

# PRAIRIE FORUM

Vol. 17, No. 2

Fall 1992

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PRAIRIE FORUM is published twice yearly, in Spring and Fall. The annual subscription rate, *in Canada*, is: Individuals – \$21.40; Institutions – \$26.75; single copies and special issues: Individuals – \$10.70; Institutions – \$13.38 (all prices include GST). *Out of Canada*: Individuals – \$20.00; Institutions – \$25.00. There is also a \$2.00 postage and handling charge for out-of-Canada orders and for non-subscribers. All subscriptions, correspondence and contributions should be sent to: The Editor, *Prairie Forum*, Canadian Plains Research Center, University of Regina, Regina, Saskatchewan, Canada, S4S 0A2. Subscribers will also receive the *Canadian Plains Bulletin*, the newsletter of the Canadian Plains Research Center.

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CANADIAN PLAINS RESEARCH CENTER

ISSN 0317-6282





## Introduction

This special issue of *Prairie Forum* focusses on aboriginal peoples and studies. Publication was planned for the fall of 1992, coinciding with the contentious 500th anniversary of the arrival of Christopher Columbus in the Americas.

Studies of aboriginal peoples have been dominated by a conventional scholarship, which has empowered non-Native academics, who have defined the issues they feel to be the critical ones. Until recently, few aboriginals have contributed directly to the growth of this scholarship and its products, while they have continued to be the objects of study. This situation is paralleled by the historic subordination and marginalization of aboriginal peoples in North American society, a process that began five centuries ago, with the "discovery" of the Americas by Europeans and the incorporation of its lands and peoples into a world economy dominated by a European core.

The decades since World War II have seen the cultural, political, economic and religious revitalization of aboriginal communities, with consequences for research approaches in the social sciences, natural sciences, and humanities. This special issue of *Prairie Forum* is intended to explore alternative scholarship, challenging conventional understandings of how aboriginal cultures, lifeways and histories should be studied and represented. A call for papers was widely distributed; it was hoped to include in the issue papers from both aboriginal and non-aboriginal scholars. Unfortunately, the response from aboriginal scholars was minimal. In part, that reflects the relatively small number of aboriginal peoples who have entered the humanities and social sciences. However, many of the authors of the papers have involved aboriginal peoples directly in their research and interpretation efforts, and they are addressing issues of direct concern to aboriginal communities.

### The Papers

One of the legacies of the journeys of Columbus and the other Europeans who followed was the transmission of new diseases to the aboriginal populations of the Americas, with usually devastating consequences. Ann Herring considers the evidence for the existence of diseases in the era before contact and for the nature of the disease experience after contact. Post-contact disease epidemics were not uniform either in incidence of disease or in demographic implications, which in turn has implications for the study of pre-contact disease.

We often bemoan the anonymity of aboriginal peoples in the post-contact period. Even when particular persons are identified, the details of their identities are often confusing. Raymond Beaumont presents the exhaustive research he has conducted into the early life of Sakachuwescum, known in his later life as the Reverend Henry Budd. He shows how a persistent and careful study of archival documents can be made to yield a great deal of information about some aboriginal people. It is the precision of his search, along with some informed guesswork, that makes this article a first-rate exercise in historical detective work.

The search for pre-contact and post-contact aboriginal occupation sites can also profit from a careful reading of both archival documents and the features of the landscape. Another piece of detective work is explained by David Meyer,

Terry Gibson and Dale Russell, who rediscovered Pasquatinow, an aboriginal gathering centre in the Saskatchewan River valley.

Frank Tough takes a critical look at the Deed of Surrender, the agreement that transferred Rupert's Land and the North-Western Territory to the Dominion of Canada, a topic largely unexplored in traditional Canadian constitutional history, but critical to the history of northwestern Canada and the issues of comprehensive and specific Native claims in those regions. As well, this article reflects the new scholarly interest in topics previously taken for granted.

David Lee deconstructs a romantic myth about Piapot, a highly respected Cree leader, who was believed to have backed down in an encounter with the North West Mounted Police over the building of the Canadian Pacific Railway. He suggests reasons for the persistence of this tale in the accounts of (non-aboriginal) historians.

The study of aboriginal material culture can provide another lens on the past. Valerie Robertson analyzes some of the ledger paintings acquired from an Assiniboine artist by Dr. O.C. Edwards, an Indian agent physician in Assiniboia between 1882 and 1901. As well as utilizing conventional artistic and historic approaches, she has begun to study these paintings with the assistance of band members, acknowledging the contributions that can be made by aboriginal peoples in the interpretation of their historic material culture and art.

The issue contains two articles relating to cultural tourism. Robert Coutts focusses on the historic site of York Factory, raising issues related to research about and interpretation of such sites. Parks Canada has begun to work cooperatively with aboriginal communities in the study and interpretation of sites with aboriginal components.

In a post-modernist analysis, Robert Rock considers the possibilities for involvement by the Peigans and Bloods in the burgeoning heritage tourism industry. He examines the socioeconomic and sociocultural impacts of the "stacking" of tourist facilities in a relatively small region of southern Alberta, as well as the conflicts between a mandate for heritage preservation and the business of tourism.

Catherine Bell provides an introduction to contemporary legal issues surrounding the subject of cultural property and aboriginal rights. Many readers will be familiar with recent requests and demands by aboriginal peoples for the return ("repatriation") of material culture housed in museum collections. However, "cultural property" is a broader subject, one that is just beginning to receive the concerned attention of aboriginal communities.

The last entry in the issue is a review article by David Smyth of John Milloy's *The Plains Cree*. While this book has been heralded as a major contribution to the literature of the Plains Cree, Smyth cautions the reader about the need to read its analysis critically.

Patricia A. McCormack, Ph.D.  
Special Issue Editor

# Toward a Reconsideration of Disease and Contact in the Americas

D. Ann Herring

**ABSTRACT.** The common assumptions that serious infectious disease epidemics did not occur before prolonged European contact and that introduced European and African pathogens produced inevitable and devastating epidemics in the Americas are discussed. Evidence for pre-contact epidemics in southern Ontario Iroquoia is presented. The importance of fertility data for evaluating the demographic consequences of virgin soil epidemics is discussed and illustrated with a case study of the 1918 Spanish influenza epidemic at Norway House, Manitoba. It is argued that pre-contact infectious disease loads in specific regional sequences must be evaluated before the differential impact of post-contact pathogens can be adequately assessed. Monte Carlo simulations, mathematical modelling, the tracking of epidemic cycles, application of models developed for disease and sequences outside of the Americas and more extensive use of information contained in parish registers are suggested avenues for developing a more comprehensive understanding of disease and contact in the Americas.

**SOMMAIRE.** Dans cet article, on remet en question des postulats communs qui veulent qu'il n'y ait jamais eu d'épidémies de maladies contagieuses avant le contact prolongé avec des Européens et que ce sont des pathogènes européens et africains qui ont entraîné des épidémies fatales et dévastatrices aux Amériques. On y présente des preuves que la nation iroquoise du sud de l'Ontario a connu des épidémies avant le contact avec les Européens. On s'appuie sur l'épidémie de grippe espagnole qui a frappé Norway House au Manitoba en 1918 pour discuter et illustrer l'importance des données de fertilité afin d'évaluer les conséquences démographiques des épidémies qui s'abattent sur un terrain vierge. On y affirme qu'on doit évaluer les conséquences d'une maladie contagieuse avant le contact par séquences régionales précises avant de pouvoir bien évaluer l'impact différentiel des pathogènes après le contact. Afin de mieux comprendre la maladie et le contact aux Amériques, on suggère d'avoir recours à des simulations Monte-Carlo, des modèles mathématiques, des relevés des cycles épidémiques, à l'application de modèles élaborés pour les maladies et les séquences en dehors du continent américain et à une utilisation plus approfondie des registres paroissiaux.

The 500th anniversary of Columbus's journey from Spain to the West Indies has rekindled popular interest in the significance of Europe's first prolonged encounter with the Americas and with the people in it (Booth 1991; Nikiforuk 1991). One facet of the "Columbian encounter" that has preoccupied anthropologists and historians for several decades is the idea that devastating, imported European diseases precipitated an unprecedented demographic crisis in the Americas. For some, epidemiological reconstructions constitute "the key to explaining and describing Native American depopulation" (Dobyns 1984: 17); for others, "It was their germs, not these imperialists themselves, for all their brutality and callousness, that were chiefly responsible for sweeping aside the indigenes and opening the Neo-Europes to demographic takeover" (Crosby 1986: 196).

To date, most of the vigorous debate about disease and contact in the Americas has centred on the post-contact period (an exception is Verano and Ubelaker 1992). Major issues include: estimating initial and subsequent population sizes (see Ubelaker 1988 for a review); assessing the demographic impact of introduced epidemics (Meister 1976; Helm 1980; Dobyns 1983; Krech 1983; Crosby 1986); evaluating and developing appropriate methods and sources of data for deriving depopulation estimates (Dobyns 1966; Joraleman 1982; Thornton 1987; Henige 1990); and

estimating the timing and patterns of diffusion of early epidemics (Ramenofsky 1987; Decker 1988; Snow and Lanphear 1988; Dobyns 1989; Reff 1991).

Bruce Trigger (1985: 244) in *Natives and Newcomers* cautions, however, that "scholars should not succumb to the temptation of believing that in prehistoric times illness had not been prevalent or of concern to native people," stressing that "there is physical anthropological evidence of much chronic illness prior to the sixteenth century." But despite the recognition that infectious agents and pathogenic processes affected Amerindian populations well before prolonged European contact, few attempts have been made to evaluate the extent of pre-contact disease loads or to speculate on the effect these might have had on the experience of post-contact epidemics.

In fact, two common assumptions persist in visions of the relationship between European contact and disease: that serious epidemics did not occur prior to 1492 A.D., and that introduced European and African pathogens produced inevitable and virtually universal devastating epidemics. This article reviews some of the evidence for pre-contact disease in the Americas and discusses recent research initiatives in southern Ontario Iroquoia that suggest that epidemics occurred in the region prior to European contact. I then consider some of the evidence for variation in the experience of virgin soil epidemics and studies that indicate that mortality data alone are insufficient to gauge the demographic effects of epidemics. Lastly, I suggest a number of research directions that may lead to a more comprehensive understanding of disease and contact in the Americas.

### **Pre-contact Disease and Epidemics in the Americas**

The evidence for health and disease in the Americas prior to European contact has been pieced together by physical anthropologists and paleopathologists from surviving bones, teeth and mummified tissue in archaeological context. This research has demonstrated that infectious diseases, with the capacity to erupt into epidemic form, were clearly present in the pre-contact Americas. Communicable diseases such as tuberculosis (Allison, Mendoza and Pezzia 1973; Katzenberg 1977; Buikstra and Cook 1981; Clarke et al. 1987), hookworm (Allison, Pezzia, Hasegawa and Gerszten 1974), Carrion's disease and other rickettsial diseases (Allison, Pezzia, Gerszten and Mendoza 1974), salmonellosis (Sawicki et al. 1976), amoebic dysentery, arthropod-borne viral fevers, American leishmaniasis and trypanosomiasis (Newman 1976), to name a few, appear to have been part of the American microbiological environment prior to 1492 A.D. Even supposedly harsh environments like the arctic which were once thought to have filtered out pathogens harboured by trans-Beringian migrants (Stewart 1973), accommodated an impressive catalogue of viruses, bacteria and parasites which likely infected people prior to European contact (Fortuine 1989: 45-72). Environmental mycobacteria,<sup>1</sup> in particular, flourish in arctic tundra conditions, especially in sphagnum moors (Clarke et al. 1987: 51).

It is not sufficient to simply identify the presence of infectious agents prior to European contact, for microorganisms will not erupt into epidemic form unless there are frequent opportunities for contact with animal reservoirs or insect vectors, or unless there is regular contact which allows them to spread from person to person. Social circumstances create the opportunities for the spread of infection and thus define the limits of a microorganism's reproductive success within a human population (Dubos 1965; Black 1990).

Recognition of the importance of the socioecological context of human disease has led to the frequent observation that domestic animal reservoirs were lacking in the Americas, contributing to "the relatively disease-free pre-contact condition of Indians and Eskimos" (Newman 1976: 668). The potential for contracting zoonotic diseases, however, is high in any society in which people come in frequent contact with animals, animal wastes and insects (Fortuine 1989: 45-72). The impact of zoonotic disease in prehistoric societies, moreover, likely varied to a great degree, depending on local environmental features and subsistence activities.<sup>2</sup> Cohen (1989: 33) suggests, for instance, that tularemia, a dangerous relative of bubonic plague, may have been a serious affliction in American Indian communities whose subsistence economies involved the regular handling of game and fur-bearing animals. In a similar way, bison were a possible reservoir for *Mycobacterium bovis* in the pre-contact Americas (Buikstra 1981:13; Clarke et al. 1987:51) and infected herds may have exposed populations dependent on them to the risk of tuberculosis.

There is no doubt that small, sparsely distributed populations are unable to sustain density-dependent infectious agents (Black 1975, 1980). Microorganisms that follow a K-selection strategy,<sup>3</sup> however, can survive in endemic form under these demographic conditions. Examples of K-strategists include the treponematoses, mycobacteria and herpesviruses, none of which require large populations to take a constant toll of human life. They simply multiply slowly, persist in walled-off lesions, and provoke recurrent bouts of infectivity and disease (Fenner 1980). Once again, it is clear that even pre-contact gatherer-hunter communities were at risk of epidemics of infectious disease prior to the introduction of acute community infections from abroad. Given the general observation that infectious disease loads have increased through time, broadening the range of infections and increasing the opportunities for infection through increased population size and socioecological changes (Cohen 1989: 54; Armelagos et al. 1990), it must be concluded that the large number of agricultural and urbanized societies in the pre-contact Americas were fertile soil for infectious disease epidemics.

Over and above these general epidemiologic and demographic considerations, archaeological reconstructions make it quite clear that social conditions favourable for microorganisms to flourish were present in the Americas prior to European contact. Saunders, Ramsden and Herring (in press) argue, for instance, that pre-contact demographic and sanitary-

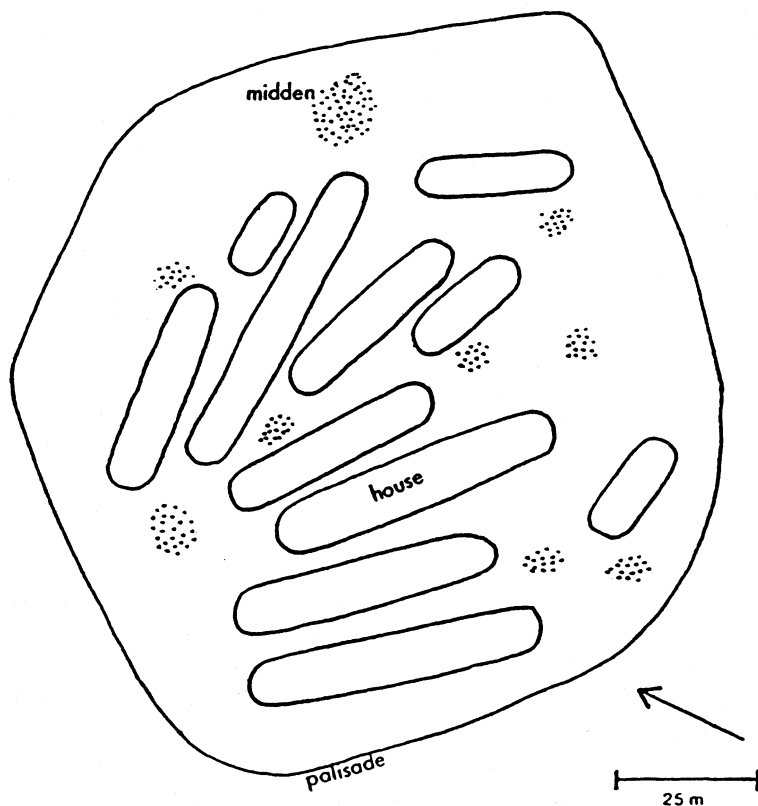


Figure 1. A "typical" pre-contact Ontario Iroquoian village as represented by the earliest Phase A of the Draper site. (From Saunders et al., 1992: 120.)

social conditions in southern Ontario Iroquoia were conducive to infectious disease epidemics. From about the eighth century to the seventeenth century, southern Ontario experienced a major demographic transformation through population increase, the emergence of larger and more numerous villages, increased village coalescence, and augmentation of the local population with migrant Iroquois from the south and southeast (Warrick 1984). The net effect of these processes was a substantial increase in village population densities and the creation of conditions necessary for person to person spread of infectious agents both within and between villages in the region.

Even the structure of Iroquoian villages was conducive to epidemic outbreaks. This is illustrated by the prehistoric Draper Site (phase A), dated to about 1450 A.D., which Finlayson (1985) conservatively estimates was occupied by 200 to 400 people who lived in eleven long-houses (Figure 1). The crowded village environment, in which the space between longhouses rarely exceeded three metres, was also pervaded with refuse dumps of

organic waste. Such sanitary-social circumstances meant that villagers not only were in close contact with each other, but also with the insects, dogs, and rodents that infested or were periodically drawn to the dumps.

Village inhabitants thus would have been at risk of contracting a variety of infections, such as encephalitis, rabies, and rickettsial diseases,<sup>4</sup> and living conditions would have facilitated outbreaks of endemic enteric bacterial infections like dysentery or airborne diseases such as pneumonia and tuberculosis (Saunders et al., in press). Recent work in Sarawak suggests, moreover, that longhouse living itself may be conducive to the flourishing of mycobacterial disease (Chen 1988). It is possible, therefore, that the regular relocation of Iroquoian villages every few decades or so was impelled by pest infestations and declining sanitary conditions, not just resource depletion (Fecteau et al. 1991).

There is strong evidence for pre-contact infectious disease stress and epidemics in southern Ontario Iroquoia, in keeping with the densely populated communities, complexly networked social structures, and demographically and epidemiologically dynamic populations that occupied the region at that time (for reviews see Pfeiffer 1984; Saunders et al., in press). In particular, resorptive lesions resembling tuberculosis have been identified at a number of Ontario Iroquoian sites dated from 900 to 1300 A.D. (Wright and Anderson 1969; Hartney 1981). Interestingly, these lesions begin to be detected around the time that the first longhouse villages appear in the archaeological record. If this observation represents a real increase in the bony expression of tuberculosis, then its coincidence with a change in the structure of social networks is consistent with the argument from theoretical ecology that the most important determinant of transmission patterns in person-to-person diseases is the organization of contact and interactions (McGrath 1988a: 329).

Temporal increases observed in the prevalence of tuberculosis lesions in southern Ontario Iroquoia, coupled with skeletal evidence from the Uxbridge site<sup>5</sup> (radiocarbon date estimated at  $1490 \pm 80$  A.D.), lead Pfeiffer (1984: 188) to hypothesize that the disease was in the endemic, terminal phase of an epidemic cycle.<sup>6</sup> Taken together, the various lines of evidence, both osteological and socio-ecological, suggest that outbreaks of tuberculosis may have occurred in southern Ontario Iroquoia well before European contact. Whether this was the case for other areas in the northeast remains to be demonstrated. McGrath (1988b), for instance, argues from computer simulations of the lower Illinois River valley from middle Woodland to Mississippian times that *M. tuberculosis* could not account for tuberculosis-like lesions found in the archaeological record for Mississippian times. The application of mathematical models of specific infectious diseases to the archaeological record is clearly an important new development for understanding pre-contact health and disease (see Ramenofsky 1987).

Other presumptive evidence of declining health conditions in the region, prior to European contact, comes from studies of dental caries (Patterson

1984) and of the quality of subadult and adult cortical bone (Pfeiffer and King 1983; Pfeiffer 1986; Saunders and Melbye 1990). If these reconstructions are a reliable reflection of health in the prehistoric and protohistoric periods, then it is tempting to speculate that introduced epidemics of European acute community infections such as measles, smallpox, and whooping cough probably took a more devastating toll in southern Ontario than they did in other areas where health was less compromised, or where living conditions were less favourable for the spread of airborne disease.

### **Variation in the Experience of Epidemics**

Beyond the effects that preexisting infectious disease loads may have had on the impact of introduced pathogens, other avenues of research continue to demonstrate that the impact of virgin soil epidemics in the Americas was not homogeneous, nor was the transmission of infectious agents from community to community inevitable. There must have been significant differences in the biosocial toll of epidemics, as is the case everywhere else in the world, simply because of the immense variety and complexity of the sociocultural and demographic fabric of aboriginal societies (McGrath 1988a; Reff 1991: 181-242). It is also important to acknowledge that microorganisms do not, in and of themselves, cause high mortality during virgin soil epidemics. Rather, high mortality is firmly embedded in the disintegration of daily life which accompanies community-wide sickness (see also Neel 1982a: 48). This is especially true for groups whose subsistence strategies do not include large stores of food or water.

Janet McGrath's work (1991: 412-14) on epidemics listed in the human relations area files suggests that there is a continuum or gradient of social responses to epidemics. The extent to which social disruption occurs, moreover, depends to a great extent on the speed at which the disease spreads, as well as on its mortality rate. The magnitude of disease and death, in turn, are influenced by social responses. Flight from an epidemic, for example, can either break the chain of transmission or spread microorganisms to other locations. In other words, local historical, social, and demographic circumstances are critical for understanding population responses to epidemics and these are extremely diverse.

This point is illustrated by the significant mortality differences observed in Ojibwa/Cree trading-post communities in the central Canadian subarctic during the 1918 Spanish flu epidemic (Herring 1989, 1990, in press).<sup>7</sup> Analysis of parish and Hudson's Bay Company records revealed that Norway House, the headquarters for the Norway House Fur District, experienced a horrendous influenza mortality rate of 183 deaths per 1,000. That winter, some 18 percent of the population perished during the six-week duration of this virgin soil epidemic. This is six times higher than the estimated 3 percent of the total Canadian Indian population lost to Spanish flu (Graham-Cummings 1967: 149). In contrast, no one died or even got sick at God's Lake or Oxford House, two other posts in the Norway House district. Indeed, aboriginal communities in relatively close contact with the



central source of infection (Winnipeg, Manitoba) suffered more severely than those further removed from it (Herring, in press).

While the intensity of Spanish flu at Norway House remains to be fully explained and obviously depends on a host of interrelated factors, its key position in the fur-trade and transportation network and frequent contact with locations to the west, northwest, northeast and south, made it particularly vulnerable to imported diseases, as Ray noted for the mid-nineteenth century (Ray 1976: 156). This underlines the importance of exchange networks as routes of contagion, channelling the movement of microorganisms and patterning their dispersion across some regions (see Dobyns 1983: 12-13; Reff 1991: 119-24), while bypassing others.

The study also serves to illustrate the danger of generalizing mortality rates from small numbers of communities to derive regional epidemic mortality rates. Overestimates of the death toll can ensue if they are based on worst-case scenarios, that is, communities in close contact with European pathogens and recorders (see also Ferguson 1992). The findings also caution against assuming that post-contact virgin soil epidemics were uniformly calamitous and inescapable; clearly, this was not the case for the 1918-19 influenza pandemic.

It is noteworthy, moreover, that despite the sudden loss of about one-fifth of the adults during the epidemic, the Norway House population rebounded to its preepidemic size within five to ten years of the Spanish flu crisis (Herring 1990; Herring in press). This rapid recovery essentially stemmed from a modest postepidemic marriage boom and from the maintenance of birth rates, both of which helped to blunt the effects of influenza mortality. These results underline the well-known caveat that mortality data alone provide an insufficient basis for estimating depopulation from infectious disease epidemics. Fertility and nuptiality data — as well as information on migration and mobility — must also be examined in detail (Clark 1985; Thornton 1987; Thornton et al. 1991; Mielke and Pitkanen 1989; Sattenspiel and Powell, in press).

The importance of fertility on postepidemic depopulation is well expressed in Stannard's work (1990) on Hawaiian history. Working from information in records, station reports, and other medico-demographic data for the eighteenth and nineteenth centuries, he develops the argument that infertility and a high infant death rate prevented population recovery from mortality from introduced diseases. He further hypothesizes that post-contact declines in Amerindian populations may best be explained by a similar process: infertility and subfecundity following on the heels of the disease-malnutrition-stress-disease cycle. Stannard's research offers an excellent illustration of how historical sequences *outside* of the Americas can provide powerful analogies against which to test assumptions about disease and contact *within* the Americas.

Thornton et al. (1991) have tried to envisage the range of demographic consequences for smallpox epidemics in the Americas via an interesting

series of Monte Carlo simulations. The simulations predict changes in population size over time under different growth rate regimes, after an initial smallpox epidemic and then subsequent epidemics, ten and thirty years later. The program assumes a base population of 5,000, a 100 percent infection rate, 40 percent mortality rate (factoring in higher mortality rates for pregnant women and infants), and a return to preepidemic, age-specific fertility and mortality levels in the year after the epidemic. When post-epidemic growth rates of -.5 percent, 0 percent, 5 percent, and 1 percent were loaded into the simulation, remarkably different consequences emerged for the hypothetical populations. The most dramatic effects emerged after two epidemics, thirty years apart. A population with a growth rate of -.5 percent failed to regain its preepidemic numbers and continued to decline over a 120 year interval; the population with a growth rate of 1 percent rebounded within eighty years. While no empirical data are generated, simulations of this sort are valuable heuristic tools for charting the range of variation in population responses to epidemics, especially since population parameters other than crude mortality are built into the experiments.

Both approaches point up the pitfalls of making generalizations about postepidemic demographic responses without taking into account the substantial recuperative or debilitating potential of fertility, marital, or migration responses. But these are rarely taken into account in arriving at post-epidemic demographic estimates. Neither is population loss through the emergence of new ethnic groups, such as the Métis, figured into the numbers.

Finally, the almost exclusive emphasis on mortality has tended to overshadow other significant contributors to demographic decline (Thornton 1987: 42-59). Warfare, the nature of contact with colonial society, the extent to which the local ecology was transformed through the introduction of new plants and animals, changes in technology, trade, and lifeways, all had epidemiological repercussions (Krech 1983; Crosby 1986; Ferguson 1992). The relocation of aboriginal people to reserves with minimal resources and appalling living conditions, for example, served to catapult mortality rates in the nineteenth and twentieth centuries and to facilitate outbreaks of epidemics. As Walker noted in 1909 (cited in Bryce 1909: 282), increasing tuberculosis mortality rates represented "the whole story of the passing of the Indian from the nomadic to the settled habits of life."

### **New Directions**

I have argued that there is good evidence for pre-contact epidemics in the Americas, that these in turn likely influenced the extent of devastation by introduced pathogens, and that the experience of post-contact epidemics must have been highly variable in aboriginal American societies. The magnitude and severity of introduced diseases undoubtedly depended on a host of local factors, including previous disease experience, proximity to and connections with sources of contagion, and local sanitary-social conditions.

This raises the question of what can be done to provide a more

comprehensive appreciation of variation in epidemiologic and demographic responses to prolonged European contact. One of the first and most obvious research initiatives involves a careful knitting together of the archaeological, physical anthropological, and ethnohistoric evidence in specific regional sequences with a view to evaluating pre-contact disease loads. What may appear superficially to be a lack of attention to the possibility of pre-contact epidemics is, in part, the natural outgrowth of the artificial structure of academic inquiry which parcels human history in the Americas into "historic" and "prehistoric" components. The tendency of researchers to specialize in one or the other periods inadvertently contributes to the impression that disease was not a serious problem before European contact and to the noticeable lack of attempts to connect pre-contact infectious disease experience with differential encounters with post-contact epidemics. Before we can understand the effects of introduced disease, we need to know more about disease loads and disease stress already operating in aboriginal communities before prolonged European and African contact. Research in this direction has already begun (Larocque 1991), but is certainly in its infancy.

Another avenue for widening the scope of our vision would be to look more closely at disease and contact sequences elsewhere, like Stannard's work (1990) in Hawaii, and interpret local sequences in the Americas in terms of these models. The tracking of epidemic cycles, advocated by Thornton et al. (1991), also offers a useful means of assessing the impact of a series of disease experiences in single populations. Recent work along these lines by Decker (1989), based on Hudson's Bay Company records, suggests that depopulation through disease in the central subarctic may not have been as extensive as has been suggested for other parts of the Americas. Monte Carlo simulations (Thornton et al. 1991) and mathematical modelling of a variety of diseases under very different demographic regimes (McGrath 1988b) will also help evaluate the relative impacts of tuberculosis, influenza, measles, whooping cough, and other infections traditionally viewed as agents of depopulation.

In addition, there is a wealth of virtually untapped information in parish records that can provide information on fertility, nuptiality and sometimes even census data necessary to truly assess the demographic consequences of virgin soil epidemics (Herring, in press). Inexpensive, powerful, and readily accessible software, such as *Populate* (McCaa and Brignoli 1989) can use these data to project the full range of population parameters when only birth and death information is available.

Finally, we must be careful about the "implicit narrative structure ... [the] story we tell about the peoples we study," (Bruner 1986: 139) in the course of piecing together the disease history of the Americas. The depopulation to nadir model, which is central to the disease and contact discourse, can also be interpreted as a romantic story, one that describes a golden past in which the Americas were populated by people with immune systems relatively unchallenged by infectious disease. To accept the assertion that "germs",

not these imperialists themselves ... were chiefly responsible for sweeping aside the indigenes and opening the Neo-Europes to demographic takeover" (Crosby 1986: 196) is to ignore the massive social upheavals that ultimately underlie the efflorescence of disease in post-contact North America (Trigger 1985). We need to be aware of the stories that underlie our research as we work to create credible scientific imaginings about North American disease history.

#### NOTES

I am grateful to Peter Ramsden, Shelley Saunders and Colin Varley for their comments on an earlier version of this work, presented in October 1991 at the Canadian Association for Physical Anthropology annual meeting in Hamilton, Ontario. I would also like to thank William O. Autry for introducing me to Populate software. The comments of three anonymous reviewers strengthened the piece immeasurably.

1. Also known as "atypical mycobacteria," these relatives of *Mycobacterium tuberculosis* are saprophytes normally found in watery environments and can produce pulmonary lesions and disease in humans, clinically indistinguishable from that caused by *M. tuberculosis* (Clarke et al. 1987: 48).
2. See Cohen (1989:33-36) for an extensive list of potential zoonotic infections in prehistoric band societies.
3. Also referred to as macroparasites.
4. Newman (1976: 669) notes that typhus may have been part of American pre-contact disease ecology because the Aztecs had a name for it and depicted its symptoms, as well as on the basis of its generally subclinical manifestation in the contemporary South Peruvian Sierra.
5. At the Uxbridge site, Pfeiffer (1984) identified a minimum of at least eight children and eighteen adults with clearly distinguishable tuberculosis lesions.
6. For an excellent summary of tuberculosis epidemic wave theory, see Grigg (1958). The theoretical period of a tuberculosis epidemic wave is 300 years and epidemic waves are asymptotic, showing a strong mortality peak at the beginning of the wave as susceptibles are eliminated from the population. Mortality gradually declines as herd immunity is acquired and as the natural cycle of the wave shifts to endemicity.
7. Parish records, cross-checked against Hudson's Bay Company post journals and other official documents for the period, make it possible to generate comparative mortality rates from the epidemic for a number of subarctic communities (Herring 1990).

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## Origins and Influences: The Family Ties of the Reverend Henry Budd

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**ABSTRACT.** In 1820, a Cree boy named Sakachuwescum left his home at Norway House for the Red River Settlement, one of the first two students to be enrolled in the Church Missionary Society school there. Later, as the Reverend Henry Budd, he became one of the first Church of England missionaries of aboriginal descent in western Canada and served the Cree people of Cumberland District for thirty-five years until his death in 1875. Budd's career has been relatively well documented, but little has been written about his origins. Building on Irene Spry's research, the first aim of this article is to clarify and expand existing knowledge of Budd's complex maternal and extended family connections. Its second objective is to use this information to challenge George van der Goes Ladd's conclusion that Budd's exposure to the foreign culture of the mission school was traumatic. Citing evidence from his background and early life experiences, it shows Budd had personal resources to withstand the negative aspects of that exposure, indeed, the ability to turn it into a positive advantage.

**SOMMAIRE.** En 1820, un jeune Cri, Sakachuwescum, quitte Norway House pour aller s'installer dans la Colonie de la Rivière Rouge. Il est l'un des deux premiers élèves à s'inscrire à l'école de la Church Missionary Society. Plus tard, devenu le Révérend Henry Budd, il est l'un des premiers missionnaires d'origine autochtone de l'Eglise anglicane à oeuvrer dans l'ouest canadien et à servir les Cris du district de Cumberland, ce qu'il fera jusqu'à sa mort en 1875. Bien que sa carrière soit relativement bien connue, on sait peu de chose de ses antécédants familiaux. Cet article veut d'abord rectifier ce point. En s'appuyant sur les recherches d'Irene Spry dans ce domaine, on clarifie et élargit ce qu'on sait déjà des relations complexes de la famille maternelle de Budd et de sa famille élargie. On veut ensuite utiliser cette information pour contester la position de George van der Goes Ladd qui conclue que le fait d'avoir été exposé à la culture étrangère de l'école missionnaire a été une expérience traumatique pour Budd. Si l'on s'appuie sur des faits tirés de sa jeunesse et sur ses antécédents, on voit que Budd avait en lui la force de résister aux aspects négatifs de cette expérience et de les utiliser à son avantage.

The Reverend Henry Budd, missionary and friend to the Cree people of The Pas, Moose Lake, and Nepowewin from 1840 until his death in 1875, was one of the first people of aboriginal descent ordained as a Church of England clergyman in North America.<sup>1</sup> Much is known about his life after he arrived at Red River in 1820, but his history prior to that date has remained a mystery, although Irene Spry grappled with family origins in her book on his nephew, Peter Erasmus Jr.<sup>2</sup> This article continues the research she began and aims to provide conclusive evidence of Henry Budd's maternal ancestry and make some tentative suggestions regarding his extended family connections. This new understanding of Budd's cultural roots will be used as a basis to reevaluate the influence of the missionaries and the church on his later life. It will also consider George van der Goes Ladd's essay on the same theme,<sup>3</sup> and question his negative conclusions concerning the impact of the mission school on the boy, in light of what we now know about the man.

### **Cree Boys and the Church Missionary Society**

The first information we have about Henry Budd comes from the journals of the Reverend John West, who was appointed chaplain to the Hudson's Bay Company (HBC) in 1820 and sent out from England in August of that year to establish an Anglican mission in Rupert's Land. Sponsored jointly by the Company and the Church Missionary Society, of which he was a member, West subscribed to the society's interest in the evangelization of

the aboriginal and mixed blood populations within the HBC territories. Hoping to establish a school at Red River Colony where apt young Natives could be educated and prepared for service in the church, he began to look for likely students immediately after disembarking from the Company ship at York Factory.

He did not have to look far. Numerous mixed-blood children, the progeny of European fathers and aboriginal mothers, were "growing up in ignorance and idleness" about the fort, a situation which prompted West to prepare and submit a plan to the factor in charge at York "for collecting a certain number of them, to be maintained, clothed, and educated upon a regularly organized system."<sup>4</sup> Yet in spite of his interest, his first students did not come from this group, perhaps because the plan had to be submitted to London for approval; instead, he found them outside the fort among the children of the Home-Guard Cree, aboriginal hunters who had been associated with the HBC for upwards of 150 years.

The Home-Guard at York Factory was composed of Swampy or Muskego Cree who provided furs, fresh provisions, and other necessary services to the traders in return for European goods. It was a reciprocal economic relationship strengthened by the filial ties mentioned above, but not without its difficulties. Increased population, severe weather conditions, and fluctuation in the number of game animals, particularly in the decade prior to 1820, had combined to reduce the Home-Guard to poverty and starvation. Indeed, during his brief stay at York, West visited several families in their "miserable-looking tents" and described them as "degraded and emaciated, wandering in ignorance, and wearing away a short existence in one continued succession of hardships in procuring food."<sup>5</sup>

Under such circumstances, it is hardly surprising he was able to persuade a local hunter named Withewecappo<sup>6</sup> to give up one of his sons to be enrolled in the proposed school. Named Pemuteuithinew, meaning "Walking Indian," and renamed James Hope by the missionary, this boy was joined on the journey south to Red River by another lad at Norway House, "an orphan, the son of a deceased Indian and half breed woman."<sup>7</sup> This second boy, named Sakachuwescum, or "Going-up-the-Hill," was soon to be known by the English name Henry Budd.<sup>8</sup>

James Hope and Henry Budd were the first two students in the mission school and also the first baptized into the church in 1822.<sup>9</sup> Others were baptized the following year, including a girl named Nehowgatim or Sally Budd, a sister of Henry.<sup>10</sup> She had arrived in the fall of 1822 with their mother,<sup>11</sup> a woman named "Agathus," who assisted in looking after the children at the school.<sup>12</sup> West left scant information about Agathus, other than she was being supported by the Church Missionary Society in 1823.<sup>13</sup> To learn more about her identity and background, one must look elsewhere.

### **The Woman from The Bay**

Aboriginal and mixed-blood women who settled at Red River were rarely

Table 1

Name Changes in Agathus Account at Red River, 1824-1828		
Year	Retired Servants Accounts, Colony Shop, Ft. Garry	Duplicate Accounts
1824/1825	"The Woman on Missionary Establishment" (B.235/d/18, fo.86d)	"Annuity of Aggathas" (B.235/d/19, fo.7d)
1825/1826	"Annuity of Agathas" (B.235/d/22, fo.79d)	"Annuity of Agathas" (B.235/d/24, fo.7d)
1826/1827	"Annuity of Agathas" (B.235/d/28, fo.80d.)	"Annuity of Agathas" (B.235/d/30, fo.6)
1827/1828	"Annuity of Agathas or Wahahesquew" (B.235/d/34, fo.6)	"Annuity of Wahuhes quew" (B.235/d/35a, fo.45)

Source: Hudson's Bay Company Archives, Provincial Archives of Manitoba.

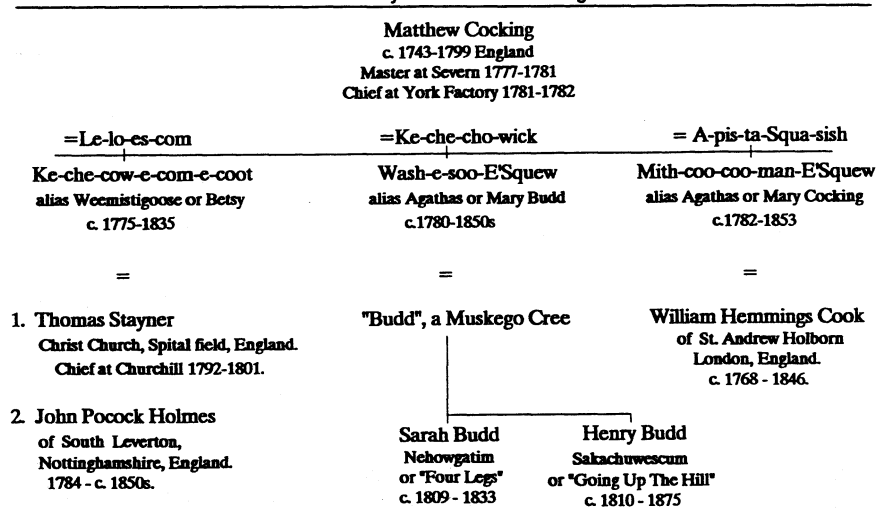
identified clearly in any records of the day. Sometimes they were listed under their Christian names or simply described as "the wife of," "half caste," or "an Indian woman." Agathus, however, is exceptional in that much more can be discovered about her, but not in the journals and correspondence of the Church Missionary Society. Instead, one must study the records of the HBC, because she had another source of income, details of which span more than forty years in the extant documents of the "Honourable Company."

The records from Red River are particularly informative. The following table illustrates changes in the name of Agathus's account between the years 1824 and 1828 and furnishes the key by which her specific identity can be determined.

Why the name changed from "The Woman on Missionary Establishment" or "Aggathas" in 1824 to Wahuhes quew in 1827 is unexplained in the Red River records, but clues can be found in the account books at York Factory, particularly those kept from 1809 through 1817. In them, the name "Wahuhes quew," or variants of the same,<sup>14</sup> appears over and over again, but never as an alternative to "Aggathas." That name was reserved for another woman, the wife of William Hemmings Cook, chief at York Factory from 1809 to 1815. To complicate matters further, this second "Aggathas" was also a sister of Wahuhes quew.

The records reveal more. Wahuhes quew and Aggathas were daughters of a Mr. Cocking. They also had another sister named Kishe cow e come coot or Wemistigoose.<sup>15</sup> Their father, an Englishman named Matthew Cocking, was hired by the HBC as a writer in 1765 and quickly rose to second at York Factory by 1770. His journey inland up the Saskatchewan River in 1772 influenced the HBC's decision to establish Cumberland House, where he was in charge between 1775 and 1777. He next served as master at Severn from 1777 to 1781, and as chief the following year at York Factory, from which he retired to England in 1782 on account of his poor health.<sup>16</sup>

**Table 2**  
The Family of Matthew Cocking



Unlike many of his contemporaries, Cocking did not forget the associations he had made at Hudson Bay and before long began sending funds on a regular basis for the use of his children there.<sup>17</sup> Nor did he forget them in death. His detailed will named the three daughters mentioned above, as well as their mothers, and provided generous annuities for their support.<sup>18</sup> The eldest was Ke-che-cow-e-com-e-coot, daughter of a deceased woman named Le-lo-es-com<sup>19</sup>; the second Wash-e-soo-E'Squaw, daughter of Ke-che-cho-wick; and the third Mith-coo-coo-man-E'Squaw, daughter of A-pis-ta-Squa-sish<sup>20</sup> (Table 2).

Traditional Cree names often reveal details about a child's personal characteristics or circumstances at time of birth. The name of the third child, for instance, who later became the wife of William Hemmings Cook, hints at Dene or Chipewyan origins. "Mithcocoman" was an eighteenth-century name used by the HBC for a "Northern Indian" or Chipewyan band trading at Churchill Fort.<sup>21</sup> Its use in the name of Cocking's youngest daughter suggests her mother, A-pis-ta-Squa-sish, was of that nation.

The name chosen for the second daughter, who was Henry Budd's mother, is even more revealing. "Wash-e-soo-E'Squaw" is derived from *Washisoo* "she is bright, she shines" and *iskwao* "woman," and in this form means, "she shines in her brightness, shines in her glory." The use of *Washisoo* rather than the more common *Wasisoo* is also significant. *Sh* is a sound in Cree found historically only along Hudson Bay, not in the interior; thus, its presence here suggests her people were coastal Cree.<sup>22</sup> A slight change in the spelling of the name in later years allows the possibility of an even more specific location. Because "Wash-e-soo-E'Squaw" was the name used in her father's will, it is probably the correct one, but later references altered it to "Wash-e-hoo-E'Squew," which has a different

meaning. *Wa shahoo* or *Wa saho*, meaning the big bay, is the Cree name for Severn; therefore, "Wash-e-hoo-E'Squew" might mean "the woman from Severn."<sup>23</sup> The change was probably based on the assumption it referred to her place of origin, which is logical enough, if indeed she came from Severn. And she may have, as her father was there from 1777 to 1781, the approximate time of her birth.

Although the HBC account books and Cocking's letters provide important information about her, references to Wash-e-soo-E'Squew<sup>24</sup> also appear in other correspondence from time to time. In one such letter, the clerk at Norway House requested additional information from York Factory on the annuitants list which had been sent to him, specifically the amounts to which each annuitant was entitled. He explained his request as follows:

Mrs Holmes/Kees e cow e cum a coot/ says that for the four years of 1816/17, 1817/18, 1818/19, and 1819/20 She received no part of her Annuity. Nor did her Sister/ Washihoesquew/ any part of hers for the year 1818/19. Agatha/Mrs. Cook/ it is presumed, has invariably received her Annuity in full.<sup>25</sup>

Besides highlighting the confusion connected with sorting out the accounts of the annuitants, particularly when they moved from place to place, this letter establishes that Kees-e-cow-e-cum-a-coot was at Norway House in 1825, and other evidence confirms this.<sup>26</sup> Since she was knowledgeable about her sister's account, she must have been in contact with her. Wash-e-soo-E'Squew had gone to Red River in the fall of 1822, but she may have travelled back to Norway House from time to time, probably to visit children who resided there.<sup>27</sup>

Another letter, written by William Hemmings Cook, contains evidence that she was indeed at Norway House in May 1825, and explains why she and her younger sister, Mrs. Cook, were both called "Agathas" in the HBC records. Cook clearly distinguished between the three Cocking daughters, noting that his wife Agathas had not received the full portion of her inheritance because:

— some wrong payment of this annuity must have taken place owing to the Gentm at the Factory not being able to identify the parties — the name of Agathas being an Appelation suitable to any of the halfbreed Ladies — Mr. Jones informs me that a Box procured by Mr. West on behalf of WashehoEsqow was marked with the name Agathas — from which I conclude that the Arrears of Annuity taken by Mr. West for Washeho Esqow was debited to Agathas — & thus the deficiency in my wifes Acct may have occurred —<sup>28</sup>

This letter contributes significantly to the identification of Henry Budd's mother. While she and her sisters were at or near York Factory, there was no confusion about their names, but problems arose later when they moved to Norway House, then Red River, where they were unknown.<sup>29</sup> Since all "halfbreed Ladies" could be called "Agathas" — a small but important detail — the accountants at Red River in 1824 simply used that name for Wash-e-soo-E'Squew, and opened the door for confusion with her sister, who had been called Agathas in the account books at York Factory for years. By 1827, however, they were better informed and able to identify her more specifically.

Cook's letter also links Wash-e-soo-E'Squew to John West and the mission, thereby adding support for the connections already made between "The Woman on Missionary Establishment" and Henry Budd. The 1828 baptismal record of "Waso-eyesquew" even more specifically pinpoints her residence as the church mission house, as well as stating her new name, "Mary Budd."<sup>30</sup> Later, scrip applications for two of her children, Henry and his sister Catherine, confirm that "Mary" was indeed the mother of both.<sup>31</sup>

### **The Cook Connection**

Past confusion over the identity of Wash-e-soo-E'Squew was not confined to HBC records alone. It also occurred in a biographical sketch of her grandson, Peter Erasmus, Jr., written at a much later date by George Gooderham. In it, he described Peter's mother, Catherine Budd, as a granddaughter of William Hemmings Cook,<sup>32</sup> thereby implying her brother Henry was a grandson of Cook also. This was Irene Spry's assumption in her book on Peter Erasmus (Table 3), in which she tried to reconcile Gooderham's information by suggesting Wash-e-soo-E'Squew had at least one child by Cook named Aggathus, and this child was the mother of the Budd children.<sup>33</sup>

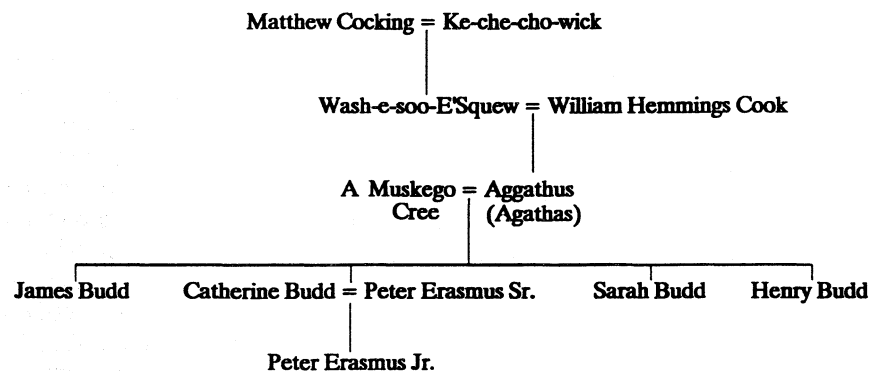
However, no evidence has been found to support either Spry or Gooderham. There is no substantiation anywhere for an intervening "Aggathus" between Wash-e-soo-E'Squew and the Budd children. There was only one "Woman on Missionary Establishment" at Red River for the years in question,<sup>34</sup> and she was Wash-e-soo-E'Squew, the mother of Henry and Sally Budd. Her age also does not allow for an extra generation. Born between 1775 and 1783, she was no more than twenty-four years old, and probably younger, when her eldest known son, The Cask or James Budd, was born around 1799.<sup>35</sup> It stretches credulity to suggest he might have been her grandson. Existing evidence also confirms that Catherine Budd was her daughter, not granddaughter. Catherine stated clearly in her scrip application that she was born in 1805 and was the daughter of Budd, an Indian or mixed blood, and Mary, a mixed blood.<sup>36</sup> Wash-e-soo-E'Squew was of course Mary Budd.

William Hemmings Cook could not have been grandfather to the Budd children on the maternal side because Wash-e-soo-E'Squew was not his daughter. That leaves only the paternal side, an unlikely possibility because none of his known sons were old enough to have been the elusive Budd, and in any case they all bore Cook as their surname. Thus, Gooderham's statement is doubtful. William Hemmings Cook was brother-in-law to Wash-e-soo-E'Squew through his marriage to her half-sister, making him, not grandfather, but uncle by marriage to the Budd children.

Although she was certainly a sister-in-law to Cook, there is no support for Spry's suggestion that Wash-e-soo-E'Squew was also his country wife. In 1812 Miles Macdonell claimed two wives were living with Cook at York Factory, while another, presumably the first, had been repudiated by that time, apparently because of old age.<sup>37</sup> Although the York Factory records

**Table 3**

Irene Spry's Solution to the "Agathus" Problem



rarely name the Cree hunters, when they do, as in 1811 and 1814, Wash-e-soo-E'Squew and her family were living away from the fort. There is no hint they ever lived there.

Wash-e-soo-E'Squew was born no later than 1783, the year following Matthew Cocking's return to England, and must have been a young child when William Hemmings Cook arrived at York Factory in 1786.<sup>38</sup> Cook's first wife was probably Kahnapawanakan, described in 1821 as "a deceased Indian woman." She was the mother of his eldest daughter Nancy,<sup>39</sup> who was herself born in the late 1780s.<sup>40</sup>

Both Cook's second wife and Wash-e-soo-E'Squew have been described as "half-caste,"<sup>41</sup> but they were clearly two different women. Cook apparently had two wives living with him at York Fort in 1812, and although there is no specific proof for that year, Wash-e-soo-E'Squew lived away from the fort at those times where the records provide details. In 1816, Cook claimed to be the father of ten children, all accounted for,<sup>42</sup> while Wash-e-soo-E'Squew had at least six by that time.<sup>43</sup> Cook's children, one or two of whom presumably belonged to the second "half-caste" wife, were also born at about the same time as those of Wash-e-soo-E'Squew.

Moreover, nothing has been found to suggest William Hemmings Cook claimed any of Wash-e-soo-E'Squew's children as his own, or that they acknowledged him as their father. Yet he did acknowledge children by at least two country wives,<sup>44</sup> and a review of his account at Red River shows his children as well as grandchildren were given support by him from time to time.<sup>45</sup> The Budds, on the other hand, received none. Consequently, Henry Budd was neither son nor grandson to William Hemmings Cook. The connection to Cook was that of uncle, although Peter Erasmus, Jr. may have correctly addressed him as grandfather without violating Cree practice. Perhaps this is where the confusion arose. Erasmus referred to his Rhein and Calder first cousins as "brothers,"<sup>46</sup> using the proper Cree terminology for

parallel cousins;<sup>47</sup> therefore, it is quite possible he called William Hemmings Cook "grandfather" as a term of respect in the same tradition.

### **Wash-e-soo-E'Squew: Widow 1811**

As the foregoing shows, HBC records help to identify Wash-e-soo-E'-Squew and clarify her relationship to Cook. They also contain specific information about her life prior to 1820, including the strong possibility she was a widow by 1811. The York Factory journals and provision books are particularly useful. References in them to the Cree by name are infrequent prior to 1810, and spotty in the years after that, but for a short period in the early months of 1811 there is abundant detail about the Home-Guard living in the area. Not only are male heads of families or hunting parties identified, but the locations of their trapping grounds are often given as well. Among the few women mentioned are those who appear to have been heads of families in their own right, possibly widows. One of these widows seems to have been Wash-e-soo-E'Squew, who lived across the river north of the fort, yet close enough to come in regularly for supplies.

Winters along the Hudson Bay coast were often arduous, but according to Miles Macdonell, who was there the following year, the winter of 1810-11 "was the severest ever known in those parts, game disappeared, & many of the improvident natives perished thro cold & want."<sup>48</sup> Others were kept alive with provisions given them by the HBC which for purely economic reasons, quite apart from common humanity, had to assure the survival of the Home-Guard Cree.

During February and March 1811, a number of families journeyed to York Factory "from the Northwd" for food.<sup>49</sup> Although none among them was named, except for Nancy Jefferson,<sup>50</sup> two women came in together on 7 February. Their identity is uncertain, but they may have been two widows who had attached themselves to Thuthat, a hunter "from Sams Creek on the North side of Nelson River," who occasionally acted as "Master of the Goose Tent" there. On 24 March he came to the fort to obtain oatmeal for his own family and those of two widows "belonging to Natives lately deceased."<sup>51</sup> Whether Wash-e-soo-E'Squew was one of these widows is difficult to determine, but her name was associated so often with Thuthat in the following two months that the circumstantial evidence suggests a connection of some kind (Figure 1).

The first reference to her occurred on 7 April, when provisions were given out to four "Indians" from the "distressed families to the Norward." Three of these people, namely "Washehow Eq, Skewnish, and Twaootum," were listed in a marginal notation,<sup>52</sup> Skewnish being the daughter of the late Captain Jonathan Fowler,<sup>53</sup> and Twaootum a local hunter who later moved to Oxford House.<sup>54</sup> The fourth family head was not indicated, but existing evidence points to Thuthat.<sup>55</sup>

There are other possibilities, too, as several families gathered together at Sams Creek when Thuthat was placed in charge of the Northern Goose



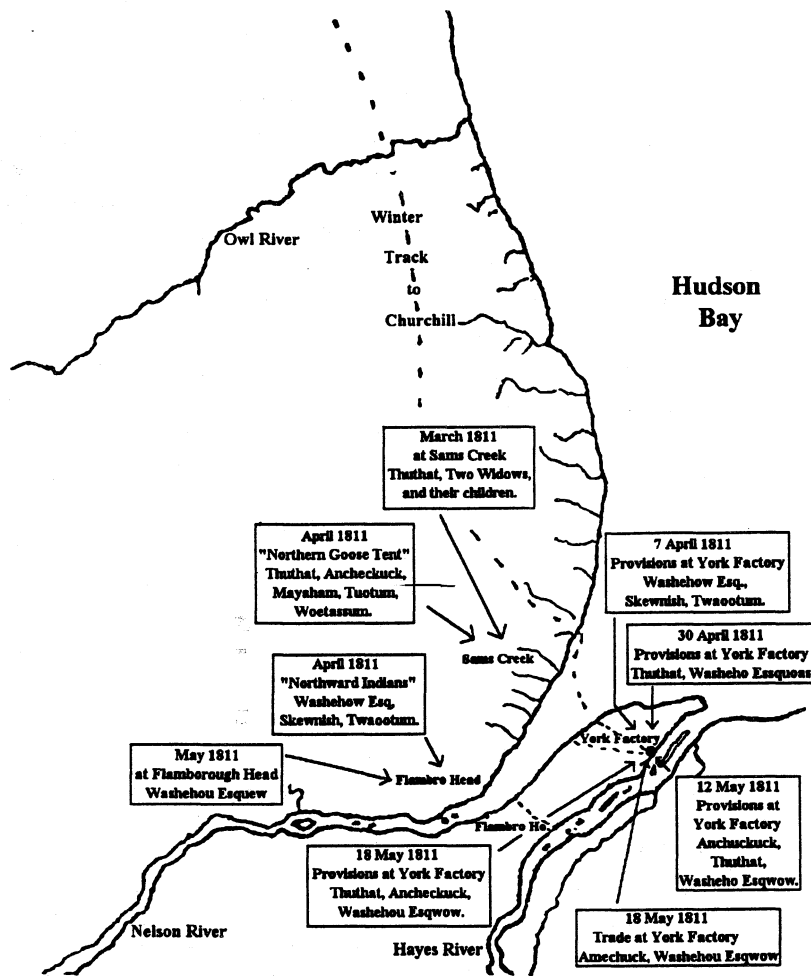


Figure 1. Locations and associations of certain Home-Guard families at York Factory, 1811.

Tent there on 18 April.<sup>56</sup> Family heads included Mayaham, Ancheckuck, and Woetassum, whose names were also associated with Wash-e-soo-E'-Squew in later records; nevertheless, in the early months of 1811 the linkages to Thuthat are more compelling. In late March, he was described as a "northward Indian," in distress, supporting two widows and their families in addition to his own. Two weeks later, Wash-e-soo-E'Squew, Skewnish, Twaootum, and one other person arrived from the north to obtain provisions for their families. Being named in their own right, the women were probably heads of families,<sup>57</sup> and quite possibly the two widows mentioned earlier in association with Thuthat. Several references to Wash-e-soo-E'Squew and Thuthat together in the following weeks add plausibility to this argument. In short, existing evidence suggests she was a widow, whose family was

dependent at times for its sustenance on friends and relatives among the Home-Guard Cree, as well as on the charity of the HBC.

### Family Connections Among the Home-Guard Cree

Who then were her relatives? Although nothing can be proven conclusively, she was linked to a group of families located between York Factory and Churchill, families who were the source of considerable friction between the two posts. Some of these people had been part of the Churchill Home-Guard, but in the spring of 1794 at least twelve families switched their allegiance to York Factory, claiming they had been cheated in trade (Figure 2).<sup>58</sup>

As William Hemmings Cook of Split Lake pointed out in a letter to Thomas Stayner, the officer in charge at Churchill, "they say you take the Beaver skins not by size or quality but by weight so that a 3/4 Beaver which perhaps hunger may have induced them to scrape rather beyond the common rule only passes with you as a half one."<sup>59</sup> Stayner responded defensively to these complaints by accusing Joseph Colen, chief at York, of having encouraged the desertion, with Colen countering that "ill usage" was the cause. There were misunderstandings on both sides, but the incident stands out as one irritant in a growing rivalry between the two posts over expansion of the fur trade inland. It was not until the summer of 1797 that Colen, whether to appease Stayner or to rid himself of a hindrance, ordered the dissidents back to Churchill.<sup>60</sup>

The first arrivals were received there in September by William Auld, who left the following dry commentary in the post journal:

This morning upon observing a smoke across the River sent the Boat which returned with 3 of our old Homeguards [*sic*] accompanied by a young Indian man from York but being found in such company I suppose he must be a very worthless fellow. This is the most useless part of the homeguards formerly belonging to Churchill & must have left York with regret where they say they had been treated with great liberality in the articles of English salt meat Bacon flour oatmeal Plumb puddings & Brandy served out to them the same as the Englishmen & where they had got very large quantities of Goods upon trust which they can never pay being enervated by continual debauchery. These four men have families mustering altogether 21 Heads.<sup>61</sup>

Auld was in temporary charge of Churchill in the absence of Stayner, who had returned home to England on furlough, and his observations were perhaps biased by the trouble these people had caused his fellow officer. Still, other entries in the next few months do confirm the difficulties they had surviving away from the fort. When one family returned to the factory in December begging to remain after an unsuccessful hunting expedition, Auld had this to say, "I was obliged to consent as they would sooner die than exert themselves having been so much & so impolitically indulged in idleness at York that they really seem to have forgot that they are natives of this Country."<sup>62</sup> Shortly, the remainder returned, and Auld recorded, "The Homeguards all returned they seem to be lean which they say is owing to their having no Bacon or Pork to their partridges."<sup>63</sup>

Later on, in April 1798, an additional family arrived. Auld noted:

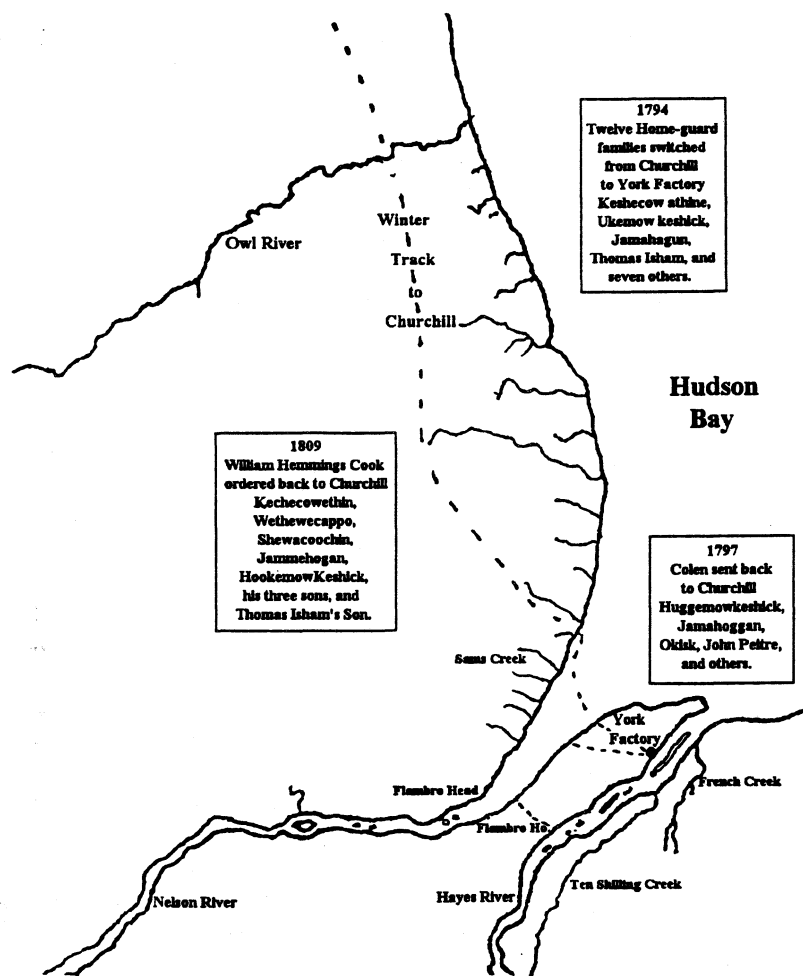


Figure 2. Home-Guard movement between Churchill and York Factory, 1794-1809.

This day one of our Homeguard Indians arrived from York with a letter from Mr. Colen where he says he was obliged to compel the Churchill Homeguards to leave York. Which I certainly believe to be true for this man & his family have lived near 4 years there constantly at the factory without having once left it.<sup>64</sup>

"This man" was most certainly "Jamahoggan" who had been unable to leave York earlier because of weather conditions. Colen wrote that Okisk, Huggemowkeshick, John Peitre, and others were on their way to Churchill as well.<sup>65</sup>

The issue of Home-Guard Cree moving back and forth between York Factory and Churchill did not end there, however, as John Ballenden, Colen's successor at York, corresponded with Thomas Stayner on the same matter during the summer of 1801. Later, in the fall of 1809, William

Hemmings Cook, the recently appointed chief at York, ordered back to Churchill a family which included HookemowKeshick and his three sons, as well as Withewecappo, Shewacoochin, Jammehogan, Keshecowethin, and Thomas Isham's son,<sup>66</sup> the same people who had been the subject of correspondence in the past. Although Cook never made clear the relationship between them, subsequent letters suggest at least that Keshecowethin was the father of Withewecappo.<sup>67</sup>

HookemowKeshick remained at Churchill only briefly, if at all, as he received provisions at York in February and April 1810.<sup>68</sup> Keshecowethin and Withewecappo probably stayed beyond the winter of 1810-11, when Wash-e-soo-E'Squew was associated with Thuthat, because their names do not appear in the York Factory journals. Although the exact date of their return is uncertain, as the records vary considerably in detail from year to year, in December 1813 Withewecappo was hired at York to take the packet to Albany. Described as starving at the time, his family included two wives as well as his mother. She was mentioned 22 April 1814, the same day "Kis kick cow Ethin and his family were sent to Churchill" again. This latter man had been at York from at least January 1814, and references to "3 women of Kishecowethins Family," "his two daughters," and "Kishicow Ethins son" tell us a little about the nature of this family unit.<sup>69</sup>

There are hints Wash-e-soo-E'Squew was a relative, too. She may have gone to Churchill with Keshecowethin, as her name does not appear in the York Factory records until late December 1814, when it is mentioned in conjunction with members of his family. On 6 December, Mahhum, Patah hootow, Kischeck cowethin, Pachewethat, and Cask came in from Nelson River to trade furs in exchange for powder, shot, and other goods (Figure 3). Wash-e-soo-E'Squew, "legatee," received a blanket and fifteen pounds of oatmeal that same day. Three weeks later, Wash-e-soo-E'Squew, Skewnish, Jenny Johnston, and another woman came in from Flamborough House where their families were tenting, and the following day Wash-e-soo-E'Squew and Skewnish traded rabbit skins and partridge feathers.<sup>70</sup>

Evidence suggests these people were members of an extended family. Patah hootow, for example, was the son of Keshecowethin<sup>71</sup> and of Jenny Johnston.<sup>72</sup> Cask was the son of Wash-e-soo-E'Squew. Pachewethat was first mentioned in April 1814 in company with Mahhum or Mayaham at Sams Creek, and was probably his son or younger brother, as they were often listed together in later records.<sup>73</sup>

The associations do not end there. Sams Creek is a reminder that Wash-e-soo-E'Squew was closely linked to Thuthat in 1811, when he was in charge of the Northern Goose Tent. Mahhum was also there, and serves as a link between two periods of time for which we have information about Wash-e-soo-E'Squew. But he is not the only link, for Woetassum was also goose hunting at Sams Creek in 1811,<sup>74</sup> and in 1814, he too was closely connected with the above-mentioned family grouping. In December 1814, Woetassum and Withewecappo, both described as "two Nelson River

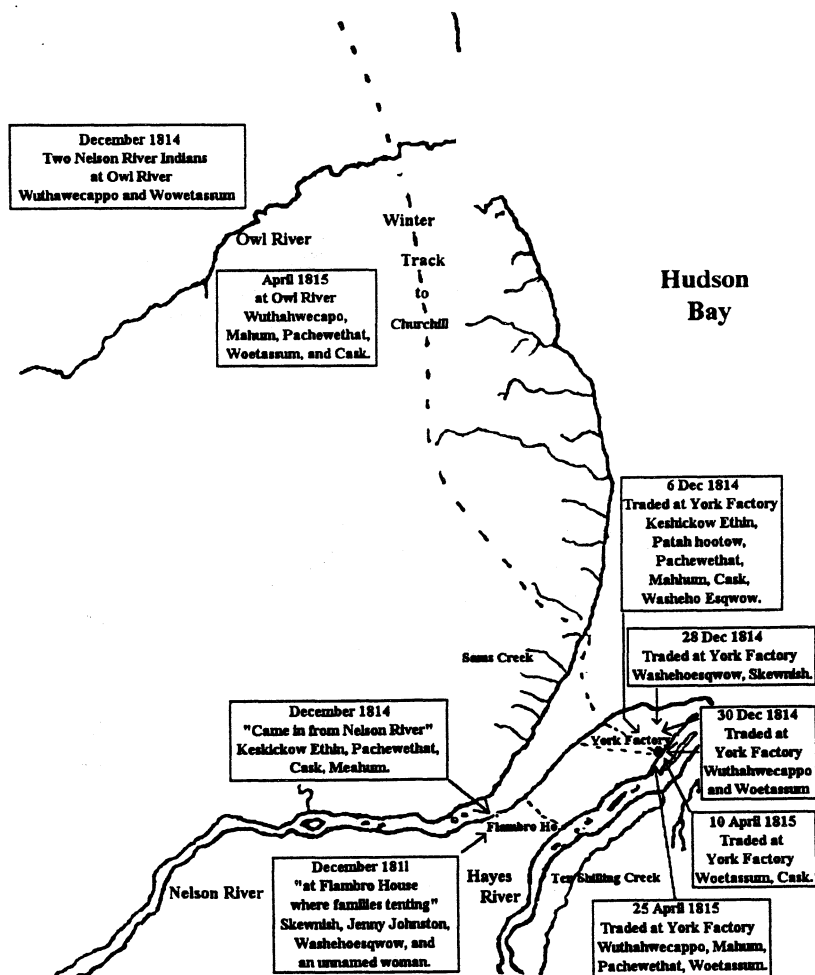


Figure 3. Locations and associations of certain Home-Guard families at York Factory, 1814-15.

homeguards," were trapping at Owl River. Mahum, Pachewethat, and Cask later joined them, as there are references to them in April 1815.<sup>75</sup>

Although relationships cannot be proven conclusively, Wash-e-soo-E'-Squew was clearly associated with the Home-Guard Cree living between York Factory and Churchill. There were at least two interconnected groups of people, one centred around Thuthat and the other around Keshecowethin, with which she had connections, but by 1814, those with Keshecowethin were the most evident.

### Migration South to Norway House and Family Ties There

These linkages continued as members of this extended family began to move inland in response to privation at York Factory and the promise of a

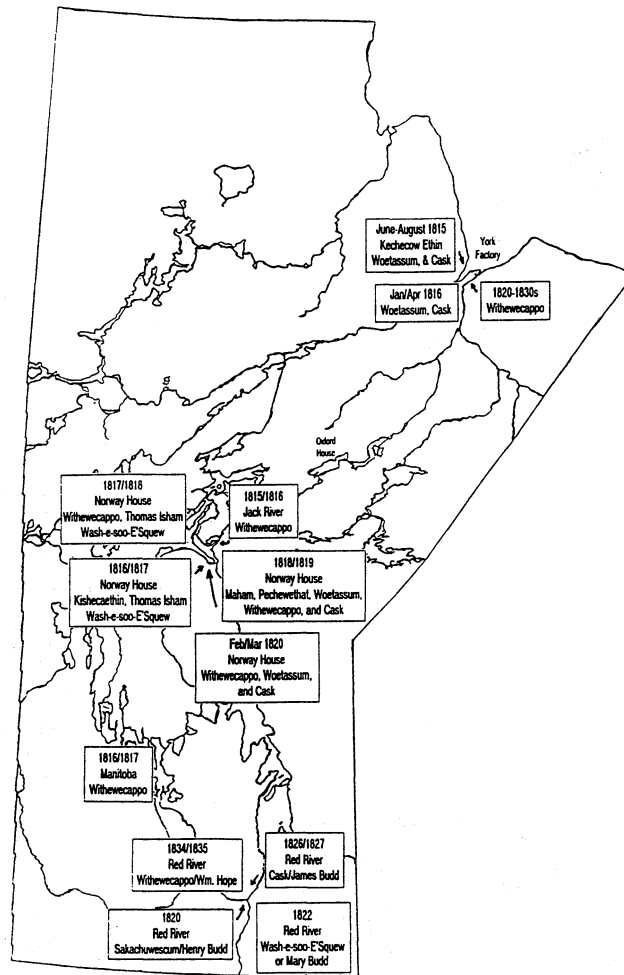
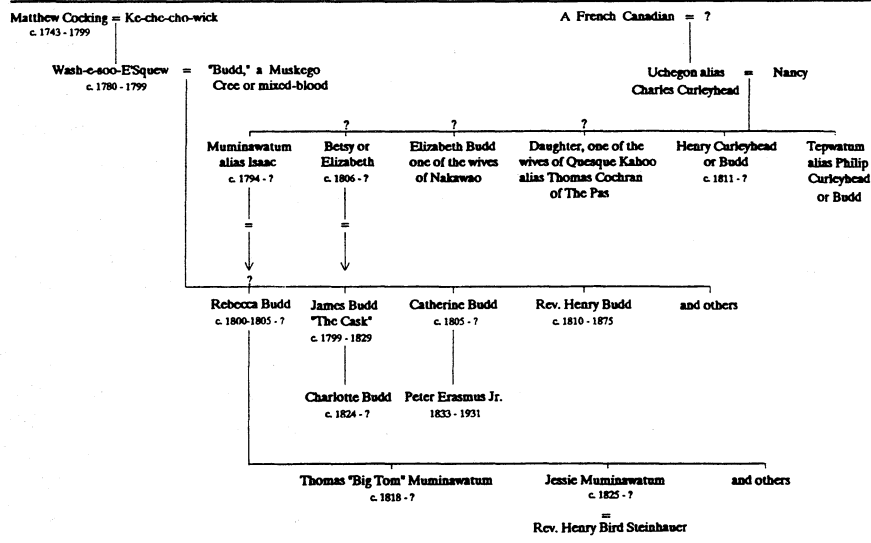


Figure 4. Movement south from York Factory to Red River, 1815-1835.

better life elsewhere (Figure 4). Withewecappo probably became the catalyst to this migration when he was hired in 1815 to work as a boatman for the HBC and was posted consecutively to “Jack River,” “Manitoba,” and “Norway House” during the next three years.<sup>76</sup> Just when he headed inland is unknown but Withewecappo was at York Factory in September 1815 because he and another man were paid there for journeys they made to Churchill and Jack River. No records exist for the latter post in 1815-16, nor for the newly built Norway House near Warrens Landing, so the matter must remain unresolved; however, Wash-e-soo-E'Squew and others probably stayed at York Factory that year. Her son Cask, Woetassum, and Keshecowethin were at York in June and August 1815, and Woetassum and Cask were still hunting in the vicinity during January and April 1816.<sup>77</sup> However, “Kischecaethin” and Thomas Isham had definitely migrated south

Table 4

## The Budds of York Factory and Norway House: Possible Relationships



by the following year, because their names suddenly appeared on the Norway House Indian debt list for 1816-17. It is likely Wash-e-soo-E'Squew arrived there at the same time.

An 1816-17 arrival makes sense for another reason as well. Wash-e-soo-E'Squew had a married daughter at Norway House who was later mentioned in family correspondence, but never named. Although there is no definitive proof of her identity, existing evidence points to the wife<sup>78</sup> of Muminawatum, the eldest son of a hunter named Uchegon or Curleyhead (Table 4).

The Muminawatums, whose Christian names were Isaac and Rebecca, were probably married in 1817, since their eldest son Thomas was born the following year.<sup>79</sup> If Rebecca was a daughter of Wash-e-soo-E'Squew, it is likely she met her husband shortly after her family arrived in the area. Although inconclusive by itself, this evidence is bolstered by other information. Rebecca and her husband were among the earliest Christians at Norway House, a circumstance in keeping with close ties to the Budd family at Red River. Their son Thomas, known as "Big Tom" because of his imposing stature, became a local leader in the church, while a daughter Jessy married the Reverend Henry Bird Steinhauer, one of the first Methodist missionaries of aboriginal descent to serve in western Canada. Any one of their three younger sons, Robert, Benjamin, or Charles, could have been the young man who accompanied Peter Erasmus, Jr. in 1851 to enter the mission school at The Pas.<sup>80</sup> Also, when their granddaughter Sarah Steinhauer Kirkness applied for scrip, she identified her mother incorrectly as Jessy Erasmus, an error indicating some memory of a connection to that family.<sup>81</sup>

Cask, alias James Budd, eldest son of Wash-e-soo-E'Squew, seems to have married one of the younger daughters of Curleyhead. Following a custom which can be traced for several families in the extant Indian debt lists,<sup>82</sup> Cask joined the hunting party of his father-in-law in 1823, the year before the birth of his eldest daughter.<sup>83</sup> This made a second alliance between these two families and explains in part why a couple of Curleyhead's own sons eventually adopted Budd as their surname, too. One was baptized at Red River in March 1840 under the name Henry Budd, probably while he was on a visit to relatives there.<sup>84</sup> This Henry, who acknowledged the Reverend Henry Budd as his namesake when he applied for scrip, became an important lay leader in the Methodist Church at Norway House.<sup>85</sup> Another son, Philip or Tepwatum, also adopted the surname Budd.

The above illustrates the extent of the interrelationships which began in 1817 and is the best evidence Wash-e-soo-E'Squew remained nearby in 1817-18, even though Thomas Isham was the only one of the York Factory hunters listed among the Indian debtors at Norway House that year. Withewecappo was also stationed there with the HBC at the same time and remained in the Norway House district during the winter of 1818-19, as did Maham, Pechewethat, and Woetassum.<sup>86</sup> They were listed along with Cask in the Norway House accounts under "Indian Debt Remaining unpaid June 1, 1819."<sup>87</sup>

Whether or not Withewecappo went to York Factory during the summer of 1819 is unknown, but he and Thomas Isham both took debt at Oxford House in the fall and were probably among the three families which arrived starving at Norway House in late December. Woetassum, if indeed a different man from Thomas Isham, may have led the third family in this group as he and Withewecappo were hunting together in March 1820.<sup>88</sup> Cask was also in the vicinity because he brought in the "meat of one Deer" to the fort in February.<sup>89</sup> He may have been hunting on his own by this time or attached to one of the other extended family units in the area.

Withewecappo returned to York Factory in 1820 where records establish that he and his wives received provisions during the summer and into the fall. Maham, Pechewethat, and Keshecowethin also returned, but Woetassum and Cask did not, preferring perhaps to take their chances at Norway House.<sup>90</sup>

Considering the difficulties of the previous winter and the size of his family, as well as the obvious problem of feeding them in the fall of 1820, it is not much wonder Withewecappo was willing to give up his son to be educated by the Reverend John West. Nor is it surprising that West obtained another boy at Norway House from Wash-e-soo-E'Squew, as he passed through on his way to Red River. Undoubtedly there was communication between the families, as they had been closely connected for many years, and we can be sure that relatives came along with or preceded West to tell Wash-e-soo-E'Squew the news. Indeed, her relations at York Factory may have suggested her son accompany Pemuteuthinew, since



the two boys were close to the same age, had probably grown up together, and could be company for each other at the mission.

From other sources, we know Withewecappo (William Hope) and Wash-e-soo-E'Squew (Mary Budd) were of the same generation, while Keshecowethin was probably a generation earlier.<sup>91</sup> Ke-che-cho-wick, the mother of Wash-e-soo-E'Squew, may have been wife to Keshecowethin, or one of his near relations, making Withewecappo a half-brother or cousin to Wash-e-soo-E'Squew. Or perhaps Wash-e-soo-E'Squew married into this family. Could her husband have been Jammahogan, who disappeared from the scene at about the same time she seems to have become a widow? We may never know, but circumstantial evidence suggests at least that Withewecappo and Wash-e-soo-E'Squew were related in some way, evidence which may help to explain why their boys together became the first students in the Church Missionary Society school at Red River.

### The Influence of Family on the Formative Years of Henry Budd

With a clearer picture of Henry Budd's early life and family connections, it becomes possible to evaluate more forcibly the impact of the mission school on his psyche and later career. Budd's Cree heritage exerted a powerful influence in his formative years. The evidence indicates he was raised away from the fort in an extended hunting and trapping family, but there were European influences as well. Budd himself said as much when years later, he contrasted the Plains Cree of Nepowewin with near relatives of his people, the Muskego or Swampy Cree of Cumberland, noting that:

These [at Nepowewin] speak the plain Cree, but those, [at The Pas], the Muscago Cree; their habits also is much different. The Muskego crees are more mixed up with the whitepeople and they learn much of their ways and habits. They seem quite ripe to receive the Gospel wherever they are met with; but it is different with the Crees who inhabit these vast plains of the west. They seldom ever see the white people in all their life. They have few opportunities of learning the civilized life. They are *truly heathen*, and *truly barbarous*. They live among the Buffalo, eat the flesh of that animal, and clothe themselves with its skins. They are more independent, and therefore more haughty.<sup>92</sup>

Evidently, generations of contact with Europeans had left its mark on the Muskego Cree, who made up the Home-Guard along the Bay and inland as far as Cumberland. The contrast between them and their Plains Cree relatives strengthens Winona Stevenson's assertion that men like Budd "were not representational of the general Native Ministry. They appear to have been thoroughly indoctrinated in European values and perspectives."<sup>93</sup>

While such indoctrination undoubtedly intensified when Henry Budd entered the mission school, Wash-e-soo-E'Squew is key to an understanding of its extent in his early childhood. Many of the York Factory Home-Guards were of mixed descent, including Budd's mother and possibly his father as well. The degree to which they had absorbed customs and values from their European connections is unclear, but if Auld can be believed, some had become so closely tied to the fort they had almost forgotten they were Natives of the country. Even allowing for Auld's tendency

to exaggeration, it would be strange indeed if there had not been significant cultural borrowing among some families at least. European influence had been felt for over a hundred years when Wash-e-soo-E'Squew was born, and even though her father returned to England when she was an infant, presumably leaving her to be raised by maternal relatives, it is doubtful whether Cree culture was all-pervasive in her life. Because of her birth and family connections, associations with the fort would have been greater than for the average Cree woman, and if not fully at ease in that environment, she could nevertheless get by in it. Certainly there was no reason why she should feel any sense of inferiority among her father's people as Wash-e-soo-E'Squew was, after all, the daughter of an English officer in the HBC.

Wash-e-soo-E'Squew may also have missed intercultural stresses to a greater degree than other Cree children with a European parent. She was very young when her father returned to England; therefore, she was spared the subtle criticism of her "Indian ways" which might have occurred had he remained. Instead, he became a memory which could be embellished and enhanced, a memory rekindled each year with the payment of his legacy to her. Indeed, at a time when HBC policy discouraged any mention of its officers' and servants' families, her father not only acknowledged his children and their mothers, but also provided them with generous annuities. He did the best he could under the circumstances, when ill health prevented his remaining in the country. Consequently, there was no reason for Wash-e-soo-E'Squew to resent her British heritage. It was distant enough to be nonthreatening, yet close enough to be an advantage. Moreover, having an English father, particularly one in the officer class, brought her distinct social and economic benefits. Michael Payne has pointed out that the social structure at York Factory was hierarchical.<sup>94</sup> Wash-e-soo-E'Squew's status and prestige within that hierarchy was strengthened by her birth and annuity.

In a time when most women were dependent upon husbands for their material comforts, Wash-e-soo-E'Squew had access to a yearly income which, when first provided by her father, was equivalent to a common labourer's annual salary in the HBC.<sup>95</sup> We can only guess the effect this had on her life, but undoubtedly it gave her more options than would otherwise have been available. For one thing, her income made her an attractive marriage prospect not only for the Cree hunters in the vicinity, but also for the European officers and servants at York Factory. While her two sisters chose this latter route,<sup>96</sup> making it obvious the option was open to her as well, she married a Cree hunter. Her choice may have been a tacit expression of her loyalty to, and comfort with, her mother's culture, or perhaps her annuity afforded her the luxury of allowing heart to rule in the selection of a husband. Certainly, after his death she never married again, even though she was still a relatively young woman.

Thus, Wash-e-soo-E'Squew emerges as a woman with more advantages than most and one who may have been able to get along in two quite different worlds. While essentially Cree in culture, she moved among the traders at

York Factory with relative ease. In addition, she may have escaped the cultural ambivalence of later generations of mixed-blood people, when such background offered few benefits.<sup>97</sup> Her life was difficult, particularly after the death of her husband; but, steeped in Cree culture as she was, Wash-e-soo-E'Squew had all the necessary skills to survive on her own.

These skills were no doubt passed on to her children along with the stories and traditions which had been passed down to her. It is quite possible she gave her son Sakachuwescum a sense of self, a sense of his own worth as a person, or in other words, a firm identity. Descriptions of this quiet, attentive boy at the Red River school indicate a proper Cree upbringing.<sup>98</sup> At the same time, given his background, he may have acquired some European values and perspectives prior to his arrival at Red River. Whatever the case, when Sakachuwescum became Henry Budd, he entered the cultural world of his English grandfather Matthew Cocking, a man of whom he was no doubt aware, since an annuity from him had helped meet the family's needs for many years.

His family background may partially explain Sakachuwescum's successful transition to Red River, but his memory of the hungry times gave him a tangible reason for viewing the move favourably. There is no question he experienced hunger as a child. Although the HBC journalists at York Factory often reported starving Cree coming in for provisions, such references increased during the period between 1810 and 1820 when colder weather conditions prevailed. Just how devastating it must have been to the Cree is indicated in a letter from Auld to Topping, 27 June 1813:

It is not in my power to tell how many wretches belonging to YF have died of hunger, suffice it to say that in one Tent 8 perished whose carcasses supplied sustenance [*sic*] to two female survivors for a time, but the most strange and unaccountable part of the result is, that our Indians are even determined to brave another year in Nelson River rather than repair to the interior.<sup>99</sup>

Increased population, overhunting, and adverse weather conditions probably combined to bring about such dreadful conditions, and while at first the people may have been reluctant to leave traditional lands, the exodus inland was well under way even as Auld wrote. By the second half of the decade, Wash-e-soo-E'Squew and her family had joined this movement, taking with them vivid memories of the hardship and starvation they had faced in the Hudson Bay lowlands. Their hunger persisted, however, after they went to Norway House, so that Wash-e-soo-E'Squew's decision to allow her son to go to Red River must have been motivated in part at least by concern for his physical welfare. Young as he was, the boy was old enough to understand that reasoning.

Privation during the lean years prepared Wash-e-soo-E'Squew and her family psychologically for change, convincing them that there were alternatives to starvation at York Factory, and perhaps prompting a rethinking of Cree values and religious thought as well. When under stress, when old ways no longer seem to work, people may be open to radical change.<sup>100</sup> The difficult conditions faced by the Cree and mixed bloods of York Factory

made them willing to go in new directions in search of security, and the movement toward Red River promised religious and educational, as well as economic, alternatives. Thus, Wash-e-soo-E'Squew lived at a time of expanding possibilities, when many of her people were beginning to question old assumptions, and although she undoubtedly gave up her son with sadness, she must have done so with some understanding of the opportunity afforded him. Indeed, the choice of Sakachuwescum to be educated may have been viewed as a singular honour.

When Wash-e-soo-E'Squew gave her son Sakachuwescum to the missionary, he was about ten years old, just old enough to appreciate the adventure of travel to Red River. The excitement of new discoveries shared with his friend Pemuteuithinew would have eased the sadness of parting with his family, and although there were undoubtedly periods of loneliness after he settled at the mission, his studies kept him preoccupied in the two years before his mother's arrival. The colony was quite different geographically from York Factory and Norway House, but it still had much that was familiar. There was the HBC on which his family had relied for years, as well as friends who had also made the journey south. The Cree and mixed bloods were gathering to Red River from all over the HBC lands in the 1820s, just one of several groups, none predominant, to be found there at the time. They represented a powerful counterbalance to the foreign culture of the mission school and helped reduce any negative effects Henry Budd and his friend James Hope might have experienced there.

As George van der Goes Ladd pointed out in his book *Shall We Gather At The River*,<sup>101</sup> there were negative aspects to the evangelism of the Church Missionary Society. Ladd provided convincing evidence that its missionaries often confused Christian salvation with the adoption of English civilization, with the obvious corollary that aboriginal culture had to be totally erased in order for Native people to be acceptable to God. Considering the type of society which existed at Red River in the early 1820s, there must have been resistance to this deviation from the Christian message, although undoubtedly those who became members of the church were in varying degrees influenced by it. For the students at the mission school, who were in almost constant contact with the missionaries, the impact is likely to have been greatest. As far as Henry Budd is concerned, however, the strength of the cultural base he had inherited from his mother, the presence of family in numbers, and his associations within the larger community would have shielded him somewhat from this bias.

These conclusions modify those to which Ladd arrived in his study "Going-Up-The-Hill: The Journey of Henry Budd." This psychohistorical analysis of Budd in the context of his mission school experience presupposes a strong Cree cultural background for the boy,<sup>102</sup> as well as a pervasive English evangelical pedagogy, to explain what Ladd saw as the detrimental effects of Budd's education by the missionaries at Red River. His study also exposes the shortcomings of evangelical child-rearing methods, contrasting them to Cree practices which were less emotionally destructive. Ladd felt a

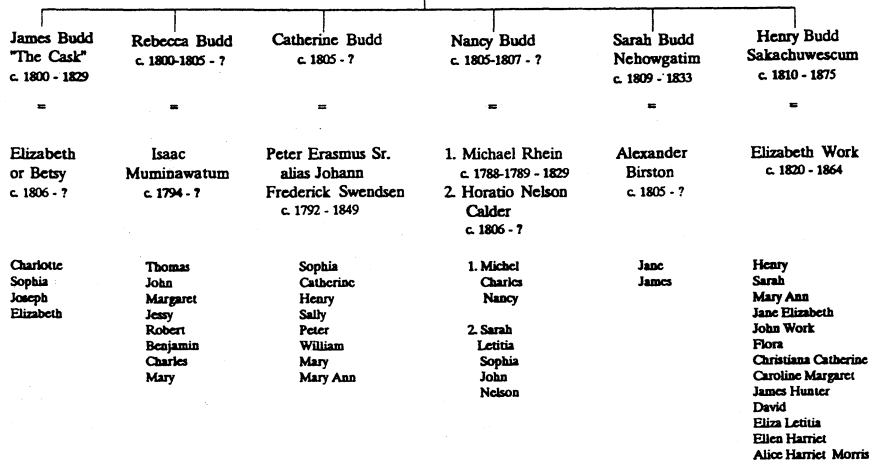
traditional upbringing may have assisted Budd and the other aboriginal students in resisting the worst effects of the system.

There are difficulties with this study. Ladd provided no proof that Budd did, in fact, have a traditional upbringing, whatever that meant in the context of the York Factory Home-Guard, whose associations with the European traders extended over so many years. But even if we knew, there would still be problems, because we cannot be sure how closely Budd's family approximated existing norms. Ladd's study also portrays Budd and his fellow students as more vulnerable than they may in fact have been. Whether or not the theory behind evangelical pedagogy was ever consistently put into practice is one question, but how far it could be implemented, with all its assumptions of British cultural superiority, at the Red River mission in the 1820s is a more pertinent one. That the question has relevance is underscored by the bewilderment of the missionary William Cockran when, after all his efforts to make his students English, they remained "Indians still."

As a mixed society with many different viewpoints, Red River was a place where aboriginal roots still counted for something in the 1820s. It was not the Red River of later years, when an infusion of Ontario Protestants permanently shifted power away from the Native population.<sup>103</sup> Rather, the English presence was just one of several, and the church was barely established. The mission students were not captives; they could and did leave when they or their families became dissatisfied. Moreover, they were not isolated from the aboriginal and mixed-blood community, which was growing each year. While insecure in its religious knowledge and education, this group was far from seeing itself as inferior in other respects. Unquestionably, many eventually accepted the twinning of religious salvation with English civilization, with all the tragic implications for their own aboriginal roots and identity, but it is doubtful whether this could have been achieved quickly. Such dualism would become entrenched only after a couple of generations of indoctrination, and then only when it became evident that one's Native background was a liability in the existing society. Clearly that was not the case at Red River in 1820.

In such a community it is hard to imagine the racism of a William Cockran going unnoticed, if it was as blatant in life as it was in his journals. Perhaps it was an idiosyncrasy tolerated because the colonists needed a minister to teach them the Christian religion and assist in the education of their children. If they had the ability to "adapt and transform ... in order to survive in the face of changing conditions," as Ladd suggests, the Cree, and by extension their mixed-blood relatives, may have had the strength and fortitude to withstand the missionary's folly, at least in the short run. Although allied politically and often by blood to the British, they were a long-suffering people accustomed to hardship, whose religious identification may have been with the children of Israel, to whom some felt they were related.<sup>104</sup> Such a relationship could allow them to accept the Christian message of salvation without necessarily accepting the parochial cultural baggage the missionaries were wont to attach to it.

**Table 5**  
**The Family of Wash-e-soo-E'Squew**  
 Wash-e-soo-E'Squew = "Budd," a Muskego Cree



Since Budd and his classmates retained many of their traditional ways, they would have been incredulous had the missionaries suggested that aboriginal culture *per se* was incompatible with European civilization. This thinking was especially contradicted in Budd's own multicultural family which had never restricted its Cree or European associations in his mother's generation or his own (Table 5). Indeed, while a brother and sister married within the Cree community at Norway House, Budd's sister Catherine married the Norwegian Peter Erasmus, who had been in the Napoleonic Wars, served with the HBC, and become a respected member of the Red River agricultural community. His sister Nancy's first husband was Michel Rhein of Strasbourg, France, her second Horatio Nelson Calder, the Orkney-Cree son of a surgeon who had served at York Factory. Sally, the sister who was with him at the school, married Alexander Birston, the Orkney-Cree son of a retired HBC servant, and Henry himself was to marry Elizabeth Work, the Irish-Cree daughter of an officer in the same company. Consequently, this family was more likely characterized by a quiet confidence than by any sense of its own inferiority, and its diversity of origin and viewpoint must have broadened Budd's outlook rather than diminished it.

Budd's family was also nearby during his formative years at Red River. The arrival of his mother and sister at the mission school in 1822 and his eldest brother in 1827 undoubtedly strengthened ties with Cree culture, ties which were further enhanced by his sisters Catherine and Nancy who had settled with their families at the colony in the mid-1820s. Their European husbands undoubtedly introduced Henry to alternative views with which to weigh the assumptions of the missionaries and to challenge some of their worst biases. Catherine's husband Peter Erasmus, whom Budd described

as "our old friend Peter,"<sup>105</sup> was a particularly independent man. In fact, under the name Johann Frederick Swendsen or Swedson, he had been a ringleader in a revolt over working conditions among the Norwegian labourers at Norway House in the spring of 1815. In spite of threats from the overseer and the pleadings of officers from Jack River nearby, the Norwegians did not return to work until their demands were met.<sup>106</sup> In spite of such behaviour, Erasmus was again hired in 1823 for a two-year contract at Brandon House in which there was a proviso that "the said Frederick Swedson not obliged to buy dogs while employed as sawyer at Brandon House."<sup>107</sup> Erasmus was still setting conditions.

Such independence of mind was certainly common enough in the frontier setting of Red River, and no more so than in the person of William Hemmings Cook, another relative of Henry Budd, whose "eccentric" opinions became well known in the colony and led to a direct confrontation with the formidable Reverend William Cockran in 1834.<sup>108</sup> Cockran wrote several pages in his journal concerning his debate with Cook, whom he described as "one of the grossest infidels that is to be met with." The exchange is instructive on several levels. Although Cook was obviously baiting the clergyman, he was skeptical nevertheless about the mission of the church and raised questions which were no doubt current at the time among the unconverted at Red River. Cockran's response, on the other hand, reveals him to be a more complicated man than his written views on Native culture might indicate. It is easy enough to dismiss him as a racist, since he expressed so many negative opinions on aboriginal character and culture, but then his writing style is full of hyperbole, as illustrated in the following response to Cook's attack on the Christian congregation:

He [Cook] was remarkably malignant against some of my professing brethren, to which I replied, They have been 30 or 40 years under the baneful influence of your example, and others of a similar nature. You have taught them to be licentious, intemperate, and avaricious, and now you grumble because you do not see those vices eradicated at once, which you have been fostering for so many years. He said, I never thought myself accountable for their moral conduct. I replied, You were the Master of a post; these are the Indians with whom you traded, the slaves whom you demoralized. Had you then done your *duty*, they would have had fewer blemishes in their characters now. You find fault with these men, not because they are vicious, but because they are not perfect.<sup>109</sup>

and

I am happy you have nothing worse to say of my congregation than what you have stated. In the course of our conversation, you have told me you are better than one half of them. They consist of 100 families; you have picked these failings out of 50 of the worst of them. They are much better than I expected; I thought that after they had witnessed such an atrocious example for so many years, that you would have been able to have charged them with murder, adultery, incest, theft, and all manner of intemperance and licentiousness: but no! you have only pointed out imperfections, and imperfections which never could have been discovered by you, if it had not been for the light of the Gospel which shines upon them.<sup>110</sup>

Besides affirming that sin rather than race was the real enemy of the missionary, the exchange between Cockran and Cook dramatically

illustrates the tensions and undercurrents at Red River in the 1820s and 1830s which challenged the church's claim to exclusive jurisdiction in matters of faith and morals, and prevented the missionaries from exerting the kind of control necessary to erase the Cree culture, even from the students under their direct instruction. According to Ladd, Henry Budd's mission school education made him withdrawn and perfectionist in response to a growing shame over his Cree background. Yet his quiet demeanour, rather than a defense, may have been the best evidence of his Cree upbringing which, as Ladd points out elsewhere, probably helped him resist the worst aspects of evangelical education. His schooling may have produced stress, but there is no convincing evidence it did any permanent harm.

After its completion, he farmed for a time near the Lower Church (later St. Andrews). He went there in May 1829 with his mother, brother's widow, and her three children, in Cockran's words, "to raise as much wheat, barley, and potatoes as will serve themselves and feed a few hogs, to make pork for their own use. And I am happy to say they have managed very well."<sup>111</sup> Budd also worked for the HBC first as a day labourer,<sup>112</sup> then as a full-time employee at Lac La Pluie from 1832 to 1835.<sup>113</sup> In 1836, he married Elizabeth, the daughter of John Work,<sup>114</sup> who provided a dowry of £100 on her behalf.<sup>115</sup> With these funds, Budd was able to purchase land in addition to the grant he had received from the HBC in 1831.<sup>116</sup> By 1837 he was a schoolmaster for the Church Missionary Society,<sup>117</sup> in which capacity he remained until he was called to open the mission at Cumberland. Separately and collectively these actions indicate initiative, drive, and self-confidence.

Knowledge of Budd's origins is essential to understanding the man. His background, with its roots in Cree and English realities, prepared him to walk in two worlds. It helped him adjust to the mission school and to synthesize successfully the sometimes contradictory forces that impinged upon him. Budd was a fervent Christian. What he and the missionaries had in common was far more important than the differences between them. They were all part of a Christian subculture which faced opposition among the unconverted, whether Cree or European. Although his journals sound much the same as those of his non-Native contemporaries, and references to "Indians" might imply his identification with Europeans, one's identity is never a simple matter. Certainly Budd was comfortable with the English missionaries. They had similar educations, were often interested in the same issues, and were involved in a common cause.

Nevertheless, he also identified with the Cree, whose language and culture had been instilled in him during his childhood. At the same time, he rejected any traditional behaviours and beliefs he perceived as working against their acceptance of Christianity, although his views remained flexible. In the early years, for example, he felt the necessity to teach converts to read and write English, because that opened the door to salvation through the Bible. Later, when syllabics had been developed and the scriptures became available in his Native tongue, he no longer saw that need as crucial. His journals, which are a product of his later life, affirm again





Figure 5. Henry Budd, Sr.  
Courtesy of the Provincial Archives of Manitoba, Rupert's Land Collection 21, #N10617.

and again Budd's identification with his own people and roots he never left behind. With paternal attention, he saw to their welfare, just as in his private life he kept close watch over his immediate and extended family.

Heritage and traditional upbringing prepared Budd to meet the challenges posed by the mission school, while his keen intelligence and thoughtful nature enabled him to acquire an education sufficient for service as a

missionary to his own people. Based solidly on this background and a deep and abiding commitment to his beliefs, Budd went on to build an enduring Christian community among the Cree. His journals reveal his dedication to this ministry, and provide a poignant testimony to the faith he demonstrated in response to the trials and tragedies he suffered, including the premature deaths of his wife and nine children, among whom were all four of his sons. Budd's faith sustained him, and he continued to serve the church for the rest of his life.

Even on the day he died, Budd was a reflection of the two cultural currents which made him the man he was. In describing his last hours, his daughter later wrote, "I caught the words 'Abide with Me' & 'Rock of Ages', his mind seemed on holy things for he murmured words in Indian from God's Word."<sup>118</sup> Such a man, whose life represented values sacred to both cultures, is a fitting tribute to the memory of the Cree mother who nurtured him in his childhood, as well as to the English missionaries, who gave him the Christian principles which guided his later life. Their combined teachings helped build a man of "many talents," whose life of service to others might have been summed up in the epitaph:

Well done, thou good and faithful servant: thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy Lord.<sup>119</sup>

#### NOTES

Special thanks to Dr. Jennifer Brown of the University of Winnipeg for her assistance in getting this study into print, and to others who read the manuscript and made helpful suggestions for improvement. Thanks are also due Frontier School Division for its unique commitment to research into and celebration of the aboriginal history of Northern Manitoba; to Cam Giavedoni, Superintendent, Areas 3/5, for his continued interest; and, to Manitoba Education and Training for its generous support of educational research through the Compensatory Grant Programme.

1. Frank A. Peake, "Henry Budd and his Colleagues," *Journal of the Canadian Historical Society* 33, no. 1 (April 1991): 31. Peake has pointed out that while Budd was the first person born in Rupert's Land to be ordained to the diaconate, Robert McDonald, another person of part aboriginal origin, was the first to be ordained to the priesthood.
2. Irene Spry, ed., *Buffalo Days and Nights, Peter Erasmus as told to Henry Thompson* (Calgary: Glenbow-Alberta Institute, 1976). See especially "A Note on Peter Erasmus's Family Background," 303-05, 324-28. Prof. Spry's research paved the way for a solution to the puzzle of Budd's ancestry. Without it, the job would have been much more difficult and time-consuming.
3. George van der Goes Ladd, "Going-Up-The-Hill: The Journey of Henry Budd," *Journal of the Canadian Church Historical Society* 33, no. 1 (April 1991): 7-22.
4. John West, *The Substance of a Journal During a Residence at The Red River Colony, British North America* (London: L.B. Seeley and Sons, 1824), 12.
5. *Ibid.*, 13.
6. *Ibid.*, 14. Also Katherine Pettipas, *The Diary of the Reverend Henry Budd, 1870-1875* (Winnipeg: Manitoba Record Society, 1974), xvi.
7. Provincial Archives of Manitoba (PAM), Church Missionary Society (CMS) 3, Class "C", North West America Mission, Rupert's Land, C.1/M, Mission Books, Incoming Letters, 1822-1876, C.1/M.1, 1822-1833, item 11, 61, mf.A77, "Report to the Honourable Committee of the Hudson's Bay Company... 3 December 1823."

8. Ibid., item 23, 111, and item 15, 72.
9. West's journal states that James Hope and Henry Budd were baptized 21 July 1822. (Ibid., item 11, 35.) Although this is true, Budd is recorded under the name Henry Thomas in the HBC baptismal register. (PAM, Hudson's Bay Company Archives (HBCA), E.4/1a, fo.38d, no.201, mf.4M4.) Either the name was recorded in error, or West later changed his mind. In the original St. John's register "Budd" seems to have been superimposed over an earlier name, probably Thomas. (PAM, M277, MG7, B7-1, 26, no.201.)
10. PAM, HBCA, E.4/1a, fo.43d, nn.273-278, mf.4M4.
11. "Sally Budd is sister to Henry Budd, both the Children of the Half Breed upon the Establishment, she came with her mother in the Fall/22." (PAM, CMS3, Class "C," C.1/M, C.1/M.1, item 23, 113, mf.A77, Harbidge to secretary, Church Missionary Society, 1 July 1824.)
12. "Agathus" was described as "a half-breed (widow) woman, speaking only the Indian language, to make clothes, wash, cook, etc for the Children." (PAM, CMS3, Class C, C.1/M, C.1/M.1, item 15, 71, mf.A77.)
13. There were two girls, six boys, and "2 Northern Indian Boys ... which 10 are supported on the Establishment with the Half Breed Woman." (Ibid., item 15, 72, mf.A77. See also item 11, 64/65, for a similar report.)
14. Variants include Washasquew, Washosquew, Washe how Esquow, Washosqueu, Washeasquew, Washeho Esqwow, Washoesqwiw, Wa she oo esquew, Washeosquew, and Washiesqua. Wash-e-soo-E'Squew is the preferred spelling in this article. See footnote 24 below.
15. PAM, HBCA, B.239/d/144b, fo.47d; B.239/d/146, fo.47; B.239/d/148, fo.33; B.239/d/151, fo.39d; B.239/d/162, fo.59; B.239/d/163, fo.66d; B.239/d/165, fos.14d/15; B.239/d/179, fo.13d; B.239/d/180, fo.9d; B.239/d/186, fos.22d,27d; B.239/d/188, fo.16d; B.239/d/199b, fo.84/84d,162,168.
16. PAM, HBCA, Search File, Matthew Cocking.
17. PAM, HBCA, A.5/2, fo.176d, London Outward Correspondence, 1776-1788, letter dated January 30, 1788; also B.239/b/79, fo.28d, York Factory Correspondence, 1794/1809, letter dated September 1799.
18. Cocking's will, Borthwick Institute, Prerogative Court Probate Records, April 1799, allowed an annuity of £6 for each of his three mixed-blood daughters and their two surviving mothers.
19. Although Spry read this name as "Sen-lo-es-com," an analysis of Cocking's will suggests Le-lo-es-com is the name intended. "L" is written exactly the same in the words "Letter," "London," "Lines," and "Le-lo-es-com," while "S" is formed somewhat differently. "L is used only in Moosonee, at Moose Factory," according to R. Faries and E.A. Watkins, *A Dictionary of the Cree Language* (Toronto: Anglican Book Centre, 1938, 1986.), v.
20. Cocking's daughters were probably born between 1775 and 1783. Ke-che-cow-e-com-e-coot, described as 60 when she died in 1835, is unlikely to have been much older since her daughter Charlotte was born in 1819 when she would have been 44. Mith-coo-coo-man-E'Squew was probably the youngest daughter. She was 71 when she died 14 October 1853, therefore was born around 1782, the year her father returned to England. Wash-e-soo-E'Squew then would have been the middle daughter, born some time between 1775 and 1782.
21. Glyndwyr Williams, ed., *Andrew Graham's Observations on Hudson Bay 1767-1791*, vol. 27 (London: Hudson's Bay Record Society, 1969), 205
22. "Sh,' a sound heard only among the Crees of Hudson Bay ... anyone in Hudson Bay will discover that *Sesep* in the interior becomes *Sheshep* on the coast. It is the 'Shibboleth'

- which distinguishes the Eastern Cree from the Western Cree Indian." See Faries and Watkins, *A Dictionary of the Cree Language*, v.
23. *Ibid.*, 502. I also am indebted to Ken Paupanekis, Cree Consultant, Frontier School Division, for his suggestions on the possible meaning of the name.
  24. Although there are a variety of alternatives, Wash-e-soo-E'Squew is the spelling I prefer. It is close to the original in Matthew Cocking's will, the only change being "E'Squew" in place of "E'Squaw." "Squaw" has taken on a derogatory meaning and a harsh, monosyllabic sound. "E'Squew" is equivalent to the Cree "Iskwao," meaning "woman," with the "a" pronounced as in "made" and the "o" as in "snow."
  25. PAM, HBCA, B.239/c/1, fo.181, letter dated 3 February 1825 from Alex Robertson, clerk, Norway House, to Robert Miles, accountant, York Factory.
  26. She had actually been there since at least 1822. Listed at Norway House in 1822-23 under "Holmes" were one woman, two boys, two girls, with the notation "Husband retired to Europe." (PAM, HBCA, B.154/e/2, fo.11d.) In September 1823, the eldest son went to England. (*Ibid.*, C.1/800, Ships' Logs – Prince of Wales 1823, fo.3d.) In the winter 1823-24, under "Holmes" are listed one woman, one boy under fourteen, and two girls under fourteen. (*Ibid.*, B.154/e/3, fos.5d/6.) "J.P. Holmes wife, Keese cow e cumacout" also made purchases between 1827 and 1829. (*Ibid.*, B.154/d/29, fo.51d; B.154/d/30, fo.5d; B.154/d/33, fo.6.)
  27. Her son James Budd, known as "Cask," was probably there until late 1826 or early 1827 when he left to join his mother at Red River. Wash-e-soo-E'Squew visited her daughter at Norway House in 1847 and 1849. See letters by Henry Budd to his sister Nancy Budd and her husband Horatio Nelson Calder in the *Columbia*. (Provincial Archives of British Columbia (PABC), A/E/R731/C12/B85 and A/E/R731/W921.91.) Peter Erasmus, Jr. also mentioned his aunt at Norway House in a letter to the Calders in 1851. (*Ibid.*, A/E/R731/W921.91.)
  28. PAM, HBCA, B.239/c/1, fo.201, York Factory Correspondence Inward, 1808-1828, William Hemmings Cook, Red River, to Robert Miles, accountant, York Factory, 25 May 1825. Cook's reference to the "Box" was correct. Just such a box had been sent from York Factory. See PAM, HBCA B.235/d/20, fo.17d.
  29. Mrs. Holmes lived at Norway House for a few years before following her sisters south to the colony. She seems to have died at Red River in 1835. (PAM, M277, MG7, B7-1, St John's Cathedral, Burials, 1821-1900, 21, no.167, and PAM, HBCA, E.4/1b, fo.301d, no.167, mf.4M5.)
  30. PAM, M277, MG7, B7-1, 94, St. John's Register No.1, Entry, no. 645. The transcript of her baptism in the HBC register only gives the name Mary Budd. (PAM, HBCA, E.4/1a, fo.69d, no.744, mf.4M4.)
  31. Catherine's scrip application identifies her mother as "Mary a half breed." (PAM, Department of the Interior, Dominion Lands Branch, Land Records, Métis and Original White Settlers, "General Index to Manitoba and North West Territories Half-Breeds and Original White Settlers, Half-Breed Heads of Families, Manitoba," RG15, 1507:12, mf.C-11878.) The Reverend Henry Budd's application states his mother was Mary MistaKanash. (PAM, "Department of the Interior, Northwest Half-Breed Commission, 1885. Alphabetical List, known as Book E in the report," RG15, 1475:105, mf.C-11872.) There is no known equivalent meaning for "Mistakanash" in Cree. "Mistakuya'sew" means "a large Englishman"; therefore, the name might have some reference to Wash-e-soo-E'Squew's European background. See Faries and Watkins, *A Dictionary of the Cree Language*, 91, 329.
  32. Glenbow-Alberta Institute, Peter Erasmus, 1833-1931:1. Gooderham also wrote that Peter's mother was "an Ojibway mixed-blood" when in fact her aboriginal heritage was Cree.
  33. See inside back cover of Spry, *Buffalo Days and Nights*, for family chart.

34. CMS records indicate there was only one "Woman on Missionary Establishment" in October 1822 and 1 July 1824. The 1827 census of the Red River Settlement confirms this information. (PAM, HBCA, E.5/1, fos.8d/9, mf.4M4, "Statistical Statement of Red River Settlement 31 May 1827.")
35. "James Budd, Red River Settlement, buried 21 January 1829, supposed about 30 years, by William Cockran." (PAM, CMS12, Class "C," C1/0, "Orig. Letters, Journals, & Papers Incoming, 1822-1880," "Burials in the Territory of the Hudson's Bay Company, North America, in the years 1828/9," no.44, mf.A86.)
36. PAM, Department of the Interior, RG15, 1507:12, mf.C-11878.
37. "They [traders along the Bay] have almost uniformly taken up with Indian women, some have a plurality, & even to these their cupidity is not always confined – The present Chief of YF has three wives by whom he has a numerous issue. One he has discarded for being old – the other two are younger & live with him at the Factory." (PAM, Selkirk Papers, MG2/A1, 2:376/377, mf.171, Macdonell to Selkirk, 29 May 1812. Also Ibid., 1:354/355, Miles Macdonell, Nelson Encampment, to Selkirk, 31 May 1812, and PAM, MG 2/A1, 67:17868-9, mf.187, Rev. Charles Bourke's journal, 1 May 1812.)
38. PAM, HBCA, B.239/a/86, fo.57.
39. Nancy's scrip application states she was the daughter of William Hemmings Cook and Kahnawapanakan. (PAM, Department of the Interior, RG15, 1507:23, mf.C-11878.) Her baptismal record in 1821 adds that her mother was a deceased Indian woman. (PAM, HBCA, E.4/1a, fo.33d, no.11, mf.4M4.)
40. Her scrip application states Nancy was born in 1785, while her burial record in 1875 claims she was one hundred years old. (PAM, M32, MG7, B3, 15, St. Mary's, Portage la Prairie, Burials) Neither is accurate, as her father did not arrive at York Factory until 1786. When baptized in 1821, Nancy had already been the country wife of James Sutherland deceased, was currently married to William Garrioch, and was the mother of seven living children. Therefore, she was probably born shortly after her father's arrival.
41. Irene Spry describes the second wife as half-caste, but does not cite her source. Cook's HBC biography does the same. Still, it is probably true. Samuel, who was born c.1797, was described as the son of a "half caste" woman, and the mother of Charles, c.1804, was described as "Agathas." Since no evidence has been found that either of these men was the son of Mary Cocking, they may have been children of the second wife. (PAM, HBCA, E.4/1a, fo.44, no.280 and fo.46d, no.315, mf.4M4; PAM, Department of the Interior, RG.15, 1507:21, mf.C-11878.)
42. By 10 September 1816, William H. Cook had ten children, (PAM, HBCA, E.8/5, fo.128.) Their names were Nancy, born 1787-88 (marr. 1. James Sutherland, 2. Wm. Garrioch); Joseph c. 1792 (Catherine Sinclair); Samuel c. 1797 (Isabella Gaddy); Jane, c. 1790-1800 (1. John McNab 2. John Flett, 3. Henry Heckenberger); Jeremiah c. 1802-1804 (Eleanor Spence); Charles c. 1804-1805 (1. Nancy, 2. Catherine Anderson); Richard c. 1805 (See HBCA, B.239/a/115, fo.17d); Margaret 1808 (Wm. Sandison); Mary c. 1810 (Wm. Leask); Catherine 1815 (1. James Lyons, 2. Jos. Kirton). There may have been another son named John, c. 1790s, as John and Joseph Cook obtained provisions at York Factory 3 Oct 1804. (PAM, HBCA, B.239/d/127, fo.85d.) John must have died before 1816.
43. Wash-e-soo-E'Squew's son "The Cask" (James Budd) was born c. 1800; daughters Catherine, wife of Peter Erasmus, born 1805; Nancy, wife first of Michel Rhein, second of Horatio Nelson Calder, born c. 1805-1807; Nehowgatim (Sarah Budd), wife of Alexander Birston, born about 1809; and son Sakachuwescum (Henry Budd), born no later than 1811. Another daughter at Norway House was probably born around 1800-05.
44. Only Kahnawapanakan and Aggathas/Mary Cocking have been clearly identified as mothers to any of Cook's children.
45. PAM, HBCA, B.235/d/1, fo.34; B.235/d/3, fo.56d; B.235/d/18, fo.60; B.235/d/20, fo.33d;

- B.235/d/22, fo.52d; B.235/d/28, fo.36; B.235/d/34, fo.30; B.235/d/38, fo.28d; B.235/d/41, fo.35.
46. PABC, A/ER731/C12/Er12, letter from Peter Erasmus, Jr. to Horatio Nelson Calder, 27 June 1850.
  47. The children of brothers (or sisters) are known as parallel cousins to each other. In Cree kinship they are terminologically differentiated from cross cousins, who are the children of their fathers' sisters (or mothers' brothers).
  48. PAM, Selkirk Papers, MG2/A1, 1:54/55, mf.171, York Factory, 1 October 1811, letter from Miles Macdonell to Lord Selkirk. "Those parts" refers to the north side of Nelson River in the vicinity of Seal Island. Macdonell was writing from York Factory.
  49. PAM, HBCA, B.239/a/119, fo.49; B.239/d/155, fo.6d; B.239/d/155, fo.7, 14 February 1811; B.239/a/119, fo.50, 5 March 1811; B.239/a/119, fo.50d; and B.239/d/155, fo.9d.
  50. PAM, HBCA, B.42/d/71, fo.10d, Churchill accounts, 1793/1794, "Wappy & Nancy Mr. Jefferson's Wife & Daughter."
  51. PAM, HBCA, B.239/a/119, fo.50d, and B.239/a/117, fo.5, entries for 24 March 1811; B.239/d/155, fo.10, 25 March 1811.
  52. PAM, HBCA, B.239/a/119, fo.51, entry for 7 April 1811, and B.239/d/155, fo.11, entry for 6 April 1811.
  53. PAM, HBCA, B.42/d/71, fo.10d, Churchill accounts, 1793/1794, "Skunish Daughter of the late Captn. Jonathan Fowler." Her mother was probably Wappy, country wife to chief factor William Jefferson of Churchill. PAM, HBCA, B.42/b/44, fo.50, states, "We have received £13.3 of Mr Wm Jefferson for the use of his children at your Factory as last Year vizt. To Wappee £5 To her daughter Ann [Nancy] £5 & to Squanish £3.3." Compare to footnote 50.
  54. PAM, HBCA, B.239/d/153, fo.16d; B.156/d/3b, fo.6; B.156/a/11, fo.4d.
  55. See PAM, HBCA, B.239/d/155, fo.13-14d, entries dated 30 April, 12, 14 and 18 May 1811. Although Anchuckuck was listed in the May entries, he is unlikely to have been the fourth hunter. Between 19 April and 1 May, he was with "Wetasum" taking a packet to Churchill. While he was away, Thuthat and Wash-e-soo-E'Squew obtained provisions on the 30 April. His close association with Thuthat after 1 May may be explained by a relationship of some sort. In December 1810, for example, Thuthat and his son received provisions, and two days later "Ancheeckuck" also received biscuits and oatmeal. See B.239/d/149, fo.68, entries for 18 and 20 December. Perhaps Thuthat was father to Anchuckuck, whose employment as a packeteer suggests a young man. On the other hand, Thuthat's job as master of the goose tent implies age and maturity. Thuthat's name disappears from the records by 1812.
  56. PAM, HBCA, B.239/a/119, fo.51, notes a Mr. McLaughlin was sent to Sams Creek on April 10 to prepare for the goose hunt and on April 18, Thuthat was employed "to convey Salt & ammunition to the Northd. Goose Tent & engaged ... to conduct the business there." B.239/d/155, fo.11d-13, records that "five families about to leave for Sams Creek were given salt venison on April 12, Thuthatt and 6 familiys of Indians at Sams Creek received provisions on April 19. Supplies were given to Mehaum & five families of Indians from Sams Creek on April 29, to Thuthat and Washeho Essquoas on April 30, and to Wetasum and Anchuckuck 1 May 1811."
  57. One has to be cautious about assuming that all women named in the steward's books were widows. Jenny Johnson received provisions in her own name, even though Keshecowethin, described as the father (or was he father-in-law?) of her son, was living. (See PAM, HBCA, B.239/a/124, fo.78.) Wash-e-soo-E'Squew and Skunish may have been mentioned because they were annuitants and thus had their own accounts. Still, Thucotch, Mr. Jacobs's daughter, was also an annuitant, and the only reference to her found so far outside the account books is a note that her annuity was taken to her by

- Pimme. (B.239/d/161, inside front cover.) It is the combination of information that suggests Wash-e-soo-E'Squew and Skunish were widows by 1811.
58. PAM, HBCA, B.239/a/96, fo.23d. B.42/b/37, fo.12, letter from Stayner to Sutherland, 14 August 1795, lists debts of those who had gone to York under the names: Pom es cow athinew, Tuskey, Nechowethow, Ethabiscum, Thomas Isham, Keshecow athine, Ukemow keshick, Samashish, Jamahagun, James Wood, Bob, Sukesquatim, You Ham, Okisk, Cauquoshish, John Moore, Mistannish.
  59. PAM, HBCA, B.42/b/36, fo.4d. This accusation was probably true, as the London Council had complained in its 1793 letter that furs would be better preserved if the Natives left more fat on them, to which Stayner promised in his reply that they could "depend on every measure being adopted that can induce them to act as you have been pleased to direct." (B.42/b/44, fos.46d,48.)
  60. For further details on this incident, see PAM, HBCA, B.42/b/37, fo.5d, 11d/12, letters dated 19 March and 14 August 1795; B.239/a/96, fo.23d-26, entries 14 May-1 June 1794; B.239/b/56, fo.9d and 26; also B.42/b/40, fo.3, letter from Joseph Colen to Wm Auld, 27 March 1798, where Colen mentions "Jamahoggan & Family," as well as "Okisk, Hugemowkeshick, John Peitre, etc, etc."
  61. PAM, HBCA, B.42/a/124, fo.4, entry for 7 September 1797.
  62. Ibid., fo.8d, entry for 13 December 1797.
  63. Ibid., fo.9, entry for 18 December 1797.
  64. Ibid., fo.14, entry for 13 April 1798. Colen's letter dated 27 March 1798 is recorded in B.42/b/40, fo.3.
  65. See footnote 60.
  66. PAM, HBCA, B.239/b/80, fo.1d, letter from Wm. H. Cook to Topping, Churchill, 24 September 1809, by Hookemowkeshick.
  67. Ibid., B.239/b/80, fo.2; also B.42/b/53, fo.1, letter dated 30 September 1809 from Wm. H. Cook to Topping by Keshecowethin indicates he (Cook) had recorded debt by Keshecowethin and his son in the previous letter. [See footnote 66] He noted he has given an additional 15 MB debt to them "to the Old Man 5 and to the Son 10." Ibid., B.239/B/80, fo.2d; also B.42/b/53, fo.1, letter dated 10 December 1809 from Topping to Cook, says letter of 30th delivered on 9 December by Wethewacappo. Topping had seen or heard nothing of HugemowKeshick or any of his family that winter. In B.42/a/135, fo.4, entry for 9 December 1809, it reads, "Two Sn [Cree] Indians came received a letter by them from Mr. Cook of YF who informs me he had discharged our late runaways entirely from YF (much to his credit) but a prior letter given to one of them not yet come to hand." These "Two Sn Indians" must have been the father Keshecowethin, to whom Cook delivered the letter, and the son Withewacappo, who gave it to Topping.
  68. Ibid., B.239/d/149, fo.44d,48. Whether or not Hookemowkeshick ever reached Churchill is unknown, but he could have been there for only a short time. While apparently a Churchill Home-Guard, he was the eldest son of Mansee, who trapped to the east of York Factory. (HBCA, B.239/z/26, fo.2 and B.198/d/93, fo.93a.) Perhaps one of his two wives belonged to the Churchill Home-guard.
  69. Ibid., B.239/a/124, fo.42d-53, esp. entry on 22 April, "sent off Keshickcow Ethin & family to C.F. The mother of WithahweCappo being sufficiently recovered of her burnt foot to be hauld across the Nelson to her relations who are tenting there."
  70. See *ibid.*, B.239/d/169, fo.4d and 6, for relevant entries and the details of the trade for each person named. See B.239/a/121, fo.9d and 12, for the locations of their hunting grounds.
  71. Ibid., B.239/a/124, fo.78, "Patahootow the Son of Keshecowethin." Or perhaps he was a son-in-law. When Keshecowethin and his family were sent to Churchill in April 1814, Patahootow seems to have remained behind. He may have been one of the Fox River

- Indians mentioned 18 May 1814. (See B.239/a/124, fo.53, 56d.) Keshecowethin had a son Tapoisa wa tum listed in the Indian Debt List 1815/1816. (B.239/d/182, fo.20d.)
72. Ibid., B.239/d/250, fo.20d and B.239/z/26, fo.2. Paytahootaw, Pay ta hoo we how, or Petahootah is described as the son of Jean or Jeny Johnston.
  73. Ibid., B.239/a/124, fo.54d, 30 April 1814.
  74. Ibid., B.239/d/153, fos.1d, 8d, 16d, 18d. Among the Cree hunters paid for hunting geese in 1811 were five men who could be identified with the Northern Goose Tent, namely, Ancheckuck, Mayaham, Tuotum, Tuthat, and Woetassum.
  75. Ibid., B.239/a/121, fos.12d, 24d/25, 26/26d; B.239/d/169, fos.6d, 9, 12d, 16/16d, 17; B.239/d/124, fo.89d.
  76. Ibid., B.239/d/188, fos.14d/15, York Factory General Accounts, lists Witheewecappo, boatman, wages £4.8.9, Res. 1815/1816 Jack River, Res. 1816-17 Manitoba, Contract expires 1817. B.239/d/195, fo.15d, lists Witheewecappo as having his winter residence at Manitoba in 1816-17, and at Norway House in 1817-18.
  77. Ibid., B.239/d/185, fo.5d, 6, 8d; B.239/a/124, fo.108d, 109, 119d.
  78. Two other women were considered. Nancy, the wife of Curleyhead, who was too old, and Elizabeth Budd, the wife of Charles Nakawao who, other evidence suggests, was a daughter of Curleyhead and sister to Henry and Philip Budd of Norway House.
  79. PAM, Norway House Methodist Mission, Baptisms, 1840-1889, no. 394.
  80. "[Y]our Sister at Norway house is quite in good health and one of her Sons are hear along with me and I am Schooling him as much as I can..." PABC, A/E/R731/W921.91, letter dated 11 August 1851 from Peter Erasmus, Jr. to his uncle and aunt, Horatio Nelson and Nancy Budd Calder.
  81. PAM, "Department of the Interior Applications of 1885 made by North West Half-Breeds, RG15, vol.1329, Kallion-Loyer," claim No. 1165, "Sarah Kirkness (née Steinhauer) child," mf.C-14939; PAM, "Department of the Interior Applications of 1886-1906, RG15, vol.1352, Ignace-Kwenis," Claim 2970, "James Kirkness for his deceased children," mf.C-14978.
  82. PAM, HBCA, B.154/d/2a, fo.21d; B.154/d/2b, fo.53d/54; B.154/d/5, fo.6d/7 and 59d/60; B.154/d/7, fo.77d; B.154/d/11, fo.32.
  83. Ibid., B.154/a/10, 25 December 1822 and 23 May 1823.
  84. Ibid., E.4/1a, fo.167, No.1756, mf.4M5.
  85. PAM, "Department of the Interior, Applications of 1886-1906, RG15, vol.1338, Brecklaw-Budd," Claim 2122, mf.C-14954.
  86. PAM, HBCA, B.154/a/7, fos.8d/9, 12d, 15, 19d. Norway House Journal, 24 and 31 December 1818, 11 February 1819, 8 March 1819, and 23 May 1819.
  87. Ibid., B.154/d/7, fo.77d.
  88. Ibid., B.154/a/8, p.12/13, 17/18, and 21. Entries for 28/29, and 31 December 1819, 1 January 1820, 4 and 7 February 1820, 7 March 1820.
  89. Ibid., B.154/a/8, p.20, 26 February 1820.
  90. Ibid., B.239/d/218, fos.29d, 30d, 31d, 34d. Entries for August 5, 12, and 19, and 9 September 1820. See also B.198/d/93b, fo.22d, 29, 31, 48d.
  91. Ibid., E.4/1b, fo.302d, no.15, mf.4M5, William Hope (Weethaweecapo), Indian Settlement, buried 15 December 1836, aged 55 years, by Wm. Cockran. Therefore, he was born c.1781. Wash-e-soo-E'Squew was born c.1777-1781. See Footnote 67 above for evidence Keshecowethin was a generation earlier.
  92. PAM, CMS9, Class "C," C.1/0, "Orig. Letters, Journals & Papers (incoming) 1822-1880," mf.A83. Letter dated 13 January 1853 at Nepowewin from Henry Budd to Rev. J. Tucker.



93. See Winona L. 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* 33, no. 1 (April 1991): 65.
94. Michael Payne, *The Most Respectable Place in the Territory: Everyday Life in Hudson's Bay Company Service, York Factory, 1788 to 1870* (Ottawa: Canadian Government Publishing Centre, 1989), 27-49.
95. PAM, HBCA, A.30/2, fo.52d; A.30/3, fo.63d.
96. Her sister Ke-che-cow-e-com-e-coot was country wife consecutively to Englishmen Thomas Stayner and John Pocock Holmes. Her sister Mith-coo-coo-man-E'Squaw was married to Englishman William Hemmings Cook.
97. Her background had distinct advantages in the fur-trade country of York Factory, and it proved no impediment to her family's fortunes after she joined other mixed-blood people at Red River in 1822.
98. Although one has to be careful about generalizations, silence and keen observation were valued by the Cree, as both were necessary to survival in a hunting culture. In more traditional communities, these traits are still noticeable today. I recall discussing this some years ago with a Mohawk woman from Kahnawake, who with self-directed humour observed, "Whenever we gather for meetings, the Mohawk do most of the talking; the Cree sit back and listen, then sum up."
99. PAM, HBCA, B.42/a/138, fo.37d, letter from Auld to Topping, dated at York Factory, 27 June 1813.
100. For a description of this phenomenon in a northern, Native context see Christopher Hanks, "The Swampy Cree and the Hudson's Bay Company at Oxford House," *Ethnohistory* 29, no. 2 (1982): 103-15.
101. George van der Goes Ladd, *Shall We Gather At The River?* (Toronto: CANEC [United Church Publishing House], 1986).
102. PAM, HBCA, B.154/e/1 and B.154/e/2. The Norway House District Reports 1815 and 1823 indicate that Cree child-rearing methods were still practiced among the Home-Guard Cree.
103. See Irene M. Spry, "The Métis and Mixed-bloods of Rupert's Land before 1870," in Jacqueline Peterson and Jennifer S.H. Brown, eds., *The New Peoples: Being and Becoming Métis in North America* (Winnipeg: University of Manitoba Press, 1985). Spry made a case for unity and tolerance at Red River in the years before the Ontario English settled there, noting also as an aside that Cree and other Native languages were spoken widely.
104. A common speculation of the nineteenth century was that the Native people were descended from the Lost Tribes of Israel. Charles Pratt, as Winona Stevenson has pointed out, held this belief, confirming its currency at Red River.
105. PABC, A/E/R731/C12/B85, letter from Henry Budd to Horatio Nelson Calder, dated 25 July 1851.
106. PAM, HBCA, B.154/a/6, Norway House Journal, 1814/1815, kept by Enner Holte. Although brief, the journal outlines the labour dispute in considerable detail.
107. *Ibid.*, A.32/55, Servants Contracts, Sq-Sz, fo.273/273d, Contract titled "F Swedson Erasmus. Free 1825."
108. PAM, CMS3, Class "C", C.1/M, C.1/M.2., 1834-1837, 32-34, Cockran's Journal 1833/1834, mf.A77.
109. *Ibid.*, 33.
110. *Ibid.*, 34.
111. PAM, CMS10, Class "C", C.1/0, Orig. Letters, Journals & Papers (Incoming) 1822-1880, letter dated 5 August 1829 from William Cockran to D. Coates, Secretary, CMS, mf. A84.

112. PAM, HBCA, B.235/d/53, fo.15, Henry Budd, 1 June 1832, "To Balance of a/c as day labourer before entering the Service."
113. Ibid., B.235/d/49, fo. 15; B.235/d/55, fo.15; B.235/d/59, fo. 31.
114. Ibid., E.4/1b, fo.246d, no.1836/21, mf.4M5.
115. Ibid., B.235/d/62, fo. 108d; B.235/d/64, fo.68.
116. PAM, MG2, C12, M169, fos. 18d/19, Attested copy of Hudson's Bay Company Register B, List of Land Granted by the Company in the Red River Settlement, Lot 92.
117. PAM, HBCA, B.235/d/68a, fo.7d/8; B.235/d/71, fo.7d/8.
118. PAM, CMS27, Class "C", C.1/0, Item 452, mf.A101, Letter from Mrs. Henry Cochrane to Mrs. Arabella Cowley on Mr. Budd's death, 4 June 1875.
119. The Bible, Matthew 25:21.

# The Quest for Pasquatinow: An Aboriginal Gathering Centre in the Saskatchewan River Valley

David Meyer, Terry Gibson and Dale Russell

**ABSTRACT.** Pasquatinow is a Cree toponym which is recorded in eighteenth- and nineteenth-century accounts pertaining to the Saskatchewan River valley. The prominent portrayal of Pasquatinow on nineteenth-century maps and repeated references to it in the fur trade and other writings suggest that this location was important to the aboriginal occupants of the Saskatchewan River valley. This site, which occupies a well elevated, sandy valley top at the western edge of the Saskatchewan River delta, was recently located. Extensive archaeological deposits (Site FkMs-2) are present here, stretching almost a kilometre along the valley rim. Pasquatinow is interpreted as the location at which a regional band (perhaps 200-400 persons) congregated annually in pre- and post-contact times. As such, it is one of several such centres, regularly spaced along the Saskatchewan River.

**SOMMAIRE.** Pasquatinow est un toponyme cri qui apparaît dans les compte-rendus du XVIII<sup>e</sup> et XIX<sup>e</sup> siècle ayant trait à la vallée de la rivière Saskatchewan. La place importante accordée à Pasquatinow sur des cartes du XIX<sup>e</sup> siècle et les nombreuses références à ce site dans la traite de la fourrure et dans divers récits prêtent à penser qu'il s'agissait d'un site important pour les Autochtones occupant la vallée de la rivière Saskatchewan. Ce site qui occupe le haut d'une vallée sablonneuse sur l'extrémité ouest du delta de la rivière Saskatchewan a été récemment retrouvé. On y trouve des dépôts archéologiques importants (site FkMs-2) qui s'étendent sur près d'un kilomètre le long de la vallée. On pense que le site de Pasquatinow est l'endroit où une bande régionale (peut-être de 200 à 400 personnes) se réunissait chaque année avant et après le contact avec les Européens. En tant que tel, c'est l'un de plusieurs sites de ce genre qui s'échelonnent le long de la rivière Saskatchewan.

## Introduction

In the late 1600s, those Europeans who began to trade with the residents of northern Saskatchewan and Manitoba found that thousands of locations and landforms throughout the boreal-forest region had been named by the first peoples. Since the Cree language was the *lingua franca* of the fur trade in interior western Canada, most of the European traders gained some grasp of this tongue and learned from the Crees the local place names. In particular, they used and recorded a series of Cree toponyms along the Saskatchewan River<sup>1</sup> (Figure 1). Most of these referred to the locations at which the largest annual aggregations of peoples occurred.

"Pasquatinow" was one of these named places. It appears on nineteenth-century maps as "Pasquatinow"<sup>2</sup> or "Pasquatinow Hill,"<sup>3</sup> positioned on the north side of the Saskatchewan River, a few kilometres downstream from Tobin Rapids (Figure 1). One of the authors, David Meyer, has long been intrigued by these references to Pasquatinow. Therefore, during the summer of 1989 he, with another of the authors, Terry Gibson, travelled to the central part of the Saskatchewan River valley to try to locate the site. They were encouraged by the results of their 1989 visit and returned in the summer of 1990 to make a more formal investigation of the region. The following is a presentation and analysis of historical, geographical, archaeological and ethnographic information relating to this location. In particular, Pasquatinow will be discussed as an example of a seasonal aggregating centre, in relationship to the larger settlement pattern of the aboriginal hunters and gatherers of the Saskatchewan River valley.

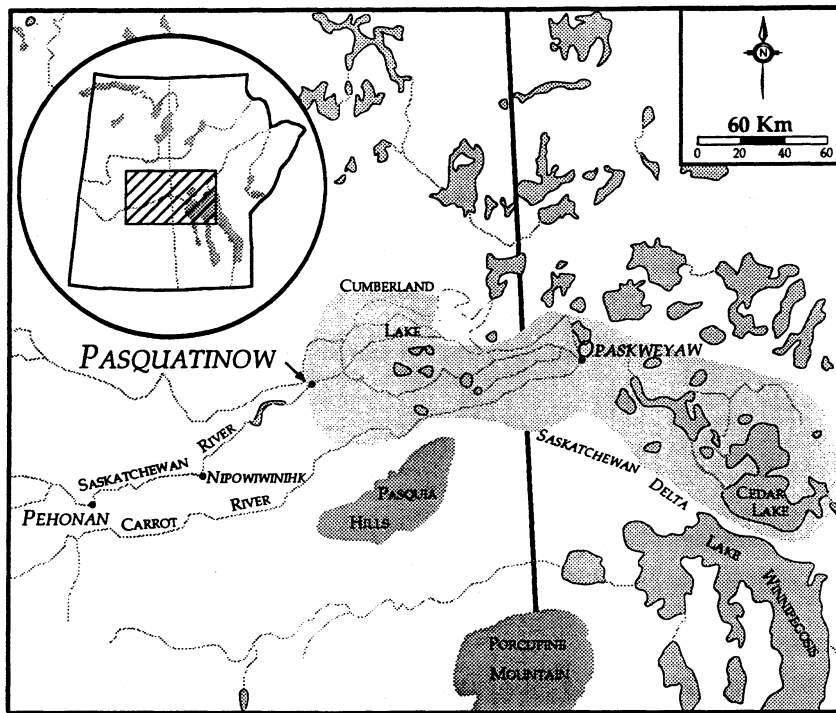


Figure 1. The Saskatchewan River valley, showing the extent of the Saskatchewan River delta. Some Cree place names are also shown.

### Topography of the Pasquatinow Area

Pasquatinow is located on the Saskatchewan River, precisely at the point of transition between the Carrot River lowlands on the west and the Saskatchewan River delta (or, Cumberland Lake lowlands) on the east.<sup>4</sup> This part of the Carrot River lowlands lies on the flat (former) bed of glacial Lake Agassiz. It is an area of very low relief, characterized by the sandy strandlines of the latter glacial lake and by the remnants of distributary channels through which the waters of the Saskatchewan River flowed into this glacial lake.

Travelling downstream in 1910, William McInnes of the Geological Survey of Canada described the descent into the Saskatchewan River delta in this way:

For a short distance, where the river contracts at Tobin and Squaw Rapids, the banks are again steep and high, but below the rapids fall away to a height of 10 feet or less and continue low to the mouth. This long stretch of river-valley extending to Grand rapids near the mouth, has the character of an estuary, in which the low, flat land is broken only by a few ridges of boulder clay... The elevation of the land above the general river level is not more than 10 feet, and in many places is much less, so that in periods of flood the river overflows its banks and spreads over nearly all this low-lying land.

The low, flat country forms a broad belt along this part of the river, extending northerly from the river for 15 miles, and southerly for 25 miles to the base of the Pasquia Hills.<sup>5</sup>

More generally, the Saskatchewan River delta has been described as “a gently sloping plain about 30 miles wide and 120 miles long,”<sup>6</sup> extending from just below Tobin Rapids east to Cedar Lake. Almost all of the elevated land within the delta consists of levees which border either the Saskatchewan River or channels in which it has flowed in the distant past.<sup>7</sup> Levees also border a number of smaller streams which flow into the delta. One of the former channels of the Saskatchewan River is the Sipanok, which trends southeast and eventually joins the Carrot River (Figure 1). The latter river empties into the Saskatchewan River at The Pas. Also within the delta are numerous lakes and marshes.

### Historical Accounts

In order to understand the historical references to Pasquatinow and environs, it is necessary to consider some of the changes in the course of the Saskatchewan River which have occurred over the past two centuries (Figure 2). Just downstream of Pasquatinow, the Saskatchewan River once executed a sharp 5 km long turn to the north. This produced a tongue of land which was known in the eighteenth and nineteenth centuries as Mosquito Point.<sup>8</sup> In the first half of the 1870s there was a dramatic natural event (an “avulsion”), the exact details of which do not seem to have been recorded; however, due to some combination of ice jams the spring floodwaters of the Saskatchewan River were diverted north from Mosquito Point, following Zig Zag Creek for 4 km. At this point the river waters left Zig Zag Creek and surged northward, eroding a new, 1.5 km long channel through to the Torch River.<sup>9</sup> Either at the same time, or within two or three years, the river also gouged a “trench” across the base (south end) of Mosquito Point, forming the “Cut-off.”<sup>10</sup> As a result, Mosquito Point became surrounded by river channels and now appears on topographic maps as Anderson Island. At present, the new channel (post-1873) carries most of the water of the Saskatchewan River, emptying it into the west end of Cumberland Lake. The old channel (pre-1873) only flows during periods of high water.

Pasquatinow regularly appeared on nineteenth-century maps, the earliest of which accompanied Sir John Franklin’s account of his travels published in 1823.<sup>11</sup> On that map it is shown as a prominent hill on the north side of the Saskatchewan River, opposite the mouth of the Sipanok Channel. Other nineteenth-century maps, such as the Palliser end map,<sup>12</sup> also show “Pasquatinow Hill”; however, it is evident that the information on this latter map, and others, was recopied from the information on the Franklin map. Pasquatinow Hill also appears on Dominion of Canada maps produced in the 1880s under the direction of Edouard Deville, chief inspector of surveys of Canada.

We have not attempted an exhaustive search for historical accounts of Pasquatinow but have reviewed several references to this location. The



earliest of these is by a Hudson's Bay Company employee, Matthew Cocking. According to the unpublished version of Cocking's journal, in the course of journeying up the Saskatchewan River in 1772, his party portaged across the base of Mosquito Point on 6 August.<sup>13</sup> Just before camping for the night, they passed the head of the Sipanok Channel. It is possible that they camped at Pasquatinow, because in his log entry for the next day Cocking noted: "the Natives call this part Pusquatinow from its being the termination of the woody Country."<sup>14</sup> The next reference to Pasquatinow occurs five years later, again by Cocking. By this time he was in charge of Cumberland House and on 13 May 1777 he made this journal entry:

Two Indians arrived having left their Canoe in Saskachiwan River, brought little or nothing with them: They tell me that they came from the Place called Puskwatinow (i.e.) high bare ground — about One Third of the way between this Place and the Pedlers nearest Settlement.<sup>15</sup>

Cocking's observations, therefore, place Pasquatinow just upstream from Mosquito Point and provide a translation of the Cree name. We also learn that Crees were camping here in the spring.

More precise locational information is provided some years later by another Hudson's Bay Company trader and surveyor, Peter Fidler. His account of a survey trip up the Saskatchewan River in the autumn of 1792 is held in the Hudson's Bay Company Archives.<sup>16</sup> Traversing the western portion of the Saskatchewan River delta, his observations of compass directions and distance estimates for each stretch of the Saskatchewan River make it reasonably straightforward to follow his course (Figure 2). His notations of landmarks such as islands and creek mouths are also very helpful. On 12 September 1792, Fidler's party reached "the head of Sturgeon river on North side — sometimes pass thro it in canoes, but it is farther about than to keep the Saskatchewan — it is partly supplied by this river — & 2 small rivulets that fall into it from the North."<sup>17</sup> In other words, they had passed the head of Zig Zag Creek, at the northern extremity of Mosquito Point.

Fidler's party canoed on for another one-half mile on a southwesterly course and then put up for the night. As indicated by the following quote, Fidler's first courses for the morning of 13 September were SEbE1 and S1/4, at which point they reached a small island (judging by contemporary aerial photographs and maps, this island no longer exists):

At 4 1/2 AM, got underway, went SEbE1-S 1/4 a small Isld. SWbS 2 1/2, a pretty high bank on the North side, called Pes coo tin naw — a stony shore — T\_?\_ etc — this is the first appearance of a good dry place since we left Oo pas qui aw [The Pas] — it only extends about 1/4 mile along the river & is the termination of a small hill from within — put out the Tracking Line & Tracked the Canoes — all below, paddling & \_?etting with poles. low \_?\_ steep banks, etc. — & several small willow Islands — went along the North side SW 3/4 the head of Sepannuck or the Carrot river on South side that falls into this river a little above Oo pas qui aw ...<sup>18</sup>

Fidler's account, therefore, indicates that Pasquatinow ("Pes coo tin naw") is on the north side of the riverbank, and in the vicinity of the head of the Sipanok Channel.

Additional information about Pasquatinow is provided by the travel diary of Alexander Henry the Younger. In August 1808, his party travelled up the Saskatchewan River. Having passed Mosquito Point, Henry wrote:

At this place, which is called Barren hill, commences the first range of high land on this river; on the N., where the land is elevated near 100 feet, the soil is yellow sand covered only with short grass. The hill is a delightful spot, compared with the low marshy country we have passed, but the surrounding country looks wretched; it is overgrown with the same wood as below, which in many places appears to have been ravaged by fire, the trees lying across each other in every direction.<sup>19</sup>

While Henry does not refer to this location as Pasquatinow, the editor (Coues) does propose this identification. This is almost certainly correct since Pasquatinow is the Cree word *paskwatinow*, "bare/bald hill" and it is apparent that Henry has simply provided an alternate English translation ("Barren hill").

A more recent reference to Pasquatinow occurs in the official report of Otto J. Klotz, a surveyor employed by the Canadian government. He travelled the Nelson and Saskatchewan rivers in 1884 and made this observation:

About opposite the head of the Sepenock Channel there is an elevation called Pasquatinas, meaning, in Cree "the little bare hill"; Sepenock meaning "a narrow channel making an island."<sup>20</sup>

It is puzzling that Klotz employed this variant form, "Pasquatinas," with the diminutive suffix — evidently *paskwatinis*, which Klotz correctly translated as "the little bare hill." However, the fact that Klotz recorded this place name in the diminutive is evidence that he obtained his information locally, and did not simply refer to existing maps.

Therefore, these accounts and maps indicate that the rise of land named Pasquatinow is on the north side of the Saskatchewan River, approximately across from the entrance to the Sipanok Channel. It is composed of a deposit of yellow sand that forms a valley side which rises nearly 30.5 m (100 ft.) above the river and on its summit is/was a meadow. As well, the riverbank at the base of this elevation is rocky — the first appearance of a stony river's edge on the western edge of the Saskatchewan River delta.

## The Search

During our initial visit to this region on 15-16 July 1989, we walked about 1.5 km of valley side and found one location which we thought could be Pasquatinow (Figure 3). This was on the north side of the Saskatchewan River valley, roughly opposite the head of the Sipanok Channel. In the winter of 1989-90, we decided to organize a more formal project and subsequently obtained the requisite archaeological research permit. We intended to expand our walking reconnaissance, to dig some trowel holes, and to collect artifacts as warranted. In particular, we had noted a topographic high mapped just west of the south end of Anderson Island



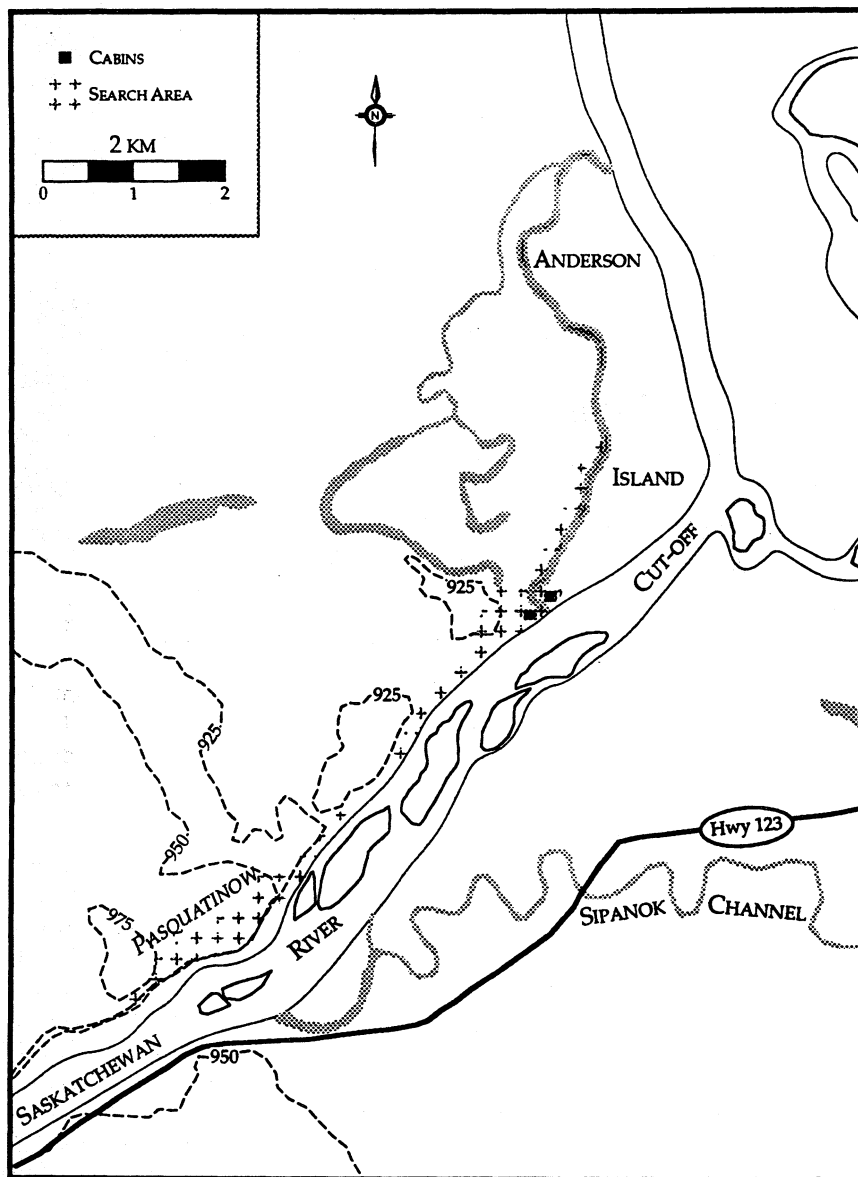


Figure 3. Map showing twenty-five-foot contour lines and section of riverbank searched between Anderson Island and the area across from the head of the Sipanok Channel.

(Figure 3). It seemed that this could be the location of a hill (and, therefore, Pasquatinow) and so we determined to examine it in the summer of 1990.

Upon our return, on 25 August 1990 we first searched the forest on the west side of the entrance to the abandoned channel on the west side of

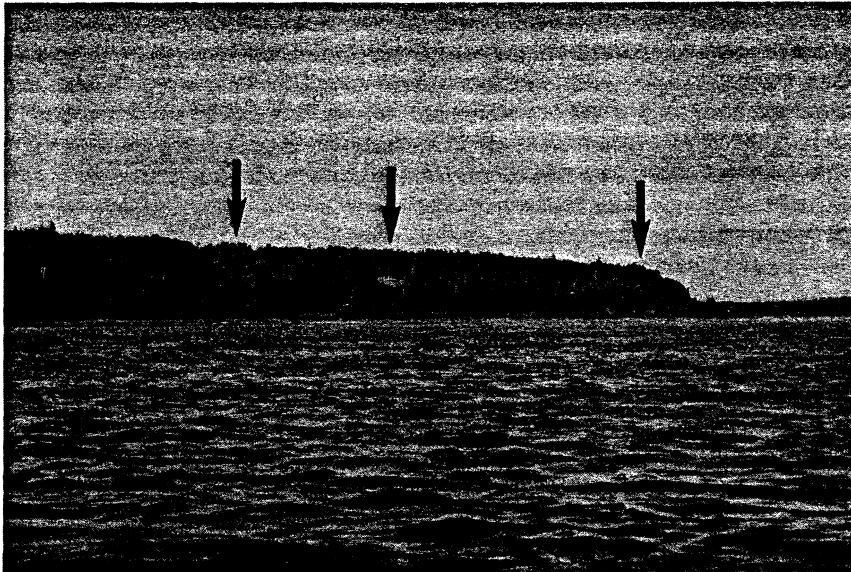


Figure 4. View of Pasquatinow from the Saskatchewan River, looking northeast. The arrows in the centre of the photograph indicate the locations of two grassy openings on the valley edge. The arrow on the right indicates the eastern end of Pasquatinow, beyond which is the Saskatchewan River delta.

Anderson Island. We found that there was no elevated area and that the topographic high shown on the map was not evident on the ground. We walked a substantial portion of the forest bordering the north side of the riverbank between Anderson Island and the area across from the entrance to the Sipanok Channel (Figure 3).

In this entire area, the only terrain feature which corresponds to the historical descriptions of Pasquatinow is the valley top on the north side of the Saskatchewan River, across from the entrance to the Sipanok Channel. Therefore, we have accepted this as the location of Pasquatinow: first, this is where Peter Fidler and O.J. Klotz located it; second, the valley side here is composed of fine yellow sand, just as described by Alexander Henry; third, there are two meadows on the valley top, corresponding to Alexander Henry's observation of the grassy summit of Pasquatinow; fourth, stones and rocks which are absent immediately downstream are abundant on the riverbank here, and Peter Fidler noted that it is at Pasquatinow that the first stony shore appears; fifth, this locale is the first high land on the western edge of the delta, just as described by Alexander Henry; sixth, there is a major archaeological site at this location, which would be expected of an important camping place. The official archaeological designation of this site is FkMs-2.

### **A Description of Pasquatinow**

When we first visited this area, our attention was immediately drawn to the treeless openings (Figure 4) along the valley summit across from the



Figure 5. Meadow on the valley top at Pasquatinow, looking west.

head of the Sipanok Channel. These meadows on the valley rim were obvious even from a distance of a kilometre away, out on the river. The valley summit is about 15m (50 ft.) above the river, with one small area rising above 23m (75 ft.) (Figure 3). The valley side here is a huge deposit of yellow sand, the edge of a large area of stabilized sand dunes which stretches away to the north. While this dune area becomes quite hummocky a few hundred metres north of the valley rim, at the rim itself the terrain is fairly flat.

The valley rim here supports a fringe of poplars which gives way on the north to an open jack pine forest. There is very little shrubbery within the latter forest, although blueberries and bearberries form a mat over the forest floor. In two locations, both hugging the valley rim, there are small meadows (Figure 5). In both cases, young poplars appear to be invading the margins of these grassy areas.

One of the meadows extends east-west along the valley edge for 30m and is 18m wide north-south. The second meadow is positioned some 60 m to the west and is larger, stretching along the valley rim for 45 m. We collected two samples of grasses from the former meadow. Dr. Vernon Harmes of the Fraser Herbarium, University of Saskatchewan, has identified one of the samples as Kentucky bluegrass, an introduced European

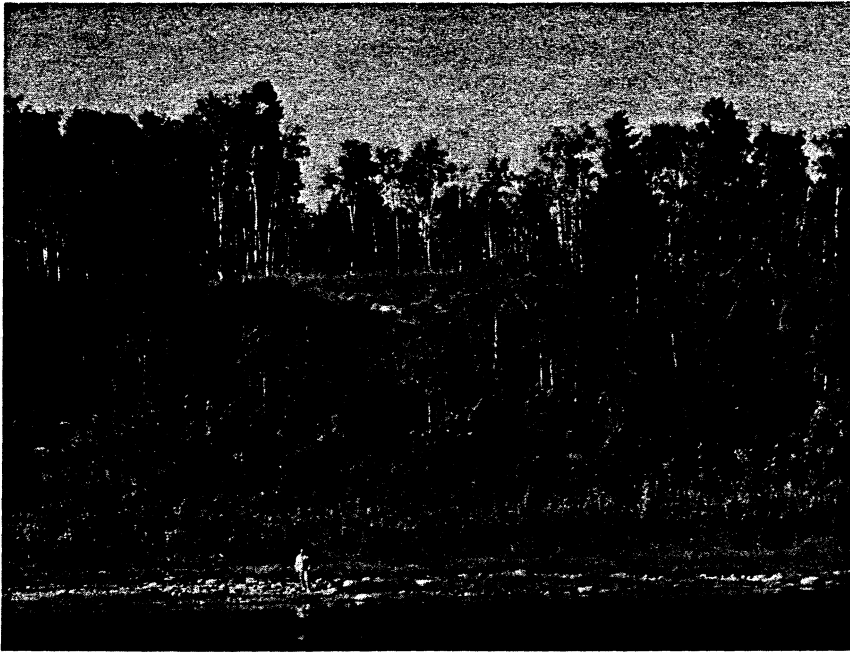


Figure 6. The sandy valley side at Pasquatinow, looking north. Note the rocky shore and the figure standing at the water's edge.

species, and the other as sand reed grass, *Calamagrostis longifolia*, a species characteristic of the Prairies to the south. Dr. Harmes pointed out that this location is an extension of the known range of the latter species, as the nearest known occurrence is some 80 km to the southwest, south of the town of Nipawin. Sand reed grass is the dominant grass of both of the small meadows.

The valley side at Pasquatinow is steep and, except for the upper quarter, supports a forest of young aspens, with willows just above the river-bank (Figure 6). The upper part of the valley side is sparsely vegetated, and sand is exposed in many areas; however, judging by the many rocks exposed on the river's edge here (Figure 6), this deposit of sand must rest on glacial till.

### Archaeological Observations

A 375 m long stretch of the outer edge of the valley rim is exposed in a narrow "cutbank," up to .5 m high, below which is a steep slope of slumped sand (Figure 7). Some portions of the upper valley side have been trampled by the resident elk and are free of vegetation. Apparently, these elk search out areas near the valley top where they can stand in the breeze in an attempt to escape their insect tormentors. There are, therefore, some sizeable areas of open sand here, which we examined for visible archaeological remains.



Figure 7. The eroding upper edge of the valley side at Pasquatinow, looking west.

Along the cutbank we observed an intermittent scatter of archaeological materials (Table 1), all originating from the thin, exposed "A" horizon (topsoil) within a few centimetres of the surface. These included bone fragments, bits of fire-cracked rock and some lithic debitage. A well-incised elk trail follows the valley summit, while another, roughly parallel trail is situated deeper in the forest (up to 40 m north of the valley rim). We walked these trails and regularly observed fire-cracked rock. Indeed, some pieces of fire-cracked rock were noted on the forest floor outside of the elk trails. It is very unusual to find visible archaeological materials in undisturbed areas within the boreal forest. We must conclude, therefore, that the occupational remains here are prolific and concentrated.

We examined the eroding edge of the valley rim very carefully and set up a temporary datum from which to take measurements. This datum is a poplar tree which is located on the east side of a rise (1.5 m) in the central area of the site. We blazed this tree on its east and west sides to allow its identification over the next few years. Since the cultural materials in the cut bank tended to occur in clusters, we measured the distance from the datum tree to each of the concentrations, made notes on the materials visible in each concentration and collected some samples.

**Table 1**  
Observations of Archaeological Materials

Distance from Datum	Cutbank Exposure	Elk Trail Exposure
0 m E	4 pieces fcr*	1 piece fcr
15 m E	scatter of unburned and calcined bone fragments	
18 m E	4 pieces fcr	
22 m E	1 piece fcr	
24.5 m E	1 fragment clamshell	
33 m E	1 piece fcr	
42 m E	1 piece fcr, 1 unburned bone fragment, 2 SRC** flakes	
45 m E	3 small unburned bone fragments	
48.5 m E	exposed hearth – 2 pieces fcr, ashes, many small fragments of calcined bone	
50 m E	many small fragments of calcined bone	
56.5 m E	1 piece fcr, 1 burned and 5 calcined bone fragments	
61 m E	2 large mammal long bone fragments, 1 piece fcr	
64.5-66 m E	2 SRC flakes, 1 quartz flake, 1 shale flake, 1 bird bone fragment, many small fragments of calcined bone	
70.5-72 m E	1 piece burned limestone, many small fragments of calcined bone	
75 E	major hearth exposed – 13 pieces fcr, charcoal fragments, 3 fragments of unburned bone – including one section of large mammal rib	
77.5 m E	1 rim sherd, 1 basalt flake, 1 fragment unburned bone	
86.5 m E	1 SRC uniface, 1 burned and 6 unburned bone fragments	
96 m E	1 flake SRC, 1 flake basalt, 2 fragments burned bone	
108.5 m E	1 flake SRC, 1 piece fcr, many small fragments of calcined bone	
115.5 m E	numerous small fragments of burned and unburned bone	1 piece fcr
142.5 m E		10 pieces fcr
167 m E	1 fcr	
9.5 m W	1 fcr	
11.6 m W	1 fcr	
41.8 m W	1 split phalanx moose, 1 unburned bone fragment	
45 m W	1 SRC flake, 1 piece beaver mandible, numerous unburned bone fragments	
47.3 m W	1 fcr, numerous bone fragments	
62.5 m W	1 shale gouge blade, 1 endscraper 2 pieces fcr, numerous calcined bone fragments	
81-85 m W	1 shale core fragment, 1 piece schist, 1 piece fcr, numerous fragments of unburned and calcined bone	
159 m W	4 pieces fcr	
165-166 m W	numerous fragments unburned bone	
197-199 m W	4 SRC flakes, 1 burned and several unburned bone fragments, 1 first phalanx deer	
207 m W	1 piece fcr	
* fire-cracked rock	**Swan River chert	



Figure 8. Fire-cracked rocks and ashes eroding from a hearth exposed in the valley top at Pasquatinow.

The materials observed within and beyond each of the clusters are listed in Table 1. Most striking are the major hearths, at 48.5 m east and 75 m east (Figure 8); however, several smaller hearths are represented by smaller concentrations of fire-cracked rock in association with burned and calcined bone fragments.

Of particular interest is a pottery rimsherd which we found at 77.5 m east of datum. This rimsherd (Figure 9a) has a maximum thickness of 10 mm and tapers to a thickness of 4 mm at the narrow, uneven lip. Both the interior and exterior surfaces are essentially smooth, although the interior bears some broad striations, evidently a result of wiping with a coarse material. The exterior does not bear any striations but is not perfectly smooth. The broken edges of the sherd reveal the presence of two fragments of grey rock. These are rounded pebbles which, with some other white flecks, may have been natural inclusions in the clay. There is no evidence of the grit temper which is characteristic of pre-contact pottery in central Saskatchewan. All of the exterior surfaces are yellow-brown to reddish, evidence that this vessel was fired in an oxidizing atmosphere. Generally, the interiors of such vessels, and the interiors of individual sherds, are black (fired in a reducing atmosphere). The fact that the breaks on this sherd are yellow-brown in colour is evidence that this vessel cracked in the course of firing and the surfaces exposed by the cracks were also oxidized.

We also recovered three stone tools. At 62.5 m west of datum we found a gouge and an endscraper, in association with a cluster of calcined bone

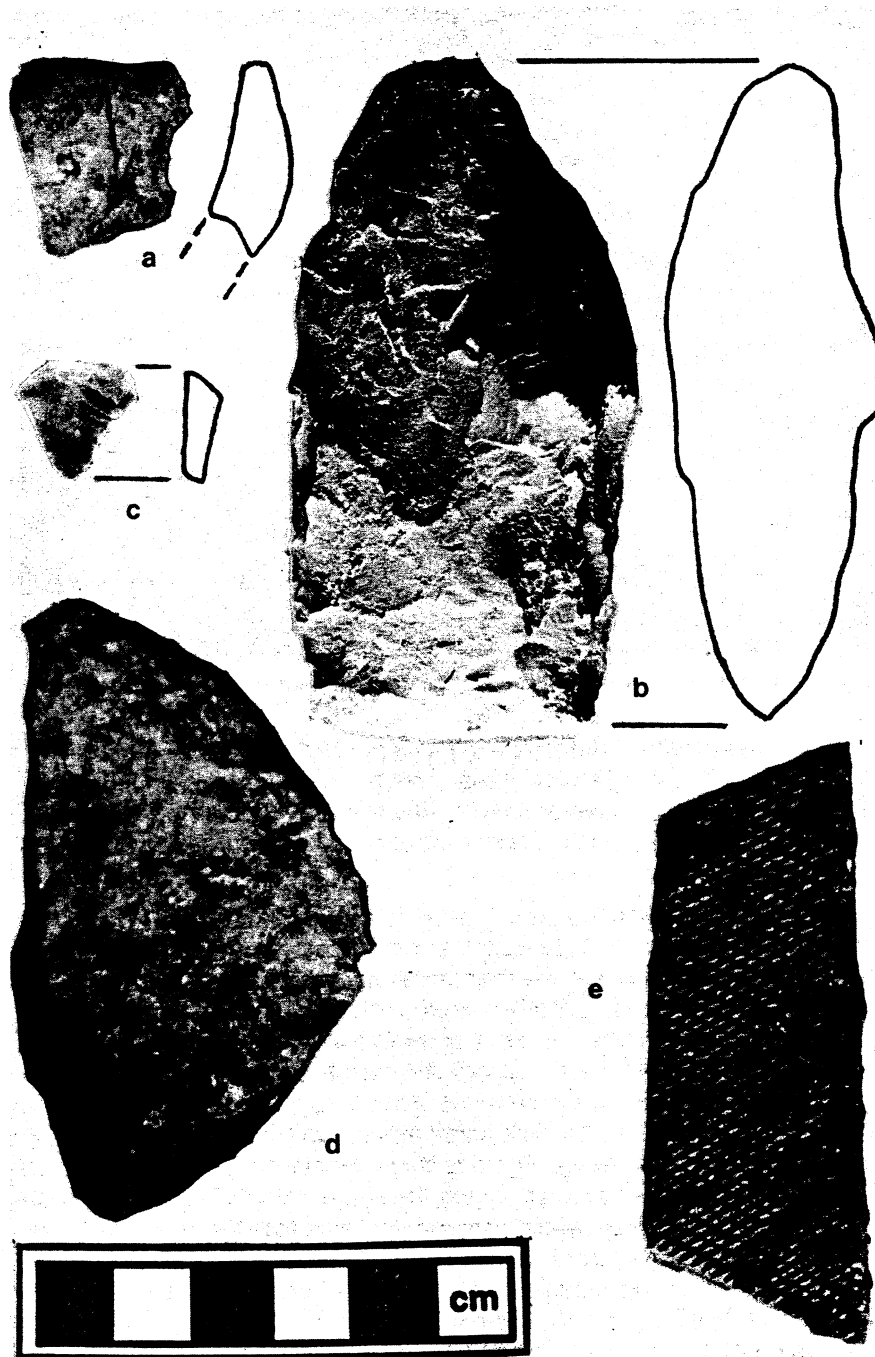


Figure 9. Artifacts from Pasquatinow: a) rim sherd; b) gouge; c) end scraper; d) uniface; e) file fragment.



fragments and two pieces of fire-cracked rock. The gouge (Figure 9b) is of hard, gray-green shale which has been bifacially flaked on all of its margins. One surface is flat, the other convex, resulting in a plano-convex cross section. The working edge was flaked to form a hollow bit which had been lightly ground on the dorsal surface. The cutting bits of these tools are believed to have been periodically reflaked and then ground to a sharp edge. It appears that one last attempt had been made at reshaping the bit on this tool. When it became apparent that this would not be successful, the tool was discarded. This gouge is 81 mm long, 42 mm wide, and 29 mm thick. With the gouge was a tiny endscraper of fine-grained Swan River chert (Figure 9c), 16 mm long, 16 mm wide, and 5 mm thick. The ventral surface is unworked, with all flaking restricted to the working edge which has an angle of 55°.

We found a third stone tool 86.5 m east of the datum. This is a large, relatively thin flake of coarse Swan River chert (Figure 9d), the longest margin of which has been unifacially flaked, as has a portion of an adjacent margin. The ventral surface is not worked and this tool is 77 mm long, 46 mm wide, and 11 mm thick.

Lithic debitage was observed in relatively modest numbers. This totalled eight flakes of Swan River chert, one flake of white quartz, one flake of hard shale, and two flakes of basalt. Also present was a core fragment of hard shale. All of these materials are characteristic of this part of Saskatchewan, as evidenced by the results of the large-scale, multiyear archaeological work which was conducted in the Nipawin area in the first half of the 1980s.<sup>21</sup>

At 61 m east and 6.5 m north of the cutbank edge, we noted two pieces of fire-cracked rock protruding from the surface. We trowelled away the humus and found another three pieces of this rock. Then we dug a small trowel hole, about 20 cm across and 15 cm deep. All that this produced was a section of a broken file (Figure 9e). In width, this fragment tapers from 26 mm to 23 mm and it is 6 mm thick. According to Olga Klimko: "The sides are double cut with about 20 teeth per inch, while one edge has a float or single cut with about 20 teeth per inch. The other edge is too corroded for observations."<sup>22</sup> Because files have changed very little over time, it is not possible to determine the age of this specimen; however, the heavy encrustation of rust present on some parts would be consistent with a date in the nineteenth century or earlier.

With regard to the faunal remains, the larger pieces were sections of ungulate bones which had been smashed, often producing spiral fractures. The faunal remains also included a section of a beaver mandible, the first phalanx of a deer, a split phalanx of a moose, and a fragment of a bone from a large bird (Table 1).<sup>23</sup>

As noted above, the site datum is on the eastern edge of a slight rise on the valley rim. This undulation is about 20 m wide (east-west) and about 1.5 m high. The exposed edge of the valley rim here revealed an almost continuous exposure of bits of burned and calcined bone, along with some

pieces of fire-cracked rock. It is possible that this slight rise contains the greatest concentration of occupational remains at this site. In any case, it is evident that archaeological materials are particularly abundant in the area extending east from this rise for about 115 m. To the west of this low rise, the exposed archaeological materials are less frequent, becoming very sparse beyond 85 m west. In short, the main occupation here extends along the valley edge for about 200 m, between 85 m west and 115 m east. However, we found evidence of occupation well beyond this central concentration. Very intriguing is a set of three depressions, around 164 m east of datum. Two of these are 5 m apart and 37 m north of the valley rim. The more easterly is about 1.5 m in diameter, its sides sloping down to a depth of about 40 cm. A stone protruded from the leaf mold on the south side of this depression and upon trowelling away the humus, we found four more stones. As well, a sixth rock was found on the north side of the depression. This is not fire-cracked rock, four being limestone and the remainder Precambrian rocks. The depression on the west is slightly larger but we found no rocks here, despite probing the soil with a trowel tip. Some 10 m to the south is a smaller depression, about 40 cm in diameter and 20 cm deep, with no rocks in association. Even more distant from the central section of the site is a cluster of fire-cracked rock on an elk trail 256 m east of datum and 30 m north of the valley rim.

Looking to the west, in the course of our 1989 visit we followed the elk trail along the valley rim for 1,040 paces, nearly a kilometre west of the datum point. At 546 paces west we encountered a concentration of five pieces of fire-cracked rock while there was a similar cluster on the trail at 624 paces. At 700 paces west we began to ascend the topographic high shown on the topographic map (Figure 4). The valley rim at this point rises over 24 m (75 ft.) above the river; however, the river, at a distance of .4 km, is hidden by trees and one has the sense only of being in the midst of a large forest. At present, therefore, this location is not attractive for camping because the river is not readily accessible.

### **Archaeological Interpretation**

It is apparent that a very large archaeological site is present at Pasquatinow, extending at least .9 kilometre along the valley rim. A central area about 200 m in length appears to contain the greatest concentration of archaeological remains. Most of these remains appear to be pre-contact in age, including lithic debitage, three stone tools and a rim sherd. Many of the hearths, as well, are likely pre-contact. The only evidence of post-contact occupation is the piece of a file.

The most puzzling features here are the three previously described depressions which are grouped 30-40 m north of the valley edge. It is possible that these depressions are natural (for example, uprooted trees); however, the cluster of stones at one of these reflects human involvement as stones do not occur naturally in the dune sand.

On the basis of the limited recoveries, it is difficult to assess either the

time period of the pre-contact occupation(s) or its cultural affiliation. The gouge blade is similar in size, workmanship and material to adze and celt blades found in Laurel and Selkirk assemblages in northern Manitoba and Saskatchewan. However, the puzzling aspect of this artifact is the fact that this is the first gouge blade to be recovered from northern Saskatchewan. The potsherd is also puzzling. It narrows to the lip, a characteristic of Laurel (and Avonlea) pottery. However, given the strong curvature of the sherd it is likely that it derives from a small bowl and it is probable that it was simply a quickly made "pinch" pot. This interpretation is supported by the lack of the normal grit temper, suggesting that the usual careful preparation of pottery clay did not occur. Pinch pots need not conform to the usual pottery-making styles, and so this pot could as likely be a Selkirk as a Laurel vessel. In the Saskatchewan River valley, Laurel occupations generally date about A.D. 500-1000, while Selkirk occupations date ca. A.D. 1450-1700.<sup>24</sup>

Although we recovered only a few identifiable faunal remains, these reflect the hunting of birds and a variety of animals, including beaver, moose and deer. These materials are too few to allow a determination of the season(s) during which this site was occupied.

### **Congregating Centres in the Saskatchewan River Valley**

Hunters and gatherers throughout the world employ systematic seasonal rounds by which they endeavour to position themselves appropriately within their territories as food resources become available for harvesting.<sup>25</sup> Through much of the year these peoples live in small social units, often composed of several closely related families (25-40 persons), in relative isolation. These groups are sometimes referred to as "local bands."<sup>26</sup> At least once a year, all or most of the local bands in a particular region may congregate at some location within their territory. This grouping of local bands has been termed the "regional band."<sup>27</sup> These gatherings may involve a few hundred individuals and serve vital cultural and social needs.<sup>28</sup> Major religious ceremonies are celebrated, marriages are arranged, and disputes are settled.

The Cree who occupied the Saskatchewan River delta in the 1700s and 1800s were hunters and gatherers whose social organization conformed to the above outline. During some periods of the year, the population was dispersed in small social units; at other times, larger social aggregations occurred. The fur-trade and church-missionary accounts provide evidence that in the late winter/early spring (before breakup) the occupants of various parts of the Saskatchewan River valley moved to gathering places such as Opaskweyaw (The Pas), Nipowiwinihk<sup>29</sup> (Nipawin) and Pehonan (Ft. à la Corne)<sup>30</sup> (Figure 1). In the historic records, these gatherings were sometimes referred to as "rendezvous."<sup>31</sup> At these locations these Cree built new (or refurbished old) canoes and waited for the waterfowl to return. Then, with the onset of the major spring fish-spawning runs, this food resource was harvested.<sup>32</sup> In particular, fish weirs were extensively used within the Saskatchewan River delta.<sup>33</sup> They were often maintained into the summer,

when sturgeon became an important food source.<sup>34</sup> Major ceremonies, such as the Goose Dance,<sup>35</sup> were held at these gathering centres. For example, the Reverend Henry Budd described the annual spring ceremonial round at Pehonan.<sup>36</sup> Eventually, the spring aggregation broke up into smaller groups for the latter part of the summer. It should be noted, also, that small numbers of people could be found camping at the congregating centres at almost any season — if local food resources were abundant.

In contrast to Pettipas,<sup>37</sup> we see the various regional bands of the Saskatchewan River valley as oriented to central bases, in both pre-contact and historic times. Indeed, the congregating centres may have been occupied for two months or more, each spring and early summer. A smaller scale aggregation sometimes occurred at the gathering centres in the autumn, before the winter dispersal.

This contact period seasonal round may be considered a useful analog for pre-contact times. Indeed, archaeological investigations at Nipowiwinihk, Opaskweyaw, and Pehonan provide evidence that the cultural deposits in each case are massive and extensive. Opaskweyaw has been used for at least 3,500 years<sup>38</sup> and Nipowiwinihk for at least 5,000 years.<sup>39</sup> At the latter location, the authors have been involved in extensive excavations of Selkirk sites (ca. A.D. 1400-1700) and found them to have been occupied in the spring. A small amount of archaeological work was conducted at Pehonan in the summer of 1985,<sup>40</sup> sufficient to show that the extent and age of the archaeological remains there are comparable to those at Nipowiwinihk.

### **Pasquatinow as a Regional Centre**

We do not have for Pasquatinow the substantial historical documentation which exists for locations such as Opaskweyaw, Nipowiwinihk and Pehonan, nor the extensive archaeological data which are available for Opaskweyaw and Nipowiwinihk; however, our archaeological observations do confirm it as a major regional camping place. Indeed, aside from the archaeological evidence, the fact that its summit is described historically as bare of trees and covered with grass may be taken as an indicator of intensive camp use. In the boreal forest, trees are largely absent from regularly occupied camp sites — such as those in contemporary use along the Churchill River. The trees are cut down for tent poles and for firewood, or they are simply removed to enlarge the space available for tenting and camp activities. Grasses become established as a result.

We would hypothesize also that, like the other named gathering places, Pasquatinow was occupied primarily during the spring. Indeed, residents of the western part of the Saskatchewan River delta may have found it necessary to move to higher land in late winter/early spring to avoid floods, particularly those associated with ice jams. Beyond this, the fact that Pasquatinow is a sandy valley top would also make it attractive for camp use (at any season). The sandy soil would result in good drainage during rains,

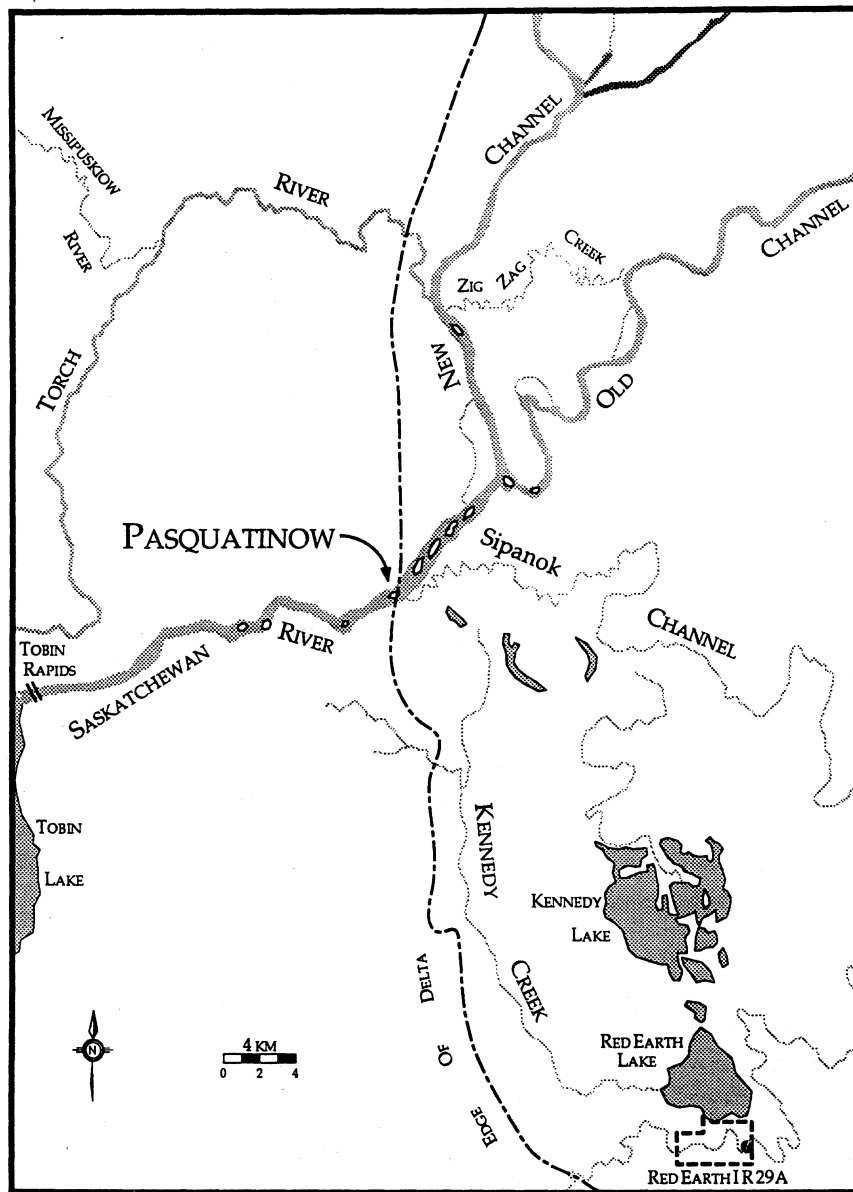


Figure 10. Map of the Pasquatinow region.

providing a relatively dry tenting area. As well, if occupied into the summer, its elevated nature would subject it to breezes and so keep insects at bay.

It is apparent that Pasquatinow was well positioned in terms of travel routes in the four cardinal directions (Figure 10). Of course, people could come to Pasquatinow from the east and the west simply by following the Saskatchewan River, but there was also a route to the site from the north

(Figure 10). This involved a 1.5 kilometre portage from the Torch River to Zig Zag Creek<sup>41</sup> and then south to the Saskatchewan River at Mosquito Point (Anderson Island). Similarly, the Sipanok Channel was used for travel from the southeast, while Kennedy Creek (Figure 10) provided access from the region more directly to the south.<sup>42</sup>

These travel routes provide suggestive evidence of the territory which could have been occupied by the peoples who seasonally gathered at Pasquatinow. Stronger evidence in this regard is provided by a consideration of the territory over which the Red Earth Cree hunted and trapped until the early 1900s.<sup>43</sup> Red Earth territory in the late 1800s and early 1900s encompassed an extensive region centred on Red Earth. In part, it extended north up the Kennedy Creek and Sipanok Channel systems and thence across the Saskatchewan River (including Pasquatinow) into the Torch River system.<sup>44</sup>

### Summary

Based on the historical accounts, we believe that we have identified the location known as Pasquatinow. It is a well-elevated section of sandy valley summit across from the entrance to the Sipanok Channel. The small meadows which are present here were probably larger in historic and pre-contact times as a result of regular camp use, with associated removal of trees.

Pasquatinow now appears as a large archaeological site, with a 200 m long central concentration, and sparser occupational remains beyond this core. It is likely that several cultural phases are represented at this site. The gouge blade and rimsherd which were recovered relate to either a Laurel or a Selkirk assemblage. Only one specimen, a broken file, provides evidence of post-contact occupation of this site; however, it is very likely that opening an excavation block here would result in the recovery of numerous items dating to the historic period.

Pasquatinow was only one of several major gathering places in the Saskatchewan River valley. All of the members of a particular regional band (perhaps 200-400 persons) would travel to their congregating centre at the end of winter. With breakup they began to hunt returning waterfowl and then took advantage of the spring fish-spawning runs. In many cases, this aggregation lasted into the early summer. Archaeological investigations at several of the aggregating centres have provided evidence that they have been gathering places for thousands of years.

### NOTES

Our thanks are extended to Olga Klimko who provided a written opinion on the broken file from Pasquatinow, to Dr. Ernest Walker who examined and identified the faunal remains from Pasquatinow, to Dr. Vernon Harmes who identified the grasses collected at Pasquatinow, and to Leslie Amundson who pointed out geomorphological studies relevant to the Saskatchewan River delta. As well, David Arthurs of the Provincial Archives of Manitoba located late nineteenth-century maps produced under the supervision of Edouard Deville.

In particular, we must thank Anne Morton, archivist of the Hudson's Bay Company Archives,

who very kindly provided an excerpt from Peter Fidler's journal of 1792. We gratefully acknowledge the receipt of permission from the Hudson's Bay Company to quote materials held in the Hudson's Bay Company Archives, Provincial Archives of Manitoba.

Archaeological investigations at Pasquatinow (Site FkMs-2) were conducted under Permit 90-54 issued by the Heritage Branch, Saskatchewan Parks, Recreation and Culture.

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# **Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada's Acquisition of the Hudson's Bay Company Territory**

Frank J. Tough

**ABSTRACT.** The Hudson's Bay Company's claim to Rupert's Land is compared to an aboriginal claim based on Indian title. The compensation that the two claims received is considered. Term 14 of the Deed of Surrender acknowledged Indian claims for compensation for the lands required for settlement. A recognition of Indian title in the documents affecting the transfer of Rupert's Land and the North-Western Territory to the Dominion of Canada is approached from a political-economy perspective. The negotiations leading up to the transfer documented the principles for compensation involved in the Company's surrender of its territorial claims. Archival information is combined with published documents to reconstruct the legal and legislative process which led to the surrender and transfer of Rupert's Land. An analysis of the documentation, including term 14, identifies the interests and bargaining positions of the Hudson's Bay Company, the Dominion of Canada, and the Colonial Office. An understanding of the fur trade provides a means for interpreting the legal and legislative processes that preceded the western treaties.

**SOMMAIRE.** Dans cet article, on compare la revendication de la Compagnie de la Baie d'Hudson sur la Terre de Rupert à une revendication autochtone basée sur un droit indien. On étudie la compensation reçue dans les deux cas. Le paragraphe 14 du "Deed of Surrender" (acte de cession) reconnaissait les droits des Indiens à être compensés pour les terres requises pour la colonisation. On adopte une perspective politico-économique pour reconnaître le droit indien dans les documents affectant le transfert de la Terre de Rupert et du Territoire du nord-ouest au Dominion du Canada. Les négociations menant au transfert documentent les principes de compensation qui sont entrés en jeu lorsque la Compagnie de la Baie d'Hudson a abandonné ses revendications territoriales. On combine l'information archivale à celle fournie par des documents publiés pour reconstituer la procédure juridique et législative qui a abouti à l'abandon et au transfert de la Terre de Rupert. Une analyse de la documentation, y compris le paragraphe 14, identifie les intérêts et les positions de négociation de la Compagnie de la Baie d'Hudson, du Dominion du Canada et du bureau colonial. Si on comprend la traite de la fourrure, cela permet d'interpréter les procédures légales et juridiques qui existaient avant que les traités ne soient signés dans l'Ouest.

## **Introduction**

On 23 June 1870, some 2.9 million square miles of British North America — Rupert's Land and the North-Western Territory — were incorporated into the Dominion of Canada.<sup>1</sup> This vast area, composed largely of boreal forest, tundra and prairie, now amounts to nearly 75 percent of Canada's land mass (Figure 1). Despite the geographical magnitude of this event in the history of nation building, Canada's acquisition of this territory from the Hudson's Bay Company (HBC) has been left unexamined. Traditional constitutional history has focussed on political evolution in those areas of British North America settled by Europeans.<sup>2</sup> The transfer agreement or Deed of Surrender has been used by conventional fur-trade historians merely as a means to conclude accounts of 200 years of Company history.<sup>3</sup> The more recent work on Native-white relationships has largely excluded the post-1870 fur trade.<sup>4</sup> Again, the Deed of Surrender is seen as an insignificant event in Native history. Because the question of Indian title enters into the transfer, legal scholarship has examined the published documents associated with the surrender of the HBC territory and the subsequent union with Canada.<sup>5</sup> These specialized approaches have not led to a general view of the long-

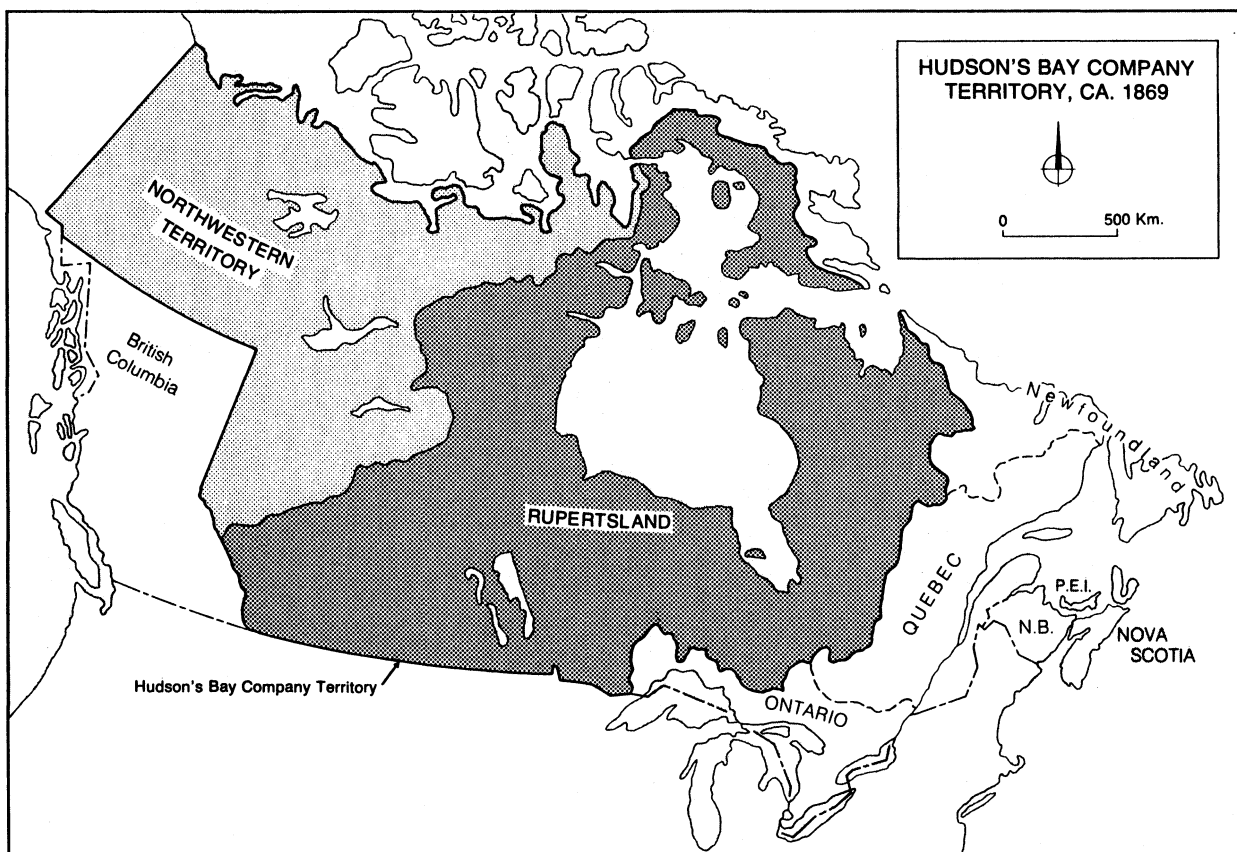


Figure 1. The Hudson's Bay Company Territory: Rupert's Land and the North-Western Territory.

term importance of the Rupert's Land transfer to the history of Native people. An analysis of the events surrounding the transfer of Rupert's Land will provide insights about Indian title.

Brian Slattery provides useful direction for pursuing research on Native legal issues: "yet if the historical role of Native peoples is now widely recognized, it has not yet been accommodated by the standard intellectual framework that influences legal thinking."<sup>6</sup> This problem is evident in the discussion on Indian title and the surrender of Rupert's Land. Most published research looks for meaning in the "Address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada," 16 and 17 December 1867 (hereafter Address of 1867); the "Address from the Senate and House of Commons," 29 and 31 May 1869 (hereafter Address of 1869); term 14 of the draft of surrender, which is synonymous with the HBC's Deed of Surrender; and term 8 of the "Memorandum of the Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company," 22 March 1869 (hereafter Memorandum of 22 March 1869). These documents are reproduced in the "Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union," 23 June 1870 (hereafter the Rupert's Land Order).<sup>7</sup> In the Rupert's Land Order the Crown accepted the surrender of Rupert's Land from the HBC and then transferred Rupert's Land and the North-Western Territory to the Dominion of Canada. Term 8 of the Memorandum of 22 March 1869 provides the original source for the aboriginal-title concept which emerged during the negotiations of 1868-69.<sup>8</sup> It states:

8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, in communication with the Imperial Government, and that the Company shall be relieved of all responsibility in respect of them.<sup>9</sup>

Term 14 of the Deed of Surrender states:

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.<sup>10</sup>

On the surface, this is a clear recognition of Indian title, but since Indians were not party to the surrender talks, it is not immediately clear which of the parties — the HBC, the Canadian government or the Colonial Office — sponsored this term concerning Indian title. Interpretations of the meaning of the particular conceptualization of aboriginal title, which emerged during the surrender negotiations, can be better appreciated by considering the political and economic context of the events which led up to Canada's annexation of the region.

By discussing the leading Canadian court cases in an historical context, Slattery has outlined a general theory of aboriginal rights.<sup>11</sup> The transfer of Rupert's Land merits specific attention. An historical analysis of the Rupert's Land Order contributes to an understanding of the legal principles

surrounding the extension of Canadian sovereignty into Indian lands under the control of the HBC. For some Indians, the terms by which the HBC surrendered its claim to Rupert's Land were a contentious issue during the western or numbered treaty negotiations.<sup>12</sup> Thus, research on the aboriginal-title concept embodied in term 14 of the Rupert's Land Order has implications for ongoing comprehensive and specific Native land claims. Given the importance of the Rupert's Land Order to the Constitution Act 1982 (more specifically, the British North America Act 1867, the Manitoba Act 1870, and the BNA Act 1871), the meaning of term 14 has a bearing on comprehending section 35 of the Constitution Act 1982, which recognizes and affirms the existing aboriginal and treaty rights.

A broader interpretation of Indian title as conceived by the Rupert's Land Order has not developed for several reasons. By and large, legal research has focussed on term 14 and has excluded an examination of the other terms of the surrender agreement. In specific terms, we do not know exactly why and how the HBC ended up with one-twentieth of the surveyed lands of the Prairies. An examination of the terms of surrender might cause one to ponder the legal implications of the Crown granting lands to the HBC prior to treaty making between the Canadian state and the Indians. Does the inclusion of a recognition of Indian claims make the surrender consistent with the Royal Proclamation of 1763, or could other terms, such as the HBC land grants, actually make sections of the Rupert's Land Order repugnant to the Royal Proclamation of 1763? The history of the development of the aboriginal-rights doctrine<sup>13</sup> should consider the Rupert's Land Order by evaluating the terms of surrender as a package. McNeil has shown that the Canadian government in the Address of 1867 was supposed to deal with Indians on the basis of "equitable principles."<sup>14</sup> The meaning of the expression "equitable principles" can be considered by comparing the compensation that the HBC received for its claims to Rupert's Land to the compensation that Native people obtained for their interest in Indian title. Methodological biases are responsible for some of the limitations on our knowledge of the aboriginal-rights concept which emerged during the transfer. Generally, the existing legal research has focussed on printed documentation, in particular, "The Report of Delegates appointed to negotiate for the acquisition of Rupert's Land and the North-West Territory."<sup>15</sup> Although the Delegates' Report contains a sizable selection of correspondence between 8 August 1868 and 10 April 1869, it mainly represents the Canadian position. Manuscript sources from the Hudson's Bay Company Archives (HBCA) not only present the HBC's viewpoint, but also provide some vital documentary evidence. In *R. v. Sioui*, extrinsic historical evidence was vital to the judgement.<sup>16</sup> New archival evidence which reflects on the meaning of term 14 is presented in this article.

Finally, a close look at the negotiations leading to the HBC's surrender of Rupert's Land, and a brief summary of Native reactions to this, will provide insights about the formulation of Indian policy. Purely legalistic approaches cannot evaluate Mr. Justice Mahoney's decision in the Baker Lake case that term 14 "merely transferred existing obligations from the Company to

Canada.<sup>17</sup> What were the HBC's obligations to Indians prior to the cession of Rupert's Land to Canada in 1870? Certain obligations were embodied in the practices of two centuries of trade relations between the HBC and the Natives.<sup>18</sup> Does term 14 create a fiduciary obligation? For some, a political-economy approach is too unorthodox and unnecessary. However, and by analogy, what sort of understanding of any of the aboriginal-rights sections of Constitution Act 1982 would exist without some awareness of the positions of various federal and provincial governments and the state of land claims in their respective jurisdictions?

### **Dual Claims to Rupert's Land: Mercantile and Aboriginal**

The HBC's Royal Charter of 1670 not only incorporated the HBC but also established this mercantile firm on a monopoly basis. Of importance to Native people, the charter granted monopoly trading rights on the "whole and entire trade and traffic."<sup>19</sup> Also, the HBC was given possessory rights. This 1670 document stated:

and grant unto them and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands, countries and territories upon the coasts and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian Prince or State...<sup>20</sup>

In effect, title was granted at the pleasure of the Crown. The all-encompassing territorial claims were stressed because the Company

at all times hereafter shall be, personable and capable in law to have, purchase, receive, possess, enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises and hereditaments, of what kind, nature or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments...<sup>21</sup>

The Charter granted a variety of proprietary rights and benefits to the HBC and its successors; as well, the capacity to give up its proprietary rights was granted. The Charter made several references to the HBC's proprietary rights to the lands in the Hudson Bay basin.<sup>22</sup> In practice, the HBC was not in the habit of making territorial claims to the exclusion of aboriginal land tenure.<sup>23</sup> The Charter also granted the HBC judicial authority, and the HBC thus had the status of a proprietary government. The authority of the HBC in Rupert's Land, with its governing powers, possessing land entitlements and monopoly trade rights, generated political opposition; nonetheless, the Charter was never challenged in court by the HBC's opponents.<sup>24</sup> In 1857, a legal opinion for the HBC tended to reinforce early European concepts of possession:

I am of the opinion that the Grant of soil of the Territory embraced within the limits mentioned in the Charter of Incorporation of the Hudson's Bay Company is in itself good newly discovered and unoccupied lands taken possession of by British subjects in the name of the Crown of Great Britain became the property of the Crown and therefore may be granted by it to anybody it pleases. The Territory

of Hudson Bay was unoccupied by Christians until it was taken possession of by the English and was first settled by the Company and their Servants.<sup>25</sup>

Such arguments and the unchallenged Charter of 1670 provided the basis for a longstanding mercantile claim to Rupert's Land. The HBC's territorial claims were advanced in the European sphere of diplomacy, and were based on "discovery." Because the HBC's relationship with Natives emphasized trade, there was little effort in the first 200 years of its operations to challenge Native use and occupancy of land.

The doctrine of aboriginal title substantiates a claim to Rupert's Land by Native people.<sup>26</sup> The basic concept of aboriginal title, that Indians had a valid title that could only be surrendered by proper legal procedures, arose out of some of the earliest interactions between Europeans and Indians. In Canada, a legal foundation for the acknowledgment of aboriginal rights is found in the Royal Proclamation of 1763. This constitutional document indicated and summarized the preexisting British policies on aboriginal rights. The proclamation restricted European encroachment on Indian lands by closing off a large area (designated as the Indian Territory) to settlement and by establishing a means for surrendering Indian title. Brian Slattery argued that the Proclamation "is one of those legal instruments that does simple things in complicated ways." He simplified the Proclamation's means for defining aboriginal title by stating "colonial governments are forbidden to grant any unceded Indian lands, British subjects to settle on them and private individuals to purchase them."<sup>27</sup> But the Royal Proclamation outlined a system of public purchases "as the official mode of extinguishing Indian title."<sup>28</sup> Indians could surrender their lands only to the Crown. Slattery concluded, "In technical terms, the Indian interest constitutes a legal burden on the Crown's ultimate title until surrendered."<sup>29</sup> Significantly, the Proclamation also declared that "the Trade with the said Indians shall be free and open to all our Subjects whatever."<sup>30</sup>

One of the complexities of the Proclamation pertains to an ambiguous geographical designation of limits of the Indian Territory; this in turn obscures the status of Indian title in those areas excluded from the Indian Territory. In its definition of the Indian Territory, the Proclamation excluded Rupert's Land by stating the Crown did "reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all Lands and Territories not included ... within the Limits of the Territory granted to the Hudson's Bay Company..."<sup>31</sup> Under the terms of its Charter of 1670, the HBC was, in effect, a proprietary government and notwithstanding the exclusion of Rupert's Land from the area designated as the Indian Territory, there is an implicit recognition of Indian title in the HBC Territory. The Proclamation also provided:

that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians ... and in the case they [Indian Lands] shall lie within the limits of any Proprietary Government [HBC's Rupert's Land], they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for the Purpose...<sup>32</sup>



Thus the Proclamation laid down a means for surrendering title in areas such as Rupert's Land. Legal scholarship has shown that the Proclamation applies to Rupert's Land; Slattery stated "the document's main measures are not confined to the Indian Territory; they apply throughout British North America."<sup>33</sup> The Royal Proclamation's provision to open up trade was not consistent with the monopoly terms granted by the Charter of 1670. The exclusion of Rupert's Land from the designated Indian Territory must be seen as an effort to accommodate the Proclamation's open trade provision with the existing HBC monopoly in Rupert's Land.

Aboriginal title as a legal doctrine means that Native people's rights have survived the advent of the Crown's sovereignty, but such rights may be limited, as Slattery noted, "insofar as these [rights] were incompatible with the Crown's ultimate title, or were subsequently modified by statute or other lawful acts."<sup>34</sup> The original customs and practices of aboriginal people have been enmeshed in the politics and law of European sovereignty. Slattery has provided a lucid explanation for the reasoning behind the Crown's involvement in the surrender of Indian title:

Even if we suppose that a discovering state gained an exclusive right against other European states to appropriate the region discovered and thereby gain territorial title, it does not necessarily follow that a subject of the discovering sovereign could not purchase private title from the native peoples and hold it under the sovereignty of the incoming monarch. Clearly a subject could not, under the principle, obtain international title to any portion of the discovered territory and set himself up as an independent potentate. But why could he not secure a private title? The answer must lie, not in the principle of discovery, but in the domestic law of the European state concerned. If that law stipulates that the sovereign is the sole source of private title for subjects settling in colonial acquisitions, then private purchases from native peoples are ruled out.<sup>35</sup>

Moreover, the concept of aboriginal rights is not restricted to land rights but also includes aboriginal "customary laws and governmental institutions."<sup>36</sup> The HBC territorial claims cannot be easily reconciled with Slattery's definition that aboriginal title "imported full rights of possession and use."<sup>37</sup> For analytical purposes, the negotiations and legislative steps leading up to surrender of the HBC's Charter and the transfer of Rupert's Land to Canada should be considered by examining both the mercantile and the aboriginal claims to the region. Such an approach does not concede the validity of claims made on the principle of discovery or argue that Rupert's Land was "legally vacant."<sup>38</sup>

### **Political and Economic Erosion of Hudson's Bay Company Rule**

The fate of the Native inhabitants of Rupert's Land was closely tied in with proposals and schemes of railroad financiers. Even the geographical isolation of Rupert's Land could not protect the HBC's mercantile rights from *laissez-faire* thought and the export of British capital. In the 1840s people of mixed blood (both French- and English-speaking) challenged the HBC monopoly in Rupert's Land. By 1849, the HBC's monopoly in the Red River district had effectively ended. In the 1850s, English-speaking mixed bloods opposed the HBC's political rule, advocated Crown colony status for the Red

River Settlement and made common cause with Canadian expansionists. The 1857 British parliamentary Select Committee on the HBC, established because of pressure from English-speaking mixed bloods and Canadian expansionists, and the need to consider the extension of the HBC's exclusive license to trade, provided no clear political direction for the region. The monopoly license to trade in those areas outside of Rupert's Land controlled by the HBC was not renewed. However, the HBC Charter remained a barrier for Canada's westward expansion, and a self-governing mixed-blood Crown colony was not realized.<sup>39</sup>

By 1863, a coalescing of various political and financial interests led to a buyout of the HBC. This put the HBC's Charter rights into the hands of those interested in colonizing the fertile belt.<sup>40</sup> Edward Watkin was the key player in promoting transcontinental railway and telegraph schemes, which required the acquisition of Rupert's Land. Watkin was heavily involved in the management of the Grand Trunk Railway, and was closely allied with the Duke of Newcastle, the influential colonial secretary. Rich outlined the interlocking nature of their political and economic objectives by 1861: "the statesmen and the railway magnate were of one mind on the need to complete the Intercolonial line and to reach out towards the Pacific with railways which would be a preliminary necessity to the union of all provinces and territories into 'one Great British America'."<sup>41</sup> A great deal of financial and political interest was generated by Watkin's plans to alleviate the existing railway financial problems by extending railways, telegraphs, or even wagon roads across the HBC's territory, thereby connecting British Columbia with the pre-Confederation Canadian provinces. A variety of commercial and political concerns, backed by influential individuals, supported Watkin's proposals: the North West Transportation Company, Grand Trunk Railway, Atlantic and Pacific Transit and Telegraph Company, and the London lobby of the British North American Association.<sup>42</sup>

From 1859 the HBC held the position that its monopoly could be bought out, but the imperial government would not purchase the HBC; mercantile interests were more than willing to give railway financiers access to Rupert's Land. Concerning a proposal for a partial surrender of the fertile land and a right of way, HBC governor Berens responded: "If these gentlemen are so patriotic, why don't they buy us out?"<sup>44</sup> Watkin eventually agreed to Berens's price of £1.5 million for the HBC, although HBC stock was valued at £500,000. The real assets of the HBC were worth £1,081,000, but another £1 million was added to the actual worth of the HBC in order to account for its lands. The market price of a £100 share was £190, but annual profits were only £35,000 and the undervalued stock would make the dividend rate appear good. The buyout arrangement settled on the selling of the £100 old stock for £300, thereby raising the Company's stock to £1.5 million. The buyout also meant that the control of the HBC would pass to Watkin and his backers. Watkin managed the buyout of the HBC through the newly established International Financial Society (IFS). The old stock of £500,000 was raised to £1.2 million, and new stock was raised to £2 million through a public issue.<sup>45</sup> The details of this stock watering have never been clear, and

in 1869 Canadian government representatives described the situation with obvious frustration: "The stock of the old Company, worth in the market about £1,100,000, was bought up, and by some process which we are unable to describe, became £2,000,000."<sup>46</sup> Mitchell notes that IFS made a profit, and Watkin recalled that the IFS took "a profit to themselves and their friends who had taken the risk of so new and onerous an engagement."<sup>47</sup>

The IFS buyout of the HBC forebode a changing political economy for Rupert's Land. The takeover of the HBC had a furtive quality, and as Rich noted, Berens "did not even know distinctively who the parties were with whom he was negotiating."<sup>48</sup> Apparently, when the Duke of Newcastle learned of the takeover of the HBC he had "believed that a new era was about to open in the north-west, and the wild animals and fur traders [would] retreat before the march of 'European' settlers."<sup>49</sup> The new stockholders that bought into the reconstructed HBC were investing in land; the prospectus stressed that the Company lands would be opened up for European colonization and mining grants would be available.<sup>50</sup> Moreover, as a result of the IFS takeover, the HBC was now under the control of men whose priority was "to realize the values of the southern parts Rupert's Land rather than to manage a trade to the north."<sup>51</sup> The objectives of the IFS suggest the reasons for a financial interest in Rupert's Land: "undertaking, assisting, and participating in financial, commercial, and industrial operations, both in England and abroad, and both singly and in connection with other persons, firms, companies and corporations."<sup>52</sup> The directors of the IFS included directors of important English and European merchant banks. The IFS's first purchase was the HBC, but it also financed railways, land companies, foreign banks and trading companies; indicative of this era of British capital exports, the IFS converted the public debt of Mexico.<sup>53</sup> At Red River the buyout, which occurred without consultation with the residents, created the belief among the fur-trade elite that "they had all been sold 'like dumb driven cattle'."<sup>54</sup> Nonetheless, the acquisition of the HBC by a modern financial enterprise did not result in either the expeditious transfer of Rupert's Land to Canada or the sudden displacement of fur trader by settler. A period of difficult negotiations followed.

### **Negotiating and Legislating the Transfer**

Despite the fact that the new owners of the HBC wanted to realize a value on their assets through colonization and that Canadians wanted to annex the fertile belt, there was no quick resolution to the Company's territorial claims. The legal status of the Charter was still a block: the HBC could not promote colonization of land with unclear title, the imperial government could not initiate litigation against its own Charter, and the Canadians were unwilling to test in court their position that the Charter was invalid. Consequently, neither the HBC nor the Canadians could proceed with colonization plans. The opening up of western Canada required a negotiated agreement. The Colonial Office acted as an intermediary, but the imperial government would not assume any of the costs of compensating the Canadians for a buyout of HBC claims or assume the burden of administrative costs of a

Crown colony at Red River. Negotiations dragged out between 1863 and 1868. The period between October 1868 and the end of March 1869 was crucial for affecting the transfer.

The HBC wanted a large cash payment, a large grant of land, and royalties from mineral wealth. The Company claimed that the land was worth a shilling per acre. Eventually the principle developed that the HBC interest in Rupert's Land would be accommodated by future revenues from land sales. By May 1868, the Company was holding out for one shilling per acre from land sold by the government and one-quarter of all gold and silver revenues, although these revenues would cease once £1 million had been paid out. The HBC wanted an ongoing stake in land, asking for 6,000 acres around each post and 5,000 acres for each 50,000 acres disposed of by the government. The HBC also sought confirmation of land titles it had issued at the Red River Settlement, and it wanted no exceptional taxation of the fur trade. Before surrendering Rupert's Land, the HBC wanted to ensure a large cash payment, ongoing revenues from future development, and protection of its fur-trade operations. The Company's bargaining position was constrained by the new speculative shareholders. This group had bought in after the HBC was reconstructed and had expected £5 million for Rupert's Land.<sup>55</sup>

The imperial government, through the Colonial Office, favoured political union of British North America, but the Royal Charter of 1670 had to be respected. Newcastle's position only admitted that the HBC could expect compensation for its claim to Rupert's Land. He agreed with the appraisal of one shilling per acre but opposed the granting of large blocks of land; a negotiated settlement awaited Confederation. Confederation was not just a political idea, it sponsored a new economic strategy which sought a western hinterland for Ontario and a transcontinental railway. Certain legislative steps reflected the urgency to acquire Rupert's Land. The westward expansion of Canada was provided for in section 146 of the British North America Act 1867, since an address from the Canadian Parliament would "admit Rupert's Land and the North-western Territory, or either of them, in the Union, on such Terms ... as the Queen thinks fit to approve..."<sup>56</sup> Canada followed up on section 146 with the Address of 1867, which argued that the transfer of the HBC territory "would promote the prosperity of the Canadian people, and induce to the advantage of the whole Empire."<sup>57</sup> Furthermore, the Address of 1867 outlined the economic objective of union:

That the colonization of the fertile lands of the Saskatchewan, the Assiniboine and the Red River districts; the development of the mineral wealth which abounds in the region of the North-west; and the extension of commercial intercourse through the British possession in America from the Atlantic to the Pacific, are alike dependent on the establishment of a stable government for the maintenance of law and order in the North-western Territories.<sup>58</sup>

The Canadian position argued that section 146 and the Address of 1867 were all that was required to bring about the transfer, after which the dominion government could legislate in both areas and the HBC's territorial claims to Rupert's Land could be decided in a Canadian court. This

bargaining strategy was partially undermined when the British Parliament enacted the Rupert's Land Act of 1868. This act facilitated the transfer of Rupert's Land, but it also acknowledged that the Charter of 1670 had "granted or purported to be granted" land and rights to the HBC.<sup>59</sup> This act, upon reaching agreed terms, permitted the surrender of the HBC's Charter to the queen, and with an address from the Canadian Parliament, the queen would admit Rupert's Land into the Dominion. With the passage of the Rupert's Land Act, the problem was reduced to arriving at terms of surrender acceptable to the HBC.

The period between 1 October 1868, when George E. Cartier and William MacDougall were delegated to represent Canada at the negotiations, until the end of March 1869, entailed complicated, three-way negotiations. In the end, one of the largest real-estate deals in history was concluded. Colonial secretary Granville and his undersecretary, Sir Frederick Rogers, acted as intermediaries between the Canadian delegates and governor of the HBC, the Earl of Kimberley (during this period, Northcote replaced Kimberley as governor). The HBC directors and the Canadian delegates negotiated from separate rooms but the purpose, unencumbered by politics, was clear. Rogers stated: "It is of course obvious that this negotiation for the purchase of the Hudson's Bay Company Territory is really between the seller and buyer, the Company and the Colony [Canada]..."<sup>60</sup> Little progress had been made by the close of 1868. The HBC's claim on a share of future revenues from land sales would have financially deprived the future government of the territory. The Colonial Office suggested that the HBC might receive the following terms: land around posts (between 500 and 6,000 acres, but only 3,000 acres in the fertile belt), one-quarter of land receipts and one-quarter of various gold and silver revenue up to £1 million, all previous land titles alienated by the HBC confirmed by the imperial government, grants of lots of not less than 200 acres in each township, no exceptional taxes on the HBC, liberty to carry on the trade, similar land grants for the posts in the North-Western Territory, the boundary between Canada and the HBC Territory to be defined once £1 million had been paid over, the selection of lots and payment of royalties and land receipts cease, and finally, lands set aside for Native Indians were not included in the payment of receipts from land sales.<sup>61</sup> At this point in the negotiations, the most significant suggestion, with long-term implications, was the granting of lots to the HBC in each township. With no large, up-front cash payment, this offer was unacceptable to the speculative stockholders.

The Canadian position was articulated in a letter from Cartier and MacDougall to Rogers in early February 1869. A long argument was made to support Canada's claim that the Charter did not cover the fertile belt and that the Charter itself was not valid, but they left it for the Colonial Office to determine "whether this Company is entitled to demand any payment whatever, for surrendering to the Crown that which already belong[ed] to it."<sup>62</sup> The Canadians suggested that the HBC's claim amounted to a "nuisance suit," but the HBC occupation of Rupert's Land obstructed "the progress of Imperial and Colonial policy, and put in jeopardy the sovereign

rights of the Crown.<sup>63</sup> The principle of compensating the Company through future revenues was unacceptable.<sup>64</sup> Cartier and MacDougall provided calculations for fixing a monetary value to the territorial claims of the HBC. They argued that the HBC's assets had been worth £1,393,569 and that the buyout of the old company in 1863 had cost £1.5 million; thus "£106,431 was the amount which the new purchasers actually paid for the 'Landed Territory'."<sup>65</sup> This the Canadians were willing to concede, and they once again asked that the Address of 1867 be acted upon and that, at the very least, the North-Western Territory be transferred to Canada.

Clearly all three parties were far apart: the Canadian delegates offered a fixed payment of £100,000, the Company and the Colonial Office were considering various forms of ongoing compensation, and as well, the HBC shareholders wanted a large cash payment. To resolve the years of dispute, Lord Granville proposed a series of terms to the HBC and the Canadians on an accept or reject basis. The essential terms provided the following: the HBC would surrender rights to Rupert's Land and other areas of British North America as directed by the Rupert's Land Act, Canada would pay the HBC £300,000 when Rupert's Land was transferred to the Dominion, the HBC would select blocks of land around posts, up to 50,000 acres (the number of acres selected at Red River was left blank), and would select, within fifty years, one-twentieth of the land set out for settlement in the area defined as the fertile belt, all land titles of land conferred by the HBC before 8 March 1869 would be confirmed, and the HBC would be free to carry on trade without exceptional taxation.<sup>66</sup> These terms were not proposed as a basis of negotiations, and a rejection by either party would lead Granville to recommend that the Judicial Committee of the Privy Council examine the rights of the Crown and the HBC.

Although the HBC attempted to effect some substantive changes, the governor and committee had displayed enough interest in the terms that a deal could be fashioned through face-to-face negotiations between the Canadians and the HBC. At this point the Colonial Office pulled out of the negotiations and the HBC and Canadian delegates effected an agreement, specifying more detailed terms in memoranda of 22 and 29 March 1869. The Memorandum of 22 March provided that the HBC would retain posts in the North-Western Territory, made a number of provisions for the HBC land around its posts, allowed the HBC to defer selected land in townships, established a charge for surveying HBC land, and held the Canadian government responsible for Indian claims. The Memorandum of 29 March allowed the HBC to select lots in townships adjacent to the north bank of the North Saskatchewan River and made it possible for the Canadian government to expropriate for public purposes land allocated to the HBC.<sup>67</sup>

The correspondence after Granville laid down the terms on 9 March 1869 elucidates some aspects of the HBC's strategy for dealing with the changes that would follow the transfer of Rupert's Land. Most of the points raised by Northcote were discussed in great length, and many became terms in the memoranda of 22 and 29 March. The HBC attempted to increase its

allocation of land from one-twentieth to one-tenth of the fertile belt but the Canadian delegates rejected this proposal. In keeping with a desire to be rid of its long-established social obligations to fur-trade society, the HBC unsuccessfully attempted to get the Canadian government to pay the salary of the bishop of Rupert's Land. Northcote also alluded to the HBC's desire for usufructuary rights:

Regarding the Country lying outside the Fertile Belt as a hunting ground alone, we presume 1st that we shall be at liberty to hunt over it freely, and without being subject to any licenses[,] tax or other similar import [duties] — 2nd That we shall be granted a title to our posts and to such joining land as may be necessary for their maintenance and for supplying pasture and wood — 3rd That we shall be allowed to cut wood as we may require in any part of the Territory.<sup>68</sup>

Clearly, the HBC was attempting to protect the established land-use patterns following a change in political jurisdiction. The allusion to the idea that the area outside of the fertile belt would remain as a "hunting ground alone" is relevant to understanding the aboriginal-title concept that developed during the transfer arrangements. Northcote also suggested that

it would be for the interest of the Company and still more for that of Canada, that Canada should give us for a limited period some special control over the importations made into the hunting Country so as to enable us to keep spirits from the Indians.<sup>69</sup>

Again there is a reference to the idea of a hunting country. With this proposal the Company was intending to maintain its control over the fur-trade country.

By the end of March, a deal had been arranged which was acceptable to the parties responsible for negotiating the terms. Nonetheless, a number of legislative steps, some of which got bogged down, had to be taken, which, along with unexpected political activity by the population of Red River, meant that no quick transfer of Rupert's Land occurred. On 9 April 1869, a meeting of the HBC resolved "to surrender to Her Majesty's Government all this Company's territorial rights in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada or British Columbia."<sup>70</sup> There was considerable opposition from shareholders who had invested £2 million to a deal that returned only £300,000 and some vague prospects about potential returns from future land sales.<sup>71</sup> On 20 May 1869 the Company's solicitors prepared a Deed of Surrender. Canadian acceptance of the transfer arrangements were indicated by resolutions and an Address to the Queen on 29 and 31 May 1869. Some differences in wording between the HBC's Deed of Surrender and the terms listed in the Canadian 1869 Address to the Queen, the need for imperial legislation guaranteeing the loan for £300,000, and Canadian difficulties in arranging the financing delayed the planned date of transfer from 1 October to 1 December 1869.<sup>72</sup> Even still, the Rupert's Land Order was further delayed until 23 June 1870, since it had to wait for the provisional government of Louis Riel to accept the terms of union which had been negotiated with the Canadian government. The outcome of these negotiations was the Manitoba Act, section 34 of which acknowledged the deal made for

transferring the HBC territorial claims, stating: "Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty."<sup>73</sup> Thus, the arrangements made with the HBC were enclosed within the Canadian Constitution, beginning with section 146 of the British North America Act 1867 and closing with section 34 of the Manitoba Act, which was validated by the British North America Act 1871.

Traditionally, it has been assumed that tension existed between the HBC and Canadian expansionists, and that the transfer arrangements were hindered by the legacy of fur trader/settler conflict. From a political-economy perspective, the Deed of Surrender resolved the transfer of Rupert's Land harmoniously. In April 1869 Rogers wrote Northcote, conveying Granville's sentiment

that no long period may elapse before the conditions of settlement thus accepted by the Company will be adopted by the Parliament of Canada, and that the transfer which Her Majesty will then be authorized to effect will prove a source of increasing prosperity both to the inhabitants of that Dominion and to the proprietors of the Hudson's Bay Company.<sup>74</sup>

The Rupert's Land Order stipulated a list of terms which were based on the terms laid out by Granville on 9 March 1869 and agreements made in the memoranda of 22 and 29 March. As far as understanding the long-term situation of Natives and the prosperity of the HBC were concerned, the most crucial terms provided the following: a payment of £300,000 to the HBC, along with 50,000 acres of land around the its posts, and over a fifty-year period selection of one-twentieth of the lands of the townships surveyed in the fertile belt, titles conferred by the HBC before 8 March 1869 to be confirmed, and Indian claims for compensation for lands required for settlement were to be disposed of by the Canadian government.<sup>75</sup> Despite the protracted bargaining, the complementary backgrounds of some of the key decision makers contributed to a resolution of the difficult political and economic problems that the transfer of Rupert's Land required. In the early 1860s, Watkin and Newcastle worked closely together and pulled off a deal which Rich referred to as "machinations on behalf of the Grand Trunk, the Intercolonial and Transcontinental Railway."<sup>76</sup> The governors of the HBC between 1863 and 1874 had careers which included important positions with the state: Sir Edmund Walker Head had been governor general of Canada before taking over as governor of the HBC; the Earl of Kimberley (governor of the HBC from 1868 to 1869) had had a career in the Foreign Office and had been a member of the cabinet as Lord Privy Seal; and Sir Stafford H. Northcote, the Earl of Iddesleigh (governor from 1869 to 1874), had also been in the cabinet as president of the board of trade and secretary of state for India. Nor was the movement between the state and the HBC one way — after the transfer, Sir John A. Macdonald's government would look to the Company's experience for assistance in developing an Indian policy in the North-West.<sup>77</sup>



### Indian Title and the Transfer of Rupert's Land

For the negotiators, the question of aboriginal rights was never central to the surrender agreement, but Indian title entered the talks in several curious ways. For example, the Canadian delegates refer to the North-Western Territory as the Indian Territory.<sup>78</sup> This acknowledgment of Indian title is relevant to the problem of the geographical ambiguity of the Royal Proclamation of 1763. An aspect of Indian title was raised when proposals were made to appraise the Company's claim. Kimberley informed the Colonial Office that HBC officials

also admit that it is proper that a similar exception [as with the lands for schools, roads or churches] should apply to land set apart as Indian reserves, on the understanding that these reserves will be made by Her Majesty's Government, as they are reinforced it is Its Graces' intentions they shall be, and that, if at any time before the million sterling is paid to the Company, such lands shall be used or granted for other purposes, it shall be liable to the payment of a shilling an acre in common with other land.<sup>79</sup>

The reference to Indian reserves indicates that the London committee of the HBC had anticipated the future direction of Indian policy. The fact that the HBC willingly offered to exempt Indian reserves from the estimates of its claim to Rupert's Land indicates that mercantile interests were attempting to stay well clear of any complications from Indian title. The Colonial Office agreed to this separation of lands from which the HBC could and could not obtain compensation:

Such lands as Her Majesty's Government shall deem necessary to be set-aside for the use of Native Indian population shall be reserved altogether from this arrangement, and the Company shall not be entitled to the payment of any share of receipts thereof, under previous Articles [stipulating compensation schemes], unless for such part, if any, of these lands as may be appropriated with the consent of the Crown to any other purposes, than that of benefit of the Indian Native.<sup>80</sup>

Indian lands were a unique category during the discussions of the principles and terms of compensation for the HBC claim.

Overall, the negotiations for the transfer did not take a hard look at Indian title or demonstrate much interest in Indian policy. On 10 April 1869, Granville notified the governor general that the proprietors of the HBC had accepted the terms of surrender, but most of this communiqué was directed at Indian policy and the expectations of Her Majesty's government. He urged the Canadian government to consider the HBC's relationship with Indians because "the Indian Tribes who form the existing population of this part of America have profited by the Company's rule."<sup>81</sup> He stated:

They have been protected from some of the vices of civilization, they have been taught to some appreciable extent, to respect the laws and rely on the justice of the white man, and they do not appear to have suffered from any causes of extinction beyond those which are inseparable from their habits and their climate. I am sure that your Government will not forget the care which is due to those who must soon be exposed to new dangers, and in the course of settlement be dispossessed of the lands which they are used to enjoy as their own, or be confined within unwontedly narrow limits.<sup>82</sup>

Clearly, the colonial secretary had anticipated that the transfer of Rupert's Land would affect Indians, and foresaw the dispossession of their lands.

Granville did not let his concern for Indian interests distract from the negotiations. On 10 April 1869 he wrote:

This question had not escaped my notice while framing the proposals which I laid before the Canadian Delegates and the Governor of the Hudson's Bay Company. I did not however even then allude to it because I felt the difficulty of insisting on any definite conditions without the possibility of foreseeing the circumstances under which those conditions would be applied, and because it appeared to me wiser and more expedient to rely on the sense of duty and responsibility belonging to the Government and people of such a Country as Canada.<sup>83</sup>

By reducing Indian title to a sense of duty, the negotiations did not have to reconcile the two differing claims to Rupert's Land. During the negotiations, serious consideration of Indian title would have led to a comparison of the HBC claim to Rupert's Land and Indian entitlement. Clearly, the question of Indian title was not a mere oversight; there was a deliberate effort by the imperial government to confine Indian entitlement to a policy status.

With the transfer of Rupert's Land, the aboriginal-title concept can be traced back to the Address of 1867. It called for the annexation of the territories and the resolution of the HBC claims in court. The question of Indian title was raised in the third term of the Address of 1867:

And furthermore that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.<sup>84</sup>

The Canadian delegates reiterated the terms of the Address of 1867 during the negotiations and added that these three points "were the only terms and conditions which, in the opinion of the Canadian Parliament, it was expedient to insert in the Order in Council, authorized by the 146th section."<sup>85</sup> Clearly, the Canadian position acknowledged compensation for Indian title. Later the address of 29 and 31 May 1869 stated Canadian intentions:

That upon the transference of the territories in question to the Canadian Government it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer...<sup>86</sup>

Although this second address acknowledged the importance of the transfer to Indians, its definition of Indian interests really reflects Granville's policy recommendations of 10 April 1869 and not the commitment of the Address of 1867. In fact, this later address did not indicate the aboriginal-title concept expressed by term 14 of the Deed of Surrender. A shift in emphasis from Indian legal claims to a protectionist policy occurred. The notion of compensation for a property right gave way to "care which is due."

Term 14 of the Deed of Surrender is often cited as recognition of aboriginal rights. It stated:

14. Any claims of Indians to compensation for lands required for purposes of

settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the Company shall be relieved of all responsibility in respect of them.<sup>87</sup>

McNeil has considered some of the legal questions this provision entertains, such as what territory the term applies to, whether only land required for settlement could be traded for, and whether communication with the imperial government was required.<sup>88</sup> It is a difficult problem.

A deeper understanding of the intent of term 14 can be developed by considering its meaning within the context of the transfer negotiations; on its own, textual exegesis is insufficient. An interpretation of term 14 requires the use of extrinsic records. What is the origin of term 14? What party sponsored it? A consultation of extrinsic records is aided by an understanding of the fur trade. Clearly the term relieves the Company of any costs associated with Indian title, for there is no direct burden of Indian title on lands granted as HBC lands.<sup>89</sup> This concept of aboriginal title did not enter into the talks until the face-to-face negotiations between the HBC and the Canadian delegates, appearing only after the Colonial Office ceased to participate actively as an intermediary. Moreover, Granville clearly stated that he decided not to raise Indian claims in the 9 March list of terms, and he did not raise the issue of Indian interests until 10 April 1869. Since the imperial government was not directly responsible for term 14, either the Canadians or the HBC sponsored it — possibly both parties initiated different aspects of it. As far as Native interests were affected directly by the transfer negotiations, the imperial government had abjured its responsibilities for the Indian peoples.

Other documents elucidate the concept of aboriginal title that emerged during the transfer talks. Drafts of the Memorandum of 22 March 1869 were found in the HBC London correspondence with Her Majesty's government (see Figure 2). The correspondence leading up to the memoranda of 22 and 29 March contains considerable discussion about the details of various terms. Term 14 is not expanded upon in this record; apparently, neither party committed to paper an argument on the issue of Indian claims.

However, the draft of term 14 (term 8 of the Memorandum of 22 March 1869) indicates that it went through two stages before the final wording was set down (Figure 2). The first version reads:

It is understood that any arrangements which should be made for the satisfaction of Indian claims on the land shall be made by the Canadian Govt. in communication with the Colonial Office, and that the Company shall not be considered to be responsible for them.

In this version the Canadian government acknowledged sole responsibility for Indian title. Only one change is made between the first and second version. The second version reduces the commitment to Indian title; "may be necessary" is substituted for "should be made." Between these drafts (Figure 2) and the final version used in the Memorandum of 22 March 1869 some important rewording occurred. The idea of Indian title is tied to the concept of compensation; thus, "satisfaction of Indian claims on the land" is substituted

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 all responsibility in respect of them.

MM  
 March 22. 1869

G. P. Austin

for "claims of Indians ... for lands required for the purposes of settlement." This change in wording indicates there was a conscious effort to link Indian compensation to a specific change in land use. Another change in wording substituted the imperial government for the Colonial Office. The final change broadened the Company's expectations in the post-1870 period. The use of "them" is ambiguous, possibly meaning "compensation" or "Indians" — or both. The indirect expression "shall not be considered" is replaced with the more direct "shall be relieved." The term "all responsibility" broadens the disengagement of the HBC from any obligations to Indians.

These drafts of term 14 provide no direct indication of which party desired a term on aboriginal title in the Memorandum of 22 March. Clearly the HBC gained, and in the post-1870 period it reduced its social obligations to Natives, which it subsequently argued were a government responsibility.<sup>90</sup> It seems unlikely that the Canadians felt a need to indicate their intentions towards Indian claims. Their intentions were already outlined in the Address of 1867, and certainly the imperial government did not force the Canadians to commit to Indian claims. In fact, Granville's correspondence of 10 April 1869 makes an argument for a protectionist Indian policy, and he does not seem to be aware of term 14. While it is not entirely clear how this term was arrived at, the HBC benefited. Ultimately, term 14 may have had the effect of reconciling the ambiguous HBC claim to Rupert's Land with Indian title. The text of this term in itself does not provide an obvious meaning.

### Conclusion and Retrospect

The transfer of Rupert's Land in 1870 marked a fundamental shift in the nature of Indian/white relations. Under HBC rule, the relationship between Indians and whites was primarily economic. The relationship became largely political with the decline of the fur trade and because the recognition of aboriginal title resulted in treaties between Indians and the Canadian state. In April 1869, colonial secretary Granville had communicated the "expectations of Her Majesty's Government," not the least of which was that the responsibilities for the Indian population were to shift from the HBC to the Canadian government. On the question of responsibility, Kent McNeil has considered the difficulty of a legal interpretation of the expression "equitable principles," wording used in the Address of 1867. He suggests that "although the requirement is that the principles rather than the settlements be equitable, it is suggested that an application of equitable principles should lead to an equitable result."<sup>91</sup> The outcome of the settlement of HBC claims could provide a comparative reference for determining whether Indians received "equitable results." How does the compensation that was paid to the HBC compare with the compensation negotiated for Natives?

The IFS takeover of the HBC in 1863 fundamentally changed the society that had existed in the fur-trade country. The Rupert's Land Order was the first step towards dispossession of Native people's lands. In a laconic fashion, the Deed of Surrender acknowledged Indian title, but the two claims to Rupert's Land were not given equal consideration. In 1869 and 1870, the

HBC's claim to territorial rights was given priority, and the compensation that the HBC received was significant. Whether term 14 of the Deed of Surrender is a weak recognition of a property right or whether the wording should have reflected inherent rights has not been an historical debate during the last 120 years. The legal strength of the aboriginal title acknowledged by term 14 was not significant in determining the extent of compensation. In reality, the HBC had more economic power, and it was therefore able to extract greater compensation for its claim. Yet term 14 and the Address of 1867 are a significant counterbalance to the protectionist policy thrusts of the Address of 1869.

Native peoples never gave much credence to the Company's claim to Rupert's Land. When the state eventually dealt with aboriginal title, knowledge of the deal made between Canada and the HBC complicated the efforts to establish the Canadian state in the North-West. Louis Riel, president of a provisional government that represented the general interests of the Red River population, and more particularly the mixed-blood middle class, stated: "Again, on a late occasion they tried to sell us. There never was a parallel case. A Company of strangers, living beyond the ocean, had the audacity to attempt to sell the people of the soil."<sup>92</sup> Riel specifically objected to the term which granted one-twentieth of the lands of the surveyed townships and he argued that "We in this settlement must get control of all the lands in the North-West."<sup>93</sup> Essentially, he objected to the basis of the surrender: "the transfer of country should be carried on between Canada and the people of Red River and not between Canada and the Company."<sup>94</sup> Opposition to the terms of the surrender were not confined to the mixed bloods at Red River. During treaty talks, Indians made government treaty negotiators aware of the fact that they disputed the HBC's claim to Rupert's Land and that they wanted the £300,000 that had been paid to the HBC. The HBC's claim to Rupert's Land was a major issue at the Treaty Four talks in 1874; an Indian by the name of The Gambler stated "The Company have stolen our land. ... I hear it is true."<sup>95</sup> Moreover, he wanted to restrict the Company's position: "I want them to remain here to have nothing but the trade ... The Indians want the Company to keep at their post and nothing beyond."<sup>96</sup> The Native perspective of their rights did not allow for HBC claims to territory.

Indian title was not ignored. After recognizing the HBC claims, the Canadian state turned its attention to Native claims. Those known as Métis or "halfbreeds" were dealt with by issuing land and money scrip on an individual basis. Métis scrip quickly passed into the domain of land speculators, and thus public or Crown lands which still had the burden of a Métis claim to Indian title passed into the hands of a commercial elite. This approach to the Métis neither satisfied the legal aspects of aboriginal title nor provided them with the means to adjust to a changing economy. Treaties with Indian tribes were the most important mechanism for dealing with aboriginal title. The terms of these treaties varied, but the essential compensation provided by them included land for reserves, subsistence rights, annuities amounting to five dollars per person, treaty supplies to support

subsistence activities, and relief during deprivation. Yet Granville's expectation that Indian land interests would not "be confined within unwontedly narrow limits" was not borne out. Small reserves, unfulfilled treaty land entitlements, reserve surrenders, pass laws and the imposition of game and fish protection legislation in opposition to treaty and aboriginal rights had the effect of confining Indians. They were prevented from exercising some of their rights. Unlike the HBC, Indian claims were not compensated by future revenues from land sales. Basically, the terms of the treaties allowed only a bare survival for Indians. Retrospective views by Native leaders indicate that the surrender was a turning point in the history of western Canada. In their submission to the Ewing Commission of 1935, Malcolm Norris and James Brady began by stating: "we will undertake to show the depths of poverty to which the Metis people have been reduced since the surrender of Rupert's Land."<sup>97</sup>

During the transfer arrangements between 1863 and 1870, two interrelated processes were at work. The legal and legislative processes permitted a reorientation of the political economy of Rupert's Land, but they were preceded by a change in the ownership of the HBC. Hence the importance of railroad financiers to the Rupert's Land transfer. Eventually, the settler replaced the fur trader, but the owners of the HBC realized their interest in the fertile belt. Between 1905 and 1922, the Company's dividend rate ranged from 20 to 50 percent.<sup>98</sup> These large dividends were supported by land sales. Although Native peoples were kept at a subsistence level, the HBC accumulated capital. Between 1891 and 1930 the HBC's land earnings netted profits of \$96,366,021, a far cry from the £2 million invested in 1863.<sup>99</sup> Ultimately, HBC land sales were greater than the £1 million that the Colonial Office had agreed in 1869 as the value of the HBC's claim to Rupert's Land. The actual amount of land granted is another measure of the compensation due to these two claims to Rupert's Land. In the case of Manitoba, the Department of the Interior calculated that by 1930, some 559,301 acres had been set aside for Indians (2.6 percent of the land that had passed from the Crown), but 1,279,965 acres had been granted to the HBC (6.1 percent of the land that had passed from the Crown).<sup>100</sup> The outcome of these very different claims was not equitable.

The complexity of Canada's acquisition of the HBC territory reflected the interplay of political economy and law. As the history of the Rupert's Land transfer demonstrates, aboriginal title is not only a relevant approach to understand pressing legal issues, it also provides new avenues to interpret Canadian history.

#### NOTES

This article is a revised version of a paper presented to the 26th Congress of the International Geographical Union entitled "Aboriginal Title, Indian Treaties and Halfbreed Scrip: The Political Economy of Changing Colonial Relations in Rupertsland," Sydney, Australia, August 1988.

I would like to acknowledge the assistance I received from the staff of the Hudson's Bay Company Archives. Keith Bigelow, Department of Geography, University of Saskatchewan, provided cartographic assistance. I would also like to thank Peter Kulchyski, Winona

Stevenson, John Thornton, Jim Waldram and Norm Zlotkin for feedback on this topic; the interpretation is my responsibility.

1. This calculation includes the Arctic islands, which were transferred officially in 1880. Arctic islands outside of the Hudson Bay drainage were not part of the HBC territory. Rupert's Land, which corresponded to the drainage of the Hudson Bay basin, amounts to 1,490,000 square miles. The Arctic and Pacific drainage referred to as the North-West Territory (including the Arctic islands) totals 1,406,255 square miles. These data were derived from Canada, *The National Atlas of Canada* (Ottawa: Department of Energy, Mines and Resources, Information Canada and Macmillan Company, 1974).
2. For example, Trotter did not consider the HBC's negotiations with Canada and he made no reference to Indian title in the transfer. Reginald George Trotter, *Canadian Federation: Its Origins and Achievement: A Study in Nation Building* (London: J.M. Dent and Sons, 1924).
3. On the term "aboriginal title," Rich simply stated "and the Canadians agreed that the Company should be exempt from responsibilities for claims by Indians who alleged that they owned the lands." E.E. Rich, *The History of the Hudson's Bay Company* (London: The Hudson's Bay Record Society, 1959), 888-89. Morton's treatment of the terms of the transfer are also cursory, see Arthur S. Morton, *A History of the Canadian West to 1870-71*, 2nd ed., ed. Lewis G. Thomas (Toronto: University of Toronto Press and University of Saskatchewan, 1973). Giraud's encyclopedic study of the Métis paid little attention to the surrender. See Marcel Giraud, *The Métis in the Canadian West*, trans. George Woodcock (Edmonton: University of Alberta Press, 1986).
4. An important exception is Arthur J. Ray, *The Canadian Fur Trade In The Industrial Age* (Toronto: University of Toronto Press, 1990). Ray's research on the business strategies of the HBC in 1871, relations between the state and HBC in the immediate post-treaty period, and Native and HBC relations are relevant to any appreciation of Native history following the transfer of Rupert's Land.
5. Although Narvey's research is a major study on aboriginal title in Rupert's Land, his discussion of the terms of surrender is laconic, see Kenneth M. Narvey, "The Royal Proclamation Of 7 October 1763, the Common Law and Native Rights to Land Within the Territory Granted to the Hudson's Bay Company," *Saskatchewan Law Review* 38, no. 1 (1973-74): 123-233. See also Kent McNeil, "Native Rights and the Boundaries of Rupert's Land and the North-Western Territory," *Studies in Aboriginal Rights* No. 4 (Saskatoon: University of Saskatchewan Native Law Centre, 1982) and Kent McNeil "Native Claims in Rupert's Land and the North-Western Territory: Canada's Constitutional Obligations," *Studies in Aboriginal Rights* No. 5 (Saskatoon: University of Saskatchewan Native Law Centre, 1982).
6. Brian Slattery, "The Hidden Constitution: Aboriginal Rights in Canada," *American Journal of Comparative Law* 32 (1984): 363.
7. The "Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union," 23 June 1870, is printed in E.H. Oliver, *The Canadian North-West: Its Early Development and Legislative Records*, 2 vols. (Ottawa: Government Printing Bureau, 1914 and 1915), 939-63. A handwritten manuscript of the Rupert's Land Order can be found in the Provincial Archives of Manitoba, Hudson's Bay Company Archives (hereafter HBCA), A.13/16/5. A galley proof of this address can be found in A.13/16/5, and a printed copy of this address in A.12/L 121/1.
8. The term "aboriginal-title concept" used in this article refers to an interpretation deriving explicitly from the documents transferring Rupert's Land. Hence the published and unpublished documents from the negotiations which transferred Rupert's Land to Canada are necessary sources.
9. Memorandum, "Details of Agreement between Delegates of the Government of the



- Dominion, and the Directors of the Hudson's Bay Company," 22 March 1869, Oliver, *Canadian North-West*, 950.
10. Found in Rupert's Land Order, *ibid.*, 959.
  11. Brian Slattery, "Understanding Aboriginal Rights," *Canadian Bar Review* 66 (1987): 727-83.
  12. During Treaty Three and Four talks, Indian opposition to the terms of the transfer were expressed. See Alexander Morris, *The Treaties of Canada* (1880; Toronto: Coles Publishing, 1979), 73, 99-106.
  13. Brian Slattery, "Ancestral Lands, Alien Laws: Judicial Perspectives on Aboriginal Title," *Studies in Aboriginal Rights* No. 2 (Saskatoon: University of Saskatchewan Native Law Centre, 1983).
  14. McNeil, "Native Claims," 13-21.
  15. Canada, *Sessional Papers*, 1869, no. 25, Report of Delegates appointed to negotiate for the acquisition of Rupert's Land and the North-West Territory, pp. i-ii, 1-39 (hereafter Delegates' Report).
  16. *R. v. Sioui*, [1990] 1 S.C.R. at 1049-50. This judgement is also published in *Native Studies Review* 6, no. 2 (1990): 151-93. On the question of extrinsic evidence see Franklin S. Gertler and Peter W. Hutchins, "Introduction: The Marriage of History and Law in *R. v. Sioui*," *Native Studies Review* 6, no. 2 (1990): 115-30.
  17. McNeil, "Native Claims," 31, citing *Hamlet of Baker Lake v. Minister of Indian Affairs and Northern Development*.
  18. For an important discussion of the HBC's social and economic obligations to Natives see, Arthur J. Ray, "Periodic Shortage, Native Welfare, and the Hudson's Bay Company, 1670-1930," in Shepard Krech III, ed., *The Subarctic Fur Trade: Native Social And Economic Adaptations* (Vancouver: University of British Columbia Press, 1984), 1-20. For a sense of change following the transfer of Rupert's Land see, Arthur J. Ray, "The Decline of Paternalism in the Hudson's Bay Company Fur Trade, 1870-1945," in Rosemary E. Ommer, ed., *Merchant Credit and Labour Strategies in Historical Perspective* (Fredericton: Acadiensis Press, 1990), 188-202; and Ray, *The Canadian Fur Trade*, 30-49, 199-221.
  19. "The Royal Charter Incorporating the Hudson's Bay Company, 1670," Oliver, *Canadian North-West*, 146.
  20. *Ibid.*, 136.
  21. *Ibid.*, 137.
  22. The Charter was repetitious on this point, stating "WE HAVE given ... together with all the lands and territories upon" the basin and made the HBC "the true and absolute lords and proprietors of the same territory..." and again "TO HAVE, HOLD, possess and enjoy the said territory..." It granted resource rights, such as "the fishing of all sorts of fish, whales, sturgeons, and all the other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones..." Furthermore, the Charter granted to the HBC "all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be..." *Ibid.*, 143-44, 149.
  23. The clearest example of this is the Selkirk Treaty of 1817, which acknowledged Indian title so that agricultural settlement of Assiniboia could proceed.
  24. To the extent that Métis free traders were prosecuted in courts in Assiniboia, some legal consideration of the Charter rights occurred. The trial of Guillaume Sayer in 1849 was something of a legal victory for the Métis, because no penalty was imposed.

25. HBCA, A.39/7, fo. 310.
26. Cumming and Mickenberg provided a limited definition of aboriginal rights stating: "are those property rights which inure to Native people by virtue of their occupation upon certain lands from time immemorial." See Peter A. Cumming and Neil H. Mickenberg, *Native Rights in Canada*, 2nd ed. (Toronto: The Indian-Eskimo Association of Canada and General Publishing Co., 1972), 13. Increasingly, aboriginal rights are defined as inherent rights.
27. Slattery, "Hidden Constitution," 369.
28. *Ibid.*
29. *Ibid.*, 370.
30. Royal Proclamation 7th of October 1763 (hereafter, Royal Proclamation), excerpted in Cumming and Mickenberg, *Native Rights in Canada*, 292.
31. *Ibid.*, 291.
32. *Ibid.*, 291-92.
33. Slattery, "Hidden Constitution," 370. For a very detailed account of Rupert's Land and the Royal Proclamation, see Narvey, "Royal Proclamation and Common Law."
34. Slattery, "Hidden Constitution," 387.
35. Slattery, "Ancestral Lands," 37.
36. Slattery, "Hidden Constitution," 373.
37. *Ibid.*
38. Changes in international law, which have a bearing on aboriginal title, are beyond the scope of this article. See Brian Slattery, "Aboriginal Sovereignty and Imperial Claims," in Frank Cassidy, ed., *Aboriginal Self-Determination* (Lantzville, B.C.: Oolichan Books, and Halifax: Institute for Research on Public Policy, 1991): 197-217. On the question of inherent aboriginal rights, see Michael Asch and Patrick Macklem, "Aboriginal Rights and Canadian Sovereignty: An Essay on *R. v. Sparrow*," *Alberta Law Review* 29, no. 2 (1991): 498-517.
39. For background on this period of instability see Morton, *A History of the Canadian West*, 802-69; John S. Galbraith, "The Hudson's Bay Company Under Fire, 1847-62," *Canadian Historical Review* 30, no. 4 (1949): 322-35; and Elaine Allan Mitchell, "Edward Watkin and the Buying-Out of the Hudson's Bay Company," *Canadian Historical Review* 34, no. 3 (1953): 219-44.
40. This was a prairie/parkland belt which was deemed to have adequate moisture for agriculture. The area south of the fertile belt was thought to be too arid.
41. Rich, *History of the Hudson's Bay Company*, 826.
42. A number of individuals had overlapping interests. Some of the colonial and imperial connections to Watkin included: Thomas Barring (banker), Robert Benson (London investment house and North-West Transportation Co.), Viscount Bury (North-West Transportation Co.), R.W. Crawford (Crawford, Colvin and Co.), George Carr Glyn (Glyn Mills and Co.), George Grenfall Glyn (North West Transit Co.). The British North American Association included: Howe, Tilley, Barring, Crawford and Benson. For details, see Rich, *History of the Hudson's Bay Company*; and Mitchell, "Edward Watkin."
43. Galbraith, "Hudson's Bay Company Under Fire," 333.
44. Rich, *History of the Hudson's Bay Company*, 832.
45. For details see, Mitchell, "Edward Watkin"; and Rich, *History of the Hudson's Bay Company*, 816-49.
46. Delegates' Report (Cartier and MacDougall to Rogers, 8 February 1869), p. 19.

47. Mitchell, "Edward Watkin," 241; and Trotter, *Canadian Federation*, 275.
48. Rich, *History of the Hudson's Bay Company*, 835.
49. Delegates' Report (Cartier and MacDougall to Rogers, 8 February 1869), p. 19.
50. Rich, *History of the Hudson's Bay Company*, 841.
51. *Ibid.*, 848.
52. *Ibid.*, 836.
53. *Ibid.*
54. Joseph James Hargrave, *Red River* (1877; np: 1971), 299.
55. For details of the negotiations, see Rich, *History of the Hudson's Bay Company*.
56. Section 146, British North America Act 1867, Oliver, *Canadian North-West*, 871.
57. "Address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada," 16 and 17 December 1867, *ibid.*, 945.
58. *Ibid.*
59. Rupert's Land Act, 1868, 31-32 Victoria, Chapter 105, *ibid.*, 937.
60. HBCA, A.13/16/2, Rogers to Northcote, 7 February 1869, fo. 90.
61. HBCA, A.8/12, Adderley to Kimberley, 1 December 1868, ff. 38-40.
62. Delegates' Report (Cartier and MacDougall to Rogers, 8 February 1869), p. 23.
63. *Ibid.*, p. 24.
64. *Ibid.*, p. 25. Cartier and MacDougall used the rate of investment in Upper Canada to assess the payout of £1 million and asked "What is the present value of an annuity of £3,575 per annum for 280 years?"
65. *Ibid.*, p. 26. In another calculation the Canadian delegates indicated that the market value of the stock had fallen to £1,350,000 which was "£43,569 less than the value ... in 1863, of the Company's assets, exclusive of the 'landed territory'."
66. Delegates' Report (Granville to Northcote, 9 March 1869), p. 32. The terms also defined the fertile belt and disposed some of the telegraph material the HBC had purchased.
67. Memorandum of 22 March 1869 and Memorandum of 29 March 1869, Oliver, *Canadian North-West*, 949-51.
68. HBCA, A.8/12, Northcote to Cartier, 22 March 1869, fo. 95.
69. *Ibid.*, fo. 69
70. HBCA, A.13/16/4, Northcote to Rogers, 10 April 1869, fo. 207.
71. Arthur J. Ray, "Adventures at the Crossroads," *The Beaver* 62, no. 2 (1986): 4-12.
72. HBCA, A.13/16/5; A.13/16/6.
73. The Manitoba Act, 1870, 33 Victoria, Chapter 3, Oliver, *Canadian North-West*, 970.
74. HBCA, A.13/16/4, Rogers to Northcote, 17 April 1869, fo. 292.
75. Rupert's Land Order, Oliver, *Canadian North-West*, 941-44.
76. Rich, *History of the Hudson's Bay Company*, 848.
77. See Ray, *The Canadian Fur Trade*, 4-5.
78. Delegates' Report (Cartier and MacDougall to Rogers, 8 February 1869), pp. 21, 23.
79. HBCA, A.8/12, Kimberley to Adderly, 27 October 1868, fo. 32.
80. *Ibid.*, Adderly to Kimberley, 1 December 1868, ff. 39-40.
81. Delegates' Report (Granville to Governor General of Canada, Sir John Young, 10 April 1869), p. 38.

82. Ibid. On the question of Indian policy, Granville stated: "That Government I believe has never sought to evade its obligations to those whose uncertain rights and rude means of living are contracted by the advance of civilized men. I am sure that they will not be so in the present case, but that the old inhabitants of the Country will be treated with such forethought and consideration as may preserve them from the dangers of the approaching change, and satisfy them of the friendly interest which their new Governors feel in their welfare."
83. Ibid. There is nothing in this letter to suggest that the colonial secretary was aware of term 8 of the Memorandum of 22 March 1869.
84. Address of 1867, Oliver, *Canadian North-West*, 946.
85. Delegates' Report, (Cartier and MacDougall to Rogers, 8 February 1869), p. 17.
86. Address of 1869, in Rupert's Land Order, Oliver, *Canadian North-West*, 954.
87. The Deed of Surrender, in Rupert's Land Order, *ibid.*, 958.
88. McNeil, "Native Claims," 21-25.
89. In a legal opinion for the HBC's land commissioner in 1917, S.J. Rothwell cited correspondence from Donald A. Smith in the 1870s which suggest that a retrospective viewpoint of the HBC's intentions were to safeguard its land grants from Indian title. But Rothwell also stated: "The correspondence between the Company and the Government leading up to the surrender indicates that at that time there were a great many Indians under the care of the Company and it was necessary that provision be made in the surrender for the compensation of the claims of the Indian to the lands required for settlement." Rothwell connected the HBC's social and economic responsibilities to the legal title of Indians. HBCA, RG2/2/109, fo. 14.
90. See the Company's position in National Archives of Canada (NAC), RG 10, vol. 3708, file 19,502 pt. 1. The shift in responsibility from the HBC to the Canadian government is discussed in Frank Tough, "Buying Out The Bay: Aboriginal Rights and the Economic Policies of the Department of Indian Affairs after 1870," in David R. Miller, Carl Beal, James Dempsey and R. Wesley Heber, eds., *The First Ones: Readings in Indian/Native Studies* (Piapot Reserve #75, Saskatchewan: Saskatchewan Indian Federated College Press, 1992), 398-408.
91. McNeil, "Native Claims," 21.
92. Riel argued this position in "The Proceedings of the Convention, February 3 to February 5, 1870," in W.L. Morton, ed., *Manitoba: The Birth of a Province* (Winnipeg: Manitoba Record Society Publications, 1984), 20.
93. Ibid.
94. *Ibid.*, 21.
95. Morris, *The Treaties of Canada*, 101.
96. *Ibid.*, 110-11. A comparison of Morris's presentation of the terms of surrender of the HBC claim to Rupert's Land before the Indians assembled at Qu'Appelle in September 1874 with the documentary evidence indicates that either the lieutenant governor was unaware of the actual terms or he knowingly misled the Indians.
97. Cited by Murray Dobbin, *The One-And-A-Half Men* (Vancouver: New Star Books, 1981), 89.
98. Douglas MacKay, *The Honourable Company*, 2nd ed. (Toronto: McClelland and Stewart, 1949), 349.
99. HBCA, A.12/L 77; A.86/1-11; and RG1, series 1. This figure is derived at from annual data between 1891-92 and 1930-31. It is based on balance statements showing net revenue, deposits to the capital reserves, and net profits.
100. NAC, RG 33/52, vol. 1, file 7. In fact more land was set aside as road allowances (997,244 acres) than for Indians.

# Piapot: Man and Myth

David Lee

**ABSTRACT.** Many historians of the Canadian West have given prominence to a tale in which the Plains Cree chief Piapot ignominiously submits to the moral authority of the North West Mounted Police. In reality, Piapot was a leader with a reputation for bravery in war and for tenacity in support of Indian rights. The popularity of this myth can tell us much about the Euro-Canadian society in which it was circulated.

**SOMMAIRE.** De nombreux historiens de l'ouest canadien ont accordé beaucoup d'importance au mythe selon lequel le chef des Cris des plaines, Piapot, se serait honteusement soumis à l'autorité morale de la Police montée du Nord-Ouest. En réalité, Piapot était un chef réputé pour sa bravoure en temps de guerre et pour sa ténacité dans le soutien des droits indiens. La popularité de ce mythe nous en dit long sur la société euro-canadienne dans laquelle il circulait.

In the second half of the nineteenth century, to many people on the Canadian Plains (both Indian and white), the name Piapot brought to mind a formidable Cree warrior, a strong-willed leader and champion of Indian rights. In the twentieth century, however, the name Piapot has been better known for an improbable incident which has both blackened his reputation and become a romantic feature in the lore of the Canadian West. The incident is, indeed, one of the best-known episodes relating to the North West Mounted Police (NWMP) and the European settlement of the West. Many historians of the Canadian West have included in their writings an incident in which Piapot is represented as pathetically attempting to halt construction of the Canadian Pacific Railway (CPR) across the Plains. The attempt is shown as futile and the once-great chief is depicted as being forced to back down ignominiously by a heroic member of the NWMP.

There is no doubt that Piapot was one of several Cree chiefs who were distressed by the thrust of an expansionist Euro-Canadian culture onto the Plains. It is also quite possible that the railway was viewed by him and by other Plains Indians as the embodiment of everything which threatened their traditional way of life. But the pitiful act which has been attributed to Piapot in 1883, while perhaps not an outright fabrication, was at most a colourful exaggeration of an incident of little significance in itself. Nevertheless, the incident has significance as a myth which has served the interests of Canadian nationhood for a long time.

## The Incident

R.G. MacBeth's account of the incident is typical. He describes Piapot as one "who had always been a source of trouble on account of his ugly disposition and his evident determination not to acquiesce in the incoming of civilized life."<sup>1</sup> He tells how Piapot finally decided that the Canadians and their railway must be halted, and thus had his band pitch its tipis directly on the construction route. The surveyors requested assistance from the NWMP, who sent out only two men, a sergeant and a constable. MacBeth relates how Piapot refused to move and, indeed, encouraged his men to provoke the police, even after the sergeant advised him that he had ten minutes to decamp. At the end of this period the brave Mountie, in MacBeth's words,

leaped over Pie-a-Pot's head and, entering the chief's tent, kicked out the centre pole and brought it down in a hurry. He did the same with the four tents of the chief's head-men and then told them to get out at once. The Indians saw the kind of men they had to deal with and so they moved swiftly, and the Canadian Pacific surveyors and engineers went on with their work.<sup>2</sup>

The Piapot incident has been told and retold with slight variations over the years. The earliest known published version appeared in an article by William A. Fraser in the July 1899 issue of *McClure's Magazine*; the article was reprinted in the *Canadian Magazine* in February 1900.<sup>3</sup> Six years later Ernest J. Chambers repeated the tale in one of the first full-length books written about the NWMP as an organization.<sup>4</sup> In the following decades some details were added to the story and others altered. Cecil Denny, for example, claims that three policemen were involved, while Walter Liggett notes only one; A.L. Haydon purports to quote the actual orders of the Mounted Police. It seems as if almost everyone writing about the NWMP and the European settlement of the West in the first eighty years of the twentieth century used the story of Piapot's humiliation to enliven his book.<sup>5</sup> By the 1980s, however, historians tended to disregard the tale altogether, and at least one has expressed doubts about its likelihood.<sup>6</sup>

The origin of the tale of Piapot's showdown with the CPR and the NWMP is rather shadowy. There is no account of it in the annual reports of the NWMP or the Department of Indian Affairs, nor is there any trace of it in the records of those two institutions. Many documents of the early years of the NWMP were lost in a fire in 1897, but it is highly unlikely that Fraser, Haydon or any of the other writers could have had access to these records before the fire.

William Fraser (1859-1933), was a Canadian journalist and novelist whose interests lay in the Canadian West, horse racing and India. His 1899 article appears to have been the only nonfiction he wrote concerning the NWMP. In the article he chose several incidents from the history of the force to illustrate its remarkable accomplishments. His examples contain both exaggeration and novelistic dialogue. One incident, involving Sitting Bull and the Mounted Police, is to be found nowhere else in the literature on the police. It is possible that he did not invent the Piapot affair outright, but he may simply have inferred the idea from talks with Mounted Police veterans and embellished one of their yarns.

The story was given some credibility when John Peter Turner included it in his official history, *The North-West Mounted Police, 1873-1893*. Published in 1950, Turner's two-volume work was widely read and, for at least two decades, stood as the principal authority on the early years of the force. In his account, Turner identifies William Brock Wilde as the sergeant who kicked down Piapot's tipi.<sup>7</sup> Royal Canadian Mounted Police records contain a memorandum noting that Turner had received the information in an interview with Robert N. Wilson, a former policeman who had served in the NWMP in the 1880s and later become an amateur historian of the Canadian West. Wilson recalled that, in the spring of 1883, Wilde and a constable were living in a tent at Maple Creek, awaiting the establishment of a post

there, when they "received a wire to go down the line and get Piapot to move." The memorandum, however, goes no further; there is no mention of anyone kicking down a tipi.<sup>8</sup> Turner must simply have taken the colourful tale which had been in print more than fifty years and added Wilde's name to it.

The tale may have had its source in an incident which occurred in 1883 and which did, indeed, involve Piapot, the CPR and the NWMP. On 26 April 1883, the *Manitoba Free Press* reported that a number of Indians under Piapot and Big Bear had threatened railway track-layers west of Swift Current. The two chiefs were the principal leaders of those Cree who had not yet settled on reserves; most of these Indians had spent the past winter in the Cypress Hills area, subsisting miserably on the meagre rations supplied by agents of the Department of Indian Affairs. The newspaper noted that the Indians had intended no harm but only wanted to draw attention to grievances which they held against the department. A small detachment of NWMP was said to have been sent to calm the situation. Two days later the *Free Press* reported that "there are no Indian troubles at the end of the track" and implied that the police detachment had actually been sent out to establish the new post at Maple Creek. Track-laying was described as "progressing vigorously."<sup>9</sup>

On 28 April 1883, the *Winnipeg Times* published the text of an interview which its correspondent had had with J.J. Egan, superintendent of the Western Division of the CPR, upon his return from the end of the track:

The report as to the troublesome disposition of the Indians, due to their objection to the railway passing through their reservation is wholly unfounded. I saw some fifteen Tepees at the end of the track, and about the same number at Swift Current, and they [*sic*] were conducting themselves in a most ludicrous manner. The engines and cars appeared to be an endless source of delight to them, and it is with greatest difficulty the train men can keep them off the cars. They are expecting the buffalo to cross at these points in about a week and this has led to their congregating there.<sup>10</sup>

The incident was obviously not one of great significance. The *Regina Leader*, closest newspaper to the scene, did not even mention the affair.

It may never be known exactly what happened at the end of the track, but one can conjecture. Perhaps some of Piapot's men were boisterously intrigued by the novelty of railway trains and were at the same time still bitter at the manner in which Indian Affairs' officials had treated them during the past winter. As well, perhaps some of the track-layers felt threatened and called for police protection when they saw this large, clamorous collection of Indians. It may have been true that a sergeant rode over from Fort Walsh or Maple Creek to talk with Piapot but it is most unlikely that the Mountie and the Indian confronted one another in a provocative manner. Moreover, Cree tipis had no centre pole which could be kicked down.<sup>11</sup>

The NWMP sometimes felt that tense encounters with angry Indians could best be defused by a handful of policemen rather than a squad of heavily armed men. But the encounter described by Fraser, MacBeth and others, in which Piapot is personally humiliated, would probably have ended

in violence. After all, a chief who had spent a lifetime building a reputation as a warrior and strong-minded leader was unlikely to put himself in a position where he might have to back down. Fraser, in his explanation, was swept away in a flurry of triumphant imperialism. He contended that Piapot "had either got to kill the sergeant — stick his knife into the heart of the whole British nation by the murder of this unruffled soldier — or give in and move away. He chose the latter course, for Piapot had brains."<sup>12</sup>

### The Chief

In one respect, at least, Fraser's assessment of the chief was accurate, for his intelligence was widely acknowledged.<sup>13</sup> Indeed, Piapot possessed most of the qualities expected in a Plains Cree leader of his time; he was as strong a leader as custom permitted. A Cree chief had no real power to hold people to his allegiance, for they could leave at any time to join another band leader. A chief could exercise influence over his followers only by means of persuasion, personal example and the benefits he could bring them. Reputation, then, was the foremost ingredient of leadership: a chief had to build a reputation for achievement in several areas in order to attract and retain a following.<sup>14</sup> This, Piapot was able to do.

Over a lifetime, Piapot built a reputation by demonstrating his strengths in a number of ways; among these were his prowess as a warrior, his tenacity as a bargainer in dealings with the Canadian government, and his constancy as a defender of Plains Cree customs. With this reputation, Piapot remained the leader of one of the largest bands of Cree on the Plains for many years both before and after taking up residence on his reserve. Indeed, only months before his encounter with the CPR track-layers, the Department of Indian Affairs reckoned his following at about 1,200 people. Only one other chief, Lucky Man, had as many, while the renowned Big Bear had only 400.<sup>15</sup> The Indian agent, Cecil Denny, felt that it was Piapot who held "the greatest influence over the Crees."<sup>16</sup>

The year of Piapot's birth may never be established with certainty. Although records kept by the Department of Indian Affairs give his year of birth as 1833, his nephew claimed that he was born about 1816 (this date would have made him an unlikely 92 years old when he died, however).<sup>17</sup> Piapot must have gained recognition as a chief by the 1860s at the latest, for in 1870 he was acknowledged as the leader of a large force of Cree and Assiniboine bands which joined together to attack the Blackfoot (Piapot, having had an ominous dream, may have withdrawn before the fighting began).<sup>18</sup> Piapot and his band lived generally in the area between Wood Mountain and the upper Qu'Appelle River. Although commonly identified as Cree, the band contained a number of followers known as "Young Dogs," who were, like Piapot himself, of mixed ancestry — Cree and Assiniboine (a Siouan-speaking group). His name, which has also been transliterated as *Payepot*, means "a hole in the Sioux."<sup>19</sup>

Piapot's reputation as a warrior was based on the ardour he showed in fighting the Blackfoot — traditional enemies of the Cree — and stealing their



horses. Indeed, his renown as a warrior was great enough for the Hudson's Bay Company to deny him recognition as a trade chief (war leaders were considered disruptive to commerce).<sup>20</sup> After 1870 there were no large-scale Indian battles fought on the Plains but as late as 1882 Piapot and his band were still being accused of raiding the Blackfoot and rustling their horses.<sup>21</sup> In his later years Piapot delighted in showing people the many wounds he had incurred during his fighting days.<sup>22</sup>

Whites were well aware of Piapot's warlike reputation. Even years after he had settled on a reserve, they continued to view him with fear and suspicion. In 1884, for example, there were reports that Piapot had set out to visit Louis Riel, who had recently returned to the North-West Territories.<sup>23</sup> In 1885, when the government feared the Indians would join the Métis in rebellion, a large force of NWMP went to his reserve to make sure of his loyalty.<sup>24</sup> In 1890, when the authorities worried that the Ghost Dance phenomenon (which was arousing Indians in the American West) might spill across the border, police were again sent to Piapot's reserve, lest he encourage its spread into Canada.<sup>25</sup> In the mid-1890s, when the young Cree, Almighty Voice, killed a Mountie and eluded capture for nineteen months, rumours of impending Indian uprisings circulated across the Canadian West with Piapot's name cited as a possible leader.<sup>26</sup> Clearly, Piapot's reputation as a warrior endured for years in the West.

Piapot's experiences in dealing with officials of the Canadian government added to his reputation for leadership among the Plains Cree. Although not always successful, he was a tenacious bargainer, particularly when interpreting treaty terms and negotiating a reserve site for his band.

In 1875, when Piapot agreed to sign Treaty No. 4 (he was a year late in doing so), he agreed only on the condition that the treaty commissioners would lay his demands for improvements before the government. His demands included medical supplies, technical instruction, agricultural equipment and higher annuities.<sup>27</sup> Piapot also appears to have been among the chiefs who, in 1876 and 1878, insisted that additional verbal promises had been made to them when Treaty No. 4 was signed and that these were not being acknowledged by the government.<sup>28</sup> In 1884 and 1887 he pursued the matter, repeating his claims directly to the lieutenant governor and the deputy superintendant general of Indian Affairs.<sup>29</sup> Though his efforts had no effect, his persistence brought him continued respect among Plains Indians.

After signing Treaty No. 4 in 1875, seven years were to pass before Piapot even considered settling on a reserve, and nine before he finally did; he was one of the last Cree chiefs to do so. Most of the intervening years were spent hunting in the Cypress Hills, the surrounding plains and Montana; he usually received his annual treaty payment at the NWMP's Fort Walsh.<sup>30</sup> Piapot, along with Big Bear and Little Pine (said to be his brother-in-law), were the leaders of those who were trying to carry on their traditional lifeways as long as the buffalo held out. Piapot and the others dreaded the day they would have to forego the freedom of the Plains and accept the confining life of a reserve.<sup>31</sup> Still, Piapot was not the obstructionist depicted

by R.G. MacBeth, William Fraser and others. He did not reject the inevitability of settling on a reserve, he simply wanted to put off that day as long as possible.

By 1882, however, Piapot and his followers were ragged, hungry and weak. The band was almost totally dependent on government handouts of food and clothing. It was time to listen to Indian Affairs officials and their exhortations to settle on a reserve. In his previous dealings with the government — trying to win improvements to Treaty No. 4 — Piapot had had no success at all. This time, however, the outcome was different. By forceful action, he was able to gain the best possible reserve for his band.

Every year more and more Cree gathered in the Cypress Hills, near the international boundary, to hunt small game and receive government relief at Fort Walsh. In 1881 Piapot had been promised a reserve in the Cypress Hills.<sup>32</sup> In 1882, however, the Department of Indian Affairs decided that all reserves should be located farther north. The department argued that locating the reserves farther from the boundary would preclude Canadian and American Indians crossing the line to raid one another.<sup>33</sup> The historian John Tobias, however, has contended that the policy was changed because the department feared that if any Crees obtained a reserve in the Cypress Hills too many would demand land there, resulting in a dangerously high concentration of Indians in one area.<sup>34</sup>

The government was particularly anxious to get Piapot onto a northern reserve. As one policeman observed:

Pie-a-pot's disappearance from these hills with his Indians will have the effect of hastening the departure of all the Northern Cree bands to their Northern reservations. ... His remaining here will only have the effect of drawing discontented Indians from their reserves and making these hills the rendez-vous for good-for-nothing Indians from all parts of the Territory.<sup>35</sup>

In the spring of 1882 Piapot was persuaded to leave the Cypress Hills. In June he and 470 of his followers, escorted by a troop of NWMP, left for a reserve near Indian Head. Upon inspection, however, Piapot decided the location was unacceptable. By September he was back in the Cypress Hills where he spent the next winter.<sup>36</sup> The following April he had his alleged encounter with the NWMP on the CPR line.

In 1883 the government took new measures to get the Cree out of the Cypress Hills and onto northern reserves. The Indians were told that Fort Walsh would be closed and henceforth rations and treaty annuities would be issued only on reserves. Again, it was Piapot who concerned the government most. The chief was offered free transportation for all of his people and their horses if he would move to another reserve site near Indian Head. He accepted, but, ironically, the transport chosen was rail and soon after the expedition set out two cars left the track, injuring several Indians. Piapot was furious and refused to go any farther by train. To make sure the band got to their new reserve, the government provided oxen and carts to take them the rest of the way.<sup>37</sup>

In the spring of 1884, after a long, wretched winter on the reserve (forty-five people are reported to have died), Piapot and his band burned their dwellings and left, vowing they would never return. Local white settlers were alarmed by Piapot's behaviour, especially when he announced plans to hold a Sun Dance. The NWMP commissioner, A.G. Irvine, decided the chief must be forced to return to his reserve.<sup>38</sup> He set out with a troop of fifty Mounted Police and, early in the morning of 19 May, came upon Piapot's camp. The Indians, fearing they were about to be attacked, hurried to arm themselves. Irvine, however, acted quickly to avoid a dangerous confrontation: he rode directly to Piapot's lodge and reassured him. He persuaded the chief to accompany him to Fort Qu'Appelle where they could discuss his grievances with Hayter Reed, the assistant commissioner of Indian Affairs.<sup>39</sup>

At Fort Qu'Appelle, Piapot demanded a reserve with access to water and fish and, in later talks, he particularly mentioned land on the Qu'Appelle River adjoining the Muscowpetung reserve. Some of that land belonged to a colonization company but Reed promised to consider his demands. Piapot then left to celebrate his Sun Dance. Within a short time the government decided appeasement was the best policy, "appropriated" the colonization company's property, and granted the chief the land he desired on the Qu'Appelle.<sup>40</sup> By the end of the summer Piapot and 550 of his followers had settled on their new reserve. All the other Indians who had not yet moved to a reserve were now expected to do so for, as one Indian agent said, "they have no recognized leader since Piapot settled down."<sup>41</sup>

Twice Piapot had stood up to the authorities; twice he had rejected reserves which the government had picked out for him. In the end, he had succeeded in gaining a reserve on land of his own choice, one of the few Plains Indian chiefs to do so. Not only was the land Piapot chose more agreeable than the earlier sites, it was also contiguous to the reserves of two other Cree bands — Muscowpetung and Pasqua. The result was one of the highest concentrations of Indians on the Plains, a situation which the Department of Indian Affairs had tried to avoid in the Cypress Hills two years earlier. It was a situation which allowed a strong-minded chief such as Piapot to wield influence over a wide population. Piapot's forceful action undoubtedly enhanced his reputation for leadership among Indians of the Northwest.

Once settled on reserves, most chiefs found that they had little opportunity for independent action. Their importance in the daily life of their bands was superseded by the Indian agent, with all his economic and political clout, and they lost status amongst their followers.<sup>42</sup> Piapot, however, although agreeing to live on a reserve, never acceded to the submissive role which the government anticipated for reserve chiefs. He may not have had much influence on the government bureaucracy but amongst his band members he was still able to maintain his standing as a leader, particularly as a defender of traditional Cree ceremonial practices.

Piapot had long been an ardent sponsor of the Sun Dance and the Give-away Dance. The Sun Dance (sometimes known as the Thirst Dance), which had once included rituals to prepare men for war, now usually

constituted a means of soliciting requests from the Spirit Power and giving thanks for favours received. The Give-away Dance, for its part, featured a redistribution of wealth among the participants — generosity by the givers bringing them prestige and supernatural blessings.<sup>43</sup> Government authorities did not object to the dances which Piapot held between 1883 and 1885, his first years on a reserve.<sup>44</sup> Thereafter, however, they tried to discourage the ceremonies throughout the North-West Territories. The dances were condemned not only for their paganism, but also because it was felt they distracted the Indians' attention from their farming duties and discouraged thrift and individualism.

Piapot's reserve was known as a bastion of paganism, or at least for its resistance to Christianity: as late as 1896, for example, 85 percent of the residents were officially listed as "pagan."<sup>45</sup> And it was the chief himself who persisted in supporting the objectionable dances. In 1895 the Department of Indian Affairs noted that the only successful Sun Dance performed in the Territories that year was on the Piapot reserve.<sup>46</sup> That same year the Indian Act was amended outlawing the Give-away Dance.<sup>47</sup> In 1901, when some of his followers organized such a dance on the reserve, Piapot was arrested and sentenced to two months in prison at hard labour for inciting resistance. As further punishment, the following year Indian Affairs removed him from its rolls as chief of his band.<sup>48</sup> These penalties were no humiliation, however; on the contrary, they only enhanced the old chief's standing among Plains Indians as a champion of Indian rights.

At the time of his imprisonment Piapot was at least 68 years of age and perhaps much older. When he died on his reserve in April 1908 his name was still well known in the West.<sup>49</sup> But it was at about this same time that writers in the East were beginning to spread the tale of his ignominious encounter with the NWMP, a tale which destroyed the reputation he had built through a lifetime.

Piapot was a proud man, one to whom honour and esteem were the paramount values. He had spent a lifetime building a reputation for courage, tenacity and strong-minded leadership. It would have been extraordinary for him to have risked personal humiliation at the hands of two lone policemen in front of so many of his followers. Since reputation was the basis of Plains Cree leadership, to suffer humiliation would mean losing much of his band. Indeed, it was unlikely that either the chief or the Mounties would have put themselves in such a precarious position in the first place, a position where they might have had to use force; both parties were too prudent to do so. Commissioner Irvine had avoided hostile confrontation at Piapot's camp in May 1884. Piapot, for his part, had promised he would never fight whites. On one occasion, in a dispute with government officials, he had used strong language but then had sworn that he would "fight for all his rights with his tongue and not with Bullets."<sup>50</sup>

### **The Myth**

While it is evident that the Piapot incident as reported in numerous

histories was highly embellished, other questions remain. For example, why was the story so widely circulated? And why were Canadians so ready to believe it? The answers to these questions might be found by viewing the story as a contribution to national mythology — that is, as one in a collection of narratives which both support and express a community's set of beliefs. When considered as a national myth such a tale can reveal many things.<sup>51</sup> It can show, for example, how a community justifies its collective action and it can show how a community develops a concept of itself — its assumptions, its values, its ideals, its aims. (It can even reveal its uses of history.) When viewed as myth, the incident of 1883 can be interpreted as serving at least two purposes for the Canadian community. First, it helped Canadians justify their right to hegemony and development in the West. Second, it bolstered Canadian trust in the ideal of a nation built on respect for order and authority.

In 1883 Piapot had a reputation among whites as an influential and strong-minded leader, one of the most refractory Indians in the West. In Canadian mythology, he represents those who wished to hold back the forces of progress, particularly as symbolized by the CPR. His defiant confrontation with the track-layers and the NWMP could have threatened Canada's destiny as a nation spanning the whole continent. His bravado, however, was shown to be empty and pathetic; such behaviour only served to demonstrate the irrationality of Indians and confirmed that they were unsuited for any role in the "new West." They were destined to fade away. Piapot and his band are portrayed as so weak they could not withstand the determination of two lone policemen, so perhaps their culture was unworthy of further consideration. Any claim to additional compensation from Canadian authorities — for example, better treaty terms — could be disregarded. The chief's alleged abject submission can be seen as an acknowledgement of Canada's rightful hegemony over the West and its development by the CPR and other forces of progress. The Piapot myth, then, served to validate Canada's rights in the West; it helped remove any doubts which might have lingered in the minds of Canadians over the legitimacy of expropriating these former Indian lands. It demonstrated their right, indeed their destiny, to create a modern, transcontinental nation.

In the incident of 1883, the two Mounties play out a distinguished role in mythology. They portray the unflappable, unnamed hero who embodies the ideals of the larger community in a perilous world. They are the just and courageous agents of the new Canadian nation, the firm but temperate expression of a land where order and peace are meant to prevail. Faced with a potentially dangerous situation, they defend the interests of the community yet avoid the the spilling of blood. They had no need even to draw a weapon, for just a few words from a Mountie was sufficient. Even Piapot, one of the most powerful Indians of his time, was moved to acknowledge the irresistible moral authority of Canadian law. He is shown as being totally in awe of the law. Canadians have long wanted to believe that they live in a peaceable kingdom where conflicts are resolved without violence, and here the supreme authority of the law is shown to have worked. The myth of this

Mounted Police success, repeated many times in print, served to advance and certify Canadians' trust in authority.

In short, the tale of Piapot's submission, initiated by W.A. Fraser, was repeated and believed because it fitted the plan of the country which Canadians believed they were building. It was exactly the kind of story Canadians wanted to hear. Similarly, if the Piapot myth has been forsaken by writers in recent years, it may be because it no longer conforms to our community belief systems. To the surprise of many Canadians, the Indians managed to survive the twentieth century. They are still active and visible on the Canadian landscape, demonstrating that their culture had more validity than the Piapot tale suggested. In light of this tenacity, readers today probably find it difficult to accept that an Indian leader of such acknowledged reputation could have acted in such a pathetic manner. The Piapot myth is no longer strong enough to buttress the assumptions of an earlier day.

#### NOTES

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12. Fraser, "Soldier Police," 364.
13. See, for example, Indian agent A. Macdonald, in Dept. of Indian Affairs, Annual Report (Ottawa: MacLean, Roger and Co., 1884), 67.

14. Mandelbaum, *The Plains Cree*, 77, 108, 113-16.
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17. Abel Watetch, *Payepot and His People* (Regina: Saskatchewan History and Folklore Society, 1959), 10; NAC, RG 10, vol. 3875, file 90299, list of chiefs, 1 December 1888.
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# Plains Ledger Art: The Demonstration of a Way of Life Through the Nineteenth-Century Pictorial Account of an Unknown Assiniboine Artist

Valerie Robertson

**ABSTRACT.** This article defines and describes some ledger-style drawings created by an unknown Assiniboine artist in the late 1800s. Thought to be from Carry The Kettle Reserve No. 76, they were collected around 1897 by Dr. O.C. Edwards, Indian Department physician in the Regina, Fort Qu'Appelle, Indian Head area of southern Saskatchewan. This collection represents one of the largest known collections of drawings of this type in Canada and one of the very few collections of Assiniboine drawings in North America. With their origins in northern Plains picture-writing traditions, these important aesthetic and ethnohistoric documents retain many of the conventions of picture writing with the addition of new pictorial and conceptual drawing devices such as the depiction of domestic scenes virtually unknown in precursor art forms.

**SOMMAIRE.** Cet article définit et décrit des dessins griffonnés dans des registres, créations d'un artiste assiniboine inconnu de la fin du XIX<sup>e</sup> siècle. On pense que ces dessins viennent de la Réserve Carry the Kettle n<sup>o</sup> 76 et ils ont été recueillis par le Dr. O.C. Edwards, médecin du Ministère des Affaires Indiennes qui desservait la région de Régina, Fort Qu'Appelle et Indian Head dans le sud de la Saskatchewan. Cette collection est l'une des plus importantes de ce genre au Canada et l'une des rares collections de dessins assiniboines en Amérique du nord. Ce sont d'importants documents esthétiques et ethnohistoriques qui ont leurs racines dans la tradition d'écriture pictographique des Plaines du nord. On y retrouve un grand nombre de conventions propres à l'écriture pictographique auxquelles viennent s'ajouter de nouvelles approches picturales et conceptuelles comme la représentation de scènes domestiques quasiment inexistantes dans l'art précurseur.

## Introduction

There are forty-four ledger-type drawings in the Gardiner Collection, acquired by the Glenbow Museum in 1985 from E.S. Gardiner, grandson of Dr. O.C. Edwards.<sup>1</sup> This collection also contains aboriginal, western, domestic and military artifacts, photos, family letters, and letters associated with Dr. Edwards's role as Indian Department physician.

Dr. Edwards's jurisdiction as Indian Department physician between 1882 and 1901 included the Indian Head area of Assiniboia, North-West Territories ( now part of southern Saskatchewan) and the reserve of Carry the Kettle near Sintaluta, then referred to as the Assiniboine Reserve. He travelled by bicycle or horse from Regina to attend to the health needs of the aboriginal people on the reserves under his jurisdiction.<sup>2</sup> In 1902 Dr. Edwards left the area to become the medical doctor for the Blood and Peigan reserves. He lived and worked in the Fort Macleod and Stand Off areas until his death in 1915.<sup>3</sup>

The drawings in the collection are attributed by Glenbow staff to an unknown Assiniboine artist. There are two references to the artist in the letters in the collection. One of the letters to Dr. Edwards from W.L. Grant, Indian agent at Indian Head, on 9 January 1897, makes reference to the artist who produced the drawings:

The Indian artist has given me a few of his sketches to send to you — he wishes me to inform you that his eyes are now very bad — he states that he will send you some more later on.<sup>4</sup>

Another letter makes reference to the Assiniboine artist in a letter written in July 1898 by Dr. Edwards to his wife in which he describes a ceremonial dance at Pasqua:

There came a most unique sight — a *distinct ritual* ... I presume it must be semi-religious — the feast that the Indians seem to value most — the dog feast and corresponding exactly to that which the Assiniboine artist has depicted even to that fellow with the half ( the lower half) black face and the men with the feather attachments.<sup>5</sup>

It is possible the drawings could be the work of two different artists, or even a collaboration of two artists. It is more likely, however, that the forty-four drawings are the work of one artist over a period of time. These possibilities are based on differences in drawing style and technique in at least four of the drawings. For example, differences exist in the scale used to depict the figures, in the precision used in rendering figures and animals, and in the methods of application of color media. For example, in one of the drawings (not shown), the figures fill approximately 90 percent of the picture surface, and the depiction of facial features and ornaments appear less specific than in other drawings. Colour, in this same drawing, is applied in a linear and expressionistic way.<sup>6</sup> The differences in drawing style could reasonably be attributed to changes naturally occurring over time in an artist's work, and increased exposure to the organization of the art elements shape, line and colour, found in European graphic art. References in the two letters to "the Indian artist" and his failing eyesight, and to "the Assiniboine artist," lead me to believe there was only one artist.<sup>7</sup>

No documentation of the drawings and their meanings has been found within the Gardiner Collection letters, and so, with one exception, analysis has been left to the researcher. One drawing was interpreted by several members of the Carry The Kettle Band and members of the tribal council in conversations at the Touchwood-File Hills Qu'Appelle Tribal Council office at Fort Qu'Appelle on 6 May 1991. The members of the band and tribal council included younger members and elders.

Insights into the past of members of the Carry The Kettle Band at the time the drawings were created can be gained through the analysis and interpretation of the pictures. For example, they enhance access to the historical record through the visual description of participation in a dance and ritual described in Edwards's letter.<sup>8</sup> The drawings show us, however minimally, images of architectural and geographical facts, and are a record of tribal and band material culture through the depiction of painted figures on tipis, clothing, body and hair decoration.<sup>9</sup> Possible insights can be gained into the intent of the artist, by analyzing the subject matter of each drawing. For example, one of the letters implies the drawings were almost certainly made for Dr. Edwards. His "commissioning" of the drawings, and collection of various artifacts such as beadwork, showed his interest in indigenous artworks.<sup>10</sup> A question remains about the influence of his patronage upon the motives and choices made by an artist who had experienced "the deprivations and transformations of a major foreign takeover such as that which occurred on the North American continent," or, the amount of control

able to be employed by the artist over the kind and content of artwork he was able to produce.<sup>11</sup>

The subject matter of the drawings in the collection include images of buffalo grazing and being stampeded, killed, and butchered. For instance, one drawing shows a hunter skinning a buffalo starting from the back because the animal, lying dead on its stomach and legs, is probably too heavy to roll over. There are drawings of warriors dressed and painted for battle riding at full gallop. Other drawings show ceremonies such as the Grass Dance and dog feast, perhaps those described in Dr. Edwards's letter to his wife. Still others illustrate domestic and historical happenings in the area.

Along with the technical innovations of ledger art in general, came a shift in subject matter. While retaining some traditional subject matter, new topics were portrayed. This article will describe and interpret several drawings from the collection which represent characteristic types of descriptive subject matter of ledger art; visual descriptions of the hunt, of the heraldry of the warrior with his warrior and horse accoutrements, of various types of ceremony, and of some aspects of domestic life; the latter represents one of the greatest shifts from traditional subject matter.<sup>12</sup>

### Ledger Drawings

Drawings on paper by Plains aboriginal artists of the prereserve or early reserve period of the nineteenth century have come to be known generically as ledger art because many of these drawings were done on Indian agent ledger or lined accountants' paper, using coloured inks and graphite or pencil. The drawings in the Gardiner Collection are on lined and unlined paper ( 20.2 x 33.2 cm.), using pencil crayon, crayon, graphite, ink, and coloured inks.<sup>13</sup>

Some of the picture-writing conventions employed in making petroglyphs, pictographs, and paintings on hide and on winter counts were retained in ledger art. For example, many of the compositional and symbolic drawing devices persisted. One of the most common was the use of a scattered compositional structure. Figures were shown all over the picture surface performing activities with little or no use of perspective. Often no reference was made to geographical features such as the horizon line, mountains, or trees. Repeating the same figure performing different acts in the same picture space, along with the drawing of hoof and foot prints were stylistic and symbolic devices used to imply the passage of time, to indicate that the action had already occurred.<sup>14</sup>

Gradually new conceptual and pictorial expressions appeared in the ledger drawings. New technologies such as paper and commercial colour media, the arrival of white settlers, missionaries, police and military personnel, the gradual appearance among them of European art, books, newspapers and journals, and the encouragement of white patrons like Dr. Edwards, helped to change aboriginal methods and concepts of art making.

Human and animal proportions became more naturalistic. Riders began to be portrayed astride their horses rather than showing the rider with no legs or with both legs on one side of the horse. Domestic scenes began to be shown.<sup>15</sup> Examples of these modifications exist throughout the Gardiner Collection drawings. One drawing of a domestic scene (Figure 5), illustrates a painting of an emblem of a water monster on a tipi and an emblem on a blanket. More of these can be seen in the drawings illustrated, described and interpreted below.

### **Description and Interpretation of the Drawings**

The drawings in the Gardiner Collection are important historic documents showing people, places and things from a unique Assiniboine perspective. They are also examples of the continuation of picture-writing traditions and the modifications which occurred following contact with Europeans. Perceptually, they are also distinctive aesthetic objects. The artist has combined the design elements of value, line, colour, shape, texture, and space to produce compositions which possess a unity and meaning. Although technical proficiency varies somewhat throughout the collection in the application of colour media, in most of the drawings draughtsmanship excels in the depictions of horse and buffalo anatomy and proportion. The technical skill and knowledge in depictions of animals and the successful use of the sensuous elements combine to make the drawings both art and artifact.

The five complete drawings illustrated below represent four of the seven interpretive themes in this collection. The four themes are "The Hunt," "The Heraldry of the Warrior," "Celebration and Dance," and "Domestic Life." Other themes in this collection (not shown) are "Historic Events," "Battle," and "The Buffalo."<sup>16</sup> As no titles, descriptions, or interpretation of the drawings were imposed by the artist(s), Dr. Edwards, Dr. Edwards's grandson, E. Gardiner, or the Glenbow, interpretation is speculative and based on historic and aesthetic analysis.

#### *The Hunt: Figure 1*

This depiction of the buffalo hunt shows several of the conventions of picture-writing tradition. The composition is "scattered" and the figures, horses and buffalo, appear to float around in the picture space because there is little or no reference to earth or sky except for a trail of blood from three of the buffalo. Despite the lack of a figure/ground relationship, we see four hunters in the midst of the buffalo. The main thrust of the action of horses and riders is from right to left in the picture, a traditional painting convention, except for one hunter on foot running towards the fallen buffalo with his bow under one arm and his quiver slung over his shoulder. In two of the depictions of the riders, the profile of the back of the horse can be seen through the bodies of the riders. This transparent effect, which occurs throughout the drawing, was common to ledger drawings and was likely an indication that the horse was drawn first and the rider then "placed" on the



Figure 1. Collection of the Glenbow Museum, Calgary #985.221.168.

horse's back. One buffalo has been shot with five arrows, and another has collapsed onto the ground. Three of the buffalo are bleeding from wounds, and two appear about to be run down by the riders.

The artist has used colour arbitrarily throughout this composition. Using ink washes, one of the riders is on a red horse, one a blue horse and the third a yellow and white horse. The riders wear red, yellow and blue shirts and all of the buffalo are "filled in" using graphite or pencil. Colour has been applied within the contour or outlines with no attempt to model or give a sense of violence to the figures. This gives the drawing more of the appearance of a pencil sketch with added colour, rather than a painting.

This drawing depicts the frenzy of activity that occurred during the chase and killing of the buffalo. Here the artist shows each man running down his "chosen" buffalo and administering the final blows to the animals. Unlike the other riders who are shown in profile, the rider on the right appears to be looking and smiling at the viewer of the picture. Although no proof exists, this figure could be the artist. He is singled out because of the relative dominance of the figure on the right of the picture and by the smile on his face.

### *The Warrior: Figure 2*

This drawing shows two riders, each wearing trailing eagle's tail-feather headdresses, skin shirts and leggings, and a scarlet and yellow flowing trailer or coat. Both are carrying long crooked lances or coup sticks wrapped with otter skins. The lance or stick of the first rider has five eagle feathers attached, and the rider on the left has three eagle feathers. The horses

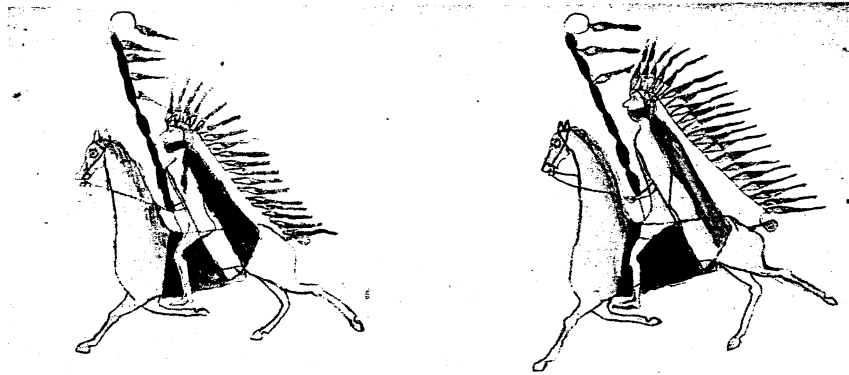


Figure 2. Collection of the Glenbow Museum, Calgary #985.221.139.

appear to be prancing as if on display, have blue saddle blankets, and their tails are bound up for battle.<sup>17</sup> The lower quarter of each man's face is painted in red or vermillion.

Traditionally, prestige and power for the Assiniboine warrior was founded on the performance of courageous deeds through the activities of the hunt, warring, and horse-raiding. The return of the raiding or warring party to home camp would be an occasion for celebration, lamentation, or a combination of both. Celebrations could go on for many days and nights.<sup>18</sup> Figure 2 seems to depict the parading of war gear by the two warriors preceding or following an event such as a raid, war party, or council meeting.

In this picture the Assiniboine artist has depicted the warrior taking part in a celebration. The eagle's tail-feather headdress was the badge of a chief and great warrior, and the cloak of vermillion and yellow cloth expensive and sought after.<sup>19</sup> It appears that instead of carrying a lethal weapon or spear, they are carrying a ceremonial lance or coup stick with eagle feather attachments. Each eagle feather represents an act of bravery such as counting coup or the slaying of an enemy in battle. The practice of displaying eagle feathers during ceremonial occasions was common amongst Plains tribes and seems to have been used by the Assiniboine and their related groups.<sup>20</sup> In a similar way, part of the preparation for battle and for celebration was to decorate the horse. As commonly depicted in other ledger-drawing collections, the horses' tails have been bound up, as they would be for battle, to represent the special nature of the occasion.



Figure 3. Collection of the Glenbow Museum, Calgary #985.221.146.

#### *Ceremony: Figures 3 and 4*

The compositional symmetry of Figure 3 — two central warrior figures facing to the right and left and two outside figures wearing dance bells facing to the right and left of the picture — indicates they are part of a dance activity. The two warriors wear feather belts and carry guns, while the two dancers carry sticks or whips and are depicted in a typical dancing stance with hips and knees bent.<sup>21</sup> Each one has face paint and a roach headdress with a feather plume. The two dancers appear to wear only breechcloths with rear red trailers. The dance bells are attached to their legs from one knee to the other. All four participants have weasel tail armbands. The dancer on the left has six angular horseshoe designs or inverted “U”s painted on his leg, indicating his participation in six horse raids.<sup>22</sup> The warriors wear a sash of bells looped from their shoulder to their waist and elaborate leggings decorated with geometric style representations. There are no geographical features in the drawing, making the four figures appear to float around in the picture space. The figures are coloured yellow, blue, and red, using coloured pencil and graphite; all four faces are shown in profile.

Assiniboine ceremonies, both religious and secular, included military dances such as the Victory Dance or Scalp Dance,<sup>23</sup> the highly religious Sun Dance, and society dances such as the Brown-Crane Dance, the Buffalo Dance and the Duck Dance.<sup>24</sup>

The drawings showing dance celebrations in the Gardiner Collection mainly depict the Grass Dance. A feast of dog meat, drumming and singing, and gift giving formed part of this ritual for the Assiniboine.<sup>25</sup> The Grass



Figure 4. Collection of the Glenbow Museum, Calgary #985.221.148.

Dance could be the same as that described by Edwards in the letter to his wife. He writes of witnessing a ceremonial dance at Pasqua:

I was present from 3 to 5.30 pm at one of the most interesting and exclusive dances I ever witnessed — so quiet had the Indians being [*sic*] in arranging it that no one connected with the Department knew it was coming off and yet there were about 120 from File Hills ( N.E. of the Fort 18 miles ) all the Sioux with Standing Buffalo and all The Crees from 3 Reserves under Mr. Lash and I saw the Sioux women dancing this time and they danced in a curved line making 1/2 a circle and side by side and the men completed the circle dancing in the same way — Sometimes the women sang in addition to the drum beating. It was most interesting and all new to me — then various gifts were given from tin cups up past decorative bands and blankets to horses — 5 of the latter were given away — then following the giving of gifts and dances of thanks in which usually 6 women and 2 men took part there came a most unique sight — a distinct ritual.... the dog feast and corresponding exactly to that which the Assinboine artist has depicted.<sup>26</sup>

In Figure 4, the figures are coloured in yellow, red, blue and graphite. There are no geographical features to create a figure/ground relationship. However the seven figures seated across the lower front and the right side of the picture are much smaller in scale than the two large central figures. All of the figures are clearly delineated, being shown in profile or from the back, and they seem to be differentiated from one another by their clothing and decoration. The two central figures overlap and a transparent effect can be seen because one figure was drawn over top of the other. There is a pail of dog meat in the upper left part of the drawing.

Figure 4 appears to be a continuation of the celebration shown in Figure





Figure 5. Collection of the Glenbow Museum, Calgary #985.221.142.

3. It shows two main warrior dancers “charging the kettle” containing the dog meat. They wear feather belts and dance towards the kettle with outstretched arms. This could be a gesture of bravery meant to show “how he used to dodge the missiles of the enemy” when taking part in a raid or battle.<sup>27</sup> Around the periphery are other warriors smoking and passing the pipe.

The dancers, like those in Figure 3, are dressed in elaborate leggings and shirts, wear eagle feathers, and have their faces and bodies painted with designations such as the inverted “U’s” showing the number of horse raids participated in.

#### *Domestic Life: Figure 5*

Compositionally this drawing is in three parts, each showing a man and women together. There are no geographical features, but a dog, a model tipi, and a large decorated tipi give some sense of the relationship of figure to ground. The three different scenes are carefully rendered in red, yellow, blue and graphite colors.

The interpretation of this drawing resulted from a consultative meeting with members of the Carry The Kettle Band and members of the Touchwood-File Hills Qu’Appelle Tribal Council in May 1991 when their views were solicited and expressed about several of the drawings.<sup>28</sup>

Upon viewing a slide of this drawing, it was explained by the band members that there are probably three distinct scenes in this picture. On the left, a couple are standing face to face wrapped in a blanket. The small,

troublesome dog is being kicked away by the man. The couple are wrapped in what could be a "four-point" Hudson's Bay blanket painted with a large red circle. The woman wears long earrings and the man has a roach and braid hairstyle and wears a bone choker. In the centre, a couple wrapped in a blue blanket sit on the ground and the man has his arm around the shoulder of the woman. They both have braids and both are wearing chokers. They sit beside a yellow-coloured model of a war tipi or lodge decorated with quilled tipi decorations. There is an otter skin on top of a pole sticking out of the tipi. To the right is a large decorated tipi, with a man and woman kissing in the entrance way and a small child looking out of the door below them. The tipi is decorated with stars and stripes encircling the top section, probably representing the sky, with long thunderclaws stretching down from it.<sup>29</sup> Coiled around the bottom of the tipi is a horned water monster probably representing certain spiritual powers.<sup>30</sup>

Although references to courtship exist in the depictions of the first two couples, the use of a blanket in this way during courtship cannot be found in the ethnologies of Denig or Lowie. However, it was a Sioux custom for a man to enfold a woman in his robe and, with their heads covered from view, converse in private. This very formal way of courting was sometimes necessary in the busy atmosphere of the camp.<sup>31</sup> The couple in the centre, shown with the model or wedding tipi covered with objects representing the man's war honours, could be part of the marriage ceremony. The final scene could represent the family life of the artist himself.

## Conclusion

The Gardiner Collection drawings are significant because they are one of the few known collections of ledger-type Assiniboine drawings from the south Saskatchewan area of Canada. They are post-contact drawings and could show past occurrences in the artist's life along with some from his own time.

Besides the obvious importance of the drawings as examples of picture-writing conventions carried on in a new art form, they also serve as a record of a lifestyle which has disappeared from the southern Canadian Plains. In the ninety-five years since the drawings were collected by Dr. Edwards, the changes brought about to the people of the Canadian Assiniboine Nation have been incalculable, and for this reason the drawings are of extreme importance to them. They provide another way of looking back at ceremonies now lost or little used, at social traditions like courtship, and of home life now changed. They can serve as examples of an earlier picture-writing tradition and of decorative and symbolic arts exemplified through clothing and other human- and horse-culture items.

To aboriginal and nonaboriginal viewers the drawings provide access to a heritage and past of both an historic and aesthetic nature. Historically they provide a viewpoint little experienced today, of an aboriginal perspective of ritual and of the buffalo hunt so central to existence. Aesthetically, with remnants of traditional picture-writing stylistic traditions intact, the drawings exemplify the kind of universal appeal found in works of art that combine technical competence with a sincere expression of emotion and thought.

As aesthetic and ethnohistoric documents the drawings are meaningful for the aboriginal viewer within the context of current tribal history, not only as a record of past events, but through a sense of a renewed voice or cultural ownership and identity. For the nonaboriginal viewer the drawings are a reminder of the deep artistic and traditional past of their neighbours and as an awareness and understanding that art and the enjoyment of art cross many boundaries.

#### NOTES

1. Glenbow Museum Archives (Calgary, Alberta), Gardiner Collection, M7283 (hereafter "Gardiner Collection").
2. Gardiner Collection. In a letter to his wife from Regina, Monday, 14 October 1897, Dr. Edwards writes of visiting the Assiniboine Reserve after driving out from Indian Head.
3. *Macleod Spectator*, Fort Macleod, Alberta, 8 April 1915.
4. Gardiner Collection. Letter from W.L. Grant, Indian agent at Indian Head, Assiniboia, 9 January 1897, to Dr. Edwards.
5. Gardiner Collection. Letter from Dr. Edwards to his wife, July 1898.
6. Gardiner Collection. This drawing shows four women and one man who appear to be taking part in a dance. They wear standing up headdresses and two have dance bells. In this drawing the figures are loosely coloured in red and blue crayon, unlike most of the other carefully coloured drawings.
7. Research on the identity of the artist, conducted by the author since 1989, has led to the identity of descendants of the artist at Carry The Kettle Reserve near Sintaluta.
8. Gardiner Collection. Letter from Dr. Edwards to his wife, July 1898.
9. Howard D. Rodee, "The Stylistic Development of Plains Indian Painting and its Relationship to Ledger Drawings," *Plains Anthropologist* 10, no. 30 (November 1965): 218-32; Joyce Marie Szabo, "Ledger Art in Transition: Late Nineteenth and Early Twentieth Century Drawing and Painting on the Plains, With an Analysis Of the Work of Howling Wolf" ( Ph.D. dissertation, University of New Mexico, 1983), 88-89. Rodee links ledger drawing (in particular the southern Plains artists from the Southern Cheyenne) to hide painting traditions being carried on by artists living on reservations or in prison such as the continued absence of landscape features, the arbitrary colouring of horses, and the lack of modelling of figures within the composition. Themes continue to be about hunting and battle, but current happenings such as treaty signing, ceremony, and domestic scenes of courting and trading begin to be seen. Szabo points out the continued dominance of male imagery in the reservation drawings of artists from the southern Plains, but with a reduced percentage of horse capture or battle-oriented scenes and with new combinations of domestic and courting scenes appearing.
10. Gardiner Collection. Dr. Edwards's interest in aboriginal artifacts can be seen in drawings done by him on 8 August 1882 at Fort Qu'Appelle. They were of various beaded moccasin designs observed by him from the Cree, Saulteaux and Blackfeet.
11. Cecelia F. Klein, "Editors Statement: Depictions of the Dispossessed," *Art Journal* (Summer 1990): 106-09. In 1985 Klein organized a symposium in Los Angeles about questions of how and why pictures represent the deprivations and transformations of those who experience a major foreign takeover such as that which occurred on the North American continent (p. 106). Reactions to this by artists are shown to range from an idealization and glorification of the past (when the works are to be sold to European patrons) to a true chronicle of the dispossession that resulted (pp. 107-09).
12. Rodee, "Stylistic Development of Plains Indian Painting," 225.
13. The Art Department, Glenbow Museum, personal communication.
14. Rodee, "Stylistic Development of Plains Indian Painting," 225.

15. Ibid.
16. Other collections of ledger art include the drawings of Howling Wolf, located in the Allen Memorial Art Museum at Oberlin College, Oberlin, Ohio, and the Shieles Ledger Art Collection at the University of Oklahoma, Norman, Oklahoma. One common ledger-art theme not found in the Gardiner Collection is aboriginal and European interaction.
17. John C. Ewers, Helen M. Mangelsdorf, William S. Wierzbowski, *Images of a Vanished Life: Plains Indian Drawings from the Collection of the Pennsylvania Academy of the Fine Arts* (Philadelphia: Pennsylvania Academy of the Fine Arts, 1985), 22-50. In this catalogue of illustrations of ledger art, the artist Thomas Smith (born 1863), stated to be part Gros Ventre and part white, depicted a battle scene showing an Arikara warrior on horseback and two Sioux warriors fighting on foot. The warrior carries a lance and the tail of his horse is bound up for battle. Other similar depictions of horses thus attired in this catalogue include Kiowa and Sioux warriors.
18. E.T. Denig, *Indian Tribes Of The Upper Missouri* (Washington: Bureau of American Ethnology, Forty-Sixth Annual Report, 1930), 544-56. Denig describes in great detail traditional Assiniboine beliefs and practices associated with war. He states that war was made for only two reasons, to steal horses from enemies or to take scalps. He writes of the severe restrictions on conduct, rules of behaviour, the charms and fetishes taken along, and the celebration and glory accorded warriors returned from a successful raid.
19. Ibid., 589. Denig gives the value of a "war-eagle feather cap, largest kind: price, 2 horses, 10 robes each," and a "scarlet blanket, value, 4 robes."
20. Robert H. Lowie, *The Assiniboine* (Anthropological Papers of The American Museum Of Natural History, Vol. IV, Part 1, 1901), 67. Although Lowie spent most of his time with the Stoney Assiniboine of Morley, Alberta, he also visited the Assiniboine of Montana, closely related geographically and through kinship to the Assiniboine bands in Canada at Carry The Kettle under the Assiniboine agency and the Pheasant Rump and the Ocean Man bands at Moose Mountain agency; see, for example, Frederick W. Hodge, ed., *Handbook of the American Indians North of Mexico* (Washington: Government Printing Office, 1912), 102-05. Lowie noticed similarities in traditional practices between the so called southern Assiniboine and the northern Stoney despite an historical separation of the two groups noted as early as 1640 in Reuben G. Thwaites, ed., *The Jesuit Relations and Allied Documents: Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791*, vol. 18 (Cleveland: Burrows, 1896-1901), 230.
21. Ewers, Mangelsdor and Wierzbowski, *Images of a Vanished Life*, 26. In this catalogue the artist Oscar Brown depicts the Grass Dance and its paraphernalia, including the feather bustle and pointed sticks shown in Figure 3. A dancer is drawn in the same dancing stance shown in Figure 3.
22. Lowie, *The Assiniboine*, 67.
23. Ibid., 30-33.
24. Ibid., 56-75.
25. Ibid., 66-70.
26. Gardiner Collection. Letter from Dr. O.C. Edwards to Mrs. H. Edwards, July 1898.
27. Lowie, *The Assiniboine*, 68.
28. Consultation on the description and interpretation of the other drawings is ongoing.
29. Denig, "Indian Tribes of the Upper Missouri," 500. Denig describes the importance of thunder in Assiniboine mythology. Thunder is said to be the flapping of the wings of the large medicine bird.
30. Ibid., Plate 74. In his report Denig includes a picture of an Assiniboine lodge with a large water-type snake circling the lower part of the lodge.
31. Royal B. Hassrick, *The Sioux: Life and Customs Of A Warrior Society* (Norman: University of Oklahoma Press, 1964), 114-15.

# York Factory as a Native Community: Public History Research, Commemoration and the Challenge to Interpretation

Robert Coutts

**ABSTRACT.** The interpretation of aboriginal history at fur-trade sites has posed a challenge to heritage agencies in Canada. Research by the Canadian Parks Service into the long association of Native groups (primarily the Cree) with the Hudson's Bay Company post at York Factory focusses on economic subsistence and daily life, kinship patterns, and the development of a permanent and seasonal Native labour force. Such themes as conflict, adaptation, and marginalization are critical to an understanding of the role of aboriginal people in the fur trade, and can help heritage agencies move beyond the idealized and simplified interpretations of the past that we still see at many historic fur-trade sites.

**SOMMAIRE.** L'interprétation de l'histoire autochtone dans les endroits où il y avait traite de fourrure représente un défi pour les organismes canadiens qui s'occupent du patrimoine. Les recherches effectuées par le Service des parcs canadiens dans la longue association entre les groupes autochtones — surtout les Cris — et le comptoir de la Compagnie de la Baie d'Hudson à York Factory se concentrent sur la subsistance économique et la vie de tous les jours, les liens de parenté et le développement d'une main d'oeuvre autochtone permanente et saisonnière. Pour comprendre le rôle des Autochtones dans la traite de la fourrure, il faut aborder les thèmes du conflit, de l'adaptation et de la marginalisation. Cela peut aider les organismes responsables du patrimoine à aller au delà des interprétations idéalisées et simplifiées du passé que l'on peut encore voir sur le site de nombreux comptoirs historiques.

In recent decades the interpretation of the role of aboriginal people in the fur trade has presented a challenge to both scholars and public heritage agencies. In the early 1970s the historiography of the North American fur trade underwent a significant shift in focus. Since that time scholarship has moved well beyond the "trade and empire" approach that characterized most early texts, as we witness the proliferation of historical and ethno-historical studies that increasingly concentrate upon the Native peoples who represented the most integral part of the fur-extraction economy.<sup>1</sup> This shift in scholarly emphasis has been reflected in attempts by public heritage agencies in Canada to redirect interpretation at historic fur-trade sites, even if the results of these initiatives have often been uneven. York Factory, a fur-trade post and distribution centre operated by the Hudson's Bay Company (HBC) for almost three centuries, and now a national historic site, is representative of this changing direction.<sup>2</sup> Ethnohistorical research sponsored by the Canadian Parks Service on the history of this important settlement is attempting to shed light upon the lives of the Native people who traded and worked at York over its long history.

The interpretation of fur-trade sites like York Factory, and the role of Indian traders and labourers, has challenged the way public heritage agencies attempt to communicate Native history to the public. For many North Americans, exposure to the history of the fur trade, and the role of Native peoples, has not come through scholarly texts or through the more accessible "popular" histories, but from visits to the many fur-trade posts that have been commemorated, restored and interpreted throughout the continent. For example, visitation at just three of the better-known sites — Old Fort William, Lower Fort Garry and Fort Vancouver — totalled almost half a million people in 1990. With increasing emphasis in North America

upon heritage conservation and “heritage tourism” (also largely a phenomenon of the 1970s), the nature and scope of the research carried out by agencies such as the Canadian Parks Service has undergone a marked change. For public historians, or those historians working for government or other publicly funded agencies, Native themes have played an increasingly critical role in informing the types of research that have been conducted at commemorated fur-trade sites. While historic resource inventories, material culture studies and structural histories, or the analysis of the “built environment,” remain an integral component of public history research, there is a growing trend toward the sponsorship of ethnohistorical studies that have an important multidisciplinary focus. Perspectives from ethnology and archaeology, from historical linguistics, from physical and cultural geography, as well as from oral traditions, have begun to be incorporated by public historians into the analysis of the evolution of Native communities at fur-trade settlements.

Unlike a large proportion of the historical studies of the role of aboriginal peoples in the fur trade, which often adopt a broad-brush approach in a wide regional setting, public history or ethnohistory research can focus upon specific communities and how cultural, political and economic structures, as well as a community’s self-defined integrative mechanisms, changed over time. These considerations are largely the result of heritage programming. Interpretative programs, like local histories, respond to site-specific needs and have helped to establish the context and direction for government-sponsored research. Within this mandate, it is the public historian who makes the necessary links between community history, defined both temporally and geographically, and a wider body of knowledge and understanding.

Researching and interpreting the history of aboriginal peoples at specific fur-trade posts — posts that were established by European commercial concerns and continued under their management — remains problematic. The study of Native groups who traded, worked and lived at, or in the vicinity of, a post like York Factory can be limiting in terms of the wider applicability of the research findings, as each post was in many ways a unique community of individuals.<sup>3</sup> Site-specific research can restrict the types of general conclusions that may emerge regarding the lives of Indian peoples in the “historic” period. Alternatively, by ignoring the internal dynamics of the many intercultural communities that characterized fur-trade life in the West, research and commemoration are often limited to the search for what some heritage planners call “pure” (or pre-contact) Native sites that risk categorizing aboriginal societies according to the ethnocentric concept of “pre-history,” in effect making them part of the “natural” environment. At York Factory, ethnohistorians are able to study one such intercultural settlement where Indians and Europeans, who had come together for economic reasons (the exploitation of resources), over time created a unique and multilayered community in the fur trade.

Like other fur-trade posts in the West, however, York was not a society

based upon economic partnership. An imperialist ethic governed the establishment and continued existence of the factory as the HBC pursued its policy of commercial hegemony in the region. This particular point is central to the way the fur trade, as an historical phenomenon, can be interpreted to the public. At trade sites like York Factory heritage agencies have the opportunity to focus upon the critical themes that have defined the relationship between Natives and newcomers, or such topics as colonialism, conflict, acculturation and economic marginalization.

### **Researching York Factory**

The study of York Factory as a Native community can focus upon economic and social life in the fur trade as it evolved at one site over a considerable period of time. Established by the HBC in 1684 at the mouth of the Hayes River on the west coast of Hudson Bay, York Factory operated continuously until 1957 as, variously, a trading post, supply depot, manufacturing centre and district headquarters for the fur trade of the Northwest. Native peoples, primarily the Swampy Cree of the Hudson Bay lowlands, were closely associated with the post for almost three centuries.

With such a lengthy period of Native-white contact in the fur trade it is not surprising that York Factory presents the researcher with an abundant documentary record, although it is one that is written almost exclusively from a Euro-Canadian perspective. This record provides a unique opportunity to study the development of a micro-economy and community. And while York came to be known before 1870 as "the most respectable place in the Territory" largely because, as Michael Payne has suggested, its society and European work force resembled, perhaps more than other posts of the period, the society of pre-industrial Britain, life at the factory also reflected the development of an intercultural community with both European and Native roots.<sup>4</sup> Over almost three centuries of Native-white contact at York the Cree played an increasingly critical role in the day-to-day operation of the post, eventually moving "inside the palisades" as provisioners, traders and labourers. Despite their changing status, however, Native people at the factory continued to be subordinate and exploited throughout the historic period. For a number of reasons, therefore, York Factory is an important historic site, not simply for its institutional or administrative role in the fur trade, but for the opportunity it affords the public historian to shift his gaze away from the Company's business office and trading store to the day-to-day life of the nearby encampment.

In doing so the public historian is confronted with many of the same difficulties that face historians and ethnohistorians who work in the academy. Public history, like all historical writing, is a process of selection which for a variety of reasons elevates certain parts of the story and submerges others. Heritage agencies frequently select images for presentation which they feel will clearly resonate with the public, often simplifying a particular version of events to the point where it becomes unintelligible and devoid of any real significance. If York Factory represents a remarkable

opportunity to focus ethnohistorical research upon such themes as conflict, adaptation and marginalization, it presents an even greater challenge for interpretation, both in the way the material is approached and made sense of, and how it is presented to the general public.

### **York Factory: A Brief History**

As one of the oldest HBC posts in North America, York Factory was the site of some of the earliest encounters between aboriginal people and European traders. The post is situated near the mouth of the Hayes River on a flat, marshy peninsula on the western shore of Hudson Bay. Twelve years after the founding of the HBC in 1670, traders from England, France and New England established a series of short-lived posts in the area of the Hayes and Nelson rivers in hopes of attracting Native traders from the interior. In 1684 John Abraham of the HBC relocated his Company's post to the north bank of the Hayes, calling the new establishment York Fort. (It was renamed York Factory in the eighteenth century.) The post attracted the trade of the Cree, Ojibwa, Assiniboine and more distant Gros Ventre (and occasionally a few other groups) who each year made the long journey to the Bay from the interior. Over the next three decades there was intense competition between rival Euro-North American traders for trade supremacy in the region. As expanding mercantile concerns in Europe sought new areas for resource exploitation, it soon became apparent that whoever controlled the mouth of the Hayes and Nelson waterways controlled the fur resources of the western interior. York changed hands a number of times in this period. Between 1697 and 1713 it was under French control and was renamed "Fort Bourbon," but was ceded back to England in 1713 with the Treaty of Utrecht.

York's location at the confluence of two major inland waterways, the Hayes and Nelson rivers, provided the factory with a large and abundant hinterland. By 1730 it had become the HBC's most important post on the Bay, far surpassing the volume of trade at such centres as Severn, Fort Albany, Moose Factory and Fort Prince of Wales at the mouth of the Churchill River.<sup>5</sup> The establishment of the Company's bayside network consolidated the economic intermediary role of the Cree and Assiniboine who bartered European manufactured goods such as guns, knives, kettles and tobacco at marked-up prices to Native groups living farther inland. Competition from the interior, first from the French, and after 1763 from rival Anglo-owned concerns operating out of Montréal, significantly reduced the volume and quality of furs traded at York Factory. In response, the HBC established a number of interior posts, beginning in 1774 with Cumberland House on the Saskatchewan River. Later competition with the North West Company accelerated the construction of a network of inland forts, which reached the prime fur-trapping areas of the Athabasca and Mackenzie regions by the time the two companies amalgamated 1821.

With the establishment of inland posts, York Factory assumed a new role as a storage, manufacturing and distribution centre in the HBC's Northern



Department, the Company's administrative designation for its fur-trading districts west of the Albany region and east of the Rocky Mountains. The site soon became the centre of a vast, tightly scheduled system of supply that began with the arrival of the annual ships from England. Large warehouses, including the still extant depot building, were constructed to house the many tons of furs, supplies and trade goods awaiting shipment to either England or the interior. As well, York was the centre of considerable artisanal activity, manufacturing a variety of articles for use in the local and inland trade. With this expanded role came new administrative and record-keeping functions, as Company clerks and accountants processed the large volume of paper-work that accompanied the daily transactions of a large entrepôt.

By the 1850s York Factory had reached its peak, with over fifty buildings located at the site and a permanent work force of some fifty-one labourers, tradespeople, clerks and officers. Two decades later, however, the post was in decline. Changes to the HBC's transport network saw an ever-increasing volume of goods shipped to the posts of the Northwest via American railways, steamboats and Red River carts along a southern supply line that headquartered at Fort Garry in Red River. By 1872, York Factory was supplying only those posts located below Norway House, including Oxford House, Nelson House, Severn, Trout Lake, Split Lake and Churchill. Later in the same decade, the factory's accounting functions and transport responsibilities were removed to Upper Fort Garry. In 1911 York was made the headquarters of the newly created Nelson River District, but lost this role to Churchill with the completion of the Hudson Bay Railway in 1929.<sup>6</sup> York soon declined to the status of a regional trading post, and the small Native communities at nearby Ten Shilling and French creeks were eventually abandoned in favour of settlement at the mission property or the Company's 118-acre reserve at the post itself. When the factory was finally closed by the HBC in 1957, the Swampy Cree inhabitants of the area left for more distant communities at York Landing, Split Lake and Shamattawa.

Throughout this transformation from trading post to entrepôt, distribution point and district headquarters, York Factory was an important part of the lives of the Swampy Cree and mixed-blood peoples of northern Manitoba. At the factory many assumed roles as traders, provisioners, wage labourers and consumers, while helping to forge a post society that possessed unique cultural characteristics as well as its own social and economic patterns and structures.

Prior to the move inland by the HBC in 1774, a small band of coastal Cree who inhabited the area around York Factory specialized in supplying the post with a variety of "country" goods and services. The small furs, provisions, country technology and services of the hunters, guides, packers and couriers, of what came to be known as the "Home-Guard" Cree were indispensable to the profitability of the fur trade at York. From a description left by Andrew Graham, who served at York for varying lengths of time between 1753 and 1772, the seasonal round of existence of the Home-Guard, both at and away from the post, was perhaps the most enduring

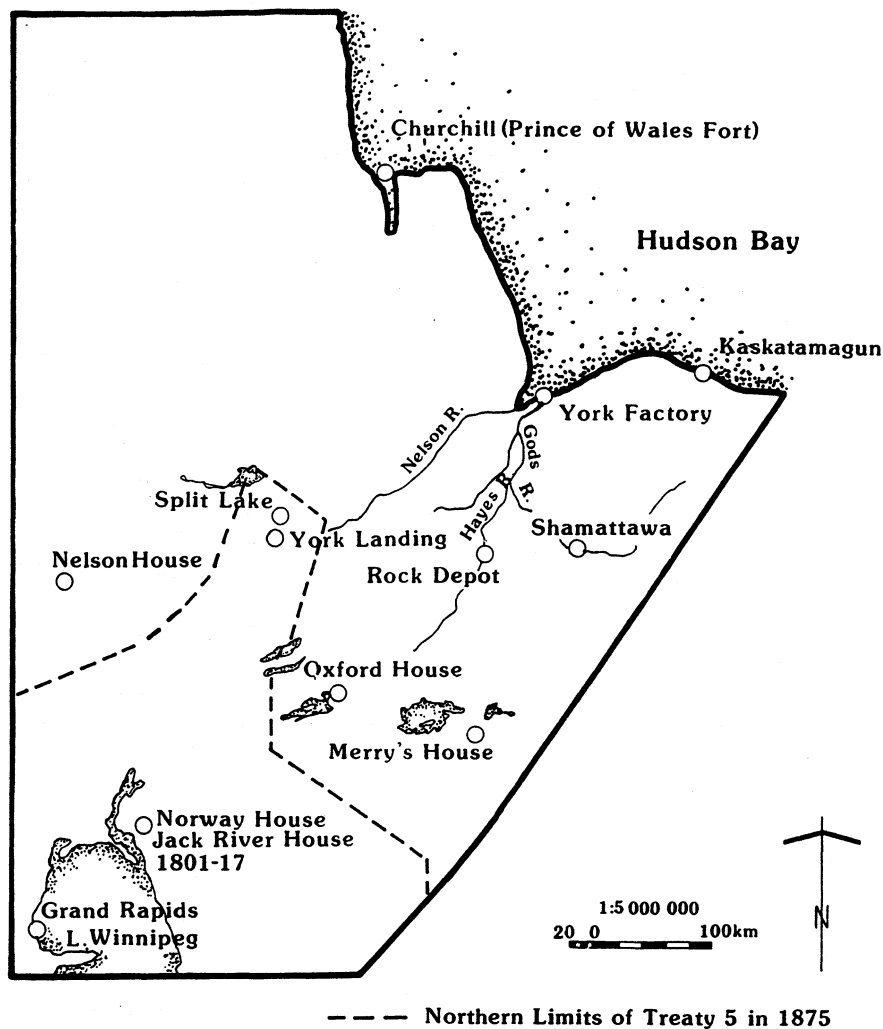


Figure 1. Fur-trade posts and communities in northern Manitoba.

feature of their relationship with the factory.<sup>7</sup> The approximately 200 men, women and children who at that time were associated with York Factory pursued a variety of activities — the caribou and goose hunts and the winter trapping and summer voyaging — which were largely dictated by the seasons of the year.<sup>8</sup> By the nineteenth century, and more particularly the second half of that century, the role of the Home-Guard at York had changed. Traditionally hunters and provision suppliers (at least for part of the year, while at other times engaging in subsistence activities outside of the fur trade<sup>9</sup>), a number of Cree families assumed new roles at the post,

primarily as wage labourers fulfilling many of the daily tasks that had once been assigned exclusively to European servants. As either part-time or permanent servants, they were engaged in a wide variety of activities such as voyaging on the York boats, loading and unloading goods and furs at ship time, cutting wood, packing fur, repairing and constructing inland boats and post buildings, whaling and rendering blubber, fashioning fish nets, assisting the post tradesmen, and transporting goods between the various storage facilities at the site.

At the same time that York was evolving as a community of Native labourers and their families, the development of associated institutions, such as the establishment of a Christian church and school was taking place. (While a missionary had first visited York as early as 1820, the first permanent mission at the site was not established until the 1850s. A church and school serviced the local population at York until the post closed in 1957.) When the HBC began to restrict its recruitment of Europeans as permanent servants for work at posts such as York Factory, it relied more heavily upon the labour services of the Cree. As part-time labourers, however, the York Factory Cree occupied the lowest levels of the labour hierarchy at the post in accordance with the racial division of labour that characterized much of fur-trade mercantilism throughout the Northwest. Nearby seasonal communities at French Creek and Kaskatamagan, as well as the development of a more permanent settlement at the post itself in the late nineteenth and early twentieth centuries, were indicative of York's changing composition from a Company town of largely European permanent servants and officers to a Native community of provisioners, and permanent and seasonal labourers.

While general ethnohistorical research on the role of subarctic Homeguard populations remains useful,<sup>10</sup> the study of a specific population and how it changed over time can yield a great deal of information on such topics as patterns of kinship and economic subsistence. Ascertaining the size and demographic composition of the population associated with York Factory, as well as determining who in fact constituted the local "Home-Guard," is central to this research. Also important is the question of whether the term "Home-Guard" identified a discrete subgroup whose membership remained largely continuous and unchanging or referred instead to a population where affiliation fluctuated according to the specific needs and priorities of the local people. Social organization, including patterns of marriage and kinship and the evolution of an indigenous mixed-blood population (of largely Swampy Cree/Scots-Orkney ancestry), as well as the nature of family structures, economic and political relations, the multi-layered relationships between local people and Euro-Canadian traders, the impact of missionaries and government officials, the effect of changing HBC policy and the rise of nativistic movements, are all crucial aspects in the study of fur-trade communities. The fairly rapid decline of York Factory after 1875 as the HBC's major entrepôt in Rupert's Land, and the extension into the area of Canadian sovereignty, with its police, treaties and government bureaucracy are also key parts of the story.<sup>11</sup> Declining fur trade and related



Figure 2. Cree labourers, hunters and family members, along with other post servants, at York Factory, 1880. The Anglican Bishop John Horden is standing at centre. To his left is Chief Factor Joseph Fortescue and Mrs. Fortescue. Photo courtesy of the Provincial Archives of Manitoba.

activities in the region, as well as York's relegation to the periphery of the political economy of the Canadian nation-state, form useful points of reference in tracing the disruptive shifts that occurred in the social and economic fabric of the region in the twentieth century.

### **Ethnohistorical Sources**

One of the major factors associated with ethnohistorical research on subarctic aboriginal peoples is the paucity of written records from non-European sources, at least for the pre-twentieth century. Consequently, written sources that recount life at York Factory are almost exclusively those of non-Native observers. To say that this record is extensive is an understatement. With tens of thousands of pages of archival records pertaining to its history, York was one of the most extensively documented fur-trade posts in Western Canada. Moreover, these records are largely continuous and cover the history of the factory from the late seventeenth century to its closing in the 1950s. By far the greatest repository of this written documentation is the Hudson's Bay Company Archives (HBCA) in Winnipeg. While the York Factory fur-trade records dominate the written source material for the region, there is as well considerable information in the HBCA relating to Native peoples from a number of other posts in the York-Norway House-Severn triangle. These include records from posts at Flamborough House, Rock Depot, Shamattawa, Oxford House, Jack River House, Norway House, Merry's House and Fort Severn, among others. The York Factory materials in the HBCA include almost 200 post journals that, except for

thirty-eight years, run continuously from 1714 to 1939. Kept on a daily basis, these journals describe life at the post, and although they remain an essential source of information on Native people and the fur trade, their use is restricted by the writing skills and interests of the journal keepers, the proliferation of other types of documents, and perhaps most importantly the subjective biases of their Euro-Canadian writers.<sup>12</sup> A smaller number of what the Company called "District Reports" generally offer a more expansive commentary on Native trade at the post, although they cover, with notable gaps, only the nineteenth century. Apart from illustrating the Company's perspective on trade relationships, these reports also provide information on population, disease, welfare and the general state of trade in the region. The vast number of correspondence files that relate to York Factory, including both official and post correspondence, provide a wealth of information on HBC policy and Native responses, as well as observations on the movements of individuals and bands as they travelled within the region.<sup>13</sup>

As a document group, the York Factory financial records — roughly 2,000 account books covering the period from 1688 to the 1930s — provide an enormous amount of data on the economic life of the region. As fur-trade researchers began to realize in the 1970s, the HBC's detailed and assiduously kept financial records can offer significant insights into fur-trade life that are often less impressionistic than other types of records such as daily journals. While the eighteenth- and twentieth-century accounts are summarized, the nineteenth-century business records at York are extensive in keeping with the factory's enlarged role during that period as an administrative entrepôt. All sorts of documents, from provision books to Indian debt ledgers and work accounts, to expenditures for sick and destitute Natives and indent books (a listing of trade goods and European provisions required for a specific region), contain information and commentary on such topics as material culture, seasonal movements, trade practices, the provision of country produce, furs and labour services, kinship patterns, social organization and the ecological carrying capacity of the area.<sup>14</sup>

While York Factory's importance to the fur trade was in decline by the latter part of the nineteenth century, new types of records created at the post during that period contain useful data for ethnohistorical research. In 1910-11 administrative changes, such as the establishment of the "Fur Trade Department" and the founding of the Nelson River District with York as its headquarters, brought about such changes to record keeping as the creation of weekly district reports, information on Native welfare in the records of the Northern Stores Department, and a registry of Native births, marriages and deaths for the years 1925-32. As well, there are more detailed personnel records at this time that contain such data as place and date of birth for each employee at the factory, years of service, postings, position, marital status, number of children and salary. "Post Manuals" were also distributed at this time to individual managers, providing advice on such topics as "Treatment of Customers," "Trapping with Natives," "Relief" and "Prices to be Charged to Native Labourers."<sup>15</sup>

Aside from the journals, district reports, correspondence files and accounts, there are a variety of miscellaneous documents in the HBCA that contain considerable information on Native people at York. These include medical journals, survey notes, a few post censuses, and family related documents such as wills. There are also the published observations and correspondence of eighteenth- and nineteenth-century residents like Andrew Graham, James Isham, Robert Ballantyne, and James and Letitia Hargrave.<sup>16</sup>

Critical, as well, to an understanding of some aspects of Native life at York, at least in the nineteenth and twentieth centuries, are the church and government records that pertain to the area. The records of the Wesleyan Methodist Church, deposited in the United Church Archives in Winnipeg, along with those of the Anglican Church held in the Keewatin Diocesan Office in Kenora and the Anglican Church Archives in Toronto, contain the journals, correspondence and private papers of the missionaries who visited or were stationed at York since the Reverend John West first travelled to the post in 1820. Government records are also extensive and useful for the late nineteenth and early twentieth centuries. The published and unpublished records of the Geological Survey of Canada — primarily the writings of James Tyrrell and Robert Bell who wrote extensively on the geology, flora, fauna and human occupation of the region — are significant. The records of the Department of the Interior, Indian Affairs, and the North West Mounted Police, located in the National Archives of Canada, are important sources of data on a great many aspects of aboriginal life at the post in the later period.

Visual materials are also significant sources for ethnohistorical detail. A selection of early Indian maps of the Hayes-Nelson region, along with the maps and notes left behind by HBC servants and surveyors like Phillip Turnor, Anthony Henday and David Thompson, provide two-dimensional observations on the geography, toponymy and trade logistics of the region.<sup>17</sup> Historical images of life at the post such as the paintings of James Isham, Edward Chappell and Peter Rindisbacher, the drawings of George Finley, or the photographs of Robert Bell, Joseph Tyrrell and A.V. Thomas are important visual documents of Native life in the region. This visual record provides evidence on many aspects of changing material culture and resource exploitation over three centuries, but exhibits many of the same subjective biases as does the written record and therefore must be used with caution.

The particular nature of the archival record for York Factory — that non-Natives or outsiders wrote about the daily lives of Native people — makes the oral tradition, or the transmission of the unwritten history of both literate and non-literate peoples, an indispensable part of any reconstruction of the past at York Factory. Over the years, anthropologists and folklorists have collected various oral accounts from the Swampy Cree of the York region.<sup>18</sup> Narratives of Native life in northern Manitoba written by Native people themselves date from a later period, or the decades following World War I.<sup>19</sup>

More recently, traditional Swampy Cree legends have been collected by the late Cree artist Jackson Beardy, and by Carl Ray and James Stevens.<sup>20</sup>

As part of the current ethnohistorical research being carried out on York Factory by Canadian Parks Service staff, an oral-history program was begun in 1989 to help in the reconstruction of daily life at the post, especially for the years after 1920. In the eight interviews carried out to date with both male and female Cree elders and former residents who now live in Churchill, York Landing, Split Lake and Norway House, subjects from a wide variety of areas were covered, including biographical data, relations with the HBC, travel and seasonal harvesting of game, work at the factory, family relations, and history, social life, education and religious activities.<sup>21</sup> If such subjects as religious beliefs and traditional cosmology are not extensively covered in the interviews, each does help to reconstruct family relationships and the daily lives of Native people at York at a time that saw profound changes in the region due to the economic marginalization of the peoples of the Canadian subarctic. It should be noted that the oral-history program was developed as part of the post-1920 historical record. It makes no pretense at revealing the deeper cultural traditions and values of the region's Native inhabitants.

Ultimately, material gathered from the York Factory oral-history program will be integrated with the project's archival findings leading to the production of a more balanced and vital portrayal of the history of Native society and economy in the York Factory region.<sup>22</sup> Project researchers hope to eventually publish portions of the York interviews for possible distribution to secondary students throughout the Manitoba school system.

### **Writing Ethnohistory**

As stated earlier, the problems confronting the public historian who carries out ethnohistorical research are much the same as those facing his academic counterparts. In the case of the York project the problems are not restricted merely to defining the spatial and cultural parameters of the study, or managing the large archival record, but relate to the larger debate surrounding the issues of biased sources, subjectivity and cultural ethnocentrism, which may consciously or unconsciously inform the way non-Native scholars write about Native peoples.

In exploring these issues it is perhaps useful to attempt a definition of the term ethnohistory as it has evolved over recent decades. Bruce Trigger describes ethnohistory as the use of documentary evidence and oral traditions to study changes in non-literate societies from about the time of earliest European contact.<sup>23</sup> Like Trigger, Kenneth Wylie argues that ethnohistory is not so much a subject as it is a methodology that borrows concepts from a number of other social sciences while employing the synchronic approach of the anthropologist and the diachronic focus of the historian.<sup>24</sup> A variety of data sources — oral traditions, written records, material culture, art and language — help the ethnohistorian to reconstruct an historical culture, or at least to provide a plausible representation of one. Adaptation



Figure 3. York Factory servants working at the post garden, 1878. Photo courtesy of the National Archives of Canada.

and change over time are key elements in this reconstruction. The “ethnographic present” quickly becomes history and like all writing on the past requires, if not resolution, at least the contextualization of both content and methodological and theoretical biases.<sup>25</sup> For many who call themselves ethnohistorians, writing the history of non-literate peoples, relying mainly upon written materials produced by an alien culture, is different from writing the history of a literate people who have abundantly documented their own activities. The biases inherent in the written record, it is argued, may be acknowledged in a general way by the ethnohistorian, but the particular form of these biases must be explored in detail; for instance, how the attitudes of HBC journal writers were backlit by the economics of Company policy and the deep-rooted expectations of the ahistorical “Other.” As Shepard Krech argues in a recent article, ethnohistory can in theory apply to the history of any “ethos” — whether “primitive” or not — and risks the ghettoization of the culturally distant “Other” if it does not broaden its focus and methodology to the study of not only groups and cultures, but processes as well.<sup>26</sup>

Like all historical writing, the ethnohistory of the fur trade must attempt to move beyond linear, progressivist perceptions of history to episodic approaches that see aboriginal involvement in the trade as pluralistic and diverse. Demythologizing our traditional views of the fur trade and the role of Native people in it would spur this process and help to bring about what James Clifford calls the “breakup of monological authority.”<sup>27</sup> Moreover, it would allow ethnohistorians to link the historical experiences of Native



people with such current issues as treaty land entitlements, aboriginal justice, political rights, racism and poverty.<sup>28</sup>

### Interpreting Historic Sites

For heritage agencies the forging of such links are a vital part of the way historic sites, including fur-trade sites, can be made relevant to the modern experience. The public historian, therefore, has the opportunity to participate directly in community policy making, bringing new approaches to traditional data sources while helping to establish alternative directions for public interpretation. It is an opportunity that few in the academic community will have. With public interpretation focussing on such topics as "life at the post" (as the realities of daily existence can link the visitor's own experience with those in the past), the public historian can engage in revisionist history at its most accessible level. At fur-trade sites such as York Factory, publicly sponsored inquiry into the documentary, oral and material culture record (a process that makes public history fundamentally interdisciplinary) can provide a multivocal and multidimensional interpretation that both educates visitors and challenges their preconceptions and stereotypes.

Unfortunately, historic sites, especially those that involve some aspect of Native history, frequently achieve the opposite. Monological interpretation can subtly or overtly re-create for visitors their own comfortable images of the past: the Native as noble (or neo-noble) savage, the primitive and menacing wild man, the friend and partner of the white trader and settler, or simply the Indian as part of the background, in effect an "offstage Greek chorus."<sup>29</sup> So as not to offend visitors, interpretation at historic sites is routinely static and "safe." Little thought is given to challenging visitors' preconceptions, or attempting to revise outdated, flawed or even racist interpretations. Instead, heritage agencies have the tendency to take a much less controversial path, offering, as Jennifer Brown has pointed out, "a rather sanitized and idealized version of the past."<sup>30</sup> In Canada, the invention of a fur-trade tradition and the images of the colourful voyageur and the heroic trader/explorer that have become a part of our popular mythology are typically reflected in the types of interpretive programming that prevail at commemorated fur-trade sites. In some cases the fault lies with research that is inadequate, naive, or poorly done, while in others the presentation of heritage programming is too often left to individuals with little appreciation for the complexities of historical traditions.

If the national historic site at York Factory is not the best example of this style of historical interpretation, largely because the site is fairly remote and comparatively low-key in its interpretation, many other restored or reconstructed fur-trade posts continue to reflect stereotypic images of the fur trade and Native people in their visitor programming. Fort William at Thunder Bay, Lower Fort Garry near Winnipeg, and Fort Michilimackinac in northern Michigan are three historic sites where meticulous research has gone into the restoration and furnishing of post buildings. Less attention, however, has been given at these sites to the form and content of the

animation presented to visitors, which at times is wooden, inaccurate, or exaggerated beyond recognition. One needs only to witness the “arrival of the Métis fur brigades,” as re-enacted by staff at Fort Michilimackinac, to see almost every stereotype of the voyageur (a hard-drinking, womanizing brawler who loves to sing) come to life.

Idealized and simplified versions of the past embodied in sanitized visual displays, lifeless and homogenized restorations, and the pseudo-events of historical animation, are partly a response to the perception of the site visitor as “tourist” for whom entertainment takes precedence over understanding and diversion over education. The tourist (usually white and middle-class) within this paradigm remains not only physically separated from the events and processes depicted, but is intellectually and emotionally removed as well, in effect becoming a non-participant (or in the lexicon of modern bureaucracy a non-“stakeholder”) who is unable to experience any shared sense of the past. In the realm of heritage tourism, visitation rates become crucial. Competition from tourist and entertainment facilities for dwindling leisure dollars (making heritage itself, as Jean Friesen has commented, an entertainment “commodity”) has occurred as governments increasingly attempt to measure the worth of historic sites by economic yardsticks, pressing heritage to “pay its own way.”<sup>31</sup> For government “regional integration” — in part the economic spinoffs created within a local community by the creation of an historic site — at times seems as important as the site’s historical significance.

The commoditization of culture, including Native culture, is a by-product of this heritage/tourism entente. Where anthropologists such as Clifford Geertz define culture as an integrated system of meanings by which the nature of reality is established and maintained,<sup>32</sup> economists and planners, as Davydd Greenwood suggests, view culture as a “come-on,” a “natural resource” or a “service.”<sup>33</sup> Cultures, especially “traditional” cultures, provide tourists with the “local colour” that is often the product of mass media. At fur-trade sites costumed animators “play Indian” (a phenomenon that may be traced to centuries-old European expectations for the “savage Indianness” of Native North Americans) in order to provide the visitor with a service — a “glimpse into the past,” a costumed drama, or simply entertainment.<sup>34</sup> However, as Greenwood argues, the commoditization of culture (or “culture by the pound”), which assumes that tourists have a proprietary relationship with genuine or ingenuine cultural manifestations, is a violation of cultural rights and can rob a people of the very meanings by which they organize their lives.<sup>35</sup>

This difficulty in seeing aboriginal people beyond their traditional historical experience, as having a past but no present (or future), has made it difficult for heritage agencies to commemorate and interpret adequately the evolving relationship between Natives and newcomers. If many of the standard general texts of Canadian historiography refuse to integrate Native history into our national histories and continue to restrict their coverage of aboriginal themes to the obligatory early chapter — just after landforms,



Figure 4. Alex Chapman and family at York Factory, early 1930s. Abel Chapman (the young boy standing at the extreme left) was recently interviewed as part of the York Factory oral history. Photo courtesy of John Ingram.

flora and fauna — heritage commemoration can still talk about a “Native period,” presumably one that has now ended.<sup>36</sup>

But if heritage agencies have in recent years begun to commit increased resources to commemorating and interpreting Native history, they have at the same time shifted their gaze northward beyond the prairie and subarctic peoples who participated, and continue to participate, in a fur-trapping economy. There are a number of reasons for this geographic change in focus, including political considerations, sovereignty issues, inadequate commemorative coverage of traditional Inuit and Dene cultures, and a feeling in heritage circles that “we have done the fur trade.” There is as well, I believe, an attraction to the North as “wilderness” and the perception of the Arctic and its indigenous peoples as virtually “untouched” by contact with whites: a kind of acculturation frontier where Native people, according to popular belief, have lived until very recently in much the same fashion as their ancestors. Like the early twentieth-century travellers Ernest Thompson Seton and the musical ethnographer Christian Leden, who embarked on his pilgrimage to the Arctic in 1913 because he wanted to see the “real” North

before it disappeared (and was disappointed to find the Keewatin Inuit "too civilized" because of their contacts with Euro-Canadians),<sup>37</sup> heritage agencies strive to protect and commemorate the traditional sites of Inuit culture before they are lost. While prehistoric Arctic settlements, as well as thousand-year old religious and ceremonial sites, are critical to establishing the link between modern Native societies and their pasts, so too are the "contact" sites that have had such profound impacts upon the evolution of Native cultures and histories.

At York Factory, for instance, commemoration has traditionally centred on the Euro-Canadian side of the equation, leaving little room for exploring the daily lives and economies of aboriginal peoples, especially for the years after 1870. The reasons for this are at best vague but might relate to the view that the far North has more exotic appeal for heritage agencies than does northern Manitoba. According to this viewpoint traditional culture (however that is defined) has been lost there, as today the northern part of the province represents for some little more than a hinterland for resource exploitation or a marginal region of poverty and social problems. Moreover, fur-trade sites like York Factory usually have a thematically identified period of "historical significance," which generally refers to the years when a large number of whites lived at the post. Later themes associated with the region, such as the process of dispossession of the York Factory Cree, are accorded less significance and have less priority for research and interpretation. But it is precisely the recognition and interpretation of this process which is crucial in relating the past to the present in helping us to understand the historical context for the issues that are of concern to modern indigenous peoples.

To address these questions heritage agencies must listen to the contemporary views of aboriginal people concerning their own past, opening a dialogue which empowers them to define the commemorative frameworks and hermeneutic models that reflect their own experiences. To some extent this process has already begun. Increased emphasis upon consultative processes, upon ethnohistorical and community-based research (such as the work currently being carried out by the Canadian Parks Service in the Yukon and Northwest Territories), and the move toward potential cost-sharing partnerships for historic site development, are opening up new directions for the commemoration of Native history in Canada. Whether these initiatives constitute a genuine sharing of power, however, remains to be seen, for in this regard government has a long way to go.

By admitting parallel histories at York Factory we might better understand the issues of conflict, economic marginalization, continuity and change as they affected the Cree of northern Manitoba. Through the focussing of our research on one particular fur-trade site (within a broader comparative context) we might succeed in establishing a link between the remembered past and the modern experience. This link, it is hoped, can help to move the interpretation of the historical community at York beyond the cardboard stereotypes that too often characterize public interpretation

at historic fur-trade sites. York Factory represents an opportunity to present a different paradigm, one that views the fur trade in a new and more critical light and one that might aid in the process of making Native history truly a part of our national history.

#### NOTES

1. This change in focus was perhaps most readily apparent in the publication of such texts as Arthur Ray, *Indians in the Fur Trade* (Toronto: University of Toronto Press, 1974); Arthur Ray and Donald Freeman, *Give Us Good Measure* (Toronto: University of Toronto Press, 1978); Robin Fisher, *Contact and Conflict: Indian European Relations in British Columbia, 1774-1890* (Vancouver: University of British Columbia, 1977); Abraham Rotstein, "Trade and Politics: An Institutional Approach," *The Western Canadian Journal of Anthropology* 3, no. 1 (1972); and Carol Judd and Arthur Ray, eds., *Old Trails and New Directions: Papers of the Third North American Fur Trade Conference* (Toronto: University of Toronto Press, 1980).
2. York Factory was designated a national historic site in 1936 by the Historic Sites and Monuments Board of Canada. The site's original designation was based upon its crucial role in the economic and military struggle between France and England for control of the Hudson Bay fur trade in the late seventeenth and early eighteenth centuries.
3. For a discussion on this point see Michael Payne, "Fort Churchill, 1821-1900: An Outpost Community in the Fur Trade," *Manitoba History* 20 (Autumn 1990): 2-15.
4. Michael Payne, *The Most Respectable Place in the Territory: Everyday life in Hudson's Bay Company Service, York Factory, 1788 to 1870* (Ottawa: National Historic Parks and Sites, Canadian Parks Service, 1989), 158.
5. The volume of trade at York peaked at approximately 42,000 Made Beaver (MB) in 1730, compared with just 8,000 MB at Fort Churchill, 11,000 MB at Albany, 4,000 MB at Moose Factory and 3,000 MB at Eastmain that same year. See Ray and Freeman, *Give Us Good Measure*, 34.
6. G. Adams, M. Burnip and R. Coutts, "The York Factory Ethnohistory Project: Phase I Progress Report," *Research Bulletin* no. 284 (Ottawa: Canadian Parks Service, 1991), 11.
7. Andrew Graham, *Andrew Graham's Observations on Hudson Bay, 1767-1791*, ed. Glyndwr Williams (London: Hudson's Bay Record Society, 1969) 192. Graham writes:
 

At the Forts there are natives which we style home-guards or home-Indians, and by the trading natives Winepeg, or Muchiskewuck Athinuwick, which last word signifies Indians, who are employed as hunters to supply the Forts with provisions, which is not inconsiderable, and are paid for such according to their dexterity and shooting. They also carry packets, and haul trading goods from forts to forts. They are trusted goods to the value of twenty or thirty beaver in October, when the fall goose season is over, when they go a little distance inland and traps martens etc. Towards May they pitch in again to the forts to kill geese etc.; in the interim they pay their debts, and what furs may remain they trade for brandy, and gets merry. The number of them at one of the capital forts are from 150 to 200 men, women and children, the last of whom are at present too many for providers... Besides the above natives supplying us with fish, flesh and fowl of many kinds, we get provisions from the Nekawuck or Lake Indians, who are every now and then, summer and winter, coming in to trade a few furs.
8. *Ibid.*
9. The extent to which Native people engaged in activities outside of the fur trade is a topic only recently addressed by fur-trade scholars. Complaints throughout the archival record by HBC officers that Indians were "lazy" or "improvident" in terms of trapping or voyaging to the post are being reinterpreted to demonstrate that Native people often followed different priorities that remained outside of their participation in the trade. See Jennifer

- S.H. Brown, "The Blind Men and the Elephant: Fur Trade History Revisited," in Patricia A. McCormack and R. Geoffrey Ironside, eds., *Proceedings of the Fort Chipewyan and Fort Vermilion Bicentennial Conference* (Edmonton: Boreal Institute for Northern Studies, University of Alberta, 1990), 15-19.
10. See, for instance, J.E. Foster, "The Home Guard Cree and the Hudson's Bay Company: The First Hundred Years," in D.A. Muise, ed., *Approaches to Native History in Canada*, Mercury Series, History Division Paper no. 25, (Ottawa: National Museums of Canada, 1977).
  11. Treaty 5, which included a large portion of the territory north of Lake Winnipeg, was signed in 1875. After years of pressure from bands living north of the Treaty 5 boundary, including the York Factory Indians, adhesions were signed at various settlements between 1908 and 1910. At York Factory the treaty was signed by Chief Charles Wastasekoot in 1910. Ironically, the York Factory Indians, with the longest record of contact with whites, were the last band in the province to sign a treaty. See Frank Tough, "Economic Aspects of Aboriginal Title in Northern Manitoba: Treaty 5 Adhesions and Métis Scrip," *Manitoba History* 15 (Spring 1988): 3-16.
  12. Adams, Burnip and Coutts, "The York Factory Ethnohistory Project," 14.
  13. Ibid.
  14. Ibid.
  15. Ibid., 13.
  16. Graham, *Observations on Hudson's Bay, 1767-91*; James Isham, *Observations on Hudson's Bay, 1743*, ed. E.E. Rich (Toronto: Champlain Society, 1949); James Hargrave, *The Hargrave Correspondence, 1821-1843*, ed. G.P. Glazebrook (Toronto: Champlain Society, 1938); Letitia Hargrave, *The Letters of Letitia Hargrave*, ed. Margaret Arnett MacLeod (Toronto: Champlain Society, 1947); and Robert Ballantyne, *Hudson Bay: Or, Everyday Life in the Wilds of North America During Six Years Residence in the Territories of the Hon. Hudson's Bay Company* (London: Thomas Nelson Ltd., 1902).
  17. A recent publication by Richard Ruggles entitled *A Country So Interesting, The Hudson's Bay Company and Two Centuries of Mapping, 1670-1870* (Montreal and Kingston: McGill-Queen's University Press, 1991) discusses the HBC's use of maps drawn by Native informants. One such map of the York hinterland beyond Split Lake drawn in 1806 by Chachaypaywayti, is reproduced on page 146 of that book. The HBCA contains a total of some thirty-two maps which depict the York Factory region between 1750 and 1850, drawn for the most part by Company servants and surveyors.
  18. See for example Robert Bell, "The History of the Che-che-puy-ew-tis: A Legend of the Northern Crees," *Journal of American Folklore* 10, no. 36 (1897); S.C. Simms, "Myths of the Bungees or Swampy Indians of Lake Winnipeg," *ibid.*, 19, no. 72 (1906); J.R. Cresswell, "Folk-Tales of the Swampy Cree of Northern Manitoba," *ibid.*, 35 (1922); and David Turner and Paul Wertman, *Shamattawa: The Structure of Social Relations in a Northern Algonkian Band* (Ottawa: National Museums of Canada, 1977), Canadian Ethnology Series, no. 36. Using oral accounts, some archival sources and anthropological data, Turner and Wertman identify the processes by which the Cree hunter-gatherer society of early twentieth-century Shamattawa established proprietary hunting and trapping rights for individual band members and family production units.
  19. See Maxwell Paupanekis, "The Trapper," in *People and Pelts: Selected Papers of the Second North American Fur Trade Conference* (Winnipeg: Peguis Publishers, 1973), 137-43, and Tom Boulanger, *An Indian Remembers: My Life as a Trapper in Northern Manitoba* (Winnipeg: Peguis Publishers, 1971).
  20. Jackson Beardy, "Cree Legends from Northern Manitoba" (unpublished manuscript, Dafoe Library, University of Manitoba, Winnipeg, 1971); and Carl Ray and James Stevens, *Sacred Legends of the Sandy Lake Cree* (Toronto: McClelland and Stewart, 1971).

21. The topics selected for the oral interviews were developed with the help of Flora Beardy, a Cree woman born at York Factory and who has worked for the Canadian Parks Service in Churchill, Manitoba for a number of years. Ms. Beardy carried out the interviews in Cree and translated and transcribed each into English.
22. According to Vansina the linking of oral traditions with the written record is crucial in reconstructing the past. The relationship of the two, he writes, "is not one of the diva and her understudy in the opera: when the star cannot sing the understudy appears: when writing fails, tradition comes on stage... Wherever oral traditions are extant they remain an indispensable source for reconstruction. They correct other perspectives just as much as other perspectives correct it." See Jan Vansina, *Oral Tradition as History* (London: James Currey, 1985), 199.
23. Bruce Trigger, "Ethnohistory: Problems and Prospects," *Ethnohistory* 29, no. 1 (1982): 2.
24. Kenneth C. Wylie, "The Uses and Misuses of Ethnohistory," *Journal of Interdisciplinary History* 3, no. 4 (Spring 1973): 708-09.
25. Jennifer S.H. Brown, "Northern Algonquians from Lake Superior and Hudson Bay to Manitoba in the Historical Period," in R. Bruce Morrison and C. Roderick Wilson, eds., *Native Peoples: The Canadian Experience* (Toronto: McClelland and Stewart, 1986), 232.
26. Shepard Krech III, "The State of Ethnohistory," *Annual Review of Anthropology* 20 (1991): 345-75.
27. James Clifford, *The Predicament of Culture: Twentieth Century Ethnography, Literature and Art* (Cambridge: Harvard University Press, 1988), 54.
28. Such links, for example, exist between the Native experience in the fur trade and modern racism. While Paul Thistle, in his book *Indian-European Trade Relations in the Lower Saskatchewan River Region to 1840* (Winnipeg: University of Manitoba Press, 1986), argues that the "core culture" of the Western Woods Cree remained unaffected by their participation in the fur trade, others like Frank Tough have challenged this interpretation. Tough suggests that the racial division of labour created by the fur trade is one of the antecedents of contemporary racism. See Frank Tough, "The Northern Fur Trade: A Review of Conceptual and Methodological Problems," *The Musk Ox* 36 (1988): 66-79.
29. Peter Newman, *Company of Adventurers* (Toronto: Viking Press, 1985), 243.
30. See comments by Jennifer Brown in Michael Payne, "Summary Report, Fur Trade and Native History Workshop," sponsored by Alberta Culture and Multiculturalism, Edmonton, March 1990, in the Rupert's Land Research Centre, *Newsletter* 7, no. 1 (Spring 1991): 10.
31. Jean Friesen, "Heritage Futures," in *Prairie Forum* 15, no. 2 (Fall 1990): 196. See also Friesen's description of the link between heritage and tourism on pages 196-198 wherein she claims that "Heritage and tourism are travelling a yellow brick road together... [leading] not to a greater understanding of each community's past but to the Golden Arches of theme park history, where pseudo-events replace real emotion and where the community's critical evaluation of itself is replaced by costume drama against a backdrop of historical façades" (p. 197).
32. Clifford Geertz, "Religion as a Cultural System," in M. Banton, ed., *Anthropological Approaches to the Study of Religion* (London: Tavistock Publishers, 1966).
33. Davydd Greenwood, "Culture by the Pound: An Anthropological Perspective on Tourism as Cultural Commoditization," in Valene Smith, ed., *Hosts and Guests: The Anthropology of Tourism*, 2nd ed. (Philadelphia: University of Pennsylvania Press, 1989).
34. Perhaps the most bizarre example of "playing Indian" might be the weeklong festival held each year in the Westerwald area of central Germany where hundreds of bank clerks, office workers and professionals, dressed in "authentic" Native costume (usually Plains Cree), get together to exchange lore and perform "traditional" aboriginal ceremonies and dances. Much of this current German fascination with "der wilde Westen" probably

originated with the books of Karl May, a turn-of-the-century German confidence man who spent years in prison writing adventure stories about brave Indian warriors and rough-and-ready frontiersmen. Although May never travelled to North America, his books have sold 65 million copies to date, making him one of the best-selling authors in history. Notable among his many fans were Bertolt Brecht, Albert Einstein and Adolf Hitler. See Kevin Scanlon, "Der Wilde Westen," *Equinox* 53 (September/October 1990): 57-67. For a more theoretical discussion of the phenomenon of "playing Indian" see Rayna Green, "The Tribe Called Wannabee: Playing Indian in America and Europe," *Folklore* 99 (1988): 30-55. Green traces the roots of "playing Indian" to Europe in the early post-contact period when captured Indians brought to the royal courts of Europe were expected to "remain 'Indian,' acting out various aspects of their 'savage' lives for royal and groundling audiences alike." (p. 33) Green concludes that in the modern age "Indians are in effect loved to death through playing Indian, while despised when they want to act out their real traditional roles on the American landscape. For Indians to be Indian, or rather to be Indian in their some 200 distinct tribal roles, to be Indian in the historical future, non-Indians must give up the role. And they must quit asking Indians to play that role." (p. 50)

35. Greenwood, "Culture by the Pound," 179.
36. Parks Canada, "Policy Guidelines for Parks Canada's Involvement in Pre-contact Native History," unpublished report, Policy and Planning Division, National Historic Sites Division, Ottawa, September 1985, p. 1.
37. Christian Leden, *Across the Keewatin Icefields: Three Years Among the Canadian Eskimos, 1913-1916*, ed. Shirlee A. Smith (Winnipeg: Watson and Dwyer, 1991).



# Native Tourism: Endangered Spaces?

Robert L. Rock

**ABSTRACT.** The heritage tourism industry currently accounts for one-third of the \$2.3 billion in tourism revenue generated annually in Alberta. This discussion examines the heritage tourism industry in southwestern Alberta — particularly a triangular sweep encompassing Fort Macleod, Crowsnest Pass, and Cardston — with special reference to the as yet touristically dormant Peigan Nation and Blood Indian Reserves enveloped within this “triangle” of cultural tourism. The purpose is to examine some of the socioeconomic and sociocultural impacts of stacking these facilities within such a confined area of southwestern Alberta. There is a need for sensitive management and industry sustainability that will, in turn, challenge conventional understandings of how Native cultures should be represented and interpreted.

**SOMMAIRE.** L'industrie du tourisme historique représente, à l'heure actuelle, le tiers des revenus de 2,3 milliards de dollars générés annuellement par le tourisme albertain. Cet article examine l'industrie du tourisme historique dans le sud-ouest de l'Alberta — en particulier dans le triangle englobant Fort Macleod, le Col du Nid de corbeau et Cardston — et fait référence tout spécialement aux réserves de la nation Peigan et des Indiens Blood où le tourisme n'est pas encore développé. Dans cet article, on veut étudier l'impact socio-économique et socio-culturel que peut avoir l'entassement de toutes ces installations dans un si petit périmètre du sud-ouest de l'Alberta. Il faut une gestion judicieuse et une industrie capable de survivre qui, à son tour, remettra en question le point de vue conventionnel qui dicte comment les cultures autochtones devraient être représentées et interprétées.

*A Third World in Every First World  
A First World in Every Third World*  
Trinh T. Minh-ha<sup>1</sup>

The heritage tourism<sup>2</sup> industry is big business in Alberta, accounting for approximately one-third of the \$2.3 billion in tourism revenue generated annually.<sup>3</sup> The geographic focus of this discussion (hereafter referred to as the “triangle”) is a triangular sweep in southwestern Alberta that includes Fort Macleod, Crowsnest Pass and Cardston, which hosts the highest concentration of multimillion dollar heritage facilities in the province (Figures 1 and 2). The investigative focus of this paper is on the touristically dormant Peigan Nation and Blood Indian reserves encompassed within this “triangle” of cultural tourism.

Since 1985, Alberta Culture and Multiculturalism has overseen the planning and implementation of a \$27 million heritage facility investment in the “triangle,” a figure which, to date, represents roughly one-quarter of the total provincial investment in such facilities.<sup>4</sup> The Head-Smashed-In Buffalo Jump Interpretive Centre, Frank Slide Interpretive Centre and the soon-to-be-completed Remington Alberta Carriage Centre are all in the process of carving out a readily identifiable “tourist space”<sup>5</sup> and rearranging the area's socioeconomic and sociocultural patterns.

What follows is an examination of some of the spatial, socioeconomic and sociocultural impacts of stacking<sup>6</sup> these facilities within such a confined area of southwestern Alberta — an area that also envelops virtually all of the Peigan Nation Reserve and slightly less than half of the Blood Indian Reserve (Figure 2). The intent is to open a dialogue on the need to challenge conventional understanding of how Native cultures, lifeways and histories should be interpreted and represented, particularly in light of the rising curve

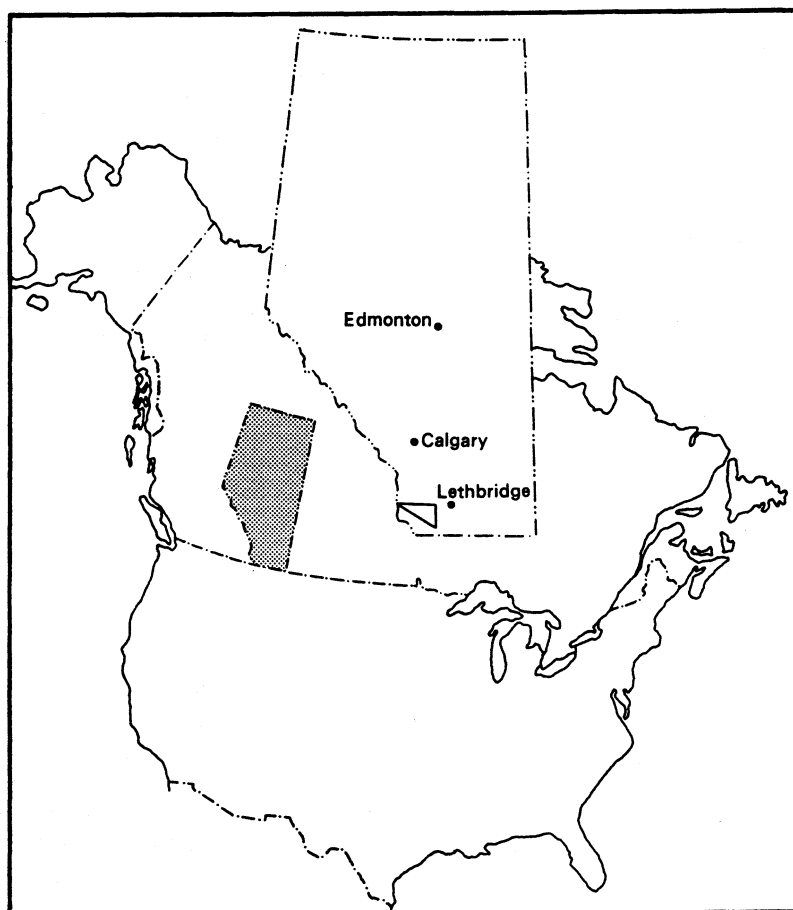


Figure 1. Alberta, Canada. Adapted from Chinook Country Tourist Association, *Chinook Country: A Whole Lot of Heritage* (promotional pamphlet, 1990).

of domestic and international tourism and the seemingly erratic investment of millions of government dollars.

Heritage tourism in southwestern Alberta has emerged like a fragmented image in a cubist painting seen from a number of simultaneous but conflicting perspectives. Each distinct perspective, as seen through the “language” and medium of its characteristic mode of enquiry, features its own strengths and weaknesses. In a changing world, in which former methods of investigation may not apply, or may not entirely embrace the full complement of relevant analytical options, the consideration of the “postmodern” perspective in touristic and Native studies enquiry ensures that valuable interdisciplinary and cross-cultural insights are not lost.<sup>7</sup> As Barraclough<sup>8</sup> has observed, much of the most fascinating and productive research occurs at or across the frontiers between different disciplines. Moreover, as University of Alberta professors David Whitson and Trevor Slack suggest, the postmodern

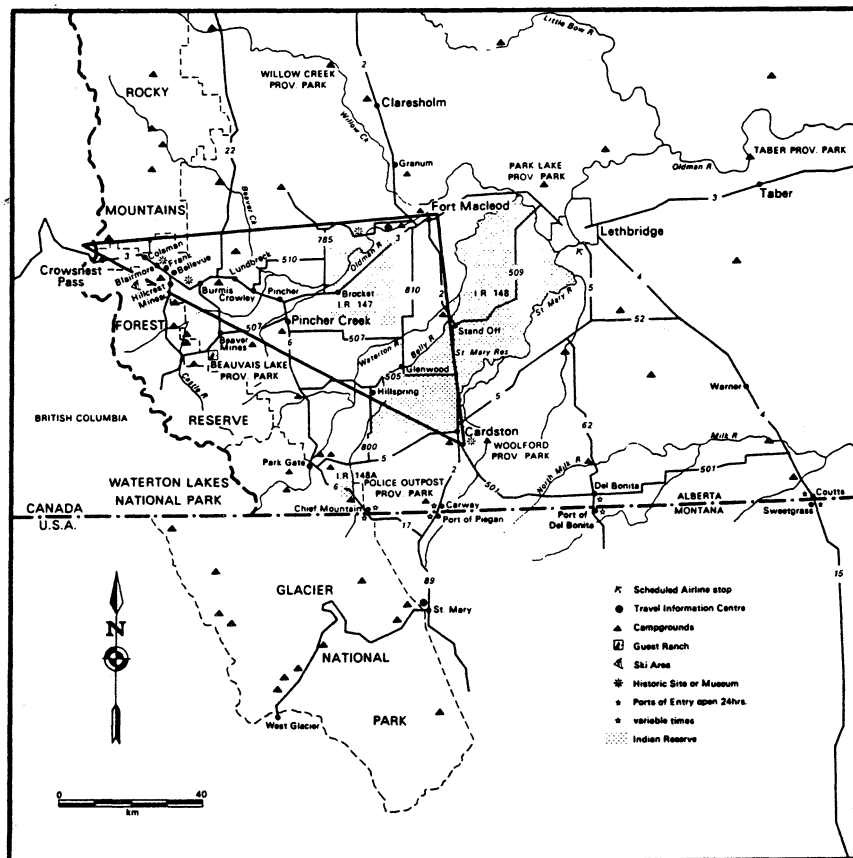


Figure 2. The "Triangle." Adapted from Alberta Tourism, *Province of Alberta, Canada, 1989 Official Road Map*.

perspective also leads us to suspect that society itself might be in danger of being restructured to serve economic ends rather than the opposite.<sup>9</sup>

The heated debate on postmodernism assumes many forms. At the heart of postmodernist deliberation, however, is a thoughtful look at the rationality of modernism and the existing order. The postmodern perspective compels us to weigh the ironies, contradictions and absurdities in order to make us see its objective in a new light, hinting perhaps at a hidden agenda of power modalities, language games and interest-motivated rationality behind the appearances. For example, the postmodern frame of reference exposes the disquieting irony of Alberta Culture and Multiculturalism seemingly compromising its primary mandate through its transformative foray into big business, high finance, and the heritage tourism advertising industry.<sup>10</sup> How? Upon careful scrutiny of the primary mandate of Alberta Culture and Multiculturalism, together with the ministry's

multimillion-dollar heritage facility investments and its glossy "Experience the Past" advertising campaign, one might well be left in a quandary. If Alberta Culture is rushing headlong into big business, advertising and marketing, who is going to champion, without conflicts and "bottom-lines," Alberta's cultural and Native heritage in places such as the "triangle"?

What first drew me to postmodernist thought was its sensitivity to heterogeneity, particularity and uniqueness — the very attributes that draw visitors to attractions. The philosopher Jean François Lyotard claims that "postmodern knowledge is not simply a tool of the authorities; it refines our sensitivity to differences."<sup>11</sup> Lyotard speaks of a postmodern crisis of narratives which profile a multiplicity of "language games" that, in turn, give rise to "institutions in patches."<sup>12</sup>

As previously mentioned, the tourist space of the "triangle" encompasses two of these so-called "institutions in patches." The reserves of the Peigan Nation and the Blood Tribe constitute patches of a "Third World" environment within the broader industrialized Canadian framework.<sup>13</sup>

The following facts and statistics make it clear that Canada does have its own Third World within. According to a recent article in the *Globe and Mail*, in 1985 the annual earnings of 35.5 percent of Canadian full-blooded Natives were in the lowest category, from no income to \$4,999.<sup>14</sup> Only 19 percent of the population as a whole had incomes in that range. The top category, more than \$25,000, included only 10.2 percent of the Native population, compared to 26.3 percent of the entire population. Kelly Frank, native economic development officer for the Blood Reserve, notes that unemployment levels on the reserve currently run as high as 80 percent.<sup>15</sup> A recent Treaty 7 Community Futures Workshop discussion paper calls attention to an 85 percent unemployment rate among its seven member tribes.<sup>16</sup>

Moreover, Natives living on reserves are seven times more likely than other Canadians to lack central heating and sixteen times more likely to be overcrowded.<sup>17</sup> A cursory drive through the residential areas in Stand Off (Blood Reserve) or Brocket (Peigan Reserve) reveals the dilapidated living conditions on the reserves, conditions that could benefit from an infusion of tourist dollars.

The phenomena of tourist space and conventional "top-down" tourism development are made manifest by the outgrowth of metropolitan capitalism.<sup>18</sup> So, too, are the reserves subject to the exploitative relationship prevailing between the metropolitan cores and their geographic peripheries. Claudia Notzke emphasizes that "the metropolis not only exploits its hinterlands, it creates them, and perpetuates as long as possible their economic, social, and political dependence."<sup>19</sup> Native people of Canada living on reserves are, in essence, colonials embedded within the overarching dominance of the governing nation.

Indian reserves exhibit a distinct form of socio-spatial organization. Reserves were not conceived as an altruistic spatial gratuity set aside as

homelands for Native peoples; rather, they were an integral part of the government's program of cultural imperialism. These government-issued pockets of socio-spatial constraint were put in place to contain and "civilize" the Indian. Once "the Indians" were thoroughly schooled and processed in the image and likeness of their colonizers, reserves were to be abolished.<sup>20</sup> As time went by, however, Natives began to see the reserves as their homelands. This was not a phenomenon wherein brainwashed prisoners ultimately identified with their captors; rather it was an instance of a people becoming inseparable from the sacred land to which they were tied.

Kay Anderson's study of the development of Vancouver's Chinatown,<sup>21</sup> an investigative exercise into cultural hegemony and landscape as "text," bears directly upon the Native history of the "triangle." Anderson argues that it was in the context of defining Chinatown as physically, culturally and racially "apart" and "other" that the coherence and legitimation necessary to underpin the political policy (of social control through spatial control) was formulated. A similar study on the Peigan and Blood reserves would shed light on the social and geographic impetus of prejudice in the "triangle" and the machinations of the "white imagination"<sup>22</sup> in southwestern Alberta.

The Peigan and Blood reserves are a captive, and as yet passive, audience within the socio-spatial structure that is currently being processed by tourism.<sup>23</sup> Native economic development officers on both reserves expressed curiosity about, and suspicion of, cultural tourism.<sup>24</sup> Both officers noted the massive increase in traffic flows over the last decade, with millions of provincial dollars being funnelled into nearby "generator" projects.<sup>25</sup> But neither seems able to envision what might constitute a comfortable, yet beneficial, entry point for the Bloods and the Peigans into the cultural tourism industry.

Moreover, there are conflicting federal and provincial government jurisdictions and funding policies with which to contend. The reserves fall under the auspices of federal guidelines, while most major "generator" funding is derived from provincial sources. Furthermore, private investors are reluctant to develop "generators" on reserve land for a number of economic, political and cultural reasons, not the least of which is the spectre of Oka and Kahnawake,<sup>26</sup> militant roadblocks, and ongoing Native unrest hanging over the collective Canadian and tourist consciousness.

Let us imagine for a moment that the convoluted labyrinth of governmental and investor "red-tape" could be placated or somehow side-stepped. What, then, would natives stand to gain from cultural tourism? Geographers Rita-Jean Browne and Mary Lee Nolan suggest that tourism offers the greatest potential for economic development on some reserves, and that if sensitively managed it can also stimulate cultural revitalization, help maintain cultural identity and act as a promotional vehicle toward a better understanding of Native culture.<sup>27</sup>

By capitalizing on two of their most valuable assets — the natural beauty of their landscapes and their cultural traditions — Native people have the

opportunity to assert a measure of badly needed economic independence. Moreover, according to Browne and Nolan, this increased economic independence could, in turn, provide Native people with a heightened sense of pride, self-esteem, and self-determination. On the other hand, authors such as Turner and Ash claim that tourism is the betrayer of authenticity and cultural identity.<sup>28</sup> Others, Davydd Greenwood among them, warn of the displacement of traditional life by the overriding cultural process of "commoditization."<sup>29</sup>

Recent studies in several parts of the Third World, as well as in certain "third worlds within first worlds," indicate that tourism's forecasted panacea of beneficial economic development has not always profited the local people, the supposed principal beneficiaries.<sup>30</sup> Similarly, a number of the initial efforts to develop reservation tourism (in the western United States, for instance) have had negative consequences or have fallen short of the anticipated level of benefits.<sup>31</sup> Malcolm Crick suggests that only one certainty prevails within the contradictory nature of tourism; that is, for virtually any effect of tourism discovered, a counterexample likely exists.<sup>32</sup>

Beneath the economic and cultural debates persists the socio-spatial reality of Native location within the tourist space of the "triangle." With chronic unemployment levels running as high as 80-85 percent, the reserves cannot afford to ignore the \$27 million investment at hand. But, once again, how is this entry point to be suitably broached?

First, a quality attraction — a heritage "generator/ecomuseum"<sup>33</sup> combination — could be developed on one, both, or somewhere between the two reserves. The generator would render the desired degree of "tourismagnetism" (the ability of an area to draw tourism),<sup>34</sup> and the ecomuseum would engender an understanding of the animating principle of Native life: the land. After all, Native reserves, due to their communal structures, their distinct spatial confines and the permeating role of their culture, are already "virtual built-in ecomuseums."<sup>35</sup> Furthermore, it would be beneficial to the larger socio-spatial environment if the "generator/ecomuseum" were to complement the tourist space already underway in the "triangle."<sup>36</sup>

Second, information booths might be set up at strategic points on both reserves. The booths could emphasize genuine and meaningful community involvement, with an all-Native staff of attendants handing out literature conveying the cultural and geographic information deemed important by the Bloods and Peigans, not the stereotypical image currently generated by the tourism industry. The content of the travel literature is crucial for, as Crick suggests, tourism can be an activity that perpetuates and reinforces stereotypes rather than the reverse.<sup>37</sup>

Third, visitors need to be assured that they will be greeted warmly. For instance, when a Blood splinter group blockaded Highways 2 and 5 just north of Cardston in 1990, a couple from New York, who had spent "two miserable days" visiting Canada, were reported as saying, "[t]his really sucks. I don't know what kind of laws you have here, but it's illegal to do

something like this where I come from."<sup>38</sup> This kind of obstructive activity, although understandable within the broader geohistorical context, does nothing to endear Native culture to a pleasure-seeking and vacationing public, much less investors and government agencies.

This brings us to the key issue and point of contention in discussions on Native tourism — that of control.<sup>39</sup> Natives demand it, and investors and administrators are hesitant to relinquish it. But there is also an essential consideration that runs even deeper than the issue of control — that of mutual and self-respect. Native people require the means to reestablish self-respect in order to further their cultural renaissance,<sup>40</sup> while the Native and non-Native communities must develop mutual respect before they can cooperate effectively. Personal interviews with such "Chinook Country"<sup>41</sup> tourism notables as Hugh Craig and Randy Smith<sup>42</sup> suggested that the non-Native community has not moved far enough towards accommodation and cooperation. Major investors simply do not have enough confidence in current levels of Native economic, business, and organizational skill.<sup>43</sup> Yet Natives want complete control over the interpretation of their culture, the planning and operation of programs, including fiscal management and the level and intensity of tourism development.

Ken Eaglespeaker, former chief interpretation officer at the Head-Smashed-In Buffalo Jump (and acting facility manager when I interviewed him), believes that Native people are capable of managing both the economic and interpretive aspects of a major attraction. Eaglespeaker points out that "one of the things that the various levels of government have been promoting over the years is to get the tribes on their feet to do something for themselves... I think it would be wrong to deny them an opportunity to prove themselves."<sup>44</sup>

At present the Buffalo Jump Interpretive Centre comes closest to solving the issue of "control" in the "triangle." Even though Alberta Culture and Multiculturalism oversees the grand design of the facility's fiscal and ideological advancement, in a unique cooperative effort the provincial government, Alberta's scientific community, and Native elders combine to promote Native heritage and to enrich the understanding of aboriginal culture.<sup>45</sup> Eaglespeaker and his staff of fourteen interpreters offer tours, classes, seminars, and videos depicting how the region's Native people lived in prehistoric times. Eaglespeaker notes:

[The] typical visitor here is non-Native, so we promote a cross-cultural exchange. That's why we have an all-Native staff of interpreters and advisors. ... One of the things that Head-Smashed-In has been responsible for ... is the changing of attitudes in the museum world of Canada, and in the Canadian Parks Service, because of our initiative and our mandate that we must interpret our Native culture — including our interpretation of plants, animals, landscapes, environment — through and by Native people. It has not been done in Canada on a grand scale ... like it is presently being done at Head-Smashed-In. In fact, the U.S. Parks Service, after hearing so much about what we are doing up here at Head-Smashed-In, has just invited me to deliver workshops on Native interpretation starting in October of this year.<sup>46</sup>

These observations led me to believe that Eaglespeaker might embody the solution to the control issue which, in turn, could represent a comfortable entry point for the reserves, at least as far as the "triangle" is concerned. The solution, as I see it, involves four basic steps. First, Eaglespeaker might be asked to spearhead a steering committee and a feasibility study to look into the development of a heritage "generator/ ecomuseum" on the most appropriate site. Second, a fully detailed economic and interpretive proposal might be submitted to an amalgam of private and public (both federal and provincial) concerns. Third, Eaglespeaker might be invited to assume the managing directorship of the heritage facility. Fourth, the facility in question might become, like its Head-Smashed-In counterpart, a model interpretative centre of Native culture, art and tourism.

At the outset, prior to the steering committee and the feasibility study, a memorandum of intent could be circulated to concerned band and municipal councils in order to give them an opportunity for input. The Heritage Canada Foundation used such a memorandum of intent — an element that had not been a part of earlier regional heritage tourism projects in western Canada — to include the diverse groups and areas involved in organizing a heritage program on Manitoulin Island.<sup>47</sup> In this case, the Manitoulin Municipal Association, the United Chiefs and Councils of Manitoulin, the Manitoulin Tourism Association and the island's two Community Futures Organizations combined with Heritage Canada to launch an "historic co-operation that supersedes east-west and native-non-native differences."<sup>48</sup> The memorandum of intent is an effort to include all parties, while never losing sight of diversity and particularity. As Jacques Dalibard notes, "heritage is not things, it is people."<sup>49</sup>

Another fundamental consideration must be weighed and determined by Native people prior to opening a Native tourism "generator/ ecomuseum" — that of a threshold for social carrying capacity. Peter Murphy points out that "one guide to the development of sensitively managed and appropriately scaled tourism is the creation of a social carrying-capacity approach,"<sup>50</sup> while Louis D'Amore defines social carrying capacity for tourism as "that point in the growth of tourism where local residents perceive on balance an unacceptable level of social disbenefits from tourism development."<sup>51</sup> (Figure 3) This approach is essential to any Native tourism development as well as for each individual destination and the "triangle" as a whole. Young, in his deliberations on the negative local impacts of tourism, claims that "one obvious solution is to influence national [as well as provincial and regional] tourist policy so that the flow to each particular region is optimal — neither too high [nor] too low — and to convince the policy-makers that beyond a certain level further increases are counter-productive."<sup>52</sup>

Waterton Lakes National Park (less than an hour from Cardston) closes its gates to campers and other overnight visitors when its carrying capacity has been reached. Perhaps a similar system could be devised to limit the tourist flow onto the Blood and Peigan reserves and, if necessary, into the "triangle" itself.



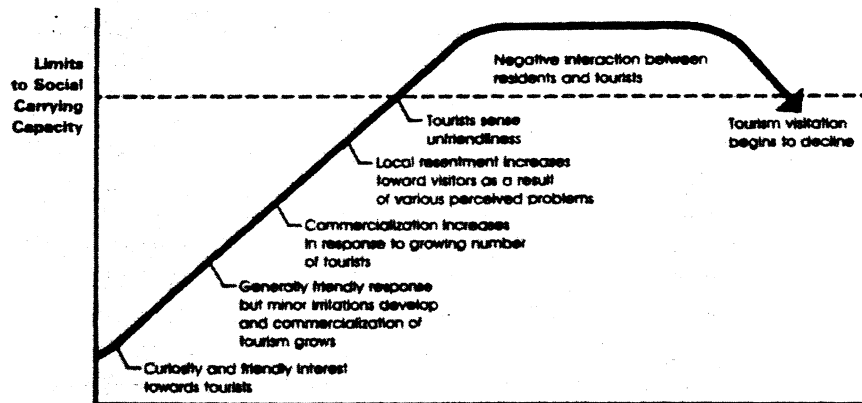


Figure 3. Tourist Resident Relationships: A Theoretical Model. Source: L.J. D'Amore, "Guidelines to Planning Harmony with the Host Community," 136.

A social carrying-capacity approach provides two constructive functions to tourism planning. First, it promotes the realization that every destination has a bounded supply of resources, including that of conviviality and hospitality. This perspective is generally forgotten in the heady enthusiasm of the early stages of development. Second, it imparts and sustains a framework within which to assess the relative social impacts of tourism development. Precise guidelines are simply unattainable within the framework of a social carrying-capacity approach,<sup>53</sup> and because of the wide spectrum of residents' perceptions of tourism and its impacts, such precision should not be sought after or expected.

James Clifford observes that "[m]arginal, non-western groups constantly ... enter the modern world. And whether this entry is celebrated or lamented, the price is always this: local, distinctive paths through modernity vanish."<sup>54</sup> But this is a static notion, one of cultures seen to be moving out of tradition and into the modern (or postmodern) world, a static notion that sees overriding structures as being equipped with cultural appendages that either "resist or yield to the new but cannot produce it."<sup>55</sup> The postmodern sensitivity to cultural difference and "otherness" is vital for a balanced approach to heritage and "other" tourism in the "triangle" because it cuts through the static geohistorical imagery and lays bare a tangle of dynamic and conflicting reflections on the way that knowledge is constructed and contested rather than being simply received. In other words, it calls into question the linear Eurocentric perspective of time and domination as well as conventional understandings of how Native cultures and histories should be represented and interpreted. These "institutions in patches," if given the opportunity to help themselves, can indeed prove to the "triangle" and the world, that they have not continuously resisted the new but rather have always contributed in their own way to its production.

The postmodern perspective encourages a cooperative and collaborative conversation among people, not the report of an observer. It advocates

a group discussion, "a cooperative story-telling venture, a polyphonic text. ... No one is out to 'study' anyone, no one's thoughts or actions are 'data' or 'evidence' for anyone else's theory, no one is more 'primitive' or less 'evolved' than anyone else."<sup>56</sup> The postmodern perspective forces us to reexamine how we are all implicated in the domination of others. It challenges conventional "top-down" government control of tourist facilities, as well as their attendant and approximated cultural representations, by highlighting the long-neglected need to understand local, "bottom-up," and Native perceptions of change and continuity. It also exposes a further contextual friction — we cannot avoid remaking and reinventing our collective heritage with each additional "heritage generator" we put into place.

The Native view of the world is holistic by nature,<sup>57</sup> but this does not preclude the Native desire to foster the best of their traditions while accepting the best of change. It is often the encompassing societies of these "institutions in patches," and not the Natives themselves, that perceive as paradoxical the interest of traditional Natives in contemporary paraphernalia such as graphs, tables, flow charts, and computer models. By way of illustration, Jerry Potts, Jr. of the Peigan Nation recently spoke of his intention to form a Native corporation that would simultaneously handle all future tourism development on the reserve and shield traditional Native elements from any outside negative impacts.<sup>58</sup> Potts also enquired about the possibility of adapting the Tiebout Local Economic Impact computer model to a specific Indian reserve application in the hope that such an adaptation might provide an estimation of the local economic benefits that might accrue from an influx of tourist expenditures.<sup>59</sup>

This article has attempted to examine, with special reference to the inhabitants of the Peigan Nation and Blood reserves, some of the spatial, socioeconomic, and sociocultural impacts of placing \$27 million of heritage facilities within such a confined area. This "triangle" of cultural tourism envelops virtually all of the Peigan Nation Reserve and slightly less than half of the Blood Indian Reserve. In addition to the ideas suggested for suitable Native tourism entry points, the article has striven to open a dialogue on the need for sensitive management and planning in an industry with great potential for Native control, expression and education about their culture.

At present, these ideas are unfunded and amorphous, and the Native tourism opportunities within the "triangle" remain largely dormant. But we have within our grasp the opportunity to plan it sensitively and properly. If Native tourism in southwestern Alberta is developed tastefully, with respect, and with genuine and meaningful Native involvement, as well as with a view toward fresh investigative perspectives and "retextualized" understandings of how Native cultures should be represented and interpreted, everyone can benefit.

#### NOTES

1. This quote by Trinh T. Minh-ha is taken from James Clifford, "Of Other Peoples: Beyond the 'Salvage' Paradigm," in Hal Foster, ed., *Discussions in Contemporary Culture* (Seattle: Bay Press, 1987), 125.

2. The terms cultural tourism and heritage tourism will be used interchangeably throughout this paper. According to Alberta Tourism, cultural tourism has been defined as those activities, attractions, facilities, networks, and services that are based upon heritage or cultural elements (*Tourism Development Network Bulletin No. 20: Cultural Tourism*, [Edmonton: Alberta Tourism, 1990]). Alberta Culture and Multiculturalism notes that Alberta's network of heritage facilities includes over 135 museums and twelve interpreted historic sites, two major heritage parks and thirty-eight archives, with a total visitation of more than 5.5 million visitors annually (*The Economic Impact of Provincial Heritage Facilities in Alberta* [Edmonton: Alberta Culture and Multiculturalism, 1989], 3). The concepts in this article were originally developed as part of Robert L. Rock, "Regional Heritage Tourism: The Bottom Left-hand Corner of Alberta" (M.A. thesis, Queen's University, 1991). See also, Heritage Canada Foundation, *Regional Heritage Tourism Strategy* (Ottawa: Heritage Canada Foundation, 1988) for more information on the regional heritage tourism concept.
3. William Byrne, "Museums and Cultural Tourism in Alberta," in *Proceedings of Alberta Museums Association Conference* (Edmonton: Alberta Culture, 1988): 13.
4. Alberta Culture and Multiculturalism, "Contributions for Minister's Speech on 'Planning for Cultural Tourism'," *Historical Resources Intern Programme* (Calgary: University of Calgary, 1989): 2.
5. J.M. Miossec, "Un Modèle de L'Espace Touristique," *L'Espace Géographique* 6, no.1 (1977): 41-48. The term "tourist space" refers to the form, structure, mediation, and evolution of socio-spatial organization arising from the influence of touristic activity. See also Geoffrey Wall, "Cycles and Capacity — Incipient Theory or Conceptual Contradiction," *Tourism Management* 3, no.3 (1982): 188-92. Used here, the term is concerned with the series of events, as well as their cumulative socio-spatial consequences, by which a once peripheral area (or low-intensity tourism region) is shaped and reshaped through the addition of new facilities and infrastructures until the human and physical landscape is modified, and commodified, to the point that it is essentially a built environment with urban characteristics.
6. The term "stacking" is taken from a personal communication with Robert Graham (former director, Alberta Main Street Programme, Alberta Historical Resources Foundation. Letter to author, 1 November 1989). When asked to comment on my proposed thesis topic Mr. Graham responded with, "[a] study of the effects of tourism on the area [Cardston, Crowsnest Pass, and Fort Macleod] and the cumulative effects of stacking such facilities would probably be seen as a very good academic thesis topic."
7. Postmodernism, as the term is used throughout this article, represents an attack against the rationality of modernism, an assault on the modernist "foundational" epistemologies. The postmodernism concept has grown out of architecture, aesthetics, and literary theory to confront the contours of the human and social sciences as a whole. The postmodernist perspective questions claims for a privileged path to truth or to accurate representations of reality. Two other constructs of postmodernism (although they are not addressed in this discussion) are prevalent at present. The first deals with postmodernism as a style (architecture, art, and design in general), and the second deals with postmodernism as an epoch (a belief that there has been some kind of radical break with past trends). For more information on both postmodernist constructs noted above, see Michael J. Dear, "Postmodernism and Planning," *Environment and Planning D: Society and Space* 4 (1986): 367-84, and, "The Postmodern Challenge: Reconstructing Human Geography," *Transactions of the Institute of British Geographers* 13 (1988): 262-74. See also Edward Soja, *Postmodern Geographies* (London: Verso, 1989).
8. G. Barraclough, *Main Trends in History* (New York: Holmes and Meier, 1979).
9. David Whitson and Trevor Slack, "Deconstructing the Discourses of Leisure Management," *Society and Leisure* 12, no.1 (1989): 19-34.
10. The primary mandate of Alberta Culture and Multiculturalism is the preservation and

public presentation of the province's heritage resources, and the development of a cultural environment that nurtures the arts and multicultural activities (Alberta Culture and Multiculturalism, "Contributions for Minister's Speech on 'Planning for Cultural Tourism'").

11. Jean François Lyotard, *The Postmodern Condition: A Report on Knowledge* (Minneapolis: University of Minnesota, 1984): xxv.
12. George Marcus and Michael Fischer also refer to Lyotard's usage of the term "institutions in patches." See *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences* (Chicago: University of Chicago Press, 1986), 8. Marcus and Fischer recognize the term as one of the key features of the "experimental moment" currently underway in the human sciences, a "moment" that is prompting a "loosening of the hold over fragmented scholarly communities of either specific totalizing visions or a general paradigmatic style of organizing research. The authority of 'grand theory' styles seems suspended for the moment in favour of a *close consideration of such issues as contextuality, the meaning of social life to those who enact it*, and the explanation of exceptions and indeterminants rather than regularities in phenomena observed [emphasis added]." I have adapted the term "institutions in patches" and applied it to Native reserves for two reasons: because the loosening of the hold of "grand theories" and the growing healthy suspicion of the "existing order" have encouraged a new perspective of the dominated and the methods of those doing the dominating; and because I find the phrase to be a useful and descriptive characterization of Canadian reserves. They are indeed government-issued institutions with a very distinct form of socio-spatial organization that form a sort of random "patchwork" across the country. This healthy suspicion of the powers that be, in turn, creates an intellectual climate that begs such questions as: who are the "real authors" of our collective heritage landscapes? Of our reserves or "institutions in patches?" Is our Eurocentric ideology in place merely to "naturalize" our social reality and make it seem as ingenuous and unchangeable as nature itself? Is cultural interpretation, as it presently stands in the "triangle," merely a political practice with contrived and calculated material aims and consequences? It was an article by Allan Gould ("Aboriginals in Canada Subject of Exploration," *Prince Albert Daily Herald*, 13 August 1991), that prompted me to reflect further on Native reserves as "institutions in patches." Gould speaks of a "cold slap across our moral face..." when he thinks of the Indian Act. "The Indian Act ... should have been called the 'Anti-Indian Act,' and there would have been a lot less confusion... [It was] a legislative witches' brew of regulations that covered every imaginable contingency in an Indian's life, leaving government agents hovering over his or her every activity from birth to death, with the power to snatch children from homes, monitor movements, prohibit 'undesirable' activities, seize property, deny freedom of speech, religion, and self-expression, and throw 'trouble-makers' into jail promptly. Indians could not vote, drink, or own any land. The occupation [within these pockets of socio-spatial constraint or "institutions in patches"] was complete."
13. Claudia Notzke, "The Past in the Present," in L.A. Rosenvall and S.M. Evans, eds., *Essays on the Historical Geography of the Canadian West: Regional Perspectives on the Settlement Process* (Calgary: University of Calgary, 1987), 95.
14. Michael Kesterton, "Social Studies: A Daily Miscellany of Information," *Globe and Mail*, 22 September 1990.
15. Kelly Frank, economic development officer, Blood Tribe administration. Personal interview, 23 August 1990.
16. Treaty 7 Community Futures Workshop, "Treaty 7: Development of Five Year Strategies" (Blood Tribe, Peigan Nation, Siksika Nation, Sarcee Nation, Bearpaw Tribe, Chiniki Tribe, Goodstoney Tribe). Lethbridge, Alberta, 31 May-1 June 1990.
17. Kesterton, "Social Studies."
18. In other words, tourism, and the resultant phenomenon of tourist space, helps to maintain the dominance of the metropolitan (and political) core by providing "new frontiers" for capitalistic accumulation. According to Winston Husbands, "Centres, Peripheries,

Tourism, and Socio-Spatial Development," *Ontario Geography* 17 (1981): 51 — "As capitalism 'outgrows' itself at the centre it must, like other natural systems, produce the conditions for its own demise — it cannot maintain growth without, at the same time, transforming itself."

19. Notzke, "The Past in the Present," 95.
20. A.A. den Otter, *Civilizing the West: The Galts and the Development of Western Canada* (Edmonton: University of Alberta, 1982), ix-x. See also Notzke, "The Past in the Present," 95-96.
21. Kay Anderson, "Cultural Hegemony and the Race Definition Process in Chinatown, Vancouver 1880-1980," *Environment and Planning D: Society and Space* 6 (1988): 127-49. See also Kay Anderson, "'Chinatown' as a Public Nuisance: The Power of Place in the Making of a Racial Category," *Annals of the Association of American Geographers* 77 (1987): 580-98. Both of Anderson's articles will help illuminate the process of prejudice (historically and presently) in the "triangle" as well as the utility of applying Anderson's methodological approach to the recognition and, possibly, to the eventual dissipation of this ongoing social problem.
22. See note 12, particularly the section on Allan Gould's article, for an example of the "machinations of the 'white [Canadian] imagination'" and its applications with reference to the Native "colonials" living on Canadian reserves. Moreover, Doreen Indra, professor of Anthropology at the University of Lethbridge, (letter to author, 26 July 1990) speaks of a local example of the burgeoning "machinations of the 'white imagination'" in the "triangle." Dr. Indra observes that "the Mormons at Cardston are claiming the new Carriage Museum in order to compete and claim historical legitimacy in an area where Bloods and Peigans" have laid the first cultural and historical claims, where natives, not newcomers, have deposited the first layers of "ideological sediment."
23. Brian Goodall, *Dictionary of Human Geography* (Harmondsworth: Penguin, 1987), 438, defines "socio-spatial structure" as "space as perceived and used by members of a particular social group, and within which that social group carries on its interrelations. It is the framework within which the subjective evaluations and motivations of members of the group can be related to overtly expressed behaviour and to the external characteristics of the environment." Note 5 defines "tourist space" as well as the manner in which the "triangle" is currently being processed by tourism.
24. Jerry Potts, Jr., economic development officer, Peigan Nation, personal interview, 17 August 1990; Kelly Frank, personal interview.
25. Alberta Culture and Multiculturalism, "Contributions for Minister's Speech on 'Planning for Cultural Tourism'," 4. According to this document the highest heritage tourism priorities were identified in the Provincial Tourism Generators Programme. Southern Alberta, formerly a "pass-through" region for visitors en route to the Rocky Mountains, and the cities of Edmonton and Calgary, were deemed the most significant of these "generators."
26. Canadian Press, "Chronology of Mohawk crisis at Oka and Kahnawake," *Prince Albert Herald*, 11 July 1991:
  - "March 11, 1990: Kahnawake Mohawks set up road blockade to prevent town of Oka from expanding a golf course onto land the Indians claim.
  - July 11: One-hundred provincial police officers attack blockade with assault rifles, concussion grenades and tear gas to enforce injunction ordering blockade be torn down. Cpl. Marcel Lemay, 31, is fatally shot. Police surround the Kahnawake reserve, block off food and medical supplies. Mohawks in Kahnawake, across St. Lawrence River from Montreal, block highways leading to the Mercier Bridge in an act of solidarity.
  - August 8: Prime Minister Brian Mulroney makes Canadian army available to the Quebec government.
  - August 12: Provincial police in Chateauguay, near Kahnawake, use tear gas to

disperse several hundred rock- and bottle-throwing people who want Mercier Bridge re-opened.

August 17: Army replaces provincial police at barricades near Oka and Chateauguay.

August 20: Whites throw rocks and stones at a caravan of 75 cars carrying Mohawks leaving Kahnawake because they fear an army assault.

August 29: Army and Mohawk Warriors agree to bring down the barricades blocking roads leading to the Mercier Bridge.

September 1: Army advances on Mohawk positions and takes down the barricades at Kahnawake cornering about 30 Mohawk Warriors inside the community's detoxification centre.

September 26: Mohawks leave the centre, ending standoff."

27. Rita-Jean Browne and Mary Lee Nolan, "Western Indian Reservation Tourism Development," *Annals of Tourism Research* 16, no.3 (1989): 360-76.
28. L. Turner and J. Ash, *The Golden Hordes: International Tourism and the Pleasure Periphery* (London: Constable, 1973).
29. Davydd J. Greenwood, "Culture by the Pound: An Anthropological Perspective on Tourism as Cultural Commoditization," in Valene L. Smith, ed., *Hosts and Guests: The Anthropology of Tourism* (Philadelphia: University of Pennsylvania, 1989), 129-38. See Greenwood for a more detailed discussion on "tourism [including ethnic tourism] as cultural commoditization." The "Visitor Coupon Give-Away 1990" advertising campaign launched by Alberta Culture and Multiculturalism provides an excellent regional example of this form of cultural "commoditization." According to Catherine Hughes, tourism industry liaison officer, Alberta Culture and Multiculturalism (letter to author, 13 December 1990), this promotional scheme features businesses in Fort Macleod, the Crowsnest Pass, and Cardston. Coupon booklets were distributed from the Frank Slide Interpretive Centre, Head-Smashed-In Buffalo Jump, and the Remington Alberta Carriage Museum. Thus visitors to one interpretive centre are made aware of the other nearby communities and interpretive centres. In other words, the coupon booklet was designed to retain visitors, and by extension, to extract higher visitor expenditures within the "triangle," and in the process, produce, and reproduce an identifiable and commodified tourist space. What we are witnessing here is the nascent promotion of "local color" and cultural heritage as a part of tourism merchandising. The bottom line of advertising, however, is sales, not culture, so I perceive an integral conflict of ministerial misrepresentation here. I feel a profound sense of uneasiness at the prospect of Alberta's Ministry of Culture selling our natural, cultural, and Native heritage for two-dollars-off on a hickory smoked turkey or for two "free laps" on a go-kart. See also Malcolm Crick, "Representations of International Tourism in the Social Sciences: Sun, Sex, Sights, Savings, and Servility," *Annual Review of Anthropology* 18 (1989): 336-37.
30. J. Diamond, "Tourism's Role in Economic Development: The Case Re-examined," *Economic Development and Cultural Change* 25, no.3 (1977): 539-53; Alistair Mathieson and Geoff Wall, *Tourism: Economic, Physical and Social Impacts* (New York: Longman, 1982); O. Pi-Sunyer, "The Cultural Costs of Tourism," *Cultural Survival Quarterly* 6 (1982): 7-10; Valene L. Smith, ed., *Hosts and Guests: The Anthropology of Tourism* (Philadelphia: University of Pennsylvania Press, 1989); Browne and Nolan, "Western Indian Reservation Tourism Development."
31. American Indian Policy Review Commission, *Report on Reservation and Resource Development and Protection: Final Report to the American Indian Policy Review Commission* (Washington: Government Printing Office, 1976).
32. Crick, "Representations of International Tourism in the Social Sciences," 336.
33. The concept of the ecomuseum (i.e., the Crowsnest Pass Ecomuseum) is really more of a philosophy than something that can be framed in words. With the ecomuseum there is no single structure, as with a conventional museum, but rather a region or territory.

Everything within that designated territory — be it flora, fauna, geographical features, weather, built environment, cultural features, past, present, and future inhabitants — forms part of the ecomuseum's "collection." In other words, it includes everything in the area that makes it unique. According to Heritage Canada, ecomuseums in Canada are an extension of the Main Street Programme — or "Main Street cubed" as the foundation refers to the concept (Heritage Canada Foundation Newsletter, *Main Street's Kissing Cousin: Introducing the Heritage Tourism Programme* [Ottawa: Heritage Canada Foundation, 1988, vol.4, no.4:1-8]). Whereas the Main Street Programme concentrates on the revitalization of the downtown business cores, ecomuseums place more emphasis on the cultural and social dimensions. For more information on ecomuseums, see the discussion by Georges Henri Rivière, "The Ecomuseum — An Evolutive Definition," *Museum* 148, no.4 (1985): 182-83. See also Wilma Wood, "The Cowichan and Chemainus Valleys Ecomuseum: A Case Study," in Walter Jamieson, ed., *Planning For Cultural Tourism* (Calgary: University of Calgary, 1989), 115-19. See also Walter Jamieson, "An Ecomuseum for the Crowsnest Pass: Using Cultural Resources as a Tool for Community and Local Economic Development," *Plan Canada* 29, no.5 (1989): 14-22; Jacques Dalibard, "What is an Eco-Museum?" *Canadian Heritage* 1, no.6 (1984): 2-4; Rock, "Regional Heritage Tourism"; James Quig, "Pride of Place," *Canadian Heritage* (Winter 1987-88): 39-40. For a fascinating survey of a variety of ecomuseums located throughout the world (including ecomuseums in Quebec, Africa, and South America) see the special issue of *Museum* (Images of the Ecomuseum) 148, no.4 (1985): 1-245.

34. Charles J. Metelka defines a "tourismagnetic area" as a "place where tourism has become the major source of income and the major cultural influence. Also, an area that draws tourism." (*The Dictionary of Tourism* [Wheaton: Merton House, 1986], 76) By the statement, "[t]he generator would render the desired degree of 'tourismagnetism'," I mean that the hypothetical generator in question would serve as a tourism draw for the, as yet, touristically dormant Blood and Peigan reserves. The Blood and Peigan tribes would have to arrive at the magnitude of that "desired degree" of tourism depending, of course, on economic feasibilities and expectations and sociocultural considerations.
35. Jacques Dalibard, "What We Can Learn From Native People: Observations on a Cultural Renaissance," *Canadian Heritage* (Spring 1989): 3-4.
36. Tourism Canada, *U.S. Pleasure Travel Market Study* (Ottawa: Department of Regional Industrial Expansion, 1986), 15, indicates that Canada's single strongest attribute for attracting American tourists is the "touring trip." Since touring involves sampling a blend of tourist products, the emphasis must be regional, encompassing a number of individual facilities (together with their attendant socio-spatial structures and linkages) that may not be sufficient travel destinations on their own, but which, when packaged together, make the attractions of the "triangle" enticing combinational and complementary prospects.
37. Crick, "Representations of International Tourism in the Social Sciences," 329.
38. John Grainger, "Tourists Show Mixed Reaction," *Lethbridge Herald*, 30 August 1990.
39. The following discussion on "control" is, first and foremost, meant to raise the issue generally and provide a starting point from which to unleash and air a multiplicity of voices on the subject. I base my observations on (1) personal interviews with the following individuals: (a) Jerry Potts, Jr., economic development officer, Peigan Nation (17 August 1990), (b) Kelly Frank, economic development officer, Blood Reserve (23 August 1990), (c) Hugh Craig, Remington Carriage Collection Steering Committee, Town of Fort Macleod representative (22 August 1990), (d) Randy Smith, general manager, Chinook Country Tourist Association (27 August 1990), (e) Mark Rasmussen, coordinating director, Historical Resources Division, Alberta Culture and Multiculturalism (9 August 1990), (f) Ken Carson, facility manager, Remington Alberta Carriage Centre (25 August and 22 October 1990), (g) Edward Sponholz, marketing and promotion officer, South East Region, Historic Sites Service, Alberta Culture and Multiculturalism (31 August 1990), (h) Ken Eaglespeaker, interpretation officer, Historic Sites Service, Alberta Culture and Multiculturalism (31 August 1990); (2) person-on-the-street interviews and field work on

the Peigan Nation and Blood reserves, Fort Macleod, Cardston, Crowsnest Pass, and Pincher Creek; (3) five years of living and working in the vicinity of the "triangle" — including field work and pertinent courses associated with my undergraduate degree in Geography obtained at the University of Lethbridge.

Where is this battle for control being fought in the "triangle?" As I see it, the arena for control includes such venues as: (1) within and between the upper echelons of the Ministries of Culture and Tourism; (2) at the regional level, as the fourteen tourism zones (see Pamela Wight, *Tourism in Alberta* [Edmonton: Environment Council of Alberta, 1988], 3) vie for ever-increasing shares of tourism investment and revenues; (3) at the municipal level; (4) between the Peigan Nation and Blood reserves; (5) within and among the band factions on each individual reserve; (6) over off-reserve sites that relate to one or more bands; (7) over on-reserve sites that are owned by the band but which could be developed either by the band alone or with the assistance of government agencies; and (8) over scenarios such as the one presently found at the Head-Smashed-In site, where the site is being interpreted as a culturally affiliated site by both Blood and Peigan interpreters even though it is doubtful that it was their direct ancestors who ran those particular buffalo over that particular jump. A useful follow-up paper to this discussion might suggest the different ways in which the various control strategies and power-sharing options might be approached.

40. Dalibard, "What We Can Learn From Native People," 4.
41. Alberta is divided into fourteen tourism zones. "Chinook Country" is the name of zone number 1, the zone which is located in the bottom left-hand corner of the province. The "triangle" is completely encompassed by "Chinook Country." For more information, see Wight, *Tourism in Alberta*, 3.
42. Hugh Craig, Remington Carriage Collection Steering Committee, town of Fort Macleod representative, personal interview, 22 August 1990; Randy Smith, general manager, Chinook Country Tourist Association, personal interview, 27 August 1990.
43. This statement is based on my interpretation of the opinions that were offered during the course of my field interviews.
44. Kenneth C. Eaglespeaker, interpretation officer, Historic Sites Service, Alberta Culture and Multiculturalism, personal interview, 31 August 1990. Jerry Potts, Jr. and Kelly Frank (see notes 24 and 15), economic development officers of the Peigans and Bloods respectively, also voice their agreement with Eaglespeaker's belief in the Natives' capability of managing both the economic and interpretive aspects of a major attraction. See also note 38 for other sources upon which I base my observations.
45. Jeff D. Morrow, "Buffalo Jump," *Native Peoples* 3, no.3 (1990): 36-40.
46. Eaglespeaker, personal interview.
47. Pat Loosemore, "Heritage Committee Courted with Manitoulin History and Hospitality," *Manitoulin Expositor* (Little Current, Ontario), 24 August 1988.
48. *Ibid.*, 14-15.
49. *Ibid.*, 14. In an interview, Jacques Dalibard, executive director of the Heritage Canada Foundation, said that, "20 years ago, 'heritage' meant physical heritage. 'Heritage is not things, it's people ... if we are going to present what we are and who we are, we have to know what we are and who we were'."
50. Peter E. Murphy, *Tourism: A Community Approach* (New York: Methuen, 1985), 134.
51. Louis D'Amore, "Guidelines to Planning Harmony with the Host Community," in Peter E. Murphy, ed., *Tourism in Canada: Selected Issues and Options* (Victoria: University of Victoria, 1983), 135-59.
52. G. Young, *Tourism: Blessing or Blight?* (Harmondsworth: Penguin, 1973), 124.
53. D'Amore, "Guidelines to Planning Harmony with the Host Community."



54. James Clifford, "Of Other Peoples: Beyond the 'Salvage' Paradigm," in Hal Foster, ed., *Discussions in Contemporary Culture* (Seattle: Bay Press, 1987): 121-30.
55. *Ibid.*, 122.
56. Martha Kendall, Book review of Stephen A. Tyler, *The Unspeakable, Discourse, Dialogue, and Rhetoric in the Post-Modern World*, *Anthropological Linguistics* 29, no.3 (1988): 322-25.
57. Jacques Dalibard, "What We Can Learn From Native People," 4. In fact, our environmentally degraded industrial and post-industrial world would benefit greatly by assuming the Natives' immanent view of the universe. Dalibard also refers to the Eurocentric linear view of time — where time is considered in distinct sections of past, present, and future — as opposed to the Natives' holistic view of time. Dalibard says (p. 4) that the Native past is part of their everyday life, not something to be recorded or kept in museums or historic sites. "Their culture which includes legends, myths, and traditions, is their sense of continuity. It is for daily consumption."
58. Potts, personal interview.
59. In 1986, Alberta Culture and Multiculturalism introduced an economic assessment project — the Tiebout Local Economic Impact (LEI) computer model — in an effort to develop a standardized statistical method of evaluating regional income impacts, employment impacts, and visitor profile characteristics at provincial heritage facilities. See Alberta Culture and Multiculturalism, *The Economic Impact of Provincial Heritage Facilities in Alberta* (Edmonton: Alberta Culture, 1989), 1. The LEI model was adapted from the Canadian Parks Service, Socio-Economic Branch, *User-Guide: Tiebout Local Economic Model* (Ottawa: Environment Canada, 1989): 1-2. See also Rock, "Regional Heritage Tourism," 59-107, for a regional application of the LEI model to the "triangle" as a whole. In closing, it is noted that the postmodern perspective, as advocated in this paper, does not efface or exclude quantification and numerical techniques, it merely places them alongside — without any hierarchy of importance — a wide spectrum of alternatives.



# Repatriation of Cultural Property and Aboriginal Rights: A Survey of Contemporary Legal Issues

Catherine E. Bell

**ABSTRACT.** As a result of increased aboriginal demands, museums and governments are reassessing their roles as guardians of various forms of cultural property. However, an underlying presumption in this process is that a strict legal analysis of ownership will not favour aboriginal ownership of the cultural property at issue. This article argues that recent developments in aboriginal-rights law may call into question a traditional legal analysis of ownership. In particular, it examines an overview of legal issues which may arise in repatriation litigation in light of these developments. The objective is not to encourage litigation but to encourage custodians of aboriginal cultural property to reassess their perceived rights in extra-judicial negotiations with aboriginal peoples.

**SOMMAIRE.** A la suite d'exigences accrues de la part des Autochtones, les musées et gouvernements réévaluent leur rôle de gardiens de diverses formes de patrimoine culturel. Toutefois, dans ce processus, on présume qu'une analyse strictement juridique de la propriété ne donnera pas automatiquement aux Autochtones la propriété du patrimoine culturel en question. Cet article soutient que de récents développements dans la législation qui régit les droits autochtones peuvent remettre en question l'analyse juridique traditionnelle du droit de propriété. En particulier, à la lumière de ces développements, on présente ici une vue générale des questions légales qui peuvent être soulevées lors d'un litige de rapatriation. Cet article n'a pas pour but d'inciter au litige mais plutôt celui d'encourager les gardiens du patrimoine culturel autochtone à réévaluer ce qu'ils perçoivent être leurs droits lors de négociations extra-judiciaires avec les peuples autochtones.

## The Context

On 1 January 1988 the Mohawk bands of Kahnawake, Akwesasne and Kanestake sued the Glenbow-Alberta Institute for the return of a False Face Mask and other objects displayed in the 1988 Spirit Sings exhibition. They asserted that the False Face Mask was a sacred object which has been, and always will be, an inherent part of the spiritual practices of the Mohawk Nation and the Mohawks. Other objects such as moccasins, shoulder bags and a headdress were alleged to be part of the cultural patrimony, traditions, heritage and visible historical record of the Mohawk Nation. In support of their claim to have the objects returned, the Mohawk argued that they have an aboriginal right to their own customs, cultures, traditions, spiritual and other values and beliefs and the practice of the same. They maintained that the Mohawk Nation retained its sovereignty and its own laws. According to Mohawk law, the Mohawk Nation owns all objects of Mohawk origin of spiritual, traditional, cultural or historical significance. The Mohawk maintained that the objects were obtained without the consent of the Mohawk Nation and contrary to their laws. They also argued that interference with Mohawk culture is a violation of "the sacred pact between the Europeans and the Mohawks that both cultures were to co-exist within the territory as distinct entities, politically, spiritually and culturally."<sup>1</sup>

Of particular concern was the exhibit of a False Face Mask or Medicine Mask considered to have spiritual power and an intended purpose solely for members of medicine societies of the Six Nations Iroquois Confederacy, of which the Mohawk Nation forms a part. The Mohawk claimed that exhibiting the mask violated its sacred purpose. The affidavit of chiefs Billy Two-

Rivers, John Bud Morris, Joseph Tehokheron Norton and Eugene Mountour of Kahnawake stipulated the violation as follows:

The exhibiting by the Defendant [Glenbow-Alberta Institute] of the False Face Mask is a deliberate insult to the Plaintiffs, a distortion and repudiation of their spirituality and beliefs, and interference with their sacred practices, and an affront to the right of the Plaintiffs to profess and practice their own religion and an unwarranted and unlawful intrusion of the sovereignty of the Mohawk Nation. The exhibition of the False Face Mask by the Defendant prevents members of the Mohawk Nation from carrying out a part of their spiritual practices. According to the laws of the Mohawk Nation, the False Face Mask can never under any circumstances be in the possession of non-native persons, museums or other similar institutions. According to the laws of the Mohawk Nation, the False Face Mask cannot be shown to persons who are not members of the Confederacy.<sup>2</sup>

The Alberta Court of Queen's Bench recognized that the Mohawk claim raises serious legal issues. However, it refused an interim application for the return of the objects claimed until the legal issues in the claim were ultimately resolved. In the Court's opinion, the Mohawk were unable to prove that they would suffer irreparable harm if the objects were not returned, a condition which must be met in law to obtain the interim relief sought.<sup>3</sup> The denial of interim relief may have been influenced by a judicial perception of the political motivation in the litigation. At the time of the Mohawk claim, the Spirit Sings exhibition and the 1988 Calgary Olympics were being boycotted at the request of the Lubicon Lake Nation and the Mohawk application was brought in the midst, and in support, of the boycott.<sup>4</sup> The claim which gave rise to the interim application never went to trial and the legal issues raised have yet to be addressed by Canadian courts.

Although aboriginal peoples of Canada have previously sought the return of cultural patrimony and sacred objects through extra-judicial negotiations, the Mohawk action is the first repatriation claim to be brought before Canadian courts. The Mohawk claim reflects the emerging concern of aboriginal peoples to regain control over sacred objects and other objects that have ongoing historical, traditional, religious or cultural importance to their communities. Often these objects are viewed as collective property; that is, property that is not capable of being owned by an individual and which cannot be alienated except in accordance with the laws of the claimant group (hereinafter referred to as tribal cultural property). Aboriginal perspectives on issues such as identification of tribal cultural property and persons with authority to alienate or convey such property may vary in accordance with the laws, traditions and property systems of the claimant group. For example, in some west coast aboriginal cultures there are systems of private and clan or family ownership of cultural property, and tribal ownership may not be an appropriate concept.

Although aboriginal rights have yet to be given a comprehensive definition in Canadian law, most aboriginal peoples assert that these rights include the right of First Nations to govern their own people, their land and its use. For many aboriginal people, this includes the right to determine their own cultural priorities, to identify what is and is not integral to their cultural

survival, and to exercise ownership rights over tribal cultural property. In the United States this position has resulted in repatriation litigation and a substantial amount of legislative reform.<sup>5</sup> In Canada, aboriginal peoples have predominantly been asserting their rights outside of the courtroom. Aboriginal attempts to regain control over tribal cultural property have been manifested in modern land claims agreements, political lobbying for legislative reform and negotiations with museums for the development of culturally sensitive custodial policy.<sup>6</sup>

Specific legislation has not yet been enacted by the federal or provincial governments to regulate ownership and control of tribal cultural property. However, ownership, custody, and transfer of some tribal cultural property, in particular archaeological resources, may be subject to federal and provincial heritage-conservation legislation.<sup>7</sup> All provincial governments have addressed the need to protect archaeological resources located on public provincial lands and private lands. Usually ownership, excavation, custody, and transfer of archaeological property is addressed within a larger legislative framework designed to manage and conserve a broader category of historical property. Such legislation does not specifically address tribal cultural property, but definitions of archaeological and other resources are broad enough to pull some tribal cultural property within the scope of the legislation. Most legislation provides for designation of historical resources, reporting of discoveries, government ownership of archaeological resources, control of excavations on public and private lands through a permit system, archaeological impact assessments, stop orders and penalties for noncompliance. Federal heritage resource-management policy is currently scattered throughout various federal statutes. However, the proposed Archaeological Heritage Protection Act develops a comprehensive policy similar to provincial conservation schemes which will apply to all lands owned by the federal government including Indian lands and lands in the Yukon and Northwest Territories.<sup>8</sup>

As a result of increased aboriginal demands, museums and governments are reassessing their roles as guardians of various forms of cultural property and, in some instances, are attempting to develop policies which are sensitive to the concerns of aboriginal groups. Of particular interest is a recent initiative by the province of British Columbia. Proposed legislation includes changes to the existing heritage legislation to allow for greater aboriginal control over aboriginal cultural property. The legislation is flexible enough to accommodate aboriginal participation in resource management but it does not guarantee participation. Objects found in or on land that "contains materials, artifacts or features of human origin ... that are evidence or may be evidence of human occupation or use before November 19, 1958" are deemed to be owned by the province.<sup>9</sup> However, the legislation provides that an "inalienable and imprescriptible ownership of native human remains and grave goods vests in and shall be deemed always to have vested in the native people of British Columbia" and in particular the next of kin or where the identity of the deceased or next of kin is not known, the band, tribal council or other Native organization that "represents the

descendants of the deceased person."<sup>10</sup> Any such items in the possession of the Crown, or held by an institution under a permit from the minister, are held in trust. It is anticipated that these items will be turned over to entitled groups or persons on request.<sup>11</sup>

Under the common law, a person who finds an object may acquire rights enforceable against the whole world except a prior owner or possessor. However, there is a presumption of ownership in favour of the landowner where objects are found under or attached to the land. Common-law rights may be superseded by legislation, such as legislation which deems the provincial or federal Crown to be owners of certain properties and limitation of actions legislation which requires actions for the recovery of objects to be brought within a specified time. Without legislated interference, current possessors could always be subject to ownership challenges by prior possessors and landowners.

One of the unique aspects of the legislation proposed by the province of British Columbia is it nullifies claims based only on legislation, possession, finding or ownership of land where an object is found. It subordinates the Crown's ownership to other persons or organizations who are determined "true owners" or original owners by the court.<sup>12</sup> This allows aboriginal peoples to make claims to original ownership of objects which are deemed to be owned by the Crown. The act also allows aboriginal groups to apply for transfer of possession of objects deemed to be owned by the Crown and provision is made to regulate transportation of protected objects out of the province. A critique of the proposed legislation is beyond the scope of this article. The point here is that progress is being made in the political forum and movement is occurring toward recognition of aboriginal participation and control of their cultural heritage.

Progress has also been made in consultations between First Nations and Canadian museums. The Lubicon Lake First Nation's boycott of the Spirit Sings exhibition was the impetus for bringing the Assembly of First Nations and the Canadian Museums Association together in a series of national discussions. Following these discussions the Task Force on Museums and First Peoples was formed with the mission of developing recommendations for strategies "by which Aboriginal peoples and cultural institutions can work together to represent Aboriginal history and culture."<sup>13</sup> Three major issues identified for investigation were: 1) increased involvement of aboriginal peoples in the interpretation of their culture and history by cultural institutions; 2) improved access to museum collections by aboriginal peoples; and 3) the repatriation of artifacts and human remains.

The final report of the task force emphasizes the full involvement of First Nations as equal partners and advocates resolving repatriation claims on a case by case collaborative approach which is not limited to strictly legal considerations. The report outlines several options for the resolution of repatriation disputes including: 1) return of and transfer of title to objects that are judged by current legal standards to have been acquired illegally; 2) return and transfer of title to objects which have not been obtained illegally,

but which continue to have sacred, ceremonial, historical, traditional or cultural importance to the aboriginal community; 3) loan of sacred and ceremonial objects for use by aboriginal communities; 4) replication of materials to be returned or retained but available for use by an aboriginal group; and, 5) assistance in repatriation of objects held outside the country.<sup>14</sup>

An underlying presumption in both of these developments is that a strict legal analysis of the ownership issue will not favour aboriginal ownership. Abandoning a strict reliance on legal rights and obligations is beneficial to aboriginal claimants, given the increased willingness of museums and governments to develop culturally sensitive policy. As a result, a distinction is made between existing legal rights and moral obligations, casting repatriation claims in the rhetoric of fairness, contemporary ethics and political obligation. The underlying assumption of negotiations is lack of aboriginal title to the property at issue, rather than uncertainty of ownership and recognition of aboriginal right.

In my opinion, ownership of aboriginal cultural property and, in particular, tribal cultural property is a complex legal issue. Although a traditional legal analysis drawing on principles of property law and legislation supports the conclusion that aboriginal people do not own much of the property at issue, this position is subject to challenge.<sup>15</sup> Recent developments in Canadian aboriginal-rights law call into question the traditional analysis of the ownership issue. Although the impact of aboriginal-rights law on repatriation claims has yet to be considered by Canadian courts, it is possible that an infusion of aboriginal-rights law into the traditional analysis will be a catalyst for a new approach to the resolution of ownership issues. This article argues that at the very least aboriginal rights creates a complex legal issue and, in particular, it provides an overview of legal issues that may arise in repatriation litigation for return of tribal cultural property in light of these developments. Where provincial law is at issue, I focus on the province of Alberta to illustrate the arguments raised.

The purpose of this article is not to encourage movement from extrajudicial negotiations to litigation. There are many reasons why a strict legal debate should be avoided. An emphasis on legal rights forces the parties into an "either/or" adversarial mentality which all sides wish to avoid. Either the claimant aboriginal group has ownership of the object at issue or it does not. The legal concept of ownership may be directly in conflict with how aboriginal peoples view their relationship with the object at issue. Complex legal issues lead to costly, lengthy litigation in which a decision maker is rarely able to render a decision that is satisfactory to all of the parties. The list of reasons goes on. The objective is to encourage government, museums and other custodians of aboriginal cultural property to reassess their perceived legal rights. Aboriginal peoples, museums and governments have potential legal rights at stake in the negotiation of solutions to repatriation disputes. Negotiations should not presume that all legal rights are stacked on the non-aboriginal side of the negotiation table.

## Fundamental Issues in Canadian Law

The impact of aboriginal-rights law on claims for ownership and control of tribal cultural property will depend upon the resolution of three central issues yet to be considered by Canadian courts. These are: 1) Do aboriginal peoples have an aboriginal right to collective ownership and control of moveable tribal cultural property? 2) If so, is the right an existing right protected by section 35(1) of the Constitution Act, 1982 or has the right been extinguished by provincial or federal heritage conservation and limitation of actions legislation?<sup>16</sup> 3) What laws should be applied in the resolution of ownership issues: tribal law, the common law of property or both?

### Is There an Aboriginal Right to Moveable Cultural Property?

Legal enforcement of an aboriginal right to tribal cultural property is dependant upon the expansion of historical definitions of aboriginal rights beyond land rights. The legal foundation for an expanded definition may be found in the recognition and affirmation of "existing aboriginal rights" in section 35(1) of the Constitution Act, 1982 and the reasoning of the Supreme Court of Canada in *Sparrow v. R.* which emphasizes the traditions of aboriginal peoples in the definition of their rights.<sup>17</sup> Section 35 was included in the Constitution without agreement on the scope and content of aboriginal rights. The Supreme Court addressed this issue for the first time in the *Sparrow* case. Assuming judicial will, *Sparrow* may be a catalyst for a new approach to the definition of rights which draws on two historical streams: Anglo-Canadian law and the traditions of claimant groups. An important issue in the definition process is whether the right claimed is integral to the culture of the claimant group. A corollary issue is whether judges influenced by Judeo-Christian values and western legal ideology will accept and understand aboriginal concepts of property and the sacred in assessing the meaning of a cultural artifact to a claimant group.

#### *Defining Aboriginal Rights*

To date, aboriginal rights have been defined on a case by case basis arising from aboriginal claims to land or land-use rights.<sup>18</sup> This has given rise to the view that aboriginal rights are a bundle of property rights associated with title claims of aboriginal peoples to specific parcels of land. The interpretation of aboriginal rights as a bundle of property rights can be contrasted to the emerging theory that aboriginal rights are those rights which are integral to the culture of a claimant group. Support for the latter definition is drawn from the *Sparrow* decision and a shift in judicial opinion to an inherent theory of rights. The inherent-rights theory presumes that aboriginal rights are unique legal rights that arise from pre-contact Indian social order. They exist independent of acts of creation or recognition by the Crown.<sup>19</sup>

*Sparrow* is the first statement by the Supreme Court on the interpretation of section 35(1) of the Constitution Act, 1982. Rather than develop a comprehensive definition of aboriginal rights, the court failed to place limits



on the types of rights that can be categorized as aboriginal rights suggesting that the content of aboriginal rights will continue to be determined on a case by case basis. When the purpose of affirmation of aboriginal rights was considered, the Court concluded that a generous, liberal interpretation of section 35(1) is demanded. Further, the Court held that aboriginal rights must be interpreted flexibly so as to allow their exercise in a contemporary manner.

*Sparrow* suggests that a central consideration in characterizing a right as aboriginal is whether the right was an integral part of the culture of the claimant group.<sup>20</sup> Although "integral" is not defined, it is important that the significance of the right is measured in the context of the society as a whole. For example, in *Sparrow* the right to fish is considered an aboriginal right not only because the salmon fishery is a valuable food source, but also because of its role in the system of beliefs, social practices and ceremonies of the Musqueam people.<sup>21</sup> The court also suggests that integral means that the right continues to be integral to the existing claimant group.<sup>22</sup> In assessing the nature, scope and content of the right the Court considered anthropological evidence, but also emphasized that the interpretation of the right at stake must be "sensitive to the aboriginal perspective itself on the meaning of the right at stake."<sup>23</sup> Scope and content is not to be determined by common-law concepts of property, executive action or legislative policy alone.<sup>24</sup> This approach, coupled with the Court's recognition that aboriginal rights are independent and "pre-existing" legal rights suggests that the section 35 is a unique constitutional provision which draws on traditions of aboriginal peoples and Canadian law in the definition of rights.

### *Reconciliation of World Views*

*Sparrow* provides Canadian courts with the necessary precedential foundation to recognize rights to collective ownership and control of tribal cultural property where such property is integral to the culture of the claimant group. If this right is recognized, the main issue facing aboriginal peoples is whether judges can understand the essential meaning of a cultural artifact from an aboriginal perspective and reconcile this perspective with a private-property rationale. It is unlikely judges will completely discount policy arguments linked to the rationalization of the Canadian private-property system. The main justifications for the system are certainty of title (the need to know who owns what to avoid conflict and encourage productivity), fairness (an evaluation linked to profit from one's labour), economic productivity, enforceability of rules, labour theory (rights over the fruits of one's own labour) and personality and liberty theory (the idea that laws should promote personality traits such as independence, assertiveness and generosity). Regardless of the aboriginal perception of their rights, these considerations will likely result in some attention being paid to issues such as cost of care, length of possession by the present custodian, and cost of acquisition.

Aboriginal property litigation also challenges courts to accept the validity of property and value systems different from those embedded in Canadian

law. Although generalizations about aboriginal-property systems are difficult because of the diversity of custom, many claims have been made to tribal cultural property and in such claims a *collective* or *communal* concept of property is often invoked. In a *collective* system access to, and use of, resources is determined by the collective interests of society as a whole. In translating this concept of property into Canadian legal language, it can be described as a system where ownership lies with the community, but individuals or groups, such as religious societies or families, may acquire superior rights to, or responsibilities for, part of the collective property. In such cases a trust responsibility may arise such as where sacred property is held by religious leaders of a tribe. Further, the concept of community may be extended to include living things other than humans, such as animals and plants, and objects that western society views as inanimate.<sup>25</sup>

A communal system is similar except individuals cannot acquire special rights *vis-à-vis* other members of the community. The characteristics of communal property as they relate to interests in land are explained in the United States decision of *Journeycake v. Cherokee Nation* as follows:

The distinctive characteristic of [tribal] communal property is that every member of the community is owner as such. He does not take as heir, or purchaser, or grantee; if he dies his right to the property does not descend; if he removes from the community it expires; if he wishes to dispose of it he has nothing which he can convey; and yet he has the right of property in the lands as perfect as that of any other persons; and his children after him will enjoy all that he enjoyed, not as heirs but as communal owners.<sup>26</sup>

Canadian courts have recognized concepts of collective property in the context of claims to aboriginal title. It is unlikely they will have difficulty extending or modifying this concept to apply to moveable tribal cultural property or other forms of group property. The identity of the owner will be determined by looking at the aboriginal community in which the object originated. However, conflicts may occur between aboriginal customary law and presumptions in Canadian law regarding the transferability of the object at issue. In that instance the issue is what laws should apply? I shall come back to my thoughts on this issue later in the article.

Although the expansion of western legal concepts, like ownership, is useful in understanding and giving legal recognition to aboriginal rights, it should be noted that the holistic world view of some aboriginal peoples may result in the creation of a unique system of relationships. The differences in western and aboriginal ideology must be appreciated in assessing the importance of a cultural object to the community. Most aboriginal societies adopt a world view which recognizes a special relationship between people and the natural world. The earth is commonly viewed as a living being which gives life to other living things and upon which the survival of all living things depends. Objects created by people may also be infused with a spirit.<sup>27</sup> This view of the sacred results in an evaluation of property and relationships that extends far beyond notions of ownership, profit and utility. In the attempt to describe the relationship of an aboriginal people to tribal cultural property,

concepts such as guardian, steward or caregiver may be more appropriate than owner.

### **Is the Right to Collective Ownership and Control an Existing Aboriginal Right?**

Even if the Canadian courts recognize an aboriginal right to tribal cultural property, the right may not be enforceable by aboriginal peoples. Provincial and federal legislation may extinguish or limit the exercise of the right. For this reason, the determination of whether an aboriginal right to cultural property is an existing, enforceable legal right requires an examination of provincial and federal legislation concerning ownership and control of tribal cultural resources. Whether general legislation will operate to limit the rights of aboriginal peoples to ownership and control of tribal cultural property will depend upon the answers to several questions including: 1) Does the property at issue fall within the scope of provincial heritage-conservation legislation?<sup>28</sup> 2) Does the property fall within the scope of federal legislation affecting the use and control of moveable cultural property? 3) Can aboriginal rights be unilaterally extinguished by provincial and federal action without the consent of aboriginal peoples? 4) Does provincial or federal legislation purport to abrogate aboriginal rights in "clear and plain" or express language? 5) If the right is an existing aboriginal right, what is the legal effect of the proposed federal Archaeological Heritage Protection Act?<sup>29</sup> 6) Are claims for repatriation of aboriginal cultural property limited by provincial limitation of actions legislation, that is, legislation which bars an application to the courts for recovery of property after the expiration of a specified period of time?

#### *Historical Resources Act*

In Alberta, ownership and management of historical resources is regulated by the Historical Resources Act.<sup>30</sup> If property falls within the scope of this legislation, the common law respecting ownership and acquisition of property is substantially altered. In 1978, the act was amended to vest ownership of all archaeological resources found on private lands and provincial public lands in the provincial Crown. Consequently, claims for ownership of archaeological property acquired after 1978 arising from prior possession or ownership may only be available to the provincial Crown. The legislation also grants the minister power to provide for the care, management, excavation and disposition of archaeological resources. Control over excavations and disposition is exercised through a permit system, archaeological impact assessments, stop orders and penalties for non-compliance. The combined effect of these provisions is that security of title to archaeological property acquired after 1978 is dependant upon derivation from the Crown, compliance with conditions placed by the Crown and compliance with the legislation.

The definition of archaeological property is broad enough to include tribal cultural property buried or partially buried in the ground.<sup>31</sup> In the context of

repatriation claims, this means protection is offered to museums and other custodians of certain aboriginal archaeological resources acquired after 1978 unless the legislation is rendered inapplicable to an aboriginal-rights claim. As the definition of archaeological property refers to a "work of man" it is possible that skeletal remains are not owned by the province.<sup>32</sup> However, despite this uncertainty, current archaeological practice in Alberta is to obtain a permit under the act and notify the RCMP.<sup>33</sup> Custody and disposition is dealt with on a case by case basis and respect may be shown to the wishes of local bands in the determination of these matters.

Tribal cultural property that is not buried or partially buried in the land may fall within the definition of an historic object or resource under the act.<sup>34</sup> The minister may purchase or dispose of historic objects on any terms considered appropriate. In doing so, the minister is bound by the common law and can not receive or dispose of rights greater than those of the original transferor. A fundamental principal in Canadian property law is the doctrine of *nemo dat quod non habet*. Although there are some legislated exceptions to this principal, the general rule is a person can not transfer greater rights in an object than she or he has. Consequently, the Crown is not immune from ownership claims arising from invalidity of the transferor's title or prior possessory rights. The act also allows for such properties to be protected from destruction, alteration and removal through the process of designation. Although it is possible for moveable tribal cultural property to be designated, the author is unaware of any such designations.

Finally, it should be noted that the Provincial Parks Act and the Foreign Cultural Property Immunity Act may also affect ownership of tribal cultural property.<sup>35</sup> Ownership of provincial parks and historic sites created under the former act is vested in the province. Artifacts recovered from the surface of these lands may be disposed of by the minister if, upon reasonable inquiry, the owner cannot be found. The Foreign Cultural Property Immunity Act limits proceedings to recover custody and control of cultural property which is ordinarily kept in a foreign country, but is brought into Alberta for temporary exhibition or research, if the property at issue is ordered to be of "significance" by the lieutenant governor in council. Even if the legal rights of the foreign custodian are dubious, proceedings in Alberta's courts are barred.

### *Federal Legislation*

The federal government has not asserted a comprehensive legislated claim to ownership of cultural property located on federal lands. Consequently, the common law of property is the basis for determining most ownership questions unless, as suggested below, aboriginal-rights law creates a unique framework of analysis for claims to tribal cultural property. Under the common law, rights to property buried or partially buried in federal lands will be measured against a presumption in favour of the federal government as landowner.<sup>36</sup> The current policy of the federal government is to assert ownership to all archaeological resources on Crown lands. Rights

to objects lying on the surface of federal lands will be measured against rights of finders and prior possessors. Unless the Crown evidences an intent to control the land and all of the objects upon it, its rights may be inferior to that of a finder.<sup>37</sup> The Crown's title will always be subject to claims of prior owners and possessors unless prior rights have been extinguished through transfer, abandonment, neglect to assert a claim in a timely manner or some other legally recognized method.<sup>38</sup> The uncertainty of Crown title has caused particular concern in the North because "in many arctic regions sites are exposed and artifacts lie on the surface of the land."<sup>39</sup> Consequently, northern aboriginal peoples are insisting that heritage resources be addressed in modern land-claims agreements.<sup>40</sup>

Ownership of property on reserve lands is governed by the Indian Act.<sup>41</sup> Although the Crown does not claim ownership of moveable property on reserve lands, restrictions have been placed on the care and disposition of certain objects. Section 91 provides that written consent of the minister is required for the transfer of title to Indian grave houses, totem poles, carved house poles, pictographs and petroglyphs located on reserves. The section also prohibits destruction or vandalism. Under the act, legal title to reserve lands is vested in the Crown and beneficial title in the band. Consequently, one can argue there is a presumption of ownership of archaeological resources in favour of the Crown, but this presumption can be displaced by proof of prior possession. One might also argue that the Crown has an obligation to institute protective measures if the band council has failed to take initiatives under its general bylaw-making powers.<sup>42</sup>

Protection mechanisms affecting archaeological resources on federal lands are scattered throughout various federal enactments.<sup>43</sup> Of particular interest is the Cultural Property Import and Export Act which restricts the export of articles enumerated on the cultural property export control list.<sup>44</sup> Items included are broad enough to encompass aboriginal cultural property valued at more than \$2,000. Exports in violation of the act will not be effective to transfer title. However, the success of repatriation claims utilizing this legislation will depend upon the treaties with, and legislation of, the countries which receive the imported goods and their willingness to respect Canadian law on this point.

The proposed Archaeological Heritage Protection Act will contain a comprehensive federal scheme for ownership and control of archaeological resources.<sup>45</sup> The resource management envisaged by the legislation is similar to the provincial scheme and applies to all federal lands, including Indian lands. However, the legislation requires consultation with descendants upon the discovery of burial sites.<sup>46</sup> Section 5 of the act vests ownership of archaeological artifacts described in a list of protected artifacts and located on federal lands, other than Indian lands, in the federal Crown. Indian lands include reserve lands and lands subject to a land-claims agreement. An artifact is defined as an "object, or any part of an object, that was made or used by human beings and that has been discarded, lost or abandoned for 50 years or more."<sup>47</sup> Whether an article is discarded, lost or

abandoned will be a question of fact and law. The effect of the ownership provision is to bar claims by prior possessors to artifacts discovered or disposed of after the legislation is enacted. In the context of repatriation litigation, this may mean that aboriginal peoples can not claim common law ownership rights to artifacts found on federal lands, other than Indian lands, unless they establish that the object is not an artifact or the artifact is not contained on the list of protected objects.

### *Unilateral Extinguishment*

Although subject to great criticism, Canadian law has consistently maintained that prior to 1982, aboriginal and treaty rights could be extinguished or limited by unilateral federal and provincial action without the consent of aboriginal peoples.<sup>48</sup> It is beyond the scope of this article to outline arguments supporting a principle of consent. However, it should be noted that this issue will likely continue to be the subject of litigation until the principle of consent is accepted by federal and provincial governments. Further there is movement in the Supreme Court toward limiting the powers of the Crown. Canadian courts have historically upheld the ability of the Crown to exercise this power over aboriginal people to their detriment. However, *Guerin* began a movement away from this tradition by creating a new dichotomy in judicial premises: the absolute power of the Crown to unilaterally extinguish aboriginal and treaty rights and the duty of the Crown to act responsibly for the benefit of Canada's first peoples.<sup>49</sup> Further limits were placed on the powers of the federal and provincial governments following the recognition and affirmation of aboriginal rights in the Canadian constitution. This coupled with the trend in recent decisions of the Supreme Court to emphasize concepts of duty and honour in determining the intent of the Crown in exercising its powers suggests the provincial and federal governments have a greater legal burden to prove extinguishment than has been imposed in the past.<sup>50</sup>

In the spring of 1990, the Supreme Court of Canada placed significant limitations on Crown power. First, in the *Sioui* decision, the Supreme Court concluded that the consent of the Huron was required to extinguish their treaty rights.<sup>51</sup> The requirement of consent evolved from an emphasis on the need to uphold the honour of the Crown. In this decision the court also placed limits on the occupancy theory of extinguishment. Prior to *Sioui*, the courts maintained that aboriginal rights could be extinguished where the Crown exercised complete dominion over the land in a manner that is adverse to aboriginal rights of occupancy.<sup>52</sup> It was not clear whether the occupation required was physical or whether a comprehensive enactment of adverse legislation was enough. In *Sioui*, Mr. Justice Lamer clarified that physical occupation gives rise to extinguishment by occupation and that for rights to be extinguished, they must be contrary to the purpose of Crown occupation and prevent realization of that purpose.<sup>53</sup> Although the rights at issue in the case are treaty rights, the analysis is easily extended to the broader category of aboriginal rights.

Finally, prior to the *Sparrow* case, the courts maintained that aboriginal and treaty rights could be extinguished by legislation, but it was uncertain whether the intent to extinguish must be clear and plain or if was sufficient that the legislation coupled with other government action was inconsistent with the continued exercise of an aboriginal or treaty right. *Sparrow* resolves the debate by stating unequivocally that the language of the legislation must be clear and plain.<sup>54</sup> Unfortunately, the court does not elaborate on what is meant by clear and plain. In this case Mr. Sparrow was charged under the Fisheries Act for fishing with a drift net longer than that permitted by his band's fishing license.<sup>55</sup> The issue before the court was whether Mr. Sparrow's aboriginal right to fish had been extinguished by the elaborate regulatory restrictions under the Fisheries Act or whether it was an existing aboriginal right protected by section 35(1), of the Constitution. Assuming the right was not extinguished before the protection of aboriginal rights in section 35(1), a further issue is whether section 35(1) limits provincial and federal power to terminate or limit the exercise of aboriginal rights. Despite the prohibition in the federal fishing regulations that *no person* shall fish without a license, the court held that the regulatory scheme did not evidence a clear and plain manifestation of Parliament's intent to extinguish the aboriginal right to fish. As there are few statutes or regulations that so clearly conflict with the exercise of an aboriginal right as a prohibition, some have suggested that clear and plain means that actual consideration must have been given to the impact of the legislation on the aboriginal or treaty right at issue.<sup>56</sup> The failure of the Supreme Court to indicate more specifically the language and intent required to meet the clear and plain test has resulted in lower courts demonstrating a reluctance to apply the test.<sup>57</sup>

In *Sparrow* the court concluded that the fishing regulations *limited* the exercise of Mr. Sparrow's aboriginal right to fish but the right was not *extinguished*. As a result, Mr. Sparrow's aboriginal right to fish was protected by the Constitution. According to the court, the recognition of "existing Aboriginal rights" in section 35(1) refers to rights which were not extinguished prior to the inclusion of section 35 of the Constitution (that is, prior to 17 April 1982). Rights extinguished before the enactment of section 35 no longer exist as enforceable legal rights, but rights which have merely been regulated or limited in their exercise are protected by the constitution in their original unregulated form.<sup>58</sup> Thus government action will partially define the content of aboriginal rights included in section 35(1) if the government has clearly operated to extinguish an aboriginal right prior to 17 April 1982. After this date, aboriginal rights can arguably not be extinguished without constitutional amendment or consent of the aboriginal peoples affected. Further, rights can only be regulated or limited in their exercise after 1982 if the regulation can be justified. If the aboriginal claimant proves the existence of a right and that legislation has the effect of interfering with that right, the onus shifts to the Crown to justify interference.<sup>59</sup>

The test of justification involves two steps. First, the Crown must establish a valid legislative objective such as conservation and management of resources. Second, it must show the objective is attained in such a way as

to uphold the honour of the Crown. The responsibility of the government to act in a fiduciary capacity (that is, a "trust-like" manner for the benefit of aboriginal peoples) must be the first consideration in determining whether the legislation or action can be justified. Other questions to be asked in the justification process include whether there is as little interference as possible with aboriginal rights, whether fair compensation is paid in the event of expropriation and whether the aboriginal group affected has been consulted.<sup>60</sup>

It should be noted that strong arguments can be raised to challenge the constitutional competency of provincial governments to extinguish or regulate aboriginal rights. Under section 91(24) of the Constitution Act, 1867, the federal government is given jurisdiction over Indians and lands reserved for Indians.<sup>61</sup> However, section 88 of the Indian Act by reference incorporates provincial law that affects "Indianess" as federal law and renders it applicable to Indian peoples in some circumstances.<sup>62</sup> One could argue that this section is a breach of the federal government's fiduciary obligation and an invalid delegation of its constitutional powers. Despite these and other arguments, the courts have held in many cases that general provincial legislation enacted prior to 1982 can limit the exercise of aboriginal rights.<sup>63</sup>

#### *Impact of Provincial and Federal Heritage-Resource Legislation*

Given the need for "clear and plain" intent to extinguish aboriginal rights, one can argue that heritage-conservation legislation does not extinguish aboriginal rights. As neither federal or provincial legislation expressly places ownership of tribal cultural property in the government, it is difficult to argue that there has been a statutory expropriation of the right unless it can be shown that the government actually considered the termination of an aboriginal right. A clear intention to terminate aboriginal rights is not evidenced nor is termination necessarily implied by operation of the legislation. Coupled with the rule of interpretation that ambiguous terminology is to be interpreted in favour of aboriginal peoples, these arguments suggest that aboriginal rights of collective ownership of tribal cultural property continue to exist. Although rights may have been indirectly regulated by legislation, they are entrenched in the Constitution in unregulated form and continued regulation of the right will need to be justified in accordance with the *Sparrow* test.

In light of the above, one must question the validity of the proposed federal Archaeological Heritage Protection Act.<sup>64</sup> As the bill will be enacted after 1982, it may have to meet the justification tests. Given consultation with aboriginal groups in the drafting of the legislation, current federal policy to help aboriginal groups to develop suitable repositories for aboriginal artifacts, and the federal objective to protect and conserve archaeological resources, it may be difficult to argue that the objectives of the federal government are invalid or that the government has proceeded in a manner inconsistent with upholding the honour of the Crown. In fact, one might argue that the government has an obligation to develop or assist in the



development of a conservation scheme.<sup>65</sup> However, provisions vesting ownership of aboriginal archaeological property may not withstand aboriginal opposition as such provisions offend the principle of minimal interference. The same can be said of the imposition of a permit protection scheme on Indian lands where the band council has, or wishes to develop, its own bylaws. Further, provision has not been made in the legislation to compensate for the expropriation of ownership rights.

Federal and provincial control of heritage resources may have extinguished aboriginal ownership rights where control arises from physical occupation of an area prior to 1982 and aboriginal ownership of moveable cultural property is completely inconsistent with the reason for occupation. For example, if land is set aside as a historic site, recognition of full ownership rights may be inconsistent with the purposes of establishing the site. Arguably, only those rights which seriously compromise the objectives of the Crown will be extinguished, such as the right of disposition. Other rights, such as use and access, may still remain.<sup>66</sup>

#### *Limitation of Actions*

Section 51 of the Alberta Limitation of Actions Act provides that actions for trespass, conversion, taking away or detention of chattels must be brought within two years after the cause of action arose.<sup>67</sup> The purpose of the legislation is to provide for greater certainty of title, encourage prompt settlement of disputes and protect reasonable expectations of innocent purchasers. Where some provincial legislation provides that title of the original owner is extinguished once the limitation period expires, Alberta's legislation is silent on this point.<sup>68</sup>

In cases of continuing trespass and concealed information, the courts have held that limitation periods will not bar aboriginal claims.<sup>69</sup> However, beyond these two situations it is unclear as lower courts have applied limitation periods against aboriginal peoples.<sup>70</sup> The issue is yet to be addressed by the Supreme Court. Applying the clear and plain test to this legislation the Court may conclude that the intent of the legislature to bar claims based on aboriginal rights is not clear and plain. Further, one could argue that its application to aboriginal groups contravenes the guarantee of equality in section 15 of the Charter of Rights and Freedoms because the effect of application is more severe on aboriginal rights claims than other property claims.<sup>71</sup> The severity arises from the fact that aboriginal-rights claims are historical claims and aboriginal rights is an emerging concept. These arguments combined with the recent emphasis on the Crown's fiduciary obligations to aboriginal peoples suggest that limitation of actions legislation should not be effective to bar aboriginal-rights claims.

#### **What Laws are to be Applied in the Resolution of Disputes?**

If aboriginal rights to tribal cultural property are existing, enforceable legal rights, what laws should govern the resolution of disputes? Options include common-law principles of property law, tribal customary law or an

application of both to create a unique body of law in recognition of the unique legal status of aboriginal peoples. The resolution of this issue may be affected by answers to the following questions: 1) What are the ramifications of applying either the common law of property and/or tribal law? 2) Will aboriginal rights be expanded to include rights to self-government? 3) Does section 35(1) provide the court with a mechanism to apply common law and tribal law without getting tangled in the issue of competing sovereignties?

### *Application of Tribal and Common Law*

In the United States, First Nations have the jurisdiction to enact and enforce tribal property laws within the territorial boundaries of their lands. Some tribal laws will also extend to members who reside elsewhere.<sup>72</sup> Tribal laws vary from nation to nation in accordance with customary laws and tribal codes. Where property is removed outside of Indian territories and is in the possession of a nontribal member, a blended law approach has been adopted. In some cases the validity of a transfer to a nonmember has been analyzed in accordance with tribal law and the effect of invalidity in accordance with American law. For example, tribal property donated or sold by individual members of a group, or stolen from an aboriginal group, is often the subject of repatriation claims. The central issue in these claims is the capacity of the transferor to convey title. United States courts have looked to tribal law to determine this capacity. If the consent of the tribe is required but has not been obtained, the common law rule of *nemo dat quod non habet* has been applied. According to this rule, a person cannot transfer greater rights in the property than she or he has. *Nemo dat* operates to prohibit the transfer of ownership rights by the unauthorized transferor regardless of the innocence of the purchaser. The effect of *nemo dat* has been described by the New York Supreme Court in *Seneca Nation of Indians v. Hammond* as follows:

The bark in question ... was the property of the plaintiffs. Those who purchased it from the individual Indians got no title, and they could confer none to the defendants. Everybody who meddled with the bark became a trespasser. It is no defense that the defendants acted for others in buying the bark, or that they purchased it without notice that the vendors had no title: or that their acts, of which the plaintiffs complain, were done in good faith.<sup>73</sup>

As a result of these developments, potential purchasers of property in the United States must look to tribal law and custom as well as the common law to determine whether a transferor can convey title by gift, sale, devise or any other manner. The innocent purchaser's remedy is against the wrongful seller, not the rightful owner. Assuming that Canadian courts accept the concept of collective ownership of tribal cultural property, the issue is whether the same approach to the resolution of disputes could occur in Canada. It is clear that the courts are looking to aboriginal traditions to determine the content of aboriginal rights asserted, but will the concept of aboriginal rights be extended to include the right to enact and enforce tribal property laws?

### *Aboriginal Rights To Government*

The enforcement of tribal laws in the United States is directly linked to the doctrine of residual sovereignty. The acceptance of inherent rights in the United States has led to the recognition of Indian nations as "domestic dependant nations."<sup>74</sup> This means that upon entering treaties, Indian nations do not cease to be sovereign and self-governing nations; rather, powers of government both internal and external to Indian territory are retained unless surrendered by treaty, overruled by congressional enactments, or limited by reasonable state regulation.<sup>75</sup> Although the powers of aboriginal government have been reduced over time, they retain authority to enact and enforce civil laws subject to territorial and membership limitations.

Historically, Canadian law has denied sovereign rights of aboriginal peoples unless powers of government have been granted to aboriginal peoples by the federal government and given force by legislation. However, in May 1990 the Supreme Court stated that the status of First Nations at the time of colonial expansion in Canada was that of independent nations capable of entering solemn agreements with the Crown.<sup>76</sup> The relationship between First Nations and the Crown was categorized as unique, falling somewhere between "the kind of relations conducted with sovereign states and relations such states had with their own citizens."<sup>77</sup> At first glance these statements suggest that Canada is moving toward recognition of sovereign rights, but they cannot be read independent of the *Sparrow* decision.

Although *Sparrow* suggests that an inherent-rights approach is to be adopted in the recognition and definition of aboriginal rights, comments on the issue of Crown sovereignty suggest that the court may be reluctant to extend aboriginal rights to include rights of government.<sup>78</sup> Relying on section 91(24) of the Constitution Act, 1867, the court concluded that there was never any doubt that sovereignty and legislative power vested in the Crown.<sup>79</sup> The impact of this conclusion on claims to sovereign rights and the application of tribal law in the resolution of disputes is uncertain. Perhaps the court is retaining a contingent-rights approach on the question of sovereignty suggesting that only those powers delegated by the federal and provincial crowns will be recognized and enforced.<sup>80</sup> On the other hand, the comments may be limited in their application to external rights of sovereignty leaving room to recognize the continued existence of unextinguished internal rights to self-governance and lawmaking.

The interpretation of section 91(24) in *Sparrow* can be criticized on several grounds. First, it is not clear that section 91(24) was intended to extinguish sovereign rights of aboriginal peoples. An alternative interpretation is that the section was included in the Constitution to centralize administration of Indian policy in the federal government. Second, the contingent-rights theory is based on an ethnocentric colonial theory that assumes the superiority of European nations. The theory assumes that for the purpose of acquiring sovereignty, aboriginal lands were vacant.<sup>81</sup> This theory is rejected in contemporary international law and has been incorporated into Canadian law as a result of the misinterpretation of early United

States decisions which interpret colonial law.<sup>82</sup> Finally, the conclusion that all sovereign rights are extinguished is contrary to the spirit of the *Sparrow* decision which emphasizes the uniqueness of section 35(1) and the need to look to aboriginal traditions in the definition of aboriginal rights.

### *Avoiding Competing Sovereignties*

Regardless of the court's position on the question of sovereignty, the blending of two traditions in the resolution of disputes remains a viable alternative. Although *Sparrow* seems to exclude aboriginal sovereignty in favour of Crown sovereignty, the definitional guidelines in *Sparrow* provide a mechanism to treat section 35 of the Constitution as a unique provision which draws on both common law and aboriginal traditions. Emphasizing the unique nature of aboriginal rights, the court defines rights as those "in keeping with the culture and existence" of the aboriginal group asserting the claim.<sup>83</sup> The court also recommends avoiding the application of traditional common-law concepts in the interpretation of the right.<sup>84</sup> Rather than adopting an "either/or" approach to the application of common law and tribal law, the interpretation guidelines in *Sparrow* may act as a catalyst for a fresh and culturally sensitive approach to the resolution of disputes. The real issue is not maintaining the security of Canadian sovereignty, but the willingness of the court to recognize injustice and respect cultural difference.

### **Conclusion**

The ability of aboriginal peoples to regain control over tribal cultural property no longer in their possession is uncertain. Many of the issues likely to arise in a repatriation claim are yet to be considered by Canadian courts. A survey of some of the issues in this paper has illustrated that recent developments in the law of aboriginal rights cast doubt on title to tribal cultural property, particularly where property has been stolen or sold by an individual without consent of the tribe. Given the complexity and cultural sensitivity of these issues, it is essential that governments and museums rethink their positions as custodians of cultural property and work cooperatively with aboriginal peoples to resolve issues of management, access, care and custody. The issue is one of aboriginal right and respect for cultural difference, not merely sensitivity to the claims of culturally affiliated groups. If this is understood, expensive and lengthy litigation may be avoided to the benefit of all parties involved.

### **NOTES**

The author gratefully acknowledges the editorial assistance of D. Schneiderman and Bruce Ziff in the preparation of this article for publication.

1. See Statement of Claim filed by Mohawk plaintiffs in Action No. 8801 00657, Court of Queen's Bench, Judicial District of Calgary, par. 14.
2. See, Affidavit of chiefs Bill Two-Rivers, John Bud Morris, Eugene Montour and Grand Chief Joseph Tehokheron Norton, par. 14. See also Statement of Claim filed by the Mohawk plaintiffs in Action No. 8801 00657, Court of Queen's Bench, Judicial District of Calgary.

3. See, *Mohawk Bands v. Glenbow-Alberta Institute* [1988] 3 C.N.L.R. 70 (Alta. Q.B.).
4. *Supra* note 1, par. 38.
5. The United States Congress has enacted legislation to protect American Indian religions and has amended heritage-conservation legislation to account for aboriginal concerns relating to treatment of cultural property. More recently, Congress passed a repatriation bill calling for the return of human remains, funerary objects, sacred objects and other cultural property to originating aboriginal groups that establish sufficient cultural affiliation to the objects claimed. State legislation has also been subjected to substantial revision. For example, American Indian Religious Freedom Act 42 U.S.C. par. 1996 (1981); Archaeological Resource Protection Act of 1979, 16 U.S.C.A. pars. 470-470w-6 (Supp. v 1981) and the Native American Grave Protection and Repatriation Act, Oct. 27, 1990, Pub. L. 101-601. For a general discussion see W. Echo-Hawk, "Museum Rights vs. Indian Rights: Guidelines for Assessing Competing Legal Interest in Native Cultural Resources," *New York University Review of Law and Social Change* 14 (1986): 448-53; C. Higgenbotham, "Native Americans Versus Archaeologists: The Legal Issues," *American Indian Law Review* 10 (1982): 104-13; D. Saugee, "American Indian Religious Freedom and Cultural Resources Management: Protecting Mother Earth's Caretakers," *American Indian Law Review* 10 (1982): 17-57; B. Blair, "Indian Rights: Native Americans Versus American Museums — A Battle For Artifacts," *American Indian Law Review* 7 (1979): 133-54; J.E. Peterson II, "Dance of the Dead: A Legal Tango For Control Over Native American Skeletal Remains," *American Indian Law Review* 15, no. 1 (1989): 135-46; and N. Ostriech Lurie, "Interim Report, A.A.A. Commission on Native American Remains," *Anthropology Newsletter* 15 (April 1990).
6. Recent land-claims agreements provide for aboriginal participation in heritage-resource management. In the Yukon, ownership of ethnographic resources found on settlement land is placed in the Yukon First Nations. In the Nunavut agreement the issue of ownership is left for further negotiation. The failed Dene/Métis agreement also provided for federal assistance in the repatriation process. See, *Agreement in Principle Between the Inuit of Nunavut Settlement Area and Her Majesty In the Right of Canada* (Ottawa: Department of Indian Affairs and Northern Development, 1990) articles 36 and 37; *Comprehensive Land Claim Umbrella Final Agreement Between The Government of Canada, the Council of Yukon Indians and The Government of the Yukon* (Ottawa: Department of Indian Affairs and Northern Development, 1990), ch. 13; and the *Dene/Metis Comprehensive Land Claim Agreement in Principle* (Ottawa: Department of Indian Affairs and Northern Development, 1988), section 29.
7. The definition of heritage and historic resources varies from province to province as does the treatment of archaeological and nonarchaeological resources. This paper discusses relevant legislation in Alberta.
8. "Proposed Act respecting the protection of the archaeological heritage of Canada," released by the minister of Communications, 19 December 1990.
9. Draft Heritage Conservation Act, British Columbia, Minister of Municipal Affairs, Recreation and Culture, s. 18(1)(a) and s. 28(2).
10. *Ibid.*, s. 28(5).
11. *Ibid.*, s. 2(6). See also Province of British Columbia, "Heritage Legislation: Improving Stewardship for Heritage Resources of Native Origin" (Victoria: Ministry of Municipal Affairs, Recreation and Culture, March 1991).
12. *Ibid.*, s. 28(3),(10) and 32.
13. *Task Force Report on Museums and First Peoples* (Ottawa: Assembly of First Nations and Canadian Museums Association, 1992), 2.
14. For further discussion of the Task Force recommendations see C. Bell, "Reflections on the New Relationship: Comments on the Task Force Guidelines For Repatriation," in Canadian Museums Association, *Legal Affairs and Management Symposium* (Ottawa: Canadian Museums Association, 1992), 55.

15. A detailed analysis of the traditional arguments is forthcoming in C. Bell, "Aboriginal Claims to Cultural Property in Canada: A Comparative Examination of the Repatriation Debate," *American Indian Law Review* 17, no. 2 (forthcoming).
16. Schedule B of the Canada Act, 1982 (U.K.) 1982, c.11. Section 35(1) provides that the "existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."
17. (1990) 70 D.L.R. (4th) 385. For an alternative discussion of *Sparrow* see W.I.C. Binnie, "The Sparrow Doctrine: Beginning of the End or End of the Beginning?" *Queen's Law Journal* 15, no. 2 (1990): 217.
18. A notable exception are a limited number of cases which have upheld the validity of customary adoption. These cases are relied upon to support a broader theory of rights. For example, *Re Tagornack Adoption Petition* [1984] 1 C.N.L.R. 185 (N.W.T.S.C.); *Re Katie's Adoption Petition* (1961) 38 W.W.R. 155 (N.W.T. Terr. Ct.); N. Zlotkin, "Judicial Recognition of Aboriginal Customary Law in Canada" [1984] 4 C.N.L.R. 1.
19. Two landmark decisions in the development of the inherent rights theory are *Guerin v. R.* (1984) 2 S.C.R. 335 and *Sparrow*, *supra* note 17.
20. *Supra* note 17, at 402.
21. *Ibid.*
22. The idea of continued cultural importance may be descriptive rather than limiting as Canadian law supports the notion that once a right is established it continues in spite of cultural changes. In the context of aboriginal-rights law the issue becomes whether or not the right has been terminated by legitimate government action.
23. *Supra* note 17, at 411.
24. *Ibid.*
25. L. Little Bear, "A Concept of Native Title" *CASNAP Bulletin* 258 (December 1976): 262.
26. 28 Ct. Cl. 281 (1893) at 302. For further discussion see, *ibid.*
27. For discussion see, *supra* note 25; Jack Woodward, *Native Law* (Toronto: Carswell, 1990), 339; D. Saugee, "American Indian Religious Freedom and Cultural Resource Management: Protecting Mother Earth's Caretakers," *American Indian Law Review* 10 (1982): 10; and M.E. Turpell, "Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Difference," *Canadian Human Rights Yearbook* 3 (1989-90): 517.
28. Where provincial laws are at issue, this paper focusses on laws in the province of Alberta to illustrate the arguments raised.
29. *Supra* note 8.
30. R.S.A. 1980, H-8.
31. Archaeological resources are defined in s.1(a) as a work of man that: (i) is primarily of value for its prehistoric, historic, cultural, or scientific significance, and (ii) is or was buried or partially buried in land in Alberta or submerged beneath the surface of any watercourse or permanent body of water in Alberta.
32. *Ibid.*
33. The RCMP are notified of the discovery of human remains in accordance with the Fatality Inquiries Act, R.S.A. 1985, c. F-6.
34. Section 1(e) defines historic object as "any historic resource of a moveable nature including any specimen, artifact, document or work of art." Section 1(f) defines a historic resource as "any work of nature or man that is primarily of value for its palaeontological, archaeological, historic, cultural, natural, scientific or aesthetic interest."
35. R.S.A. 1985, c. P-22; R.S.A. 1985, c. F-12.5.

36. For a general discussion of Crown ownership see *Federal Archaeological Heritage Protection and Management: A Discussion Paper* (Ottawa: Dept. of Communications, 1988), 57-59.
37. For a general discussion of the law of finding see *Parker v. British Airways Board* (1982) 2 W.L.R. 503 (Engl. C.A.).
38. In the United States, Native peoples receive some assistance in meeting this onus of proof through the following provision of the United States Code 25 U.S.C.A. par. 194 (West 1983):

In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.
39. *Supra* note 36, at 57.
40. *Supra* note 6.
41. R.S.C. 1985, c.1-6.
42. The concept of fiduciary obligation originates in *Guerin*, *supra* note 19 and has been extended in *Sparrow*, *supra* note 17. According to this doctrine the Crown has an obligation to act in the best interests of aboriginal peoples. The extent of this obligation is uncertain. See generally, Woodward, *supra* note 27, at 110-14.
43. Indian Act R.S.C. 1985 c.1-6; Canada Shipping Act, R.S.C. 1985, c.S-9; Historic Sites and Monuments Act, R.S.C. 1985, c.14-4; National Parks Act, R.S.C. 1985, c.N-14; Museums Act, 1990 38 Eli. II. c.3; Cultural Property Import and Export Act, R.S.C. 1985, s.c.51; Northwest Territories Act, R.S.C. 1985, c.N-27 and Yukon Act, R.S.C. 1985, c.Y-Z. For general discussion of this legislation see Woodward, *supra* note 27, at 342-45 and *supra* note 36, at 48-70.
44. R.S.C. 1985, c. C-51.
45. *Supra* note 8.
46. *Ibid.*, s.8.
47. *Ibid.*, s. 2(1).
48. For example, M. Jackson, "The Articulation of Native Rights in Canadian Law," *University of British Columbia Law Review* 18, no. 2 (1984): 255; Woodward, *supra* note 27, at 200-05; B. Clark, *Indian Title in Canada* (Toronto: Carswell, 1987), c. 6, and "Address of the Gitskan and Wet 'suwet' en Hereditary Chiefs" [1988] 1 C.N.L.R. 17.
49. *Supra* note 19.
50. For example, *Sparrow*, *supra* note 17, at 408; but see *R. v. Horseman* (1990) 1 S.C.R. 901. See also, C. Bell, "Reconciling Powers and Duties: A Comment on *Horseman*, *Sioui* and *Sparrow*," *Constitutional Forum* 2 (1990): 1.
51. *A.G. Que. v. Sioui* [1990] 1 S.C.R. 1025 at 1063.
52. *Calder v. A.G.B.C.* (1973) S.C.R. 313. This theory is also subject to great criticism. See Woodward, *supra* note 27, at 203-10.
53. *Supra* note 51, at 1072.
54. *Supra* note 17, at 401.
55. R.S.C. 1985, c.F-14.
56. See, Binnie, *supra* note 17.
57. See for example, *Delgamuukw et al. v. A.G.B.C.* (8 March 1991) Smithers No. 0843 (B.C.S.C.) at 237. In this decision Mr. Justice McEachern concludes that the clear and plain test does not require express statutory language indicating an intent to extinguish

- rights. In effect he pays lip service to the clear and plain test and applies the inconsistent legislation test.
58. *Supra* note 17, at 395-97.
  59. *Ibid.*, 411-12.
  60. *Ibid.*, 412-13, 416.
  61. (U.K.), 30 and 31 Vict., c.3.
  62. *Supra* note 44; *Dick v. R.* (1985), 23 D.L.R. (4th) 175 at 185-186. "Indianess" has yet to be given clear definition. Recent court decisions suggest it refers to Indian status and traditional practices (for example, hunting).
  63. For example, L. Little Bear "Section 88 of the Indian Act and the Application of Provincial Laws to Indians," in Anthony Long and Menno Boldt, eds., *Governments in Conflict* (Toronto: University of Toronto Press, 1988), 175. For a recent decision of the Supreme Court upholding extinguishment by provincial legislation see *R. v. Horseman*, *supra* note 50.
  64. *Supra* note 8. Similar arguments could apply to the proposed B.C. legislation. That is, if an aboriginal right to tribal cultural property exists, limits placed on these rights after 1982 must be justified.
  65. *Supra* note 42.
  66. *Sioui*, *supra* note 51, at 1073.
  67. R.S.A. 1985, c. L-15.
  68. This issue may be of some significance. If the section only extinguishes the right of action in court, common law remedies for the recovery of property that do not require the aid of judicial process may still be available. See, J.E. Cote. "Prescription of Title to Chattels," *Alberta Law Review* 7 (1968-69): 93.
  69. *Guerin*, *supra* note 19 and *Johnson v. B.C. Hydro* [1981] 3 C.N.L.R. 63 (B.C.S.C.) at 67-71.
  70. For example, *Appassasin et al. v. Can.* [1988] 1 C.N.L.R. 73 at 144-146; *A.G. Ontario v. Bear Island Foundation* 15 D.L.R. (4th) 321 at 444; *aff'd* [1989] 2 C.N.L.R. 73 (C.A.) See also W. Henderson, "Litigating Native Claims," *Law and Society Gazette* (1985): 191-92.
  71. Canada Act, 1982 (U.K.), 1982 c. 11.
  72. For example, *Johnson v. Chilkat Indian Village* 457 F. Supp 383 (D. Alaska 1978). In this case a Tlingit Indian woman claimed an interest in a number of artifacts of cultural significance to the Tlingit people but had been prevented from removing them from the reserve. The Court held she was bound by tribal law even though she no longer resided in the tribal territory.
  73. 3 Thompson and Cook 347 (N.Y. 1874) at 349.
  74. *Worcester v. Georgia*, 6 Peters 515 (1832) at 559.
  75. H. Berman, "The Concept of Aboriginal Rights in the Early Legal History of the United States," *Buffalo Law Review* 27 (1978): 637; S. Hurley, "Aboriginal Rights, the Constitution and the Marshall Court," *La Revue Juridique Tehmis* 17 (1982-83): 403.
  76. *Supra* note 51, at 1053-56.
  77. *Ibid.*, 1038.
  78. The contingent-rights theory assumes aboriginal rights arise from Crown grant or recognition. The inherent-rights theory recognizes aboriginal rights as independent legal rights arising from use and occupation of lands prior to European settlement.
  79. *Supra* note 17, at 404.



80. For a discussion of this argument see M. Asch and P. Macklam, "Aboriginal Rights and Canadian Sovereignty: An Essay on *R. v. Sparrow*," *Alberta Law Review* 29, no. 2 (1991): 507.
81. *Ibid.*, 508-12.
82. See *Western Sahara* (1975) I.C.J. Reports 6 at 39; D. Sanders, "The Re-emergence of Indigenous Questions in International Law" *Canadian Human Rights Yearbook* 4 (1983): 29. Canadian courts rely on the decision of *Johnston v. McIntosh* which upholds the doctrine of discovery as the foundation of Crown title and sovereignty. This position was reconsidered in *Worcester v. Georgia*, *supra* note 74. See also Jackson, *supra* note 48 and Berman, *supra* note 75.
83. *Supra* note 17, at 411.
84. *Ibid.*



## Review Essay

### Missed Opportunity: John Milloy's *The Plains Cree*

David Smyth

This essay reviews John S. Milloy's *The Plains Cree: Trade, Diplomacy and War, 1790 to 1870*, Volume IV in the Manitoba Studies in Native History series.<sup>1</sup> Published in 1988, it is largely a reworking of Milloy's 1972 master's thesis.<sup>2</sup> The publication has been widely praised, with few reservations.<sup>3</sup> Unfortunately, close scrutiny reveals a book with critical flaws in a number of areas, including the neglect of recent literature in the field, problems of analysis, inadequate primary research and a general carelessness.

Milloy presents "a macro-historical approach to the Plains Cree in pre-reserve days in terms of their external relations," (p. xvii) bringing a fresh perspective to his reexamination of fur-trade sources. He attempts to trace the external forces, and internal processes and thinking, that transformed the forest-dwelling and canoe-using Cree — who, he claims, remained in that habitat until the early eighteenth century — into the parkland-plains Cree who hunted buffalo on horseback in the nineteenth century.

Milloy focusses on the external relations, trade and military alliances of the Plains Cree, and on factors affecting these many long- and short-term arrangements. Despite the dates given in the title, his study actually begins in the late 1600s and devotes a good deal of space to an analysis of Cree-Blackfoot relations in the eighteenth century. The two centuries covered by his book are divided into three segments:

Within this period there are three distinct eras, each characterized by a paramount motive for war — the wars of migration and territory which set the western economic and military stage upon which the emerging Plains Cree nation would play out its existence, the horse wars covering the "golden years" of plains Indian life, and the buffalo wars which mark the sorrowful trail to the reserves. Intimately related to each era is a particular trade pattern supported by a parallel military system that linked the Cree with other plains tribes and with non-natives. These three eras and their distinctive trade and military patterns provide the structure for this work. (p. xv)

The first era ends in the first decade of the nineteenth century, the era of "the horse wars" extends from about 1810 to 1850, and "the buffalo wars" era lasts from 1850 to 1870.

One reviewer noted, "The Milloy volume is really a military history of the Plains Cree and/or of the plains."<sup>4</sup> To a large extent the book is a history of Cree military and trade relations with the Blackfoot tribes and their allies. A considerable portion of the book is devoted to the Plains Cree involvement with the Mandan-Hidatsa trade system, centred on the Missouri River. However, the bulk of the work deals with Cree relations with their western, not their southern, neighbours. It is in this area that Milloy has done the most research and makes his most controversial and questionable assertions.

### Critical Acclaim

Reviewers have lauded Milloy's "exhaustive" and "painstaking" research and have declared the book to be "solid scholarship." One reviewer placed the author in the vanguard of the "revolution" of recent years "in the writing of native history."

Much of the praise which this book has received stems from its supposed prominent place in the new Native history. Like many of his colleagues in the field in recent years, Milloy helps to destroy the myth that, after contact with Europeans, Indians were the passive, uncomprehending dupes of forces and systems beyond their understanding and power. As one reviewer succinctly put it,

[Milloy] certainly gives the lie to older notions that the Cree were victimized by the fur trade, manipulated by rival European trading companies and incapable of rapid adjustment to the changes in their world. On the contrary, according to Milloy, the Cree of both the Saskatchewan River and the Assiniboine-Red Rivers area were innovative and masterful in their response to challenges and opportunities from the era of intense fur-trade competition to the making of the numbered treaties on the prairies in the 1870s.<sup>5</sup>

Despite his excellent intentions, however, the final product is disappointing.

What is remarkable is the almost universal acclaim which this book has received in the academic community. Of the ten reviews cited above, nine concluded that it was a wonderful contribution to the field. Of these nine, just three had slight reservations, but not enough to alter their overall glowing assessments.<sup>6</sup> Only one reviewer seriously challenged the book,<sup>7</sup> in part over the need for this comparatively short volume in advance of the upcoming "full tribal history" (p. xii) promised by Milloy.

### Historiographically Out-of-Date

With respect to the westward migration of the Cree, Milloy repeats in 1988 what was accepted in the early 1970s. He writes, "This migration began with the fur trade. In the early seventeenth century, Woodland Cree were located in an area stretching from the Eastmain River to the Winnipeg River." (p. 5) Accepting the position put forward by Mandelbaum in 1940 and in the early work of Ray,<sup>8</sup> he ignores the debate initiated by James G.E. Smith in 1975. Smith challenged the generally accepted view of the time which postulated a westward migration of the Cree from the late seventeenth century. This migration was attributed to various consequences of the fur trade, including the introduction of the gun, the depletion of the beaver and a drastic reduction in the population of big game animals.<sup>9</sup> Through archaeological and linguistic research, and through a reassessment of the documentary record, however, Smith, David Meyer and Dale Russell have virtually destroyed the credibility of this position. They have confirmed the presence of Cree as far west as the woodlands of Alberta and in the parklands of the Saskatchewan River in the pre-contact period.<sup>10</sup>

Milloy does not cite Smith, Meyer or Russell, three of the most significant contributors in the last decade to research the western Cree in pre-contact

and early historic times. His assumptions are therefore outdated with respect to the literature on the location through time of the western Cree. He also assumes a drastic cultural disjuncture as the Cree would have made a rapid shift from the woods to the plains. Milloy never provides a cultural description of the ancestors of the Plains Cree who inhabited the woodlands between Hudson Bay and Lake Winnipeg, nor does he give much of a picture of their altered lifestyle after adopting the plains-parkland way of life. Despite its importance to his analysis, he does not explain this transformation, though he refers to it throughout. Yet the work of Meyer and Russell in particular confirms the ongoing occupation of the parkland of the Saskatchewan River long before any contact with Europeans. Undoubtedly these inhabitants of the Saskatchewan parkland seasonally hunted on the Plains in pre- and early historic times, making their transition to a full-fledged plains culture a much longer and less disruptive process than that which Milloy asserts occurred comparatively rapidly and almost directly from the woodlands to the plains.

## Problems of Analysis

### *The Danger of Working Backward Through Time*

Milloy's book exhibits many serious problems of analysis, besides that noted immediately above. One of these is his failure to distinguish between Cree band-tribal relations in the past with perceived present-day conditions. As one reviewer observed, Milloy "tends to oversimplify the role of bands," and writes about "the Plains Cree nation" in terms acceptable to, and used by, the Cree themselves today.<sup>11</sup> Yet in the period described by Milloy there was a great deal less homogeneity than one could find even among today's far from homogeneous Plains Cree. By the mid-nineteenth century the Plains Cree could be found from the Red River to the South Saskatchewan River. Individual Cree bands then, and earlier, were almost certainly much more autonomous than bands in most other Indian tribes living on the Plains, including those of the three Blackfoot tribes. Tefft attributed the Crees' lack of central authority and tribal integration, and thus the concomitant independence of individual bands, to a lack of unifying tribal-wide social and religious gatherings.<sup>12</sup> Ewers and Mandelbaum confirmed the distinct differences in tribal organization. The Blackfoot held a tribal Sun Dance, and their societies, which operated only during the summer tribal gathering, were made up of members of all bands. The Plains Cree, on the other hand, held no such dance, and their societies functioned separately within each band.<sup>13</sup> As Mandelbaum stated, "The Plains Cree were divided into several loosely organized bands."<sup>14</sup> Yet Milloy most often treats them as a cohesive, coordinated and single-minded unit with shared external relations and concerns. Milloy could more usefully have examined the evidence for signs of Cree transition from band autonomy towards more centralized authority.

*"The Naywattame-Gros Ventre"*

Until direct European trade was established with the Blackfoot tribes and the Gros Ventre in the early 1780s, the documentary record of these peoples is extremely limited and open to debate. Milloy does cite the principal sources, which include Henry Kelsey's 1691 journal, Legardeur de Saint-Pierre's 1750-52 summary journal, Anthony Henday's 1754-55 journal, and Matthew Cocking's 1772-73 journal. However, he offers some highly questionable readings of these journals and often ignores information offered in them and in other documents which contradicts his theory.

Nowhere is his interpretation of documents more questionable than in his identification of the Naywattame Poets as the Gros Ventre. During an inland journey of 1691, the Hudson's Bay Company employee, Henry Kelsey, encountered an Indian group which he simply identified as the Naywattame Poets. At this time they were the enemies of the allied Cree and Assiniboine. No one has shown with certainty just who the Naywattame Poets were.<sup>15</sup> Milloy, however, states (p. 7) that the Naywattame Poets were indisputably the Gros Ventre. He puts his case for this identification in an endnote: "The Naywattame Poets are undoubtedly the Atsina or Gros Ventre and are so identified by journalists at a relatively early date." (p. 133) As supporting evidence he cites a single page reference in the published journal of Legardeur de Saint-Pierre. This passage states that the Cree were then at war "against Hyactéjlini, the Brochets and the Gros Ventres."<sup>16</sup> Nowhere, however, is the term Naywattame Poets used by Legardeur de Saint-Pierre or, for that matter, by any fur trader other than Kelsey.

Having somehow thus equated the Naywattame Poets with the Gros Ventre, Milloy then asserts that after 1692 "the state of warfare between the Cree-Assiniboine and the Gros Ventre (Naywattame Poets) continued. Cree relations with the Blackfoot remained friendly." (p. 7) These statements compound the problem. In the late seventeenth and early eighteenth centuries the names Gros Ventre and Blackfoot were never used, and Kelsey's is the only recorded visit to any group which may have been one or the other of these tribes, or their allies.

To make matters even more mystifying, Milloy, when discussing Legardeur de Saint-Pierre's journal, writes, "It is impossible to determine who the Hyactjlini and Brochet (Jackfish?) Indians were or even to be sure that these Gros Ventre were Fall or Rapid Indians." (p. 10) In the late eighteenth and early nineteenth centuries the Gros Ventre were most often referred to by fur traders as the Fall Indians. However, on the Missouri River another unrelated Indian tribe, the Hidatsa, was also known as the Gros Ventre. Within four pages, therefore, Milloy asserts that Legardeur de Saint-Pierre's journal proves that the Naywattame Poets are the Gros Ventre/Fall Indians (Atsina) and that this same passage does not even confirm that these particular Gros Ventre are the Atsina. Based solely on his reading of Kelsey and Legardeur de Saint-Pierre, Milloy then coins a new term which he uses throughout the early part of the book, the Naywattame-Gros Ventre.

*Twinned Untenable Theories: Unbroken Cree-Gros Ventre Enmity, and a Cree-Blackfoot Military Alliance, Throughout the Eighteenth Century*

Milloy opens the book by presenting a radical new theory of Blackfoot-Cree relations in the eighteenth century, a period for which there are few documentary records. Rather than the generally accepted picture of ongoing hostility between these two tribes and their respective allies broken by intermittent periods of peace, he states that the Cree and Blackfoot were economic and military allies throughout most of this century, with the brief periods of violence after 1770 being aberrations. He supports this assertion with virtually no evidence, and likewise dismisses any meaningful links between the Gros Ventre Indians (Atsina) and the three Blackfoot tribes — the Peigan, Blood and Blackfoot proper. Milloy draws an eighteenth-century picture of unbroken Gros Ventre hostility towards the Cree and their perennial allies the Assiniboine, and presents a parallel scene of a virtually uninterrupted economic and military alliance of the Blackfoot tribes with the Cree and Assiniboine. He substantiates neither portrayal, but, if one were to accept them, they do offer the later dramatic situation of the Blackfoot being forced to choose, according to Milloy, between their longtime allies — the Cree and Assiniboine — and the horse-rich Gros Ventre. Milloy presents these interconnected dual theories through a series of questionable tribal identifications, by means of dubious interpretation of some documents, and by ignoring information contained in others.

Milloy's analysis of the inland journals of two Hudson's Bay Company men, Anthony Henday and Matthew Cocking, exemplifies the flimsiness of his case. Henday made a one-year trip from York Factory onto the Canadian Prairies in 1754-55, in the company of a party of Cree. He encountered a large number of Indians whom he merely identified as "Archithinue." This is derivative of a Cree word which can mean either stranger or enemy. At this time Henday's "Archithinue" were enjoying peaceful trading relations with the Cree and Assiniboine. Milloy asserts that these "Archithinue" were Blackfoot, stating that Henday "met the Archithinue (Blackfoot) Indians." (p. 10) Others, however, debate the identity of this Native group. One key work cited by Milloy in other contexts claims that the Gros Ventre were definitely Henday's "Archithinue."<sup>17</sup> Yet in his journal Henday clearly used "Archithinue" as a generic term referring not to a single tribe but to a number of different groups, some of whom were at war with each other. Henday wrote, "They have other Natives Horseman as well as Foot, who are their Enemies: they are also called the Archithinue Indians: & by what I can learn talk the same language, & hath the same customs."<sup>18</sup> Surely the reader has a right to know that there is some ambiguity over the identity of the people to whom Henday was speaking, and with whom the Cree and Assiniboine were trading.

The confusion is compounded when Milloy discusses Cocking's 1772-73 journal of yet another trip undertaken to meet the Archithinue. He writes of the wish of Cocking and his Cree and Assiniboine companions to encounter "the Blackfoot nation" — presumably the Blackfoot, Blood and Peigan

tribes. However, Milloy does not point out that Cocking never used the term "Blackfoot," but only Archithinue, or some variant thereof, to describe the Indians whom he eventually met, nor that the particular Archithinue met were actually the Gros Ventre (see Milloy, pp. 11-12).

Here, as elsewhere, Milloy relies on the published version of a document, rather than going back to the original.<sup>19</sup> Cocking's published journal identifies by tribe the five allied "Archithinue friends." However, the journal which Cocking originally sent back from York Factory to London in 1773 contains far more information than the version edited and abridged by Andrew Graham; it identifies four "Yeachithinnee" ("Archithinue") enemies. Cocking clearly describes tribal alliances which lasted into at least the 1850s and which apparently were in place by 1772, and perhaps much earlier. This alliance structure consisted of the three Blackfoot tribes — the Peigan, Blood and Blackfoot — and the Gros Ventre and Sarcee. So closely allied were these five tribes over such an extended period that the upper Saskatchewan River traders used terms to refer to them which encompassed all five, either the term "the Plains tribes" or "the Slave tribes," the latter originally a term of denigration assigned them by the Cree. The 1773 copy of Cocking's journal identifies the four "Yeachithinnee" ("Archithinue") enemies of these five allied "Yeachithinnee Friends" — the Snake, Sioux, Kootenay and Flathead Indians. Perhaps this was the same "Archithinue" alignment of friends and enemies referred to by Henday. Cocking's unedited journal entry reads as follows:

Our Yeachithinnee Friends came to us and pitched on one side of the Buffalo Pound; twenty-one Tents of them, the other seven are gone another way. One of the Leaders is thoroughly acquainted with the Assinnee Poet Indian tongue, so that we shall be able to understand each other, my Leader being also acquainted with that tongue. These Natives are called Powestick Athinneewock or Water-fall Indians. The People I am with inform me there are four Nations more which go under the name of Yeachithinnee Indians with whom they are in friendship. Viz<sup>1</sup> Mithcoo Athinneewock or Blood Indians; Koskiketew Wathussituck or black foot Indians; Pigonew Athinneewock or muddy Water Indians and Sussewuck or Woody Country Indians. Their Enemies also go under the general name of Yeachithinnee Indians, four Nations. Kanapick Athinneewock or Snake Indians; Wah-tee or Sault Indians; Kuttunnayewuck [Kootenay Indians]; and Nah-puck Ustiguanack or flat Head Indians so called they tell me from their foreheads being very flat.<sup>20</sup>

Whichever version of the journal is consulted, it is clear that Cocking was talking with a "Water-fall" or Fall Indian, a Gros Ventre, not a Blackfoot Indian, and that the Cree and Assiniboine were then on amicable trading terms with the Gros Ventre. Milloy fails to tell the reader any of this, though it is stated plainly in the version of the journal which he cites. Despite the contrary evidence, he persists in postulating the separation of the Gros Ventre and the Blackfoot tribes until the beginning of the nineteenth century, and in seeing unceasing hostility between the Gros Ventre and the Cree.

However, peaceful trade between the Blackfoot tribes and the Gros Ventre with the Cree and Assiniboine was not the norm. In the early 1790s relations between the Gros Ventre and the Cree and Assiniboine, and the



Gros Ventre and the various Saskatchewan traders, deteriorated into a round of violence the likes of which the white traders had never before experienced. Milloy devotes almost three pages of text (pp. 32-34), out of a total of only 121 pages, to these incidents of 1793-94. They included a series of assaults by the Gros Ventre on the North West and Hudson's Bay companies, culminating in the successful 1794 attack on the latter company's South Branch House and the killing of its few summer inhabitants. Milloy then adds, "The Blackfoot had not remained entirely aloof from these battles among the Cree, the traders and the Gros Ventre." He overlooks the following facts: there were Blackfoot with the Gros Ventre participating in the autumn attacks on Pine Island post, Manchester House and on a third rival post;<sup>21</sup> Blackfoot and Blood Indians fired upon North West Company men at Fort George in January 1794;<sup>22</sup> a combined party of Gros Ventre and Blackfoot made an abortive attempt to plunder Pine Island post in late January or early February 1794;<sup>23</sup> and it was a joint Gros Ventre-Blackfoot party that sacked South Branch House in June 1794.<sup>24</sup>

Milloy attributes this unprecedented behaviour of the Gros Ventre to more intensified attacks from the late 1780s by the Cree and Assiniboine, and to the Gros Ventres' trading of wolf pelts to the virtual exclusion of any other items. Less in demand than beaver, wolf pelts did not offer the purchasing power at the posts which the Cree and Assiniboine enjoyed by their trade in beaver pelts. The latter tribes could thus acquire a superiority in European firearms, which they used against the Gros Ventre. The Gros Ventre, Milloy argues, took out their frustration on the white traders, whom they viewed not only as suppliers to their enemies but also as suitable targets for attack, which would not only bring vengeance but also an increased supply of plundered arms. Colin Calloway, however, has argued that the timing of the outbreak was the result of a sudden drop in value of wolf skins on the London market, a factor not considered by Milloy.<sup>25</sup> Also overlooked by Milloy is the fact that at this time wolf pelts were likewise the principal item of trade of the Blackfoot tribes, whose purchasing power and firepower would have been just as limited as that of the Gros Ventre.

Milloy persists in his assertion that from "the 1690s all through the eighteenth century, the Naywattame-Gros Ventre were excluded by the Cree, who hunted and attacked them seemingly at every opportunity." (pp. 16 and 32) All versions of Cocking's journal contradict this interpretation. Milloy also tries to make a case for a Cree-Blackfoot military alliance until the early 1800s, when the Blackfoot tribes opted instead to ally with the Gros Ventre and broke their ties with the Cree. He argues that by that time the Blackfoot no longer needed the Cree as middlemen to obtain European goods, but did need the Gros Ventre trade links to their horse-rich relatives, the Arapaho. The Cree were therefore forced to go to war against the Blackfoot to acquire horses.

This argument would have appeared more sound if Milloy had been able to establish that any such military alliance had ever existed between the Cree and the Blackfoot. The only eighteenth-century examples of Cree or

Assiniboine actually assisting the Blackfoot in battles with mutual enemies were given by David Thompson in his autobiographical *Narrative*. Thompson's aged informant's "account of former times went back to about 1730"<sup>26</sup> and described two battles against the Snake Indians with the Peigan, assisted by a total of apparently seven Assiniboine and about twenty-three Cree. Though Thompson's *Narrative* is the only known source of information concerning these two joint military endeavours and his dating is no more specific than "about 1730," Milloy precisely dates the battles to 1723 and 1732. He provides no source except the Tyrrell edition of Thompson's *Narrative*, which offers no clue to such specific years.

These two battles are the only concrete examples which Milloy offers to substantiate his theory of an eighteenth-century Blackfoot-Cree military alliance. Furthermore, he has overlooked one source which makes the opposite case, for ongoing Archithinue warfare with the Cree. Glyndwr Williams has drawn attention to a 1738 letter from Richard Norton at Churchill which described "the Atchue-thinnies" as "a people bordering near the Western Ocean who are great enemies to our inland trading Indians."<sup>27</sup>

Regarding the state of affairs in Henday's time (the 1750s), Milloy states, "Although no mention is made of battles or even of the Snake, the cordial trading relations between the Cree-Assiniboine and Blackfoot were a probable indication that their military alliance was still operative." (p. 10) Yet the Cree told Henday that the Archithinue (all Blackfoot, according to Milloy) would kill any Cree caught trapping on Archithinue lands, and Archithinue captives and scalps were later brought in to Henday's camp and displayed and traded among his Cree companions.<sup>28</sup> Nevertheless, Milloy asserts that relations between the Blackfoot and Cree continued to be friendly and suggests "probable" and then "possible" direct front-line involvement by the Cree to assist the Blackfoot. Milloy even asserts (p. 11) that during Cocking's visit to the Archithinue they sought Cree assistance in a war against the Snake. However, the journal written in Cocking's hand clearly refutes this assertion; the request was for Gros Ventre assistance by another unidentified Archithinue tribe.<sup>29</sup>

Though certainly not emphasizing the constraints of unclear or absent documentation for the pre-1780s period, Milloy does to some extent acknowledge this problem, but is nevertheless undeterred. For instance, he states, "While it is difficult to assess the frequency of front-line participation of the Cree in the Blackfoot drive to the mountains, there is little doubt that the major part played by the Cree in those military events was in supplying the Blackfoot with firearms." (p. 16) The reason that it is so hard to assess this "frequency" is that no one has documented such participation by the Cree, other than in the two battles noted by Thompson. Milloy attempts to give the impression of active Cree involvement in support of Blackfoot military action but sustains his theory of an eighteenth century Cree-Blackfoot military alliance on the basis of an extremely liberal definition of the word alliance: "The term *alliance* has been used to designate not only formal agreements and coordinated action by two or more parties against another, but also what

might be termed *coincidental* activity by two parties, who may not have been formally allied, who took parallel action against a third." (p. xvii) Certainly the existing documentary record indicates that during much of the eighteenth century the Blackfoot tribes, the Gros Ventre, the Cree and the Assiniboine were all the avowed enemies of the Snake Indians. From their sharing of a foe, a sometime trading relationship, and very little else, Milloy affirms the existence of a Blackfoot-Cree military alliance. Logically, a Gros Ventre-Cree military alliance could then be argued as well, for the Snake were their mutual enemies, and Cocking clearly demonstrated an established trading pattern of Cree and Assiniboine with the Gros Ventre. In short, this definition of an alliance is too broad. Certainly one would not argue that merely having a common enemy constitutes an alliance in any real sense of the word. The Snake Indians were apparently the enemies of both the Blackfoot alliance and the Cree-Assiniboine alliance throughout most of the eighteenth century. Yet this mutuality of foes does not necessarily speak to any relationship between the Blackfoot and Cree. In fact, Milloy cites (p. 65) an 1833 example of three-sided warfare, involving the Cree-Assiniboine, the Blackfoot tribes and the Mandan. Apart from the two Thompson-noted incidents, involving only some thirty Cree and Assiniboine, Milloy has no more justification to argue a Cree-Blackfoot military alliance than one would have to argue a similar Cree-Gros Ventre arrangement. Surviving eighteenth-century documents show that at different times the Cree and Assiniboine were involved in direct trade with both the Blackfoot tribes and the Gros Ventre, and then at war with these same peoples.

Milloy offers more proof of such a military alliance in the early 1830s, during one of several brief intervals of peace between the Cree and Blackfoot who, as he rightly argues, were generally on hostile terms with each other through the first three-quarters of the nineteenth century. He writes that a Hudson's Bay Company officer "was informed by the Cree that 'a great many of the Beaver Hill Crees are going to join the Blackfeet for the purpose of going to war with them on the Crow mountain Indians'." (p. 91) The joint military endeavour apparently failed before it got underway, destroyed "by a series of disputes over horses" between the Cree and the perennial allies of the Blackfoot, the Sarcee. Shortly thereafter, open warfare between Cree and Blackfoot again erupted. However, during this same brief period of peace between the Blackfoot alliance and the Cree-Assiniboine, the latter tribes traded so many of their guns to the Blackfoot for horses that the Hudson's Bay Company was unable to immediately resupply all the sought-after replacement weapons.<sup>30</sup> A carefully chosen selection of nineteenth-century references drawn from the short-lived periods of peace between Cree and Blackfoot could just as easily be presented to portray an ongoing nineteenth-century trade and/or military alliance, a state of affairs which was far from the case.

To summarize, the eighteenth-century documentary record concerning Cree-Blackfoot relations, at least until the mid-1780s, is fragmentary. However, the available evidence disputes Milloy's dual thesis of a continuous Cree-Blackfoot military alliance and unbroken Cree-Gros Ventre

enmity. In fact, before the arrival, in large numbers, of European fur traders on the North Saskatchewan and lower South Saskatchewan rivers in the early 1780s, the specific state of Cree and Assiniboine relations with the Gros Ventre and the three Blackfoot tribes is difficult, if not impossible, to determine over time. Both groups benefited from their periods of trade, the Blackfoot-Gros Ventre side obtaining firearms and other European goods while the Cree-Assiniboine received horses, and cheap furs for retrade to the Europeans. The Blackfoot alliance could probably tolerate the pressure at its eastern borders when it used the weapons that it received from the Cree-Assiniboine against the Snake, Flathead and Kootenay in its push to the foothills of the Rockies and to the headwaters of the Missouri. Once the North West Company, Hudson's Bay Company and the smaller rival concerns began direct trade with the Blackfoot tribes in the 1780s, the Cree and Assiniboine lost most, if not all, of the value that they once had as middlemen. Though Milloy's careful selection of cited material does not show it to be the case, there are far more references in surviving fur-trade records of the 1780s and 1790s to periods of tension or open hostilities between these two rival Native groups than to periods of congenial relations. The texture of Blackfoot-Cree relations in these two decades is indistinguishable from that of almost any period in the first three-quarters of the nineteenth century.

This part of the book contains many other unsubstantiated claims and misstatements. Milloy states that the North West Company and Hudson's Bay Company "leap-frogged each other in the construction of posts along the length of the Saskatchewan." (p. 13) Later (p. 18) he implies a Hudson's Bay Company superiority on the Saskatchewan. Neither scenario is correct. The North West Company, better equipped and better manned, led the way throughout the expansion up the North Saskatchewan, with the less able English company forced to follow to preserve its trade. He states that the first recorded outbreak of violence, "and this was only temporary," (p. 31) in his eighteenth-century military alliance occurred in June 1787, when Cree attacked Blood near Manchester House. However, more than a year earlier, William Tomison, the Hudson's Bay Company officer in charge on the Saskatchewan, reported a Peigan assault against some Cree. "One southern [Cree] Indian has been killed and another wounded by the Pee, Kin now [Peigan], tribe, which is likely to turn out to a civil War."<sup>31</sup>

Milloy also makes a radical statement about the geographic origins of the Blackfoot. By the 1780s, he states, "The Blackfoot advance had taken them back to their original homeland — the Bow River country." (p. 12) His assertion flies in the face of the generally accepted, and well substantiated, position that the Blackfoot originated in the parkland of present-day Saskatchewan, eventually pushing westward onto the Plains, displacing their most western inhabitants, the Kootenay, Flathead and Snake. Milloy offers no proof to back up his theory of Blackfoot origins.

Two other points in Milloy's Cree-Blackfoot military alliance argument warrant remark: the first concerns his handling of a somewhat confusing

Daniel Harmon journal entry, and the other his dating of the establishment of a particular Blackfoot trade relationship. Milloy uses an 1806 Harmon reference to a battle, instigated by differences over a horse, to argue his case that the breakdown of the Cree-Blackfoot alliance was largely precipitated by the growing difficulty of the Cree in obtaining horses through trade. Milloy quotes the published Lamb edition of Harmon's journal:

Six Assiniboines arrived and inform us that about Eighty Lodges of Crees and Assiniboins with about as many Blackfoot were on their way to wage war on the Rapid [Gros Ventre] Indians but the ... tribes fell out on the way respecting a horse which they both claimed, and which neither could relinquish and fought a battle among themselves. (p. 35)

Milloy's selective editing of this journal entry removes both its ambiguities and some information. The falling out was probably between the Blackfoot and the Cree and Assiniboine, but could also have occurred between the latter two. The battle which ensued resulted in Blackfoot and Assiniboine being killed. The square bracketed emendations below are provided in the Lamb edition:

Six Assiniboins, arrived and inform us that about Eighty Lodges of Crees & Assiniboins with about as many of the Black feet Indians, were on their way to wage war on the Rapid Indians, their common enemy, but the two former Tribes fell out on the way and fought a Battle among themselves, in which twenty five of the Black feet Indians and three of the Assiniboins fall, which put an end to their Wars for this Season. [The printed text states that the quarrel between the tribes was "respecting a horse, which they both claimed, and which neither would relinquish."] <sup>32</sup>

The unusual tensions which then briefly existed between the Blackfoot tribes and the Gros Ventre could have prompted the contemplation of such action by the Blackfoot. The Gros Ventre, ever more directly pressed by the Cree and Assiniboine, were becoming more threatening to the Saskatchewan traders, to the expressed displeasure of the three Blackfoot tribes. There is no record of implemented military action by any of these three against the Gros Ventre, but Milloy later correctly points out the strain put on the Blackfoot-Gros Ventre alliance by Gros Ventre threats towards the Saskatchewan fur-trade posts. The Blackfoot tribes warned the Gros Ventre that they would mete out retribution for any such hostile actions against their suppliers. There may well have been a planned Blackfoot-Cree-Assiniboine foray against the Gros Ventre in 1806, but the cause of its demise, according to the source cited by Milloy, may have been a dispute between the Cree and Assiniboine, a possible interpretation which Milloy deletes from his version of the Harmon journal entry.

Milloy argues that the deciding factor in the breakdown of the Cree-Blackfoot military alliance was access to horses. The Blackfoot, he says, opted for the Gros Ventre link to a steady horse supply, and ended their alliance with the Cree. For their part, the Cree, unable to gain amicable access to Gros Ventre horses, were forced to extend their horse raiding to the three Blackfoot tribes to acquire a sufficiency. This all supposedly came to a head in 1806, when the "alliance was ended by the Blackfoot." (p. 36) This is a reference to the battle cited by Harmon and also described by

James Bird (p. 35) on his way to, and again after his arrival at, Edmonton House.<sup>33</sup> Milloy stresses 1806 as marking the end of the century-long military alliance which he has hypothesized. He then emphasizes a presumed event in the following year as demonstrating the Blackfoot response to this drastic alteration in tribal alignments. He states, "By 1807 a connection had been made between the Arapaho, Cheyenne and Blackfoot through which the latter began to receive horses." (p. 35) He cites a single source for this claim, Thwaites's 1904 edition of John Bradbury's 1809-11 "Travels." Unfortunately, Bradbury does not mention the Blackfoot, nor does the lengthy footnote by the editor, who states, "The Arapaho occupied the central mountainous region, roaming through Wyoming and Southern Idaho. They traded with the Spaniards, and supplied their kindred the Cheyenne with Spanish horses."<sup>34</sup> Thwaites's footnote does not mention the Gros Ventre or any trade whatsoever between the Arapaho and/or Cheyenne with the Blackfoot, nor at any point does it give a specific date for any occurrence discussed. By 1807 the Blackfoot were almost certainly enjoying the benefits of the Gros Ventre-Arapaho connection in their acquisition of horses, but they probably had been doing so for years, if not decades. Milloy offers no real evidence that would give any significance to the year 1807 in Blackfoot trading relationships.

### **Inadequate Primary Research: The Nineteenth-Century Chronology**

While Milloy's case for an eighteenth-century Blackfoot-Cree military alliance is questionable, the last two parts of his thesis — the examination of ongoing nineteenth-century Cree trade and military alliances in terms of "the horse wars" and then, with the diminishing size and range of the bison herds, "the buffalo wars" — are on much firmer ground. Though his argument may be sound here, however, his research is deficient. To those not familiar with the resources of the Hudson's Bay Company Archives (HBCA) in the Provincial Archives of Manitoba, Milloy's bibliography and endnotes could seem impressive and his research exhaustive. Milloy has indeed done considerable research in this magnificent collection and offers material from this repository which has never before been published. However, vast sections of this collection which contain tremendous amounts of information directly pertaining to the subject of his book were not utilized.

The strength of Milloy's research is in the numerous post journals which he has examined, one of four principal sources of information in the HBCA relevant to a study of the Plains Cree. Besides the post journals, the three best sources of information in the HBCA concerning events in the Company's North American domains are the reports of the overseas governors to headquarters in London, the correspondence between the overseas governors and the officers running the individual posts or administrative districts, and the correspondence of these officers with each other. For some forty years, to 1860, Governor George Simpson ran the Company's operations in the region in which the Cree and their allies, and most of their enemies, lived. Simpson's voluminous correspondence has

largely survived. Milloy has used Simpson's official reports to London as one of his sources of information, but cut off his research in 1843; the last seventeen years were inexplicably left untapped. Milloy completely overlooked the third and fourth key sources, personal and business correspondence among the Company's officers, and to and from Simpson, his predecessors and successors. Often letters from on-site officers are the only source of information from a given region. Frequently they expand on brief journal references to events. Copies can be found in the HBCA in the individual post's records, in the governors' records (especially Simpson's), in London headquarters' records and in the correspondence books of York Factory.

From the time of the 1821 merger of the North West and Hudson's Bay companies, post and district officers were required to make written mid-winter reports on the state of affairs in the company operation and the geographic region under their charge. An amazingly high percentage of these annual reports has survived, along with huge quantities of correspondence written at other times of the year or for other reasons. For instance, for the Saskatchewan District, the mid-season reports, along with much other correspondence, have survived for virtually every year from the 1820s to the 1860s, whereas there is a break from 1834 to 1854 in the post journals of Edmonton House, the headquarters of the district. Milloy has not looked at any of this correspondence.

The inadequate research in the HBCA refutes Milloy's declaration that this book was written "with as much precision as possible." (p. xvii) Other prime sources of information for the period have also been disregarded, including published and unpublished missionary records and two extensive collections in the National Archives of Canada (NAC), the Hargrave Papers and the Selkirk Papers. These last two omissions are surprising, since every unpublished primary document cited by Milloy is held by the NAC, including microfilm copies of the HBCA material.

These gaps in Milloy's research have led him to make many questionable statements and to overlook key events, which are then omitted from his nineteenth-century military chronology. For example, Milloy cites an unbroken litany of violent exchanges between the Blackfoot alliance and the Cree-Assiniboine alliance in the 1840s, with the Cree manifesting "a singlemindedness of purpose and method." (pp. 98-99) Yet the published journals of the missionary Robert Terrill Rundle and the HBCA-held correspondence of Chief Factor John Rowand with Simpson, contain information about successful Cree peace overtures to the Blackfoot tribes in 1841<sup>35</sup> and of another period of peace, apparently arranged by Rowand, commencing in the winter of 1846-47.<sup>36</sup>

In the fall of 1857, shortly after the fatal termination of yet another such peace agreement, one more in this long series of short-lived peaces was arranged, due largely, as Milloy points out, to the influence of the famed Cree leader, Maskepetoon. Milloy then states that the "ensuing peace lasted, undisturbed, until 1860." (p. 111) However, in a source cited by

Milloy, Captain Palliser reported in June 1858 that the Cree had caused a brief rupture in the peace.<sup>37</sup> The peace was shattered in the winter of 1859-60, months before the fall 1860 date given by Milloy.<sup>38</sup>

### Carelessness

There is carelessness in this book which turns up with disturbing frequency. Some of it may be attributed to the author, and some to the series editors. Much of it is merely annoying or irritating, while a good deal is of a more problematic nature.

For example, and as a follow-up to the point discussed immediately above, Milloy (p. 111) "quotes" from the Edmonton House journal of 27 October 1857 concerning Maskepetoon's triumphant arrival at that post after arranging the peace. However, neither that particular entry nor any other in the journal contain any such quotation. In fact, the 27 October 1857 entry makes no mention whatsoever of Maskepetoon or of any Blackfoot-Cree peace arrangements.<sup>39</sup> The fall 1860 killing of a Blackfoot chief by Cree at Edmonton House did not occur in October, as Milloy states on this same page, but on 25 September.<sup>40</sup> It was this incident, he claims, which "shattered" the unbroken three-year peace.

Examples abound. In the endnotes and bibliography Milloy misspells the name of W. Kaye Lamb, the editor of Harmon's journal and longtime dominion archivist. The American Fur Company's Fort McKenzie is sometimes spelled correctly in the text (p. 95) but sometimes not (p. 93), and is misspelled on the accompanying map (p. xi). The date in the caption (p. 2) accompanying a photo of the Cree leader, Piapot, not only predates his birth but also the invention of photography. Of a more serious nature, Milloy has Americans trading repeating rifles on the Missouri River in the early 1830s (p. xvi), some three decades before these weapons were even manufactured.

Milloy frequently uses quite specific dates for emphasis. Unfortunately, their accuracy is often lacking. For example, in describing developments within the Blackfoot alliance in the early 1830s he quotes an Edmonton House post journal entry prediction of 8 December "1833" and immediately writes, "Nine days later, on 17 December, that assessment was proven correct." (p. 95) He then quotes from a 17 December 1833 Peigan Post (Bow Fort) journal entry. However, the second entry was actually one year and nine days later, for the first quotation is from a journal entry written in December 1832, not 1833.<sup>41</sup>

Many of Milloy's citations are both incomplete and inappropriate, a responsibility which both he and his editors must share. The Fort Pitt journals in the HBCA appear in his endnotes, but not in his bibliography. Books noted in his preface are missing from the bibliography. Milloy's HBCA citations are inappropriate; he cites entire microfilm reels, with dates, but not specific pieces, dates and folios, as the material is arranged and identified in the HBCA. The bibliography does not identify the provenance of the



"Hudson's Bay Company Records," either the originals in the HBCA or the microfilm copies in the NAC, nor does it identify this latter institution as the holder of all of his listed "Fur Trade Manuscripts."

## Conclusions

However good his intentions, Milloy wrote a badly flawed book. The core of his analysis of eighteenth-century tribal arrangements is contradicted by the weight of the evidence. He oversimplifies, if not disregarding altogether, the problem of tribal identification in the pre- and early contact periods. Milloy's neglect of recent publications and current research in his field also seriously damages the final product. The nineteenth-century military and trade chronology which he presents contains many errors and omissions, caused by inadequate primary research. There is not a single unpublished primary document cited in the 1988 bibliography which was not already noted in Milloy's 1972 thesis, a surprising revelation considering the extent of critically important material which should have been examined. While *The Plains Cree* does contain a great deal of valuable data, the book is so full of errors that one almost has to go back to the original source of each citation to verify the validity or accuracy of the material presented.

The lack of publicly expressed criticism of this book is disturbing. Milloy's unsubstantiated theory of eighteenth-century tribal alignments, especially his Blackfoot-Cree military alliance, should long ago have been challenged. Unfortunately, this unfounded Milloy contention was too soon accepted as valid. His published 1988 hypothesis became a premise of Gary Doige's otherwise sound 1989 master's thesis, "Warfare Patterns of the Assiniboine to 1809," in which Doige expresses a debt of gratitude to Milloy's analysis and readily accepts the existence of this supposed military alliance.<sup>42</sup> Doige offers no more proof of its existence than does Milloy, but he does differ in the reasons for, and the timing of, its demise. He attributes its end to the construction in Blackfoot territory of European trading posts in the 1780s, which eliminated the middleman role of the Cree. One can hope that Milloy's unsubstantiated, if not disproved, theory of an eighteenth-century Blackfoot-Cree military alliance does not permeate writing in this field any further.

In many ways Milloy was in the vanguard of his field when he wrote his master's thesis in 1972. His research and analysis were then as flawed, inadequate and incomplete as in his 1988 book, but the overall object of his work was both laudable and, at that time, ground-breaking. He attempted to document that the Cree were not the unthinking, powerless puppets of wilier Europeans. Despite its many deficiencies, his book definitely does demonstrate that the Cree were quite aware of the ever-changing world around them and, not only that they were quite adaptable to these changing conditions and times, but that they could directly influence events as well. Milloy never claimed to be writing "a full tribal history" (p. xiii) of the Plains Cree, and so he did not attempt to address many of the issues which an ethnohistorian of today would have to consider in undertaking such a task. However, even within the limited parameters which he set out for his study

— the external relations of the Plains Cree — Milloy fell short of this still worthwhile goal. Unfortunately, as demonstrated above, the flawed promise of 1972 became the missed opportunity of 1988.

#### NOTES

1. John S. Milloy, *The Plains Cree: Trade, Diplomacy and War, 1790 to 1870* (Winnipeg: University of Manitoba Press, 1988).
2. John S. Milloy, "The Plains Cree: A Preliminary Trade and Military Chronology, 1670-1870." (M.A. thesis, Carleton University, Department of History, 1972).
3. The following is a list of reviews of Milloy's book: Hugh A. Dempsey, *Alberta History* 38, no. 2 (Spring 1990): 30; Mark B. Lapping, *American Review of Canadian Studies* 19, no. 3 (Autumn 1989): 357-58; Lisa Patterson, *Archivaria* 30 (Summer 1990): 147; Toby Morantz, *Canadian Historical Review* 72, no. 2 (June 1991): 244-46; *Canadian Literature* no. 122-123 (Autumn-Winter 1989): 301-02; Bruce Cox, *The Canadian Review of Sociology and Anthropology* 27, no. 3 (August 1990): 430-32; James Dempsey, *Great Plains Quarterly* 10, no. 3 (1990): 173-74; Robert Wooster, *The Journal of American History* 77, no. 1 (June 1990): 281-82; Walter Hildebrandt, *Manitoba History* 20 (Autumn 1990): 46-47; J.R. Miller, *NeWest Review* (August-September 1989): 47-48; Larry Burt, *The Western Historical Quarterly* 21, no. 3 (August 1990): 371-72.
4. Toby Morantz, *Canadian Historical Review*.
5. J.R. Miller, *NeWest Review*.
6. James Dempsey, *Great Plains Quarterly*; Walter Hildebrandt, *Manitoba History*; and Toby Morantz, *Canadian Historical Review*.
7. Larry Burt, *Western Historical Quarterly*.
8. David G. Mandelbaum, *The Plains Cree: An Ethnographic, Historical, and Comparative Study* (Regina: Canadian Plains Research Center, 1979), 30-31 and 45-46, and Arthur 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, 1974), 12.
9. James G.E. Smith, "On the Territorial Distribution of the Western Woods Cree," in William Cowan, ed., *Papers of the Seventh Algonquian Conference, 1975* (Ottawa: Carleton University, 1976), 415.
10. James G.E. Smith, "Chipewyan, Cree and Inuit Relations West of Hudson Bay, 1714-1955," *Ethnohistory* 28, no. 2 (Spring 1981): 134; James G.E. Smith, "Western Woods Cree," in June Helm, ed., *Handbook of North American Indians, Volume 6, Subarctic* (Washington, DC: Smithsonian, 1981), 257-58; James G.E. Smith, "The Western Woods Cree: Anthropological Myth and Historical Reality," *American Ethnologist* 14, no.3 (August 1987); David Meyer, "Late Prehistoric Assemblages from Nipawin: The Pehonan Complex," *Saskatchewan Archaeology* 2 (1981): 32-34; David Meyer, "Comment on McCullough's View of Protohistoric Cree and Blackfoot in Alberta and Saskatchewan," *Saskatchewan Archaeology* 4 (1983): 45-46; David Meyer, "Time-Depth of the Western Woods Cree Occupation of Northern Ontario, Manitoba, and Saskatchewan," in William Cowan, ed., *Papers of the Eighteenth Algonquian Conference* (Ottawa: Carleton University, 1987): 187-200; David Meyer and Dale Russell, "The Selkirk Composite of Central Canada: A Reconsideration," *Arctic Anthropology* 24, no. 2 (1987): 1-31; and Dale Russell, "The Ethnohistoric and Demographic Context of Central Saskatchewan to 1800," in David Burley and David Meyer, eds., *Nipawin Reservoir Heritage Study, Volume 3, Regional Overview and Research Consideration* (Regina: Saskatchewan Power Corporation, 1982), 151-59. Published after Milloy's book, the culmination of all this work by Smith, Meyer and Russell is Russell's *Eighteenth-Century Western Cree and Their Neighbours*. Mercury Series Paper 143 (Ottawa: Canadian Museum of Civilization, Archaeological Survey of Canada, 1991).

11. James Dempsey, *Great Plains Quarterly*.
12. S.K. Tefft, "From Band to Tribe on the Plains," *Plains Anthropologist* (1965): 166-70.
13. Mandelbaum, *Plains Cree*, 111 and 183, and John C. Ewers, *The Blackfeet: Raiders on the Northwestern Plains* (Norman: University of Oklahoma Press, 1988), 105 and 175-76. Surprisingly, nowhere in his notes or bibliography does Milloy cite this work by Ewers, the standard book on the subject since its first publication in 1958.
14. Mandelbaum, *Plains Cree*, 9.
15. K.G. Davies, "Henry Kelsey," in *The Dictionary of Canadian Biography, Volume 2, 1701 to 1740* (Toronto: University of Toronto Press, 1982), 310.
16. Jacques Legardeur de Saint-Pierre, "Journal of Jacques Repentigny Legardeur St. Pierre of His Expedition for the Discovery of the Western Sea, 1750-1752," in *Report On Canadian Archives* (Ottawa: Queen's Printer, 1887), cxi.
17. Glyndwr Williams, ed., *Andrew Graham's Observations on Hudson's Bay, 1767-91* (London: Hudson's Bay Record Society, 1969), 202n.
18. Lawrence J. Burpee, ed., "York Factory to the Blackfeet Country: The Journal of Anthony Hendry, 1754-55," in *Proceedings and Transactions of the Royal Society of Canada, Third Series, Vol. 1, Section 2* (1907) (hereafter Burpee, "Hendry"), 15 October 1754 journal entry, 339. The original Henday version has not survived. Four later manuscript copies of greater or lesser similarity to each other, edited at York Factory by Andrew Graham, are all that now remain. The version cited by Milloy is virtually identical to the published version cited above, except for minor changes in punctuation and capitalization. See National Archives of Canada (NAC), MG18, D5, Andrew Graham Papers, Henday Journal, 30-2.
19. Lawrence J. Burpee, ed., "An Adventurer from Hudson Bay: Journal of Matthew Cocking, From York Factory to the Blackfeet Country, 1772-73," in *Proceedings and Transactions of the Royal Society of Canada, Third Series, Vol. 2, Section 2* (1908), 1 December 1772, 110-11. See also NAC, MG18, D5, Andrew Graham Papers, Cocking Journal, 96-97.
20. Hudson's Bay Company Archives, Provincial Archives of Manitoba (HBCA), B.239/a/69, York Factory post journal, 1 December 1772. This is not actually the original journal kept by Cocking in the field in 1772-73; it is too neat and clean. However, it is the closest thing to the original that still exists, a copy made by Cocking himself in the summer of 1773 after his return to York Factory. Irene Spry, Cocking's biographer, assures that this journal, B.239/a/69, is in Cocking's own handwriting, and the HBCA confirms by the outfit stamps on the journal that it was sent back to London on the fall ship of 1773. Spry's testimony is contained in endnote nine of the unpublished notes to Irene Spry, "Matthew Cocking," in *The Dictionary of Canadian Biography, Volume 4, 1771 to 1800* (Toronto: University of Toronto Press, 1979), 156-58. The notes were kindly supplied to this author by Professor Spry. Judith Beattie, the keeper of the HBCA, confirmed the journal's shipment date in a telephone conversation of 14 December 1990.
21. HBCA, B.49/a/25a, Cumberland House post journal, 27 January 1794, William Tomison letter written at Buckingham House, fo. 39.
22. HBCA, B.24/a/2, Buckingham House post journal, 18 January 1794.
23. *Ibid.*, 5 February 1794, and HBCA, F.3/1, North West Company records, 26 July 1794, Grand Portage, Duncan McGillivray to Simon McTavish, fo. 172.
24. HBCA, A.11/117, London Inward Correspondence from York Factory, John Cornelius Van Driel description, dated 24 June 1794, of destruction of South Branch House, fos. 163-6d., and HBCA, F.3/1, 18 September 1794, York Factory, Van Driel to John Fish, fos. 195-5d.
25. Colin G. Calloway, "The Inter-tribal Balance of Power on the Great Plains, 1760-1850," *Journal of American Studies* 16, no. 1 (April 1982): 36.

26. Joseph Burr Tyrrell, ed., *David Thompson's Narrative of His Explorations in Western America, 1784-1812* (Toronto: The Champlain Society, 1916), 328.
27. Glyndwr Williams, "The Puzzle of Anthony Henday's Journal, 1754-55," *The Beaver* 309, no. 3 (Winter 1978): 43.
28. Burpee, "Hendry," 26 and 27 December 1754 and 11 to 27 February 1755, 344 and 347.
29. HBCA, B.239/a/69, 16 December 1772.
30. HBCA, B.22/a/23, Brandon House post journal, 8 November 1829.
31. HBCA, B.87/a/8, Lower Hudson House post journal, 5 May 1786.
32. W. Kaye Lamb, ed., *Sixteen Years in the Indian Country: The Journal of Daniel Williams Harmon* (Toronto: Macmillan Company, 1957), 8 August 1806, South Branch House post journal, 100.
33. HBCA, B.60/a/6, Edmonton House post journal, 25 August, 22 September and 31 December 1806. The 31 December entry contains a copy of a 23 December 1806 Bird letter to John McNab, in which he describes the incident.
34. Reuben Gold Thwaites, ed., "Bradbury's Travels in the Interior of America, 1809-1811," in *Early Western Travels, 1748-1846*, Vol. 5 (Cleveland: Arthur H. Clark, 1904), 225n.
35. Hugh A. Dempsey, ed., *The Rundle Journals, 1840-1848* (Calgary: Glenbow-Alberta Institute, 1977), 26 February 1841, 56.
36. HBCA, D.5/19, Governor George Simpson's Inward Correspondence, 25 February 1847, Edmonton House, Rowand to Simpson, fo. 291.
37. Irene M. Spry, ed., *The Papers of the Palliser Expedition* (Toronto: The Champlain Society, 1968), 230-31.
38. In his January 1860 report Chief Factor William J. Christie wrote from Edmonton House, "War has been declared between the Blackfeet and Cree Indians." He described numerous incidents of horse stealing on both sides and several skirmishes resulting in both Blackfoot and Cree deaths. He went on to report, "The Blackfeet Chiefs have sent me intimation, that they will not trouble our Forts or Kill any of our people, but caution me against employing Cree Indians to go out hunting with our people in the plains, as they are determined to Kill them where ever they meet them." See HBCA, D.5/51, 2 January 1860, Edmonton House, Christie to governor, chief factors and chief traders of the Northern Department, fols. 27d.-8.
39. HBCA, B.60/a/29b, 27 October 1857.
40. HBCA, B.60/a/31, 25 September 1860.
41. HBCA, B.60/a/27, 8 December 1832, and B.21/a/1, Piegan Post/Bow Fort post journal, 17 December 1833.
42. Gary Blake Doige, "Warfare Patterns of the Assiniboine to 1809." (M.A. thesis, University of Manitoba, 1989).

## Reviews

*"The Free People — Otipemisiwak": Batoche, Saskatchewan 1870-1930*, by Diane Payment. Ottawa: National Historic Parks and Sites, 1990. Pp 366.

Every student of Canadian history knows that the Battle of Batoche, Saskatchewan, was the turning point in the North-West Rebellion of 1885. Less well known is the fact that the Métis defeat did not result in the destruction of their community. As Diane Payment points out, "most of the Métis who entered lands in the post-1885 period still occupied them in 1910." This was true even though in 1886 the majority accepted scrip that could be redeemed for money, rather than land scrip. Under prevailing conditions, money scrip made more economic sense, particularly as the Métis had other means of acquiring land — they could take out homesteads, for instance. Métis concern about their lands has been a constant throughout their history.

In this work, Payment continues to develop her long-standing interest in the Métis of Batoche. The community originated during buffalo-hunting days; today its battlefield, forty-four kilometres southwest of Prince Albert, Saskatchewan, is a national historic site, a major tourist attraction. During the heyday of the fur trade, the people of Batoche, on the one hand, were heavily involved as buffalo hunters, freighters and labourers for the Hudson's Bay Company (HBC), usually under contract; on the other, as free traders, they were a thorn in the Company's side. Isolated as they and the Northwest in general were from the centre of colonial authority, Métis communities developed as independent, self-governing entities, a process which the HBC as well as the new confederation of Canada viewed with distrust and even alarm.

Payment is at her best when describing Métis society as it was at the time of the Rebellion and what happened to it afterward. The richness of her detail lends texture and depth to her depictions of the lives and attitudes of the Métis; theirs was a vigorous society firmly rooted in the land. Neither Amerindian nor white, they were not fully accepted by either; officials, in particular, became steadily more suspicious, refused to accord colonial status to the region where Métis predominated, and were dilatory about settling their land claims. As the Métis faced a changing way of life brought about by the disappearance of the buffalo herds, diminution of the fur trade, and growing numbers of white settlers, their struggle became one of survival as a distinct people.

The roots of the Métis problem go back much further than Payment indicates. Métissage, of course, was not unique to the Northwest; as the standing joke has it, it began nine months after the landing of the first European ship on the Atlantic coast. But mixed bloods did not emerge as a distinct group in either the Maritimes or central Canada. Depending upon cultural conformity, an individual of mixed ancestry was considered to be

either French-Indian or Indian-French. It was only in the Northwest, far from centres of colonial authority, that the mixed bloods had the freedom to develop a sense of separate identity. In the United States, where white settlement, once it breached the barrier of the coastal mountain ranges, developed much faster and on a much larger scale than in Canada, a separate Métis identity never had a chance to emerge. In the American Midwest, a common term in the nineteenth century used to refer to mixed bloods living Amerindian style was "Canadian Cree." Similarly in Latin America, it is cultural conformity rather than biological makeup that is the determining factor, and there is no cultural space for *mestizos* as a separate group. In the Americas, the western Canadian experience is unique.

Payment's grasp of detail, so sure when she is dealing with the Métis, is shakier when she ventures into other fields. When she writes that treaties and land surrenders began in central Canada in 1764, she is overlooking what happened in the Maritimes before that; and when she says that "Huron villages or reserves" were established between 1680 and 1750, she is forgetting about the mission village of Sillery, established outside Quebec City for Amerindians in 1637, and the Abenaki villages established on the South Shore in the 1660s and 1670s. Perhaps more important, for the history student, is the lack of an index.

Such oversights apart, this work makes a substantial contribution to the history of Canada's Métis.

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*Metis Lands in Manitoba*, by Thomas Flanagan. Calgary: University of Calgary Press, 1991. Pp. 245.

This publication by Professor Flanagan is the last in a series of books and articles critical of the concept of aboriginal rights as they apply to the Métis. Flanagan was a policy strategist for the Reform Party and there is a strong undercurrent of the party's ideology in the book, more specifically in the support of principles of "rule of law" and assimilation into Anglo-Canadian society.

Flanagan's study is a response to the work of D.N. Sprague, *Canada and the Métis, 1869-1885* (Waterloo: Wilfrid Laurier University Press, 1988), for the Manitoba Métis Federation in support of land claims pursuant to the Manitoba Act of 1870. The case of *Dumont vs. Attorney General of Canada and Manitoba* is pending before the courts. In 1990, the Supreme Court of Canada ruled that it should be heard on its own merits, but the federal Department of Justice has been attempting to roadblock the Métis case. In this light, it hired Thomas Flanagan to review and evaluate the existing historical data. Flanagan has been assisted by Gerhard Ens and other academics whose work has brought out evidence against Métis land claims in Manitoba.

The essence of Flanagan's argument is that the Canadian government "fulfilled, indeed overfulfilled its obligations to distribute the 1.4 million acres" (p. 65) to the Métis under section 31 and confirm title to lands occupied under section 32 of the Manitoba Act. Admittedly there were some unfortunate misunderstandings and faults in government policy, and some of its officials were prejudiced against the Métis, but there was no massive fraud or conspiracy. He contends the law was rigorously respected. Furthermore, the government's implementation of the Manitoba Act "produced a veritable cascade of benefits on Metis families." (p. 227) The government was not paternalistic towards the Métis, nor did it limit their inherent right to dispose freely of their lands. Indeed, some Métis speculated themselves and exploited their own. They were not "hapless victims" but disposed freely and knowingly of their property in Manitoba. In addition, speculation in Métis lands was beneficial to the economy of Manitoba, in conformity with the principle of private enterprise and an open-market system. Flanagan's argument is inflammatory discourse which is both cunning and adroit in its attempt to justify conquest and discredit the Métis.

Flanagan opens his case with an emphasis on his use of "facts" and "scholarly objectivity." He reviews and cross-checks many of D.N. Sprague's sources. Upon noting a few inevitable discrepancies and possible errors he concludes that the author is not "accurate" and that he (Flanagan) will proceed with a "fresh" account. However, it does not seem that he has done a great deal of new research. And, contrary to Flanagan's claim, there is no such thing as a "factual story." (p. 10) There are many truths. Flanagan has chosen to tell us one version based on government records (exclusive of Ritchot's diary and some of Riel's writings) and, one might also suggest, on the testimonies of officials such as J.S. Dennis, J.C. Schultz, D. Codd and E.B. Wood, whom he cites and who were acknowledged opponents of the Métis. There is no attempt to incorporate Métis oral evidence or explore the "collective memory" of these events. Yet a Canadian court will have to consider Métis custom and law and deal with both oral and written evidence, on their own merit.

The author adheres to the principle of colonial rule and conquest. The Métis of the Red River Settlement were subservient to the authority of the Hudson's Bay Company, and the Métis of Manitoba were subject to British, and subsequently Canadian, law. There is no acknowledgement or consideration of the traditional Métis relationship to land, which is cosmocentric rather than anthropocentric. In a cosmocentric world view, land is intrinsically linked to one's harmonious existence and cannot be sold, its inherent right extinguished or ceded. This cultural perspective can be expected to have had some impact on Métis actions in the face of aggressive, acquisitive and pecuniary newcomers and their institutions in the 1870s. There is oral and written evidence to support the argument that the Métis wanted bloc settlement or a home base to maintain a distinctive community life. This was not available in Manitoba under the government's interpretation and implementation of the Manitoba Act. The Métis were dealt with unilaterally through legislation and orders in council, and the negotiated settlement achieved by

Riel's provisional government was not respected. Flanagan's statistical analyses of records of land grants and land sales (chapters 5 and 6) may be used to support and defend government actions, but they only tell part of the story. The data are incomplete, as many Department of the Interior files were "stripped" before transfer to the archives, and there are many discrepancies in the "paper trail." Métis oral and written testimonies about land claims and scrip attest to fraud, coercion, and discouragement in the face of uncertainties and delays. One need only speak to elders in the Batoche area to document the enduring view: "*on m'a volé mon scrip*" (for example, Mme Délia Régnier McDougall as told repeatedly to her daughter, now in her 80s and living in St. Louis). Poverty was also a factor, especially in the selection of money rather than land scrip. The *gens libres* did not want to be subjected to the restrictive paternalism applied to the Indians and insisted that scrip be negotiable. But they did not have the legislative or judicial power to uphold their interests. One of Flanagan's collaborators acknowledges that some dispossession resulted from the aggressive capitalism pursued by the Canadian government and that the prejudice and intolerance of Canadian newcomers influenced the Métis to leave Manitoba (G. Ens, "Dispossession or Adaptation?: Migration and Persistence of Manitoba Metis, 1835-1890," *Canadian Historical Association Papers* (1988): 120-44). Ultimately, the most incriminating evidence is that the Métis failed to benefit from the Manitoba Act and did not obtain a land base in Manitoba as intended, whether they sold their land voluntarily or involuntarily.

Perhaps a key issue in this argument, as stated by Flanagan, is the different Métis and government understandings of the Manitoba Act. Riel and his principal negotiator, l'Abbé Joseph-Noël Ritchot, wanted to secure a land base for the Métis and entrench political, linguistic and religious rights. The respect of the agreement or "treaty," as Riel and the Métis called it, would have ensured Métis control and a gradual political and economic transition in Manitoba. But the Macdonald government and Canadian business wanted to "unlock" the land for Euro-Canadian settlement and investment. It was this view that was upheld and implemented.

A "balanced" evaluation of Métis and Canadian government responses to the Manitoba Act will have to consider moral as well as legal issues, from both cultural perspectives. Two important recent publications will assist in this task. They are Samuel E. Corrigan and Lawrence J. Barkwell, *The Struggle for Recognition: Canadian Justice and the Métis Nation* (Winnipeg: Manitoba Métis Federation, 1991), and Paul L.A.H. Chartrand, *Manitoba's Métis Settlement Scheme of 1870* (Saskatoon: University of Saskatchewan Law Centre, 1991). Louis Riel has finally been recognized as a founder of Manitoba, although not *the* founder. Hopefully the next step will be the vindication of his people as the founders of Manitoba.

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*Bibliography of the Blackfoot*, by Hugh Dempsey and Lindsay Moir. New York: Scarecrow Press, 1989. Pp. 245.

"Blackfoot" — the very name conjures up images of romance and excitement on the northern Plains. No other tribe has captured, to such an extent, the imagination of writers and scholars throughout history, with the possible exception of the Sioux. It is not surprising, then, to see a bibliography appear concerning just the Blackfoot Nation. What is surprising is that it took so long.

Dempsey and Moir have produced a work that will be of tremendous help to interested readers and scholars. Considerable effort has been made to add to the more familiar list of works on the Blackfoot. The most notable addition to standard references is the inclusion of works by Native authors. Often overlooked, the writings of Native authors have by and large been relegated to the local outlets of tribal newsletters. These insights by individual Native people have never been given their just due. (Until recently this held true for all Native authors. For example, the majority of Clark Wissler's information on the Blackfoot was collected by D.C. Duvall, his Blackfoot ethnographer. Wissler then "interpreted" this information to comply with anthropological standards. In reviewing the original manuscripts of Duvall, Wissler's "interpretations" have often been found to be in error.)

The chapter divisions in this bibliography are helpful, but they should not be taken as definitive. They provide an excellent starting point, but many of the publications can fit into more than one category.

Little-known "gems" are the strong point of this publication. The process of seeking them out is often long and tedious, and the authors should be commended for their efforts. Dempsey and Moir have produced a work that is a necessity for every serious student of the Blackfoot Nation.

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*The Indian Tipi: Its History, Construction and Use*, by Reginald and Gladys Laubin. Norman: University of Oklahoma Press, 1989. Pp. 350.

This review was not written for the many *afficionados* of Indian lore; they all know the book by heart and have it on their book shelves. The Laubins' book was unique when first published in 1957 and has remained so through nine reprints by the University of Oklahoma Press. In fact, it has become even better with about 140 pages added to the revised edition. The original version is still available in paperback from Ballantyne Books. Undoubtedly this book owes much of its success to its quality, but it certainly helps that Indian know-how appeals to a vast number of "green earthlings."

Over the years the Laubins' book has contributed to the enthusiastic adoption of tipi camping by many non-Indians in North America and in Europe. The book provides "all you need to know about tipis" and then some, for it includes detailed information on making such a tent, its furnishings and decorations, living in the tipi, travelling with it (and with its

long poles), the Native kitchen, the sweatlodge, and much more. There is even a section on Native child rearing. The practical directions are illustrated with many diagrams and other pictures, including eight pages of colour photographs.

However, the uniqueness of this book is due to the firsthand quality of its information, much of it acquired directly from Indian elders who were well versed in the subject. Some of this information will seldom be found in conventional ethnographic studies, which goes to show that interviews in a participatory context tend to bring out their own rich harvest of memories. As far as I know, nobody else has recorded the former use of an *ozan* by the Sioux: a partial ceiling over the beds, serving as a rain cover or awning. Or, consider the observation about how Crow Indian women used to design their parfleche paintings by means of a layout of sticks.

In the early 1930s, when the authors started to attend Indian ceremonies, they had no intention of writing a book on tipi camping. Their interest was in Native dances and their choreography, the study of which kept them on the "powwow circuit" all over the Plains for several decades. Their tipi, painted and furnished in traditional style, was a source of amazement for the Native people, many of whom had never seen such rich trappings, but had only heard of them from their grandparents. Some of these elders were attracted by the beautiful camp of the Laubins, who soon recognized the value of their visitors' reminiscences about their past way of life. The Laubins' dance studies resulted in a successful European tour with their Crow Indian dancers in 1953 and their voluminous publication on Indian dances in 1977. However, their bestseller turned out to be this book on the Indian tipi.

Despite the wealth of traditional information it contains, this book is not an ethnographic study, nor was it intended to be (which may explain why it is hardly ever listed in ethnographic bibliographies). Having lived in tipis for many years and in all kinds of weather conditions, the authors added to the Native information their own experiences and solutions of problems encountered in "primitive" camping and the creation of Indian crafts. In these respects, the dedicated Indian hobbyists may not always go along with the Laubins' suggestions for backrests made of plywood, cardboard substituted for rawhide, beadwork suggested by painting, and so on. Objections are certainly justified where the authors treat sacred tipi paintings and other "medicine" details as mere decorations for anyone to replicate. It should also be noted that several of the Laubins' sketches of sacred tipi paintings are incorrect drawings from photographs and museum collections.

Perhaps most unfortunate is the reprint of the book's first chapter in this revised edition. This chapter is a summary of historical and some prehistorical data on the Plains Indian tipi, written by Stanley Vestal, pseudonym of the late Walter S. Campbell. Most of Vestal's conclusions have been rendered out of date by our greatly increased knowledge of Plains archaeology and ethnohistory. However, many readers will probably skip this essay to get on to the far-less-stuffy discussions of the Laubins. Living in the highrises of the large cities, many of these readers may never be able to

pitch a tipi, but the Laubins know how to satisfy their wishful dreams. Having spent some twenty summers in and around Indian tipi camps, I recommend this book as a reliable and useful introduction to the tipi of the Plains Indians.

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*From the Land of Shadows: The Making of Grey Owl*, by Donald B. Smith. Saskatoon: Western Producer Prairie Books, 1990. Pp. 320.

Many white Canadian males who were boys in the 1950s and 1960s lived a legacy that Grey Owl popularized. Summer camps awarded feathers for achievements, and headdress-bedecked camp directors took ceremonial Indian names to foster in their campers a spirit for an out-of-doors and extra-urban, if not actually an Indian, life. Warring house-league hockey teams, the Cree, Blackfoot, Seneca, Huron, Oneida — the Iroquois were always the roughest — faced off each Saturday morning, and not because George Armstrong was the captain of the Toronto Maple Leafs. These cultural practices are worth citing, for they serve to demonstrate that the myth of Grey Owl outlived both him and the posthumous debunking of him as a suntanned white man. Whites still loved to play Indian two or three decades after his death. As if just another version of the Rudyard Kipling/Baden Powell idea of spiritual growth through identification with the animal world, playing Indian inculcated some salutary values, but also unintentionally implanted the notion that Indians and wilderness were the stuff of games, of artifice, of diversion, out of which one was expected to grow. It was a part of the making of men. We live today with repercussions that can be traced back to that ideology, then thought innocent.

Donald B. Smith's exhaustive biography does not go much beyond Grey Owl's own lifetime to pursue the thread that he and his influence wove into the fabric of the English-Canadian character, but Smith makes a thorough job of explaining both how Grey Owl evolved out of fatherless English schoolboy Archie Belaney, reared on a diet of Natty Bumppo, Chingachgook, *Two Little Savages*, and Hiawatha, and how, right up until his early death in 1938 at the age of 49, he dodged any declared suspicion that he was not who he claimed to be. Rather than connecting the message of conservation preached by Grey Owl to the contemporary movement and ideology of "endangered spaces," Smith has chosen to present every possible detail of the man's strange life.

Has Smith done his job well? Only a book reviewer would ask this question, for the quality of the biography seems to pale into insignificance when the bald tale of Grey Owl makes such fascinating reading. It being only human to dream of other identities for oneself, the tale of someone who actualizes his dreams is nearly irresistible. What is clear, however, is that Smith has placed on view the findings of his exhaustive search over two decades to interview everyone who knew Archie Belaney/Grey Owl in either of his personae, who had met him even once, who had photographed him

(the photos provide an excellent, comprehensive complement to the text), who had loved him, and who had suffered by him. Nor does he hide details. While he stops short of condemning the man for compromising the lives of several women in England and Canada and of his own children, Smith anatomizes the alcoholic truant's various liaisons in and out of wedlock and monogamy, and he offers a genetic *cum* psychological explanation for this behaviour by finding its equivalent in the life of Archie's father. Both men consumed humanity, laid waste to lives. In Grey Owl's case, this expense occurred in the name of causes that seemed rather to find him than he them. In addition, Smith does not go so far as to argue that Belaney compromised the integrity of the Indians who, though dubious about his claims to be one of them and all but mocked by him in their company with his fraudulent dances and songs, remained silent during his lifetime.

Smith also persuasively analyzes Grey Owl's spoken and written rhetorical power, tracing his success to the man's ability engagingly to expose the average Canadian's ignorance of his own country. He served a self-created role of emissary, bringing the North to the city dweller's auditorium and library in the middle of a depression that offered few other escapes for one's attention. Even wilderness men found him disarmingly enchanting: Ken Connibear, a Rhodes scholar who had grown up at forts Resolution and Smith and had manned traplines, attested to the power of one of Grey Owl's British speaking tours: "It [the wilderness] was never so real to you before — even if you have once lived in it." (p. 184)

Smith does not explore or connect some ideas as thoroughly as he might. For example, at one point he finds it incredible that Hastings Grammar School's top student "could write the language of Shakespeare so abominably" (p. 65); yet, his reader has already learned that Archie had an excellent ear for and could mimic accents. Surely, his abominable written English is merely a pretense, a transference of the aural talent to the page. A collateral point left uninvestigated in a thorough way has to do with the use Belaney made of his English audience. A chameleon in other respects, Belaney remained an imperialist throughout his public career, and found his most adoring audiences in England. Were the English particularly disposed to his romantic rendering of the wilderness life of North America, to the enchanted life of the exotic beaver and, thanks to the legacy left by painters like George Catlin who altered their images of Indians to conform to European taste, to the "noble savage"? These questions await responses, even though the book intermittently provides clues (pp. 103, 114, 124, 154, 170, 192, 205), including the obvious one, of Grey Owl commencing each speaking tour in Britain in order to generate enthusiasm and anticipation in a more circumspect (less gullible?) North America, which he would subsequently tour, Canadian venues following American ones. While it is fascinating to learn that he retained the use of a sun lamp while in England (p. 191), how he pandered in other ways to English expectations must be considered. Commentary should have been provided, for example, on this sort of vintage image of the wilderness propagated in Grey Owl's writing: "On all sides from the cabin where I write extends an uninterrupted

wilderness, flowing onward in a dark, billowing flood Northward to the Arctic Sea." (From *Pilgrims of the Wild*, 1934, quoted by Smith, p. 218.) At the least, such a passage, by eliminating the Indian presence, could be likened to the effect created in the contemporary and earlier paintings of wilderness by the Group of Seven. That they, like Grey Owl, were and still are Canadian icons might have much to say about the erasure of Native peoples from the wilderness they depicted and described.

Another problem with Grey Owl's writing that goes unexamined is his uncritical and not entirely logical connection between beavers and aboriginals, as in his histrionic vow to the superintendent of Prince Albert National Park: "Every word I write, every lecture I have given, or ever will give, were and are to be for the betterment of the Beaver people, all wild life, the Indians and halfbreeds, and for Canada, in whatever small way I may." (p. 162) As well, Grey Owl's refusal or inability to understand how the wilderness could exist in concert with some commercial development offers a pattern of a problem that still bedevils our polarized views of nature in Canada; meanwhile, it is vastly entertaining to Europeans who, as the fur ban has clarified, can run to remarkably irresponsible lengths to demand that Canadians, including Native peoples, leave nature alone, leave it vacant, to be roamed in by Indians who, Grey Owl was proof of it, could encode their life's experience by means of familiar rhetoric, the language of Shakespeare. In what sort of esteem was Grey Owl really encouraging his readers and audiences to hold the wilderness? A considered response to this question might reach towards an understanding of whether or not the man's fraudulence, when it became known, called the message of conservation into serious doubt, either in others' writings or in government policy respecting Native peoples, the development of national parks, or the exploitation of natural resources.

For the most part, the book is well organized, but problems do arise that a more scrupulous editing would have caught. The study does not avoid the problem inherent in the assembling of research over a long time: points made early on are repeated far too often, as if to keep the discussion on topic, but the reader does not require such constant repetition and grows weary of hearing that Grey Owl feared any sort of confrontation, or that he championed the cause of conservation and the welfare of the Canadian Indian.

The organization grows bizarre in the section describing Grey Owl's interview with the king and queen of England (pp. 189-91); spliced into its midst are ten paragraphs, the reason for which seems only to be to indicate how proud Archie's aunts must have been of his being interviewed by royalty. These problems in organization of material — perhaps they are unavoidable with the incorporation of such a vast amount of it — are too often reflected in contradictions (Smith states that in November 1917, after being discharged as an invalid from the army, Belaney met his first Canadian wife, Angele, in Bisco [p. 65]; ten pages later, he sets their first such meeting at 1923 [p. 75]), in awkward sentence structures in which appositives are misplaced, and in failures to make transitions between ideas: "At night by the fireside of Beaver

Lodge the Dutch explorer and nature writer [W.G.N. van der Sleen] listened to his new friend. 'He spoke freely, without scruples, intuitively sensing how I as fellow [*sic*] nature lover, stood closer to him than the majority of my race living in the cities.' Few of Grey Owl's visitors in the early 1930s met Anahareo at Beaver Lodge." (p. 112) The connection between the last two sentences is remote if it exists at all. Elsewhere, the index is nearly complete, but the job of tracing references to Belaney's children grows very difficult because, while the text refers to them only by their first names once they have been introduced, they are indexed only by surname. These instances amount to regrettable frustrations for the reader, but not to insurmountable obstacles. Certainly, no one will fault Smith for his impressive research, only for aspects of its presentation.

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*Wolverine Myths and Visions: Dene Traditions from Northern Alberta*, compiled by the Dene Wodih Society, edited by Patrick Moore and Angela Wheelock. Edmonton: University of Alberta Press, 1990. Pp. 259.

This bilingual collection of traditional stories from the Dene Dháa, Athapaskan-speaking people of northwestern Alberta also known as the Slavey, represents a true collaboration of scholars and community members, especially Native elders. Many stories were originally translated by an elder from Assumption, Alberta, who wanted young people to know and value their traditional heritage. The stories are dominated by two figures central to Dene Dháa oral tradition: Wolf and Wolverine. Wolverine appears as a trickster figure; Wolf, more often as a human helper in these stories intended "to help people live." They also figure prominently in the teachings of Nóggha, or "Wolverine," a Dene Dháa prophet who led the Messianic Tea Dance religion in northwestern Alberta during the fur-trade period. In addition to the stories, the book includes a brief history of the Dene Dháa, analysis of context and performance of the narratives, an introduction of the Dene prophets and the Tea Dance religion, linguistic notes, and an examination of how myth and history interrelate in the contemporary use of traditional stories.

The book is divided into an introduction and two main sections, the English and Dene texts. Each is then subdivided into "Traditional Stories" and "Accounts of the Prophet Nóggha." The introduction offers necessary background on the Dene and cultural change in the twentieth century as well as a thorough analysis of the storytellers, narrative genres, performance, and translation. All stories are based upon shared traditions, though individual tellers who have learned from expert elders innovate in both content and style of performance. Repertoires of the best tellers often include over one hundred stories. Wolf and Wolverine stories are part of a larger genre of *tonht' onh wodihé* or "stories of long ago," a time when animals lived and talked like human beings. The stories about animal people are often told to

prepare children to receive a vision about life and survival in the bush. Most of the stories collected here were told to children in school settings. The subclass of stories about animal people and culture heroes, often marked by the centrality of one character such as Wolverine, establish relations between humans and animals that are revealed in visions. A further genre breakdown distinguishes *wodih*, "messages," spoken to a human audience, from *shin*, "songs," which are always prayers directed towards spirits. Storytellers' comments are included to illuminate the intended messages.

The editors thoroughly address the complex issues of representation and the thorny questions surrounding oral versus written texts. In using notes sparingly, they attempt to respect the assumption that a listener never knows more than the original teller, thus honouring the integrity of the oral tradition. They discuss questions of style and presentation of narratives, citing Dell Hymes's argument for verse format based on structural repetition and Dennis Tedlock's advocacy of line breaks to indicate speakers' pauses. While the authors respect the intent of both positions, they explain their use of prose format as the choice of Dene Dháa translators who found the verse format disruptive to the flow of thought. Though stories are presented in prose form, pauses and repetition of discourse markers are noted throughout in an attempt to translate the style and structure of the original performance.

Part One includes two sections. The first presents ten traditional stories in English in which Wolverine is the central character. Some are followed by the storyteller's commentary. For example, the first story, "Two Sisters," is a vision which occurs in a dream, and the storytellers explicate its meaning for the intended school audience. Children are directed to seek visions in order to "make something of yourself — that's how you survive to become an elder. Then someday you'll be able to tell stories about the past and tell your children to go look for a vision in the bush." (p. 6)

The second segment of English texts are accounts of the Prophet Nóggha, largely prophecies of the destructive influence white society would have on the Dene Dháa after Nóggha's death in the 1930s. "Nóggha's Prophecies," for example, recount his warnings about the central place government cheques will come to have: "Strange people will lie to us with a yellow paper." (p. 79) The prophecies are introduced by background on the Dene prophets and the Tea Dance religion. The Dene prophets, or "dreamers," receive the stories recounted here in visions. As the editors describe this process, "For the Dene Dháa prophets, stories provided the landscape in which visions could occur, and the songs provided the trail through that landscape." (p. 59) While visions are a common experience among adult Dene Dháa, it is the ability to direct the dreaming that marks one as a prophet or "dreamer." These prophets in turn direct the religious celebration which is known in English as a "Tea Dance." This central ritual dance, which is held for diverse reasons including marking a death, giving thanks for a moose, and preventing misfortune, combines indigenous elements with aspects of Christian practice introduced in the last century. The Tea Dance is compared with other widespread Dene ceremonies such as the Potlatch, characterized by

more elaborate gift giving. Types of songs, styles of dancing, and ritual sequences among different Dene groups in Alaska, the Yukon, and British Columbia are examined in both historical and contemporary context to explore the relationship between indigenous beliefs and Christian borrowings in these complex ceremonial practices. The editors point to the difficulty of reconstructing this relationship between tradition and cultural borrowing, noting the influence of conflicting ideologies.

Part Two presents the same texts and prophecies in Dene Dháa. This section is introduced by a very helpful explanation of the phonetic characteristics of the vowel and consonant systems. The editors also explore the three major dialect differences which represent former settlement and marriage patterns in northern Alberta and the development of the current orthography.

This is an important and carefully presented collection. Its existence is testimony to the continued vitality of traditional texts among the Dene Dháa. The editors note that many traditions continue and are being revitalized, and that people of all ages continue to speak the Dene language. The Tea Dance religion is practiced in Assumption and Meander River by several prophets and singers, some trained within the last few years. Yet there lingers the sense that imminent potential loss and the realization of many of Nóggha's prophecies inspired the collection. In the words of one elder that conclude the English texts, "We are becoming like white people ... I am afraid our children are slipping away from us." (p. 86) The need to preserve and balance the traditional knowledge of the pre-fur trade era from which these stories come with the inexorable and immediate power of media culture render this excellent collection an extremely valuable contribution.

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*Writing the Circle: Native Women of Western Canada*, edited by Jeanne Perreault and Sylvia Vance. Edmonton: NeWest, 1990. Pp. 294.

This collection joins a growing body of Native writing published in Canada. Established Native writers such as Maria Campbell, Thomas King and Emma Laroque have praised it for breaking through still-powerful barriers of silence, convention and ignorance. The writing in this volume testifies to a new confidence and self-reliance which now characterizes Native women. If "writing the circle" entails loyalty to traditional values, (p. 294) this circle has been enlarged by a richness of experience not available to previous generations.

Fifty-two writers have contributed to this anthology. They range in age from twelve to seventy-one; most live in the prairie provinces. With few exceptions they are mothers who have had some postsecondary education. Most have not previously published. Their writing includes poems, short stories, essays and brief reflections. Some themes recur and thus dominate:



gratitude to a grandmother, early memories of home and school, maternity, grief, and struggles to be free of pervasive apathy and violence.

For the editors, *Writing the Circle* "was initiated for only one purpose — to give a place for Native women to speak." (p. xi) Mindful of "systematic racism and sexism in our society," (p. xii) they have emphasized inclusion rather than selection, and self-definition rather than predetermined categorization. "We made no attempt to define 'Nativity,'" they assert. (p. xii) "No boundaries were made as to what forms writers could choose, nor were there any suggestions or restrictions about content." (p. xiii) In preparing the texts, the editors saw themselves as facilitators and assistants rather than judges.

What is not explained is the way in which the "individual pieces" (p. xiii) which make up the collection were solicited. In a separate acknowledgement, the editors thank "those individuals who urged their friends, students and relatives to submit material for this anthology"; (p. xxxi) they make no claim to "representivity." But at some level of this solicitation, as well as in consultation with the writers, editorial discretion was exercised. More information about the process of collection and revision is needed to justify the editors' claim "to listen and to learn, not to restrict and define." (p. xiii)

Nearly every writer included in the anthology claims to write from the heart. Writing is not style or art, but communication, therapy, a search for self, and for Jean Koomak, the way to get a job. (p. 142) Some of the texts refer, haltingly or eloquently, to personal experience; others are labouriously imitative of ritual songs and traditional tales. A few, such as the poems and story of Alice Lee, are powerful, polished, direct and deceptively simple. Lee tells of a child's first experience of school —

...the  
 year i turned six i began school i wanted to learn to read  
 the first day i learned that the teachers are white the  
 children are white in my new book Dick Jane and Sally are  
 white i learned new words at recess squaw mother dirty half-  
 breed fucking indian i hope i know how to read soon i already  
 know my colours (p. 160)

— and of confession:

there is a snake inside you  
 the priest said  
 i must get it out  
 so you will stop doing bad things

i remember  
 his hands  
 under my skirt  
 inside my panties  
 looking for the snake

...  
 he said it was my turn  
 to look for his snake  
 ... (p. 158)

Other texts in *Writing the Circle* describe emotion with delicacy and restraint, as in Marilyn Dumont's story of her father's visit to the farm he had abandoned —

My father's face tightened. I turned away, breathing silently and pretending not to notice. It was better that way. My father brushed his hand across his face. It could have been sweat. (p. 46)

— and in Emma Laroque's poem about her father's visit to the grave of his long-dead wife:

So caringly, so angrily  
does he rip those weeds  
To make her place of rest  
as neat as her house was.  
If he could  
I know he would  
lift her  
tenderly  
out of there  
out of solitaire  
and hold her  
and caress her  
in the way of their youth. (p. 146)

Whether awkwardly or subtly expressed, all of the contributions have an extraordinary intensity of feeling. They *are* written from the heart, as if in capital letters: these things must be said, this way, now.

Equally extraordinary, given the narrow and desperate situations that many of these writers describe, is their lack of anger and bitterness. One could argue that this calm is superficial, that Natives have long turned anger and resentment in on themselves, with consequent low self-esteem, substance abuse and family violence. Traditional values and social structures have been severely tried and threatened; Native culture has been stifled. The editors of the collection support this position. They read these texts as instances of "the righteous anger that resists the injustices and brutality of a white culture." They stress that "Links among all women are forged in the bridges of pain inscribed here." Although they add that there are "bridges of tenderness too," the emphasis is on suffering and injustice. Native women, like all women, are to be defined by the pain of victimization and maternal tenderness. While they claim that many (not all) of the writers exhibit a "spiritual energy," they do not expand or comment on this spiritual dimension. (p. iii)

The big revelation of this book, however, is that healthy stable relationships, happiness, confidence in one's own abilities and optimism are the *norm* for the contributors. Of course they have known pain, but they refuse to be *defined* by it, hence their courage, their emphasis on positive values and experiences, and their lack of resentment. The realization that it is up to them, and them alone, to determine the course of their lives is stated over and over again. Vickie English-Currie quotes a woman who had been through the horrors of residential school life: "All my life, I have blamed the past situation for my present instability of life and feelings of being cheated

and short changed... Now I have done something about it." (p. 59) After nine years of drinking, seventeen-year-old Norma Gladue stopped: "It was very difficult but that's what I wanted. I wanted to turn a nightmare into something that people can learn from instead of being afraid." (p. 68) Bren Kolson writes, "I am fixed, in sanity, on surviving." (p. 130) Annette Lee sees how she actually contributed to the prejudice syndrome: "The way I viewed others, non-Natives, affected how they treated me... In response to my negative attitudes, people (students, non-Natives) left me alone, to wallow in my self-pity and misery... I was the one who had built a wall around myself ... it feels good to break free from such a negative self-concept." (p. 164-66) After her baby died, Pauline Gadwa realized, "I had to figure out what made me happy. When I did, I came around full circle, back to the things that had made me happy before." (p. 66)

The aim of all the contributors is to write this circle of self-affirmation. Most succeed. A few cling to the ideal of an earlier, simpler life: Bertha Blondin, for example, maintains that before contact the Dene "lived in perfect health and strength. They had mental strength and active healthy well-balanced growth...that puts to shame the strength and power of civilized man." (p. 21) This may well have been true, but Sara Jerome reports that her Dene grandmother, who lived a traditional life on the land, "On many occasions ... cried about the hardships she had endured and reminded me that we were so lucky to have all the modern conveniences today." (p. 116) Native women now have many more options than their grandmothers had: city life as well as the reserve; community leadership as well as domestic routine; a chance to interact, as equals, with people of other cultures. Of necessity their lives are more complex than those of their grandmothers; at the same time, their loyalties are more carefully and consciously chosen. The problems are still there, but these women have discovered the way to surmount them — by faith in themselves and their own abilities.

In the context of this collection, Emma Laroque's texts (preface and poems) are both privileged and exceptional. As writer of the preface, Laroque is in a position to speak for the other contributors (and the editors) as well as for herself. And although some of her poems are fine writing, they are exceptional in this anthology: they present attitudes which most of the other writers have left behind. As a whole, the contributors' perspective is post-colonial; there are scars but the direction is affirmative rather than reactive. Laroque, by contrast, is still locked in a vice of resentful, angry protest. "... our words have been usurped, belittled, distorted, and blockaded in Canadian culture... Oral traditions have been dismissed... We were branded as 'biased'... Our anger, legitimate as it was and is, was exaggerated as 'militant'; and used as an excuse not to hear..." (p. xv-xvii) In these comments the passive voice reveals the writer's sense of victimization: she is overwhelmed by outside "forces," locked in colonial reaction and incapable of setting her own course:

Sometimes I want to run  
But I can't —

I can't

I can't (p. 154)

At the risk of satisfying "a scholar's and writer's fear of the revenge of criticism," (p. 143) I suggest that Laroque read again the writers she claims to speak for in her preface — Clare E. McNab, for example:

I know who I am

I just have to stop proving

it to everyone else.

DAMN! (p. 210)

Laroque's condemnation of non-Native publishers and readers reflects her fear of criticism. Non-Native interest in Native writing is described as "infantilizing," (p. xvi) "soft-sell" (p. xvii) and "appropriation." (p. xxv) Whether indifferent or curious, the Canadian literary scene has not produced the right reactions. "For the last two decades," complains Laroque, "we have been faced with the weary task of having to educate our audiences before we could even begin dialoguing with them!" (p. xxii) While she acknowledges that "English is the new Native language," (p. xxvi) Laroque wants to distinguish the way in which this language is used by Natives and non-Natives. The latter are characterized as a single masculine "colonizer" — historically the Indian agent, in Laroque's preface a dubious rhetorical figure:

For, it must be said, that perhaps the height of cheekiness in a colonizer is to steal your language, withhold his from you as long as he can, then turn around and demand that you speak and write better than he does. (p. xxi)

I do not understand the statement that English was "withheld" from Natives, given the zeal with which teachers imposed it for decades in residential schools, even as they tried to eradicate (not "steal") Native languages. Nor do I understand the requirement to speak and write "better" than those whose first language is English. As for the "colonizer," I confess I find it hard to place myself in this scenario, since for a long time I saw *myself* as colonized. For me the figure of the colonizer is feminine, none other than the queen of England, whose visits to Canada are reminders of our imperfect political evolution, and of my personal experience in Britain as a teenager: with every word my accent betrayed me as a colonial — insufficiently cultivated — in a word, quite "savage"! Most British and Canadians have progressed beyond this primitive impasse. Natives and non-Natives are evolving too, beyond the hard (racial) line which Laroque draws in her preface. As Willow Barton writes:

didn't you say forgiving is the lame old leg  
we sometimes have to carry around reminding  
that we cannot hate all for one sin done

beneath our skin, sinew for sinew, bone for bone  
white or brown, yellow or black, skin for skin  
we are all the same, we love, we die, we sin

i have a long way to travel on life's road  
i cannot carry hate upon my back and yet  
i cannot forget that i am cree

my child will look upon my face  
it will not be with shame or hate  
i will dance my dreams upon an eagle's wing  
and fly higher, higher, higher (p. 18)

Barbara Belyea  
Department of English  
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"The Fur Trade." Glenbow-Alberta Institute, Calgary, Alberta. Opened October 1991.

Glenbow Museum's new fur-trade exhibit is a permanent addition to its "Canadian West/Native Peoples" floor. It fills a gap between exhibits on Native peoples and on settlement by addressing Native/European first contacts in the fur trade.

The ethnology department and museum designers have successfully made much of a very small space. The exhibit is built around two central structures: a birch-bark canoe and a representation of Nottingham House post on Lake Athabasca. The text is succinct and readable, with messages more subtly contained in the imagery and artifacts. For instance, visitors are greeted by two figures labelled "The Indian" and "The Trader" which illustrate, by their apparel, the merging of cultures. The exhibit has a notably "modern" look next to those from the 1970s, both in its clean, bright, uncluttered look and in the attention to an interpretive story line, as opposed to a focus on outstanding but uncontextualized artifacts. It is "modern" in other senses as well. A close look reveals the incorporation of some interesting new themes and interpretations.

This is not the oft-told story of Native peoples enthusiastically drawn into trade by exploitative entrepreneurs using the lure of superior European technology and civilization. Nor is it a celebration of the newcomers' heroic determination and accomplishment, their "discovery" of transportation routes through North America, and their conquest of climate and geography to bring trade goods in and furs out of the interior of the continent. The exhibit focusses on the part played by Native peoples in the fur trade. The various essential roles of Native women are itemized, and the unique contributions and society of Métis peoples highlighted. These roles are discussed with reference to the interdependence of Natives and traders, emphasizing the traders' dependence upon Natives. The usual "great men" of the fur trade are played down — photos of only four fur traders are featured, and none of the traditional explorers are mentioned.

The exhibit is unusual for interpreting the trade as more than economic. In the text about trade ceremony we read that for Native peoples, trade "was a way of developing and reinforcing social relationships between individuals, between families and between nations. Only relatives would engage in trade with each other. Where no blood relationship existed, people created relationships by marriage or by exchanging gifts and promising to treat each

other like brothers and sisters." While there is little mention of motivations in the trade, either of the traders or of the Natives, the new technology is downplayed as the attraction: muskets are shown with the comment that "many were unreliable and most were not as accurate as bow and arrow." The text by the steel-headed arrows notes that stone arrow points had "the advantage of being readily available and easily sharpened when the points became dull." Also remarkable is the way the exhibit brings the fur trade into the present: a clothing artifacts display, featuring a head-dress, a beaded moose-skin dress and a capote, all date from the twentieth century, one as late as the 1950s. Sixteenth century beaver hats are juxtaposed with a picture of hats from 1910 and 1920. Another segment features a snowmobile and talks about how Native skills and values are passed on in contemporary trappers' bush camps.

The nature and speed of change are topics in the forefront of debate for ethnologists and fur-trade scholars. In this exhibit, the predominant theme is continuity. Complex trade networks and relationships are noted to be an indigenous characteristic of Native societies long before the first European arrived. Explicitly stated, the point is that "The first arrival of Euro-Canadian traders did not greatly disrupt native ways of life" (a hotly disputed idea by some scholars who argue that the very earliest contact resulted in pandemics with catastrophic effect on Native populations). The continuity theme is reinforced by the direct link the exhibit makes between past and present.

Some small changes could have strengthened the two central features in the exhibit. The birch-bark canoe is excellent for showing materials and craftsmanship and is suitable to the small space. But it is clearly not a "fur-trade canoe," which were enormous craft. Yet, the packs in the canoe suggest freighting. Perhaps it could more appropriately have been carrying newly tanned hides and the personal effects of a family on a trapline, to draw attention to the fact that individual family canoes played an important role in transporting furs from hunting grounds to the trade depots.

As for the Nottingham House representation, interpretation and design functions were clearly the priority here. Clearer messages about the original post's scale and architecture would have been useful. The structure needs stronger clues to place it in its time period (1802-06) and to differentiate it from any tidy settler's cabin — for instance, more attention to architectural detail (perhaps hand-hewn floor boards or a mudded floor and parchment windows); artifacts besides the HBC blankets to link it to the trade; and better illustration of the crowded interior which the accompanying text describes.

Perhaps most striking is that the exhibit makes few references to how the involvement of Native peoples in the fur trade affected their lives. As for the effect of the fur trade on the newcomers, we are told "expansion in search of furs introduced the world to the vastness of Canada," and "the foothold of the fur trade led to Euro-Canadian settlement." These statements could have been more courageous. It is certainly relevant, after all, that the fur trade was bound to a charter and claims to land, that distant monarchs

fought over the ownership and use of these lands, and that the fur-trade "foothold" led to the takeover of the continent and the marginalization of Native peoples. It will be interesting to see how these realities will be communicated in the planned revamping of the "Native peoples" and "settlement" exhibits on this floor over the next few years.

The exhibit shows virtually no suggestion of conflict in the fur-trade era. The only conflict evident is the modern-day controversy of animal rights groups which has affected the fur industry. Behind the entrance display is a commentary on the animal rights/animal welfare debate, with examples of new technology for humane trapping. The message is that the disappearance of markets is threatening the "traditional Native economy." It leaves the impression that the fur trade was a beautiful, smooth-working, symbiotic relationship only recently entering into problems because of the intransigence of the animal rights movement. The generalized message that with relationships of mutual obligation and interdependence, traders and trappers were united as partners in the common pursuit of fur needs at least the qualification that it was not always like that in every district at all times.

This exhibit clearly attempts to address some old stereotypes, bring in some of the new scholarship and give attention to groups overlooked in the past. It successfully does this, and it also broaches a relevant contemporary issue. With the necessary brevity of exhibit texts, however, museums tend to make clearcut statements that sound authoritative. There is some danger of replacing old with new stereotypes. While it is impossible to incorporate the complexity of debate, to footnote or to qualify each message, perhaps this exhibit could benefit by a panel with a reflective commentary recognizing that the understanding and interpretation of the fur trade has changed, especially with the relatively new approach of recognizing Native peoples as significant shapers of the history of this country. Indeed, how we see the fur-trade era will continue to evolve as we actually incorporate Native peoples' perspectives on this history.

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