government. He also supported Riel's return to Canada in 1885, but eventually gave

¹⁴³LAC, RG10, Volume 1869, File 582, "Confirmation on Remarks on Indian Affairs." August 29, 1872.

evidence against him during his trial. Nolin's father was a former fur trader at Sault St. Marie and he had family ties to the Anishnabeg through his grandmother.¹⁴⁴ He was fluent in French, English and the Anishnabeg language, which the chiefs respected. During the negotiations Chief Pow-wa-sang asked that Nolin be appointed as their agent.¹⁴⁵

Nolin's notes are not a transcription of the negotiations, but rather a summary of the main treaty provisions agreed to during the negotiations. Though Nolin was known as a man of letters and later worked as a school-teacher, he was not well educated and this is reflected in his short summaries of the terms. The notes started with the farming implements provision which Nolin transcribed as, "The Government will give when the Indians will be settled, Two hoes, one plow for every ten families"¹⁴⁶ The provision basically summarized the treaty text, though some tools were missing from Nolin's transcription. The Paypom document included summaries of eighteen treaty provisions, most of which are basic summaries of the treaty text. However, some of the provisions written by Nolin differ from the text of treaty. The hunting and fishing provision in the treaty text stated, "the said Indians shall have right to pursue their avocations of hunting and fishing"¹⁴⁷ The Paypom document stated, "The Indians will be free as by the past for their hunting and rice harvest."¹⁴⁸ The inclusion of the rice harvest is significant, as discussions of gardens and farming were important during the negotiations. It is possible that the commissioners omitted the rice harvest from the text of Treaty Three due to a lack of knowledge about the importance of wild rice. Dawson knew that the Anishnabeg communities travelled every year to harvest wild rice, but he may not have known how important it was to the Anishnabeg diet. Regardless, as the Paypom document showed,

¹⁴⁴Diane P. Payment, "Nolin, Charles" in *The Dictionary of Canadian Biography*, Vol. XIII: 1901-1910.

¹⁴⁵LAC, MG29, C67, Volume 1, R4465-0-2-E, "Dawson, Simon James, North-West Angle Indian Treaty, 1873."

¹⁴⁶LAC, RG10, Volume 1918, File 2790B, "Nolin Notes."

¹⁴⁷LAC, R4465-0-2-E, "North-West Angle Indian Treaty, 1873"

¹⁴⁸LAC, RG10, Volume 1918, File 2790B, "Nolin Notes."

the provision was omitted from the treaty text even though it was discussed during the negotiations.

The Paypom document is important for what was added to the treaty provisions, but also for what was not included. Nolin's notes do not contain a surrender clause or any mention of surrendering lands or rights. This is significant because although the surrender clause is prominent in the treaty text, it was likely not emphasized during the verbal negotiations, which was the case at Treaty Four and Treaty Six.¹⁴⁹ Nolin's notes contained only the benefits received by the Anishnabeg, but part of Morris' negotiating strategy was to emphasize the benefits and ignore the liabilities. This strategy is reflected in the Paypom document. Nolin made no notes on the surrender clause, the peace and good order clause (which described the Anishnabeg as "good and loyal subjects of Her Majesty the Queen") or the clause that hunting may be "subject to such regulations as may from time to time be made"¹⁵⁰ These are striking omissions because, combined with the fact that these clauses were not mentioned in the eyewitness accounts published in *The Manitoban*, it is highly unlikely that the commissioners discussed them at the North-West Angle. This negotiating strategy led to confusion in later years when the Crown assumed the rights, titles and privileges of Anishnabeg territory and the chiefs fought against the limitations of their rights. It is important to note that these limitations did not arise because of cultural misunderstandings. The commissioners purposely neglected to discuss the surrender clause during the negotiations, choosing instead to emphasize treaty provisions that benefitted the Anishnabeg peoples.

Treaty Three did not appear to have a major discrepancy like the outside promises of Treaties One and Two, but there were a number of grievances and concerns about the implementation of this treaty which surfaced soon after the negotiations ended. The first official petition sent in by the Treaty Three chiefs was received by Morris on April 10,

¹⁴⁹Taylor, "Treaty Research Report: Treaty Six (1876),"13.

¹⁵⁰LAC, R4465-0-2-E, "North-West Angle Indian Treaty, 1873"

1874 and forwarded to David Laird, who was recently appointed Minister of the Interior in the new Liberal government in Ottawa. The petition was submitted by twenty chiefs in French. Both the French and English translations are available in the RG10 records at Library and Archives Canada. The petition was addressed to Morris and dated March 19, 1874:

Sir, We are assembled here again today, to the number of twenty Chiefs, to make a request of you; and we are sustained in our demand by **all our Warriors**; and still more by our right.

Sir, you know what was promised to us in the Treaty of last Autumn, seeing it was yourself who made us the promise in the Queen's name ... You perceive that the season is advanced and we would like to have our seed grain, and the necessary farming implements, in time to plant and sow, for you know that we are poor and can scarcely live at present.

When we desired to ally ourselves with the whites by a treaty, we calculated on being maintained by them, at least to the extent that we were promised.¹⁵¹

Many petitions and grievances have been submitted by chiefs for almost all the numbered treaties, but this is one of the most forceful. It begins with the dual threat that all twenty chiefs are allied in their demands, and supported by 'all our Warriors.' There had always been an element of unity among the Anishnabeg communities in their relationship with the Crown, but the threat of force by noting the support of "our Warriors" is unique. The first grievance was for seed and farming implements. The importance of agricultural assistance to Treaty Three is virtually ignored in the secondary literature of Treaty Three, but the failure of the Canadian government to provide seed for crops is the first grievance mentioned in the petition. Morris answered this demand in a memorandum to Minister Laird and recommended that some corn and potatoes be sent from Fort Garry with some hoes, spades and axes as "the gardens they till are very limited in extent."¹⁵² Morris clearly underestimated the importance of agriculture as these few implements vary

¹⁵¹LAC, RG10, Volume 1928, File 3277, "Petition dated March 19, 1874 and signed by Chiefs Note-na-kou-au and Ke-ta-si-piness and eighteen other chiefs." Emphasis added.

¹⁵²LAC, RG10, Volume 1928, File 3277, "Morris to Minister of the Interior Laird, Government House, Fort Garry, April 10, 1874."

greatly from the implements promised in the text of Treaty Three. These included hoes, spades, ploughs, harrows, scythes, axes, various saws, carpenter's tools, wheat, barley, potatoes and oats, oxen, bulls, and cows.¹⁵³ It is possible that Morris was blinded by the stereotype of Indigenous communities relying only on hunting, trapping and fishing. However, he clearly made the promise of farming implements during the Treaty Three negotiations and was aware that most Anishnabeg communities maintained gardens and harvested wild rice. Whether it was his Eurocentric concept of farming, or budgetary constraints, Morris put very little effort into keeping his promise of agricultural assistance.

The petition continued with a request that reserves be surveyed as “already there are whites exploring our ‘wood for sawing.’” The chiefs feared that “once they get a hold of our reserves they will take them where they like.”¹⁵⁴ Morris asked Laird to “take the necessary steps for arranging to lay off the reserves” and recommended Dawson as surveyor because it would take some “tact.”¹⁵⁵ The petition ended by stating, “You required Halfbreeds to make the Treaty, and they helped you – well today we want you to help us – that is what is asked for on the part of the Chiefs and principal Warriors.”¹⁵⁶ Morris ended his letter to Laird by referencing his dispatch concerning the inclusion of Half Breeds to Treaty Three, noting as well that there were 15 families of Half Breeds at Rainy River who were anxious to be included in Treaty Three.¹⁵⁷ Morris’ reaction to the petition was one of frustration. He clearly viewed the petition as a threat and was frustrated with the administration of the treaty. He recommended to Laird that “future Treaties should be made by Special Commissioners who after the completion thereof,

¹⁵³LAC, RG10, Volume 1918, File 2790B, “Copy, Treaty 132 Indian Affairs,” 17-18. This file includes a handwritten copy of the text of Treaty Three in Morris’ own handwriting. Of note is that most of the main clauses are underlined, but the agricultural assistance clause is not.

¹⁵⁴LAC, RG10, Volume 1928, File 3277, “Petition dated March 19, 1874”

¹⁵⁵LAC, RG10, Volume 1928, File 3277, “Morris to Minister of the Interior Laird.”

¹⁵⁶LAC, RG10, Volume 1928, File 3277, “Petition dated March 19, 1874”

¹⁵⁷LAC, RG10, Volume 1928, File 3277, “Morris to Minister of the Interior Laird.”

should have no part in the administration of the Treaties. When the Commissioner holds a position of responsibility such as I do, the Indians will always hold such an officer directly responsible for the carrying out of the treaty and all matters connected therewith.”¹⁵⁸ Morris claimed that if the administrators of the treaties had no connection to the negotiations, they would be in a much better position to “satisfy the Indians, and in the case of any complaints would be able to appeal to the text of the treaty” which would be their only duty.¹⁵⁹ Morris clearly intended to distance himself from the administration of treaties and also distance the verbal promises made during the negotiations from the text of treaty. This strategy of separating the verbal negotiations from the treaty text became Morris’ main negotiating strategy in the later numbered treaties.

Morris attempted to delegate the responsibilities of implementing Treaty Three to Laird, but the grievances remained. On June 25th, 1875 the Treaty Three chiefs authorized English River Chief Perrot (Grassy Narrows First Nation) to interview Morris at Red River.¹⁶⁰ Morris recounted this meeting in a letter to Meredith which listed 12 grievances relating to the implementation of Treaty Three. The chief brought his own interpreter and Pascal Breland also interpreted the interview. The first grievance was against the continued presence of alcohol in Treaty Three territory. Chief Perrot produced a note made by Chief Canda-com-igo-minnie that “no drink should be in their country and there was much of it and he wished it to be stopped.”¹⁶¹ Morris acknowledged that he informed the chiefs that a law had been made against alcohol, but he had been unable to appoint constables to enforce it. The chief also complained that “the promises of the Treaty were not being kept” and referred specifically to nets not being given, annuities paid late and left with the HBC and animals not delivered.¹⁶² The chiefs had specifically

¹⁵⁸Ibid.

¹⁵⁹Ibid.

¹⁶⁰LAC, RG10, Volume 1918, File 2790C, “Letter of Certification, North West Angle, June 21, 1875.”

¹⁶¹LAC, RG10, Volume 1918, File 2790C, “Morris to Deputy Minister of the Interior E.A. Meredith, July 7, 1875.”

¹⁶²Ibid.

asked for scythes to cut hay, but they were not received. Chief Perrot asked for a copy of the Treaty, “to learn what is written” and Morris recommended that certified copies printed on parchment “should be distributed amongst the Chiefs.”¹⁶³ The chief also asked for uniforms, flags and medals which Morris did not address. Meredith forwarded Morris’ account of the meeting to Dennis who had planned to survey the Treaty Three reserves beginning in August. Meredith informed Dennis that the government planned to appoint Sub-Agents to administer the treaties, but that currently only Pither had been appointed Indian Agent at Fort Frances.¹⁶⁴

Pither also addressed the grievances stated by Chief Perrot in a letter to Dennis dated October 4, 1875. He first addressed the ban on liquor and stated, “I grieve to say that they [the chiefs] have just cause to complain of liquor being smuggled from Manitoba to the N W Angle.”¹⁶⁵ According to Pither, it was impossible to prevent the sale of alcohol without a police force. Pither also revealed that he was forced to obtain funds for annuities and provisions from the HBC as the money had not arrived from Winnipeg. Chiefs who did not receive their annuities from Pither were required to receive them from the HBC. Dennis’ letter to Minister of the Interior Laird confirmed the arguments made in Pither’s letter. Dennis’ letter was dated November 1, 1875 and began:

Mr. Pither states that great delays and embarrassments occur in the discharge of his duties in administering Indians affairs under the Treaty, within his district, in consequence of the property to be given to the Indians under the Treaty not being sent in time from Red River. This is the cause of the greatest possible dissatisfaction among the Indians.... The agent also complained that he was constantly obliged to place himself under obligations to the Hudson Bay Company for money and for articles to distribute to the Indians which ought to have been sent to him in time for that purpose ... he had neither shot nor tea, these articles not having been sent from Red River He was obliged within the last few days to get 800 pounds of tea, 2200 pounds of shot, and \$2000 in cash from the agent of the company at the North West Angle, to enable him to keep

¹⁶³Ibid.

¹⁶⁴LAC, RG10, Volume 1918, File 2790C, “E.A Meredith to Lieutenant Colonel Dennis, August 9 1875.”

¹⁶⁵LAC, RG10, Volume 1918, File 2790C, “R. Pither to Lieut. Col. Dennis, October 4, 1875.”

faith with the Indians¹⁶⁶

Much of the dissatisfaction felt by Pither was the result of Indian Commissioner Provencher's dereliction of duty, but this was not revealed until his fraud trial in 1878. Pither's reliance on the HBC to 'keep faith with the Indians' is important because the Treaty Three chiefs would have been suspicious of any delays in the payment of annuities. After the right-of-way negotiations in 1870, the Canadian government paid annuities of \$6 in 1871, but did not pay any annuities in 1872 after the negotiations broke down.¹⁶⁷ At the beginning of the Treaty Three negotiations in 1873 Chief Pow-wa-sang stated, "We are tired of waiting for what you promised long ago."¹⁶⁸ If annuities were not paid in 1874, the patience of the chiefs would have been tested again and the result may have been disastrous.

As Pither was in no position to provide agricultural implements or enforce the prohibition on alcohol, it was up to Dennis to deal with the chief's grievances. On October 14, 1875 Dennis met with fourteen Anishnabeg chiefs at the North-West Angle, including Chiefs Pow-wa-sang and Canda-com-igo-minnie who were both prominent at the Treaty Three negotiations. After he received the instructions from Meredith, Dennis requested that an interpreter be provided and Treaty Three interpreter McPherson was made available. Although the chief's speeches were not recorded, Dennis' reply was transcribed and included in the records of the Department of Indian Affairs. Dennis admitted that the chiefs had grievances to complain about and considered them justified in "saying that you will not be satisfied but will continue to agitate until these little grievances had been settled."¹⁶⁹ Dennis assured the chiefs that if their complaints were "well grounded" the Government would remedy all reasonable grievances. According to

¹⁶⁶LAC, RG10, Volume 1918, File 2790C, "Dennis to the Minister of the Interior, November 1, 1875."

¹⁶⁷LAC, RG10, Volume 1868, File 577, "Simpson, Dawson and Pether to Joseph Howe, July 17, 1872."

¹⁶⁸MG29, C67, Volume 1, R4465-0-2-E, "Dawson, Simon James, North-West Angle Indian Treaty, 1873."

¹⁶⁹LAC, RG10, Volume 1918, File 2790D, "Reply of the Surveyor General to the speeches of the Indian chiefs in Council."

Dennis the grievances were similar to the list transcribed by Morris in his interview with Chief Perrot. They included complaints against Pither, poor quality supplies and passage on the steamers. During the Treaty Three negotiations Dawson assured the chiefs that free passage on the steamers would be arranged as it had been done in the past.¹⁷⁰ Dennis deferred to McPherson who stated “this request was made by the Indians, but was declined by Mr. Morris.”¹⁷¹ Though Dawson’s reply to questions of free passage on the steamers and the railway was that he “would always be happy to do what he could to help the Indians” Morris had replied “I cannot promise you any more than the other people.”¹⁷² McPherson recalled Morris’ response, even though it conflicted with Dawson’s promise. Dennis attempted to settle the matter by explaining that the government tired of managing the long steamer routes and “left it to Carpenter and Company ... and the Government have no longer any right of allowing free rides and the Indians must therefore not expect it.”¹⁷³

The next grievance put forward by the chiefs was dealt with by Dennis in a similar manner. During the Treaty Three negotiations Chief Mawedo-peness stated that if any of the treaty promises were not fulfilled he “will hunt up the person neglecting his duty.” Morris replied, “The Queen’s ear would always be open to hear her Indian subjects.”¹⁷⁴ The grievance put forward by the chiefs was that some of them should have a free pass to Ottawa to lay their grievances to the minister. Dennis assured the chiefs that this was unnecessary as complaints made will be looked into and dealt with “as if you were present in person.”¹⁷⁵ Dennis’ strategy of dealing with the chiefs’ grievances served a dual purpose in establishing treaty policy. First, Dennis managed to limit treaty rights

¹⁷⁰*The Manitoban*, “Indian Treaty, North-West Angle Oct. 1 1873” October 11, 1873.

¹⁷¹LAC, RG10, Volume 1918, File 2790D, “Reply of the Surveyor General.”

¹⁷²LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

¹⁷³LAC, RG10, Volume 1918, File 2790D, “Reply of the Surveyor General.”

¹⁷⁴LAC, MG29, C67, Volume 1, R4465-0-2-E, “Dawson, Simon James, North-West Angle Indian Treaty, 1873.”

¹⁷⁵LAC, RG10, Volume 1918, File 2790D, “Reply of the Surveyor General.”

by enforcing Morris' denial of free passes and ignoring Dawson's acceptance. Second, Dennis used new policies from the Department of Indian Affairs to negate or override promises made during the negotiations – that the chiefs would be able to “hunt up” or visit the minister to air their grievances. In response, it appeared that the chiefs were willing to accept these changes as long as their treaty rights were protected.

Morris also described a meeting with Chiefs Pow-wa-sang and Sha-sha-gance, both of whom were present at the Treaty Three negotiations. Chief Pow-wa-sang wanted part of his reserve surveyed and had some minor grievances, but Morris did not address them. Instead he “handed them over to [Indian Agent] Grahame”¹⁷⁶ in keeping with Indian Affairs policy originally suggested by Morris. The treaty relationship during this early implementation stage was defined by flexibility. The chiefs were willing to work with Indian agents rather than the lieutenant-governor or minister, as long as their rights were implemented. Morris' meeting with the chiefs in 1877 was an essential component of the treaty relationship. When Pither did not have supplies or annuities in 1875 and refused to meet, the chiefs considered it a breach of the treaty promises and the first of their many grievances against the government. It is important to note that these breaches of Treaty Three did not occur because of cultural misunderstandings. Travel on the steamers and the right to meet the minister were oral promises made during the negotiations, which were purposely limited by Morris and Dennis. Poor supplies and late annuity payments were the result of Provencher's dereliction of duty.¹⁷⁷

Conclusion

According to Morris' account of the Treaty Three negotiations, the work by McKay and St. John to promote the treaty as well as the support of the Métis, was essential to the success of the treaty negotiations.¹⁷⁸ Morris revealed that McKay had

¹⁷⁶LAC, RG10, Volume 3646, File 7966, “Morris to the Minister of the Interior, April 22, 1877.”

¹⁷⁷Titley, *The Indian Commissioners*, 32.

¹⁷⁸Morris, *Treaties with the Indians*, 51.

traveled to Lake of the Woods three times during the past year to promote the making of the treaty, and also helped interpret the treaty terms.¹⁷⁹ McKay's role was certainly valuable and the support of the Métis assisted the commissioners, but the success of the treaty was also due Morris' representation of the Queen, Chief Sah-Katch-eway's intention to accept the treaty terms and pressures for a successful conclusion after the failures of the 1871 and 1872 negotiations. The success of the treaty was also influenced by the increased terms, including a higher one-time payment of \$12, increased annuities from \$3 to \$5 and reserves based on 640 acres per family of five. In comparison, the terms of Treaties One and Two included a one-time payment of \$3, annuities of \$3 and reserves based on 160 acres per family of five. Hunting supplies and agricultural assistance were also added to Treaty Three. The RG10 records revealed that the Indian Department was hesitant to increase the terms for Treaty Three because they knew that the amounts would become precedents for new treaties made in western Canada and they could also impact the terms of Treaties One and Two.

Morris lobbied the department and especially Interior Minister Alexander Campbell for increased terms and was eventually successful. The department knew that the government was charged for the right-of-way on the Dawson Route and that some settlers were charged a ten dollar toll to use the route. There had also been an incident where a contractor had taken twenty-five men through the Dawson Route to build steamers. Chief Blackstone demanded a toll to cross through his territory. The contractor paid Blackstone a half barrel of flour and the chief gave the group "unknown instructions" which caused them to be lost for three days on Lac des Milles Lacs. They then had to return to the Portage for fresh supplies.¹⁸⁰ This event and the two failed attempts at treaty negotiations in 1871 and 1872 put enough pressure on the Indian

¹⁷⁹LAC, RG10, Volume 1918, File 2790B, "Morris to the Minister of the Interior, November 11, 1873."

¹⁸⁰LAC, RG10, Volume 1869, File 582, "Burton Marshall to William Spragge, September 29, 1872."

Department that Morris was able to increase the terms and successfully negotiate Treaty Three in 1873.

The sources on the Treaty Three negotiations revealed a discrepancy between the verbal negotiations and the text of Treaty Three. Historians have relied upon the account of the negotiations in *The Manitoban* and published in Morris' *Treaties of Canada with the Indians*. There has also been a reliance on the printed text of Treaty Three or the Treaty Three RG10 file, but no historians have analyzed the original manuscript of Treaty Three or the Paypom document. Dawson's account of the Treaty Three negotiations in Library and Archives Canada has been virtually ignored by historians, though it clearly presents another view of the negotiations, especially the closing speech of Chief Mawedo-penness. These additional written sources add a new dimension to the Treaty Three negotiations. Combined with the published oral histories, the analysis of Treaty Three has shown that the negotiations were more complex and controversial than had previously been shown. Morris' use of the surrender clause is questionable and the provisions for agriculture were more important than previously thought.

Chapter Five: Treaty Four and Treaty Five The Fort Qu'Appelle and Lake Winnipeg Treaties, 1874 and 1875

One of the questions that bothered me last night was "What is the relationship?" I can only speak for Indian people, I do not know what the government was thinking at the time of treaties.¹

Elizabeth McNab

While the Canadian Government focused on negotiating Treaty Three with the Anishnabeg at Fort Frances, pressure was building to negotiate a treaty with the Saulteaux, Cree and Assiniboine nations west of Treaty Two. Indian Commissioner Wemyss Simpson had promised to negotiate a treaty further west in 1871 and former Lieutenant-Governor Adams Archibald had promised to extend treaty-making in order to encourage settlement.² There had also been unrest and dissatisfaction when the Cree and Saulteaux heard that their territory had been sold by the Hudson's Bay Company (HBC) to Canada (Rupert's Land Transfer of 1869-70). When Lieutenant-Governor Alexander Morris' request for \$25,000 to negotiate a treaty with the Crees and Assiniboines at Fort Qu'Appelle was rejected by Prime Minister John A. Macdonald in April of 1873,³ the Treaty Three negotiations at the North-West Angle became the priority. At the conclusion of Treaty Three, Morris re-doubled his efforts for permission to negotiate Treaty Four. News of the Cypress Hills massacre and the establishment of the North-West Mounted Police finally convinced Ottawa to commit to treaty-making west of Treaty Two. On October 31st 1873, Minister of the Interior Alexander Campbell advised paying chiefs' salaries and distributing presents at Fort Qu'Appelle in preparation for negotiations to take place the following year. The resignation of Macdonald in November of 1873 led to a new federal government and the appointment of David Laird as Minister of the Interior. An order-in-council dated July 24, 1874 appointed Laird, William J.

¹ Elizabeth McNab, "Treaty Four Elders Forum," Transcribed by the Office of the Treaty Commissioner, Saskatoon, Saskatchewan, 1997.

² LAC, RG10, Volume 3576, File 378, "Wemyss Simpson to W. Spragge, September 27, 1872."

³ LAC, Order-In-Council, RG2, Privy Council Office, Memorandum submitted to the Secretary of State for the Provinces, April 24, 1873. MacDonal added in his own handwriting: "The committee is of the opinion that there is no present necessity for an appropriation."

Christie and other persons that Laird might select as “commissioners to make Treaties with the Indian bands in the North-West Territories.”⁴ An order-in-council dated August 26, 1874 added Morris as joint-commissioner with Laird “to negotiate Treaties with certain Indian bands.”⁵

Though Treaty Four has many of the same provisions as Treaty Three, the context of the two negotiations were completely different. Treaty Three was negotiated in an area with little Euro-Canadian settlement, but the department of Public Works had experience in the territory. In 1874, there was little Canadian government presence in the Cree, Saulteaux and Assiniboine territories west of Treaty Number Two, but settlement had begun in earnest. The impetus to negotiate Treaty Three was securing the right-of-way for the Canadian military in 1870 and to ensure the safety of travellers on the Dawson Route. The impetus for Treaty Four was to support settlement and to ensure peace and good order as many of the Cree and Saulteaux leaders had expressed their displeasure toward the presence of Canadian authorities in their territory. Treaty Four was also the first numbered treaty to rely heavily on negotiating adhesions to treaty after the main treaty conference had ended. The first adhesion to Treaty Four took place on September 21st at Fort Ellice only six days after the main conference ended at Fort Qu’Appelle. A further six adhesions were accepted by Christie in 1875.

Much of the secondary literature on Treaty Four has focused on the perceived animosity between the Cree and Saulteaux nations. A close look at the negotiations shows that the animosity was not between the Indigenous nations, but rather between the HBC and the Cree and Saulteaux and was inadvertently intensified by the commissioners. In his research report on Treaty Four, John Leonard Taylor commented that the Cree and Saulteaux focused too much of the negotiations on their concern about the HBC to the

⁴LAC, Order-In-Council, RG2, Privy Council Office, Approved by Governor-General Dufferin, July 23, 1874.

⁵LAC, Order-In-Council, RG2, Privy Council Office, A. Mackenzie, approved by Governor-General Dufferin, August 26, 1874.

detriment of discussing the terms of treaty.⁶ However, for the Cree and Saulteaux chiefs, the treaty relationship was more important than the terms. The most important question was whether the Cree and Saulteaux could trust the Canadian government. A critical look at the written sources on Treaty Four and many of the oral histories show that this trust did not come easily. Morris was not greeted with a pipe ceremony, as he had been done at Lake of the Woods and there was lingering distrust over Canada's relationship with the HBC and role that the NWMP and surveyors would play in Saskatchewan territory. A critical look at the eyewitness accounts of the treaty and the incorporation of Treaty Four oral histories shows that this distrust was eventually resolved and the Cree and Saulteaux peoples entered into a treaty relationship with the government of Canada.

Indigenous and Euro-Canadian Relations in the North-West

When the purchase of RupertsLand by Canada was completed on June 23, 1870 the federal government became interested in assessing the territory's potential for settlement.⁷ Much of this early interest in the North-West was looked upon with suspicion by the Cree, Saulteaux and Assiniboine nations. As early as 1871, HBC Chief Factor McDonald of Fort Qu'Appelle wrote to Lieutenant-Governor Archibald and stated that the Indians "are constantly inquiring what the Government will do about them and their land, and I should be glad to have it in my power to [tell them more] than they will be justly dealt with, as we now tell them."⁸ McDonald also railed against the newly enacted prohibition on alcohol as the American whiskey traders "carry on the liquor trade as if no law against it exists."⁹ When the whiskey traders were accused of breaking the law they claimed it was only the "Company's Paper" and that the government has no

⁶John Leonard Taylor, "Treaty Research Report: Treaty Four" (Ottawa: Indian and Northern Affairs Canada, 1985).

⁷Frank Tough, "Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada's Acquisition of the Hudson's Bay Company Territory" in *The Early Northwest*, Ed. Gregory P. Marchildon (Regina: Canadian Plains Research Centre, 2008), 271.

⁸AM, M 1-1, MG12, A 1, Box 1, "Dawson to Archibald, 200 "McDonald to Archibald, February 24th, 1871"

⁹AM, M 1-1, MG12, A 1, Box 1, "McDonald to Archibald, February 24th, 1871"

right to make laws in Indian country. McDonald claimed that both fishing and the buffalo were getting scarce. Previously the Cree, Saulteaux and Métis peoples could share the resources and keep the peace, but now a “disturbance” between the three groups was likely.¹⁰ McDonald’s points about law and order in the North-West and questions over “Indian lands” would have frustrated Lieutenant-Governor Archibald. As he had done when he first arrived at Red River, Archibald pleaded for patience so that he could familiarize himself with the territory.

Archibald’s first action was to recall William Francis Butler, who had scouted Fort Garry in advance of Colonel Wolseley’s arrival at Red River and left on the heels of the military expedition. Archibald asked Butler to “accept a mission to the Saskatchewan valley and through the Indian countries of the west.” Butler was appointed a Justice of the Peace and authorized to appoint two other men in the North-West to the same title. He was also to document the state of the Indigenous communities and deliver smallpox medicines and copies of written documents which explained its proper treatment.¹¹ News of a smallpox epidemic had reached Red River in the summer of 1870 and Archibald had enacted a quarantine against the trafficking of buffalo robes. By the time Butler had been outfitted for the journey, the smallpox had run its course. He crossed the South Saskatchewan River in early November and learned from a Cree Indian named Starving Bull that “of the sixty souls [at Fort Pelly] no fewer than thirty-two had perished.”¹² Fort Carlton had also suffered from the smallpox epidemic. The mounds of the dead were placed just outside the palisades of the fort and the last victim was added four weeks previous to Butler’s arrival.¹³

¹⁰Ibid.

¹¹William Francis Butler, “Governor Archibald’s Instructions,” in *The Great Lone Land: A Narrative of Travel and Adventure in the North-West of America* (Edmonton: M. G. Hurtig Publishers, 1968), 354.

¹²Butler, *The Great Lone Land*, 227-228.

¹³Ibid., 229.

Preparing for Treaty Four

By the late summer of 1872, the federal government began to inquire about making a treaty with the Indians of the Saskatchewan region. While Indian Commissioner Simpson was preparing for the treaty negotiations at Fort Frances in 1872, William Spragge, the deputy superintendent general of Indian affairs instructed Molyneux St. John to investigate the costs of negotiating a treaty west of Treaty Two. Spragge required the locations of the “Bands of Indians on the Saskatchewan” as well as their place of holding councils, the presents and goods necessary for distribution and the number and constitution of the force to accompany the commissioner.¹⁴ At the conclusion of the unsuccessful Fort Frances negotiations, Simpson informed Spragge that it was useless and undesirable to go to the Saskatchewan to “obtain a surrender of the Indian country in that valley.”¹⁵ Simpson listed a number of points against negotiating a treaty. The chief commissioner of the HBC (Donald A. Smith) had declined to accompany Simpson without “adequate protection” as the sale of liquor was on the increase and openly carried on. The season of the year was too late as the “Indians had scattered for their fall hunt and could not be brought together.”¹⁶ Simpson also thought it would be impossible to conclude a treaty with the same terms offered at Treaties One and Two. The Crees and Assiniboines had stated that the white people were killing off their only means of living and they saw nothing but starvation before them. The buffalo was their only means of living and Simpson thought it unlikely that they could be convinced to “till the soil.”¹⁷

Despite Simpson’s reticence to negotiate a treaty in the Saskatchewan territory in 1872, the requests continued to pressure the office of the lieutenant-governor at Red River. One of the most forceful requests came from the Reverend George McDougall in a

¹⁴LAC, RG10, Volume 3576, File 378, “Molyneux St. John to W. Spragge, November 7, 1872.”

¹⁵LAC, RG10, Volume 3576, File 378, “Wemyss Simpson to W. Spragge, September 27, 1872.”

¹⁶Ibid.

¹⁷Ibid.

letter addressed to Lieutenant-Governor Morris and dated January 1, 1874. After visiting Indigenous communities west of Fort Qu'Appelle the previous year, McDougall witnessed the influence of the American traders on the Blackfoot nation. He claimed that upwards of 50,000 buffalo robes were exchanged for "American alcohol," which was not the ordinary liquor used in the trade, but rather a drugged alcohol more like poison.¹⁸ He chastised the office of the Lieutenant-Governor for prohibiting the use of alcohol in the North-West without providing the police to enforce the law. McDougall asserted that the priority should be to encourage settlement and recommended that treaties be negotiated to further this end. He wrote: "My opinion is that at the present time there would be very little difficulty in coming to terms with the Indians of the Upper Saskatchewan. In the first place they are not very numerous, they have decreased one hundred percent in the last ten years."¹⁹ McDougall advised that the Stonies and Crees could be "influenced by the Hudson's Bay Company's officials and by missionaries who have long lived amongst them." McDougall thought that the reputation of the HBC for resisting settlement was unfounded. Rather, the company could "powerfully assist the local government in effecting treaties with the Indians" Until treaties were secured, McDougall argued that every white man who enters the country "enhances the danger of a rupture with the natives."²⁰

Morris was less sanguine than McDougall on the role of the HBC in settlement west of Treaty Two, but agreed on the need to enforce the alcohol ban. In the wake of the Cypress Hills massacre the federal government had agreed to speed up the timetable for the North West Mounted Police (NWMP) force, which was stationed at Red River in early 1874. In the spring, the force would travel further west and Morris commissioned McDougall to visit the Indigenous communities to prepare the way for the police. His

¹⁸LAC, RG10, Volume 3609, File 3278, "McDougall to Lieutenant-Governor Alexander Morris, January 1st, 1874."

¹⁹Ibid.

²⁰Ibid.

despatch dated June 20th, 1874 required McDougall to:

... ask the Indians to give the force their good will, as coming from Her Majesty The Queen, and as being designed to promote peace, harmony, and happiness among Her people in the North-West. I would particularly observe, however, that the co-operation of the Indians is not sought in any action which the Police Force may find it necessary to undertake, nor are they asked to act as allies for any military purpose. The force is sent for the purpose of expressing the good will of the Queen, and Her care for Her Indian subjects, and they are asked therefore to regard the force with a friendly eye.²¹

McDougall delivered Morris' despatch and reported that with the exception of some of the communities under Plains Cree Chief Big Bear, the Indigenous communities were anxious for treaty. Morris reported to Minister Laird that the explanations by McDougall "were productive with the happiest results."²² Morris further encouraged Laird that "the sentiments expressed by the Indian Chiefs are encouraging to the efforts made to establish the sway of the Crown and the promotion of Law and order in the vast region in question."²³

A despatch almost identical to the one issued to George McDougall was also issued to Reverend John MacKay of the Prince Albert region. John was the brother of the Honourable James McKay who assisted Morris with the negotiation of Treaty Three. Like McDougall, John MacKay sent a letter to Morris which stated that the "people of Prince Albert are very anxious to have a treaty concluded with the Indians. The Indians are also desirous into coming to some settlement as to the future."²⁴ According to MacKay, the Wood Crees were all in favour of coming into treaty, but the Plains Crees were not. They had been influenced by the Métis at St. Laurent and Qu'Appelle. MacKay ended his letter by stating, "All the affected settlers in the North-West are anxious that treaties should be made and law and order established without delay, as until this is done,

²¹LAC, MG 29, C23, Volume 1 Q2-3/388, "Despatch to Reverend George McDougall from Alexander Morris, June 20th, 1874."

²²LAC, RG10, Volume 3610, File 3461, "Morris to the Minister of the Interior, January 6, 1875."

²³Ibid.

²⁴LAC, RG10, Volume 3610, File 3559, "John MacKay to Alexander Morris, June 18, 1874."

there must always be danger.”²⁵ Morris forwarded MacKay’s letter to E. A. Meredith, deputy to the Minister of the Interior. Meredith acknowledged receipt of the letter and addressed Morris’ points in a memorandum titled, “Indian Policy in the North-West Territories.” His main concerns were the diminishing buffalo and increased liquor traffic. Meredith feared that “Should the slaughter of Buffaloes be continued at the same rate for only two or three years more we may expect serious disturbances amongst the Indians, possibly an Indian War or a repetition of the Sioux massacre.”²⁶ Meredith also addressed the increased liquor traffic and suggested:

This object could be effected by carefully utilizing the services of the Indians in every possible way, in the making of the Railroads, in our surveys and explorations of the country where their services as guides would be valuable, and in aiding our mounted police and military as scouts and constables in the suppression of the liquor traffic and in preventing the exportation of Buffalo hides and pemmican ... and for this reason it would command the sympathy and support of the Indian chiefs and the great majority of the Bands and would go far to convince the Indians that their Great Mother was mindful of the interests of Her Red Children.²⁷

Though not all of Meredith’s ideas in the memorandum are practical, the document is significant because it is one of the earliest statements of Indian policy from the Department of Indian Affairs. Meredith evoked a great deal of sympathy for the nations west of Treaty Two, but his ideas contain very little of the paternalism that was present in later Indian policies. He clearly viewed Indigenous peoples as partners in the settlement of the west and believed they could assist the surveyors, explorers and the police. This partnership was the key to the early treaty relationship and was symbolized by the power and benevolence of the Great Mother Queen Victoria. The memorandum is also important because it was addressed to both Morris and Minister Laird and contributed to the government’s commitment to negotiate Treaty Four, less than a month later.

²⁵Ibid.

²⁶LAC, RG10, Volume 3609, File 3229, “Memorandum: Indian Policy on the North-West Territories.”

²⁷Ibid.

The Treaty Four Commissioners

After three years of almost continuous requests for a treaty west of Treaty Two, the federal government appointed Laird as commissioner to negotiate Treaty Four on July 24, 1874. Laird, as the new Liberal (Reform) government's Minister of the Interior was described as "a Prince Edward Island politician of impeccable Grit credentials."²⁸ Laird was born on the island in 1833 and educated at the Presbyterian Theological Seminary in Nova Scotia. He worked as a journalist before entering politics. When Prince Edward Island entered confederation on July 1, 1873 Laird ran successfully for one of the island's six seats. He was named a member of the Liberal cabinet and arrived in Ottawa in early November. Macdonald resigned as Prime Minister on November 4 and Alexander MacKenzie's Liberals came to power in the election that followed. Laird was made Minister of the Interior and superintendent general of Indian affairs in the new government. Meredith described Laird as "a long, lanky, conjoined creature who seems a very rough specimen." Laird was described as standing over six feet tall with a flowing dark beard and dark clothes. His countenance was always serious and sober, likely the result of his strict Presbyterian upbringing.²⁹ Laird's appointments as both minister of the interior and superintendent general of Indian Affairs were curious ones. The interior ministry position was formerly the secretary of state for the provinces, but now dealt mainly with issues in Western Canada. Laird had never travelled to the west and had no experience with Indigenous peoples. According to Brian Titley, "of all Laird's responsibilities in government, Indian Affairs would be the most challenging."³⁰

In his article "Our Indian Treaties" Laird described his perspective on the numbered treaties over thirty years after the negotiation of Treaty Four. He acknowledged the high honour of the British Crown in "dealing kindly with aboriginal

²⁸Miller, *Compact, Contract, Covenant*, 157.

²⁹Titley, *The Indian Commissioners*, 41.

³⁰*Ibid.*, 42.

races”³¹ but did not emphasize the role of the Queen in Treaties Four to Seven as Morris had done in Treaty Three. According to Laird, the numbered treaties allowed for peaceful settlement of the North-West. They saved Canada from “Indian wars” and allowed both settlers and Indigenous peoples to grow crops and prosper. Laird clearly emphasized Indigenous peoples as self-supporting farmers as there had been a backlash against the expense of the numbered treaties during the depression of the late 1800s. Laird ended his article by stating: “I have shown that it has cost a great deal of patience, tact and money to make and carry out the Northwest Indian Treaties. But this is a great country and it is well worth it all.”³² Though Laird had a hand in Treaties Four through Eight, his contribution has been over-shadowed by Morris, who was often the lead treaty negotiator and wrote *Treaties of Canada with the Indians*. Laird was the lead negotiator for Treaties Seven and Eight and helped create new policies for the Indian department, including the resurrection of the Indian Board and the appointment of more Indian agents and farming instructors.

Though Morris’ name was omitted from the original order-in-council appointing Laird and Christie as treaty commissioners, there appeared little doubt that he would contribute to the negotiations. After Macdonald’s government fell, Morris quickly wrote to Prime Minister Mackenzie and continued his lobbying effort for treaties west of Treaty Two. Mackenzie wrote back to Morris on December 6, 1873:

I quite appreciate the difficulties of your position and will only say now that everything we can do to render you sufficient support will be done. We have on several occasions discussed the Indian position. I never doubted that our true policy was to make friends of them, even at a considerable cost, as anything is cheaper than an Indian war.³³

According to Mackenzie, the true policy was to “make friends” and he did not mention a surrender of lands. This suggests the creation of a treaty relationship and is significant

³¹David Laird, “Our Indian Treaties” in *The Historical and Scientific Society of Manitoba* (Winnipeg: The Manitoba Free Press Company, 1905), 1.

³²*Ibid.*, 8.

³³AM, Morris Papers, “MacKenzie Alexander, December 6, 1873. Confidential to Morris.”

because a relationship with Indigenous peoples ('even at considerable cost') is preferable to an "Indian war." The letter also emphasized Morris' commitment to treaty-making and as a former Conservative MP his association with Mackenzie would have been difficult. Mackenzie's positive response was not surprising, as the Liberals had traditionally supported treaty-making as part of the responsibilities under the Royal Proclamation of 1763.³⁴ The Liberal party at the time of confederation focused on more control of the executive and less influence asserted by the colonial office in London, but in the North-West this position was muted. After William McDougall was unable to establish Canadian law in Manitoba as the first Lieutenant-Governor, Mackenzie recognized the importance of the Crown and was willing to work with Morris, who was a staunch Conservative and supporter of British influence in Canada.³⁵

The third commissioner appointed to negotiate Treaty Four was Christie, a former HBC factor who had been stationed in the North-West since 1852. Christie had been a member of Morris' North-West Council and had previously argued for treaty negotiations in the Saskatchewan region. He was also known for the information he provided to the Palliser expedition and to Butler on his tour through the North-West in 1870. Butler had appointed Christie a Justice of the Peace and this position, as well as his knowledge of the Cree, Blackfoot, Saulteaux and Assiniboine Nations made him an ideal candidate for commissioner.³⁶ Though Morris was wary of too many connections between the commissioners and the HBC, Christie had resigned from the Company because he stressed they were not meeting their obligations in the North-West under Donald A. Smith. In the eyes of Laird, Christie's disillusionment with the Company and his early resignation made him an ideal candidate to assist the commissioners. Christie had recently retired from the HBC to Brockville, but he readily agreed to join Laird as treaty

³⁴William McDougall was a prominent Liberal in the province of Upper Canada and negotiated the Manitoulin Island Treaty in 1862.

³⁵AM, Morris Papers, "MacKenzie Alexander, December 6, 1873 confidential to Morris."

³⁶Butler, *The Great Lone Land*, 354.

commissioner at Qu'Appelle. The last person named to the commission was M. G. Dickieson who acted as secretary and took short-hand notes of the negotiations. Dickieson's original appointment was as Laird's secretary in Ottawa, but he was later appointed Assistant Indian Superintendent on December 15, 1876 and spent many years in the Saskatchewan region.³⁷

There were three interpreters present at the Treaty Four negotiations, but Charles Pratt (Askenootow) did most of the translating during the negotiations. Pratt was a Cree-Assiniboine and member of the Young Dogs from the Little Lakes area of the Qu'Appelle Valley. He was also baptized into the Church of England and later worked as a catechist and lay preacher for the Church Missionary Society (CMS). By the time Treaty Four had been approved in 1874 Pratt had become disillusioned by his missionary work and had "given up any hope that the CMS would provide tangible assistance to his people."³⁸ Pratt instead looked to the government and assisted the Treaty Four commissioners. Pratt's skills as an interpreter were well known. He had interpreted for the Reverend Abraham Cowley and had been in charge of the CMS missions in the Qu'Appelle Lakes area since 1851. During the winter of 1874, Pratt hosted the Anglican missionary Joseph Reader at the south end of the Little Touchwood Hills. Reader described Pratt as an "earnest Christian, eloquent preacher and most hardy Indian" who could open his English Bible and on sight translate it fluently into Cree and Saukteaux.³⁹ Pratt's skills as an interpreter were tested to a high degree as the first days of the treaty negotiations were wrought with tensions over the sale of Rupertsland and dissatisfaction with the HBC.

³⁷A.J. Looy, "Saskatchewan's First Indian Agent: M. G. Dickieson," *Saskatchewan History*, Vol. XXXII, No. 3 (Autumn, 1979), 107.

³⁸Winona L. Stevenson, "The Church Missionary Society Red River Mission and the Emergence of a Native Ministry 1820-1860 with a Case Study of Charles Pratt of Touchwood Hills" (Unpublished MA Thesis, University of British Columbia, 1988), 156.

³⁹Saskatchewan Archives Board (SAB), R-E3260, "Account of Indian Experiences 1874-1903, Made by J. Reader, Indian Missionary and Indian Agent."

The treaty commissioners were also supported by a full battalion of the military who were then stationed near Fort Garry. The North West Mounted Police (NWMP) had left the Cypress Hills earlier in the summer and that left the military to provide a guard for the commissioners. During this period the force in the North-West was made up of two battalions of volunteers from the militia, half from Ontario and half from Quebec. They were commanded by Lieutenant-Colonel W. Osborne Smith and were originally sent to Red River to protect the settlement from the Fenian raids of late 1871.⁴⁰ Smith was stationed at Winnipeg until his retirement in 1881, but his militia was disbanded in 1877 when policing the North-West was left to the NWMP. Prior to supporting the treaty commissioners in 1874, the military had helped enforce small pox quarantines and suppressed an election riot at White Horse Plains in July of 1873.⁴¹ One battalion had previously been selected to accompany the Treaty Three commissioners at Lake of the Woods in 1873, but the escort for Treaty Four included two battalions totalling 113 men of all ranks. The military escort included an artillery detachment and a 7 pounder gun.⁴²

As was the case with Treaty Three in 1873, the military was viewed as a coercive threat by the Cree and Saulteaux during the Treaty Four talks. However, in all his speeches Morris stressed that the military was in place for the protection of whites and Indians and made no distinction between the military force at Qu'Appelle and the mounted force marching further west to arrest the whiskey-traders who had committed the murders at Cypress Hills. It is important to note that at the recommendation of Colonel Patrick Robertson Ross in 1872, the militia changed their uniforms from rifle-green to scarlet as the Indigenous peoples he met claimed that "the soldiers of the Great Mother the Queen wear red coats."⁴³ The red uniforms also contrasted with the blue coats

⁴⁰C.P. Stacey, "The Military Aspect of Canada's Winning of the West, 1870-1885," *The Canadian Historical Review*, Volume XXI, No. 1 (1940), 14.

⁴¹Intelligence Branch, Quartermaster General's Department, "Expedition of the North-West Mounted Police of Canada into the Saskatchewan Territory," February 1, 1875, 7.

⁴²Stacey, "The Military Aspect of Canada's Winning of the West," 16.

⁴³Robertson Ross, "Reconnaissance of the North West Provinces and Indian territories of the Dominion of Canada," *Sessional Papers*, 1873, No. 9, cvii – cxxvii.

of the US cavalry who were loathed by the Indigenous peoples as a result of the Indian wars in the west. The Governor-General stated that the force is clothed in red because the Indians thereby distinguish us from the Americans for whom they have no liking. Ross stated that the Indians were strongly “prejudiced against, and suspicious of, troops wearing any other colour ... and that a battalion of Canadian militia, in consequence of this suspicion, lately had its uniforms changed to red.”⁴⁴

The Treaty Four Chiefs

The main chiefs of the Qu’Appelle area included Pis-qua (Pasqua, The Plain) from Leech Lake near Fort Qu’Appelle, and Ka-wezance (Saulteaux) or Cowessess (Cree) who led a mixed Plains Cree and Saulteaux community also from the Leech Lake area. Chief Ka-Kiwistahaw was listed on Treaty Four, but did not sign the document or make his mark. Chief Ka-wa-ca-toose (Lean-man or Poor-man) represented the Downstream people from the Touchwood Hills area. He is not recorded by Dickieson as a contributor to the negotiations, but a number of Treaty Four oral histories documented his speeches. Ka-wa-ca-toose was the ninth chief to make his mark on the Treaty Four original manuscript. Gabriel Cote was viewed as a Saulteaux head chief by the commissioners, but spoke very little during the negotiations and his name was listed last on the treaty. The main spokesperson during the negotiations was the Saulteaux headman O-ta-ka-onan (The Gambler) who was assisted by the Cree Chief Ka-ku-shi-way (The Loud Voice).

Chief Pasqua’s main contribution to the Treaty Four negotiations was to speak out against the HBC at Fort Qu’Appelle and the 300,000 pounds received for selling “their” land.⁴⁵ Pasqua continually agitated for better treaty terms and in 1882 protested the government’s decision to move annuity payments to the reserves, rather than at the

⁴⁴Intelligence Branch, “Expedition of the North-West Mounted Police,” 7-8.

⁴⁵LAC, RG10, Volume 3614, File 4063, “Report of Proceedings by M. G. Dickieson, Fourth Day’s Proceedings, September 12, 1874.”

annual gathering near Fort Qu'Appelle. Chief Pasqua also joined Piapot's alliance for increased terms under Treaty Four. Like Pasqua, Chief Cowessess contributed very little to the Treaty Four negotiations and chose to follow the last remaining buffalo in the Cypress Hills rather than select a reserve at Qu'Appelle. According to Treaty Four oral histories there is some question as to whether Cowessess accepted treaty in 1874. Harold Lerat asserted that "a lot of the old people are pretty sure that he didn't sign in September 1874 in Fort Qu'Appelle" and that many of the chiefs believed that the negotiations were not final, but would continue and another signing would follow the next year.⁴⁶ Regardless, treaty paylists were issued and Chief Cowessess selected a reserve site at Maple Creek near Chief Piapot's followers. Chief Cowessess' reserve at Maple Creek was never surveyed and he was eventually persuaded to return to Qu'Appelle and settled at Crooked Lake in the Qu'Appelle valley. Unlike Pasqua, Cowesses did not support Piapot and focused on farming and his community became known as "one of the most successful agricultural communities on the Prairies."⁴⁷

Ka-Kiwistahaw was a Plains Cree chief of the Rabbit Skin people who settled around Fort Ellice and traditionally hunted buffalo and traded with the HBC. He was described as standing over six feet tall and straight as an arrow even in old age. Chief Ka-Kiwistahaw spoke little during the Treaty Four negotiations, but later met with Laird over pressure to surrender part of the reserved lands. In 1902 the chief stated to Laird, "When we made treaty at Qu'Appelle you told me to choose out land for myself and now you come to speak to me here. We were told to take the land and we are going to keep it. Did I not tell you a long time ago that you would come some time, that you would come and ask me to sell this land back again, but I told you at the time, no." Gabriel Cote was known as a "company chief" because he received his authority from his relationship to

⁴⁶Lerat with Ungar, *Treaty Promises, Indian Reality*, 16.

⁴⁷Kenneth J. Tyler, "Kiwisance (Cowessess, Ka-we-zauce, Little Child)," in *The Dictionary of Canadian Biography*, Vol. XI: 1881-1890, 477-478.

the HBC. The treaty commissioners were told that he represented all the Saulteaux, but the other Saulteaux chiefs resented his close relationship to the HBC.⁴⁸

O-ta-ka-o-nan or The Gambler made the most extensive contribution to the Treaty Four negotiations. He was not a chief, but a headman for Wa-wa-se-capow (Waywayseccappo) who was the head chief of the Saulteaux at Fort Ellice. He was also chosen as a speaker for the chief, which F.L. Hunt explained in his “Notes of the Qu’Appelle Treaty.”

I suppose most know that the Indians determine in their own councils upon not only their chiefs and headmen – or soldiers as they are sometimes called – but also their mouthpiece or speaking man, who is instructed merely to convey their thoughts, but not to determine or initiate. They confirm him as he speaks by marks of assent; or if they are going in a way that they do not like, some elderly man will quietly rise, take him by the arm and lead him to his place.⁴⁹

Hunt was a journalist for *The Manitoban* and an important eyewitness to the Treaty Four negotiations. The Gambler was Chief Waywayseccappo’s headman, but was also likely affirmed as a speaker during the councils and many of his speeches during the negotiations were accompanied by ‘marks of assent’ from the participants.

Chief Waywayseccappo was not included in the Treaty Two negotiations in 1871 and asked to be included in Treaty Four. Morris agreed to meet with the chief after the negotiations at Fort Qu’Appelle. Both Chief Waywayseccappo and Ota-ma-koo-ewin (The Man Who Stands on the Earth) touched the pen or made their mark on an adhesion to Treaty Four on September 21st, 1874 at Fort Ellice. The Gambler was the son of Peicheto, a headman of the Portage community and grandson of John Tanner who was a white captive of the Shawnee.⁵⁰ Tanner settled at Red River with his adopted Anishnabeg mother Netnokwa. The Gambler was also brother to Kissoway, who was a member of

⁴⁸John L. Tobias, “Mimiy (Gabriel Cote, Mee-may, Pigeon),” *The Dictionary of Canadian Biography*, Vol. XI: 1881-1890, 596.

⁴⁹F. L. Hunt, “Notes on the Qu’Appelle Treaty,” *The Canadian Monthly and National Review*, Vol. 9, No. 3 (March, 1876), 179.

⁵⁰Indian Claims Commission (ICC), *Gamblers First Nation Inquiry Treaty Land Entitlement Claim*, October 1998, 29.

Yellow Quill's band and helped negotiate Chief Yellow Quill's acceptance of the increased terms to Treaties One and Two. According to J. E. Foster, both The Gambler and Kissoway were well connected to the "moccasin telegraph" and would have had knowledge of both the Treaty One negotiations at Fort Garry and the Treaty Three negotiations at Lake of the Woods.⁵¹ Kissoway also met with Morris in June of 1874 and warned him of increasing tensions in the Qu'Appelle area. With regard to the American soldiers accompanying the boundary commission in Manitoba, Kissoway stated, "The Indians have great confidence in the British, and it is very important that this good understanding should be preserved"⁵² He also warned Morris of the hostility of the Sioux and rumours that had been circulating about the NWMP: "The Indians had been told that a party of soldiers had gone and scattered throughout the country and that the object was for the Americans to take away their country against their will."⁵³ Kissoway assured Morris that if the Cree and Saulteaux were made aware of the purpose of the NWMP, they would be tolerated. He had received a letter from James McKay which explained the purpose of the police and he was glad to hear it. The Gambler's relationship with Kissoway certainly provided advanced knowledge of the government and put him in the best position to coordinate the Saulteaux negotiating strategy at Treaty Four. As a headman of Waywayseccappo, The Gambler also convinced other Saulteaux in the area to join the chief's band. He later left Waywayseccappo when the newly chosen followers objected to the survey of the reserve.⁵⁴

The Plains Cree Chief Ka-ku-shi-way (The Loud Voice) mainly deferred to The Gambler during the Treaty Four negotiations, but he helped clarify the issue with the HBC over the sale of Rupert's Land. Chief Ka-ku-shi-way was the first chief to make his

⁵¹Foster, "The Saulteaux and the Numbered Treaties," 169.

⁵²LAC, RG10, Volume 3610, File 3528, "Lieutenant-Governor Alexander Morris' Memorandum of an Interview with Kissoway, June 6th, 1874."

⁵³Ibid.

⁵⁴ICC, *Gamblers First Nation Inquiry*, October 1998, 32.

mark on Treaty Four and selected a reserve near Round Lake on the Qu'Appelle River. He also accepted presents sent by Morris, which were distributed by Pascal Breland at Vermillion Hills in 1873. As a result, the Saulteaux chiefs may have viewed him as being in favour of treaty. Chief Ka-ku-shi-way's role during the Treaty Four negotiations was mainly as mediator between the Cree and Saulteaux nations and he likely promoted the acceptance of treaty in the councils. However, Ka-ku-shi-way also spoke out against the HBC and expressed his dissatisfaction with the placement of the marquee treaty tent so close to the HBC fort.⁵⁵

The Treaty Four Negotiations

When the Canadian government finally approved sending presents to the Cree and Saulteaux chiefs west of Treaty Two in 1873, Morris wrote a despatch for Pascal Breland to "inform the Indians that they will be visited next summer and that their rights will be respected and all things connected to the lands arranged to their satisfaction."⁵⁶ Breland was a member of the North-West Council and a prominent Métis politician and farmer. Like James McKay, Breland married into a prosperous family and his continued success as a trader was guaranteed with his marriage to Marie Grant, the daughter of Cuthbert Grant. Marie inherited her father's exemption from the HBC's trade monopoly and Breland was free to trade with the Crees and Assiniboines in the Qu'Appelle area.⁵⁷ Morris had previously relied on Breland to visit the Sioux who had crossed the international border and his report was well received by both Morris and the Governor-General.⁵⁸ According to Breland's report on the Treaty Four preparations, he left Fort Garry on September 18th 1873 with presents to distribute to the chiefs in three wagons. Breland sent a messenger to Vermillion Hills asking the Crees, Saulteaux and

⁵⁵LAC, RG10, Volume 3604, File 2543, "Morris to the Minister of the Interior, September 20, 1873."

⁵⁶*Ibid.*

⁵⁷Allyson Stevenson, "'Men of their own blood'": Métis Intermediaries and the Numbered Treaties," *Native Studies Review*, Vol. 18, No. 1 (2009), 73.

⁵⁸LAC, Order-In-Council, RG2, Privy Council Office, Approved by Governor-General Dufferin, May 29th, 1873.

Assiniboines who were in the vicinity to meet with him. Breland met the “assembly of forty Indians, more Crees than Saulteaux” on October 29th and read Morris’ despatch and offered the presents.⁵⁹ According to Breland, in response “there was great excitement among them, they fearing that by accepting the said presents they would compromise their lands and their rights, but after considerable explanation I was able to convince them and to dispel their distrust.” Breland stated that the Cree Chief Ki-ki-chi-way (Ka-ku-shi-way) (the one who speaks with strength or Loud Voice) accepted Morris’ presents, “but he accepted them as presents only and not in any other light.” Ka-ku-shi-way continued:

You will thank him [Morris] in my name and that of all my men who are here for the magnificent presents which he has sent us, that we will always keep him in kind remembrance, and we hope that he will continue to assist us in our deep distress.⁶⁰

Breland added that the Saulteaux chief present, who was unnamed, made a similar speech. Chief Ka-ku-shi-way’s reference to continued assistance was in connection to Breland’s responsibility to explain that “during the summer of 1874, Indian commissioners will visit them and renew the presents given them this year and be authorized to assure them that they will not be interfered with in their hunting grounds without treaties being made with them to their satisfaction”⁶¹ Unfortunately, Breland’s meeting at Vermillion Hills was the only one documented and probably explains why the Cree, Saulteaux and Assiniboine nations were slow to gather at Fort Qu’Appelle for the Treaty Four negotiations and why Chief Piapot and other Cree chiefs who were hunting in the Cypress hills were absent. The absent chiefs did not seem to concern Morris. His experience at Lake of the Woods illustrated the benefit of holding the main treaty negotiations with a smaller number of chiefs and relying on commissioners to negotiate adhesions to treaty at a later date. In his introduction to Treaty Four in *The Treaties of*

⁵⁹LAC, RG10, Volume 3604, File 2543, “Breland to Morris.”

⁶⁰Ibid.

⁶¹Ibid.

Canada with the Indians Morris wrote, “A gratifying feature connected with the making of this, and the other North-Western Treaties, has been the readiness, with which, the Indians, who were absent, afterwards accepted the terms which had been settled for them, by those who were able to attend.”⁶² Morris clearly viewed the use of treaty adhesions as an advantage to the government and it was significant that he made this comment in the chapter on Treaty Four. After Treaty Three, the number of adhesions increased, especially for Treaty Four.

Compared to the coverage of the Treaty Three negotiations, there was great interest in Treaty Four by the press. Unlike the North-West Angle, the Qu’Appelle area was directly important to settlers in the North-West. *The Manitoban*, *Manitoba Daily Free Press*, and *Toronto Daily Globe* all reported on the Treaty Four negotiations. On July 14, 1874 the *Manitoba Daily Free Press* announced that Morris was to be one of the commissioners to negotiate the Qu’Appelle Treaty. The report stated, “His Honor had great success with the Indians at the North-West Angle last year and we have no doubt that his presence at Qu’Appelle would be one of the surest guarantees of a satisfactory treaty being made with the Plain Crees.”⁶³ On August 5th 1874 the same newspaper announced the impending arrival of the Hon. Mr. Laird to negotiate a treaty “with the Cree Indians living between Fort Ellice and the elbow of the south branch of the Saskatchewan.”⁶⁴ According to the report, the presents had already been purchased and the Qu’Appelle Post selected as the site for the negotiations. The treaty area included Touchwood Hills, the Cypress Hills, Moose Mountain and the prairies surrounding the Qu’Appelle and Assiniboine rivers. The southern boundary was the international boundary line, but the northern boundary was described as “along the line of the Saskatchewan, beyond Fort a la Corne.”⁶⁵ The northern boundary was described in error,

⁶²Morris, *Treaties with the Indians*, 79.

⁶³*Manitoba Daily Free Press*, July 14, 1874, 2.

⁶⁴“The Qu’Appelle Treaty,” *Manitoba Daily Free Press*, August 5, 1874.

⁶⁵*Ibid.*

however the commissioners may have originally hoped to include the North Saskatchewan River in Treaty Four. The southern boundary extending into the Cypress Hills was chosen because the international boundary commissioners were currently surveying the line and the NWMP had travelled to the Cypress Hills earlier that summer. The *Manitoba Daily Free Press* reported that “The opening of such a wide expanse of territory to settlement will be an event of the utmost importance to Canada ... and we trust that the final result will prove advantageous not only to the white man, but also to our Indian fellow-subjects in the North-West.”⁶⁶

The only newspaper to send a correspondent to the Treaty Four negotiations was *The Manitoban* which sent F.L. Hunt who was married to an Assiniboine woman named Kah-nah-nah-Kah-po-mit. Hunt and Kah-nah-nah-Kah-po-mit were hosted in the Indian camp by her brother Oh-kes-niss, as their father Chief Mah-Kay-sis (The Fox) had recently passed away.⁶⁷ Hunt described the journey to the Treaty Four negotiations at Fort Qu’Appelle in the September 26, 1874 edition of the paper. He joined the brigade of carts “bound with Treaty supplies” at the Portage and traveled with them for 15 days before reaching the site of the Qu’Appelle Valley. Hunt described the valley in his first report:

The ground color is mainly a soft buff, or brown. I could liken its peculiar sheen or hue only to the horns of the deer or caribou in the velvet. The grass seems a furze or gorse. The short vegetation, touched by the frost, lit with the sunshine, foiled and relieved by the prevailing dun or brown, fuses into a cloth or carpet, before which the lover of nature may stand or lie or gaze uncloyed for hours. I commend this valley, and these bluffs strongly as a study to him seeking (most of it in galleries by his men) the mysteries of color – a branch of art obtained to by so few.⁶⁸

In his “Notes of the Qu’Appelle Treaty” Hunt also described the scene at the treaty grounds:

⁶⁶Ibid.

⁶⁷LAC, RG10, Volume 3612, File 4012, “Frank L. Hunt to Lieutenant-Governor Alexander Morris, Qu’Appelle, September, 1874.”

⁶⁸F.L. Hunt, “The Indian Treaty! Scenes en Route. The Fair Valley of the Qu’Appelle. Letters From Under a Cart” *The Manitoban*, September 26, 1874.

A few camps of half-breeds; some rude houses, from one of which was flying a flag indicative of the immense bargains to be had within; a great camp of Indians on the plain across the river; the Company's fort beyond; the whole shut in by the brown bluff The assemblage of Indians was not as large as might naturally have been expected, -- a few Sioux as lookers-on, the bulk of the Otchipwes [Saulteaux] and not a great many Crees, who were absent at the Buffalo hunt securing their winter's provisions.⁶⁹

Hunt later described the completed text of treaty for *The Manitoban*, but unlike *The Manitoban's* reporters at the Treaty One or Treaty Three negotiations, Hunt did not provide a transcript of the Treaty Four negotiations. However, he did describe his interpretations of the negotiations and his observances of the Indian councils held at the Cree and Saulteaux camps.

The only written account of the Treaty Four negotiations was transcribed by Laird's clerk M. G. Dickieson and later included in Morris' *Treaties of Canada with the Indians*. The original transcription is available at Library and Archives Canada as a microfilm copy of Dickieson's ledger book titled "Report of the Proceedings at the making of the Qu'Appelle Treaty September 1874."⁷⁰ The account is 57 pages long including one page where the text was crossed out and a new page started, as well as one blank page. The last nine pages were removed from the ledger book, numbered and microfilmed separately. They may have been removed for filming, but they were probably removed by Dickieson, because they were numbered in his handwriting to keep their correct order. Based on the rough format of the manuscript, Dickieson's notes of the negotiations can be considered accurate, but in an abridged format. He certainly did not capture the entire negotiations. He shortened speeches and ignored those he believed were irrelevant. Most of the speeches included are by Morris and the chiefs' speeches are brief and were likely abbreviated by Dickieson. However, the account is all in the same hand writing and was taken down during the actual negotiations. Morris described

⁶⁹Ibid., 176.

⁷⁰LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings at the making of the Qu'Appelle Treaty September 1874."

Dickieson's account "as an accurate short-hand report of the proceedings" which should "be found to be both interesting and instructive."⁷¹ During preparations for the Treaty Four adhesions in 1875, Christie described Dickieson as "a good clerk and short hand writer I like very much, I am glad to have him."⁷² There is no evidence of later editing of the ledger and his notes emphasize the perspective of a government clerk. It focused on the role of the commissioners in the negotiations and although there are many gaps in the record, the account is a useful source on the Treaty Four negotiations.

Though Dickieson did not edit his original account of the negotiations after recording them, Morris made changes to the version he published in *Treaties of Canada with the Indians*. Many of the changes are subtle and were made to clarify the proceedings for a general audience. However, some sections recorded by Dickieson were deleted by Morris and these cast doubt on the claims made by the commissioners. In his report to the Secretary of State, Morris described the animosity between the Crees and Saulteaux at great length. He claimed that the Saulteaux kept both Chief Ka-ku-shi-way and Cote under guard and cut down the tent of an unnamed Cree chief. He also expected to be greeted by Chief Cote, who Morris believed was the chief of all the Saulteaux. However, Cote's authority was respected only in his dealings with the HBC and he was not trusted by the other Saulteaux chiefs due to his close links with the Company.⁷³ Morris also said that the "feud between the Crees and Saulteaux" created a lengthy delay during the first days of the negotiations. However, a close look at Dickieson's original account shows that the delays were the result of hostility to the HBC, which was enhanced by the treaty commissioners. On the first day's proceedings on September 8, Chief Ka-ku-shi-way responded to Morris' call to select chiefs who would speak for the nations. Chief Ka-ku-shi-way's response is quoted below from Dickieson's account of

⁷¹Morris, *Treaties with the Indians*, 79-80.

⁷²Glenbow Archives (GA), M-477-678, "Christie to Hardisty, Fort Garry July 26th, 1875."

⁷³John L. Tobias, "Mimiy," 596.

the negotiations, but the italicized text in the quotation was removed by Morris in *Treaties of Canada with the Indians*:

Ka-ku-shi-way - I will tell the message that is given me to tell. I have one thing to say, the first word that came to me was for the Saulteaux tribe to choose a place to pitch their tents. *It is just that Mr. Christie told them to camp when they came. These are the words given by the interpreter but from a conversation between him and Messrs Christie and McDonald. I find that he was mistaken. The Indian objects to the location of the soldier's encampment.*⁷⁴

The response by Chief Ka-ku-shi-way in italics that was not included in Morris' *Treaties of Canada with the Indians* shows that Christie instructed the Saulteaux where to set-up their camp. Neither the Cree nor the Saulteaux were happy with the placement of the camps and held Christie responsible. The commissioner's camp and the marquee tent were placed at Fort Qu'Appelle, the military was placed above the fort and the Cree and Saulteaux camps were placed in the centre of the plain with the Métis and others at the foot of the bluffs.⁷⁵ It is important to note that Chief Ka-ku-shi-way spoke for both the Cree and Saulteaux when he first said he would 'tell the message that is given me to tell.' This emphasized solidarity between the Cree and Saulteaux, rather than the hostility suggested by the commissioners. Morris ignored Chief Ka-ku-shi-way's concerns about the position of the camps and Christie's role in selecting them. He stated only that it was a good choice and he would meet them tomorrow.⁷⁶ Morris' removal of the italicized section in the quotation is significant because it shows that the commissioners increased the animosity between the Indigenous nations and the HBC. Morris would have removed the section from Dickieson's account because it portrayed the commissioners in a poor light or contradicted his explanation of the delays during the first days of negotiations.

Morris opened the second day's proceedings on September 9th and The Gambler returned to the topic of the placement of the camps and stated, "Where I was told to pitch my tent, that is where I expected to see the great man [commissioner] in the camp. That is

⁷⁴LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

⁷⁵F. L. Hunt, "Notes on the Qu'Appelle Treaty," 179.

⁷⁶LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

all.”⁷⁷ The Gambler clearly expected the commissioners to set up the treaty table at the Saulteaux camp and was not happy with the placement of the table near the HBC fort. Morris again edited Dickieson’s account and removed his response to The Gambler, which stated: “I think it is just as well that our braves should be at a little distance from your braves and your camp.”⁷⁸ It is not clear why Morris removed his response, but the answer did not placate the speaker. The Gambler refused to speak and also refused to attend the third day’s proceedings on September 11th. During the morning of the fourth day’s proceedings “two Crees and two Saulteaux waited on the commissioners and asked that they should meet the Indians half-way, and off the Company’s [HBC] reserve.”⁷⁹ Contrary to Morris’ statements, the Cree and Saulteaux were united in their request and they finally clarified that the delay was due to the marquee tent placed within the HBC reserve. Morris agreed to move the tent and sent Lieutenant-Colonel Smith to choose a new site with the Cree and Saulteaux delegates. The discussions then resumed and Morris repeated the terms he was prepared to offer. The chiefs refused to reply and Morris asked to know what was standing between them? The Gambler responded:

I told the soldier master you did not set your camp in order, you came and staid [sic] beyond over there, that is the reason that I did not run in over there. Now when you have come here you see sitting a mixture of half-breeds, Crees, Saulteaux and Stonies, all are one, and you were slow in taking the hand of a Half-breed. All these things are the many things that are in my way. I cannot speak about them”⁸⁰

The Gambler’s response stressed the unity of the “half-breeds, Crees, Saulteaux and Stonies,” rather than any animosity between them. He also chastised Morris for not accepting the hand of a Half-breed. Morris later distinguished between the Crees, Saulteaux, Assiniboine and other Indians on the one hand, and the Half-breeds on the other, but the Crees and Saulteaux did not make the same distinction. As at Treaty Three,

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹Ibid.

⁸⁰Ibid.

the Métis played an important role in the Qu'Appelle negotiations and many who accepted treaty benefits were described by the militia as "paid half-breeds."⁸¹

Eventually, The Gambler explained that the commissioner's association with the HBC was in his way. Morris responded that he stayed at the HBC fort because he had never slept in a tent before.⁸² The Gambler then objected to the HBC survey of the territories around their fort. This was the main critique of the HBC after the Rupertsland Transfer. The HBC had secured rights to their forts and the buildings within the palisades, but the area outside the forts had always remained the property of the Cree, Saulteaux and Assiniboine peoples. HBC Chief Factor Lawrence Clark explained to Reverend George M. Grant in 1872 that there were no farms outside the gates of Fort Carlton because "the Indians who come about a fort from all quarters, to trade and to see what they can get, would, without the slightest intention of stealing, use the fences for firewood, dig up the potatoes and turnips and let their horses get into the grain fields."⁸³ Prior to the transfer of Rupertsland from the HBC to Canada, there was no question that the lands outside the forts remained the property of the Indigenous peoples. As Clark stated, there would be no 'intention of stealing' by the Indigenous groups as the property belonged to them. Despite the seriousness of the complaint against the HBC, Morris simply replied that he thought The Gambler had "been listening to bad voices who have not the interests of the Indians at heart." This offended The Gambler and he replied that he was under no other influence. He responded, "It is very plain who speaks; the Crees are not speaking and the Saulteaux is speaking." The Gambler then accused the HBC of stealing the Indians land as well as "the earth, trees, grass, stones, all that which I see with my own eyes."⁸⁴

Dickieson recorded Morris' response to The Gambler as, "Who made the earth,

⁸¹AM, MG1, A7, "Memories of the Treaty of 1874"

⁸²LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

⁸³Rev. George M. Grant, *Ocean to Ocean: Sandford Fleming's Expedition Through Canada in 1872* (Toronto: The Radisson Society, 1925), 153.

⁸⁴LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

the grass, the stone, and the wood? The Great Spirit. He made them for all his children to use, and it is not stealing to use the gifts of the Great Spirit.”⁸⁵ In his “Notes on the Qu’Appelle Treaty” Hunt recorded a slightly different response from the commissioners. According to Hunt’s account, Laird first replied to The Gambler “assuring the Indians that the company [HBC] were right in doing as they had done.” Hunt recorded Morris’ response as, “Who made all men? The Manitou. It is not stealing to make use of His gifts.”⁸⁶ The response from Morris in the accounts by Dickieson and Hunt are essentially the same, but the writers used slightly different language. However, Hunt added the response by Laird which Dickieson neglected to record. Dickieson may have been focused on Morris’ speeches, but Laird’s tone was much less conciliatory than Morris’. Dickieson likely thought that Laird’s forceful tone and assertion that the company was correct was out of place with Morris’ conciliatory negotiating strategy. In “Notes on the Qu’Appelle Treaty” Hunt chastised Laird, and asserted that the company were not right and the “Indians were right in what they assumed” about the sale of lands by the HBC.⁸⁷

Hunt also included a response to Morris by Pah-tah-kay-we-nin, likely one of the chief’s speakers who said, “True, even I, a child, know that God gives us land in different places and when we meet together as friends, we ask from each other and do not quarrel as we do so.”⁸⁸ Hunt recorded very little of the treaty proceedings, but he believed this response by Pah-tah-kay-we-nin was significant. It summed up the essence of the treaty relationship – that the Crees and Saulteaux have their lands and the Europeans have their lands and the negotiations should be based on sharing and mutual respect. Hunt described Pah-tah-kay-we-nin’s response as an ascent to the greatest truth and the first time he had seen “a grand act simply and perfectly well done.”⁸⁹ From Hunt’s analysis of Pah-tah-kay-we-nin’s response, the journalist clearly understood the treaty relationship and the

⁸⁵Ibid.

⁸⁶F. L. Hunt, “Notes on the Qu’Appelle Treaty,” 180.

⁸⁷Ibid.

⁸⁸Ibid., 181.

⁸⁹Ibid., 180.

importance of equality, mutual respect and sharing.

The discussion of the fourth day's proceedings continued with The Gambler mainly focused on the sale of Rupertsland by the HBC to Canada. Morris was still confused so Chief Pasqua addressed HBC Chief Factor McDonald: "You told me that you had sold your land for so much money, 300,000 pounds, we want that money." Morris responded, "I wish our Indian brother had spoken before what was on his mind."⁹⁰ He then explained that the Queen could not take away the HBC posts, but instead gave them a small sum of money in exchange for their rights. The Gambler responded that he "would make the thing very little and very small." In other words, The Gambler agreed to put the matter with the HBC behind him. Morris asked to meet again in council on Monday and asked Pratt to explain the terms of treaty "so that there may be no mistake as to what was promised."⁹¹

Numerous historians have discussed the tensions between the Cree and Saulteaux and Treaty Four,⁹² but this is mainly due to an uncritical reading of Morris's *Treaties of Canada with the Indians*. In "Tipahamatoowin or Treaty 4?: Speculations on Alternate texts" John Milloy provided a critique of Dickieson's report of proceedings published in Morris' *Treaties of Canada with the Indians*. Unfortunately, Milloy did not refer to the original transcript made by Dickieson, which was included in the RG10 records at Library and Archives Canada. Instead, he discussed the version published by Morris. In this respect, Milloy's article is a good example of an overuse of Morris' text. Though the focus of Milloy's article is on Treaty Four oral histories, over one-third of the footnotes referenced Morris' *Treaties of Canada with the Indians*. As a result, Milloy argued that the oral history of treaty four is a "living treaty" and "the dominant Canadian understanding of Aboriginal treaties" is not.⁹³ I would agree that compared to the

⁹⁰LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

⁹¹Ibid.

⁹²Taylor, "Treaty Research Report: Treaty Four (1874), 15.

⁹³John S. Milloy, "Tipahamatoowin or Treaty 4?: Speculations on Alternate Texts," *Native Studies Review*, Vol. 18, No. 1 (2009), 93.

documentary accounts of Treaty Four, the oral texts and elders knowledge are alive and vibrant. However, Milloy also asserted that the oral and written accounts of Treaty Four “will not be reconciled.”⁹⁴ I do not agree, because when the documentary evidence is analyzed critically both the oral and documentary sources can support each other. As shown earlier, Morris carefully edited Dickieson’s account of the second day’s proceedings which showed that the origin of the delay in negotiations was Christie’s placement of the camps, rather than any perceived animosity between the Cree and Saulteaux.

Treaty Four Oral Histories

Treaty Four oral histories collected by the Office of the Treaty Commissioner also described the delay in the Treaty proceedings and confirmed that it was not the result of animosity between the two nations. During a Treaty Four Elder’s meeting held in the fall of 1997, Harold Cardinal asked Elder Isabel McNab (from Gordon’s First Nation) to present her understanding of the treaty. Part of her presentation addressed the delays that occurred in the first days of negotiations:

I get a good feeling when I feel that doors are being opened again for treaties. My grandfather, old Gambler, he was mentioned in the Treaty. These old people were gathering and they told their people that they had to prepare themselves. There is a stranger that is coming and is going to take your land away from you if you are not ready He said you are not ready. You are going to get run over. You have to prepare many days before There were chiefs who signed treaties in good faith, and he did not do it over night. Each chief thought about himself, what was best for his people, thought about it carefully. They had the knowledge of their people. When the treaties were signed there were pipe ceremonies. We hold as a family the pipe that was used in the first treaty meeting.⁹⁵

McNab’s oral history is important because she is a keeper of The Gambler’s histories and explained that the delay in the negotiations was not due to animosity, but for ceremonial purposes. The people ‘had to prepare themselves.’ A close reading of The Gambler’s speeches recorded by Dickieson emphasized McNab’s statement that he was not ready.

⁹⁴Ibid., 93.

⁹⁵Isabel McNab, “Treaty Elders Forum,” Office of the Treaty Commissioner, Saskatoon Saskatchewan, 1997.

During the second day's proceedings The Gambler stated, "Every day there are other Indians coming and we are not all together."⁹⁶ He did not attend the third day's conference and at the end of the fourth day's conference he said he would think about Morris' offered terms. On the fifth day's proceedings The Gambler stated that "we have not chosen our chiefs; we have not appointed our soldiers ... we cannot appoint our chiefs and headmen quickly; that is in the way."⁹⁷ Contrary to Milloy's assertion that the oral and written accounts of Treaty Four will not be reconciled, McNab's oral history does reconcile with Dickieson's account of the Treaty Four negotiations. There is merit to Milloy's point that the Morris/Dickieson texts "are both a record of colonization and an instrument of its creation and perpetuation."⁹⁸ However, a critical approach to the documentary evidence can breathe life into written documents.

Both the oral histories and documentary accounts of Treaty Three described a pipe ceremony that took place with the chiefs and commissioners. At Treaty Four, no pipe ceremony with the commissioners took place and Morris noted the absence. However, the oral histories documented pipe ceremonies among the Cree and Saulteaux. According to Harold Cardinal and Walter Hildebrandt the significance of the pipe ceremony is captured in the Cree concept of *miyo-wicehtowin*, the laws relating to human bonds and relationships. The pipe ceremony protected the foundations of the treaty relationship and the "underlying notions of peace, harmony and good relations." Assiniboin Elder George Rider from Treaty Four's Carry the Kettle First Nation stated, "The pipe is holy and it's a way of life for Indian people The treaty was made with a pipe and that is sacred, that is never to be broken ... never to be put away."⁹⁹ Assiniboin Elder Kay Thompson commented on the use of the pipe and the spiritual preparation that took place at Treaty Four:

⁹⁶LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

⁹⁷Ibid.

⁹⁸Milloy, "Tipahamatoowin or Treaty 4?," 93.

⁹⁹George Rider, "Treaty Elders Forum," Office of the Treaty Commissioner, Saskatoon Saskatchewan, 1997.

Due to the pipe there was a lot of respect amongst the Indians long ago ... they would go to a sweat to purify themselves and pray in there through the pipe and they [would] go and fast on a hill, the highest hill they could find They would fast and pray out there, and they prayed for everything, for the knowledge they had. They prayed with the roots that they had for healing. They had to fast and pray until they got their answer from the Great Spirit They communicated through visions, through dreams, that's how they got their answer from the Creator.¹⁰⁰

One of the perceived contradictions between the oral and written accounts of Treaty Four was the assertion in the oral record that the Treaty had not been concluded in 1874, but that the commissioners would return to discuss the terms the following year. As stated earlier in this chapter, Harold Lerat asserted that "Some of the Indians believed that the treaty was not final, that they were still negotiating and another signing would follow the next year."¹⁰¹ Treaty Four Elder Gordon Oakes also said "the treaties they are not finished yet I got this information from the Elder in the early forties. He was listening at the time they negotiated the treaties; this is where I am going to get my words They are not finished." The suggestion that Treaty Four was not finished was supported by the absence of a pipe ceremony with the treaty commissioners. For the Cree and Saulteaux at Treaty Four, the bond of the treaty described by Cardinal and Hildebrandt was not formed until the pipe ceremony took place. The oral histories were confirmed in the written accounts when Morris noted that a pipe ceremony did not take place, as had happened at Treaty Three.¹⁰² There was also no discussion of a pipe ceremony in Dickieson's account of the negotiations.

The Treaty Four education provisions also show a reconciliation between the oral record and written documentation, which relates to Dickieson. On the fourth day's proceedings, Morris described the treaty terms and said, "The queen wishes her red children to learn the cunning of the white man and when they are ready for it she will send schoolmasters on every reserve and pay them." In the oral account of the treaty

¹⁰⁰Cardinal and Hildebrandt, *Treaty Elders*, 6.

¹⁰¹Lerat, *Treaty Promises, Indian Reality*, 16.

¹⁰²LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

negotiations, Elder Danny Musqua noted that the chiefs pointed to Dickieson (who was taking notes) and requested the education of a learned man.¹⁰³ Another Treaty Four Elder Albert Gopher, who learned about treaties from his father's conversations with John Tootoosis stated, "to me the promise of education was very simple in that we will teach you the cunning of the white man. Our forefathers understood that there would be changes."¹⁰⁴ According to Blair Stonechild, these understandings implied that the Indians "believed that they were entitled to all forms of education, including higher education, as part of the spirit and intent of the treaties."¹⁰⁵ Dickieson did not record the chief's request, but his presence reconciled with the oral histories of Treaty Four.

It is important to note that there were other changes made to Dickieson's account of the negotiations by Morris. During the fourth day's proceedings Morris described the terms offered, including reserve lands, farming implements and seed. Then, according to Dickieson's account Morris stated, "The remainder of the terms offered will be formed as a Report of yesterday's proceedings."¹⁰⁶ Morris removed this sentence from the version published in *Treaties of Canada with the Indians*, because it suggested that the previous discussions would be incorporated into the treaty. Basically, Morris stated to the chiefs that the report of the discussions recorded by Dickieson would be incorporated into the text of treaty. This would have appealed to the chiefs, who according to Treaty Four oral histories considered the entire oral negotiations as part of the treaty.¹⁰⁷ However, it would not have appealed to the Indian Department, which tried to limit their responsibilities under treaty to the approved terms in the written treaty document.

Other deletions from Dickieson's account included a description of The Gambler:

¹⁰³ Danny Musqua, "Treaty Elders Forum," Office of the Treaty Commissioner, Saskatoon Saskatchewan, 1997.

¹⁰⁴ Albert Gopher, "Treaty Elders Forum," Office of the Treaty Commissioner, Saskatoon Saskatchewan, 1997.

¹⁰⁵ Blair Stonechild, *The New Buffalo: The Struggle for Aboriginal Post-Secondary Education in Canada* (Winnipeg: University of Manitoba Press, 2006), 16.

¹⁰⁶ LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

¹⁰⁷ Musqua, "Treaty Elders Forum."

“The speeches of this man were delivered in such a manner, if correctly interpreted, as to be almost incomprehensible.”¹⁰⁸ It is unclear why Morris removed this sentence, but it emphasized The Gambler’s desire to delay the proceedings, as stated in the oral histories by Isabel McNab. It also helped to explain why it took Morris so long to understand the chief’s animosity toward the HBC. The Gambler may have been obfuscating his speeches as a tactic to frustrate Morris and extend the negotiations. Other Treaty Four oral histories emphasize this strategy. A well known Treaty Four oral history documented a tactic designed to unnerve Morris by Chiefs Ka-ku-shi-way and Ka-wa-catoose (Lean Man or Poorman). According to the narrative, Chief Ka-ku-shi-way asked Ka-wa-catoose to fill a number of sacks with soil and bring them to the negotiations. Chief Ka-wa-catoose then addressed Morris and asked how many sacks of money the commissioners had brought. For each sack of money they could have a sack of dirt in exchange ... Chief Ka-wa-catoose then forcefully stated: “this country is not for sale.” Chief Richard Poorman noted that this “story was told here time and time again by different people” but it is not in the articles of treaty.¹⁰⁹ Morris would have been unhappy with the ridicule pointed in his direction and Dickieson chose not to record the incident.

Other changes to Dickieson’s account by Morris were minor, but one worth mentioning took place on the final day of the negotiations. According to Dickieson, “A proposition was made by an Indian that they should receive \$15 per head, every second year for 50 years.”¹¹⁰ Morris changed the amount to five dollars, which confused the matter as he had already offered a five dollar annuity in perpetuity.¹¹¹ According to Dickieson, the proposition was “not acceded to by the other Indians who expressed their dissent strongly.” None of the other participants were in favour of the proposition, despite the higher amount because it would have ended the payment of annuities after fifty years.

¹⁰⁸LAC, RG10, Volume 3614, File 4063, “Report of the Proceedings, September 1874.”

¹⁰⁹Cited in Milloy, “Tipahamatoowin or Treaty 4?” 110.

¹¹⁰LAC, RG10, Volume 3614, File 4063, “Report of the Proceedings, September 1874.”

¹¹¹Morris, *Treaties with the Indians*, 119.

This example signified two points about the negotiations: The Cree and Saulteaux had a clear understanding of the terms offered by Morris and both the chiefs who spoke and the remaining Cree and Saulteaux participated in the negotiations with their shouts of assent or dissent. This created a more immersive setting and differed from the Treaty Three negotiations where Chiefs Mawedo-peness and Pow-wa-sang had tight control over the proceedings.

It is important to note that not only did Morris remove sections of Dickieson's account of the negotiations, but he also added sections. During the third day's proceedings Morris explained the terms of treaty, despite the absence of The Gambler and the Saulteaux peoples. Morris promised cattle and seed, powder, shot and twine, the five dollar annuity, schools, reserve lands, a present of eight dollars, supplies, a twenty-five dollar annuity for the chiefs, as well as medals and a suit of clothing. According to Dickieson's account, the terms ended here and Morris simply stated: "recollect that we cannot stay here very long. I have said all."¹¹² In Morris' account in *Treaties of Canada with the Indians* he added the following:

We are also ready to give the Chief's soldiers, not exceeding four in each band, a present of ten dollars, and next year and every year after, each chief will be paid twenty-five dollars, and his chief soldiers not exceeding four in each band, will receive ten dollars. Now I think that you see that the Queen loves her red children, that she wants you to do good, and you ought to show that you think so. I cannot believe that you will be the first Indians, the Queen's subjects, who will not take her by the hand. The Queen sent one of her councillors from Ottawa, and me, her Governor, to tell you her mind. I have opened my hand and heart to you¹¹³

The only reason that Morris would have added this section was to clarify that he discussed all the terms offered. The third day's proceedings were very brief and Morris may have become flustered because the Saulteaux did not attend. He failed to mention the payments to the chief's soldiers and added it to the proceedings before he published it

¹¹²LAC, RG10, Volume 3614, File 4063, "Report of the Proceedings, September 1874."

¹¹³Morris, *Treaties with the Indians*, 93.

in *Treaties of Canada with the Indians*.

The most controversial difference between the Treaty Four oral histories and the written accounts is the surrender clause, but as with the previous examples, a critical analysis of the written documents can shed light on how the surrender clause was portrayed during the negotiations. The surrender clause in Treaty Four stated:

The Cree and Saulteaux tribes of Indians, and all other Indians inhabiting the district hereinafter described, do hereby cede, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all their rights, titles, privileges whatsoever to the lands included within the following limits, that is to say¹¹⁴

In contrast, the oral histories of Treaty Four stated that the Cree and Saulteaux did not surrender any of their rights or titles to land. They merely agreed to share the land “to the depth of a plow.” As Elder Gordon Oakes stated in *Treaty Elders of Saskatchewan*, “There were two nations that negotiated the treaty. You know, this country belongs to the Indian people; the Creator gave us this country. Then the treaties were taking place, that’s what they gave up, a tip of the plough, so the people that came from elsewhere, different countries, they can farm, ranch, all that. We never gave up anything more than that.”¹¹⁵

A close look at the written sources of Treaty Four shows that Morris and the treaty commissioners took a three staged approach to dealing with the land cession. Though Morris stressed in his letters and reports that he obtained the surrender of the Cree and Saulteaux peoples at Qu’Appelle, nowhere in Dickieson’s account of the negotiations did Morris state to the chiefs that he required a surrender of rights and land. During the negotiations, Morris claimed that the land was the territory of Her Majesty the Queen and he was offering the same terms as those accepted at the North-West Angle (which included a surrender clause), but he did not mention ‘cede, surrender and yield up’ at any time during the negotiations. As John Leonard Taylor noted in his research

¹¹⁴LAC, RG10, Volume 1876, IT 272, Indian Affairs Consecutive Number 135, “Treaty 4, September 15, 1874.”

¹¹⁵Cardinal and Hildebrandt, *Treaty Elders*, 63.

report on Treaty Six, “there is no indication that the subject of a land cession had even been mentioned by Morris.”¹¹⁶ This was also true of Treaty Four. Taylor suggested that Morris “knew the Indians associated the use of their land by others” and this was likely sufficient for his purposes. However, Taylor also asserted that if Morris had unsuccessfully explained the land cession it may have impeded the successful negotiation of the treaty.¹¹⁷ During the Treaty One negotiations, Archibald spent nine days discussing the land question because the Cree and Saulteaux originally demanded almost the entire province of Manitoba as reserved land. Archibald resolved to avoid the topic of land cessions in future negotiations and Morris clearly followed the same example. The second part of the strategy was to focus the negotiations on the benefits of treaty, but avoid the liabilities. Morris repeatedly mentioned the annuity payments and assistance with farming, but he never mentioned the peace and good order clause or the clause that the right to hunt and fish may be subject to “regulations that may be made from time to time.”¹¹⁸

The third and most important strategy related to the reading of the treaty text at the end of the negotiations. It was mentioned in the previous chapter that the Honourable James McKay translated the text of Treaty Three, despite the fact that he was a commissioner rather than an interpreter. Allyson Stevenson noted that the role of Métis interpreters like McKay and Breland was “part of the unofficial government policy that used the skills of the Métis to facilitate relations with First Nations.”¹¹⁹ McKay knew the Anishnabeg well and would have known how to carefully phrase the surrender clause in the most politically astute way. The interpreter for Treaty Four was Charles Pratt and Morris claimed that the treaty “was fully explained” to the Cree and Saulteaux chiefs. In

¹¹⁶Taylor, “Treaty Research Report: Treaty Six (1876),” 13.

¹¹⁷*Ibid.*, 13-14.

¹¹⁸LAC, RG10, Volume 1876, IT 272, Indian Affairs Consecutive Number 135, “Treaty 4, September 15, 1874.”

¹¹⁹Stevenson, “Men of their own blood,” 68.

Hunt's account of the Treaty Four negotiations, he noted that the "Indians wished to have the Treaty read to them" and Morris passed the responsibility to Pratt. Hunt recalled that,

[The] Request, which was at once wisely assented to by the Governor handing the bulky looking document to the interpreter, whose look of dismay and consternation, as he held it at arm's length in front of him, was immensely amusing. The Governor, with as much good sense as good nature, went to the side of his bewildered ally, and made the task possible for him.¹²⁰

In the eyes of Morris, Pratt was the perfect person to interpret the text of treaty. He was fluent in Cree, Saulteaux and English and was trusted by the chiefs.¹²¹ Most importantly, as a catechist for the Anglican church, Pratt had been promoting elements of the Euro-Canadian world view to the Cree and Assiniboine communities in the Qu'Appelle area for many years. According to Winona Wheeler, Pratt had been accepted into the community because he was related through marriage or blood and was respected for his oratory skills and teachings. He also did not attempt to replace the Indigenous tradition with Christianity, but "sought to enhance it" instead.¹²²

Wheeler's analysis of Pratt revealed another characteristic that would have appealed to Morris. Part of Pratt's duties as a catechist was to interpret the sermons of the Anglican priests when they visited the Touchwood Hills or when their interpreters were unavailable. According to Wheeler, when Pratt interpreted for Charles Hillyer the priest complained that the interpretations of his sermons were not verbatim: "Hillyer knew enough Cree to understand that Pratt did not just read the scripture lessons, he explained them in his own terms."¹²³ Reader had the same complaint and noted on one occasion that Pratt was interpreting his sermon, but actually "preaching another sermon on the same subject." Reader was unconcerned because the audience was "very much

¹²⁰Hunt, "Notes on the Qu'Appelle Treaty," 180.

¹²¹Winona Stevenson, "'Our Man in the Field'" The Status and Role of a CMS Native Catechist in Rupert's Land," *Journal of the Canadian Church Historical Society*, Vol. XXXIII, No. 1 (April, 1991), 71.

¹²²Winona L. Stevenson, "The Church Missionary Society and the Emergence of a Native Ministry 1820-1860, with a case study of Charles Pratt of Touchwood Hills" (MA Thesis, University of British Columbia, 1988), 151.

¹²³Stevenson, "Our Man in the Field," 71-72.

impressed” with Pratt’s sermon.¹²⁴ Pratt likely changed elements of the Christian teachings to soften their Euro-centric edge and avoid critiques of Indigenous traditions. Although there is no evidence in the documentary accounts of the Treaty Four negotiations, it is highly likely that Pratt applied this same technique to his interpretations of the treaty text. As a Cree Assiniboine man with a family and close ties to the Indigenous communities of Qu’Appelle, Pratt would have known about the impending disappearance of the buffalo and the hardships this would cause. He had also recently lost hope that the Anglican Church would be able to help his community and was looking to the government for support.¹²⁵

Many of the Treaty Four oral histories stated that it is impossible to translate the text of the surrender clause into Cree.¹²⁶ Pratt was known as an exemplary interpreter, but the surrender clause and much of the text of Treaty Four would have been difficult to translate because of the legalistic language. Pratt could have explained the land cession clause “in his own terms” which would be more appealing for the audience, or he could have avoided it altogether. Regardless, as at Treaty Three with James McKay, and later at Treaty Six with Peter Erasmus, Morris counted on the interpreter’s partiality toward treaty to explain the terms in a way to make them acceptable to the chiefs. It is important to note that Morris and Pratt did not conspire to avoid the surrender clause, or discuss the issue before the negotiations. Hunt clearly described the ‘look of dismay and consternation’ on Pratt’s face when he was asked to interpret the treaty text. Pratt was likely surprised that the text of treaty would be interpreted to the Cree and Saulteaux peoples and in all likelihood the task did not appeal to him.

After Pratt’s interpretation, the chiefs signed the treaty after “having been assured

¹²⁴Stevenson, “The Church Missionary Society and the Emergence of a Native Ministry 1820-1860,” 151.

¹²⁵Frits Pannekoek, “Pratt, Charles,” in *The Dictionary of Canadian Biography*, Vol. XI: 1881-1890, 712.

¹²⁶“Treaty Elders Forum,” Office of the Treaty Commissioner, Saskatoon Saskatchewan, 1997.

that they would never be made ashamed of what they then did.”¹²⁷ According to Hunt, the main barrier to the successful negotiation was the Rupertsland transfer, but once this had been dealt with the Cree and Saulteaux appeared willing to accept the same terms as had been offered at the North-West Angle. Hunt also noted that the discussions were characterized by “shrewd bargaining” and a sense of equity. Both the “untutored” and “civilized successors” expressed equality, which is one of the main characteristics of the treaty relationship. Hunt described Morris’ performance as chief negotiator as tactful, patient and “designed to leave a favourable impression upon the Indians.” Likewise, the Indian councils were described as a place of ease and dignity where there “was much finer speaking than at the grand tent.”¹²⁸ Cardinal and Hildebrandt described the importance of equality in the treaty relationship which was based on respect and “the acknowledgement of the sovereign character of each of the treaty parties.”¹²⁹ The equality between the treaty parties was also confirmed by the rituals followed in the ceremonies that took place in the Cree and Saulteaux camp. The sacred undertakings made under the umbrella of the ceremonies affirmed the sovereign relationship.¹³⁰ It is not surprising that Hunt would recognize the equality in the discussions, as he had access to the Indian councils where many of the rituals and ceremonies took place.

The Original Manuscript of Treaty Four

The Treaty Four original manuscript was written by Dickieson on ledger paper or parchment, likely as a template based on Treaty Three, but changes were made to the document based on the negotiations at Qu’Appelle. The text on the first page included spaces to write the correct dates and a space at the bottom of the page to write the names of the chiefs. The surrender clause was part of the template and was not changed, but the description of Treaty Four territory was written during the negotiations. Blank spaces

¹²⁷LAC, RG10, Volume 3614, File 4063, “Report of the Proceedings, September 1874.”

¹²⁸Hunt, “Notes on the Qu’Appelle Treaty,” 180.

¹²⁹Cardinal and Hildebrandt, *Treaty Elders of Saskatchewan*, 41.

¹³⁰*Ibid.*, 41-42.

were left for the number of headmen and the amount of the one-time payment for the chiefs and headmen. Morris thought these amounts were negotiable and probably could have been higher or lower depending on the discussions. At the end of the negotiations, Dickieson wrote “four” for the number of headmen and “fifteen dollars” for the amount of the one-time payment. The same practice was used for the amount of the annuity payment. Blank spaces were left for chief’s annuity and for the headmen and “every other Indian” showing that the amounts were negotiable. Due to instructions from the Canadian government, these amounts could only be lower than the amounts offered at Treaty Three,¹³¹ but as Morris showed at Treaty Six, under extreme pressure the commissioner could increase the terms without authorization.

The farming implements offered at Treaty Three were included in the template of Treaty Four. The commissioners believed that assistance with farming was the key to both the acceptance of the treaty terms and the new livelihood that the Cree and Saulteaux could rely on when the buffalo were gone. The peace and good order clause was the same as at Treaty Three and stated that “they will maintain peace and good order” but Dickieson added between the lines “between other tribes of Indians and between themselves.”¹³² This may have added to the perception that the Cree and Saulteaux were not united. The signatures on the last page followed the text: “signed by the chiefs and headmen from within named in presence of the following witnesses the same having been first read and explained by Charles Pratt.”¹³³ Pratt’s name was inserted into a blank space left in the template and signified that prior to the negotiations the commissioners were unclear about who would interpret the treaty text. The Canadian military commander W. Osborne Smith signed as the first witness followed by twenty-one others including Pascal Breland and Charles Pratt. The first commissioner to sign

¹³¹LAC, Order-In-Council, RG2, Privy Council Office, A. Mackenzie, approved by Governor-General Dufferin, August 26, 1874.

¹³²LAC, RG10, Volume 1876, IT 272, Indian Affairs Consecutive Number 135, “Treaty 4, September 15, 1874.”

¹³³Ibid.

was Morris, followed by Laird and Christie. Ka-ku-shi-way (The Loud Voice) was the first chief to make his mark, followed by Chiefs Pasqua and Cowessess and ten other chiefs. O-ta-ka-o-nan (The Gambler) did not make his mark on the treaty as he was a headman for Chief Wa-wa-se-capow from Fort Ellice. The adhesion accepted by Chiefs Wa-wa-se-capow and Ota-ma-koo-ewin on September 21st was appended to Treaty Four. All seven pages of the Treaty Four original manuscript were folded in half, then folded in half again and wrapped in the cover document which had the following title in Morris' handwriting: "No. 135 Treaty No. 4 entered into between the Government of Canada and the Indian Tribes at Fort Qu'Appelle."¹³⁴ According to Morris' report, Laird took charge of the treaty document and it was recorded in Ottawa by the Secretary of State and Registrar General of Canada on November 17th, 1874.

The adhesion of Chiefs Waywayseccappo and Ota-ma-koo-ewin at Fort Ellice was the first adhesion to Treaty Four, but the government of Canada authorized additional adhesions in 1875. The order-in-council date July 2, 1875 appointed Christie and Dickieson to travel to Fort Qu'Appelle and pay treaty annuities, select reserves and "secure the adhesions of the Bands of Indians living within the territory covered by the Treaty who either by absence or some other cause were not parties to the treaty concluded last year."¹³⁵ Most of the chiefs who signed adhesions were away in the Cypress Hills in 1874. As the buffalo had become scarce many of the Cree peoples from the Qu'Appelle area had moved west into the Cypress Hills, which had been a borderland separating the Dakota, Assiniboine, Blackfoot, Blood and Cree peoples. As such, it had become a refuge for the buffalo. The Crees moved further west until 1870 when they attacked a Blood community and lost one third of their men (the battle of the Belly River). The principal chiefs who agreed to adhesions at Qu'Appelle in 1875 included the Cree Assiniboine Chief Piapot (Payipwat, Payepot) and the Saulteaux Chief Cheekuk.

¹³⁴Ibid.

¹³⁵LAC, Order-In-Council, RG2, 1875-0702, "Privy Council Office, Minister of the Interior to the Privy Council, July 2, 1875.

Further adhesions were accepted at Swan Lake (1875), Fort Pelly (1876) and NWMP inspector J. M. Walsh received the adhesion of Teepee Hoska (Long Lodge) and Wichawostaka (The One That Fetched the Coat) at Fort Walsh in 1877.

The main grievance from Treaty Four was that the chiefs believed that the negotiations in 1874 were “merely preliminary to the making of the treaty.”¹³⁶ During the payment of annuities in 1875, the chiefs attempted to re-open the negotiations and change the amount of the annuities to \$12, the payment to the chiefs to \$50, pay out \$250 worth of ammunition and twine each year and “that a store should be established by the Government on their Reserve at which they might trade.” The last demand was significant and was likely voiced out of frustration with the HBC. Christie assured the Cree and Saulteaux that he could “not comply with their demands.”¹³⁷ However, he assured the chiefs that he would “transmit their demands to the Government” which both he and Dickieson did in a letter to Laird, dated October 7, 1875. The demands also included the following:

3rd. That a man should be sent to show them how to use the carpenters tools and agricultural implements. 4th. That they should get a mowing machine for each reserve and that a mill should be built to grind their grain. 5th. That each chief and headman should receive a horse, buggy and harness and the chief to be fed as a white man. 6th. That the Government should establish a forge on, and appoint a blacksmith to each reserve. 7th. That they should be assisted to build their houses. 8th. That they should be given a supply of medicine. 9th That they might not be called to fight in case of war. They asked of these not as a right but as a favour of the Government.¹³⁸

Most of these demands were reasonable and showed a willingness to farm, however the Canadian government chose not to grant the requests, despite the fact that many of them were included in Treaty Six two years later. The only expansion of Treaty Four was an increased amount of ammunition and twine. Christie explained to Laird, “In doing so we may have exceeded the strict letter of our instructions” but had we known the number of

¹³⁶Cardinal and Hildebrandt, *Treaty Elders*, 28.

¹³⁷LAC, RG10, Volume 3625, File 5489, “Christie and Dickieson to the Minister of the Interior, October 7, 1875.”

¹³⁸*Ibid.*

Indians “a much larger sum would have been named for the purchase.”¹³⁹

When news reached the chiefs that the increased terms had not been granted, many abandoned their selected reserves and traveled back to the Cypress Hills. Christie noted that most of the chiefs were not inclined to begin farming until “they are forced to do so, on account of the failure of their present means of subsistence by the extermination of the buffalo.”¹⁴⁰ Chief Piapot led the return to the Cypress Hills. He understood that the increased terms had been approved in 1875 and was extremely bitter toward the Canadian Government because they had not fulfilled their promises.¹⁴¹ When Chief Wa-wa-se-capow was told the increased terms were not granted he travelled to Fort Garry and met with Morris. He re-stated the demands, including the increased annuities and a store for trading goods as well as provisions for the winter and cattle. Morris explained that Chief Wa-wa-se-capow need not have traveled so far, but could speak to Christie instead. Morris also stated that the Government could not and would not entertain new demands as “they had to treat all the Indians alike.”¹⁴² Morris then distributed some provisions left-over from Treaty Five and Chief Wa-wa-se-capow returned to the Fort Ellice area.

Treaty Five: The Lake Winnipeg Treaty

Treaty Five was negotiated in 1875 with Alexander Morris acting as treaty commissioner with James McKay, who returned as a commissioner after an absence during the Treaty Four negotiations.¹⁴³ Treaty Five was negotiated on September 20th at Beren’s River and on September 24th at Norway House with the Saulteaux and Swampy Cree peoples of the Lake Winnipeg area.¹⁴⁴ Morris also took the opportunity to meet

¹³⁹Ibid.

¹⁴⁰Ibid.

¹⁴¹John Tobias, “Payipwat,” in *The Dictionary of Canadian Biography*, Vol. XIII: 1901-1910, 815.

¹⁴²LAC, RG10, Volume 3625, File 5489, “Morris to the Minister of the Interior, October 23, 1875.”

¹⁴³James McKay was not listed as a Treaty Four Commissioner, nor did he sign the treaty as a witness. He was instead contracted to provide supplies to the treaty party including provisions and transportation. According to the contract in the Treaty Four records, McKay was paid \$4 for every 100 pounds of weight and \$5 per day for transport. See LAC, RG10, Volume 3625, File 5489, “Articles of Agreement between James McKay and the Minister of the Interior.”

¹⁴⁴LAC, RG10, Volume 1847, IT 287, “Western Treaty No. 5.”

Treaty One and Two communities to re-negotiate the outside promises. According to Morris' account, the commissioners travelled from Fort Garry to the Round Plain, then to St. Peter's, to Oak Point by land, to Manitoba House by water and finally north to Lake Winnipeg.¹⁴⁵ Canada wanted to secure access to the waterways that drained into the lake and believed that future settlement by immigrants was likely, as there would soon be an Icelandic settlement in the area.¹⁴⁶ The Cree peoples of the Lake Winnipeg area had requested a treaty because of a decline in the role of the HBC. They also wished to receive the same treaty benefits as the Indigenous communities to the south in Treaty Two.¹⁴⁷ The sale of Rupertsland in 1867 was followed by a downturn in the economy that reduced the sale of furs. The Treaty Five commissioners' use of the HBC's propeller steamer *Colville* was a further blow to the Indigenous economy, as it signalled the loss of wage labour as boatmen for the HBC. Canada also agreed to negotiate Treaty Five to clarify the northern boundaries of Treaties One and Two.¹⁴⁸

Due to the relatively short period of the negotiations in 1875 and the isolated areas treated with, most historians have described Treaty Five only briefly. Kenneth Coates and William Morrison focused mainly on Department of Indian Affairs records and concluded that "there were few substantive negotiations" and that the Native participants had little choice in the matter of the treaty terms.¹⁴⁹ Coates and Morrison failed to note the importance of maintaining hunting and fishing rights. With the introduction of the HBC steamer *Colville*, Treaty Five communities were also concerned about the decline in seasonal wage labour as boatmen. The Norway House community also requested assistance to move their community and focus on growing crops and raising cattle. The

¹⁴⁵LAC, RG10, Volume 3627, File 5926, "Morris to the Minister of the Interior, January 26th, 1876

¹⁴⁶Anonymous, "Iceland and the Icelanders," in *The Manitoban*, July 31, 1875. This article stated that a delegation from Iceland was exploring Lake Winnipeg "for an examination of the country."

¹⁴⁷Kenneth S. Coates and William R. Morrison, "Treaty Research Report: Treaty Five (1875)," (Ottawa: Treaties and Historical Research Centre Research Branch, Indian and Northern Affairs Canada, 1986), 7.

¹⁴⁸Morris, *Treaties with the Indians*, 143.

¹⁴⁹Coates and Morrison, "Treaty Research Report: Treaty Five (1875)," 8.

Swampy Cree community at Grand Rapids expressed dissatisfaction over the placement of the HBC fort within their reserve and only accepted the treaty terms “after a lengthy discussion.”¹⁵⁰ The HBC’s position during this period was tense and much dissatisfaction was shown by the Indigenous communities when the HBC benefitted financially from treaty-making. Treaty Four Commissioner William Joseph Christie noted in a letter to HBC factor Richard Hardisty that “Governor Morris is to go to Norway House and the Grande Rapid, Burns River and all round the lake, with Honble. James McKay to pay annuities to the Indians there, all that money the Coy. [HBC] will get for Supplies.”¹⁵¹ Morris noted that the commissioners at Treaty Five had not discussed lands or reserves until the terms of treaty were agreed upon. Treaty Five also had reduced terms compared to Treaty Three. The one-time payment was reduced to five dollars and as Frank Tough noted, due to “government short-sightedness” the size of reserves was reduced to 160 acres per family of five.¹⁵²

Preparations for Treaty Five

The order-in-council dated July 2, 1875 authorized Minister of the Interior David Laird to appoint Morris and James McKay as commissioners to negotiate Treaty Five. McKay also acted as interpreter, which he had previously done previously at Treaty Three. Both Laird and Morris agreed that the establishment of Christian missions, steam navigation on Lake Winnipeg, the discovery of minerals and “the proposed migration of the Norway House Indians all point to the necessity of such a treaty being concluded without delay.”¹⁵³ Laird suggested that the Treaty Five boundaries should run “North of the territories included in Treaties Nos. 3, 2 and 4 and South of a line running from the North West point of Treaty No. 3 North Easterly to Jack Lake, then following the Jack

¹⁵⁰Morris, *Treaties with the Indians*, 149.

¹⁵¹GA, M-477-678, “William Joseph Christie to Richard Hardisty, July 26, 1875.”

¹⁵²Frank Tough, “Economic Aspects of Aboriginal Title in Northern Manitoba: Treaty 5 Adhesions and Métis Scrip,” *Manitoba History*, No. 153, 4.

¹⁵³LAC, RG2, Series 1, Volume III, “Privy Council Minutes, 15 June – 22 July, 1875.”

River and including the Play Green Lake; thence westerly to Moose Lake' thence southerly to Red Deer Lake." Laird added that where a lake forms the treaty limits, "ten miles from the shore of the lake should be included in the treaty."¹⁵⁴ In his report on Treaty Five, Morris explained that he extended the Treaty Five boundary suggested by Laird because he wanted to include the traditional territory of all the Saulteaux and Swampy Cree peoples or they would have to be included "with the treaties to be made with the Plains Crees next year." Morris also noted that the southern boundary proposed by Laird left some land between Treaty Two and Treaty Five "unextinguished."

As was his practice, Morris engaged the Reverend George McDougall to announce the Government of Canada's intent to negotiate Treaty Five.¹⁵⁵ He also relied upon the HBC in the planning of the negotiations. HBC Chief Factor Roderick Ross provided an estimate of the number of Indigenous peoples at Norway House and the Cumberland District as two thousand. HBC Factor Flett, of Berens River, provided the population estimates for Poplar River, Leaf River, Berens River, Blood Vein River and Grand Rapids as five hundred and fifty.¹⁵⁶ Ross also helped draw out the map of Treaty Five territory, which Morris sent to the Privy Council at the close of the 1875 negotiations. In a letter to the Minister of the Interior dated December 18 1875, Morris acknowledged the difficulty of making accurate population predictions in any treaty area. After speaking to the Treaty Five chiefs, Morris learned that there were also Indigenous communities on the islands of Lake Winnipeg and other areas of the lake. He estimated the Indigenous population of Treaty Five territory to be "five thousand, five hundred."¹⁵⁷

Morris also took advantage of his trip north to negotiate the acceptance of the outside promises of Treaties One and Two. Morris informed Prime Minister Alexander Mckenzie from Oak Point (Manitoba House) on August 20th 1875 that he was on his way

¹⁵⁴Ibid.

¹⁵⁵LAC, RG10, Volume 3627, File 5926, "Morris to the Minister of the Interior, January 26th, 1876.

¹⁵⁶LAC, RG10, Volume 3626, File 5732, "Morris to the Minister of the Interior, December 18th, 1875."

¹⁵⁷Ibid.

to “arrange the difficulty created by the promises that were made by my predecessor [and] had not [been] written out in the treaty and which have been a source of constant trouble.”¹⁵⁸ According to *The Standard* (formerly *The Manitoban*), the “revision of the treaty made with the Indians at the Stone Fort” took place at St. Peter’s Parish on August 6th.¹⁵⁹ *The Standard* also reported on the negotiations at Manitoba House. According to McKay, there were “about a thousand Indians assembled at Manitoba House” and over four thousand dollars was paid out in annuities and provisions were distributed.¹⁶⁰ McKay informed the newspaper that “the Indians appeared more fully satisfied with the treatment received at this time that he has ever observed on any former occasion” mainly because of the increased annuity payments and equal distribution of presents.¹⁶¹ *The Standard* also noted that the potato crop and both water and prairie fowl were plentiful. Morris proved himself an excellent shot, bagging sixty prairie chickens in one day, but while fishing the Governor fell into ten feet of water and “had a narrow escape from drowning.”¹⁶² Unfortunately, *The Standard* did not report on the Treaty Five negotiations, but the *Ottawa Free Press* was informed by Laird that the commissioners successfully “concluded a Treaty with the Saulteaux and Swampy Crees at Beren’s River, Norway House and the Mouth of the Saskatchewan.”¹⁶³ This treaty secured access to the Saskatchewan River and Lake Winnipeg, which held important timber and limestone reserves.¹⁶⁴

The Treaty Five Negotiations

The terms of Treaty Five were similar to those of Treaties One to Four, but allowed less reserved land – 160 acres per family of five, rather than 640 acres.

¹⁵⁸AM, Morris Papers, “Morris to Prime Minister McKenzie, Oak Point, Lake Manitoba, August 20th, 1875,” 1-2.

¹⁵⁹City and Provincial, “Treaty,” in *The Standard*, Winnipeg, August 7, 1875, 3.

¹⁶⁰“Revising the Treaty with the Indians at Manitoba House” in *The Standard*, September 4th 1875, 2.

¹⁶¹*Ibid.*

¹⁶²*Ibid.*

¹⁶³*Ottawa Free Press*, October 1, 1875.

¹⁶⁴*Ibid.*

According to Morris, the smaller reserves were necessary because the traditional hunting territories in the area would be free from European settlement for many years. However, there was also intense pressure to reduce the costs incurred by the Department of Indian Affairs. According to the RG10 records, the intention of the commissioners was to reduce the terms for all of the remaining treaties in order to reduce costs. Treaty Five included an annuity of five dollars per person, but the one-time present (in extinguishment of all claims heretofore preferred”) was reduced from twelve dollars to five dollars and only five hundred dollars was allotted for the purchase of ammunition and twine.¹⁶⁵ The instructions to the Treaty Six commissioners are relevant to Treaty Five, and stated that “the terms granted to the Indians treated with should not, unless under very special circumstances, exceed the terms granted to the Indians of Treaty No. 4, or if possible **should be limited to the terms granted by Treaty No. 5.**”¹⁶⁶ Due to the difficult negotiations at Treaty Six, the commissioners were unable to limit the terms to those offered at Treaty Five, but that was certainly their intention. Contrary to Coates and Morrison’s point that the terms of treaty had been set before the negotiations, the original manuscript of Treaty Five revealed that the reserve size was negotiable. The template of Treaty Five included the provision for reserves, but a blank space was left for the size of reserves. The number 160 was written by the commissioners after the Treaty Five negotiations at Beren’s River and Norway House.

The reduced terms for Treaty Five were applied consistently in 1875 and in 1876 during Treaty Five adhesions. Morris even refused to authorize the extra \$5 arrears payment for those who were missed in 1875. According to Morris, the Indigenous peoples were not concerned with the reduced terms, but mainly focused the negotiations on the location of the reserves. Treaty Five also has the most complex administration, as

¹⁶⁵LAC, RG10, Volume 1847, IT 287, “Western Treaty No. 5.”

¹⁶⁶LAC, RG10, Volume 3636, File 6694-1, “Clerk of the Privy Council to the Minister of the Interior, July 21, 1876.” Emphasis added.

the commissioners changed from 1875 to 1876, and then adhesions to Treaty Five were authorized and undertaken from 1908 to 1910. The commissioners for the Treaty Five negotiations in 1876 were Thomas Howard and J. Lestock Reid. They paid annuities to the Indigenous communities who agreed to treaty in 1875 and negotiated adhesions with Bloodvein River, Big Island, Sandy Bar, Jackhead and The Pas communities. According to the secondary accounts of Treaty Five, it is unclear whether either the commissioners or the chiefs viewed the 1876 negotiations as a new treaty, or as an adhesion to Treaty Five.¹⁶⁷ The treaty terms are the same as those negotiated in 1875, but there were no payments of arrears for those missed, which left Howard and Reid to describe them as new treaties. Very few of the treaty adhesion documents negotiated in 1876 are available in the RG10 records, but the adhesion for Black River, negotiated in 1876 remained in the Treaty Five file because the original was not sent to the Minister of the Privy Council.

The adhesions stated:

We the Band of Saulteaux type of Indians residing at the mouth of the Black River on the East Shore of Lake Winnipeg having had Communication of the Treaty made and concluded at Berens River, the 20th day of September 1875 between Her Most Gracious Majesty the Queen, by her Commissioners the Honourable Alexander Morris, Lieutenant Governor of the Province of Manitoba and the North West Territories, and the Honourable James MacKay and the different tribes of Indians and inhabitants of the Country within the limit mentioned in the said Treaty, hereby, and in consideration of the provisions of the said Treaty being extended to us, transfer, surrender, and relinquish to Her Majesty the Queen, Her heirs and Successors to and for the use of the Government of Canada, all our rights, titles and privileges whatsoever which we may have or enjoy in the Territory described in the said Treaty and every part thereof ... and Her Majesty agrees through the Acting Superintendent to assign the Reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for smaller or larger families on the Bank of the Said Black River.¹⁶⁸

This document is clearly an adhesion to Treaty Five rather than a new treaty. The first witness was Provencher and Chief James Bird left his mark along with John and Joseph

¹⁶⁷Coates and Morrison, "Treaty Research Report: Treaty Five (1875),"16.

¹⁶⁸LAC, RG10, Volume 3657, File 9340, "Black River Indians."

Sayer. The adhesion contains no information about a one time payment, or the amount of the annuity. There is documentation in the RG10 file that the chiefs requested carpenter's tools for building houses, and that they were given provisions, ammunition and twine and paid an annuity. According to the accompanying documents, the band had not received any cattle, implements, medals or clothing.¹⁶⁹

Most of the RG10 files regarding Treaty Five deal with the creation of reserves, rather than implementing the specific terms of the treaty. This is likely due to confusion over reserved lands that originated with Morris' negotiations at Beren's River and Norway House. According to Morris' Treaty Five dispatch, he "severed the questions of terms and reserves, postponing the latter till we had disposed of the former." Morris described this strategy in a letter to Minister Campbell after the Treaty Three negotiations. He argued that the question of reserves was the most volatile topic and recommended to Campbell that future treaties ignore the question of reserve size until after an agreement has been reached. Morris used this strategy at both Treaty Four and Treaty Five. The result of Morris' strategy was often a good deal of confusion over the size and placement of reserves. In 1876, Indian Commissioner Provencher wrote to E. A. Meredith, deputy to the Minister of the Interior for advice on the creation of reserves in Treaty Five. Meredith's reply stated:

In reply to your letter No. 100 of the 19th Ultimo on the subject of the reserves in Treaty No. 5, I have the honour by the direction of the Superintendent General to inform you.

1. That the extent and locality of the Reserve for the Indians under this Treaty are generally fixed by the terms of the Treaty itself.
2. Should there however be any bands of Indians who are not provided for by that Treaty, a special report should be made by you respecting them.
3. It is not desirable of course that the Indians should be encouraged to break up into too many small bands, but the extent to which this should be allowed must be determined by the circumstances in each case.
4. I must add that it is not intended during the present season to have the Surveys made of the Reserves under this Treaty, and that it will be well before

¹⁶⁹LAC, RG10, Volume 3657, File 9340, "Grahame to the Minister of the Interior, April 13, 1878."

ordering such survey to have a detailed report from you upon the subject.¹⁷⁰

Due to the confusion over the size and location of the Treaty Five reserves the Indian Department was in no hurry to begin the surveys. It is also interesting that reserve creation should be determined ‘by the circumstances in each case.’ As further RG10 records reveal, it was the responsibility of the Indian Agent to decide the size, location and leadership of the Treaty Five communities. This resulted in an uneven patchwork of communities with different leadership structures (smaller communities were only allowed one or two headmen) and different treaty terms.

The Treaty Five negotiations at Norway House in 1875 are a good example of the confusing reserve creation policies. During the original negotiations, David Rundle and others from Norway House requested to move to Lake Winnipeg where they could make a living from farming and fishing. Morris granted their request and suggested the location of Fisher River, which was north of the Icelandic settlement at Grassy Narrows. Morris’ intention was that the reserve would be located at Fisher River, but those who remained at Norway House could “retain their present houses and gardens.” After the majority of the community moved to Fisher River it became clear that both communities could not share the same chief and headmen, nor the same implements. In 1878 Indian Agent Palmer Clarke recommended that the Fisher River community “must be considered as a distinct band and entitled to a chief and two councillors.”¹⁷¹ Clarke supervised the election of Thomas Mastaquau (or Balfour) as Chief and recommended that they receive “A full supply of implements.”¹⁷² By 1881 there was a great deal of confusion in the RG10 records over the number of chiefs and councillors at both Fisher River and Norway House. The Indian Department also refused to pay the Fisher River band for the improvements made at Norway House, and there is no record that they received their entitlement of farming implements.

¹⁷⁰LAC, RG10, Volume 3677, File 11, 528, “Meredith to W. Palmer Clarke.”

¹⁷¹LAC, RG10, Volume 3677, File 11, 528, “W. Palmer Clarke, Grand Rapids, August 19, 1878.”

¹⁷²LAC, RG10, Volume 3677, File 11, 528, “Indian Office, Winnipeg March 14, 1881.”

The impetus for the Treaty Five adhesions in 1908 was the construction of the Hudson's Bay Railway in the north. The commissioner appointed to secure the adhesions was Reverend (and Indian Agent) John Semmens. The communities offered adhesions to Treaty Five were the Split Lake First Nation, as well as the non-Treaty individuals at Norway House and Fisher River. Instructions from the Indian Department Secretary Duncan Campbell Scott recommended that rather than pay annuities in arrears Semmens could offer a three dollar gratuity "to extinguish all the past claims of these Indians."¹⁷³ If possible the gratuity could be increased to \$5, which it was for Split Lake, but it remained at \$3 for Norway House. Semmens also mixed-up the Split Lake adhesion document with the document prepared for Norway House. In 1909, Semmens continued securing adhesions to Treaty Five with Oxford House, Gods Lake, and Island Lake. Finally in 1910 Semmens secured the adhesions of the Fort Churchill and York Factory communities.

As Coates and Morrison stated in their study of the Department of Indian Affairs records, most of the Treaty Five grievances occurred after the 1875 and 1876 negotiations. These initially dealt with the selection of chiefs and councillors. In 1875 Morris recognized Thickfoot as chief, but in 1876 Chief Sa-ha-cha-way-ass of the Blood Vein River community was selected in his place and the dispute caused delays and confusion.¹⁷⁴ As at Treaty Four, the communities who agreed to Treaty Five in 1875 believed that the talks were preliminary and were prepared to discuss the full terms in 1876.¹⁷⁵ This may have been the result of Morris' practice to first describe the terms of treaty and postpone the discussion of lands and reserves. Stewart Raby also noted that the Cree peoples at The Pas had heard the terms offered at Fort Carlton before Treaty Commissioner Howard's arrival in 1876. Howard's negotiations were prolonged and it

¹⁷³LAC, RG10, Volume 4009, File 249, 462-1, "Department of Indian Affairs to John Semmens, 1908."

¹⁷⁴Coates and Morrison, "Treaty Research Report: Treaty Five (1875)," 13.

¹⁷⁵*Ibid.*, 17.

took many days to convince the Swampy Crees that their situation was different that of the Plains Crees of the Saskatchewan.¹⁷⁶

Conclusion

As illustrated in the previous chapters on Treaties One, Two and Three, the eyewitness accounts and oral histories of Treaties Four and Five continue to emphasize that a common understanding was reached between the treaty parties. The distribution of presents by Breland to the Cree and Saulteaux peoples of the Qu'Appelle area showed that the treaty negotiators understood the necessary protocols to enter into a treaty relationship. Gift-giving was an important component of the relationship between Indigenous peoples and the HBC and the commissioners realized that it was also essential to the treaty relationship. Breland travelled to Qu'Appelle with three wagon loads of presents and an official despatch from Morris announcing the government's intentions to negotiate Treaty Four. Breland noted that there was great excitement and debate whether the Cree and Saulteaux would accept the gifts and agree to attend the treaty negotiations the following summer. Their acceptance was not done lightly and the Cree Chief Ka-ku-shi-way reminded Breland that none of their rights had been diminished by the acceptance of the gifts.

Prime Minister Mackenzie's commitment to continuing the treaty negotiation process west of Treaty Number Two was also significant. Mackenzie did not describe this process as seeking a surrender of lands, but as "making friends." As shown previously in chapter two, the descriptions of the treaty negotiations by journalists emphasized a treaty relationship between equals, which was acknowledged by both parties. The only journalist present during the Treaty Four negotiations was *The Manitoban's* F. L. Hunt, but he clearly described the elements of sharing, mutual respect and equality that were evident during the negotiations. Hunt also noted that Morris had a more sympathetic and

¹⁷⁶Stewart Raby, "Indian Treaty No. 5 and The Pas Agency, Saskatchewan N.W.T." in *Saskatchewan History*, Volume XXV, Number 3, Autumn 1972, 95.

conciliatory nature than Minister of the Interior Laird. Rather than conflicting with the written histories of Treaty Four, the oral histories confirmed that the delay in the proceedings described in Dickieson's original account was to prepare for the negotiations, rather than due to animosity between the Cree and Saulteaux. Both the oral and written histories also confirmed the understanding of the education provisions of Treaty Four.

Chapter Six: Treaty Six, The Treaty of Forts Carlton and Pitt

The relationship eventually changed to one of subservience through the imposition of the Indian Act and the failure of the government to honour the treaties. The treaties, of course, were an embodiment of a relationship between equals.

Neal McLeod¹

Treaty Six was negotiated between the Cree, Saulteaux and Assiniboine nations and the Government of Canada near Fort Carlton on August 23rd and Fort Pitt on September 9th 1876. The area included in Treaty Six is north and west of Treaty Four encompassing 120,000 square miles. The order-in-council dated July 25, 1876 authorized Lieutenant Governor Alexander Morris, along with Minister of the Interior David Laird, the Honourable James McKay and William J. Christie to negotiate Treaty Six with the Crees, Plain Assiniboines and other tribes. The government desired control of this territory as it encompassed the route of the Canadian Pacific railway. There was a “feeling of discontent”² among the Crees of the Saskatchewan due to the construction of the telegraph line and presence of the geological survey prior to the treaty negotiations. Chief Sweetgrass and three other chiefs petitioned the Lieutenant-Governor of Manitoba for a treaty in 1871 and Chief Mistawasis also requested a treaty and assistance with farming.³ In 1875, Morris instructed the Anglican missionary George McDougall to visit the Crees, distribute presents and announce that a treaty would be negotiated the following year at Forts Carlton and Pitt. Morris, Christie and McKay left Fort Garry on July 27th 1876 and did not return until October 6th. During nearly two and a half months of travel and negotiations, the commissioners met with the Plains Cree Nations near Fort Carlton, the Willow Crees near Duck Lake and the Plains and Wood Crees under Chief Sweetgrass near Fort Pitt.

In contrast to Treaties Four and Five there was immense pressure to negotiate

¹McLeod, *Cree Narrative Memory*, 81.

²AM, Morris Papers, “Morris to Prime Minister Alexander McKenzie, August 20th 1875, 2.”

³LAC, RG10, Volume 3636, File 6694-1, “Order-In-Council dated July 21, 1876.”

Treaty Six. When the geological survey and the construction crew for the telegraph line were stopped by the Cree peoples in the summer of 1875, Morris and Laird rushed to distribute gifts and announce that a treaty would be negotiated in July and August of 1876. Treaty Six is also unique because a number of eyewitness accounts of the negotiations were recorded and later published. These accounts contradict the official accounts recorded by Treaty Commissioner Morris and emphasize the agency of the chiefs who managed to expand the treaty terms beyond those authorized by the Canadian government, including protection from disease and famine, as well as the medicine chest clause and assistance in the transition to agriculture. The Treaty Six oral histories also conflict with the official accounts of Treaty Six, but support the other eyewitness accounts. Oral histories shared by Treaty Six Elders have emphasized that Indigenous peoples did not surrender their land. The eyewitness accounts noted that the surrender clause was not discussed by the commissioners and Peter Erasmus, the Treaty Six interpreter, recounted that the chiefs focused their understanding of the treaty on the verbal discussions and were less concerned with the reading of the treaty text.

Though Treaty Commissioner Alexander Morris took the lead in the negotiations, McKay and Christie both played important roles. All three commissioners contributed to the preparations, transportation and negotiations. McKay provided supplies and transportation services at Treaties Four and Five and he provided the same services at Treaty Six. In a contract with the Minister of the Interior, McKay agreed to supply the wagons, horses and men to transport the commissioners and their supplies, as well as supply the provisions.⁴ Christie's administrative experience with Treaty Four and the HBC made him ideal to track the expenses and make the annuity payments. Christie also interviewed the Treaty Six chiefs and made notes on their selections for reserved lands.

⁴LAC, RG10, Volume 3636, File 6694-1, "Contract with the Honorable Minister of the Interior and the Honorable James McKay, July 25th 1876." McKay received in payment \$5,832 for transportation and 2,118.78 for provisions.

Christie's report to Morris on reserves stated, "as many of these Indians have been residing and cultivating the soil on their places, they are anxious to have some agricultural implements and cattle as soon as convenient."⁵ Christie wanted to ensure that the transfer of agricultural implements would not be neglected, as had been done at Treaties Three and Four. As an incentive, Christie noted that "early fulfilment of the terms and conditions of the Treaty to the Indians will facilitate in a great measure securing the adhesions to the Treaty of those bands who were absent this year"⁶ As with the previous numbered treaties, Morris took the lead in the negotiations and wrote the official report to the Minister of the Interior.⁷

The Treaty Six Eyewitnesses

The backgrounds of Treaty Commissioners Morris, Christie and McKay have been described in the preceding chapters, but at Treaty Six they were supported by missionaries, the NWMP and interpreters. Prior to Treaty Six, only three missionaries witnessed the numbered treaty negotiations, but numerous Christian denominations were represented at the Treaty Six negotiations.⁸ The Catholic church was represented by Bishop Vital Grandin and Father Constantine Scollen. The Anglican church was represented by John Hines and John MacKay. The Methodist church was represented by George McDougall and his son John. George McDougall was born in Upper Canada in 1821 and was ordained as a Methodist Minister in 1854. He was appointed to the Rossville mission near Norway House in 1860 and in 1863 McDougall and his family travelled further west and established the Victoria mission on the North Saskatchewan River east of Fort Edmonton.⁹ Both George and his son John developed the Victoria

⁵LAC, RG10, Volume 3636, File 6694-1, "Christie to Morris, October 12th 1876."

⁶Ibid.

⁷AM, Morris Papers, "Laird to Morris, July 15th 1876."

⁸Abraham Cowley witnessed and contributed to the Treaty One negotiations at Fort Garry. Charles Pratt was the interpreter at Treaty Four and Egerton Ryerson Young assisted the Treaty Five negotiations at Norway House.

⁹James Ernest Nix, "McDougall, George Millward," in *The Dictionary of Canadian Biography*, Vol. X: 1871-1880.

mission and expanded new missions, first at Fort Edmonton and later further south in the valley of the Bow River. George McDougall's son John was born at Owen Sound in 1842 and grew up among the Anishnabeg peoples and was reported to have spoken the Indigenous language better than English.¹⁰ After attending school at Victoria College, John accompanied his family to Norway House and then to the Victoria mission on the North Saskatchewan River. John was initially charged with assisting Reverend Woolsey and Reverend Robert Rundle and spent the winter of 1863 at Fort Edmonton. In 1864, John McDougall was recommended as a Methodist missionary and moved to Pigeon Lake. He was ordained as a Methodist minister in 1872 and established a mission to the Stoney peoples at Morleyville.¹¹

In 1875, Lieutenant-Governor Morris commissioned George McDougall to distribute presents to the Crees to prepare the way for treaty negotiations. As stated in the previous chapter, McDougall previously assisted Morris by preparing the way for the NWMP.¹² In August of 1875, the missionary was travelling from Toronto and Morris again asked McDougall to deliver a despatch to the Cree peoples. Both Morris and Christie conferred with McDougall in planning the Treaty Six negotiations for the following year. It was agreed that the negotiations would take place at Forts Carlton and Pitt and that provisions and presents should be made available at both sites. Christie wrote to Morris, "after consulting with the Rev. George McDougall ... the Government will have no difficulty in effecting a satisfactory Treaty with these Indians, provided the annuities are reasonable."¹³ George McDougall was charged with delivering presents and announcing the government's intention to negotiate a treaty west of Treaty Four. He sent

¹⁰John McLean, *McDougall of Alberta: The Life of Rev. John McDougall, D.D. Pathfinder of Empire and Prophet of the Plains*, (Toronto: The Ryerson Press, 1927), 3.

¹¹James Ernest Nix, "McDougall, John Chantler," in *The Dictionary of Canadian Biography*, Vol. XIV: 1911-1920.

¹²LAC, RG10, Volume 3609, File 3278, "McDougall to Lieutenant-Governor Alexander Morris, January 1st, 1874."

¹³John Maclean, *McDougall of Alberta: A Life of Rev. John McDougall, D.D. Pathfinder of Empire and Prophet of the Plains* (Toronto: F. C. Stephenson, 1927), 101.

a messenger to his son John in September of 1875 asking for his assistance. Both missionaries met at Buffalo Lake and continued traveling between the North and South Saskatchewan rivers to announce the government's intentions to negotiate Treaty Six with the Plains and Wood Cree Nations. George McDougall completed his commission with Morris in early 1876 and quickly planned a hunting trip to replenish supplies. Both John and his father George set out to hunt buffalo, but on the return journey George McDougall became separated from the hunting party and did not return to the mission. George McDougall's frozen body was recovered by a search party. Upon viewing the body, John McDougall remarked that his "face was perfectly natural and there seemed to be an expression upon it of a conscious satisfaction."¹⁴ NWMP officer Cecil Denny was among the searchers and thought that McDougall had lain down from exhaustion and was "overcome by the cold." Denny did not comment on McDougall's features, but he noted that the body had been mutilated by wolves. Because McDougall's death occurred so early in 1876, Denny thought that it "cast a shadow" over the new year.¹⁵

According to William Butler, George McDougall's fate may have been sealed by his theft of a medicine stone from the highest hill in the southern prairies. Butler described the stone as a block of metal of immense weight, rugged, deeply indented and highly polished.¹⁶ The Cree medicine-men declared that the removal of the stone would result in great misfortune, war, disease and the death of the buffalo. Butler noticed the stone in the McDougall's barn in December of 1870 and feared that its removal had led to the smallpox scourge of the previous summer and the scarcity of buffalo near Fort Victoria. According to Butler, "never, probably, since the first trader had reached the country had so many afflictions of war, famine and plague fallen upon the Crees and

¹⁴ John McDougall, *Opening the Great West: Experiences of a Missionary in 1875-76* (Calgary: Glenbow-Alberta Institute, 1970), 36.

¹⁵ Cecil Denny, *The Riders of the Plains: A Reminiscence of the Early and Exciting Days in the North West* (Calgary: The Herald Company, 1905), 87.

¹⁶ Butler, *The Great Lone Land*, 305.

Blackfeet as during the year which succeeded the useless removal of their Manitou-stone from the lone hill-top upon which the skies had cast it.”¹⁷ In fact, most of the McDougall family were infected with the smallpox virus and two of George McDougall’s daughters died as a result.¹⁸ The McDougalls never considered the possibility that their father’s removal of the stone could have led to his death, or that the stone had any power. George and John McDougall respected the lifestyle of the Indigenous peoples, but as strict Christians they put little value in Indigenous spirituality. Belief in the power of the Manitou-stone would have been viewed as superstitious and anathema to the missionaries.

Catholic missionaries were also present in Treaty Six territory and were viewed as direct competition by the Methodists. Though many Catholic priests were stationed throughout the prairies, only Bishop Vital Grandin and Father Constantine Scollen attended the Treaty Six negotiations at Fort Pitt. Grandin was ordained as an Oblate priest in France in 1853 and was then sent to the North-West missions. He toured the northern missions of the North-West Territories from 1861 to 1863 and returned to his early posting at Ile-a-la-Crosse in 1864.¹⁹ During a brief return to France, Grandin was consecrated a Bishop and entrusted with the diocese of St. Albert in 1868. The St. Albert mission was situated a few miles north of Fort Edmonton and founded in 1861 by Bishop Tache.²⁰ By many accounts, Grandin was more concerned with creating a foothold for his priests than assisting the Cree and Métis peoples in the area. He attended the Treaty Six negotiations because he feared that the Department of Indian Affairs favoured the Protestant clergy.²¹ Despite an infected tooth and other various illnesses, Grandin

¹⁷Ibid.

¹⁸Sarah Carter, “The Missionaries Indian: The Publications of John McDougall, John Mclean and Egerton Ryerson Young” in *Prairie Forum* Volume 9, Number 1 (Spring, 1984), 28.

¹⁹Robert Choquette, *The Oblate Assault on Canada’s Northwest* (Ottawa: University of Ottawa Press, 1995), 87-88.

²⁰Ibid., 87.

²¹Raymond Huel, “Grandin, Vital Justin,” in *The Dictionary of Canadian Biography*, Vol. XIII: 1901-1910.

traveled from St. Albert to Fort Pitt to witness the Treaty Six negotiations with Father Scollen.²² Grandin suffered from rheumatism, asthma and poor hearing. He lived in complete poverty and was known as the “lice-covered bishop.”²³ During his consecration, Grandin chose *Infirma Mundi Eligit Deus* (God has chosen the weak things of the world) as his motto.²⁴

Father Scollen was also an Oblate priest, but spent more time among the Cree and Blackfoot peoples than Grandin. He was born in Ireland in 1841 and arrived at St. Albert in 1862 where he assisted the Oblate priests before his ordination in 1873. Scollen had an aptitude for languages and was a skilled assistant. He could read French and English and learned both the Cree and Blackfoot languages. According to Michael Cottrell, Scollen “was capable of enduring the rigours of constant travel over long distances. He adapted easily to the itinerant missionary style and he was one of the first Oblates to accompany the Cree to their winter camps and live with them for extended periods of time.”²⁵ Scollen met with the treaty commissioners at Fort Carlton in 1876 and advised that Chief Sweetgrass was on the plains hunting buffalo and would not attend the Fort Pitt negotiations. He recommended that the commissioners send a messenger to the chief as his presence was essential to the acceptance of Treaty.²⁶

The Anglican missionaries at Treaty Six included the Reverend John MacKay, who acted as interpreter for the commissioners and Reverend John Hines, who was a witness. Hines’ account of the treaty six negotiations contained less detail than other eye-witness accounts because he was a relative newcomer and had not yet learned Cree.

²²Brian M. Owens and Claude D. Ridge, eds., *The Diaries of Bishop Vital Grandin, 1875-1877, Vol. 1*, trans. Alan D. Ridge (Edmonton: Historical Society of Alberta, 1989), 44.

²³Choquette, *The Oblate Assault on Canada’s Northwest*, 88.

²⁴Raymond Huel, “Grandin, Vital Justin,” in *The Dictionary of Canadian Biography*, Vol. XIII: 1901-1910.

²⁵Michael Cottrell, “To be useful to the whiteman and the Indian and the country at large”: Constantine Scollen, Missionary-Priest and Native-White Relations in the West, 1862-1885, *Historical Studies* 66, 2000, 60.

²⁶Morris, *Treaties with the Indians*, 183.

Hines did state that the treaty was concluded satisfactorily “to nearly all the parties.”²⁷ Hines also described the last meeting between Morris, Mistawasis and Ahtahkakoop. He claimed that “before leaving, he [Morris] complimented Star Blanket and Big Child for the wisdom and reasonableness of their terms, saying he should adhere to those terms in any further treaties he might make with the Indians of the West.”²⁸ According to Hines, Mistawasis and Ahtahkakoop clearly understood the terms of treaty, but were disappointed when the farming provisions were not initially provided by the government.²⁹

Reverend John MacKay was born at Moose Factory in 1838 into a mixed blood family with strong ties to the HBC. Rather than work in the fur trade, MacKay became a catechist for the Church Missionary Society and was ordained a priest in 1862. He was stationed at York Factory, The Pas and Stanley Mission until 1876 and then spent the remainder of his career in the Prince Albert and Battleford areas. Like his brother, the Honourable James McKay, John was a seasoned traveler and an imposing figure. He had “flashing eyes, bushy eyebrows and long clerical garb, he looked every part the prophet and reportedly feared no one but God.”³⁰ MacKay had previously written to Morris requesting treaty negotiations in the Prince Albert area and had described the Plains and Swampy Cree communities to the lieutenant-governor.³¹ He was considered an expert Cree speaker and had translated parts of the bible into the Plains and Swampy Cree dialects. When the government was preparing to negotiate Treaty Six, Morris engaged MacKay as a translator. In a letter written to the Church Missionary Society on July 13 1876, MacKay explained the fear and anticipation growing in the Carlton region and

²⁷John Hines, *The Red Indians of the Plains: Thirty Years Missionary Experience in the Saskatchewan* (Toronto: McClelland Goodchild and Stewart, 1916), 144.

²⁸*Ibid.*

²⁹See the conclusion to Jean Friesen, “Magnificent Gifts: The Treaties of Canada With The Indians of the Northwest 1869-1876,” in *The Spirit of the Alberta Indian Treaties*, ed. Richard Price (Edmonton: University of Alberta Press, 1999), 212.

³⁰W.A. Waiser, “MacKay, John Alexander,” in *The Dictionary of Canadian Biography*, Vol. XV: 1921-1930.

³¹LAC, RG10, Volume 3610, File 3559, “John MacKay to Alexander Morris, June 18, 1874.”

prayed “that He will incline the hearts of our government to deal fairly with the Indians in the future as they have done in the past. Officially, we may hope that the Gospel may be the salvation of the Saskatchewan Indians, both in this life and in that which is to come.”³² MacKay was both practical and spiritual. He knew successful treaty negotiations would ensure peace in the Saskatchewan region, but believed that Christianity was the key to salvation. After the treaty negotiations in 1876, MacKay divided his time between working for the Department of Indian Affairs and performing his duties as an Anglican priest.³³

Though MacKay was the original translator appointed for the Treaty Six negotiations, many of the translating duties were taken by Peter Erasmus, who was a Métis free trader, guide and interpreter.³⁴ Erasmus was originally a colleague of both John McDougall and John MacKay as he was educated at St. John’s school at Red River. However, the open prairie appealed to him more than scholarly activities and Erasmus left school to interpret for the Reverend Thomas Woolsey in 1856. In 1858 he joined James Hector and assisted the Palliser expedition until 1859. Erasmus then returned to Fort Edmonton and assisted George McDougall with establishing the Victoria Mission. In 1865 Erasmus left the mission and established a homestead on Whitefish Lake with the approval of the Cree Chief James Seenum (Pakan). From 1865 to 1876 Erasmus trapped, traded and participated in the buffalo hunt. In 1876 he agreed to interpret the Treaty Six negotiations for Chiefs Mistawasis and Ahtahkakoop and later Treaty Commissioner Morris. Following the Treaty Six negotiations, Erasmus worked for the Department of Indian Affairs as an interpreter with an annual salary of one thousand dollars.³⁵ In August

³²CMS, July 13, 1876 “MacKay to Wright, Secretary of the Church Missionary Society”

³³W.A. Waiser, “MacKay, John Alexander,” in *The Dictionary of Canadian Biography*, Vol. XV: 1921-1930.

³⁴Erasmus described his occupation as “Interpreter” on his scrip application dated June 1, 1885. See LAC, Rg15, Vol. 1327.

³⁵Peter Erasmus, *Buffalo Days and Nights as told to Henry Thompson* (Calgary: Glenbow Institute), xxvii.

of 1920 Erasmus told his reminiscences to Henry Thompson, who was a former journalist. Thompson worked with Erasmus again in 1928 and completed the manuscript of his recollections in the hope of finding a publisher. The manuscript was eventually donated to the Glenbow Archives and published in 1999 as *Buffalo Days and Nights*. Erasmus' recollections provide important information about prairie life in the mid to late 1800s and his chapter on Treaty Six is an important addition to the eye witness accounts.

Previous negotiations of the numbered treaties included members of Canada's militia, but Treaty Six was the first to include members of the North West Mounted Police (NWMP). As stated in the previous chapter, the NWMP was established in 1873 and the first troops wintered at Red River in 1874. In the following spring, the NWMP recruited more men for their march into the North-West Territories, including William Parker who was one of the witnesses to the Treaty Six negotiations. Parker was born in England in 1853 and left for Canada at the age of 18 to look for employment. Between 1871 and 1874 Parker worked on farms and attempted to buy land of his own, but was unsuccessful.³⁶ In 1874 he travelled to London, Ontario to apply to the NWMP and was selected by Colonel French as a sub-constable. Parker travelled by rail with the new recruits and arrived at Dufferin, Manitoba in time to join the march west. Unfortunately, Parker caught typhoid fever on the march and was returned to Dufferin. After his recovery, Parker divided his time between the barracks at Dufferin and the new quarters at Swan River. Parker was stationed at Swan River in 1876 when word reached the NWMP that a group of Saulteaux peoples had attempted to prevent the treaty commissioners from crossing the South Saskatchewan River.³⁷ NWMP commissioner Mcleod sent Parker's troop from Swan River to join "E" troop, which had been sent to Carlton in advance of the commissioners.

³⁶Hugh A. Dempsey, ed., *William Parker: Mounted Policeman* (Calgary: Glenbow-Alberta Institute, 1973), ix.

³⁷*Ibid.*, 22-23.

Though Parker was only a constable in the NWMP during the Treaty Six negotiations, he recorded the event in his diary and his reminiscences. Unlike many of his contemporaries, Parker was sympathetic toward the Cree and Assiniboiné nations and believed that the treaty negotiations were of the utmost importance to their future and the future of settlement on the prairies. Parker continually mentioned the presence of Indigenous peoples in his recollections. He recounted meetings with chiefs and described the buffalo hunts he witnessed. Parker also described the presence of burial scaffolds and after witnessing the mating display of prairie chickens he noticed “willow hoops with horse hair snares stuck in the ground all around the circle, evidently put there in former years by Indians to catch the birds.”³⁸ In his official dealings with Indigenous peoples Parker always acknowledged the authority of the chiefs. If a prisoner was sought by the NWMP, Parker first obtained permission of the chief to apprehend the man.³⁹ In both his letters and a collection of his reminiscences, Parker described his account of the treaty negotiations at Fort Carlton. While describing the opening of the Treaty Six negotiations Parker wrote: “We paraded past the big Cree Indian camp and they were quite excited, never having seen or heard a band before. A number of squaws were running into their teepees crying, ‘we are losing our country’.”⁴⁰ Parker’s descriptions of the negotiations are rich in detailed observations. He described the reaction of Cree women to the NWMP and commissioners, which is very rare in the eyewitness accounts.

Another NWMP officer who recorded his eye-witness accounts of the Treaty Six negotiations at Fort Pitt was Sam Steele. Steele’s accounts of the treaty six negotiations are less detailed than Parker’s, but are still extremely valuable. Steele viewed treaties as a way to avoid an Indian War and was worried about the Sioux uprising in the United States. He was keenly interested in the treaty discussions and briefly summarized the Fort Pitt negotiations: “Sweetgrass, a fine Indian, was the principal chief, and on the

³⁸Ibid., 59.

³⁹Ibid., 87

⁴⁰Ibid., 23

conclusion of the Lieutenant Governor's speech, shook hands with him and asked for the full terms of the treaty. According to Steele, these were carefully explained and received with the "how-how" of approval from the assembled Indians, who next day considered the treaty in council."⁴¹ Based on the discussions recorded at the Fort Carlton negotiations, Morris likely followed the same strategy at Fort Pitt and focused the terms of treaty exclusively on the benefits provided by the Canadian government.

There were other eyewitnesses to Treaty Six who recorded their accounts, including John Andrew Kerr who drove a team of horses and the commissioner's secretary Dr. A. G. Jackes. Kerr was contracted by James McKay to haul the treaty supplies and guide the commissioners. Kerr was from Perth, Ontario and had traveled to Fort Garry in 1870 as a volunteer with the Canadian militia. He was a member of No. 7 Company of the 1st Ontario Rifles who followed the militia soldiers along the Dawson route, portaging supplies and building temporary roads with "Dawson and his Indians."⁴² Kerr acted as cook and after a temporary assignment at Fort Frances he finally arrived at Red River in the Fall of 1870. The 1st Ontario Rifles had signed on for one year of service and were stationed at Fort Garry where Kerr was assigned garrison duty. It was during this period that Kerr met William Butler upon his return from the plains and was hired to care for his dog team. It was from Butler that Kerr became interested in the North-West.⁴³ After a brief stint with the Manitoba Constabulary, Kerr joined his friend Charlie Bell and travelled west in the summer of 1872. While Bell continued on to Saddle Lake, Kerr stopped at St. Laurent where he was befriended by Gabriel Dumont and settled into the buffalo hunting lifestyle with the Métis and Plains Cree. Kerr described Dumont as "kindness itself."⁴⁴ The St. Laurent community had taken to calling Kerr, *Le Petit Canada* referring to his young age, however according to Kerr, Dumont always referred

⁴¹Samuel Steele, *Forty Years in Canada: Reminiscences of the Great North West With Some Account of His Service in South Africa* (Toronto: McGraw Hill Ryerson, 1972), 106

⁴²Sissons, *John Kerr*, 76.

⁴³*Ibid.*, 79.

⁴⁴*Ibid.*, 87.

to him as *mon frère* and adopted him into his family. Kerr also described Dumont's wife Magdeleine and remarked that "people often wondered what she saw in such a homely chap as Gabriel – for he was homely. He looked older than his age, which had barely reached the middle thirties, and had rough hewn features, an ungainly figure, and a scraggly beard."⁴⁵ During his time in Dumont's tent Kerr learned to run the buffalo, make pemmican and even learned some of the French and Cree languages (as Dumont did not speak English). Kerr also learned some of the protocols involved in treaty-making between the Cree, Blackfoot and Métis in the St. Laurent camp.⁴⁶

During the summer of 1872, a group of Blackfoot men arrived at St. Laurent and wanted to trade horses for carts. Kerr noted that the Métis and Cree leaders provided food and set a time for a council. He even witnessed Sweetgrass, "the old Cree chief sending big chunks of fresh meat over to the Blackfoot camp."⁴⁷ During the council, the Elders Sha-kas-ta-ow and Ai-Caw-Pow, who were Dumont's uncle and father respectively, led a pipe ceremony and the discussions that followed. An agreement was reached which allowed the Blackfoot to trade and participate in the buffalo hunt, as long as they followed the rules. Despite a close call during the hunt, the trade-treaty held and Kerr even witnessed the courtship and marriage of one of the Blackfoot men to a Cree woman.⁴⁸ Kerr also learned about the conflicts in the North-West when Big Bear refused to meet the St. Laurent council and instead had his men run the buffalo away from the camp toward his own community. According to Kerr, Dumont discovered the act and admonished the chief for his behaviour.⁴⁹ In his defense, Big Bear stated that he intended only to separate the herd. However, according to Kerr, Big Bear believed that the Métis camp had no right to the buffalo and did not need to be treated with or consulted.⁵⁰

⁴⁵Ibid., 110.

⁴⁶Ibid., 148.

⁴⁷Ibid.

⁴⁸Ibid., 165.

⁴⁹Ibid., 190.

⁵⁰Ibid.

In 1937 Kerr recorded his account of the Treaty Six negotiations, which were published in the *Dalhousie Review*. Kerr provided colourful descriptions of McKay and the other commissioners and also described the negotiations, including the ceremonies that opened and closed the discussions at Forts Carlton and Pitt. At the end of his recollections Kerr asked, “Did the Red Man Get a Square Deal?” Kerr appreciated the generosity of the Cree peoples in sharing their lands and resources, but believed that the provisions in the treaty text were insufficient and that Indigenous peoples had suffered from the “bad habits in the white population.”⁵¹

The Treaty Six Chiefs

The two main chiefs for the Treaty Six negotiations at Fort Carlton were Mistawasis and Ahtahkakoop. Mistawasis was the Elder chief and though his name translated into English as “Big Child” he was actually small in stature. Both Mistawasis and Ahtahkakoop had worked for the HBC in their youth and they both hunted the buffalo together. Mistawasis’ father was a Métis man named Belanger and his mother was Cree. Mistawasis was also known as Piwapiskamostos (Iron Buffalo) in reference to a hunting incident in which he was thrown from his horse onto the horns of a buffalo and escaped without injury.⁵² Ahtahkakoop was born around 1816 and though his parents are unknown, he had four brothers including Masukapoe and Ahenakew, who both became prominent leaders. Ahtahkakoop was over six feet three inches tall, very strong and had a deep authoritative voice. By the 1850s he excelled as a warrior and as a leader among the Fort or House people. Both Mistawasis and Ahtahkakoop were considered the leading chiefs of the House People, with Mistawasis hunting buffalo on the prairie south of Fort Carlton and Ahtahkakoop spending winters in the bush north of Fort Carlton and spending the summers on the prairie.⁵³ Ahtahkakoop also kept a garden as Christie

⁵¹John Andrew Kerr, “The Indian Treaties of 1876” in *The Dalhousie Review* Volume XVII, 1937-38, 195.

⁵²Christensen, *Ahtahkakoop*, 76.

⁵³David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical, and Comparative Study* (Regina: Canadian Plains Research Centre University of Regina, 1979), 10.

noticed a “garden full of weeds” and got a kettle full of potatoes from Ahtahkakoop’s wife in the fall of 1872.⁵⁴

Much of the legacy of Chiefs Mistawasis and Ahtahkakoop was based on their relations with the HBC and Canadian government. Ahtahkakoop was known as a “company chief” because of his long partnership with the HBC and both chiefs had an association with the Anglican missionary John Hines. At the close of the Treaty Six negotiations, Morris singled out the chiefs and commended them on the reasonableness of their terms. After the Canadian government was slow to implement Treaty Six, Mistawasis and Ahtahkakoop both supported the efforts of Chiefs Big Bear and Beardy to have their treaty grievances heard by the Canadian government in 1884.⁵⁵ However, during the 1885 rebellion both chiefs moved to Round Plain north of Prince Albert in order to remain neutral.⁵⁶ In an interview for the Saskatchewan Indian Cultural College, Solomon Johnstone recalled that in the Spring of 1885 Reverend MacKay alerted Mistawasis and Ahtahkakoop that shots had been fired at Duck Lake. Mistawasis responded that “We will flee from the war. We will not fight the Queen, and we will not fight for her either. We will go our own way.”⁵⁷ While at Round Plain the Métis sent messengers to recruit Mistawasis, but the chief reiterated that he wanted peace and did want to leave his children behind to fight. One of Mistawasis’ headmen also spoke against joining the war. As-Ka-Choss said, “I’ll do what my cousin said. It’s not that I am afraid, it’s just that I want to hold the treaty we made with the Queen.”⁵⁸

A story told by Edward Ahenakew illustrated the strong link between Ahtahkakoop and the Canadian government. After the rebellion in 1885, Mistawasis and

⁵⁴LAC, MG29-A6, R7395-0-8-E, “Journal of William Joseph Christie, 1872-73,” 4.

⁵⁵Christensen, *Ahtahkakoop*, 344.

⁵⁶Edward Ahenakew, “Death of Kamiyustotin,” *The Cree Monthly Guide*, Vol. II, No. 9 (September, 1926), 7.

⁵⁷Saskatchewan Indian Cultural College, *Treaty Six “For as long as the sun shines, the grass grows, and the rivers flow ...”* (Saskatoon: Saskatchewan Indian Cultural College, 1976), 40.

⁵⁸*Ibid.*, 41.

Ahtahkakoop were invited to Ottawa in thanks for their loyalty to the government. Ahenakew said that both chiefs were treated well, but during a private dinner with John A. Macdonald, the prime minister suddenly asked Chief Ahtahkakoop to provide his daughter with an Indian name. The chief rose without a moment's hesitation and said, "My name is Uhtukakoohp, (Starblanket) I give her the first part of my name, Uchukoos i.e the Star, while I myself will keep the blanket part of it."⁵⁹ This story illustrates both the immense dignity of Chief Starblanket as he was able to respond to the prime minister without hesitation and his patience in dealing with Euro-Canadians.

Though not a chief during the Treaty Six negotiations at Fort Carlton, Poundmaker was an important leader and made many contributions to the discussions. Poundmaker was born in 1842 to a mixed-blood mother and father from the Stoney nation. He focused mainly on hunting the buffalo and in the 1870s was a councillor in Red Pheasant's Plains Cree community. In 1873, Poundmaker was adopted by the influential Blackfoot Chief Crowfoot. Because of Crowfoot's influence, Poundmaker's authority increased and when Red Pheasant accepted a reserve in 1878, Poundmaker left with his own followers and continued to hunt the buffalo, rather than settle on the reserve. Poundmaker was described as "tall and good looking, slightly built and with an intelligent face, in which a large Roman nose was prominent; his bearing was so eminently dignified and his speech so well adapted to the occasion, as to impress every hearer with his earnestness and his views."⁶⁰ Despite being merely a headman, Kerr thought Poundmaker's presence during the Treaty Six negotiations was significant. He described Poundmaker as fine looking "with his hair neatly parted in the middle and long plaits of it bound round with fine brass wire hanging down each side of his face and neck and reaching well over his shoulders."⁶¹ Though Mistawasis was his maternal uncle,

⁵⁹Edward Ahenakew, "Death of Kamiyustotin."

⁶⁰Hugh A. Dempsey, "Pitikwahanapiwayin (Poundmaker)," in *The Dictionary of Canadian Biography*, Vol. XI: 1881-1890.

⁶¹Sissons, *John Kerr*, 235.

Poundmaker was apprehensive of both the elder chief and Ahtahkakoop's support for treaty. According to Erasmus, Poundmaker had the support of many at Treaty Six when he exclaimed to Morris, "This is our land! It isn't a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want."⁶²

Chief Beardy (Kamayistowesit) was the leader of the Willow Crees near Duck Lake. Like Chief Waywaysacapo During Treaty Four, Chief Beardy chose not to attend the main negotiations at Fort Carlton and sent an emissary instead. According to John Tobias, Beardy was "a man of foresight regarding the fate of his people and their culture" and was known to possess strong spiritual powers.⁶³ When the terms of Treaty Six were explained, Chief Beardy believed the provisions for assistance were inadequate and the buffalo needed protection. Prior to Treaty Six, Beardy attempted to limit the number of Euro-Canadians entering the North-West by charging a toll on the Carlton road. Beardy also supported the ban on Canadian surveys and stopping the telegraph construction crew.⁶⁴ In 1884, Beardy hosted Big Bear, Poundmaker and Little Pine in discussions to implement the full provisions of Treaty Six. They had planned a meeting of all the Plains Cree chiefs for the following year, but the North-West rebellion pre-empted the meeting. According to Stephen Sliwa, Chief Beardy viewed Treaty Six as establishing kinship-like relations with "our Mother the Queen." This relationship was based on previous alliances between the Cree and Blackfoot nations as well as the between HBC.⁶⁵

As was the case with Big Bear, Chief Beardy's behaviour was often misunderstood by Euro-Canadians. Beardy was viewed as an obstinate trouble-maker to the Canadian government and the HBC. His actions generally asserted Indigenous rights and he was more interested in protecting the buffalo than farming. When Beardy sent a

⁶²Erasmus, *Buffalo Days and Nights*, 244.

⁶³John Tobias, "KamAyistowesit (Beardy)," in *The Dictionary of Canadian Biography*, Vol. XI: 1881-1890.

⁶⁴Tobias, "KamAyistowesit (Beardy)."

⁶⁵Sliwa, "Treaty Day for the Willow Cree," 7.

message to the treaty commissioners on August 14th, 1876 asking that the treaty negotiations be held at Duck Lake, the commissioners suspected mischief. A group of Saulteaux peoples from Quill Lake attempted to prevent the commissioners from crossing the South Saskatchewan river and Morris concluded that Beardy had the same goal. In his report on proceedings, Morris wrote that the Treaty Six chiefs were embarrassed by the action of the Willow Crees who under the guidance of Chief Beardy “interposed every obstacle to the progress of treaty.”⁶⁶ Kerr was with Morris when he received the note from Beardy and claimed it said, “he had not given the Governor leave to meet the Indians anywhere except at Duck Lake, and that they would meet them only there.”⁶⁷ Beardy did not attempt to block the commissioners’ crossing the South Saskatchewan, but merely wanted to ensure the negotiations would take place at Duck Lake. According to Morris, Beardy welcomed the commissioners at Duck Lake, held a pipe ceremony and shook hands. However, Morris did not agree to hold the negotiations at Duck Lake and continued to Fort Carlton where he was welcomed by Chiefs Mistawasis and Ahtahkakoop. Morris later agreed to meet Beardy near Duck Lake after the negotiations at Carlton were completed.⁶⁸

The main chief at the Fort Pitt negotiations was Sweetgrass (Weekaskookeeseyin). According to Cree oral histories, when Sweetgrass was a boy he had no name.⁶⁹ His mother was from the Crow nation of the Missouri area and had been captured by the Cree, but Sweetgrass was born in a Cree camp. He received his name after giving away his finest horse and a Blackfoot scalp (stuffed with sweet grass) to an Elder in his community.⁷⁰ Sweetgrass was made chief in 1870 and was also baptized into the Roman Catholic church the same year.⁷¹ When Chief Sweetgrass heard that the HBC

⁶⁶Morris, *Treaties with the Indians*, 176.

⁶⁷Sissons, *John Kerr*, 230.

⁶⁸LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, December 4th 1876.”

⁶⁹“Sweetgrass: Negotiator and Patriot” *Saskatchewan Indian* Fall, 1987, 17.

⁷⁰*Ibid.*

⁷¹Allan R. Turner, “Wikaskokiseyin,” in *The Dictionary of Canadian Biography*, Vol. X: 1871-1880.

territories had been sold by Canada, he travelled to Fort Edmonton and sent a petition to Fort Garry through Christie, which stated: “We heard our lands were sold and we did not like it; we don’t want to sell our lands; it is our property and no one has a right to sell them.” Sweetgrass’ petition is often quoted by historians because he placed the blame for the diminished plains economy on the Canadian government. He said the country was being ruined of fur bearing animals and noted that many people had died from the smallpox epidemic. He demanded protection from the Americans who were providing alcohol to the Blackfoot nation and asked for assistance with agriculture. Christie confirmed the impact of smallpox on the Cree peoples in his diary of 1873. On January 26th of that year Christie met Clarke, William McKay and Richard Hardisty at Fort Carlton and noted “We learnt that buffalo were very scarce and that the Indians were starving all over the plain country ...”⁷²

Chief Sweetgrass learned of the potential of agriculture from the Catholic missionaries at the Saint-Paul-de-Cris mission, which was operated by Father Albert Lacombe. Unfortunately, Sweetgrass was accidentally killed when his brother-in-law was handling a revolver which was presented as a gift from Morris at the close of the Treaty Six negotiations. Although some oral histories attest that Sweetgrass was murdered because the Cree people were unhappy with the deal he made at Treaty Six, most accounts considered his death an accident. Edward Ahenakew described Sweetgrass’ death as accidental and noted that “his Brother-in-law was so sorry that he would have killed himself had he not been begged by the dead chief’s son to spare himself.”⁷³ Morris reported Sweetgrass’ death to Minister of the Interior Laird in a letter dated March 2nd 1877. Morris expressed regret “that the principal chief of the Plains Cree Indians had been accidentally shot.”⁷⁴ He also warned Laird that Sweetgrass’ likely successor was

⁷²LAC, MG29 A6, R7395-0-8-E, “Journal of William Joseph Christie.”

⁷³Edward Ahenakew, “Chief Sweet-Grass” in *The Cree Monthly Guide*, September, 1926, Volume II, Number 9, 2.

⁷⁴AM, Morris Papers, “Morris to the Minister of the Interior, March 2nd 1877.”

‘The Bear’ (Big Bear), under whom “the task of obtaining the adhesion of the Plains Crees who were not present at Fort Pitt much more difficult.”⁷⁵

Chief Big Bear (Mistihai’muskwa) did not attend the Treaty Six negotiations as he arrived at Fort Pitt just as the treaty commissioners were leaving, but much of his leadership was dedicated to fighting for treaty rights. While Sweetgrass advocated accepting reserved lands and learning to farm, Big Bear advocated protecting the buffalo and retaining the traditional Cree way of life. This stance often placed him in opposition to the Canadian government. When George McDougall distributed gifts and announced the dates of the Treaty Six negotiations, Big Bear refused the gifts and replied, “When we set a fox trap we scatter pieces of meat all around but when the fox gets into the trap we knock him in the head.”⁷⁶ McDougall reported back to Morris that none of the Crees would accept presents until the treaty was made. When Big Bear arrived at Fort Pitt at the close of the Treaty Six negotiations on September 13th, Chief Sweetgrass encouraged him to accept the treaty, but he replied, “I will request [the governor] to save me from what I most dread – hanging; it was not given to us to have the rope about our necks.”⁷⁷ According to Dempsey, Morris’ interpreter John MacKay, confused the term *ay-saka-pay-kinit* (lead by the neck) with *ay-hah-kotit* (hanged by the neck).⁷⁸ Morris took Big Bear’s statement literally and explained the role of the police and punishment by death. However, Big Bear was speaking metaphorically. According to Jim Miller, Big Bear meant “he had no wish to surrender his freedom – to have a halter around his neck.”⁷⁹ Big Bear was wary of the commissioners because he had never met Morris and unlike Sweetgrass, he had not been summoned to the treaty talks. He told Morris that he would not accept the treaty because he did not have “all his people” but it was unlikely that the

⁷⁵Ibid.

⁷⁶LAC, RG10, Volume 3624, File 5152, “McDougall to His Honor Lieutenant Governor A. Morris, October 23rd 1875.”

⁷⁷LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, December 4th 1876.”

⁷⁸Hugh Dempsey, *Big Bear: The End of Freedom* (Vancouver: Douglas and McIntyre, 1984), 13.

⁷⁹Miller, *Compact, Contract, Covenant*, 181.

commissioners inspired his confidence. Morris noted that Big Bear would sign the treaty the following year, but the chief did not sign an adhesion to Treaty Six until 1882.⁸⁰

Preparing for Treaty Six

The Canadian government began planning for the Treaty Six negotiations in the Spring of 1875 when the St. Laurent Métis clashed with two other hunters (Peter Ballendine and Primeau) who had recently been outfitted by the HBC at Fort Carlton. The Métis, led by Gabriel Dumont, demanded that the hunters join their camp and follow their rules. Ballendine and Primeau refused and the Métis seized their goods and fined them twenty-five dollars. Their goods were returned, but when Ballendine and Primeau arrived back at Carlton and told their story, Chief Factor Lawrence Clarke wrote a letter to Morris which accused the Métis of enacting and enforcing laws in a “tyrannical nature.” Clarke requested a police force be sent to Carlton and Morris complied by sending D troop of the NWMP who were stationed at Swan River and commanded by Colonel French. In the Summer of 1876, Steele was transferred to Swan River where he heard stories about French’s journey to Carlton. According to Steele, French proceeded to Carlton to verify a report that Dumont “had set up a sort of provisional government on the banks of the South Saskatchewan and that he claimed independence of the dominion.”⁸¹ Both French and General E. Selby-Smith (who was on a tour of the North-West) held a conference with Dumont “which resulted in clearing the air.” Steele understood that Dumont enforced the “law of the plains” which was essential for a successful buffalo hunt.⁸²

Though Colonel French and the NWMP were able to defuse the tensions between the Métis and settlers, Morris became concerned about other government agents who were traveling west, including survey parties and the construction crew for the telegraph

⁸⁰John Andrew Kerr also recollected that Big Bear gave a verbal acceptance of Treaty Six. See *Sissons, John Kerr*, 235.

⁸¹Steele, *Forty Years in Canada*, 92.

⁸²Steele, *Forty Years in Canada*, 92.

line. When Morris asked Laird for advice on how to decrease the tensions in the Saskatchewan country, the Minister of the Interior asked Christie to travel to Carlton to negotiate a new treaty rather than to Qu'Appelle to pay Treaty Four annuities. Christie responded in a telegram dated July 29, 1875 that it was "too late to collect Indians for Treaty at Carlton this year. Better send them a trustworthy agent assuring Treaty June next year." Morris and Christie agreed that Reverend George McDougall should act as an agent for the government and Morris requested five hundred dollars from Laird to facilitate his journey west. According to Morris, McDougall would not accept the mission unless he "can say positively to Indians that these Indians will be treated with ..." ⁸³ Laird replied that the "Saskatchewan Crees will doubtless all be treated with next summer, but do not think one large assemblage desirable." ⁸⁴ Morris recommended Forts Carlton and Pitt as McDougall suggested that the Fort Edmonton Crees could be convinced to travel to Fort Pitt. ⁸⁵ On August 4th Laird wrote to Morris and hoped "McDougall will use his good offices to persuade the Indians to not interfere with the survey parties." ⁸⁶

Morris met with McDougall at Government House in Winnipeg on August 9th 1875 to confer on the mission to the Saskatchewan region. The final text of instructions was written in Morris' hand on two sheets of ledger paper and included a red wax seal and a green ribbon. The despatch read:

I have to request you to proceed to the Saskatchewan Region as a messenger from me, and inform the Cree Indians of the Saskatchewan that the Government of the Queen, will send her commissioners to make treaty with them next summer at Fort Carlton and Fort Pitt, towards the end of July or beginning of August next. The Queen, is mindful of her Indian children and has not forgotten the Crees. ⁸⁷

Morris further asked the Crees to live "at peace with other Indians and the whites" and to

⁸³LAC, RG10, Volume 3624, File 5152, "Telegram from Morris to Laird, August 8th 1875."

⁸⁴LAC, RG10, Volume 3624, File 5152, "Laird to Morris, August 5th 1875."

⁸⁵LAC, RG10, Volume 3624, File 5152, "Morris to Laird, August 5th, 1875."

⁸⁶LAC, RG10, Volume 3624, File 5152, "Laird to Morris, August 5th, 1875."

⁸⁷GA, M-729-2, "Document of Official Instructions to Reverend George McDougall, 1875."

not interfere with “any surveyors or other servants of the Queen.”⁸⁸ McDougall had to travel quickly and left his wife and children to travel on their own, but had sent for his son John to assist with the commission. According to McDougall’s report to Morris, the missionary proceeded to the Saskatchewan region from Fort Carlton and then visited Cree and Assiniboine camps on the South Saskatchewan and Red Deer Rivers. In a telegram dated October 5, 1875 Morris informed Laird that McDougall reported from Fort Carlton on September 13 and “found the Crees very reasonable after counselling with one hundred tents” but cautioned that “without Treaty next year these unambitious [illegible] will be trouble.”⁸⁹ McDougall’s last comment may have been in reference to his meeting with Chief Big Bear, which the missionary addressed in his full report to Morris on October 23. McDougall also reported that he was assisted by the Reverend John MacKay during his journey.⁹⁰

In McDougall’s report to Morris, he stated that the work was more challenging than was expected as the Crees and Assiniboines were united in that they would not accept any more presents until a definite date for treaty was stated and would oppose the “running of lines, or the making of roads through their country.”⁹¹ McDougall claimed to have received positive responses from Chiefs Mistawasis, Beardy and Sweetgrass’ son. Chief Big Bear opposed the distribution of presents and said “we want no bait, let your Chiefs come like men and talk to us.”⁹² McDougall also claimed that the Cree and Assiniboine peoples requested a law against setting accidental prairie fires, the use of strychnine for poisoning animals and that their chiefships be established by the government. The HBC had traditionally dealt with leading men who were known as company chiefs, but free traders had begun setting up their own chiefs and “the best men

⁸⁸Ibid.

⁸⁹LAC, RG10, Volume 3624, File 5152, “Telegram from Morris to Laird, October 5th 1875.”

⁹⁰Ibid.

⁹¹LAC, RG10, Volume 3624, File 5152, “McDougall to His Honor Lieutenant Governor A. Morris, October 23rd 1875.”

⁹²Ibid.

are no longer respected.”⁹³ It is not clear how important these three requests were from the perspective of the Cree and Assiniboine peoples, as McDougall made no mention of the chiefs who requested them. All three requests related to the interactions between Indigenous peoples and settlers and were likely more important to McDougall’s focus on settlement. However, the use of strychnine as poison had long been a complaint of Indigenous peoples as it led to the deaths of both dogs and horses.

McDougall’s report claimed that he was resolved to visit every camp and read Morris’ despatch, but the missionary took numerous liberties in his interpretation of the text. This was common practice for McDougall as he had often been required to act as a buffer between the settlers and Indigenous nations. When the Anglican missionary William Newton heard that Canadian surveyors had been turned back near Fort Pitt, he wrote a letter to Big Bear which stated, “I am a priest of the Queen’s religion. I have learned that thou art a turbulent and seditious fellow and I admonish thee to put aside such vain practices.”⁹⁴ When McDougall met Big Bear in 1875, the chief asked him to translate Newton’s letter. Rather than provide a verbatim translation, McDougall explained that Newton “was admonishing him to loyalty, and maintenance of peace and faith.” According to John McDougall, it would have been “most injudicious” to translate Newton’s letter accurately and missionaries were often required to buffer relations between Indigenous nations and those who were inexperienced in the North-West.⁹⁵

When McDougall visited Ahtahkakoops’s community near Sandy Lake with Morris’ despatch, the Anglican missionary John Hines recorded the meeting. According to Hines, McDougall described the despatch as a “very important message for the Indians from the Government of Canada.”⁹⁶ McDougall focused on the changes coming to the prairies, the decrease in the amount of buffalo and the soon to be increased white

⁹³Ibid.

⁹⁴McDougall, *Opening the Great West*, 25.

⁹⁵Ibid.

⁹⁶Hines, *The Red Indians of the Plains*, 130.

settlement. The message was described in terms of protection “from any undue encroachment from the palefaces” through the negotiation of a treaty in the upcoming summer.⁹⁷ McDougall did not mention the plea to live at peace with the Indians, nor the non-interference with the Queen’s servants. As in the previous example, McDougall may have thought comments about maintaining peace and non-interference would have been most injudicious. He chose to ignore them and focus on the protection against land encroachment, which he viewed as the main concern of the chiefs.

While McDougall was preparing to deliver Morris’ despatch, the telegraph construction crew heard of increased tensions in the Carlton area. The contractor for the telegraph line (Richard Fuller) was especially wary of opposition from the Cree and Saulteaux peoples. In a letter to Sir Sanford Fleming, Fuller described his reservations:

Most of the territory that the line runs through is unsundered and a great deal of it through the country often chosen as the battleground of various tribes ... It is not for me to suggest what steps should be taken by the government to secure the peaceable working of the line, but to call their attention to the facts, and that it would be a great deal of trouble and expense to the Government if my parties should be stopped, or interfered with in their progress.⁹⁸

The Canadian government advised Fuller to proceed, but warned against imprudence on behalf of the workers. When Fuller’s party was met by the Cree Chiefs Mistawasis and Ahtahkakoop before Fort Carlton, the work was stopped. Upon the advice of HBC Chief Factor Lawrence Clarke, the crew later attempted to lay the wire and cut poles from Carlton to Edmonton, but once again the Cree chiefs demanded the line be stopped. This time it was Chief Sweetgrass’ son ‘The Little Man’ who stopped the workers near Fort Pitt. The crew had no other choice than to put all their wire, insulators and brackets in a pile and turn around.⁹⁹

When news reached Morris that the telegraph construction crew had been

⁹⁷Ibid.

⁹⁸Canada, *Sessional Papers*, 1877, Number 57, Richard Fuller to Sandford Fleming, April 8, 1875,” 17-18.

⁹⁹Christensen, *Ahtahkakoop*, 192-193.

stopped, McDougall had already left for the Saskatchewan country. Morris and Laird elected to send NWMP Inspector L. N. F. Crozier to distribute gifts to the Saskatchewan Indians along the route of the telegraph line. In August of 1875, Laird instructed Indian Commissioner Provencher to purchase goods for distribution and to commission Crozier to distribute the gifts as an agent of the government. Provencher's instructions to Crozier were sent to Swan River and dated September 4th 1875:

I have been instructed by the Honorable the Minister of the Interior, to purchase and forward to you at Carlton the goods mentioned to be distributed as presents to the Indians inhabiting the country marked for the passing of the telegraph line and with whom the Government intends to treat next summer.... You are entrusted with the distribution of these goods and you will be careful in fulfilling that duty to insist on the necessity on the part of the Indians not to interfere with the work of the surveyors or the Telegraph contractors or the Geological party
....¹⁰⁰

Crozier was also to assure the Indians that acceptance of the gifts did not compromise their rights in any way. Five thousand dollars was made available to the Indian commissioner for the purchase of gifts which included 140 blankets; 15 chests of tea; 601 skeins of twine; 50 kegs of powder; 3000 pounds of shot and 1,557 plugs of tobacco.¹⁰¹ The cost to ship these gifts from Winnipeg to Carlton by horse and wagon was \$784.35.¹⁰² Provencher asked Crozier to provide a report on his actions "as soon as it may be convenient."

Crozier received Provencher's instructions on September 11th and his report to Provencher was dated February 17th 1876. According to his report, Crozier travelled from the NWMP barracks at Swan River to Fort Carlton, but the Cree and Assiniboine peoples had left for the plains. He then travelled to the elbow of the South Saskatchewan river and met the contractors for the telegraph line who reported that they "had neither heard of or seen an Indian since they were at the South Branch of the Saskatchewan."¹⁰³ Crozier

¹⁰⁰LAC, RG10, Volume 3624, File 5152, "Provencher to Crozier, September 4, 1875."

¹⁰¹LAC, RG10, Volume 3624, File 5152, "List of clothing, provisions and supplies, Winnipeg, 4th September 1875."

¹⁰²LAC, RG10, Volume 3624, File 5152, "Provencher to Crozier, September 4, 1875."

¹⁰³LAC, RG10, Volume 3624, File 5152, "Crozier to the Minister of the Interior."

returned to Fort Carlton where the presents from Provencher arrived on October 11th. Though NWMP Colonel French recommended that Crozier leave the supplies at Carlton, HBC factor Clarke was wary of the Cree and Assiniboine peoples coming into the fort so late in the season. Crozier decided to follow the instructions from Provencher and took some of the presents along the telegraph line from Fort Carlton to Fort Pitt. Crozier met Mistawasis and a smaller group of Crees west of Carlton and distributed some of the tea and tobacco. Crozier reported that they “seemed delighted with what I told them and gave me every assurance that they would not interfere with the public work.”¹⁰⁴

Crozier then continued along the line of the telegraph and met Chief Big Bear at Fort Pitt. Though he was advised by Big Bear not to travel onto the plains, Crozier left Fort Pitt with the remainder of the presents on November 20th. After travelling south for a few days Crozier became “quite unwell” at Eye Mountain. According to Hugh Dempsey, Crozier became deranged and travelled the southern plains for almost a month in the “most wretched health.” Dempsey claimed that his temporary insanity was likely the result of an incantation from a powerful shaman who attempted to prevent Crozier from distributing presents and promoting the treaty.¹⁰⁵ Dempsey described both Crozier’s illness and the death of George McDougall as “harbingers of disaster” which made the Cree peoples wary of the upcoming treaty.¹⁰⁶ However, the Cree peoples could also have interpreted Crozier’s illness and the death of McDougall as resulting from the Crown’s delay in negotiating the treaty. The Cree peoples had requested a treaty with the Crown as early as 1871 and due to government inaction and indifference the treaty was delayed until 1876. As Treaty Commissioner Christie wrote in a letter to HBC Factor Richard Hardisty:

I have done all I could this past winter to press the government to send up and make a Treaty with the Saskatchewan Crees and other Indians, but they are in no

¹⁰⁴Ibid.

¹⁰⁵Dempsey, *Big Bear*, 65.

¹⁰⁶Ibid., 66.

hurry, and say what you like, you can't get them to see the thing in the same light as we do. There are people in Ottawa who seem to think that they know a great deal more about Indians and Country than we do, I have told the Government that the longer they delay the Treaty, the harder it will be to make, and the more exacting will be the Indians, and their advisers, The Government may delay too long. I have said and written enough about Saskatchewan and the Indians that I am tired of the subjects.¹⁰⁷

By the summer of 1875 Christie was clearly frustrated by the delays from the government in Ottawa and the Cree peoples were probably doubly frustrated. It is interesting to note that Christie mainly feared the delay would result in more exacting terms from 'the Indians and their advisers' and the negotiations would be more difficult for the commissioners.

In a letter to Prime Minister Alexander Mckenzie, Morris described the events of the summer of 1875 as the "North West uneasiness."¹⁰⁸ Morris assured Mckenzie that the matter was not serious, but that prompt measures would "obviate any difficulties. He explained that an observation party of 50 NWMP officers was sent to Carlton and McDougall was on the plains announcing next year's treaty negotiations. Morris assured the prime minister, "that these steps ... I am sanguine will obviate all difficulty."¹⁰⁹ He also used the letter to discuss relations with Indigenous peoples. Morris was traveling across Lake Winnipeg to meet the Treaty Two nations regarding the outside promises memorandum and then further north to negotiate Treaty Five. Morris claimed that by circumstances he was the chief Indian Agent and Governor of Fort Pelly and "this summer alone I will spend nearly two months and a half in travel about Indian work." Morris described his 'Indian work' in great detail. When discussing his intentions to negotiate Treaty Five and expand the Crown's territory Morris commented, "so that you see I have no lack of extra gubernatorial employment."¹¹⁰

As both Crozier and McDougall had set the dates of the Treaty Six negotiations

¹⁰⁷GA, Richard C. Hardisty Papers, M-477-678, "W.J. Christie to Richard Hardisty, July 26, 1875."

¹⁰⁸AM, Morris Papers, "Morris to Prime Minister Alexander McKenzie, August 20th 1875."

¹⁰⁹Ibid.

¹¹⁰Ibid.

the previous year, Minister of the Interior Laird informed Morris of the plans for Treaty Six in a despatch dated July 15, 1876. Laird confirmed the dates of the negotiations as August 15th at Fort Carlton, September 5th at Fort Pitt and added the date of September 15th at Battle River. Laird also requested a plan from the surveyor general setting the boundaries of the Treaty Six territory. Laird claimed that the South Saskatchewan River was inconvenient as the northern treaty boundary because it dipped too far south at the elbow. He preferred the Athabasca River and the “direct westerly line from Cumberland Lake to the Rocky Mountains.” According to Laird, the boundaries of Treaty Six were entirely dependent upon the bands to be treated with, but he chose the northern boundary of the Athabasca River because “it is desirable that the Cree title to any portion of the territory should be extinguished.”¹¹¹ Laird clearly blamed the North-West uneasiness on the Cree peoples. Laird was wary of providing advice to Morris because of Morris’ experience negotiating Treaties Three, Four and Five, but he wanted to clearly state the government’s imperative to extinguish Cree title. Laird ended his despatch to Morris by stating that the funds for treaty payments would be in place and “your large experience and past success in conducting Indian negotiations relieves me from the necessity of giving you any detailed instructions in reference to your current mission.”¹¹²

Though Laird was hesitant to give Morris specific instructions on the negotiation of Treaty Six, the Privy Council gave the Minister of the Interior instructions for the commissioners. The Privy Council stated that the terms granted at Treaty Six “should not, unless under very special circumstances exceed the terms granted to the Indians of Treaty no 4, or if possible, should be limited to the terms granted by Treaty No 5.” The order-in-council also stated that the Treaty Six territory should include the rail line and the construction of the telegraph. The geographical description was based on a trajectory west of Treaty Four and “not less than fifty miles north of the north branch of the

¹¹¹AM, Morris Papers, “Laird to Morris, July 15th 1876.”

¹¹²Ibid.

Saskatchewan” and included the territories of the Crees and Plains Assiniboines.¹¹³

Morris confirmed the dates of the Treaty Six negotiations to the Cree and Assiniboine peoples through the HBC. On June 13th 1876 Morris wrote to Chief Factor Lawrence Clarke of Fort Carlton requesting that he “send out messengers to apprise the Indians of the times when the commissioners would meet them at Forts Carlton, Pitt and Battle River.”¹¹⁴ Morris forwarded credentialed letters for the messengers and asked Clarke to arrange for compensation. Clarke chose Reverend John MacKay, who had accompanied Reverend McDougall the previous year, and his brother William McKay, who was the chief factor of Fort Pitt. William McKay was paid by the HBC and John MacKay was paid \$6 per day and provisions. Clarke also sent separate messengers to St. Albert as well as Fort a la Corne and Green Lake. While Morris arranged for the messengers, Christie worked with M.G. Dickieson to arrange the transport of provisions and presents from Fort Garry to Carlton. Based on their experience with Treaty Four, Dickieson and Christie recommended that beef be supplied at Carlton and flour, tea, tobacco and ammunition transported from Fort Garry overland to Forts Carlton and Pitt. Treaty suits would be made in Ottawa and shipped by April 15th in water-tight cases, as some of the suits distributed to the Treaty Four chiefs were damaged.¹¹⁵ Dickieson also recommended that the flags should all be the same colour. At Treaty Four there were both blue and red ensigns, which were not looked upon favourably by the different chiefs. Dickieson also recommended that in the preparation for Treaty Six the NWMP should be instructed to prevent the Blackfoot or Piegiens from joining the Treaty Six negotiations. According to Dickieson, Christie’s instructions stated:

Mr. Christie suggests that if the officers of the Mounted Police hear that the Blackfoot, Piegiens or any other tribes except the Crees and Saulteaux attempt going to Pitt or Carlton while the Treaties are being made that they should be instructed to request them to remain away as it might lead to disputes and

¹¹³LAC, RG10, Volume 3636, File 6694-1, “Order-In-Council dated July 21, 1876.”

¹¹⁴LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, July 19th 1876.”

¹¹⁵LAC, RG10, Volume 3632, File 6260, “M.G. Dickieson, February 15th 1876.”

discussions between these tribes.¹¹⁶

Because the Cree and Blackfoot had been at peace for the last three years, Christie was more fearful of ‘discussions’ than any ‘disputes’ between the two nations. Disputes between the Cree and Blackfoot peoples during a period of peace was unlikely, but discussions between the two nations might lead to a unified negotiating position during Treaty Six.

According to Morris’ official report of proceedings, the Treaty Six party left Winnipeg on July 27th with fellow Treaty Commissioner Christie. James McKay travelled separately and met Morris at Duck Lake. According to Kerr’s reminiscences, Joseph Genton drove the carriage for Morris and Christie and Pierre Levallier acted as a guide. Kerr drove his own team of horses and was assisted by Jackes. The journey from Winnipeg to Fort Carlton lasted 18 days, with a short delay when a Sioux delegation met the commissioners near Fort Ellice, and another when the Sauteaux attempted to prevent the commissioners from crossing the South Saskatchewan.¹¹⁷ In the latter case, Morris relied on diplomacy and luck when Mistawasis and Ahtahkakoop sent a messenger to welcome the commissioners and ensure the Sauteaux did not prevent the crossing. According to Morris, the Sauteaux first attempted an alliance with the Métis, but were refused. Then they approached the Crees, but one of them pointed to the Saskatchewan river and asked, “can you stop the flow of that river? No more can you stop the progress of the Queen’s Chief?” The Crees offered safe passage over the river, but Morris’ luck held and he avoided a delay when the trader Kissoway (Kissowaysis) from Yellow Quill First Nation, offered his turn with the scow to the commissioners.¹¹⁸

Soon after the incident at the Crossing, Colonel McLeod of the NWMP travelled to the Swan Lakes barracks and ordered Captain Parker and D Troop to march to assist the commissioners. The troop included 46 men who travelled from August 9th to the 19th

¹¹⁶Ibid.

¹¹⁷Sissons, *John Kerr*, 229.

¹¹⁸LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, December 4th 1876.”

and arrived at Fort Carlton the evening before the negotiations began.¹¹⁹ During their journey Parker learned that the commissioners had arrived at Carlton without mishap. E Troop of the NWMP had been stationed at Fort Carlton and marched to Duck Lake to escort the commissioners to Carlton. Two troops of the NWMP in full dress uniform with horses and a full brass band were an impressive site at Carlton. According to Parker, D Troop's parade past "the big Cree Indian camp"¹²⁰ caused a great deal of excitement. Erasmus noted that the NWMP contributed greatly to the government's image during the negotiations. He even claimed the "great prestige of the Governor was somewhat overshadowed by the smart appearance" of the NWMP who "made a big impression with the Indians."¹²¹

The Treaty Six negotiations opened on Saturday August 19th at a site approximately three miles east of Fort Carlton. Unlike at Treaty Four, there was no debate about the site of the negotiations. The Cree chiefs selected the site and left an area for the commissioners' council tent set on a slight rise that acted as a natural amphitheatre. Morris described the site in his report on proceedings: "The view was very beautiful: the hills and the trees in the distance, and in the foreground, the meadow ground being dotted with clumps of wood, with the Indian tents clustered here and there to the number of two hundred."¹²² The site of the Treaty Six negotiations was also described in *Treaty Six: as long as the sun shines, the grass grows, and the rivers flow ...* published by the Saskatchewan Indian Cultural Centre:

Morris' tent had been pitched on a gentle rise of land, and from its centre pole, the Union Jack floated in the breeze. Some distance away, numerous Indian tents were clustered around the area. Soft smoke rose to the sky from the campfires. There was much movement of people; Indian women were busy with their morning chores, children ran and played in the warm sunshine, as the men talked about what was to take place on this important day. Many of the people were dressed in beautiful traditional clothing. Bright splashes of colour were

¹¹⁹GA, M 934, William Parker Fonds, "Diary of Captain William Parker," 28.

¹²⁰Ibid. Parker described the size of the Cree camp as being "over a mile long."

¹²¹GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 273.

¹²²LAC, RG10, Volume 3636, File 6694-1, "Morris to the Minister of the Interior, December 4th 1876."

added by the blankets that some had wrapped around their shoulders.¹²³

Parker also described the site of the Treaty Six negotiations in a letter to his father dated September 10th 1876. Parker first described the entry of E Troop into the fort:

We made a great stir with our band coming in at the head of the mounted men we marched round to the front gate facing the river and marched into the fort. The Governor was standing in front of the house under his verandah to receive us he was all smiles and said he was very much pleased that we had brought our band with us. It was the first band that had ever entered the North West you should have seen how the natives stared they were fairly frightened at first but greatly pleased after we had played once or twice.¹²⁴

Parker then described the site of the treaty negotiations from the perspective of the procession marching from the fort to the treaty grounds.

E Troop brought up the rear & must have looked very imposing to the Indians as we marched right through their camp to the Treaty Ground. Our band playing the German war song, the Indians crowded out of their wigwams by hundreds to see so many red coats passing their doors with such strange music greeting their ears, their camp is over a mile in length about three hundred lodges of them their wigwams are made of the skins of the buffalo and they are very comfortable to live in on the prairie you can light a fire in the centre the smoke goes out at the top.¹²⁵

The commissioners were preceded to the council tent by thirty mounted NWMP officers, the full police band and then followed by E Troop. Parker also described the arrival of the chiefs and Cree peoples, who moved “towards us in a large lodge with the chiefs at the head of them followed by their followers some were dressed most hideously & looked more like devils than men some would be smeared all over in the mud nothing on except something tied around their waist, others painted yellow and red, their hair filled with ornaments.”¹²⁶ Following the arrival of the Cree chiefs and headmen to the council tent the elders performed a pipe ceremony.

There has been some debate in the historical literature about the importance of the pipe ceremony. The elders of the Saskatchewan Indian Cultural Centre described the pipe

¹²³Saskatchewan Indian Cultural College *Treaty Six: “For as long as the sun shines*, 17.

¹²⁴GA, M934, William Parker Fonds, Correspondence of Captain William Parker, “Parker to his Father, September 10th 1876.”

¹²⁵Ibid.

¹²⁶Ibid.

ceremony as “a very sacred experience for Indian people. It is a most integral part of Indian religion. It is a way of giving thanks and asking for guidance, the very point of contact with the Great Spirit.”¹²⁷ They also added that Morris did not seem to be fully aware of the meaning of the pipe ceremony. Morris’ report on the proceedings claimed that the commissioner’s participation in the pipe ceremony meant that they “had accepted the friendship of the Cree nation.” Morris’ interpretation appears naïve considering that he described the pipe ceremony in great detail, participated in similar ceremonies at Treaties Three and Five and even noticed its absence at Treaty Four. However, Kerr’s description of the ceremony supported Morris’ interpretation. Kerr wrote that the pipe ceremony “meant that the friendly advances of the red men had been met in a like spirit.”¹²⁸ Erasmus’ account of the Treaty Six negotiations suggested that Indigenous peoples “were far more deeply affected and influenced by their religious beliefs and convictions than any comparable group of white people whose lip service to their religion goes no deeper than that.”¹²⁹ Erasmus believed that Euro-Canadians had underestimated Indigenous ceremonial traditions and that the pipe ceremony “was a solemn approach to a vital and serious issue for discussion.”¹³⁰

Despite the importance attributed to the pipe ceremony by the Cree peoples, the commissioners and Euro-Canadian eye-witnesses had a limited understanding of the ceremony and its connection to the discussions that followed. In “Two Views on the Meaning of Treaties Six and Seven” John Leonard Taylor argued that Morris underestimated the importance of the pipe-stem ceremony. Taylor cited the oral history interviews conducted with Treaty Six Elders, which stated that the pipe-ceremony was more than an offer of friendship. In the presence of the pipe “only the truth must be used and any commitment made in its presence must be kept.”¹³¹ The oral history interviews

¹²⁷Saskatchewan Indian Cultural College, *Treaty Six: “For as long as the sun shines*, 17.

¹²⁸Sissons, *John Kerr*, 232.

¹²⁹GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 274.

¹³⁰*Ibid.*, 273.

¹³¹Taylor, “Two Views on the Meaning of Treaties Six and Seven,” 18.

further explained that the pipe ceremony was used to finalize the agreement and ensure that the “treaty promises could never be broken.”¹³² In *Treaty Elders of Saskatchewan* the elders echoed the same statement with an intensity that made Cardinal and Hildebrandt examine the pipe ceremony further. All of the elders they spoke to were adamant and insistent upon their view that the essence of the “treaties cannot be changed or altered.”¹³³ They described the pipe ceremony as a joint acknowledgement by the treaty parties of the supremacy of the Creator. In fact, the pipe ceremony is at the heart of the treaty relationship. The sweetgrass and the pipe ceremony linked the partners in the treaty relationship to the Cree principles of respect, honesty, peace and harmony. As an example, the principle of peace and harmony suggested that relations between the treaty parties would be based on happiness, health and respect “as symbolized by the laws governing relationships between cousins.”¹³⁴

The Treaty Six Negotiations at Fort Carlton

Although there were no journalists present at the Treaty Six negotiations, a number of eye-witnesses recorded their accounts of the negotiations. The most well known account of the Treaty Six negotiations was recorded by Jackes, who was secretary to the commission. Jackes’ account was published in Morris’ *Treaties of Canada with the Indians* and included a summary of the negotiations near Forts Carlton and Pitt as well as the discussions with Beardy near Duck Lake and Red Pheasant near Battle River. Another well-known account of Treaty Six was left by Peter Erasmus and recorded by Henry Thompson.¹³⁵ The original manuscript of Thompson’s interview with Erasmus is also available at the Glenbow Archives.¹³⁶ John Andrew Kerr wrote his account of the

¹³²Lyn Hickey, Richard L. Lightning, and Gordon Lee, “T.A.R.R. Interview with Elders Program,” in Price, Ed. *The Spirit of the Alberta Indian Treaties*, 112.

¹³³Cardinal and Hildebrandt, *Treaty Elders*, 42.

¹³⁴*Ibid.*, 33.

¹³⁵Erasmus, *Buffalo Days and Nights*, 239.

¹³⁶GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 269-284. There are only minor differences between the original manuscript and the published version, but quotations are taken from the original version.

Treaty Six negotiations as “The Indian Treaties of 1876” and published it in *The Dalhousie Review*.¹³⁷ William Parker of the NWMP recorded his account in both his diary and letters. Steele, another NWMP officer, recorded his account of the Fort Pitt negotiations, as did the Methodist missionary John McDougall. Other missionaries present at the Treaty Six negotiations included the Oblates Constantine Scollen, Vital Grandin and John MacKay, but only short accounts were recorded in letters and journal entries. There have also been a number of recorded oral histories which described the Treaty Six negotiations, including reminiscences by the Saddle Lake Treaty Elders and the Treaty and Aboriginal Rights Research interviews collected in the 1970s.

Despite the presence of numerous eyewitness accounts, historians have mainly focused on the Treaty Six negotiations recorded by Morris and Jackes even though these accounts are problematic. The account by Jackes was edited by Morris and both sources conflict with the other eyewitness accounts by the NWMP, interpreters and missionaries. The accounts by Morris and Jackes are useful for understanding the intentions of the commissioners, but they have been over-utilized to the detriment of the other eyewitness accounts. The Indian and Northern Affairs Canada report on Treaty Six¹³⁸ relied on Jacke’s account of Treaty Six and the articles in *The Spirit and Intent of the Alberta Indian Treaties* included oral histories, but did not expand the written sources beyond the accounts by Morris and Jackes. Though the accounts by Erasmus, McDougall, Kerr and others are readily available, they have been ignored or given cursory treatments by historians.

Treaty Commissioner Morris’ account of the Treaty Six negotiations was included in *Treaties of Canada with the Indians* and the original is held in the RG10 records at Library and Archives Canada.¹³⁹ The report was addressed to Minister of the Interior

¹³⁷Kerr, “The Indian Treaties of 1876.”

¹³⁸Taylor, “Treaty Research Report: Treaty Six (1876).”

¹³⁹LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, December 4th 1876.”

Laird and was also submitted to the office of the Privy Council, which had approved the Treaty Six negotiations. Morris' account is a general summary of the journey from Winnipeg to Forts Carlton and Pitt and a summary of the negotiations from the treaty commissioner's perspective. Morris explained some of the protocols and traditions of the Cree and Saulteaux peoples and provided an outline of his negotiating strategy. Most of Morris' letter focused on his hardships and the challenges of negotiating the treaty. These included dealing with Chief Beardy and the Willow Crees, "who gave me great trouble and were very difficult to deal with" and negotiating the food question, as Poundmaker and other chiefs had requested assistance when they started to settle on reserves.¹⁴⁰ Morris also had to deal with a group of Saulteaux from Yellow Quill's community who attempted to warn the Crees against treaty. Chief Sweetgrass took the lead at Fort Pitt, but the other chiefs were hesitant to speak and Chief Big Bear did not arrive until the commissioners were leaving. Finally, Morris was repeatedly asked to protect the buffalo and allow Métis peoples on reserve into treaty. Though some of these hardships were accurate and presented real challenges, many were over-stated by Morris. The extra negotiations requested by Chief Beardy were no different than those requested by Chief Wawaysacapo in Treaty Four, but Morris exaggerated the ordeal to enforce his own challenges.

The official account of the Treaty Six negotiations recorded by Jackes was submitted to the Minister of the Interior on December 14, 1876.¹⁴¹ Unfortunately, the account by Jackes is inferior to the account of Treaty Four by Dickieson or the account of Treaty Three in *The Manitoban*. The original manuscript of Dickieson's account is a rough, hand-written document with many errors, while Jackes' manuscript is a highly polished document that contained no errors and was likely edited by the commissioners. Jackes' account of the Treaty Six negotiations is a good example of what Ray, Miller and

¹⁴⁰Ibid.

¹⁴¹LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

Tough described as the “semi-processed” reports and accounts of the proceedings.¹⁴² Basically, the treaty commissioners shaped their accounts to portray themselves as “high-minded and wise” and the chiefs as “high flying orators with unreasonable demands.”¹⁴³ Another significant difference between Dickieson’s account of Treaty Four and Jackes’ account of Treaty Six is that Morris edited Dickieson’s manuscript before including it in *Treaties of Canada with the Indians*, but he made only two minor changes to Jackes’ account of Treaty Six before its publication. Morris first edited the meeting between Chief Sweetgrass and Morris at Fort Pitt. Jackes wrote: “The greeting, which, if not altogether agreeable, was certainly affectionate, consisted in the embrace of both arms about the neck, and a fraternal kiss on either cheek.”¹⁴⁴ It appeared that Morris removed, “if not altogether agreeable”¹⁴⁵ from *Treaties of Canada with the Indians* because he did not want to criticize Sweetgrass’ friendship. However, Kerr also witnessed the meeting and wrote that Chief Sweetgrass “and some of his councillors threw their arms around Governor Morris ... kissing them on both cheeks. I won’t swear that they liked it!”¹⁴⁶

The second edit by Morris included the removal of the following paragraph, which related to Chief Big Bear:

The “Big Bear,” one of the three principal Cree Chiefs who were absent from Fort Pitt, arrived just as the commissioners were leaving to cross the river in the evening; - A halt was ordered, and the Governor talked with him, telling him he had just sent a letter by “Sweet Grass” to him, and explained all he had said to the other Chiefs.¹⁴⁷

It is not clear why Morris removed this paragraph from Jacke’s account in *Treaties of Canada with the Indians*, but it must have been important as it was the only significant change made. The paragraph may have been removed because Big Bear was described as

¹⁴²Ray, Miller and Tough, *Bounty and Benevolence*, 204.

¹⁴³*Ibid.*

¹⁴⁴LAC, RG10, Volume 3636, File 6694-1, “A.G. Jackes Account of Treaty Six, December 14, 1876,” 49.

¹⁴⁵Morris, *Treaties with the Indians*, 229.

¹⁴⁶Sissons, *John Kerr*, 236.

¹⁴⁷LAC, RG10, Volume 3636, File 6694-1, “A.G. Jackes Account of Treaty Six, December 14, 1876,” 65.

one of the “three principal Cree Chiefs” and his absence during the Fort Pitt negotiations would have been questioned. As Dempsey noted, by 1876 Big Bear’s camp had grown to sixty-five lodges, while Sweetgrass’ camp had been reduced to fifty-six lodges since he had accepted Christianity.¹⁴⁸ During the Treaty Six negotiations, Big Bear was the principal chief of the Fort Pitt area and was surpassed only by Mistawasis and Ahtahkakoop at Carlton. It did not appear that Big Bear was purposely excluded from the Treaty Six negotiations at Fort Pitt; however when Chief Sweetgrass was out on the plains hunting buffalo, Morris (under the advice of Scollen) sent a messenger to summon him to the negotiations, but Scollen neglected to notify Big Bear.¹⁴⁹

With the exception of the two examples above, the original manuscript of Jackes’ narrative matches the account published in *Treaties with the Indians of Canada*. The greater concern is how Jackes’ version compares to other accounts of the Fort Carlton Treaty Six negotiations, including the reminiscences of Kerr, Steele and Erasmus. Jackes’ account of the first day’s proceedings included meeting both the Willow Crees at Duck Lake and Chiefs Mistawasis and Ahtahkakoop at Fort Carlton. It included a description of the preliminary dances and horsemanship, as well as the pipe ceremony that preceded the discussions. Much of this description is generally consistent with the other accounts of the Carlton negotiations by Steele, Kerr and Erasmus. Kerr described the site of Treaty Six as:

... splendidly chosen, about a mile from the fort. On a rise of ground the Governor’s tent was pitched. Across the tree dotted plain some two hundred and fifty lodges of the main camp were gay with ribbons streaming from the lodge-poles. Between these and the Governor’s tent was a clear space, and to the west was the North Saskatchewan, its further shore fringed with timber. The Union Jack floated to the breeze from the Governor’s quarters. Beyond the Indian encampment were the tents of traders assembled to do business with the red man when the treaty dues were paid.¹⁵⁰

¹⁴⁸Dempsey, *Big Bear*, 57.

¹⁴⁹LAC, RG10, Volume 3636, File 6694-1, “Morris to the Minister of the Interior, December 4th 1876.”

¹⁵⁰Sissons, *John Kerr*, 231-232.

Erasmus' description of the Treaty Six site was very similar to Kerr's. Erasmus also estimated over two hundred and fifty tipis "on the Indian section of the grounds" and noted that he had never seen so many "in one locality before." Erasmus described the numerous horses and dogs and was impressed with the lodge that Mistawasis and Ahtahkakoop had arranged for him, which included buffalo robes, new blankets, cooking utensils and prepared food. When passing Fort Carlton Erasmus also noticed Governor Morris walking in front of the post, likely surveying the camp scene.¹⁵¹ Upon Erasmus' arrival the camp crier announced to the chiefs that their interpreter had arrived.

Erasmus then described a meeting between Morris and the chiefs, which was not recorded by Jackes. According to Erasmus' account, he witnessed a meeting between the treaty commissioners and Mistawasis, Ahtahkakoop, Peter Ballenden, Reverend John MacKay, Lawrence Clarke as well as "a Dr. Jackes."¹⁵² Clarke made the introductions at the beginning of the meeting, but ignored Erasmus' presence in the group. Morris then introduced MacKay and Ballenden as the official interpreters for the negotiations. Mistawasis replied that the chiefs had agreed to hire Erasmus to interpret for them. According to Erasmus, Clarke recommended him as, "the best interpreter in the whole Saskatchewan valley and plains." Morris claimed that Erasmus' presence was unnecessary as "we have two interpreters hired by the Government and it is up to the Government to provide the means of communication."¹⁵³ The chiefs realized the importance of having their own interpreter and stubbornly refused to concede the point to Morris. Finally, as the chiefs were about to leave the meeting, the commissioners allowed the new interpreter.¹⁵⁴

Erasmus also described a delay at the beginning of the negotiations on August 18th, in which Reverend MacKay's confusion of some Plains and Swampy Cree words

¹⁵¹GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 271.

¹⁵²Ibid., 272.

¹⁵³Ibid.

¹⁵⁴Ibid., 273.

and Ballenden's quiet voice resulted in Erasmus undertaking most of the translating duties. Neither the meeting with the chiefs, nor the delay with the interpreters was described in Jackes' account of the negotiations. Jackes only noted that the interpreter introduced the chiefs and headmen.¹⁵⁵ However, Steele's account of the opening speeches mentioned Erasmus' role as interpreter: "The Lieutenant Governor then addressed the Indians, announcing the mission of the commissioners through Peter Erasmus, who stood at the end of the table facing them, his position graceful and dignified, his voice deep clear and mellow, every word distinctly enunciated."¹⁵⁶ Steele's account of the negotiations is brief, but he described Erasmus' presence as graceful and dignified. It would have been difficult for Jackes to ignore Erasmus' role, but the commissioners probably believed that the inability of MacKay or Ballenden to interpret the negotiations was embarrassing and excluded it from the record.¹⁵⁷

During the second day of negotiations near Carlton, the accounts by Erasmus and Jackes differ greatly. According to Jackes, Morris made a long speech at the beginning of the negotiations in which he discussed farming, schools, reserve lands, tools for farming, animals and seed, suits, medals and an annual payment for ammunition and twine. Morris also promised a payment of \$12 and an annuity payment as had been done "all before from Cypress Hills to Lake Superior, the Queen will agree to pay yearly five dollars per head for every man, women and child." In Erasmus' version of the proceedings, Morris stated only that he wanted to hear from the chiefs and emphasized that he could not go beyond the terms described on the previous day.¹⁵⁸ Erasmus then described the response from Poundmaker, which was not recorded by Jackes:

"The Government mentions how much land is to be given to us. He says 640

¹⁵⁵LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876," 3-4.

¹⁵⁶Steele, *Forty Years in Canada*, 103.

¹⁵⁷LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876," 2.

¹⁵⁸GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 279.

acres, one mile square for each band, he will give us.” And in a loud voice he shouted, “This is our land. It isn’t a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want.”¹⁵⁹

According to Erasmus, a group of Poundmaker’s followers rose to their feet and shouted “yes, yes” in Cree and it was “some time before the chiefs could restore order.”¹⁶⁰ Erasmus also noted that Morris was visibly shaken by the demonstration that occurred at the beginning of the talks. His assumption had been that the “Indians had completely adopted his treaty terms” which he was not authorized to change.¹⁶¹

Jackes’ account omitted Poundmaker’s response and the outburst that followed. He recorded only that Mistawasis approached Morris and stated, “when a thing is thought of quietly, that is probably the best way.”¹⁶² Though Erasmus described Morris as visibly shaken from Poundmaker’s response, the interpreter still had a great deal of respect for the commissioner. Erasmus thought Morris’ response to Poundmaker was very effective and “his manner held a sincerity” that impressed his audience.¹⁶³ Unfortunately, these omissions from Jackes’ narrative and the differences between the accounts by Erasmus and Kerr suggest that Jackes’ version of the negotiations be treated with caution. Jackes described a long speech by Morris on the second day’s proceedings that formally described the terms of treaty almost exactly as stated in the treaty text. Neither Kerr, nor Steele recorded the speech. Erasmus stated only that the commissioner “formally opened the meeting by stating that today he wanted to hear what they had to say.” Erasmus added that there was less pomp and display from the government’s party and noted that Morris even “walked from his carriage the short distance to the stand unescorted.” Morris’ speech was likely added to Jackes’ account by the commissioners after the proceedings. Morris may have made many of the statements over the course of the negotiations, but

¹⁵⁹Ibid.

¹⁶⁰Ibid., 279.

¹⁶¹Ibid., 280.

¹⁶²LAC, RG10, Volume 3636, File 6694-1, “A.G. Jackes Account of Treaty Six, December 14, 1876,” 18.

¹⁶³GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 279.

according to Erasmus, Kerr and Steele¹⁶⁴ Morris' long precise speech, which outlined the terms of treaty, never occurred. This is important because it conflicts with the argument made by the commissioners that the terms of treaty were clearly stated, which many oral histories of Treaty Six dispute.

Treaty Six Oral Histories

As stated earlier in this chapter, most historians have relied upon Morris' account of Treaty Six from *Treaties of Canada with the Indians*. More recently, historians have expanded the source material to include the accounts of Treaty Six by Erasmus, but few have attempted to incorporate Indigenous oral histories into an analysis of the negotiations. The historians who incorporate oral histories fall into one of two categories. The first category uses oral histories to claim that all the written accounts of treaty are incorrect and invalid.¹⁶⁵ The second focuses on the creation of a reciprocal kinship relationship through treaty, which is revealed in the oral accounts.¹⁶⁶ Both approaches are valid, but have their limitations. The first category dismisses all written accounts of treaty, though many are valid. The second category focuses the discussion of oral history to kinship language and characterizes the treaty relationship as a familial one. In fact, the oral histories of Treaty Six emphasize more than a familial relationship. They describe specific terms and treaty obligations, which reinforce the written record of treaty more than they contradict it.

Sharon Venne was one of the first academics to write about the oral histories of Treaty Six. Her main argument was that the oral histories of Treaty Six are correct and the written accounts are incorrect. Venne's "Understanding Treaty 6: An Indigenous Perspective" claimed that most historians relied on the treaty text or the "scantily

¹⁶⁴Steele did note that on the second day "the terms of treaty were then given out to the assembled Indians." However, Steele's account of the first few days of the negotiations relied on Jacke's account because his troop of the NWMP were a few days late after their journey from Swan Lake. See Steele, *Forty Years in Canada*, 104.

¹⁶⁵See Sharon Venne, "Understanding Treaty Six: An Indigenous Perspective."

¹⁶⁶Miller *Lethal Legacy: Current Native Controversies in Canada*.

supported” reports on the treaty negotiations.¹⁶⁷ Venne is correct that there has been an over-reliance on the text of Treaty Six by historians, but I argue that the written sources can be expanded to include other eyewitness accounts. She also dismissed the importance of a critical analysis of the written reports and treaty text. Though her approach is limiting, Venne made a number of important arguments about the oral history of Treaty Six. In “Treaties Made in Good Faith” Venne asked, “who would give away so much?”¹⁶⁸ The Treaty Six text claimed that Cree peoples “cede, surrender and release” their lands, but Venne argued that this is not logical. Why would five thousand Cree peoples surrender all their territories to a handful of Euro-Canadian government officials and missionaries? She then dismissed all of the written sources of Treaty Six as “lies written on paper.”¹⁶⁹ Venne’s argument is valid, but she went too far when she claimed that the written sources on treaty were lies written on paper. I agree that it is unlikely that the Cree peoples agreed to surrender their rights, titles and privileges, but John Leonard Taylor’s argument that Morris avoided discussing the land surrender is a more plausible explanation. Taylor noted that the accounts of Treaty Six by Morris or Jackes do not mention the surrender clause. Whether it was because Morris could not explain the surrender clause properly, or his assumption that the Cree peoples knew that their land would be shared by Euro-Canadians, Taylor’s argument revealed that the surrender clause is suspect without condemning the written record of Treaty Six as lies.¹⁷⁰

Another important argument by Venne is that Treaty Six is an international treaty that has standing in the Canadian and United Kingdom courts, as well as the United Nations.¹⁷¹ This is an important point as the text of Treaty Six does name Her Majesty The Queen, but Venne also claimed that the “English Monarch sent a Treaty

¹⁶⁷Venne, “Understanding Treaty Six: An Indigenous Perspective,” 173.

¹⁶⁸Venne, “Treaties Made in Good Faith,” 7.

¹⁶⁹*Ibid.*

¹⁷⁰Taylor, “Treaty Research Report: Treaty Six,” 14.

¹⁷¹Venne, “Treaties Made in Good Faith,” 11.

Commissioner, Alexander Morris to make treaties on behalf of the Crown.”¹⁷² Morris’ authority to negotiate treaties came from the Minister of the Interior and the Privy Council (Prime Minister). Morris wrote and received many letters from Lord Dufferin, the Governor General of Canada, but these letters never discussed the treaty-making authority from the British Monarch.¹⁷³ In fact, Dufferin was both surprised and pleased to hear of Morris’ success at the Treaty Three negotiations. In a letter to Morris, the Governor General wrote: “Your account of the interview with the Indians interested me very much and I congratulate you heartily on having secured a treaty”¹⁷⁴ Most letters between Dufferin and Morris focused on colloquial matters, including the suitability of Red River for settlement and the health of common friends and colleagues.¹⁷⁵

Venne’s most relevant argument to this thesis is that “most discussions fail to mention the treaty rights of non-indigenous people.”¹⁷⁶ The rights of non-Indigenous peoples are the rights to share the land; to live in peace; share the resources; and respect the land. Through the treaty relationship, Euro-Canadian peoples have the responsibility of stewardship over the land.¹⁷⁷ Though Venne made a number of important points about treaty history, her main weakness is an absence of specific oral histories relating to Treaty Six. Venne described elders teachings generally, but did not mention specific elders or quote from published or privately collected oral histories. Her “Treaties Made in Good Faith” was based on the “memory of those words spoken by the elders and Chiefs to express the rich and vibrant life of our Peoples,” but not a single elder was mentioned or oral history cited.¹⁷⁸

Beginning in the 1970s, Treaty Six Elders began to share their oral histories, which are available in publications and archival collections. Many of these oral histories

¹⁷²Ibid., 4.

¹⁷³See: AM, Morris Papers.

¹⁷⁴AM, Morris Papers, “Dufferin to Morris November 4th 1873.”

¹⁷⁵Ibid.

¹⁷⁶Venne, “Treaties Made in Good Faith,” 5.

¹⁷⁷Ibid.

¹⁷⁸Ibid., 1.

described the treaty relationship as a reciprocal relationship based on familial ties. This aspect of the treaty relationship has been described at great length by Jim Miller, Harold Johnson and others. Miller studied the speeches of Mistawasis and Ahtahkakoop and noted that their language was rich in metaphor, simile and allegory. The chiefs described themselves and the commissioners as brothers under the “Great Queen” and Morris used the same language to reinforce the principles of non-interference and the benefits of the Queen’s bounty and benevolence.¹⁷⁹ Johnson described Treaty Six as the adoption of one nation by another. He referred to Euro-Canadians as *Kiciwamanawak*, or cousins and noted that we are all related under Treaty Six.¹⁸⁰ From their close analysis of kinship language, Miller and Johnson defined the spirit and intent of the treaty relationship as a partnership between equals based on sharing the land and resources.

The kinship relationship based on familial ties is central to the treaty relationship, but it is important to note that Treaty Six oral histories discuss more than the adoption of familial ties. According to the late Cree Elder Jim Ka-Nipitehtew, the promises made during the Treaty Six negotiations and the obligations that result are embodied in the treaty pipestem.¹⁸¹ These include “never to pay you in full for your land,” but to make continuous payments; not to buy what is deep beneath the land, but rather only a foot deep “whence the White-man makes his living,” as well as a school on reserve; horse and buggy for the chief; a farming instructor / blacksmith / interpreter; food assistance; police; and a medicine chest, so that “you will never pay for medicine in which the doctor treats you.”¹⁸² These promises were made in the presence of the pipestem, which according to Elder Ka-Nipitehtew meant that “no human walking on two legs” will ever be able to break the promises.¹⁸³ These promises were also described and confirmed by

¹⁷⁹Miller, *Lethal Legacy*, 137.

¹⁸⁰Johnson, *Two Families*, 13.

¹⁸¹Ahenakew and Wolfart eds. *The Counselling Speeches of Jim Ka-Nipitehtew*, 107.

¹⁸²*Ibid.*, 111-115.

¹⁸³*Ibid.*, 109.

Elders throughout the Treaty Six area. In an interview with Richard Lightning in 1975, Saddle Lake Elder Henry Cardinal recalled hearing that the commissioner was “only asking for this much” (open hand with extended thumb) and Elder Julian Moses confirmed that the land was only to be used for agriculture and anything underground was never mentioned.¹⁸⁴ During a meeting of Saddle Lake Elders in 1983, Elder Fred Cardinal stated: “We did not give up the land. We loaned it, we shared.”¹⁸⁵ Elder Margaret Labatak also stated that while the Indians were prepared to share except for the lands chosen for their exclusive use (reserves):

The land was not for sale. The Indians agreed to share the land to a depth of a plow (6 inches), the trees for the building of homes, and the grass to feed the animals. Anything below the surface of the land was not to be shared ... all of the peoples were collective owners of the land, which had been given to them by the Creator. There were no individuals who could ‘sell’ the land.¹⁸⁶

The same commitment to sharing the land was explained by Elder Charlie Blackman of the Cold Lake First Nation who said the commissioners wanted only “six inches of this land, the timber and the grass – nothing else.”¹⁸⁷ Elder John Buffalo of Ermineskin First Nation recalled from his grandmother that the commissioners stated, “anything that cannot be used agriculturally will be yours.”¹⁸⁸ He also stated that the mountains were not mentioned during the treaty discussions. Elder Markus Sparkingeyes also stated that the mountains were not included in Treaty Six and Elder Francis Jibeau discussed assistance with agriculture: “you’ll never be hungry” and the assistance of the Redcoats: “to ensure that you get justice.”¹⁸⁹

All of the treaty promises discussed in the Treaty Six oral histories are repeated by many different Elders throughout Treaty Six territory. The promises included annuity

¹⁸⁴Richard Lightning, “Saddle Lake Interviews,” (Winterburn, Alberta: Office of Specific Claims and Research, February 13, 1975).

¹⁸⁵ Lightning, “Saddle Lake Interviews.”

¹⁸⁶Ibid.

¹⁸⁷Saddle Lake Nation, “Treaty 6 Hearings: Findings and Interpretations,” (Saddle Lake First Nation: Saddle Lake Nation, 1983), 35.

¹⁸⁸Price, *Spirit of the Alberta Indian Treaties*, 119.

¹⁸⁹Saddle Lake Nation, “Treaty 6 Hearings: Findings and Interpretations,” 24-25.

payments in perpetuity; reserves for the exclusive use of First Nations; schools on reserves; a horse and buggy for the chiefs; assistance with farming; supplies in times of need; and the provision for medical treatment. The obligations revealed in the oral histories were sharing the land with Euro-Canadians to the depth of a plow; sharing the wood for building homes; and sharing the grasses for animals. Though many of the treaty promises have been broken by the Canadian government, it is important to note that the written record of the treaty six negotiations supports the oral promises. Elder Flora Cardinal's reference to the medicine bag is emphasized by the presence of Jackes as a clerk and also a medical doctor.¹⁹⁰ Cardinal stated that "the Commissioner had brought a medicine bag with him and said to the Indians 'If you are ill, I will take care of you. You will never have to worry about or pay for medicine.'"¹⁹¹ The text of Treaty Six stated: "That a medicine chest shall be kept at the home of each Indian agent for the use and benefit of the Indians"¹⁹² The context of the medicine chest clause was the impact of smallpox which devastated Cree communities in 1870 and re-appeared almost yearly throughout the prairies. According to Treaty Six oral histories, the medicine chest clause also protected traditional Indigenous medicines.¹⁹³

Assistance with farming was discussed at great length during the negotiations and was mentioned in the accounts by Jackes, Kerr and Steele. Even NWMP officer Walker, whose goal was to start a farm in Ontario, noted in his diary that the Cree peoples "wanted nearly everything that would start a good farm" and "the governor granted most of their requests"¹⁹⁴ The horse and buggy for the chiefs originated in the earlier numbered treaties and was in response to the chiefs' request for a cooking stove.¹⁹⁵

¹⁹⁰LAC, RG10, Volume 3636, File 6694-1, "Morris to the Minister of the Interior, December 4th 1876."

¹⁹¹Saddle Lake Nation, "Treaty 6 Hearings: Findings and Interpretations," 34.

¹⁹²LAC, RG10, Volume 1847, IT 296, Reel T-9940, "Western Treaty No. 6."

¹⁹³Saddle Lake Nation, "Treaty 6 Hearings: Findings and Interpretations," 35.

¹⁹⁴GA, M934, William Parker Fonds, "Diary of Captain William Parker, NWMP Officer," 29.

¹⁹⁵LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876," 57.

Morris did not have the authority to offer the gift of a cooking stove to the chiefs, but because a horse and buggy were given at Treaty One, he included that present in the place of the stoves. Schools on reserves also originated in the earlier numbered treaties and Morris' offer of the "cunning of the whiteman." Unfortunately, this was one of the first promises to be broken when the churches assumed the administration of residential schools and children were forcibly removed from their communities to attend the schools. As Saddle Lake Elder Joe Cardinal stated, "In order to attend school a child was removed from his family at a young age and was required to live in the school year round with the exception of a two week holiday."¹⁹⁶ Elder Abby Burnstick from the Paul Band in Treaty Six territory recalled that the "promise of free education was comparable to that of the whites, but grade 8 was the highest that an Indian student could go."¹⁹⁷ Treaty Commissioner Christie assumed the responsibility of meeting with the chiefs to select their reserves and generally the original one square mile per family of five was respected. Unfortunately, the reserve land policy was implemented inconsistently. Original selections for reserve lands were not always granted and chiefs like James Seenum (Pakan) of Saddle Lake had to fight for many years to get the lands they believed were promised to them.¹⁹⁸

The Canadian courts have also recently acknowledged both the importance of the supporting written treaty documents and Indigenous oral histories. In *The Unjust Society* Harold Cardinal relied on oral histories to describe the treaty relationship as "a contractual relationship where by the representatives of the queen would have lasting responsibilities to the Indian peoples"¹⁹⁹ Cardinal noted that in 1969, the Canadian courts recognized only the treaty text when considering legal matters related to treaties. All other documents, including commissioner's reports "or the written reports of other

¹⁹⁶Saddle Lake Nation, "Treaty 6 Hearings: Findings and Interpretations," 32.

¹⁹⁷Ibid., 31-32.

¹⁹⁸AM, Morris Papers, "W. J. Christie to Morris, March 12, 1879 re: Seenum's Reserve."

¹⁹⁹Cardinal, *The Unjust Society*, 24-25.

witnesses present at Treaty-making , as well as the Indian understanding of the Treaties at the time of their negotiation” were excluded.²⁰⁰ As Cardinal noted in his introduction to the second edition of *The Unjust Society*, Canada’s Supreme Court has recently rejected these limitations and the courts are now required to interpret the numbered treaties in broader terms, including the use of Indigenous oral histories and eye witness accounts. Cardinal and Hildebrandt’s *Treaty Elders of Saskatchewan* and Richard Price’s *The Spirit of the Alberta Indian Treaties* were both published to bring the Indigenous understandings of treaty to a larger audience. These two sources, as well as treaty oral histories published by communities and academics go a long way to presenting the oral understanding of Treaty Six.

At the close of the second day’s proceedings on August 19th Chief Mistawasis hinted to Morris that the chiefs preferred to discuss the terms quietly among themselves. Morris agreed and the groups did not meet again until Tuesday August 22nd. There are no government records of the discussions which took place from the end of Saturday the 19th to Monday the 21st, but there is an account of the chief’s council recorded by Erasmus.²⁰¹ As Chiefs Mistawasis and Ahtahkakoop hired Erasmus to interpret for the Cree peoples he was also invited to the council discussions. According to Erasmus, Chief Mistawasis invited the interpreter to clarify the treaty terms “in case there were any misunderstandings.”²⁰² The council took place on Monday August 21st and “Indian eloquence had full play that day.” Most of the opposition to treaty came from Poundmaker and The Badger, but the Saulteaux were also present and lobbying against the treaty. Chiefs Mistawasis and Ahtahkakoop heard from all the detractors then addressed the council. Mistawasis argued in favour of treaty and after noting the destruction of the buffalo “the chief source of our living” he asked those who object to

²⁰⁰Ibid., x.

²⁰¹GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 287.

²⁰²Ibid., 289.

the treaty: “Have you anything better to offer our people?”²⁰³ According to Erasmus, Mistawasis discussed the fairness of the Redcoats (NWMP), the treachery of the Long Knives south of the border and the danger of the traders. He ended his speech by saying that he would “take the hand that is offered.”²⁰⁴

After a pause Chief Ahtahkakoop spoke and criticized his own aggression toward the Blackfoot, “for if we had been friends we might be a host of people of all nations together ...”²⁰⁵ He also addressed the imminent demise of the buffalo and the dangers of smallpox. He accused those in opposition to the treaty of “trying to blind our eyes” and asked his audience “to not think of ourselves, but of our children’s children.”²⁰⁶ Ahtahkakoop recommended accepting the new way of making a living through farming and stated that he would accept the Queen’s hand. Mistawasis ended the council by asking the chiefs to think matters over. All of the chiefs who supported treaty shook hands with Mistawasis and Ahtahkakoop, but Erasmus noted that Poundmaker and The Badger did not shake hands with the chiefs.

John McDougall also recorded an account of the Treaty Six chiefs’ council, but this one was held during the Fort Pitt negotiations and led by Chief Sweetgrass. As was the case with chiefs’ council at Carlton, Sweetgrass wanted McDougall to explain the terms offered by Canada. McDougall did so, but unlike the Carlton council he was also asked to give his personal comments about the treaty. According to McDougall, Sweetgrass asked him to “put yourself in our place ... and speak out your mind as to what we should do at this time.”²⁰⁷ McDougall spoke of British justice and fair play and asserted that Indigenous peoples in Eastern Canada held their reserves and were living at peace. He advised the chiefs to “go before the commissioners on the morrow and signify

²⁰³Ibid., 289.

²⁰⁴Ibid.

²⁰⁵Ibid., 290.

²⁰⁶Ibid.

²⁰⁷John McDougall, *Opening the Great West*, 59.

their acceptance of the proposals brought before them.” McDougall also “carefully and minutely” went over the terms offered by the commissioners, which according to the other eyewitness accounts focused on the benefits of treaty to the chiefs. Using his notes from the previous day’s discussions, McDougall explained all the terms fully, “causing my audience to see and understand what it meant.” We have only McDougall’s word that he explained all of the treaty terms, but there is little reason to doubt his reminiscences. In his introduction to McDougall’s work, J. Ernest Nix noted that the missionary wrote with candour and that the Treaty Six negotiations, occurring so soon after the death of his Father would have been “etched deeply in his mind.”²⁰⁸ Nix also admitted that the McDougalls were long proponents of settlement. Like his father, McDougall may have acted as a buffer to settlement by describing the treaty terms in ways that were more palatable to the chiefs.

After Mistawasis and Ahtahkakoop held their council on August 21st the chiefs met the commissioners on the 22nd and 23rd for the two final days of negotiations at Fort Carlton. There are five accounts of these negotiations, including the record by Jackes and the accounts by Erasmus, Parker, Steele and Kerr. As discussed earlier, the account by Jackes should be treated with caution, but the main themes of the final discussions are reflected in all five sources. On August 22nd Poundmaker, The Badger, Mistawasis and Ahtahkakoop all presented a unified front and asked for assistance when settling on reserves. Erasmus summarized the chiefs’ main concerns by stating: “they wanted assistance to get established in their new occupation of agriculture, not only financially but for instruction and management.”²⁰⁹ Parker also summarized the discussions in his diary entry for August 23rd.

August 23. Cloudy and windy day. Marched to ground in same order. Indians made great speeches.²¹⁰ They wanted pretty nearly everything required to stock

²⁰⁸Ibid., 12.

²⁰⁹GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 289.

²¹⁰GA, M934, William Parker Fonds, “Diary of Captain William Parker, NWMP Officer,” 29.

a good farm, as well as nets, hooks and twine to fish; powder, shot and bullets for hunting; clothing; all kinds of grub; money; and a large reserve of land to each tribe. The commissioners granted most of their requests.²¹¹

Parker's summary is important because it was recorded in his private diary and he had no reason to lie. His statement that the commissioners granted most of their requests emphasized the negotiating power of the chiefs and suggested that most of what was requested and read by Erasmus was accepted by the commissioners.

According to Jackes' account of the third day's negotiations Morris made a number of speeches in response to the chiefs' requests, but most were vague and noncommittal. In response to Poundmaker's request for assistance with farming Morris stated, "What I have offered does not take away your living, you will have it then as you have it now, and what I offer now is put on top of it."²¹² Morris also described how the settlers and Indigenous peoples at Red River were assisted after grasshoppers destroyed their crops. In an attempt to end the demands made by the chiefs, Morris called upon James McKay to make a speech. This speech was recorded by Jackes, Erasmus and Kerr, but the content in each account differed greatly. The version of McKay's speech recorded by Jackes is the most suspect because McKay gave the speech in Cree and it was not translated into English.²¹³ Jackes did not understand Cree, so McKay likely re-stated the speech to him later in English. Jackes' version of McKay's speech was the most positive. McKay referenced his great experience negotiating treaties and expressed his desire that the chiefs understand clearly all the terms of treaty.²¹⁴ Erasmus' account of McKay's speech was less positive. He claimed that the speech was made in a "somewhat arrogant tone" and was most unfortunate and very harmful.²¹⁵ McKay admonished the chiefs for their demands and stated "In my experience you always want more than you were promised in the first place and you are never satisfied with what is given to you."²¹⁶ McKay's speech

²¹¹Dempsey, *William Parker: Mounted Policeman*, 24.

²¹²LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

²¹³GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 287.

²¹⁴LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

²¹⁵GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 287.

²¹⁶*Ibid.*

was followed by a distinct murmur of disapproval and The Badger immediately rose to his feet and stated, "I did not say that I wanted to be fed every day. You, I know, understand our language and yet you twist my words to suit your own meaning. What I did say was that when we settle on the ground to work the land, that is when we will need help and that is the only way that a poor Indian can get along."²¹⁷ Similar responses followed The Badger's reply and Erasmus suggested that McKay should explain his own speech. Morris ignored the request from Erasmus and instead repeated the promise of seed and farming assistance. Mistawasis repeated the request for food assistance and Ahtahkakoop asked for more time to consider the treaty. In his diary entry for August 22nd Parker noted that neither side "came to any understanding" but that the "Indians were going to put down their wants in writing."²¹⁸

The negotiations of August 23rd started with Erasmus' reading a prepared list of items requested by the chiefs. Erasmus recalled that he "first explained to the commissioner that the document I was about to read had been prepared by the main chiefs and their councillors and actually contained little more than what already had been promised ..."²¹⁹ Erasmus did not recall the contents of the list, but Jackes summarized them at the beginning of the fourth day's proceedings. The list included added farming supplies, carpenter's tools, seed, provisions for the poor, unfortunate, blind and lame, a minister or teacher and a prohibition on alcohol. It also included timber rights on common land, the right to choose a different reserve, liberty to hunt and free passage on bridges or scows on the Saskatchewan River, free medicines and a hand mill.²²⁰ After the list was read, Morris consulted with the other commissioners and addressed the requests. Regarding assistance with farming Morris agreed to provide one thousand dollars to buy provisions for three years. He agreed to the increased farming supplies but rejected

²¹⁷Ibid.

²¹⁸GA, M934, William Parker Fonds, "Diary of Captain William Parker, NWMP Officer," 29

²¹⁹GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 288.

²²⁰LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

assistance for the blind and lame. He asserted that the Crees would be at liberty to hunt as before, but claimed the government would not build any bridges or scows on the North Saskatchewan River. Morris also promised that “ a medicine chest will be kept at the house of each Indian agent, in case of sickness amongst you” and increased the livestock provisions slightly.²²¹ The chiefs would receive a horse and wagon and Morris promised that these new terms would be added to the treaty so that “there will be no mistake as to what we agreed upon.”²²²

Erasmus’ account of the increased provisions was similar to that recorded by Jackes. Erasmus noted that the grant of one thousand dollars was for those “actually engaged in farming on reserves” and that a plough and harrow would be given to every three families.²²³ He described the hunting provision slightly differently than Jackes, who recalled that Morris did not want to take away their means of making a living. Erasmus noted that the Crees would be “at liberty to hunt and trap on Government lands the same as before.”²²⁴ Erasmus also noted that the “special provisions” were added to the draft treaty before the chiefs were asked to sign the document. Morris had promised to leave copies of Treaty Six for the chiefs and Kerr recalled that he was paid twenty dollars by Morris for transcribing four copies of the treaty text.²²⁵ According to Erasmus, after Morris’ response to the added provisions “most of the chiefs expressed agreement, but Poundmaker was still not satisfied.”²²⁶ After a request by Joseph Toma for guns was rejected by Morris, Chief Red Pheasant withdrew it and the “principal Chiefs expressed approval” of the treaty terms. Jackes also recorded the approval of the chiefs, but he noted that it was preceded by a speech from Ahtahkakoop. Though much of Jacke’s account should be read carefully, his summary of Ahtahkakoop’s speech is worth quoting

²²¹Ibid.

²²²Ibid.

²²³GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 289.

²²⁴Ibid.

²²⁵Kerr, “The Indian Treaties of 1876,” 237.

²²⁶GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 289.

at length. According to Jackes, Morris ended his response by stating, “It now rests with you my friends, and I ask you without any hesitation to take what I have offered you.”²²⁷

Ahtahkakop replied:

“I never sent a letter to the Governor; I was waiting to meet him, and what we have asked we considered would be for the benefit of our children. I am not like some of my friends who have sent their messages down, even stretched out their hands to the Queen asking her to come; I have always said to my people that I would wait to see the Governor arrive, then he would ask what would benefit his children; now I ask my people, those that are in favour of the offer to say so.”²²⁸

Unlike Chiefs Sweetgrass, Pakan and Little Hunter, Ahtahkakoop did not send a petition to the Lieutenant-Governor and he clearly stated that he was prepared to wait for treaty. During the Chief’s council Ahtahkakoop mainly discussed assistance with farming, but he was not in a hurry to accept the terms. He may also have been wary about entering into a relationship with the Canadian government and phrased his question to his fellow chiefs and councillors carefully. Ahtahkakoop asked those who were in favour of treaty to say so. Jackes noted that they all assented by holding up their hands and shouting.²²⁹

The Original Manuscript of Treaty Six

After the chiefs voiced their acceptance of the treaty terms there was a delay as Morris added the new provisions to the text of Treaty Six. After the provisions were added the interpreters were asked to read and interpret the treaty text.²³⁰ The reading of the treaty is the most contentious point of the negotiations. As was discussed in previous chapters, Morris relied on James McKay to read Treaty Three and Charles Pratt to read Treaty Four. Though there was no deliberate attempt to mislead, I argued that these interpreters likely softened their interpretation of the surrender clause to avoid friction between the parties. According to Elder Marcus Sparklingeyes, a similar scenario may have occurred at Treaty Six. Elder Sparklingeyes was from Goodfish Lake, which is near

²²⁷LAC, RG10, Volume 3636, File 6694-1, “A.G. Jackes Account of Treaty Six, December 14, 1876.”

²²⁸LAC, RG10, Volume 3636, File 6694-1, “A.G. Jackes Account of Treaty Six, December 14, 1876.”

²²⁹Ibid.

²³⁰GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 289.

where Erasmus farmed in the 1870s. He recounted that his own Father had lived with Peter Shirt, who was adopted by Erasmus prior to the Treaty Six negotiations. When discussing the Treaty Six negotiations Shirt claimed “that Peter Erasmus was often providing incorrect translation and that he was also prone to telling each side what it was that they wanted to hear.”²³¹ Like McDougall, Erasmus had often acted as a mediator between Indigenous peoples and settlers and his inclination would have been to ensure that both sides got along. Erasmus also admitted that he was in favour of treaty because he wanted to make a living from farming and wanted the land question resolved.²³²

Elder Sparklingeyes’ comment is also supported by Erasmus’ reminiscences. Erasmus recalled that Mistawasis took him aside and asked him to “keep a close watch on the wording and see that it included everything that had been promised.”²³³ Erasmus claimed that he “was able to assure Mistawasis that everything promised had been included in writing” and this satisfied the chief.²³⁴ However, according to Erasmus’ reminiscences he did not mention the surrender clause to Mistawasis and instead focused on the promises that had been made. The surrender clause clearly stated that “The Plain and Wood Cree Tribes of Indians, and all other the Indians inhabiting the district hereinafter described and defined do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and Her successors forever, all their rights titles and privileges whatsoever to the lands included within the following limits” Jill St. Germain recently argued that because this surrender clause was described in such exacting detail, it is unlikely that the Cree chiefs were unaware of it. However, she offered no proof that the surrender clause had been read or interpreted correctly. She also admitted that Morris’ negotiating strategy and “persistent assurance that what was given was in addition to what the Crees already had may have shrouded the

²³¹Saddle Lake Nation, “Treaty 6 Hearings: Findings and Interpretations,” 24.

²³²GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights.”

²³³*Ibid.*, 289-290.

²³⁴*Ibid.*, 290.

import of the land surrender issue.”²³⁵ It is also important to note that Erasmus knew Chief Seenum well and understood that neither he nor the other chiefs would accept such a complete surrender of their lands. Elder Sparklingeyes and other Treaty Six elders have consistently argued that reserve lands were to be controlled by the Crees, but the remaining lands were to be shared equally between Indigenous peoples and Euro-Canadians, to the depth of a plow. Rather than translate the surrender clause, Erasmus chose to focus on the promises made and assure Mistawasis that they were included in the text. As Elder Sparklingeyes asserted, Erasmus told both sides what they wanted to hear and his strategy was important for the successful completion of the negotiations at Carlton.²³⁶

Erasmus’ account of the reading of the treaty text revealed another dynamic that probably influenced the earlier numbered treaties as well. Erasmus summarized the reading of the treaty text in two important sentences:

The reading of the Treaty took a great deal of time and required the services of all the interpreters but this time there were no fireworks in the matter of words used or the objection to Ballenden’s voice. **Half the Indians were not concerned.**²³⁷

Erasmus was joined by both MacKay and Ballenden in the reading of the treaty text, but there were no objections to the translation or the interpreters. In fact, half of the Indigenous peoples in the audience were not concerned. Mistawasis and Ahtahkakoop put their trust in Erasmus to ensure that the terms were recorded correctly, but why were most of the remaining chiefs and councillors not concerned? Erasmus provided a partial answer when he stated “the other chiefs appeared satisfied that the Governor would carry out his promises to the letter.”²³⁸ The chiefs trusted Morris and relied on his verbal promises made during the discussions. As Cree culture was primarily an oral one, it was

²³⁵St. Germain, *Broken Promises*, 53-54.

²³⁶Saddle Lake Nation, “Treaty 6 Hearings: Findings and Interpretations,” 26.

²³⁷GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 290. Emphasis added.

²³⁸*Ibid.*

only natural to rely on the verbal discussions and ignore the text of the treaty. Following the pipe ceremony, the Crees believed that Treaty Six encompassed the verbal discussions in which the parties were bound to tell the truth. Though Mistawasis was suspicious of the treaty text and asked Erasmus to watch the wording, the other chiefs and councillors trusted Morris and considered the negotiations closed after they gave their assent and shook hands with the governor.

Much like the previous numbered treaties, the text of Treaty Six was based on a template with blank spaces left for dates of the negotiations, land description, size of reserves, amount of the one-time present and annuity payment as well as the amount expended for the purchase of ammunition and twine.²³⁹ The farming supplies and the number of headmen were also added after the negotiations took place. For Treaty Six, the commissioners added two new pages to write the additional promises made during the last two days of negotiations. These included a provision that if any of the Indians “being overtaken by a general famine, the Queen ... shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them.” As well as the transfer of one thousand dollars for three years to purchase provisions for those who are “engaged in cultivating the soil” and “that a medicine chest shall be kept at the house of each Indian agent for the use and benefit of the Indians” The next page is curiously mainly blank, but four lines near the bottom of the page admonished the chiefs to strictly observe this treaty, and also to conduct themselves as good and loyal subjects of Her Majesty the Queen.²⁴⁰ The final page of the original manuscript first had the number six in the top right-hand corner, but as two new pages were added to include the new promises, the number was changed to eight. This page included the template version of the peace and good order clause and the signatures.²⁴¹ It is important to note that the

²³⁹ LAC, RG10, Volume 1847, IT 296, Indian Affairs Consecutive Number 157A, “Original Manuscript of Treaty Number Six.”

²⁴⁰ *Ibid.*, 7.

²⁴¹ *Ibid.*, 10.

added pages and amounts for payments were written in a different hand than the text in the template. The template was likely written out in a ledger book in Winnipeg and the amounts and new sections were added during the negotiations and written by Jackes.

Peter Erasmus' was the first signature as the interpreter, followed by Peter Ballendine' and Rev. John MacKay'. There were seventeen witnesses to the Treaty Six negotiations at Carlton including A.G. Jackes, the secretary to the commissioners; Isodore Dumont, Gabriel Dumont's brother; Lawrence Clarke, the HBC Factor at Carlton and Inspectors Walker and Jarvis of the NWMP.²⁴² Alexander Morris signed first for the commissioners followed by James McKay and W. J. Christie. The elder Mistawasis was the first chief to make his mark on the document, followed by Ahtahkakoop and eight other chiefs as well as their councillors. With the exception of four councillors who signed the treaty in their own hand, most chiefs merely touched the pen and the clerk made the mark on the manuscript. John Badger, James Bear and Bernard Constance signed their names in English and Mah-cha-aw-asis signed his name using Cree syllabics.²⁴³ The three Willow Cree chiefs and six councillors followed the Carlton signatures and the Fort Pitt signatures were on the last two pages. The Fort Pitt interpreters were James McKay, Peter Erasmus and new witnesses included the Catholic priests Constantine Scollen and Vital Grandin; the Methodist missionary John McDougall; and Reverend John MacKay signed as a witness. The final signatures were by the only two women witnesses, Eliza Hardisty and Mary MacKay. The commissioners Morris, McKay and Christie signed above the chiefs at Fort Pitt who included Chiefs Sweetgrass, Seenum and seven other chiefs as well as their councillors.²⁴⁴ The original manuscript of Treaty Six also included a cover sheet, which was microfilmed last. It stated "No. 157 Articles of Treaty No. 6 Concluded between Her Majesty the Queen and

²⁴²Ibid., 8.

²⁴³Ibid., 9.

²⁴⁴Ibid., 9-10.

the Plain and Wood Crees and other Tribes near Carlton on the 23 and 28 August and near Fort Pitt on the 9th Sept 1876.”²⁴⁵ All the pages of the Treaty Six manuscript were folded in half, then folded lengthwise twice, with the description on the cover sheet at the top and centre. The original manuscript was delivered to the Receiver General of Canada on February 24th 1877.²⁴⁶

The Treaty Six Negotiations at Duck Lake

At the close of the negotiations at Carlton, Morris sent a letter to Chief Beardy of the Willow Crees who had “held aloof” during the talks. Morris requested that the Willow Crees meet the commissioners at James McKay’s camp near Duck Lake (approximately five miles from Fort Carlton). Chief Beardy agreed and the commissioners left Fort Carlton on the morning of August 28th and offered Chiefs Beardy, Kapeyakwaskuman (One Arrow) and Saswaypew (Cutnose) the same terms agreed upon at Carlton. According to the text of Treaty Six, the negotiations were interpreted by James McKay and Erasmus,²⁴⁷ but according to Erasmus’ account he travelled straight from Carlton to Fort Pitt and missed the discussions at Duck Lake.²⁴⁸ It is likely that McKay was the sole interpreter as the negotiations took place at his campsite. Erasmus’ name may have been added to the treaty because he translated the treaty text at Carlton, where Beardy’s emissary Splashing Water was a witness. NWMP officer Parker also missed the Duck Lake negotiations as E troop was charged with escorting the commissioners and D Troop travelled straight from Fort Carlton to Fort Pitt.²⁴⁹

According to the account by Jackes, Chief Cutnose spoke first and requested a blue chief’s coat rather than a red one. For Treaty Six, the Chief’s coats were red and the

²⁴⁵Ibid., 12.

²⁴⁶Ibid., 1.

²⁴⁷Ibid., 8.

²⁴⁸GA, Peter Erasmus Fonds, “Original Manuscript of Buffalo Days and Nights,” 291.

²⁴⁹GA, M934, William Parker Fonds, “Diary of Captain William Parker, NWMP Officer,” 25.

headman's coats were blue.²⁵⁰ Chief Beardy spoke next and also requested blue chief's coats, but mainly spoke for the protection of the buffalo. He said, "on account of the buffalo I am getting nervous" and asked Morris to write his request down.²⁵¹ Chief Cutnose also wanted the buffalo preserved. Chief Beardy spoke last and repeated two promises made at Carlton. Beardy wanted a copy of the treaty "written on skin as promised" and requested "assistance when I am utterly unable to help myself." Beardy promised that he would "render all the assistance to my brother that I can in taking care of the country."²⁵² Morris did not address Beardy's last point, but merely repeated the commissioner's position on providing provisions for those settled on reserves, and assistance during a national famine or sickness. Beardy's promise to render assistance is important because it emphasized the stewardship role that Indigenous peoples and Euro-Canadians share under the treaty.

Beardy's request for a copy of the treaty also showed his mistrust of the treaty commissioners. In the early 1870s, Chief Beardy expressed dissatisfaction with the increased numbers of Euro-Canadians in Willow Cree territory. He even blockaded the Carlton Trail and charged a toll for the right to pass through Duck Lake on to Forts Carlton, Pitt and Edmonton.²⁵³ Tolls were applied successfully by the Anishnabeg in Treaty Three territory, but the HBC had more power on the plains and HBC Factor Clarke pressured Beardy to remove the blockade. According to Stephen Sliwa, the Willow Crees were willing to enter into a treaty relationship with the Crown because the decline of the buffalo had led to starvation and the HBC had ended its policy of extending credit as a form of relief.²⁵⁴ Sliwa defined the relationship according to earlier pacts that the Willow Crees had negotiated with the Assiniboine peoples and the HBC. Treaty Six

²⁵⁰LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

²⁵¹Ibid.

²⁵²Ibid.

²⁵³Sliwa, "Treaty Day for the Willow Cree," 8.

²⁵⁴Ibid., 7.

would provide for a level of security in terms of economic assistance and humanitarian aid. In Beardy's final speech to Morris the chief said, "I do not set up a barrier to any road that my children may live by."²⁵⁵ This was in reference to his earlier blockade of the Carlton Trail, but also showed that he was willing to share the road and his territory with Euro-Canadians in exchange for the security provided by the treaty relationship.

The Treaty Six Negotiations at Fort Pitt

The Treaty Six negotiations at Fort Pitt took place from September 7th to the 9th with all three commissioners in attendance and Chief's Sweetgrass and Seenum leading the discussions for the Cree peoples. The main account of the Fort Pitt negotiations was recorded by Jackes, but there are also accounts by Erasmus, John McDougall and Steele. According to Jackes, the commissioners left for Fort Pitt and arrived with an escort of NWMP on September 5th. Chief Sweetgrass arrived on September 6th and the negotiations began near the fort on September 7th. As had occurred at Carlton, the negotiations opened with a pipe ceremony and a long speech by Morris, which introduced the treaty terms. Morris acknowledged that the chiefs had already heard "what your brothers did at Carlton."²⁵⁶ The negotiations at Fort Carlton ended on September 23rd, which provided plenty of time for the chiefs to learn the contents of the treaty. Erasmus recounted that upon his arrival at Fort Pitt, William Bull (a councillor of Chief Seenum) called him to attend a chiefs' council. At the council Erasmus summarized both the treaty terms, which he had "memorized by heart" and the discussions of the chiefs' council led by Mistawasis and Ahtahkakoop.²⁵⁷ After Erasmus finished speaking, Chief Sweetgrass, "who was the most important Chief among those gathered in the council, rose to his feet to speak to their people." According to Erasmus, Sweetgrass said that Mistawasis and Ahtahkakoop "are far wiser than I am, therefore if they have accepted this Treaty for their

²⁵⁵LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

²⁵⁶LAC, RG10, Volume 3636, File 6694-1, "A.G. Jackes Account of Treaty Six, December 14, 1876."

²⁵⁷GA, Peter Erasmus Fonds, "Original Manuscript of Buffalo Days and Nights," 296.

people after many days of talk and careful thought, then I am prepared to accept for my people.” Chief Seenum supported Sweetgrass’ decision, as did the other chiefs in the council. Erasmus recounted that there was “not a single dissenting voice.”²⁵⁸

The accounts of the negotiations at Fort Pitt by Jackes and Erasmus are very similar. Both authors summarized Morris’ speech and the discussion of the treaty terms. They also both summarized Sweetgrass’ acceptance of treaty and Seenum’s discussion of the importance of farming implements. However, only Erasmus summarized Seenum’s request for a large reserve and Morris’ response that he would “bring the request before the House at Ottawa.”²⁵⁹ Chief Seemun fought to increase the size of the Saddle Lake Reserve for many years, often engaging Erasmus as an interpreter. He was eventually successful in adding better farmland to the Whitefish and Goodfish Lake reserves, but never realized his goal of a large reserve “for all the Cree, Wood Crees and Plain Crees who may not now be taken in by the treaties”²⁶⁰ The account of the Fort Pitt negotiations by Steele also included a description of the opening show of horsemanship and a more detailed description of the pipe ceremony. According to Steele, “the Indians performed the Dance of the Stem” in a very elaborate manner:

Several “stems” were used on this occasion, the bearers advancing gracefully to the beat of their tom-toms; ermine skins festooned the “stems” which were stroked in turn by the commissioners and Lt.-Col. Mcleod. The pipes were smoked when that was concluded, the Lietenant Governor, the chiefs and commissioners passing the stem from one to the other, the chiefs pointing it to the north, south, east and west before smoking.²⁶¹

Steele’s account of the pipe ceremony is one of the most detailed, likely because he was close to the ceremony as the NWMP flanked the commissioner’s table. His description also evoked a reverence for the ceremony, which is not evident in the other descriptions by Jackes and Kerr.

²⁵⁸Ibid.

²⁵⁹Ibid., 297.

²⁶⁰Ibid.

²⁶¹Steele, *Forty Years in Canada*, 45.

The missionaries who were present at the Fort Pitt negotiations included the Oblates Vital Grandin and Constantine Scollen, as well as the Methodist John McDougall. Grandin left only a short account of the negotiations in his diary, but he noted that Morris had arranged to adopt a Cree girl from the St. Albert orphanage.²⁶² Letters between Morris and Grandin showed that Morris supported one of the girls at the orphanage financially with an annual gift of one hundred pounds. Grandin provided a longer description of the Fort Pitt negotiations in an account of his journey from St. Albert collected in his personal papers at the Oblate Archives of the Province of Alberta.²⁶³ According to Grandin's account, he arrived at Fort Pitt with Father Scollen on September 8th and met with both Morris and Chief Sweetgrass. Grandin was surprised by the number of people gathered at Fort Pitt and noted the number of traders as well as the commissioners and their followers. Grandin attended the final day of negotiations on September 9th but noted only that Chief Sweetgrass demanded Catholic schools for instruction on reserves.²⁶⁴ Grandin also noted that on September 10th he was asked to sign the text of treaty as a witness. Both he and Father Scollen signed the treaty, but Grandin regretted not having time to read the document to ensure that Sweetgrass' request for Catholic schools was included in the treaty text.²⁶⁵ When Morris' term as Lieutenant-Governor ended, Grandin told him "you have marked your last year of administration by two significant benefits, for us, the treaty with the Indians and the relief"²⁶⁶

John McDougall was invited to the treaty negotiations by Christie, as they had been friends since 1862. Christie likely hoped that McDougall could use his influence with the Crees to benefit the commissioners. McDougall described the days leading up to the Fort Pitt negotiations as tense because "these men who had lived in absolute freedom

²⁶²Owens and Ridge, *The Diaries of Bishop Vital Grandin*, 46.

²⁶³Provincial Archives of Alberta (PAA), OMI Archives Grandin Province, 84.400 / 961. Box 33, "Grandin's account of his journey from St. Albert to Fort Pitt, 1876."

²⁶⁴*Ibid.*

²⁶⁵*Ibid.*

²⁶⁶AM, Morris Papers, "Vital Grandin to Morris, Youville Asylum of St. Albert, December 28, 1876."

did not want any change.”²⁶⁷ Prior to the start of negotiations, McDougall met with both the chiefs and the commissioners and was “asked to carefully watch and take note of everything” by both groups. His descriptions of the negotiations are filled with both drama and important details:

They [the chiefs] came up with solemn tread to the front of the treaty tent where, behind a long table, the commissioners were seated. The chiefs having seated themselves on the ground and the multitude now having become quiet, the chairman of the commissioners with all becoming dignity arose and opened the proceedings. He spoke in English and John McKay, a Native of the Red River settlement, interpreted.²⁶⁸

For McDougall, the most important treaty term was reserved lands. He noted that the Crees used the term *Iskomkan*, meaning “that which is kept back” to refer to reserved lands. These reserves were to be “maintained for the Indians inviolate so long as the grass grows and the rivers run.”²⁶⁹ After the terms were read by Morris, Chief Sweetgrass asked for a day to hold councils among themselves. Morris agreed and on the following day both groups met and Chief Sweetgrass accepted the treaty terms that had been agreed to at Fort Carlton. McDougall recorded Sweetgrass’ acceptance speech:

I am glad to have you as a brother and friend who will help lift us up from our present condition. I thank you for your offer and I am not afraid. I accept gladly... I want you to commence to protect the buffalo. I myself will commence at once to prepare a piece of land and my kinsmen will do the same. Then placing one hand over the governor’s heart and the other over his own he said, “May the white man’s blood never be spilt on this earth. I am thankful that the white man and the Indian can live together. I hold your hand and touch your heart. Let us be one. Do your utmost to help my children that they may prosper.”²⁷⁰

Though more dramatic than Chief Mawedo-penness’s speech recorded by Dawson at Treaty Three, the message was the same – that Indigenous peoples and Euro-Canadians can live together under the treaty and support each other to benefit their children. Sweetgrass understood that the most important principle of the treaty relationship was

²⁶⁷McDougall, *Opening the Great West*, 57.

²⁶⁸*Ibid.*, 58.

²⁶⁹*Ibid.*, 60.

²⁷⁰*Ibid.*, 59-60.

equality, as he said to Morris “let us be one.”

Conclusion

The most significant difference between Treaty Six and the previous numbered treaties was the addition of the medicine chest clause, protection in times of famine and assistance in the transition to agriculture. These terms are unique to Treaty Six and were not included in the later numbered treaties. The addition of these terms reflected the agency of the chiefs who were astute negotiators and were able to extend the mandate of the treaty commissioners. In fact, Morris was severely reprimanded by the Privy Council for authorizing the additional terms. Upon receipt of the text of Treaty Six and the official despatch, the Privy Council replied to Morris not in terms of “services rendered by the Commissioners, but instead what must be regarded as a censure.”²⁷¹ According to Laird, the Governor General “has been advised to express his regret especially that the Commissioners felt it necessary to include in the Treaty, a novel provision, binding the Government to come to the assistance of the Indians included in the Treaty, in the event of their being visited by any pestilence of famine.”²⁷² Morris’ reply to Laird expressed disappointment that the Privy Council placed such a formal opinion “on record” without consultation. In his defence, Morris claimed that assistance in times of pestilence was always given by civilized governments. He recounted the Northwest uneasiness and the opposition to the surveying and construction of the telegraph. Morris also argued that assistance in the transition to agriculture was essential to successful farming on reserves. When the Privy Council warned Laird that the Cree and Saulteaux peoples in Treaty Four would demand the same assistance in the transition to agriculture as offered at Treaty Six, Morris countered that payments in Treaty Four had been made for two extra years. This advantage would offset the additional terms agreed to at Treaty Six.²⁷³

²⁷¹AM, Morris Papers, “Morris to Laird, Government House, Fort Garry, Manitoba March 24th 1877.”

²⁷²Ibid.

²⁷³Ibid.

Though the additional provisions are unique to Treaty Six, the accounts of the negotiations show that the treaties are more similar than different. Treaty Six shares an emphasis on the transition to agriculture as well as similar payments and protections of hunting trapping, prohibition of alcohol and exemption from war service. The eyewitness accounts also revealed that the treaty commissioners neglected to mention the surrender clause during the discussions, which was also the case at Treaties Three, Four and Five. In this respect the eyewitness account confirmed the Treaty Six oral histories, which stated that the Indigenous rights were never surrendered. The oral histories and eyewitness accounts also confirmed that a common understanding was reached on the medicine chest clause and the assistance with the transition to agriculture. One of the few instances where the commissioners and Indigenous negotiators did not come to an understanding was of the significance of the Treaty Six pipe ceremonies. Both Morris and Kerr asserted that the pipe ceremony meant that they had accepted the friendship of the Cree nations. However, the Indigenous understanding of the pipe ceremony evoked the presence of the Creator and ensured that the truth was spoken during the negotiations. Though the commissioners did not appear to fully understand the significance of the pipe ceremony, they knew it was important and vital to the success of treaty.

Chapter Seven: Conclusion

There is moreover, no cast iron form of Treaty which can be imposed on these people. I have taken the leading part in negotiating Treaties Nos. 3, 4. 5. and 6. And in revising Treaties Nos. 1 and 2 and have encountered on all these occasions, difficulties which the commissioners overcame, but which they were able to deal with, only by assuming responsibility, and at the moment, without hesitation, making stipulations to obviate the failure of the treaties.

Alexander Morris¹

The previous chapters analyzed new primary documents and re-evaluated standard sources on the numbered treaties to show that Euro-Canadian negotiators clearly understood the expectations of Indigenous peoples. Most historians who previously argued that the treaty commissioners and Indigenous chiefs did not come to an understanding during the treaty negotiations relied mainly upon the semi processed reports and an uncritical reading of Morris' *Treaties of Canada with the Indians*.² Expanding the source material to include seldom-used eyewitness accounts and Indigenous oral histories revealed that standard sources of treaty history must be analyzed with a critical eye. Many of the contradictions between the government reports and oral histories were resolved by analyzing the accounts left by eyewitnesses to the treaty negotiations, including missionaries, NWMP officers, journalists, settlers and government representatives. These eyewitness accounts and oral histories showed that Indigenous peoples and Euro-Canadians understood the relevance of the numbered treaties and the roles and responsibilities of the treaty relationship.

Summary

The literature review in chapter two divided the secondary sources on the numbered treaties into four separate categories based on a rough linear chronology. The first category focused on nation building and included sources from the turn of the 20th century to World War II. Most of the sources from this period both marginalized and misrepresented the numbered treaties. Stanley's *The Birth of Western Canada* as well as

¹AM, Morris Papers, "Morris to Laird, Government House, Fort Garry, Manitoba March 24th 1877."

²Ray, Miller and Tough, *Bounty and Benevolence*, 204.

works by Allan G. Harper and Lewis H. Thomas described treaty-making in terms of a superior Euro-Canadian civilization dominating inferior Indigenous peoples. Due to the superiority of the Euro-Canadian negotiators, the numbered treaties were merely grants of acceptable terms. Disputes that arose between the two parties were based on cultural misunderstandings, which according to Stanley, served to degrade the value of the numbered treaties. In the 1960s, historians moved from national histories to social histories and the number of secondary sources on Indigenous peoples and treaty-making grew. Arthur J. Ray considered the agency of Indigenous groups and brought Indigenous peoples from the margins of history to a more central role. John Tobias and Harold Cardinal followed by revising many of the standard theories on Indigenous and Euro-Canadian relations. Tobias argued that Canada's treaty policies were neither benevolent nor just, and that the federal government was not prepared to deal with demands for treaties from Indigenous peoples. Cardinal showed that Canada has not met the treaty obligations defined by the Canadian courts' interpretations of treaty rights.

The third category of secondary treaty sources focused on Indigenous and Euro-Canadian relations. This era of scholarship was defined mainly by the work of Jim Miller, Sarah Carter and Walter Hildebrandt. Miller focused much of his work on the use of metaphors and kinship terminology in the chiefs' treaty speeches. His analysis of kinship terms revealed a more complex treaty relationship than historians had previously admitted. Rather than simply sharing the land, Miller argued that the numbered treaties created a familial relationship based on the Indigenous ceremonies and protocols, including the pipe ceremony. Carter focused her analysis of the numbered treaties on the transition to an agricultural economy. She also described many of the historical debates, including the relevance of the surrender clause and dubious ethics of treaty commissioners who avoided chiefs like Big Bear and Piapot who were known to resist settlement. Hildebrandt argued that despite economic pressures in the 1870s, the

Indigenous nations were astute negotiators who secured important benefits through treaty.

The fourth and final category of secondary sources was Indigenous centred histories and included oral history collections by Freda Ahenakew, H. C. Wolfart and Joseph Dion as well as studies of treaty oral histories by Neal McLeod and Sharon Venne. These authors focused mainly on the importance of Indigenous oral histories, which had been previously ignored by historians. Ahenakew and Wolfart's most important contribution to treaty oral histories was their translations of the Cree Elder Jim Kâ-Nîpitêhtêw's speeches. Elder Kâ-Nîpitêhtêw discussed the Treaty Six pipe stem and was one of the first elders to recount that land was to be shared with settlers "to the depth of a plow." Venne emphasized the importance of elder's knowledge of the numbered treaties and reinforced that treaties benefitted both Indigenous peoples and Euro-Canadians. McLeod focused on Treaty Six narratives using both interviews and secondary accounts. He showed how Treaty Six and Cree perspectives are intertwined through the ceremonies and protocols evident during the negotiations.

The final category also included more recent studies that focused exclusively on the numbered treaties. The most recent study of the numbered treaties was Jim Miller's *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* but this was preceded by Robert Talbot's *Negotiating the Numbered Treaties: An Intellectual and Political biography of Alexander Morris* and the twin publications of Harold Cardinal and Walter Hildebrandt's *Treaty Elders of Saskatchewan* and Arthur J. Ray, Jim Miller and Frank Tough's *Bounty and Benevolence: A Documentary History of Saskatchewan Treaties*. Ray, Miller and Tough's *Bounty and Benevolence* is a valuable resource for making the connection between the HBC and the numbered treaties and the critique of the semi-processed commissioners' reports and government documents. Cardinal and Hildebrandt's *Treaty Elders* focused exclusively on treaty oral histories and shared the importance of Indigenous spiritual traditions to the numbered treaties and explained Cree

terms, which related to the Indigenous understanding of the treaty relationship. Talbot's *Negotiating the Numbered Treaties* focused on Treaty Commissioner Alexander Morris' contributions to the numbered treaties and the analysis of primary documents was both critical and revealing. Talbot managed to show that Morris' was committed to the numbered treaties and many of the treaty terms he introduced took the interests of Indigenous nations into account.

Taken as a whole, the secondary sources begin to tell the history of the numbered treaties, but there are gaps in the analysis and the use of primary sources. Very few secondary sources included eyewitness accounts of the numbered treaties, especially those by Euro-Canadians. These accounts have been ignored because historians concluded that Euro-Canadian witnesses to treaty did not understand Indigenous perspectives. However, as the previous chapters argued, many of the eyewitnesses to the treaty negotiations clearly understood the Indigenous perspectives of the treaty relationship. Beginning in the 1970s, there have been numerous published treaty oral histories, but both these and oral history interviews collected as primary archival documents have been under utilized by historians. Other primary sources missing from the secondary literature included the personal papers of the treaty commissioners, as well as letters and reminiscences collected in archives and published primary sources. The most glaring critique of the secondary sources is that most authors accepted primary documents at face value, especially those written by Morris and his fellow treaty commissioners.

Chapter Three focused on Treaties One and Two and the outside promises and also briefly discussed the failed negotiations with the Anishnabeg peoples at Lake of the Woods in 1871. After the failure of the Lake of the Woods negotiations in 1871, Indian Commissioner Wemyss Simpson travelled to Red River where he announced that the Treaty One negotiations would take place at Fort Garry on July 25th with Lieutenant-

Governor Adams Archibald and James McKay.³ The Treaty One negotiations took five days and were summarized by a journalist from *The Manitoban* newspaper. Many of the early newspaper accounts of the numbered treaty negotiations emphasized an understanding of the treaty relationship, rather than simple land transactions. The newspapers represented the interests of settlers who were worried that treaties would not be made, and once made, not honoured. The early settlers knew that honouring the terms of the numbered treaties was in their best interests because it protected their security.

Chapter Four described the Treaty Three negotiations at Lake of the Woods in 1873, as well as the right-of-way negotiations at Fort Frances beginning in 1870. After the first Riel Resistance of 1869 the Canadian government needed to negotiate a right-of-way through Anishnabeg territory for the Canadian military. Indian Commissioner Simpson, Simon J. Dawson and Robert Pither negotiated a right-of-way in 1870 for the safe passage of the troops in exchange for a three dollar annuity payment.⁴ Beginning in 1871, the treaty commissioners attempted to negotiate a comprehensive treaty, which would allow settlement, mining and resource development. However, the chiefs wanted to protect their gardens and fisheries and did not want to allow settlers or miners in their territories. After the negotiations in 1871 and 1872 at Fort Frances ended in failure, Lieutenant-Governor Alexander Morris was appointed to negotiate Treaty Three in 1873 and was successful.

Chapter Five described the Treaty Four negotiations of 1874 and Treaty Five negotiations of 1875. Treaty Four was negotiated by Morris, former HBC Factor William Joseph Christie and the new Minister of the Interior David Laird, with the Cree, Saulteaux and Assiniboine peoples of the Fort Qu'Appelle area. There had been increased pressures to negotiate treaties further west since 1871 and great dissatisfaction

³“Indian Treaties: The Chippewas in Council” in *The Manitoban*, July 22, 1871.

⁴LAC, RG10, Vol. 1864, File 375, Despatch from Simpson, Dawson and Pither to Joseph Howe, July 11, 1871.

by the Cree and Saulteaux nations over transfer of Rupertsland to the Canadian government for \$300,000 pounds (1869-70).⁵ Most of the official reports and the accounts of the negotiations published in Morris' *Treaties of Canada with the Indians* claimed that divisions between the Cree and Saulteaux delayed the success of the negotiations. However, a critical look at these sources revealed that the division was between the Indigenous nations and the HBC. The Treaty Five negotiations focused mainly on providing access to Lake Winnipeg and were complicated by the commissioners' reliance on the negotiation of adhesions to the treaty in 1876 and later years.

The last chapter described Treaty Six, negotiated at Forts Carlton and Pitt in August and September of 1876. In 1875 there was a feeling of discontent among the Cree communities of the Fort Carlton and Pitt areas. Chief Sweetgrass had requested a treaty with the Crown as early as 1871, but in 1875 the Canadian government sent the construction crew for the telegraph line and the geological survey into Cree territory prior to the negotiation of a treaty. After the geological survey was confined to Fort Carlton and the construction crew was stopped by the Cree and Saulteaux, Canada agreed to negotiate Treaty Six. There are a number of eyewitness accounts of the Treaty Six negotiations, including the recollections of Peter Erasmus (interpreter), A. G. Jackes (clerk), Captain William Parker and Samuel Steele (NWMP), as well as John Andrew Kerr (guide), Vital Grandin and John McDougall (missionaries). The analysis of these accounts showed significant differences when compared to the official government documents. The official accounts claimed there was little opposition to treaty and the chiefs accepted the terms as offered by the commissioners. The other eyewitness accounts documented opposition from Poundmaker and The Badger. It was only after much internal debate by the chiefs and an unprecedented increase in treaty terms,

⁵Taylor, "Treaty Research Report: Treaty Four," 13.

including the medicine chest clause, protection in times of famine and assistance with the transition to agriculture, that an agreement was reached.⁶

Main Findings

As mentioned throughout this thesis, the surrender clause was the most contentious point of the numbered treaty negotiations. The text of the numbered treaties clearly stated that the Indigenous nations surrendered their “rights, titles and privileges to the land.” However, there is no evidence that Morris or his fellow treaty commissioners discussed the surrender clause during any of the oral treaty negotiations. Taylor noted that the accounts of Treaty Six by Morris and Jackes do not mention the surrender clause.⁷ More recently, St. Germain stated that the “official record gives little indication that the land question was ever raised” during the Treaty Six negotiations. St. Germain also argued that because the surrender clause was the “first substantive issue” in the treaty text, the Crees were likely aware of it.⁸ However, the focus of this thesis on the first six numbered treaties revealed an alternate explanation. All of the commissioners’ accounts claimed that the interpreters read the terms of treaty at the end of the negotiations, but I argued that the interpreters for Treaties Three, Four, Five and Six were chosen because they supported the treaty. It is unlikely that these interpreters completely ignored the surrender clause, but they could have softened their interpretation of the clause in order to avoid controversy. At the very least, the absence of the surrender clause during the verbal discussions casts doubt on the validity of the complete surrender of Indigenous lands. Though St. Germain focused mainly on Treaty Six, she described the Canadian government’s obfuscation of the land issue as “disingenuous” with immense negative repercussions for future treaty negotiations.⁹

⁶LAC, RG10, Volume 1847, IT 296, Indian Affairs Consecutive Number 157A, “Original Manuscript of Treaty Number Six.”

⁷Taylor, “Treaty Research Report: Treaty Six, 14.

⁸St. Germain, *Broken Treaties*, 53-54.

⁹*Ibid.*, 45.

Also important to the study of the numbered treaties is the unsuccessful negotiations between the Crown and Anishnabeg chiefs at Fort Frances in 1871 and 1872. The early failures to negotiate a comprehensive treaty in 1871 and 1872 have received little attention from historians. In 1871 there was immense pressure to conclude a treaty at Lake of the Woods to provide access to the prairies through the Dawson Route and encourage settlement. That the chiefs and commissioners could not come to terms emphasized agency on the part of the Anishnabeg peoples. It was not a “take it or leave it proposition” and the chiefs held on for better terms before allowing settlement in their territories. The outside promises of Treaties One and Two have also received very little attention from historians. These were verbal promises made during the Treaty One negotiations, but not added to the text of treaty. These promises also emphasized the agency of the Treaty One chiefs, as they would not accept their annuity payments and resisted accepting the treaty for four years until the provisions were added to Treaties One and Two. The provisions included providing treaty suits for chiefs and councillors, buggies for the chiefs, agricultural tools, supplies and farm animals. By accepting the outside promises memorandum, the Treaty One and Two nations also received increased annuity payments to the same level as those paid at Treaty Three in 1873 (five dollars). The outside promises emphasized a common understanding because the commissioner learned that verbal promises made during the negotiations could not be made half-heartedly and then purposely omitted from the treaty text. The Treaty One chiefs had long memories and would not be manipulated or taken advantage of during the negotiations.

Most of the secondary sources on Treaty Three argued that the success of the 1873 negotiations was due to the influence of James McKay and the Red River Métis,¹⁰ as well as the portrayal of Morris as a representative of Her Majesty The Queen.¹¹ Treaty

¹⁰Walmark, “Alexander Morris and the Saulteaux,” 104.

¹¹Talbot, *Negotiating The Numbered Treaties*, 10.

Three also required Chief Sah-Katch-eway to break ranks from his fellow chiefs and accept the commissioners' terms. Treaty Three would also have not been successful without the added pressures of the failed negotiations in 1871 and 1872 as well as the increased terms, including higher annuities and one-time payment, increased reserve size and added agricultural supplies. The analysis of Treaty Three also showed that the commissioner's reports must be read with a critical eye. There were three primary accounts of the Treaty Three negotiations. The first account was recorded by Morris and the second was recorded by a journalist for *The Manitoban*. Both accounts were published in Morris' *Treaties of Canada with the Indians*. The third account was recorded by Dawson and collected with his personal papers, but never published. Dawson's account differed significantly from Morris' account, which suggested that Morris may have shaped his own accounts of the negotiations to fit the goals of the Canadian government. A critical look at the accounts of Treaty Three also revealed that the commissioners portrayed the surrender clause in an underhanded way during the negotiations. Though the text of Treaty Three clearly stated that the Indigenous peoples "cede, surrender and yield up" their lands, both the eyewitness accounts and Treaty Three oral histories affirm that this was not discussed during the oral negotiations.

This thesis also argued that during the Treaty Four negotiations, the commissioners' association with the HBC created mistrust between Canada and the Cree and Saulteaux. A close look at the commissioners' reports revealed that Morris edited sections of the account of the negotiations in *The Manitoban* to downplay the tensions with the HBC. The Treaty Four oral histories also confirmed the animosity between the Indigenous nations and the HBC. Interviews with Treaty Four Elders revealed that many of the delays during the Treaty Four negotiations were to conduct ceremonies and hold chiefs' councils. According to the elders, the chiefs did not know if they could trust the commissioners. Finally, after many days of preparations and negotiations the chiefs

believed that they could trust the Canadian government and enter into a treaty relationship.

The account of the Treaty Four negotiations by F.L. Hunt emphasized the importance of journalists as eyewitnesses to the treaty negotiations. Though Hunt's account of the negotiations was very similar to the official account recorded by Dickieson, the journalist had a different focus that captured some of the nuances of the discussions. Hunt noted that Morris and Laird had a different negotiating style. Morris' approach was more conciliatory and he was less likely to support the rights of the HBC and chastise the chiefs, as Laird had done. Hunt also captured the essence of treaty-making by quoting from Pah-tah-kay-we-nin who knew that "God gives us land in different places and when we meet together as friends, we ask from each other and do not quarrel as we do so."¹² Hunt believed that both the Cree peoples and Europeans have their lands and that a treaty relationship should be based on sharing and respect. Hunt also witnessed Treaty Four interpreter Charles Pratt's interpretation of the treaty text. Hunt noted that Pratt had been unprepared to translate the treaty and looked at the "bulky looking document" with a "look of dismay."¹³ This is an important point because historians have not considered the challenge of both reading and interpreting such a lengthy document. The Treaty Four text is 5 pages long with 168 lines of text.¹⁴ It would have been incredibly difficult to translate the entire document. Bishop Vital Grandin emphasized this point at the close of the Treaty Six negotiations when he was accosted by Jackes and asked to sign Treaty Six as a witness. Both Grandin and Scollen signed the document, but Grandin expressed regret that he did not have time to read the lengthy document and ensure that Chief Sweetgrass' request for Catholic schools had been

¹²F. L. Hunt, "Notes on the Qu'Appelle Treaty," 181.

¹³Ibid., 180.

¹⁴LAC, RG10, Volume 1876, IT 272, Indian Affairs Consecutive Number 135, "Treaty 4, September 15, 1874."

included in the text.¹⁵

Treaty Six was the last treaty negotiated by Morris and had the largest number of published eyewitness accounts of the negotiations. Most of these eyewitness accounts conflicted with the official versions recorded by Jackes and Morris, which have been over-utilized by historians. The eyewitness accounts also revealed that the treaty commissioners neglected to mention the surrender clause during the discussions, which was also the case at Treaties Three, Four and Five. In this respect, the eyewitness accounts confirmed the Treaty Six oral histories, which stated that the Indigenous rights were never surrendered. The oral histories and eyewitness accounts also confirmed that a common understanding was reached on the medicine chest clause and the assistance with the transition to agriculture. Most of secondary literature on Treaty Six oral histories focused on a critique of the written terms of treaty or a discussion of the kinship terms used by the chiefs during the negotiations. A critique of the written terms of treaty is important and the kinship terminology emphasized the familial obligations shared by both sides in the treaty relationship.

The most significant difference between Treaty Six and the previous numbered treaties was the addition of the medicine chest clause, protection in times of famine and assistance in the transition to agriculture. These terms are unique to Treaty Six and were not included in the later numbered treaties. The addition of these terms reflected the agency of the chiefs who were astute negotiators and were able to extend the mandate of the treaty commissioners. In fact, Morris was severely reprimanded for authorizing the additional terms. Upon receipt of the text of Treaty Six, the Privy Council replied to Morris not in terms of “services rendered by the Commissioners, but instead what must be regarded as a censure.”¹⁶ According to Laird, the Governor General “has been advised

¹⁵PAA, OMI Archives Grandin Province, 84.400 / 961. Box 33, “Grandin’s account of his journey from St. Alert to Fort Pitt, 1876.”

¹⁶AM, Morris Papers, “Morris to Laird, Government House, Fort Garry, Manitoba March 24th 1877.”

to express his regret especially that the Commissioners felt it necessary to include in the Treaty, a novel provision, binding the Government to come to the assistance of the Indians included in the Treaty, in the event of their being visited by any pestilence of famine.”¹⁷ Morris’ reply to Laird expressed disappointment that the Privy Council placed such a formal opinion “on record” without consultation. He defended his decision as necessary and without the increased terms, the chiefs would not have agreed to the treaty.

The primary documents analyzed in this thesis describe a treaty relationship that is central to the relationship between settlers and Indigenous peoples. Indigenous peoples agreed to share the land so that settlers could make a living through farming. Through the negotiation of the numbered treaties, Euro-Canadians received access to the land and the security of peaceful relations with Indigenous peoples. Euro-Canadians were also required to act as stewards of the land, in partnership with Indigenous peoples.¹⁸ Indigenous nations retained reserved lands, which were not shared with Euro-Canadians and also retained the rights to hunt, fish, trap and gather on unoccupied lands. The treaty relationship described governance as an equal partnership with Indigenous peoples and Euro-Canadians. For Indigenous communities, the right to govern was reflected in the symbolism of the chief’s treaty suit and the right to police was reflected in the headman’s suit. Other Indigenous rights that were retained through the treaty relationship were the right to the conservation of both plant and animal resources, as reflected in the multiple requests to preserve the buffalo. The Indigenous nations were also not required to fight in any foreign wars.

In exchange for sharing the land and entering into a partnership with Euro-Canadians, Indigenous nations received a number of benefits under the numbered treaties. These included the protection of the NWMP and the protection of reserved lands to ensure they are administered in the best interests of the Indigenous peoples. All

¹⁷Ibid.

¹⁸Sliwa, “Treaty Day for the Willow Cree,” 8.

Indigenous peoples who accepted treaty received a one-time payment of twelve dollars and an annuity payment of five dollars (chiefs and headmen received an annuity of twenty-five and fifteen dollars, respectively). The Canadian government also agreed to provide the “cunning of the white man” and establish schools on reserves for those who desire it.¹⁹ Each Indigenous nation under the numbered treaties also receives annual funding to purchase ammunition and twine and chiefs and headmen receive suitable suits of clothing every three years. At the close of the treaty negotiations the chiefs received a flag and treaty medal and at times a buggy or wagon. An essential component of the treaty relationship was assistance with the transition to agriculture. By the close of the Treaty Six negotiations, the buffalo herds had almost vanished and the chiefs looked to agriculture as a means of making a living. The Canadian government agreed to provide agricultural tools, seed and animals to encourage “the practice of agriculture.” During the Treaty Six negotiations the government also agreed to provide provisions for three years to those making the transition to agriculture. Treaty Six also included assistance in times of famine or pestilence and health protection in the form of the medicine chest clause.

With the exception of the surrender clause, the treaty benefits to both Indigenous peoples and Euro-Canadians were clearly acknowledged during the treaty-making period. The numbered treaties were not restricted by cultural misunderstandings. Both Indigenous peoples and Euro-Canadians clearly understood the treaty relationship and this is reflected in the eyewitness accounts of the numbered treaties. The most well-known quotation from the history of the numbered treaties was that the treaties would last “as long as the sun shines, the grass grows and the rivers flow.” It is important to note that this idea originated with the Crown and was often repeated by the commissioners.²⁰ The Indigenous nations also viewed treaties as lasting forever, but this was affirmed through

¹⁹LAC, RG10, Volume 3614, File 4063, “Report of Proceedings by M. G. Dickieson, Fourth Day’s Proceedings, September 12, 1874.”

²⁰Special Correspondent, “The Chippewa Treaty,” in *The Manitoban*, August 5, 1871.

Indigenous spirituality and the pipe ceremonies. Indigenous peoples and Euro-Canadians had different cultures and traditions, but they could both understand the shared rights and responsibilities under the treaty relationship.

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