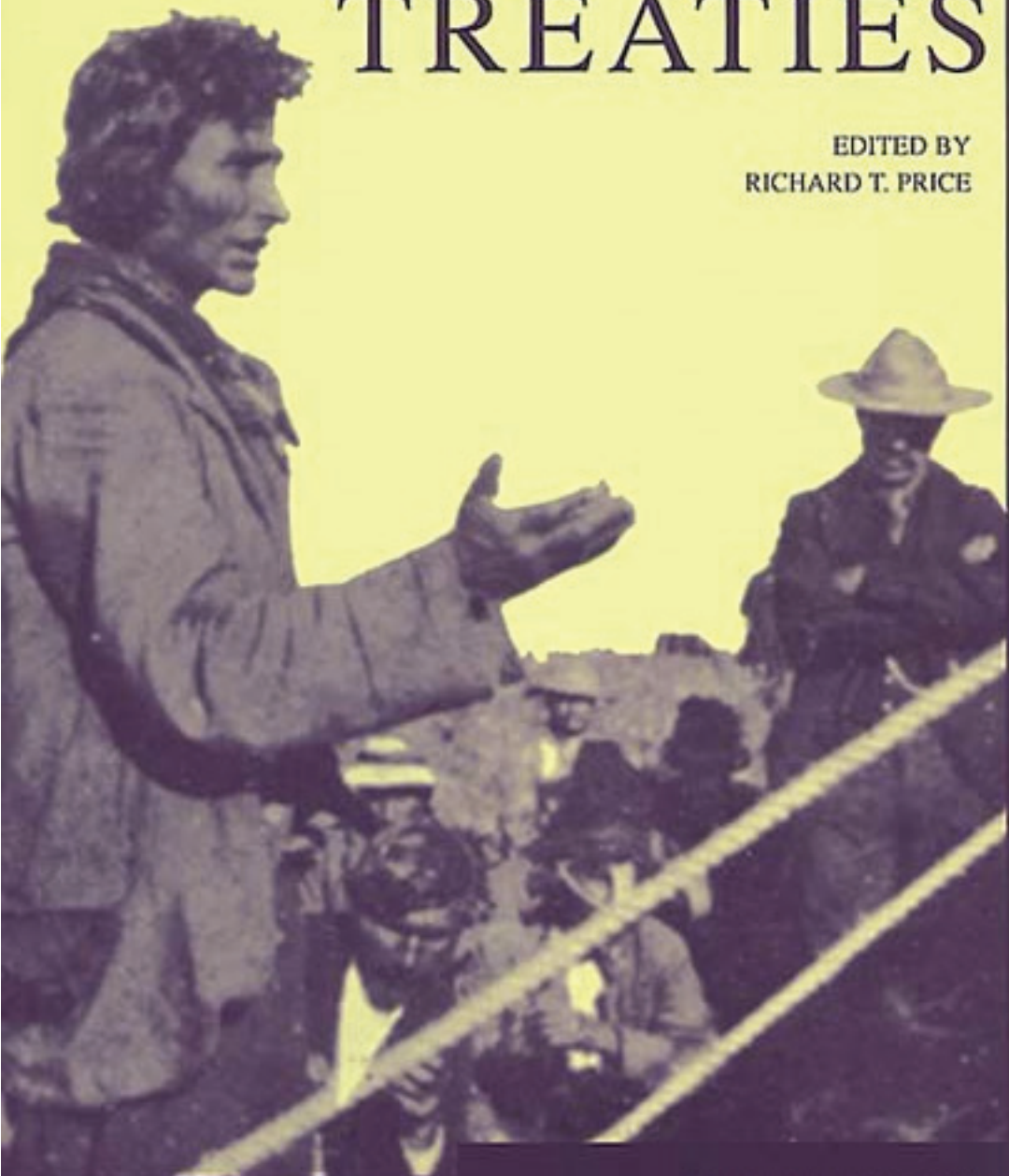


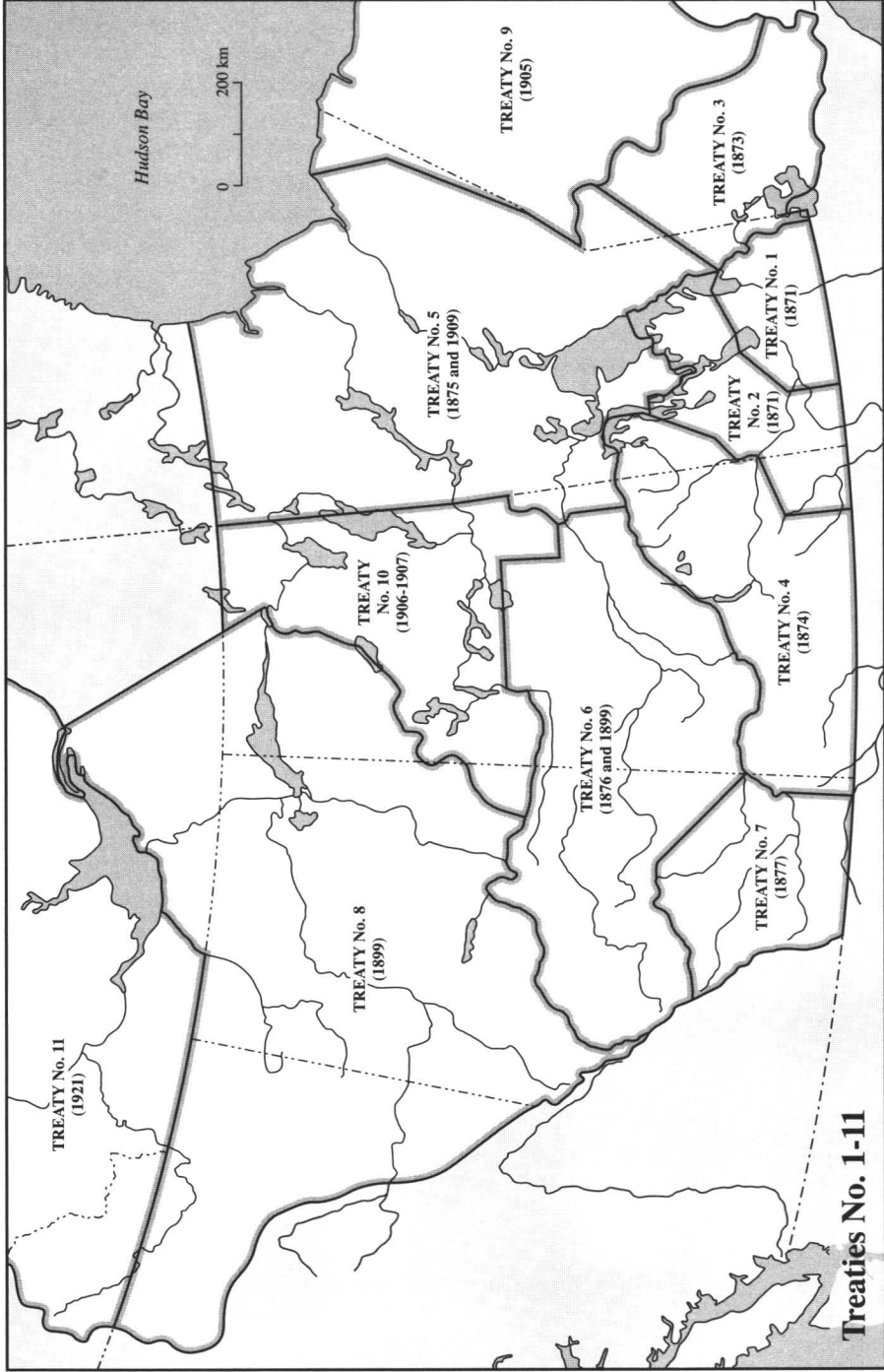
THE
Spirit
OF THE **Alberta Indian**
TREATIES

EDITED BY
RICHARD T. PRICE



THIRD EDITION

**The Spirit of the
Alberta Indian Treaties**



Treaties No. 1-11

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The University of Alberta Press

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THE CANADA COUNCIL
FOR THE ARTS
SINCE 1957

LE CONSEIL DES ARTS
DU CANADA
DEPUIS 1957

Dedicated to the memory of
Dr. John E. Foster

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Pat Weaselhead	Blood Tribe
Camoose Bottle	Blood Tribe
Annie Buffalo	Peigan Nation
John Yellowhorn	Peigan Nation
Jean-Marie Mustus	Joussard
William Okeymaw	Sucker Creek Band
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John Smith	Peigan Nation
Tom Yellowhorn	Peigan Nation

Chapter Two

Two Views on the Meaning of Treaties Six and Seven

by

John Leonard Taylor

To mark the importance of the Indian treaties of the 1870s, the Government of Canada had a medal struck for distribution to the chiefs. The reverse side of this medal carries the image of a treaty commissioner grasping the hand of an Indian. The clasped hands and the buried hatchet suggest that a common understanding had been reached between red man and white. The one definite conclusion that will be advanced in this paper is a denial that a common understanding had been reached on fundamental issues involved in the treaties. More tenuous are the attempts to specify in what ways the views of the two parties diverged.

Attention will be confined to the crucial issue of surrender of territorial rights. The treaty texts present the government view. We do not know to what extent the meaning of the treaty texts was communicated to the Indians. Written accounts of the treaty negotiations concentrate almost entirely on what the Indian parties would receive, barely mentioning what was to be given up by them. We know even less about the Indian understanding. Nevertheless, the purpose of this paper is to present what we do know on the subject from the written or archival sources, and to compare that with the understanding held by Indian elders today as presented in their oral testimony.

This essay consists of three sections. The first provides some general geographical and historical background to the treaty making. This is followed by a description of the treaty negotiations derived from archival sources. The final section contrasts the impressions derived from these sources with the views contained in the oral testimony of present-day Indian elders.

The area covered by Indian Treaties Six and Seven includes the central portion of the Province of Saskatchewan and the southern half of the Province of Alberta. This country is prairie in the south and parkland and forest to the north. The two branches of the Saskatchewan River flowing through it collect

the waters of many smaller rivers. East of Prince Albert, these two branches unite, flowing ultimately into Lake Winnipeg.

Before this region was taken over by the Dominion of Canada in 1870,¹ it was populated principally by the Saulteaux, Cree, Blackfoot, Blood, Peigan, Assiniboine, and Sarcee nations. In addition, about five hundred Sioux had moved north from Minnesota in 1863, and had become permanent residents of the area that later was to be Manitoba and Saskatchewan. The Saulteaux (Ojibwa) and Cree were a varied and numerous people, who also inhabited territory far to the east of the region dealt with here. The Ojibwa territory followed the contours of the Great Lakes to Georgian Bay, while that of the Cree adjoined it to the north and extended east of Hudson and James Bays. These two Indian nations had spread from their eastern districts, gradually pushing further west until some bands had moved into the prairie and parkland regions and adopted the way of life of the buffalo hunters.

The two major ways of life amongst the Indians in this region were those of the prairie and the woodland. The former was based on buffalo hunting almost exclusively. It depended on the horse and a quasi-military organization of the bands. This made the Prairie Indians particularly formidable as potential enemies. The Woodland Indians were scattered in smaller groups in pursuit of forest-dwelling game, including fur-bearing animals and fish. They were less dependent on any one animal than were the buffalo hunters. The Saulteaux and Cree nations contained both woodland and prairie bands, while all of the other Indian nations of the region were buffalo hunters, with only minor exceptions.

From the eighteenth century onwards, the territory inhabited by these people had been penetrated by the French and British fur traders. Its fur resources had been tapped even earlier by the Hudson's Bay Company. The Company had been formed in 1670 by Royal Charter and had established posts at the mouths of the large rivers flowing into Hudson Bay. Through the use of Indian middlemen, the effect of the fur trade had been felt far beyond the bay even before the first inland post of the Company was founded in 1774. This post was built in response to the Montreal-based traders who had reached the "Northwest," as it was called, via the St. Lawrence-Great Lakes canoe route.

The European fur traders were a mere handful in the midst of an Indian population that numbered in the tens of thousands. Since no European women were brought out, alliances were made with Indian women, which resulted in

Editor's Note: Although this paper was written while the author was employed by the Indian Claims Commission, the views expressed are entirely his own and are not necessarily those of the Commissioner.

¹ The Hudson's Bay Company claimed ownership to the territory under the terms of a royal charter granted in 1670. In 1870, the Company sold its territorial rights to the Dominion of Canada.

a population of mixed-blood, or Métis, people. By 1870, they had become a numerous group with a consciousness of themselves as a ‘‘new nation.’’

Indian life had been slowly, but significantly, transformed in the two centuries prior to 1870. Even those who did not participate directly in the fur trade obtained European goods from Indian middlemen, while those Indians who did participate, blending a subsistence living with the pursuit of furs for trade, became particularly dependent upon European goods: guns, ammunition, traps, hardware of all sorts, and manufactured cloth. One Indian, while expressing antipathy towards the Hudson’s Bay Company, said that the Indians would die if the Company went away.²

Beyond the subsistence activities of hunting, fishing, and gathering, the fur trade provided the major economic base for the Indian and Métis population of the Northwest. Many of these people were indirectly or directly involved in the trade, whether as trappers, buffalo hunters, tripmen,³ or traders on their own account. The prairie region had long been the food basket of the fur trade. Dried buffalo meat (pemmican) was a staple food on the trail or in the trading post. As a fur region, the Prairies were insignificant. Prairie trading posts like Carlton were more valuable as collection centres for pemmican than for the furs traded there.

During the second half of the nineteenth century, the pace of change in the Northwest quickened. More efficient and intensive trapping and hunting techniques were reducing game generally, so that the Indians and Métis became worried about their food supply. Both subsistence and participation in the fur trade as trappers or suppliers of pemmican were threatened.

The seemingly endless supply of buffalo, especially, was showing signs of diminishing. Pressure on the buffalo for pemmican was no doubt partly responsible. The greatest factor in the disappearance of the buffalo, as for change generally, however, was settlement in the United States, which preceded that north of the boundary by at least a quarter century. The combination of American settlement and hunting was the major factor in the steady diminution of the buffalo herds. The trade in buffalo robes played a large part in the destruction. This trade was extended from Benton, Montana, to Fort Edmonton in the later 1860s.

Events in the United States provided an example of what settlement could mean to Indians. Destruction of game, loss of territory, disease, and wars with American troops made the period a desperate one for the Indians of the western United States. Kinship united many of the tribes along the international boundary and gave many British Indians an awareness of these circumstances. They could hardly have welcomed similar occurrences in

² Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (1880; reprint ed., Toronto: Coles Publishing Co., 1971), p. 111.

³ These people manned the York boats, canoes, and Red River carts. Some men were employed as labourers in a variety of capacities.

their own territory. Yet penetration of American traders and gold seekers raised the question of the region's future. American frontiersmen would be unlikely to respect the sanctity of Indian country or of the trading preserve of a British fur company.

While these events in the United States were having their effect in the Northwest, other occurrences were taking place in the east which were to become even more significant to western Indians. In 1867, three colonies of British North America united to form the Dominion of Canada. Compared to its present size, the new Dominion was geographically very small. From the beginning, however, its founders had plans for expansion. They looked upon the Northwest as the logical region for Canadian territorial growth.

Many reports had been received in Canada about the prospects for agricultural settlement in the Northwest. Although they were not all entirely favourable, there seemed sufficient likelihood that the land and resources of the region could support a vigorous population. Confederation of the British North American colonies, political acquisition of the Northwest, and a railway could secure to the Canadian business community the two-way trade of a new region ripe for development. Some of these Canadian businessmen and the politicians who supported their views had an even wider vision of a new political and commercial union from the Atlantic to the Pacific. If the Crown colony of British Columbia was to be included in the Dominion, it would be essential to acquire first the Hudson's Bay Company lands which separated that remote colony from the other British North American colonies in the east.

The motives of those who sponsored Confederation and acquisition of the Northwest were commercial and political. The drive towards the northwest was inspired by the potential land for settlement and resources for exploitation, and the hoped-for trade which such settlement and resource exploitation could be expected to generate. Those who would undertake the work of settlement and development in the Northwest would be drawn from the older colonies, from overseas, or from the United States.

No one anticipated that the native Indians or the Métis would take much part in this work. At best, they might survive the changes by learning to farm in imitation of the agricultural immigrants who could be expected to pour into the country. The success or failure of the project would not depend on the native people, but would be determined by the resources of the country itself and by the kind of immigrants who could be attracted there.

Yet the Indians could not be entirely ignored. They were numerous relative to the few Europeans then in the country. Although little was known about the northwestern tribes, the protracted and expensive Indian wars of the United States were well known north of the boundary. If for no other reason than that the Indians could seriously hamper its plans for the Northwest, the new Dominion would have to take them into account. Once

Northwest acquisition became a reality, an Indian policy for the region would have to be worked out.

The only policy the government had was an inheritance from the British and British North American past. The British, like the French, had encountered Indians everywhere they had gone in North America. Each European nation had made alliances with some tribes and fought wars against others. They conducted diplomacy and trade with the Indians. Just before the Seven Years' War, the British appointed Indian superintendents to conduct relations with the pro-British tribes. After the war, Great Britain emerged as sole European master of the eastern portion of the continent. At that time, the Proclamation of 1763 set out some of the basic principles of British Indian policy. Both Crown title and aboriginal right in the soil were implied, while it was reserved to the Crown alone to acquire Indian land by extinguishing aboriginal title at a general assembly of the Indians concerned. Private citizens were forbidden to do so.

Indian policy continued to be military in motivation and nature through the American Revolution and afterwards until 1830. By this time, Indians were no longer looked upon as potential allies or enemies, but as uncivilized or semi-civilized natives in need of protection from the vices of civilization and aid in acquiring its virtues. These included settlement in a fixed place and some means of earning a living. In society as it was, this almost always meant learning to farm. Conversion to Christianity and the acquisition of the rudiments of an English education were also desirable goals. As a result, various schemes were tried to accomplish these ends. These were largely influenced by the wave of religious and humanitarian enthusiasm which was motivating reform both in Britain and throughout the Empire.

In Upper Canada particularly, an aboriginal right in the soil continued to be recognized, although no attempt at definition was made. Whenever land surrenders became necessary, they were accomplished through treaties between the Crown and a general assembly of the Indians affected. While the earlier Upper Canadian treaties provided compensation only in the form of a once-for-all payment in goods, later treaties included annuities. In addition, reserves were sometimes set aside as homes for Indian bands.

In 1850, W.B. Robinson negotiated two treaties on behalf of the United Province of Canada with the Indians of Lakes Huron and Superior. Alexander Morris wrote of these Robinson treaties as "forerunners of the future treaties." According to him, the main features of the Robinson treaties were annuities, reserves, and liberty to fish and hunt on the unconceded domain of the Crown.⁴ These treaties were the first to contain all three provisions.

These were the elements of the Indian policy inherited by the new Dominion of Canada in 1867. In an address to the Queen that year praying

⁴ Morris, *Treaties*, p. 16.

for the admission into the Dominion of the Hudson's Bay Company's territories, the two Houses of the Canadian Parliament assured Her Majesty that "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."⁵ The intention to continue in the tradition of the established policy thus expressed was incorporated into the Order in Council admitting Rupert's Land and the Northwestern Territory into the Dominion.⁶

In private correspondence, members of the government admitted their ignorance of the new territory and its people. They did know that they were facing a new and different Indian situation from that pertaining in old Canada. They knew that it would not be sufficient simply to extend the activities of the Indian Branch to the Northwest as had been done for the Maritime provinces. An administration for the western tribes would have to await agreements between those peoples and government respecting their future relationship. In making these agreements, there seems never to have been much doubt that the government would follow the general principles of the traditional Indian policy.

After incorporating the Northwest into the Dominion in 1870, the Government of Canada did begin to negotiate treaties with the Indian inhabitants of the region. The first two were made in what is now the southern portion of the Province of Manitoba extending slightly into the present Province of Saskatchewan. It appears that the government intended giving no more to the Indians of this western country than Robinson had given on the Upper Lakes twenty-one years earlier. Only annuities and reserves were offered. Even hunting and fishing rights were not included in these treaties. The treaty commissioner told the Indians verbally that they could continue to hunt and fish over their old territory until it was taken up for other purposes.

After several days of negotiations, Treaty One was concluded. It contained some terms which had not been part of the government's original offer.⁷ A school was to be maintained on each reserve. Intoxicating liquors were banned from reserves. Even with these additions, the written treaty did not contain everything discussed and agreed upon at the negotiations. Besides omitting hunting and fishing from the formal terms, specified items of agricultural aid had been negotiated, but were not written into the treaty either. Confusion over precisely what had been agreed upon occurred immediately after the treaty was made. Disagreement occurred not only

⁵ *Revised Statutes of Canada 1970*, Appendices, p. 264.

⁶ *Ibid.*, p. 260.

⁷ See draft treaty in A. G. Archibald Papers, Public Archives of Manitoba, Winnipeg. A. G. Archibald was lieutenant-governor of Manitoba and *ex-officio* of the Northwest Territories. Together with Wemyss Simpson, Indian commissioner, he negotiated Treaties One and Two in August 1871.

between the commissioners and the Indians, but amongst the commissioners themselves. The latter finally set down on paper a version acceptable to themselves of what agricultural aid they believed had been agreed upon with the Indians.⁸ Although not all of the Indians were satisfied with this written version of the “outside promises,” the commissioners’ memorandum was made part of Treaties One and Two by Order in Council four years after the treaty itself had been made.

Since the archival evidence makes it clear that the government had intended giving only reserves and annuities, the provisions for schools and agricultural aid must have been introduced into the negotiations by the Indians. Some of them, those at St. Peter’s, for example, were already familiar with schools and with farming. They may also have been influenced by American Indians in making these demands. It is highly to the credit of the first Indians in western Canada to make treaty with the Dominion that they took the initiative in making these proposals.

Meanwhile, Treaty Three was concluded with the Saulteaux in the lake and forest region west of Lake Superior and east of the Red River. It had been intended to make the first treaty with these people, since their country lay on the route west from old Canada, but the first four attempts to do so had failed. The Saulteaux would not accept the terms offered. As a result of their repeated refusals, their treaty was not successfully concluded until 1873. It included all the provisions of the first two treaties, as well as providing for an annual expenditure of fifteen hundred dollars on hunting and fishing supplies. In addition, the annuity was raised from three dollars to five, and the size of reserves from 160 acres per family of five to one square mile. All of these provisions were written into the treaty text, including the hunting and fishing clause and the specific items of agricultural aid. Treaties Four and Five, negotiated in 1874 and 1875, were similar in their terms.⁹

While the government intended eventually to make treaties across the whole prairie region to the mountains, the Cabinet decided in the summer of 1873 not to do so at once, but to proceed only as the territory was required for settlement or other purposes. While this policy may have met the government’s requirements, it did not take into account those of the western Indians. They were reported to be disturbed about their future. W.J. Christie, the senior Hudson’s Bay Company officer at Fort Edmonton, transmitted to Lieutenant-Governor Archibald at Winnipeg a message from the Cree chief, Sweet-Grass. Christie’s covering letter is dated 13 April 1871. Sweet-Grass complained:

⁸ Morris, *Treaties*, pp. 126-28.

⁹ One notable difference in Treaty Five was the reduction in the size of reserves to 160 acres per family of five (as in Treaties One and Two), and in some cases to 100 acres.

We heard our lands were sold and we did not like it; we don't want to sell our lands; it is our property, and no one has a right to sell them.

Our country is getting ruined of fur-bearing animals, hitherto our sole support, and now we are poor and want help—we want you to pity us. We want cattle, tools, agricultural implements, and assistance in everything when we come to settle—our country is no longer able to support us.¹⁰

Treaty making began that summer in Manitoba, but did not cover the territory as far west as that inhabited by Sweet-Grass and his people. Government action was frequently speeded up by prodding from Alexander Morris, who succeeded Archibald as lieutenant-governor in December 1872. He sent to Ottawa a steady stream of reports and letters from persons in a position to know the Indian situation in the Northwest, together with views of his own. He continually informed the government of Indian dissatisfaction over the speed with which the authorities were dealing with them. In spite of all the information received, the government still hesitated. In the summer of 1875, so Morris informed Laird, the Cree stopped the Geological Survey at the elbow of the North Saskatchewan. After a great deal of telegraphing to the minister of the Interior, Morris finally got permission to promise a treaty to the Cree of the Saskatchewan country for the following year.

On 27 July 1876, Morris left Fort Garry to negotiate the treaty. He was accompanied by his fellow commissioner, W.J. Christie, formerly of the Hudson's Bay Company, and a secretary, Dr. Jackes, M.D. The third commissioner, the Honourable James McKay,¹¹ was to meet them at Fort Carlton where the treaty would first be made. For the first time, the North West Mounted Police were to provide an escort for the treaty commissioners.¹²

On arrival at Fort Carlton, Morris was met by Mistawasis (Big Child) and Ahtukukoop (Starblanket), the two head chiefs of the Carlton Cree. The main body of the Indians assembled on 18 August. Morris described the scene:

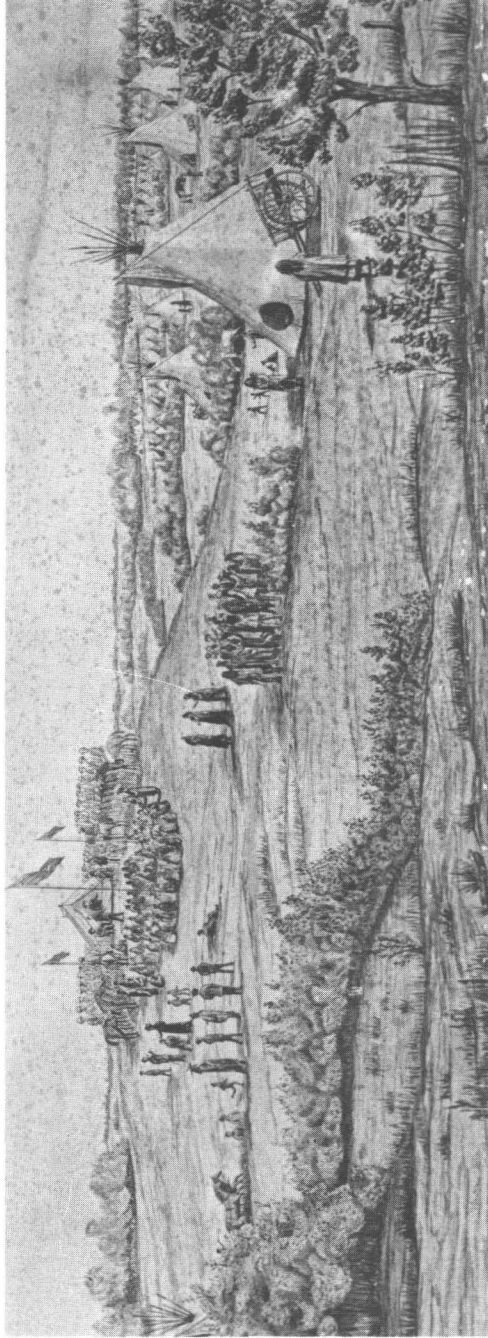
On my arrival, the Union Jack was hoisted, and the Indians at once began to assemble, beating drums, discharging fire-arms, singing and dancing. In about half an hour they were ready to advance and meet me. This they did in a semicircle, having men on horseback galloping in circles, shouting, singing and discharging fire-arms.

They then performed the dance of the "pipe-stem," the stem was elevated to the north, south, west and east, a ceremonial dance was then performed by the Chiefs and head men, the Indian men and women shouting the while.

¹⁰ Morris, *Treaties*, pp. 170-71.

¹¹ James McKay was a Métis and spoke Cree. The title "Honourable" derived from his membership on the Executive Council of Manitoba. Consequently, he was well known to Morris. He had also participated in making every other treaty in the Northwest except Treaty Four.

¹² Christie and Dickieson travelled with a Mounted Police escort to pay annuities to the bands of Treaty Four during the summer of 1875. Carlton, however, was the first treaty negotiation to be attended by the Mounted Police.



Courtesy Manitoba Archives and Glenbow-Alberta Institute

Drawing of Fort Carlton

They then slowly advanced, the horsemen again preceding them on their approach to my tent. I advanced to meet them, accompanied by Messrs. Christie and McKay, when the pipe was presented to us and stroked by our hands.

After the stroking had been completed, the Indians sat down in front of the council tent, satisfied that in accordance with their custom we had accepted the friendship of the Cree nation.¹³

In this statement, Morris underestimated the importance to the Indians of the pipe-stem ceremony. It signified more than an offer of friendship, although that was certainly included.¹⁴ The pipe-stem ceremony was a sacred act undertaken before conducting any matter of importance. In the presence of the pipe, “only *the truth* must be used and any commitment made in its presence must be kept.”¹⁵

From the point of view of the government officials, the ceremonial was merely a picturesque preliminary favoured by Indian custom. To them, the binding act of making treaty was the signing of the document at the close of negotiations. This was the mode of affirming agreements among Europeans. On the other hand, “. . . the only means used by the Indians to finalize an agreement or to ensure a final commitment was by the use of the pipe.”¹⁶

Morris continued his account of the proceedings:

I then addressed the Indians in suitable terms, explaining that I had been sent by the Queen, in compliance with their own wishes and the written promise I had given them last year, that a messenger would be sent to them.¹⁷

Two interpreters accompanied the government party. The Indians had also brought their own interpreter, a man named Peter Erasmus. These men rendered the commissioner’s address into Cree. Morris stressed the friendship that had always existed between the British and the Indians. He told them that the Indians in the East were happy and contented. The Queen’s councillors saw that the Indians’ means of living were passing away from them and therefore sent men to speak to them and to tell them that their children must be educated and taught to raise food from the soil.

We are not here as traders, I do not come as to buy or sell horses or goods, I come to you, children of the Queen, to try to help you; when I say yes, I mean it, and when I say no, I mean it too.

I want you to think of my words, I want to tell you that what we talk about is very important. What I trust and hope we will do is not for to-day or to-morrow only; what I will promise, and what I believe and hope you will take, is to last as long as that sun shines and yonder river flows.¹⁸

¹³ Morris, *Treaties*, pp. 182-83.

¹⁴ See Part Two, pp. 111-12.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Morris, *Treaties*, p. 183.

¹⁸ *Ibid.*, pp. 201-2.

The relationship of trust and friendship implied in these words of Morris preceded the negotiation of specific terms. They set whatever terms might be arranged within a general context of care and concern on the part of the Queen for the welfare of her Indian people. On the Indian side, the atmosphere of alliance and friendship had already been expressed through the pipe-stem ceremony. Whatever specific provisions might be put in the treaty, they could hardly be inconsistent with the spirit in which both Indians and Her Majesty's representative had come together on this solemn occasion. One Indian elder of the present day expressed it this way:

That is why they were agreeable to treaty because the promises were so good. The government official was always making reference to a woman (Queen) who had sent them. The Indians sympathized with the woman, the Queen, through her representatives. That is why it was not difficult to give up the land.¹⁹

Only after setting the discussions within a context of friendship and care were specific treaty terms proposed. They were similar to those of the first five treaties. Peter Erasmus related that on the second day of meeting Morris asked for the Indians' views on these terms. Nevertheless, he added that he could go no further than he had the previous day.

Pound Maker who was not a chief at that time but just a brave, spoke up and said, "The governor mentions how much land is to be given to us. He says 640 acres, one mile square for each family, he will give us." And in a loud voice he shouted, "This is our land! It isn't a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want."

A strong wave of approval came back from the seated Indians at his statement. Some braves in the last row rose to their feet, waved their hands and arms, shouting, "Yes! Yes!" in Cree. Apparently these were Pound Maker's followers. It was some time before the main chiefs could restore order.²⁰

Erasmus claimed that Morris was visibly shaken by this episode which portended difficulty in gaining acceptance of the government's treaty terms. Morris replied that unless certain lands were set aside for the sole use of the Indians, the country would be flooded with white settlers who would crowd the Indians out as they had elsewhere. This reply dealt with only one of Poundmaker's points, the principle of reserves. It by-passed the questions of their size and of the Indians' role in determining the conditions of their own future. Mistawasis brought that day's proceedings to a close by suggesting that the commissioner's words should be thought out quietly.

The Indians did not hold a council the next day (Sunday). The people were given the day to talk things over amongst themselves. The Indian council was called for Monday and the full assembly with the commissioner for Tuesday.

¹⁹ See Chapter five, "Interviews with Elders," Lazarus Roan, Smallboy Camp, 30 March 1974.

²⁰ Peter Erasmus, *Buffalo Days and Nights* (Calgary: Glenbow-Alberta Institute, 1976), p. 244.

The only source of information for the Indian council is Peter Erasmus. He had begun as interpreter for the Indians. Shortly after negotiations began, he was also taken into the pay of the treaty commission, while remaining the Indians' interpreter. He became convinced by the second day of meeting that the proposed treaty terms would be in the Indians' best interests. This is the probable meaning of his statement that ". . . my sympathies transferred to the Governor's side." He claimed that Mistawasis and Ahtukukoop were also convinced of the fairness and justice of the terms. Opposition to the treaty terms appeared to be led by Poundmaker and two other men, identified only as the Badger and "a Chipeway."

The views of the two chiefs, Mistawasis and Ahtukukoop, were those that prevailed in the council. The major argument of the former was that Indians were beginning to experience hardship from the diminution of the buffalo and that this situation was likely to worsen rather than improve. He saw a new way of life offered to them in the treaty and asked those who opposed signing the treaty, "Have you anything better to offer our people?" He did not acknowledge directly the point made by Poundmaker that the proposed terms were inadequate to provide a new way of life and that they should insist on better terms. He offered a counter argument, however, in saying that even if all the tribes were to act together, their numbers were too small to make their demands heard.

Ahtukukoop spoke in the same way. The buffalo were going, and without them the Indian would die unless he could find another way. "For my part, I think that the Queen mother has offered us a new way and I have faith in the things my brother Mistawasis has told you. . . . Surely we Indians can learn the ways of living that made the White man strong . . ." ²¹

The majority of the other chiefs and councillors appeared to be in agreement with Ahtukukoop and Mistawasis. The latter adjourned the council in saying that there would be an opportunity to ask questions and that the interpreter would write down the things that the council thought should be in the treaty.

The Indians met the commissioners again the following day (Tuesday, 22 August). The chief concern of those who addressed the commissioners was the food problem. Morris seemed to understand their situation.

The whole day was occupied with this discussion on the food question, and it was the turning point with regard to the treaty. . . . they were not exacting, but they were very apprehensive of their future, and thankful, as one of them put it, "a new life was dawning upon them." ²²

In spite of the differences that had appeared in Monday's council between supporters and opponents of the proposed treaty, all the Indian

²¹ Ibid.

²² Morris, *Treaties*, p. 185.

spokesmen asked for better terms. The essential difference between them was in the lengths to which they were prepared to go. The more intransigent would have united in the last resort in a refusal to sign the treaty. The majority were prepared to acquiesce after making every effort possible to get better terms, short of an actual refusal of the treaty. Tuesday's speakers prepared the way for the presentation of the Indians' proposals for better terms.

The conference continued on 23 August, with the interpreter, Peter Erasmus, reading a list of the changes they wished to make in the commissioners' offer.

They asked for an ox and a cow each family; an increase in the agricultural implements; provisions for the poor, unfortunate, blind and lame; to be provided with missionaries and school teachers; the exclusion of fire water in the whole Saskatchewan; a further increase in agricultural implements as the band advanced in civilization; freedom to cut timber on Crown lands; liberty to change the site of the reserves before the survey; free passages over Government bridges or scows; other animals, a horse, harness and wagon, and cooking stove for each chief; a free supply of medicines; a hand mill to each band; and lastly, that in case of war they should not be liable to serve.²³

After assuring himself that these demands were indeed those of the whole people, Morris made his reply. He expressed his pleasure at their request for missionaries, but explained that for this they must look to the churches and noted the presence of missionaries at the conference. He did agree to make some additions to the number of cattle and farm implements in order to encourage them to settle. Three entirely novel terms were also added. To aid them while cultivating after they had settled on the reserves, provisions were to be supplied to the extent of one thousand dollars per annum, "but for three years only, as after that time they should be able to support themselves."²⁴ Another new clause in this treaty provided for a grant of assistance "in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence, or by a general famine." The third additional clause provided that a medicine chest should be kept at the house of each Indian agent. These three new clauses and the increased level of agricultural aid had all been added at the request of the Indians.

Morris gave his assent to them while making the point that what was offered was a gift, since they still had their old way of life. His apparent understanding of the Indian fears regarding the buffalo was not evident in this statement.

Ahtukukoop called on the people for their assent and they gave it by shouting and holding up their hands. At this point, Poundmaker rose and said that he did not see how they could feed and clothe their children with what

²³ *Ibid.*

²⁴ *Ibid.*, p. 186.

was promised. He explained that he did not know how to build a house or cultivate the ground. Another Indian made further requests in the name of Red Pheasant,²⁵ but when Morris charged the latter with bad faith for assenting to the terms and then demanding more, Red Pheasant said that the spokesman did not speak for him at all. The principal chiefs then stated that they accepted the terms as offered by Morris.

At some time previous to the negotiations, the proposed treaty had been written in a fine hand on six separate sheets of parchment. Now the three new clauses and additional farming aid had to be added to this text. Erasmus noted that “these special provisions were added into the draft of the treaty before the signing began.”²⁶ The extra farming supplies agreed upon were written between the lines in a different hand. The places in the text where these items were inserted were marked by arrows. New sheets were drawn up containing the three additional terms. These were placed before the signature page on which the last few lines of the treaty’s concluding paragraph remained in the original penmanship.

Erasmus remarked that the reading of the treaty took a great deal of time and the services of all the interpreters. “Mistawasis had called me aside and told me to keep watch on the wording and see that it included everything that had been promised; however the other chiefs appeared satisfied that the Governor would carry out his promises to the letter. I was able to assure Mistawasis that everything promised had been included in the writing. He was satisfied and his name was the first in the signing.”

The terms offered at Carlton were similar to those of the previous treaties; an immediate, cash gratuity and an annuity of five dollars per head, reserves of one square mile per family of five, schools, a hunting guarantee along with an annual allotment of supplies, and specified farming aid. In addition, each chief and councillor would receive a suitable suit of clothing every three years, and each chief a flag and medal and also a horse, harness, and wagon.

The Fort Carlton bands signed Treaty Six on 23 August 1876. Five days later, Morris took the adhesion of the Duck Lake Band, which had not participated in the negotiations. Chief Beardy addressed Morris. “He said some things were too little. He was anxious about the buffalo.” Beardy said that he wanted assistance when he was utterly unable to help himself, but Morris reiterated what he had told the main body, that the government could not support or feed the Indians, and that all it could do was help them cultivate the soil. If a general famine ensued, the government would come to their aid. Meanwhile, the governor general and the Council of the Northwest Territories would examine the feasibility of a law to help preserve the

²⁵ *Ibid.*, p. 242. Red Pheasant described himself as a Battle River Indian.

²⁶ Erasmus, *Buffalo Days and Nights*, p. 253.

buffalo. Having received these assurances, three chiefs and their headmen signed the treaty.²⁷

The commissioners then left for Fort Pitt, the second place of meeting appointed for Treaty Six negotiations. These began on 7 September. Again, the Mounted Police, under Inspectors Walker and Jarvis, provided the escort. "The Indians approached with much pomp and ceremony, following the lead of 'Sweet-Grass.'" Morris called this man "the principal Chief of the Plain Crees."

A ceremony similar to that which had taken place at Carlton was conducted. Morris then addressed the Indians.

I told them what we had done at Carlton, and offered them the same terms, which I would explain fully if they wished it. . . . On the 8th the Indians asked for more time to deliberate, which was granted, as we learned that some of them desired to make exorbitant demands, and we wished to let them understand through the avenues by which we had access to them that these would be fruitless.²⁸

On 9 September, the Indians were still in council, but at length approached the commissioners. Morris asked them to speak to him. After some time, Sweet-Grass did so. His address was an acceptance of the government's terms, although his words as reported by Morris seemed a plea for co-operation in protecting the Indians from extinction. "When I hold your hand and touch your heart, let us be as one; use your utmost to help me and help my children so that they may prosper."

Morris reported that the people assented to the speech of Sweet-Grass "by loud ejaculations."²⁹ He expressed his satisfaction with what he termed their unanimous approval of the treaty terms. The chiefs and headmen of the bands gathered at Fort Pitt, then signed the same treaty as had been negotiated at Carlton.

One chief, Big Bear, came to see Morris after the signing. He said that he spoke for the bands which were out on the prairie hunting. He made the request that the commissioner should save him from what he most dreaded, that the rope should be about his neck. Morris replied that the Queen's law provided that murderers should be hanged and that only bad men needed to fear it. Big Bear repeated his request, but it was again denied. He also wanted the buffalo preserved and was pleased that something was to be done about it. He said that he could not sign the treaty because his people were not present, but promised to tell them what he had heard and to return next year. Morris claimed that Big Bear gave assurances that he accepted the treaty as if he had

²⁷ Morris, *Treaties*, p. 188.

²⁸ *Ibid.*, p. 190.

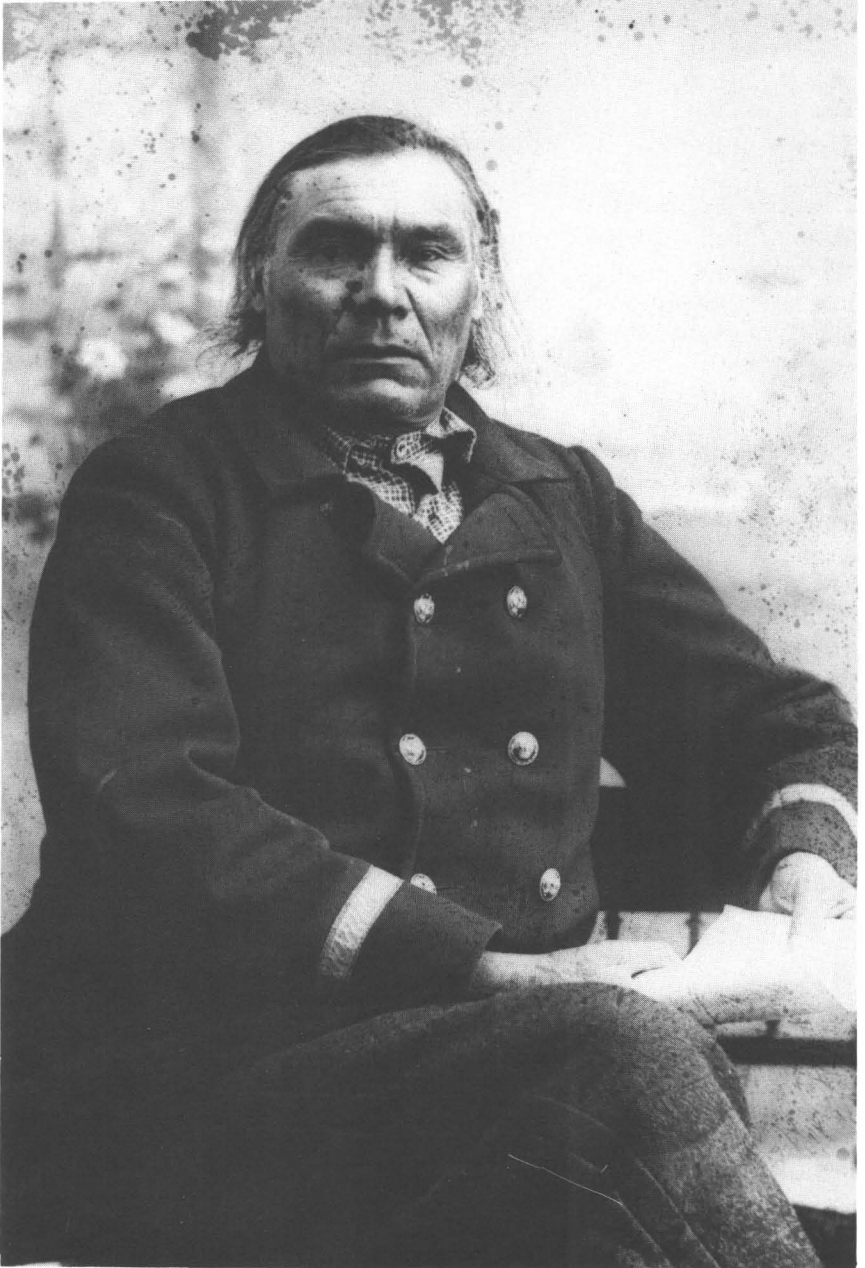
²⁹ *Ibid.*, p. 237.

Courtesy Glenbow-Alberta Institute



Sweet-Grass

Courtesy Provincial Archives of Alberta, E. Brown Collection



Pakan or James Seenum, chief who signed Treaty Six

signed it and would return the next year with all his people to meet the commissioners and sign it.³⁰

Treaties had now been negotiated with Indians throughout the prairie region except for those in what is now southern Alberta. These were the Blackfoot, Blood, and Peigan, and their allies, the Sarcee. The Mountain Assiniboine or Stonies in the foothills of the Rockies were also outside any treaty.

Unlike the Saulteaux, Cree, and Prairie Assiniboine, these people were not on the main travel route through the Northwest. They had had less to do with traders until the American traders moved north in the 1860s and 1870s. They were traditional enemies of the Cree and Prairie Assiniboine, and probably resented the close connection between those nations and the Hudson's Bay Company, especially the supplying of arms and ammunition to them.

While the Blackfoot people had remained largely outside the major British fur trade network, their isolation was broken by the American traders from the south. It then became only a question of which orbit would draw them in, the American or the Canadian. The arrival of the Mounted Police in the summer of 1874 was a significant event in Blackfoot history. The police were followed by settlers. These events placed the Blackfoot in a position similar to that of the other Indians of the Northwest. Henceforth, their territory, too, was regarded as a region for settlement. The prospect of increased settlement in their territory gave some importance to a treaty from the government's point of view.

The Blackfoot, too, no doubt saw their own position differently than they had prior to 1870. In that year, their numbers were much reduced by smallpox. Whiskey, which had been a major item in the American buffalo robe trade, had further weakened them. The Mounted Police had stopped the trade in whiskey, but their arrival, followed by that of the first settlers, must have aroused concern for their future position. The danger that the buffalo would disappear was becoming more evident each year. Late in 1876, their food supply was further threatened by the arrival on the edge of their territory of five thousand Sioux, refugees from the United States. All of these factors were likely to have disposed the Blackfoot towards making a treaty, whether or not they were actively proposing one.

Morris strongly recommended against further delay. He pointed out that missionaries and others in the region had agreed that it was important to make a treaty in order to preserve "the present friendly disposition of these Tribes." This disposition might be changed by the settlement of white people "who are already flocking into Fort McLeod and other portions of this Territory."³¹ Morris advised the minister of the Interior that a Roman

³⁰ *Ibid.*, p. 242. In fact, Big Bear did not sign the treaty until 1882.

³¹ *Canada, Sessional Papers*, 1878, no. 10, XVI; see also Morris, *Treaties*, pp. 245-49.

Courtesy Provincial Archives of Alberta, E. Brown Collection



Big Bear

Courtesy Provincial Archives of Alberta, H. Pollard Collection



Bobtail, Cree chief who signed an adhesion to Treaty Six

Catholic priest, Father Constantine Scollen, who had lived amongst both Cree and Blackfoot, and the Methodist missionary, John McDougall, of the Mountain Assiniboine, had both strongly suggested that a treaty be made with the Blackfoot the following year. He had asked for statements of their views in writing and enclosed these for the minister.³²

The government accepted this advice and preparations were made to negotiate the last of the treaties of that period. When it was concluded, the government would consider Indian rights in the entire prairie region and eastward to the Great Lakes watershed to have been extinguished, and the whole territory open for the kind of development which had been the purpose behind Dominion acquisition of the Northwest.

Although Morris had urged western treaties throughout his entire term of office, he was not to preside over the negotiation of the final one. Immediately after the signing of Treaty Six, the Northwest Territories Act of 1875 was put into effect to provide a separate government for the Territories. Morris was relieved of the governorship there, while remaining lieutenant-governor of Manitoba and of Keewatin. David Laird, whose Cabinet post as minister of the Interior was given to David Mills, was sent out to become the new lieutenant-governor of the Territories.³³ Laird was also appointed Indian commissioner or chief superintendent in that jurisdiction. As such, he would be responsible for the Indian administration and bore chief responsibility under the minister for the negotiation of Treaty Seven.

James McLeod, who became commissioner of the Mounted Police in 1876, in succession to French, was also appointed an Indian commissioner in order that he might serve with Laird in negotiating the treaty. This appointment reflected the important role of the Mounted Police in relation to the Indians of the southwestern region in contrast to their position in the Saskatchewan country where they had barely begun to establish themselves by 1876. In the making of Treaty Six that summer, they had merely acted as an escort for the commissioners, and many of the Indians who came to Fort Carlton and Fort Pitt may have been seeing the scarlet-coated horsemen for the first time. The police had been much more visible in the Blackfoot territory, the main centre of their operations, and had established genuine rapport with the Indians, who gave them great credit for keeping out the whiskey traders. McLeod had earned the respect of the local chiefs and enjoyed a good relationship with them. His position as an Indian commissioner was expected to assist in inducing the Blackfoot to sign a treaty on terms that the government was prepared to offer.

³² Morris to minister of the Interior, 24 October 1876, Alexander Morris Papers, Public Archives of Manitoba, Winnipeg. The missionaries' reports are included also.

³³ Laird reached Swan River, N.W.T., the temporary seat of government, on 11 November 1876, and took the oaths of office there on 27 November.



Courtesy Carling-O'Keefe Breweries of Canada and Glenbow-Alberta Institute

Painting of Blackfoot Crossing

Laird and McLeod travelled to the Blackfoot Crossing of the Bow River, where the treaty negotiations had been appointed to begin on Monday, 17 September. Although the commissioners reached the Crossing and were prepared to begin that day, not all the Indians had arrived. Nevertheless, the formalities were commenced with those who were present.³⁴

The proceedings began very much as they had at previous treaty makings. The chiefs were introduced to the commissioners and then Laird addressed the assembled Indians. Because they were not all present, Laird said that he would not hurry the negotiations, but would wait until Wednesday to give the others time to arrive.

Although the principal Blood chiefs had not yet arrived, negotiations began again on the Wednesday with a speech by Laird. To the extent that the available text of Laird's address can be trusted,³⁵ he appears to have placed the proposed treaty terms within a similar context to that used by Morris at Carlton.

The Great Spirit has made the white man and the red man brothers, and we should take each other by the hand. The Great Mother loves all her children, white man and red man alike; she wishes to do them all good. . . . But in a very few years the buffalo will probably be all destroyed, and for this reason the Queen wishes to help you to live in the future in some other way. She wishes you to allow her white children to come and live on your land and raise cattle, and should you agree to this she will assist you to raise cattle and grain, and thus give you the means of living when the buffalo are no more.

Laird then outlined the terms being offered. He described them as similar to those accepted the previous year by the Cree in Treaty Six. They would not be expected to give an answer at that time, but on the following day.

The next day, the proposed terms were further explained. According to Laird, Eagle Tail, head chief of the Peigan, was satisfied with them, while the chiefs of the Assiniboine "unreservedly expressed their willingness to

³⁴ Hugh Dempsey, *Crowfoot* (Norman, Okla.: University of Oklahoma Press, 1972), pp. 93-94. Hugh Dempsey explains that the Blackfoot chief, Crowfoot, had refused to attend the negotiations in a white man's fort (Fort McLeod) and insisted that the negotiations be conducted further north in his own area. For that reason, the site had been changed to Blackfoot Crossing. This angered the chiefs of the Blood and the North Peigan, who pointed out that Ford McLeod was central to all the tribes. When told that a further change would not be made, several Blood chiefs refused to attend. The status of Crowfoot also caused confusion and resentment. "One of the underlying causes of the dissension was the false position in which the Mounted Police and other officials placed Crowfoot in regard to the negotiations. Crowfoot was considered by them to be the head chief of the whole nation and the undisputed leader not only of the Blackfeet but also of the Bloods and the Peigans. Such a thought was entirely foreign to the Blackfeet, with the result that chiefs with equal or greater influence than Crowfoot felt they were being ignored."

³⁵ Morris, *Treaties*, p. 250. Morris, who includes the address in his book, commented, "I now append . . . a report of the speeches of the Commissioners and Indians, extracted from a report in the *Globe* newspaper, dated October 4th, 1877, which, though not authentic, I believe, gives a general view of what passed during the negotiations."

accept the terms offered.’’³⁶ Yet a Blood chief³⁷ made a speech in which he both praised the Mounted Police for the benefits they had brought the Indians, and claimed compensation for the wood they had used to the extent of fifty follars to each chief and thirty dollars to all others. Laird feared that this suggestion might be considered to have been accepted by the commissioners were he not to deny it promptly. Accordingly, he did so, telling the Blood chief that any payment to be made in the matter referred to should come from the Indians for the services of the police. ‘‘Here the Indians indulged in a general hearty laugh at this proposition.’’³⁸

Crowfoot said on Thursday that he would not speak until the next day. On Friday, it was rumoured that the Indians were divided, not an unusual situation at treaty negotiations nor one that should occasion surprise. Laird commented, however, that the opposition could not have been very strong, since the treaty was accepted by the chiefs that day. Crowfoot asked for some further explanations. When the commissioners asked the Indians to give their views, Crowfoot spoke first. ‘‘His remarks were few, but he expressed his gratitude for the Mounted Police being sent to them and signified his intention to accept the treaty.’’³⁹ The other chiefs all assented in the same fashion, according to Laird, so that it was arranged to have the treaty signed on the following day (Saturday).

Hugh Dempsey, using information gathered in interviews in 1939 and 1957, provides a somewhat different interpretation of the negotiations. He claims that Eagle Calf was the only Blackfoot chief in favour of accepting the treaty as it was discussed in council on the Wednesday evening. Eagle Calf’s position was that white settlers were coming anyway, so that they might as well receive some compensation. Crowfoot wanted the opinions of the chiefs of the other Blackfoot tribes, especially Red Crow, head chief of the Blood, before taking a stand himself. Consequently, he delayed the negotiations until the Blood arrived. This would explain why he declined to speak on the Thursday. Old Sun, another Blackfoot chief, similarly declined. Only Medicine Calf gave his speech that day and it was a counter proposal to the treaty. Dempsey noted that by the end of that day, the only chief who appeared to openly favour the treaty was the Stoney, Bearspaw. ‘‘The Blackfeet had been silent and the few Bloods present had been opposed.’’⁴⁰

³⁶ Canada, *Sessional Papers*, 1878, no. 10, XI.

³⁷ Dempsey, *Crowfoot*, p. 99. Dempsey identifies him as Medicine Calf, more commonly known as Button Chief, and calls him ‘‘War Chief of the Bloods.’’ Laird described him as a ‘‘minor Blood chief.’’

³⁸ Morris, *Treaties*, p. 271. In his official report, Laird described this occurrence differently. ‘‘Hereupon ‘Crowfoot’ and the other Chiefs laughed heartily at the Blood orator of the day,’’ (Canada, *Sessional Papers*, 1878, no. 10, XXXIX). Dempsey challenged the interpretation put on this incident by Laird. He stated that the treaty minutes, as printed in the *Manitoba Daily Free Press* of 8 November 1877, read ‘‘the Indians indulged in a general hearty laugh at this proposition,’’ that is, at the suggestion of Laird.

³⁹ Canada, *Sessional Papers*, 1878, no. 10, XI.

⁴⁰ Dempsey, *Crowfoot*, p. 100.

Courtesy Glenbow-Alberta Institute



Crowfoot

Courtesy Provincial Archives of Alberta, E. Brown Collection



Red Crow

On the Thursday evening, the Blood arrived in camp. Red Crow and Crowfoot conferred together. "There is no record of what went on that night."⁴¹ Although some of the Blood war chiefs were opposed, Red Crow obtained approval of the treaty from his council. But he told Crowfoot on the Friday morning that, because he had been present for the full negotiations, the final decision would be left to him. Crowfoot was heavily influenced by the benefits the Mounted Police had brought to his people and by his trust in McLeod. Although he did not want settlement and change, he, too, feared it was coming anyway. "That would be the time they would need to rely on the white man for help."⁴² When Crowfoot made his acceptance speech that afternoon, the chiefs of the other tribes agreed to sign, too.

Crowfoot's views were particularly influential because his first loyalty was to his people, while at the same time he enjoyed the confidence of the white men. Dempsey credits Crowfoot, McLeod, and the Mounted Police generally for the fact that a treaty was obtained. According to his account, it was a much closer decision than Laird's report represents it to have been. Sir Cecil Denny, an officer of the Mounted Police who was present at the negotiations, also indicated that the Indians had not been as favourably inclined towards a treaty as Laird's version suggests. "More than once it looked as if all chance of concluding a treaty would have to be abandoned, the Indians threatening to leave the ground."⁴³

Having gained the verbal acceptance of the Indians, Laird spent the rest of Friday preparing the draft treaty. In order to save time in full assembly, McLeod meanwhile discussed reserves with the various chiefs. The choice of reserves proceeded so smoothly, according to Laird, that it became possible to name the places chosen in the treaty, as had been done in Treaty One. A common reserve was assigned to the Blood, Sarcee, and Blackfoot at Blackfoot Crossing. This arrangement may have obscured real differences, since in later years the Blood and Sarcee requested their own reserves in different parts of the country.⁴⁴

The treaty was signed in the usual way on Saturday, 22 September. The following Monday, an assembly was held to affix the signatures of some minor chiefs who had not remained to sign on the Saturday. On this occasion, an additional formality was included. "The Chiefs were then asked to stand up in a body, their names were read over and the Indians once more asked to say whether they were their recognized chiefs."⁴⁵ After a little confusion over the position of one chief, the issue was settled satisfactorily.

⁴¹ *Ibid.*, p. 101.

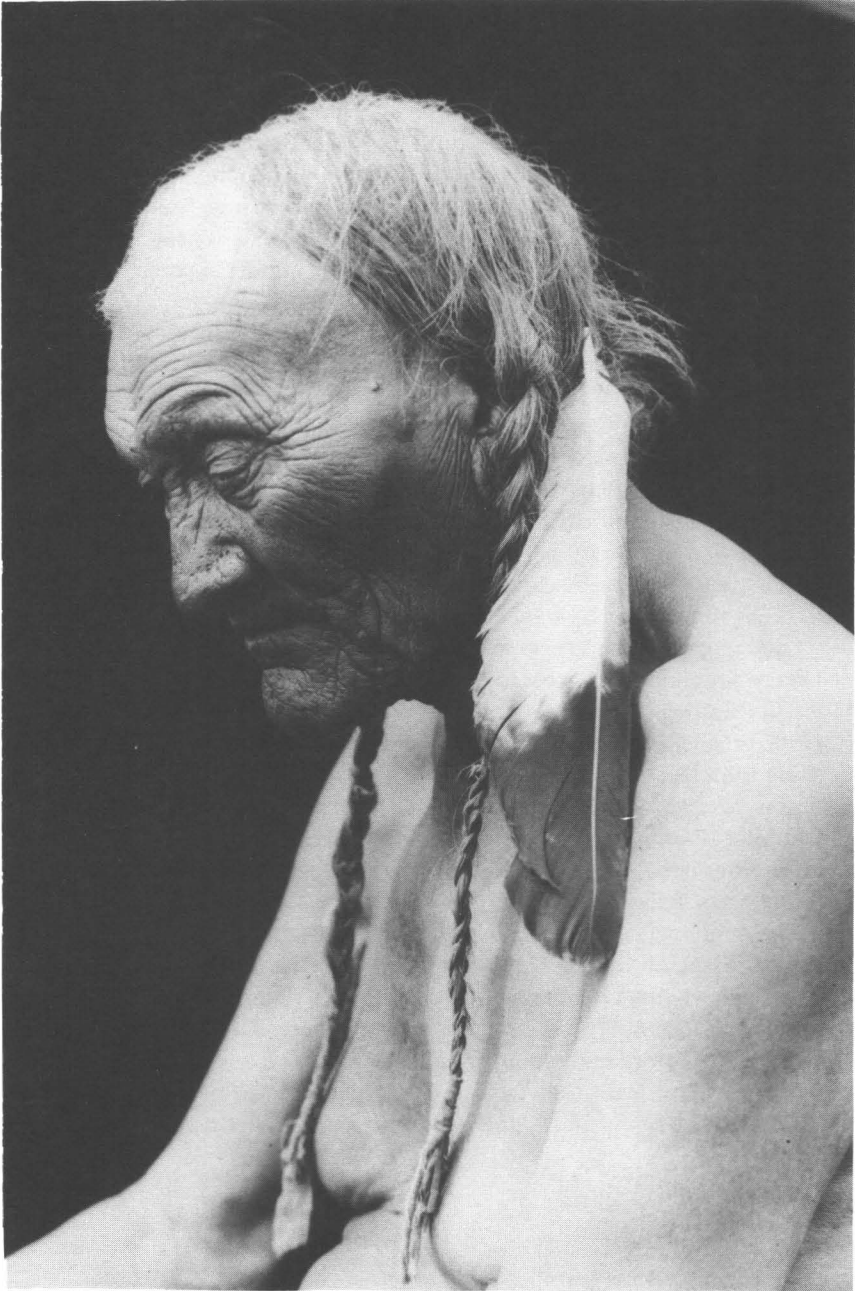
⁴² *Ibid.*, p. 98.

⁴³ Sir Cecil E. Denny, *The Law Marches West*, 2nd ed. (Toronto: J.M. Dent and Sons (Canada), 1972), p. 109.

⁴⁴ Dempsey, *Crowfoot*, p. 104-11.

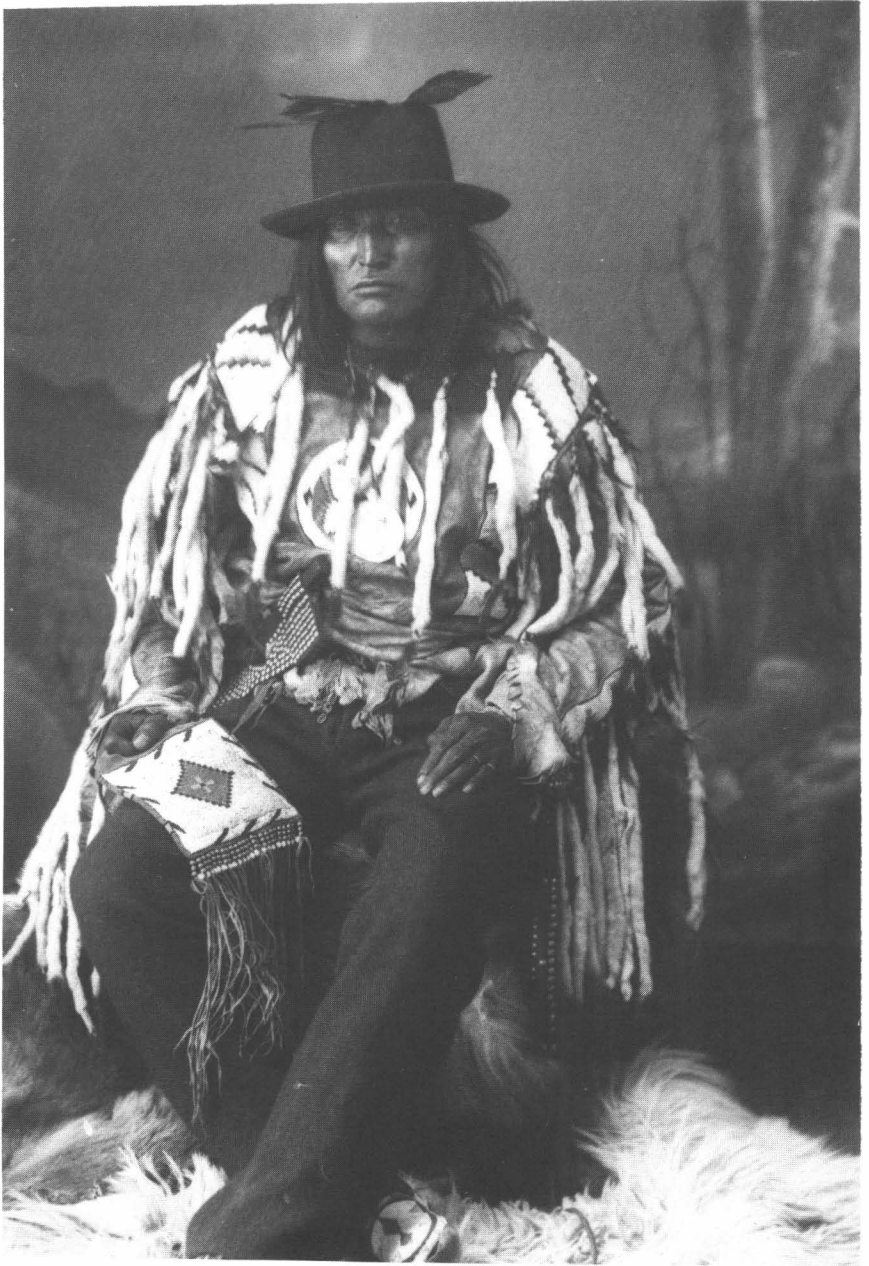
⁴⁵ Canada, *Sessional Papers*, 1878, no. 10, XI.

Courtesy Provincial Archives of Alberta, H. Pollard Collection



Crow Eagle, Peigan chief who signed Treaty Seven

Courtesy of Glenbow-Alberta Institute



Bull Head, Sarcee chief who signed Treaty Seven

Courtesy Glenbow-Alberta Institute



Chiniquay, Stony chief who signed Treaty Seven

Laird and McLeod were then able to give the chiefs their flags, uniforms, and medals, following which the Mounted Police made the payments to the Indians. The presentations and payments were made separately to the Assiniboine, who were encamped two miles further up the river. On the invitation of the chiefs, the commissioners went on Wednesday to the council tent, where an interpreter, speaking on behalf of the Indians, expressed their gratitude to the commissioners "for the kind manner in which they conducted the negotiations, to me [Laird] personally for having come so far to meet them, and to Lieutenant-Colonel McLeod for all that he and the Mounted Police had done for them since their arrival in the country."⁴⁶ The commissioners in reply assured the Indians that they would not regret having agreed to the treaty.

The terms of Treaty Seven did not differ in any fundamental way from those of previous treaties. Nothing was included about intoxicants, but a general prohibition existed through the Territories anyway, and the police were now present and attempting enforcement. Two items which had appeared for the first time in Treaty Six were not repeated, the provisions for aid in case of famine or pestilence and for a medicine chest to be kept by the agent. The Treaty Seven chiefs were to be given Winchester rifles instead of horses and wagons, while agricultural aid emphasized cattle rearing rather than field crops.⁴⁷ With these exceptions, the familiar terms of previous treaties reappeared in almost the same language.

Did the Indian people and the government have a similar understanding about the meaning of a treaty? The commissioners' understanding and that of the government are well described in the written text of the treaties. "The Plain and Wood Cree Tribes of Indians, and all other the Indians [*sic*] inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever, to the lands included within the following limits . . ." After describing the territory to which the treaty was deemed to apply, the treaty text contains a comprehensive clause which amply provides for any defectiveness in the description. "And also all their rights, titles and privileges whatsoever, to all other lands, wherever situated, in the North-West Territories, or in any other Province or portion of Her Majesty's Dominions, situated and being within the Dominion of Canada."⁴⁸

⁴⁶ *Ibid.*, XII.

⁴⁷ The terms allowed for two alternatives. The Blackfoot, Blood, Peigan, and Sarcee were expected to undertake cattle rearing by preference and the Assiniboine to choose the cultivation of field crops. Consequently, more cattle were allowed to the former, in place of implements, such as ploughs and harrows. The quantity of ploughs and harrows allowed to those choosing them followed the terms of Treaty Six rather than the less generous provisions of the earlier treaties.

⁴⁸ Morris, *Treaties*, p. 352.

In return for the surrender of the Indian title to their territory, the bands adhering to a particular treaty were to receive specified items of compensation separately negotiated for each treaty. The government view of a treaty was that of an instrument of land surrender with provisions for a *quid pro quo* in terms of annuities, reserves of land, and other traditional items.

It is more difficult to ascertain the Indian understanding of the significance of the treaties. It is obvious from the words and actions of some Prairie Indians prior to 1876 that they saw a connection between non-Indian use of their territory and a treaty to provide compensation for such use. They seemed willing, even anxious, to enter into negotiations with representatives of the Queen's government to determine the nature and amount of the compensation to be given to them. But did they understand that a land surrender would be required of them, or more fundamentally, what surrendering land meant?

There is no evidence that any preparation of the Indian people for making a treaty preceded the negotiations themselves. No one ever appears to have gone out from the government to explain the nature and purposes of the treaty beforehand. Once the decision was taken to make treaty with a particular group of people, it was usually done as speedily as possible. The Indians concerned were often given very little advance notice that they were to gather at a certain time and place to meet with the commissioners. They were assembled and within a few days were expected to give assent to propositions which we now know would be momentous for their future. This was the pattern followed in making Treaties Six and Seven.

The Reverend George McDougall was commissioned to tell the Indians of the Saskatchewan only that the government would make a treaty with them during the summer of 1876. He was not instructed to make any explanations. Following his death during the winter of 1875-76, his son, the Reverend John McDougall, tried to prepare some of the Indian people for the treaty negotiations. "We could assure them on general principles but as to details we did not know ourselves." The general principles seemed to be very general indeed. "However, we [another missionary, Henry Bird Steinhauer, was with him] did extol British justice and we emphasized the need of faith in God."⁴⁹ There is no indication that McDougall attempted to explain the meaning of a land surrender or that any other missionary did so.

Similarly there is no recorded evidence that the commissioners attempted at the treaty negotiations to explain what they meant by a surrender. They did refer to the danger that settlers would come in and possibly take all of the Indians' land. The treaty, however, was presented as a protection against this eventuality. Reference to settlers and other newcomers was usually made in connection with the idea of keeping the peace and not

⁴⁹ John McDougall, *Opening the Great West*, with an Introduction by Hugh A. Dempsey and J. Ernest Nix (Calgary: Glenbow-Alberta Institute, 1970), p. 42.

molesting these people. The Indians were to allow them to share the land and resources. This concept would not have been unfamiliar to Indians of the time.⁵⁰ The lack of emphasis in the negotiations on the surrender by the Indians of their territory is in sharp contrast to the prominence and explicit detail of the surrender clauses of the treaty texts.

The text of the treaty required them to “cede, release, surrender and yield up to the Government of the Dominion of Canada . . . all their rights, titles and privileges whatsoever” to their lands. These words, read to the assembled Indian people at the close of the negotiations, were at variance with the emphases made during the discussions. There, land cession had been ignored, while the focus had been on what the Indians would receive.

What, then, did the Indians think they were giving up? The archival evidence provides only small clues. Morris records the question of one chief in Treaty Three who asked, “Should we discover any metal that was of use, could we have the privilege of putting our own price on it?” To which Morris replied,

If any important minerals are discovered on any of their reserves the minerals will be sold for their benefit with their consent, but not on any other land that discoveries may take place upon; as regards other discoveries, of course, the Indian is like any other man. He can sell his information if he can find a purchaser.⁵¹

The Fort Francis chief told Morris, “In this river, where food used to be plentiful for our subsistence, I perceive it is getting scarce. We wish that the river should be left as it was formed from the beginning—that nothing be broken.” Morris replied, “This is a subject that I cannot promise.” He was seconded by his assistant, Simon J. Dawson, who said, “Anything that we are likely to do at present will not interfere with the fishing, but no one can tell what the future may require, and we cannot enter into any engagement.”⁵² In both Treaties Three and Seven, individuals asked payment for pre-treaty use of wood and timber. The archival evidence creates a strong impression that at the negotiations of Treaties One and Three the Indians wanted to retain control over most of their territory. To what extent they understood that by signing the treaties they were totally relinquishing any control except for their reserves is unknown. This point was certainly not made evident at the negotiations.

The archival evidence leaves many questions unanswered about the Indian understanding of the treaties. It is mostly official or semi-official in nature and Euro-Canadian in origin. Whatever Indian material it does contain reaches us at one remove. Has any information been passed down by Indian

⁵⁰ Selby Smyth had implied this idea in his report to Morris when he said that the Saskatchewan Indians “decline permitting their country to be made use of by Government officials until the treaty becomes a fact” (Smyth to Morris, 6 August 1875, Alexander Morris Papers, Public Archives of Manitoba, Winnipeg).

⁵¹ Morris, *Treaties*, p. 70.

⁵² *Ibid.*, pp. 73-74.

people themselves which might help us to discover what understanding their ancestors possessed of the meaning of the treaties?

In an attempt to find out what Indians understood by the treaties, some native organizations have interviewed older people who could be expected to have some information from parents or grandparents. One body of such material was made available for purposes of this paper by the Treaty and Aboriginal Rights Research (T.A.R.R.) wing of the Indian Association of Alberta. Considerable numbers of elders throughout the province were interviewed in their own language over the last few years and their testimony recorded. It was later translated into English and typed.

Since the treaties were made a century ago, none of the interviewees were eyewitnesses, except in the case of Treaty Eight, made in 1899 and 1900. The use of evidence that is not first-hand testimony poses problems which cannot be solved by an examination of the evidential material alone. Does the interviewees' testimony represent an oral tradition from the time of the treaty making, or does it originate from some more recent time? This question can perhaps be partly answered by research into Indian-government relations during the past one hundred years and into the history of the Indian associations and other political activity. A thorough evaluation of the testimony would require further research. All that can be attempted here is to outline the general answers to the questions raised as derived from the oral testimony and to see how they compare with the archival material.

Information obtained through the oral testimony in the Treaty Six region concentrated on the questions of what the Indians gave up or did not give up and what they were to receive in return. The understanding which runs through all of the testimony is that the Indians gave up limited rights in the land, namely, the surface rights. This was explained as being land required for farming. It is most often expressed in terms of depth, informants varying on the actual depth, from six inches to two feet.

In a summary of the interviews with elders, Lynn Hickey has an explanation based on language:

The almost universal occurrence in the Treaty 6 area of the idea that only the surface of the land was sold may stem from a linguistic problem. The fact that all interviews so far are from Cree speakers may lend support to the idea that the word "land" may not translate into Cree with the same meaning as it does in English. There is evidence that "land" is usually used with various prefixes which must be added in order to specify more precise meanings. Thus, if the prefix indicating "surface" land were used to explain what settlers needed for farming, Cree-speakers may have understood they were being asked for something entirely different from "land" with some other prefix attached. Since we cannot know which Cree word for "land" was used in translating at Treaty 6 negotiations, and since Cree requires great precision in the use of prefixes, there are innumerable possibilities for misunderstandings to have occurred simply over this one issue.⁵³

⁵³ Lynn Hickey, "Summary of Elders' Interviews" (paper prepared for the Indian Association of Alberta)

There is no archival evidence that any overt distinction was made at the treaty negotiations between surface and subsurface rights. The closest any of it comes to the subject is the question raised by the Treaty Three chief about minerals. While the archival evidence is simply silent on the point, it is universally mentioned in the Treaty Six oral testimony. Most of that testimony expresses the view that subsurface rights were not surrendered. Some interviewees stated that Morris actually said he was only buying the surface or enough for farming and indicated by a gesture how deep this was. In contrast, some few interviewees said that the distinction between surface and subsurface rights was not mentioned.

In spite of this variation over the actual historical event, there is unanimity over the interpretation. The elders do not believe that the Indians surrendered the subsurface rights. They believe that their ancestors understood the treaty as providing for a limited surrender or sharing of territorial rights. Expected settlement was agricultural. Farmers used only the surface of the earth. The Indians had agreed not to molest settlers who came to farm. When non-Indians began to dig into the subsurface for minerals, oil, and natural gas, it seemed to them a breach of the treaty agreement on what it was they had surrendered.

Similarly, commercial use of timber, game, and fish by non-Indians was seen by some as a breach of the treaty. There was universal agreement amongst the interviewees that the animals, birds, and fish were not surrendered. Some explained that these things would not have been given up because they were needed in order to live. With regard to timber, there was a split between those who believed that it had been surrendered and those who did not. Amongst those who dealt with water (lakes and rivers) and the mountains, all said that they had not been given up. Some mentioned the spiritual significance of the mountains and said that Indians would never have surrendered them. Many of the informants said that water and mountains had not been mentioned at the treaty negotiations. This answer is more likely to mean that they were not given up than the reverse. They see the treaty negotiations in terms of certain things being requested by the commissioners. Only those specific items were surrendered.

This view is a complete contradiction of the literal meaning of the treaty text, but it is the understanding of the elders. There are evidently two divergent views on the meaning of Treaty Six. One of the elders explained the difference in this way. "When they [the treaty commissioners] took the papers back to Ottawa, they made them so that the government could claim all of Canada. They did not ask permission here to do that. So now Canada is owned by the white man as a whole."⁵⁴ Whatever historical basis there might or might not be for this allegation, the important point about it is that it is an

⁵⁴ See chapter five, "Interviews with Elders," John Buffalo, Ermineskin Reserve, 18 April 1975.

attempt to explain the existence of widely divergent views concerning what had been agreed upon at the treaty negotiations.

A notable difference in the Treaty Seven testimony from that given in Treaty Six is that none of the informants saw the treaty as an instrument of land surrender at all. It is most characteristically viewed as a peace treaty. "On the Peace Treaty, Tall White Man [David Laird] never mentioned land deal when he promised to pay twelve dollars every year as long as the sun shines and rivers flow."⁵⁵ "Tall White Man spoke and every time he spoke, he said, 'This is the Queen's word. Now we sit together to have treaty. We will have no more fighting—and we will all live in peace.'"⁵⁶

Some attempts were made to explain how the land was related to the treaty. One interpreter explained that "they wanted to share the land so they loaned the land out."⁵⁷ An elder represented the governor general (Indian Commissioner Laird?) telling Crowfoot, "If we both agree to make peace or treaty this day, I will run your vast land because you do not know how to develop a land and I know how to operate the country. . . . I come not to take it away from you."⁵⁸ "The Indians had felt that they could go on living the way they used to. It was not until they were put on reserves that they realized they could no longer live the way they used to."⁵⁹

With regard to what Indians were to receive, there is a difference of emphasis between the people of Treaty Six and those of Treaty Seven. If some rights are being sold or surrendered, then it seems reasonable that the sellers should receive some consideration in return. The Treaty Six people believed they were giving up the surface rights or allowing the use of the land to agricultural settlers. The archival evidence records that a greater effort was made by them to get better terms. In their view, the treaty benefits were, in part at least, compensation for what they were giving up or sharing. Yet, even there the belief was strong that the Queen had made a treaty to protect and care for her Indian subjects. The Treaty Seven people have an even stronger belief in this purpose of the treaty.

With the evidence available at present, all that could be attempted in this paper was to demonstrate the existence of a divergence of views between the representatives of government and the Indians, and to make some attempt to describe and compare these views. Unfortunately, we are dependent on inference from inadequate evidence for much of the Indian viewpoint.⁶⁰ It

⁵⁵ T.A.R.R. Interview with Elders Program, interview with Joe Chief Body, Blood Reserve, 12 November 1973.

⁵⁶ *Ibid.*, interview with Charlie Coming Singer, Blood Reserve, 30 October 1973.

⁵⁷ T.A.R.R. Workshop, 10-11 April 1974, oral report by Allan Wolfleg.

⁵⁸ Stoney Cultural Education Program, interview with George Ear, Stoney Reserve, date not recorded.

⁵⁹ See chapter five, "Interviews with Elders." Annie Buffalo, Peigan Reserve, 12 March 1975.

⁶⁰ There is a need for research into the understanding held by Prairie Indian peoples on subjects related to land and resources. If this can be done, comparison can then be made with the entrepreneurial viewpoint which prevailed in nineteenth-century Canada.

appears that government and Indians began from different assumptions, and that there was little attempt on the part of the government either to understand the Indian viewpoint or to convey its own to the Indian people. Under these circumstances, it is hardly surprising that Indian interpretations of the treaties do not conform to those of the government, or that there are some variations in the viewpoints of Indian people themselves on the meaning of their treaties.