

TREATY RESEARCH REPORT
TREATY SIX
(1876)

by
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HISTORICAL BACKGROUND

In 1870 the western region of British North America lying between the head of the Great Lakes and the Rocky Mountains was taken over by the newly-confederated Dominion of Canada from the shadowy rule of the Hudson's Bay Company. The area in the vicinity of Winnipeg was erected into the Province of Manitoba with a provincial government under a lieutenant-governor. The largest portion of the remaining Hudson's Bay Company lands became the North-West Territories. The Lieutenant-Governor of Manitoba was until 1876 also the Lieutenant-Governor of the North-West Territories. He had a small territorial council appointed by the Dominion Government at Ottawa to help him.

Shortly after the assumption of sovereignty over the North-West, the Government of Canada began negotiating treaties with the Indians inhabiting the region. Between 1871 and 1877 the first seven "numbered" treaties were concluded. These treaties were made more quickly than the Government had wished as a result of Indian pressure. Indians had approached Canadian Government officials about treaties as soon as they arrived in the North-West. When treaties were made in Manitoba, Indians further west asked when treaties would be made with them. This pressure continued until all seven "numbered" treaties had been concluded by 1877.

Indians had heard that their country had been "sold" to Canada by the Hudson's Bay Company and they were puzzled and disturbed by the potential implications of that transaction. They began to anticipate settlement and the changes that would follow. Meanwhile, change threatened them more immediately. Factors associated with development to the south in the United States and to the nature of the fur trade had led to a reduction in the numbers of buffalo and other animals on which the prairie Indians depended for a living. Many Metis from Manitoba had moved further west, seeking the retreating buffalo and escaping the beginnings of settlement. They lived in the Saskatchewan River country where they put further pressure on the diminishing resources. Before the Canadian Government took measures that could worsen their

situation, the Indians wanted an agreement that would protect their interests. They had heard of treaties being made elsewhere and these became the focus of their concerns and the instrument through which a remedy was sought.

For its part, the Canadian Government made treaties with the Indians because they feared the possibility of Indian wars and the adverse effect such a threat would present to the settlement and development of the North-West. Treaties seemed a natural expedient since they had become a major component of the traditional Indian policy stemming from the Royal Proclamation of 1763. This policy had served the Government well in the older parts of Canada where the Indian wars, so familiar in the United States, had been avoided.

The land cession treaties made between the Crown and various groups of Indians in Canada implied the recognition of an aboriginal title to the territory occupied by the Indians concerned. Although Indian title was undefined, it was clearly regarded by the Government as something less than ownership. The basic purpose of the land cession treaty was to “extinguish” Indian title to a specified area in order to clear any obstructions to the Crown’s title. In addition, it also offered the Indians some protection from the consequences of settlement and some assistance in adapting to new ways of living as the old way became less feasible.

In 1870 the most recent precedents were the Robinson Treaties of 1850. In the Government’s view, these agreements effected the extinguishment of the Indian title over the region described in them and in return provided the Indians with certain enumerated benefits. In addition to reserves, the Indians included in the Robinson Treaties were granted an initial cash gratuity, a cash annuity, and were to be allowed “the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof” as they had been in the habit of doing, except for land sold or leased and subsequently occupied.

The numbered treaties of western Canada were intended by the Government to be

similar, if not identical, to the Robinson Treaties. In essential principles they were. However, through negotiations, the western Indians managed to extend the scope of their treaties to provide for schools and agricultural assistance as well as certain other additions in some treaties. These extensions were made in the field by the Indian commissioners who negotiated the various treaties. The evidence suggests that modifications were made in response to Indian demands. These arose in turn from anxiety about their lands and livelihood. Indian views on these subjects expressed through European observers prior to the making of treaties accord well with the nature of the Indian demands reportedly made at the various treaty negotiations. They were worried that they might lose their territory to settlers. They were also concerned about their ability to earn a living in view of the diminishing game supply. While attempting to retain some control over their territories, they also sought guarantees of assistance should settlement and development destroy their accustomed means of survival.

Modern treaty Indians take seriously the spirit in which the treaties were originally presented to them. They regard them as key documents defining their relationship to the Government and people of Canada as much in force today as the day they were signed. Although they do not regard the treaties as mere historic relics, Indian people know that they are the products of an historical process and can only be understood within the context of the historical situation and events which brought them into being.

THE MAKING OF TREATY SIX

The area comprised by Treaty Six extends across the central portions of the present provinces of Alberta and Saskatchewan. The Indian inhabitants of this area are mainly Cree with some Assiniboine, Saulteaux, and Chipewyan. In 1876, the Government was mainly concerned with making a treaty with the Cree, the majority inhabitants of the Saskatchewan River country. These Indians had been concerned about the intention of the Canadian Government towards them ever since the Dominion had taken sovereignty over the North-West Territories from the Hudson's Bay Company. In April, 1871, W.J. Christie, officer in charge of the Saskatchewan District for the Hudson's Bay Company, wrote to Lieutenant-Governor Archibald describing a visit made to him by the Cree Chiefs from the territory between Edmonton and Fort Carlton. They were worried about smallpox (which they knew derived from Europeans) and the probability of starvation because of the visible diminution of the buffalo, their sole support. Christie explained to them how Canada made treaties with Indians. He recommended sending troops to maintain order while negotiating treaties with the prairie tribes as soon as possible.¹

The Indians of the Saskatchewan River country expected as early as the following summer that a treaty would be made with them. Lieutenant-Governor Morris urged the Government to make a western treaty as soon as he assumed office in December, 1872.² Morris continued to press for a treaty but the Government preferred to make treaties gradually.

Between 1871 and 1875, five treaties were made with the Indians inhabiting what is now north-western Ontario and the southern portions of Manitoba and Saskatchewan. Nevertheless, treaties had been made more gradually than the Indians had anticipated or desired. The slow and gradual pace favoured by the Government produced tension amongst the Indians to the west of the treaty areas as they wondered whether the Queen's Government would help them before it was too late. They were concerned about the diminishing supply of game, especially the buffalo, and about intrusions upon

their land. Métis and white settlers had settled in the Saskatchewan River valley, putting additional pressure on the buffalo and other game and arousing concerns amongst the Indians about their land. In addition to these permanent settlers, other intruders heralded unknown changes which could pose a threat to the aboriginal inhabitants of the country.

The Canada-United States Boundary Commission survey party was working its way west along the international boundary. It was still in the field in the summer of 1874, when the North-West Mounted Police commenced their march west. Treaty Four was concluded that summer covering the southern portion of the Saskatchewan region but the Indian people further to the north and west had not been approached. By the summer of 1875, both a Geological Survey party and a telegraph construction crew were working in the area north of Treaty Four where no treaty had yet been made. The resident Indians were disturbed by these events and threatened to make trouble. The tension that had built up amongst them was made even more dangerous by the dissatisfaction prevailing amongst the Métis of the same region. They too were worried about the food supply. Lack of any visible government concerned them as well. They feared that settlement would drive them from their lands.

The Government had been amply warned of the situation but had decided in the summer of 1873 to make treaties only as the territory was required for settlement or other purposes. It was prepared to do no more that summer than to give general assurances to the Saskatchewan Indians that their rights would be respected.

This gesture did not entirely satisfy them. This is evident from two reports found in David Laird's papers in the Public [now National] Archives of Canada. One of these, written by a person signing himself "Charlie N. Bell, Winnipeg," is dated March 23, 1874 and had been forwarded to Laird by Morris. He warned that the Cree were getting restless as the traders had told them each year that a treaty would be made, but it was never done. He said that the Cree now thought that there would be no treaty but that settlers would come and occupy their country. Bell also mentioned the surveyors of the

Hudson's Bay Company reserves around the posts as another grievance. He claimed that sending surveying parties like Robert Bell's of the Geological Survey of Canada into Indian country before any treaties had been concluded was doing a great deal of harm. "There will certainly be trouble with the Plain Crees if word is not sent early to inform them of treaties to be made with them in the coming summer." Bell also made the point that the pressure was on the buffalo with the number of hunters increasing every year. He pointed out that the big danger was Indian starvation.³

The other statement on the Indian situation was made by Alfred Selwyn, head of the Geological Survey, who had made a trip to the Rockies during the summer of 1873. He stressed the same points. The Indians were well-disposed towards whites but the diminishing food supply was the big problem.⁴ These statements were well confirmed when the commissioners met the Indians for the Treaty Six negotiations. Morris wrote later that the "whole day was occupied with this discussion on the food question, and it was the turning point with regard to the treaty."⁵ A Saulteaux Chief from Duck Lake told the commissioners, "When I look at the buffalo, it appears to me as if there was only one. I trust to the Queen and to the Governor, it is only through their aid we can manage to preserve them."⁶

In spite of the warnings received, the Government did not alter its decision to proceed slowly with the treaties. The Mackenzie ministry, which replaced Sir John A. Macdonald's in late 1873, maintained the same policy after it had assumed office. It authorized the Qu'Appelle Treaty in 1874 but stopped short of the Saskatchewan region. In July, 1875, the Cree stopped the Geological Survey at the elbow of the North Saskatchewan. Morris told Laird that the Indians had held a council and decided that the Government had no right to send expeditions until a treaty had been made. Morris recommended sending the Reverend George McDougall, a Methodist missionary who had spent many years amongst the prairie Indians, to visit them and promise a treaty the following year. McDougall had told Morris that it would be possible to conclude a treaty with the whole Plain Cree nation then but that for reasons Morris did not explain, it would become more difficult later.⁷ In this same report, Morris seconded the

recommendation of Lawrence Clarke, in charge of the Hudson's Bay Company's post of Fort Carlton, that a force be sent to that location. Clarke had told him that the Indians had threatened to turn back the telegraph men. He believed that the Indians had been influenced by the Métis, who were also disturbed because the Government had neglected them.

After receiving an alarming letter from Clarke, the Government ordered Commissioner French of the Mounted Police to go to the scene to prevent any trouble with the Métis. French took fifty policemen and was accompanied by Major-General Selby Smyth, the officer commanding the Canadian Militia who was on a tour of inspection of the Mounted Police. The expedition encountered no opposition from the Métis.

The Indian situation was another matter. French informed the Minister of Justice that the rumour that the Indians had stopped construction of the telegraph line was true. He pointed out that he had predicted in the spring that there would be trouble should a telegraph line be strung over Indian territory west of Carlton without a treaty having been made. He expressed his utter helplessness to see the line pushed through by physical force with the fifty men available to him and stated that "the only moral force that could be brought to bear would be an assurance that the Government proposed having a treaty with the Cree at some definite period."⁸ The soldier, Selby Smyth, expressed a similar opinion:

The question of the Indian action regarding their prohibition against any Government works geological or telegraphic being carried on until their Treaty is made, requires neither the interference of Military or Civil power - but merely the presence of some one armed with authority to conclude a satisfactory treaty which they say has been so long promised they can no longer rely on promises only - but decline permitting their country to be made use of by Government officials until the treaty becomes a fact. I am sure it is a subject to be regretted that this was not effected before government operatives appeared in their country, which would have prevented any misunderstanding, as I am informed the Indians are perfectly civil in their conduct towards the persons they have stopped.⁹

After a great deal of telegraphing to Laird, Morris finally got permission to send the Rev.

George McDougall to promise a treaty to the Saskatchewan Cree for the following summer. They were told to assemble at Forts Carlton and Pitt.¹⁰

The boundaries of the Territory to be included in Treaty Six were drawn on a map prepared by the Surveyor General at the request of the Minister of the Interior, David Laird. Laird did not give Morris detailed instructions with respect to the terms of the Treaty. While Morris was obviously expected to obtain agreement on terms similar to those of the recent western treaties,¹¹ Laird told him that “Your large experience and past success in conducting Indian negotiations relieves me from the necessity of giving you any detailed instructions in reference to your present mission.”¹² Several years later, Morris wrote that the commissioners had been left “absolutely without instructions, left to our own judgement.”¹³

On July 27, 1876, Morris left Fort Garry to negotiate the treaty with the Indians of the Saskatchewan. He was accompanied by his fellow commissioner, W.J. Christie,¹⁴ and a secretary, Dr. Jackes, M.D. The third commissioner, James McKay,¹⁵ was to meet them at Fort Carlton. Two interpreters accompanied the Government party. The Indians had also brought their own interpreter, a man named Peter Erasmus.¹⁶ These men rendered the Commissioner’s address into Cree. Dr. Jackes made notes of the proceedings and a report of the speeches of Indian spokesmen and commissioners.

For the first time at a treaty-making, the North-West Mounted Police were to provide an escort for the treaty commissioners. During the negotiation of Treaty Four at Qu’Appelle, the escort had been provided by the militia. The police at that time had been engaged in their march west. Now they had established themselves at various points in the North-West. There was a detachment at Fort Carlton and Inspector James Walker had just chosen the site for a new post at the future Battleford. Immediately after making arrangements for its construction, Walker took the police escort to meet Morris, which they did at Duck Lake. The escort was augmented at Carlton on the evening of August 18th by another detachment under Inspector W.O. Jarvis, accompanied by the force’s volunteer band. The escort then numbered nearly one

hundred.¹⁷

At Duck Lake, Chief Beardy of “the Willow Crees” interviewed Morris and told him that his people wanted the treaty to be made in that place. Morris replied that he must first meet all the Indians at Carlton, which was the appointed place, and then would meet with them “wherever the great body of them desired it.”

On arrival at Fort Carlton on August 15th, Morris was waited on by Mistawasis and Ahtukukoop,¹⁸ the head chiefs of the Carlton Cree. The following day the Cree sent word that they wished the day for discussions amongst themselves. Morris agreed, since he had learned that they were trying to bring the Duck Lake Indians into the negotiations. However, when he sent a messenger to that band to tell them that he would meet them at the camp of the Carlton Cree, they refused. They also asked for provisions, but Morris denied them any, stating that provisions would only be given to the large encampment.

The main body of the Indians assembled at Fort Carlton on Friday, August 18th. There were about two hundred and fifty lodges, containing about two thousand people.¹⁹ Prior to discussion, the Indians present performed a ceremony which Morris referred to as the “dance of the stem.”²⁰ That the pipe ceremony was more than a picturesque preliminary to negotiations was made clear through field studies conducted by the Indian Association of Alberta in the mid-1970s as part of a research project on the treaties:

In our field research, we have found that much significance is attached to the pipe ceremony conducted prior to the meeting with the treaty commission. In fact, we have found that, according to Indian tradition, religious formalities are as important and as significant as the subject of the matter at hand, whatever that subject may be. It is an Indian custom to conduct those formalities before undertaking any matters of importance. The purpose of this tradition is that the Indians have utmost and absolute belief in the *sacredness of the pipe*. In the presence of the pipe, only *the truth* must be used and any commitment made in its presence must be kept. In that sense, then, the only means used by the Indians to finalize an agreement or to ensure a final commitment was by use of the pipe. The pipe, of course, being an absolutely vital element of the Indian’s spiritual beliefs, has many other purposes.

We have concluded, after discussions with some elders, that the pipe ceremony conducted prior to the meetings at Fort Carlton and Fort Pitt was one that was held only in preparation for matters of extreme importance. The importance of the meeting is evident by the number of Indians in attendance at a time when the people should have been out hunting for their winter supply of food.²¹

It is important that this cultural interpretation be kept in mind while reading about the treaty discussions, because it formed the context in which they took place. These proceedings carried a broader significance than mere bargaining prior to signing a business contract. The Indians laid the work they were about to undertake at the feet of the Great Spirit who was both in the world and above all mankind. The commissioners participated in this action by receiving the pipe with them. "It was presented first to the Governor, who in accordance with their customs, stroked it several times, then passed it to the Commissioners who repeated the ceremony."²² How much of the meaning of these actions the commissioners understood is unknown. Morris simply wrote that the Indians then sat down in front of the council tent "satisfied that in accordance with their custom we had accepted the friendship of the Cree Nation."²³ The word "friendship", however, has a wide range of meanings.

For his part, Morris invoked the name of the Queen. "I am a Queen's Councillor," he told the assembled Indians, "I am her Governor of all these territories, and I am here to speak from her to you." In doing so, he too placed the discussions within a context which appealed to the deity and placed on the line the honour of the non-Indian peoples who would, through the office of the monarch, make treaty with Her Majesty's Indian subjects.

My Indian brothers, Indians of the plains, I have shaken hands with a few of you, I shake hands with all of you in my heart. God has given us a good day, I trust his eye is upon us, and that what we do will be for the benefit of his children.

What I say and what you say, and what we do, is done openly before the whole people. You are, like me and my friends who are with me, children of the Queen. We are of the same blood, the same God made us and the same Queen rules over us.²⁴

Indians have always regarded themselves as having a special relationship with the

Crown which goes beyond that of ordinary subjects. Professor John Foster has explored this belief in his essay on the treaty - compact theory.

Another dimension through which Indians in the Prairie West express their dissatisfaction centres around their view of a special relationship with the monarch. While not articulated with clarity to the white mind, the argument suggests an inviolable agreement between the Indians and the monarch. With the passage of time, officials of the monarch, not the monarch itself, have betrayed this understanding.

Rather, the monarch is seen as a special protector against officialdom. Cynics may see this argument as clever manipulation of the sensibilities of some Euro-Canadians by Indian leaders. While this assessment cannot be totally discounted, it ignores the depth and breadth of the concept among the Indian people of western Canada. Dare we suggest the concept of a compact to explain this historical understanding?²⁵

Foster also relates the trading relationship to the Indian understanding of treaty-making and explains the significance of ceremony in that connection.

In effect, Indian alliances for the major purpose of security required a ceremony in which gift giving played a crucial role. The ceremony was the vehicle through which participating bands recognized each other as classificatory "we" rather than "they." Cultural differences of course remained as, for example, between the Algonkian hunters and the Huron farmers. Yet for the purposes of intertribal relations, each would regard the other as "we." This in turn demanded appropriate behaviour on the part of the trader. He had to demonstrate in his words and deeds that he accepted the responsibilities and obligations inherent in the alliance....Political skill in the fur trade, for both Indian and white, involved pressing demands in a manner that the other party could not deny while at the same time parrying, in an appropriate fashion, the demands of the other party. On all occasions, however, whether in pressing demands or parrying those of the other party, the strength and stability of the alliance had to be preserved, or better still, enhanced. A demand that placed a strain on the alliance was a political *faux pas* of the most serious consequences.²⁶

It is not unreasonable to suppose that the ideas involved in the trading relationship would be carried over to the negotiation of the treaties. The Indians and the commissioners had now placed the proceedings within a religious and symbolic context, each from their own cultural perspective.

The proceedings of the first day (Friday, August 18th) now continued, with Morris explaining to the assembled Indians the Government's purpose in sending him to them.

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.²⁷

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:

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 and 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.²⁸

Morris had "ascertained that the Indian mind was oppressed with vague fears."²⁹ As he understood the situation, they had been made to believe that they would have to live entirely on their reserves and abandon hunting. They also thought that in time of war they would be conscripted and placed in the front lines. Morris wrote that he "shaped" his address "so as to give them confidence in the intentions of the Government." He referred to the need to prepare for the "diminution of the buffalo and other large animals, which is going on so rapidly."³⁰ He emphasized the need to change their way of life by making homes and gardens for themselves. "And why is all this done", Morris asked rhetorically? "I will tell you, it is because you are the subjects of the Queen as I am. She cares as much for one of you as she does for one of her white subjects." After listening to this address, the Indians requested an adjournment to meet in council amongst themselves. This was granted.

The following day (Saturday, August 19th), Morris asked them to present their chiefs. "They then presented the two head Chiefs, and the minor ones."³¹ Morris was

handicapped by the abstention of the Duck Lake band. They sent word that they wished to know the terms of the treaty. Morris replied that he would not tell them in advance but that their messenger might stay and hear what he had to say. The messenger did so. Morris

then fully explained to them the proposals I had to make, that we did not wish to interfere with their present mode of living, but would assign them reserves and assist them as was being done elsewhere, in commencing to farm, and that what was done would hold good for those that were away.³²

The Commissioner then asked the Indians for their views. The account included in Morris' book has Mistawasis simply asking for time to think about the Commissioner's words and Morris agreeing to adjourn until the Monday morning. However, Peter Erasmus³³, an eye-witness, related that Morris added to his request for the Indians' views a statement that, with respect to the treaty terms, he could go no further than he had already done. Erasmus continued:

Pound Maker who was not a chief at that time, just a brave spoke up and said, 'The Government mentions how much land is to be given us. He says 640 acres one mile square for each band. He will give us, he says,' 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 rows rose to their feet, waved their hands and arms, shouting Yes! Yes! in Cree. Apparently these were Poundmaker's followers. It was sometime before the main Chief's [sic] could restore order.³⁴

Poundmaker either did not understand that the treaty was intended as an instrument of land surrender or, if he did understand, he was rejecting it. Erasmus claimed that Morris was visibly shaken by this episode which portended difficulty in gaining acceptance of the Government's treaty terms.

Everything said at the discussions concerned the Queen's care for her Indian subjects and what she would do for them. There is no indication that the subject of land cession had even been mentioned by Morris. Perhaps he believed that it was too obvious to

state the Government's belief that a treaty would extinguish Indian title to the land. If he was deliberately avoiding the issue, it might have been because he did not think he was able to explain the concept. He knew that the Indians associated a treaty with the use of their land by others. This was sufficient for his purposes. Had he attempted an explanation of the Government's meaning of land cession by treaty, he might have failed in doing so and, at the same time, failed to make the treaty. He certainly passed up the opportunity to discuss the subject in response to Poundmaker's statements which cut to the very heart of the matter. The closest Morris came to discussing land was in reference to reserves. He said that reserves would protect them from being entirely crowded out by settlers. If, as the records indicate, there was no discussion of the meaning of land cession or surrender, it is not surprising that there are divergent views on the subject on both sides persisting to this day.

At the Treaty Four discussions, the land question had been raised in connection with the activities of the Hudson's Bay Company and had occupied several days. There are only two references to the subject at the Treaty Six discussions. Poundmaker questioned the whole concept of reserves and land surrender in his reply to the proposed treaty terms. An objection to land surrender, however they might have understood it, appeared to underlie the obstruction of the Duck Lake Indians as Morris interpreted their motives and objectives:

It was partly, also, owing to hostility to the treaty, as they endeavoured to induce the Carlton Indians to make no treaty, and urged them not to sell the land, but to lend it for four years.³⁵

Poundmaker's point did not appear to receive much support. Similarly, the opposition of the Duck Lake Indians left them isolated. Mistawasis brought the second 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. In explaining his reaction to the Indian request to hold their own Council on the Monday, Morris wrote, "I cheerfully granted the delay from the reasonableness of the request; but I was also aware that the head Chiefs were in a position of great difficulty."³⁶ The Duck Lake Indians, the Saulteaux amongst them, and some of the Cree as well, were either against making a treaty or wished to present what Morris termed "extravagant demands."³⁷ Apparently in the hope that the chiefs might unite all of the Indians in favour of a treaty, Morris determined to give them all the time they requested.

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. 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." Erasmus explained that these were not men of great influence and that the views of the two chiefs, Mistawasis and Ahtukukoop, were those which prevailed in the Council. The major argument of Mistawasis 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.³⁸ 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..."

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 which the Council thought should be in the treaty.

The Indians met the Commissioners again the following day (Tuesday, August 22nd). 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.'³⁹

In spite of the differences that had appeared in Monday's Council between supporters and opponents of the proposed treaty, all the Indian spokesmen asked for better terms. 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 Indian's proposals. The Indians then met in council for the afternoon.

The conference continued on August 23rd with the Indian's interpreter, Peter Erasmus, reading a list of the changes they wished to make in the commissioner's offer:

They asked for an ox and a cow [for] 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 waggon, 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.⁴⁰

After assuring himself that these demands were indeed those of the whole people, Morris consulted with the other two commissioners and then made his reply. He explained that he would not bargain as for a horse. He had considered their requests and his answer would be final. Then he told them “that only in a national famine did the Crown ever intervene.” However, he did add to the treaty the “famine and pestilence clause:”

That in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence, or by a general famine, the Queen, on being satisfied and certified thereof by her Indian Agent or Agents, will grant to the Indians assistance of such character and to such extent as her Chief Superintendent of Indian Affairs shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them...

He also agreed to keep a medicine chest at the house of the Indian agent. The third additional term was to apply only after two or more of the reserves had been agreed upon and surveyed. They were to receive provisions to aid them while cultivating the soil 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.”⁴¹ These three major terms were novel features and entirely unique to Treaty Six. In addition to these, Morris also agreed to increase the quantities of cattle and implements beyond what had been granted in other treaties “as we felt it would be desirable to encourage their desire to settle.”

Morris knew that he was going beyond the terms he had been expected to give. “I do this because you seem anxious to make a living for yourselves, it is more than has been done anywhere else; I must do it on my own responsibility, and trust to the other Queen’s councillors to ratify it.”⁴²

Morris 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 stated that they must look after their own poor and that if they

prospered, they could do so. He also explained that they would not be made to go to war but that if the Queen called on them to protect their wives and children he believed they would. The exclusion of intoxicating liquor and the provision of schools had already been offered in the proposed terms.

Morris reported that, after he had given his own assent to the revised terms, Ahtukukoop called on the people for their assent and that they gave it by shouting and holding up their hands. When Poundmaker and another Indian, Joseph Thomas, continued to object that the terms were insufficient, Morris made the point that what was offered was a gift, as they still had their old way of life. His apparent understanding of the Indian fears regarding the buffalo was not evident in this statement. The acceptance of the revised terms by Mistawasis and Ahtukukoop brought the negotiations to a close.

At some time previous to the negotiations, the proposed treaty had been written in a fine hand on seven separate sheets of parchment. Now that revisions had been made, there were additions to be made to this text. Erasmus noted that "these special provisions were added into the draft of the treaty before the signing began."⁴³ The descriptions of the extra farming supplies agreed upon were written between the lines in a different hand. The places in the text where they 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.⁴⁴

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 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."⁴⁵

The other principal chiefs of the Carlton bands stated that they too accepted the terms as offered and signed Treaty Six on August 23, 1876. The commissioners also signed.

After the closing formalities and treaty payments had been concluded, Morris invited the Duck Lake band to meet him so that such a large number of Indians might not be excluded from the treaty. They did so on Monday the 28th when 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 to help them to cultivate the soil. If a general famine ensued the Government would come to their aid. Meanwhile the Governor-General and the Council of the North-West Territories would examine the feasibility of a law to help preserve the buffalo.⁴⁶

Having received these assurances, three additional chiefs and their headmen signed the treaty. They asked that the treaty payment should be made at Duck Lake. Morris commented:

The persistency with which these Indians clung to their endeavour to compel the Commissioners to proceed to Duck Lake was in part owing to superstition, the Chief Beardy having announced that he had a vision, in which it was made known to him that the treaty would be made there.⁴⁷

The Commissioners then left for Fort Pitt, the second place of meeting appointed for Treaty Six negotiations. When they arrived on September 5th, about one hundred lodges of Indians were already camped there. Since more were constantly arriving, the Indians requested that the meeting be delayed until the 7th. Some members of a mixed band of Cree and Saulteaux whom Commissioner James McKay had met on his way to Fort Pitt had gone after buffalo which had come near. The remainder explained that these absentees would like to have gone to make the treaty "but that the buffalo hunt was of so much consequence to them that they could not wait so long."⁴⁸

In his biography of Big Bear, Hugh Dempsey stated that Sweet Grass had gone to the prairies to hunt but a messenger had been sent to bring him to meet the commissioners at Fort Pitt. No one had been sent to notify Chiefs Big Bear or Little Pine of the negotiations, however; Dempsey noted that

As a result, when the negotiations were held at Fort Pitt, there were one hundred and seven lodges, but only twenty-five of them were Plains Crees under Sweet Grass. Most of the others were Wood Crees, Chipewyans and a few transitional people. According to census figures, Big Bear alone commanded a following of sixty-five lodges and *Sayakimat* another twenty, so the majority of Fort Pitt Crees were still out on the plains.

The chiefs who were present included *Kehiwin*, who with Sweet Grass was under Catholic influence; *Pakan* and Little Hunter, who were Methodists; Cut Arm, Frog Lake Chief and Thunder Companion, the leading non-Christians; and White Fish, from farther north, a chief of six lodges of Catholic Chipewyans. The bishop and a priest were there to represent Catholic interests, and there were also missionaries from the Methodist and Anglican churches. As well, many of the traders who had been at Carlton House had followed the commissioners' train to Fort Pitt in hopes of more quick profits.⁴⁹

When he arrived, Sweet Grass, whom Morris described as “the principal Chief of the Plain Crees,”⁵⁰ paid a courtesy call on Morris, accompanied by about thirty of the principal men.

Treaty-making at Fort Pitt began on September 7th. 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’.” A pipe ceremony similar to that which had taken place at Carlton was conducted. The Mounted Police band played “God Save the Queen.” Morris then addressed the Indians:

... I cast my eyes to the East down to the great lakes and I see a broad road leading from there to the Red River, I see it stretching on to Ellice, I see it branching there, the one to Qu'Appelle and Cypress Hills, the other by Pelly to Carlton; it is a wide and plain trail. Anyone can see it, and on that road, taking for the Queen, the hand of the Governor and Commissioners I see all the Indians. I see the Queen's Councillors taking the Indian by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. All along that road I see Indians gathering, I see gardens growing

and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children, at the same time I see them enjoying their hunting and fishing as before, I see them retaining their old mode of living with the Queen's gift in addition.⁵¹

Morris said he then told them what had been done at Carlton and offered them the same terms, which he would explain if they wished. Sweet Grass accepted Morris' offer to explain the terms of the treaty which Morris said he did, occupying three hours in both addresses. The Indians then met in council for the remainder of that first day.

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.⁵²

When the commissioners arrived at the place of meeting on the 9th, the Indians were still in council, but at length approached them and seated themselves in front of the tent which had been erected. Morris asked them to speak to him. He experienced some difficulty in getting them to do so. "I have met many Indians before", Morris told them, "but this is the first time I have had all the talking to do myself."⁵³

After some time, Sweet Grass spoke. 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."⁵⁴ Sweet Grass referred to the decline of the buffalo and looked to the Government to help protect them. "It is for that reason I give you my hand." Sweet Grass also said he would clear a small piece of land and have his kinsmen do the same.⁵⁵

Morris reported that the people assented to the speech of Sweet Grass "with the peculiar guttural sound, which takes with them the place of the British cheer."⁵⁶ He expressed his satisfaction with what he termed their unanimous approval of the treaty terms. The chiefs and headmen of the bands gathered at Port Pitt then signed the

same treaty as had been negotiated at Carlton. Besides Cree and Saulteaux, some Chipewyan Indians were also included in the treaty at Fort Pitt.

Dempsey believes that the treaty commissioners might have had a more difficult time getting a treaty at all had they gone to Fort Pitt first, assuming of course that Big Bear and the other buffalo-hunting Indians had been present.⁵⁷ As it was, Sweet Grass seemed to be impressed with the fact that Mistawasis and Ahtukukoop had accepted the Treaty at Carlton. He deferred to their wisdom rather than examining the terms closely. There was greater readiness for a treaty amongst those Indians who were farming or who were ready to begin farming than amongst the buffalo-hunters and it was the latter who were mainly absent. The missionaries favoured a treaty also and had greater influence amongst the settled Indians.

By the time Big Bear arrived at Fort Pitt, the Treaty had been concluded. He had visited the hunting camps and brought the views of those who were out on the prairie, but it was too late. Nevertheless, he visited Morris and told him that he spoke for the bands out on the prairie. He recognized the importance of the treaty negotiations and expressed his surprise that the chiefs who were present had not waited for him to arrive. Some of the chiefs tried to explain that what had been done was for the best. At this point, secretary M.G. Dickieson's notes record Big Bear's strange comment that what he dreaded most is "the rope to be about my neck", to which Dickieson appended in parentheses his interpretation of Big Bear's words: "hanging."⁵⁸ This was the interpretation understood by Morris too, which is why he told Big Bear that only bad men were hanged, not good men. Dempsey explained that the entirely wrong meaning had been given to Big Bear's words by inadequate interpretation.⁵⁹ Peter Erasmus, who may have been the best interpreter there, if his own assessment is to be believed, had left Fort Pitt by this time.

What resulted from Big Bear's words at Fort Pitt was a classic example of a mistranslation creating a chain of confusion. When Big Bear spoke of having a rope around his neck, he was not talking about a fear of being hanged, as the interpreter indicated. Rather, he was using a common expression on the plains

that denoted a person giving up his freedom. It was analogous to a wild horse having a rope placed around its neck so that it could no longer wander unfettered and free, making it a prisoner of the one who held the rope ... Presumably, Big Bear's interpreter had confused the term ay-saka-pay-kinit (lead by the neck) with ay-hah-kotit (hanged by the neck). Had the words been properly translated, Big Bear might have received an assurance from Morris that could have changed the course of history.⁶⁰

Once again, it seems that an individual or group of Indians had raised the land question which the commissioners had never discussed any more than absolutely necessary at any treaty negotiation. On those occasions when they were forced to discuss the subject, we do not know precisely what was said. Consequently, we know nothing of what Indians were told about land cession.

Big Bear 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 the next year. Morris claimed that Big Bear gave assurances that he accepted the treaty as if he had signed it and would return the next year with all his people to meet the commissioners and sign it.⁶¹

Big Bear held out in the hope of making a better treaty. Just what he had in mind is not clear, but the comment about the rope around his neck suggests that he sought more Indian control over the land and resources than the land cession view of the treaty provided. This had been Poundmaker's position and the point of view from which the Indians had negotiated at Treaties One, Three and Four.⁶²

However, circumstances were against them. The buffalo declined very rapidly. Within the few years following the making of Treaty Six, the hold-out bands had to adhere to the Treaty and take their reserves in order to avoid starvation.

Morris did not need to concern himself greatly with the bands which chose for the time being to remain out of treaty. The important thing was to have a treaty accepted by those bands which had assembled at Carlton and Fort Pitt. Adhesions could come later once a treaty had been concluded. Having accomplished this, Morris then made his

farewell:

And now I have done, I am going away. The country is large, another Governor will be sent in my place; I trust you will receive him as you have done me, and give him your confidence. He will live amongst you. Indians of the plains, I bid you farewell. I never expect to see you again, face to face. I rejoice that you listened to me, and when I go back to my home beyond the great lakes, I will often think of you and will rejoice to hear of your prosperity. I ask God to bless you and your children. Farewell.

The Indians responded by loud ejaculations of satisfaction, and the Chiefs and Councillors, commencing with Sweet Grass, each shook hands with the Governor, and addressed him in words of parting, elevating his hand, as they grasped it, to heaven, and invoking the blessings of the Great Spirit.⁶³

The Governor had been assisted in making the treaty by his two fellow commissioners. Christie brought his long experience of the prairie country in the service of the Hudson's Bay Company. James McKay had camped near the Indian encampment during the negotiations. "He had the opportunity of meeting them constantly, and learning their views which his familiarity with the Indian dialects enabled him to do."⁶⁴ The Commission had also engaged interpreters, Peter Ballendine and John McKay, while the Indians had Peter Erasmus, who acted as chief interpreter. Morris credited the Métis population, both French and English-speaking, with using their relationship with the Indians to help conclude the treaty. He also credited the Mounted Police, the Hudson's Bay Company officials, and the churchmen present.

In spite of the difficulty he had with some of the Indians, Morris concluded the treaty to his own satisfaction. However, when he reported the revised treaty terms to the Government at Ottawa, there was less satisfaction. There were complaints that the terms of this treaty were more onerous than those of previous treaties in the provision of farm implements and seed grain. Morris defended these provisions on the grounds that the Indians were anxious to make a living by the soil and, therefore, the commissioners had "acceded in some measure to the well-founded representations of the Indians, that the Agricultural implements as originally offered were insufficient in quantity."⁶⁵ Morris stated that he had been convinced for some time that if the Indians were to become

farmers, the implements and cattle provided under the earlier treaties were insufficient. He also defended the “famine and pestilence” clause. He said that the provision is novel only insofar as it was embodied in the treaty. Otherwise, it is as old in practice as the history of civilized governments.

While Morris defended the wisdom of each of these specific provisions on its own merits, his major argument was that, without the augmented terms, they would not have been able to get a treaty. He pointed out the Indian awareness of “the much more liberal terms granted by the American Government to the Indians, when treaties are made with them” and added for greater emphasis, “my only wonder is that the Indians made the Treaty at all.”⁶⁶

Treaty Six laid to rest for the time being some of the uneasiness which had existed in the Saskatchewan country because of the Indians’ fear that they would not be treated with before settlers had outnumbered them in their own country. Not all of the bands had accepted the treaty and it would be some time before even those who had would select their reserves and settle on them. Adhesions to Treaty Six continued to be taken for many years, the last one as late as 1956. The adhesion at Montreal Lake in 1889 differed from the others in that the treaty boundaries were extended as a result.

Notes

1. Canada, *Sessional Papers*, 1872, No. 22, W.J. Christie to A.G. Archibald, April 13, 1871. See also PAC, Record Group 10, Vol. 3609, file 3229.

2. *Ibid.*, 1873, No. 23, Morris to Howe, December 13, 1872.

3. PAC, MG27 ID10, Laird Papers, Charlie N. Bell to Morris, March 23, 1874.

4. *Ibid.* “Memorandum by A.R.C. Selwyn, Esq., on the policy to be pursued toward the Indians in the North West Territories.”

5. Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Toronto, 1880; reprinted 1971, Coles Canadiana Co.), p. 185. Hereafter cited as Morris, *Treaties*.

6. *Ibid.*, p. 227.

7. PAM, M12 B1, Morris Papers (KC), Morris to Laird, August 3, 1875.

8. PAC, RG 18, Vol. 46, French to the Minister of Justice, August 6, 1875.
9. PAM, M12 B1, Morris Papers (LG), Selby Smyth to Morris, August 6, 1875.
10. John Leonard Taylor, "The Development of an Indian Policy for the Canadian North-West, 1869-79", Ph.D. Thesis, Queen's University, 1975, pp. 197-198.
11. An examination of the actual handwritten treaty suggests that it had been written in advance and then altered in the field to include negotiated provisions.
12. PAM, M12 B1, Morris Papers (KC), Laird to Morris, July 15, 1876.
13. PAC, MG26A, Macdonald Papers, Vol. 252A, p. 114, 495, Morris to Sir John A. Macdonald, May 25, 1885.
14. Christie was by then retired from the Hudson's Bay Company's service. He had been a commissioner for Treaty Four.
15. James McKay was himself of part Indian ancestry. A member of the Executive Council of Manitoba, he had assisted at most of the earlier treaty negotiations. His knowledge of the Indians and his influence with them were valued by the other commissioners. See PAC Macdonald Papers, Vol. 187, Archibald to Macdonald, December 6, 1870.
16. Peter Erasmus was born on June 7, 1833, at the Red River Settlement, the son of a Danish father and Metis mother.
17. Morris, *Treaties*, p. 202.
18. These names translate as Big Child and Star Blanket respectively.
19. Morris gave this general estimate in his report. See his *Treaties*, p. 197. Christie reported the numbers paid after the Treaty had been concluded were 1,787 at Carlton and 1,039 at Fort Pitt. PAM, M12 B1, Morris Papers (KC), Christie to Morris, October 12, 1876.
20. *Ibid.*, p. 183.
21. Gordon Lee, "The Importance of the Sacred Pipe Ceremony", in *The Spirit of the Alberta Indian Treaties*, Richard Price, ed. (Montreal: Institute for Research on Public Policy, 1979), p. 111.
22. Morris, *Treaties*, p. 198.
23. *Ibid.*, p. 183. See the similar interpretation in Delia Opekokew, "The First Nations: Indian Government and the Canadian Confederation," *Federation of Saskatchewan Indians*, n.d., p. 10.
24. *Ibid.*, p. 199.
25. J.E. Foster, "Indian White Relations in the Prairie West during the Fur Trade Period - a Compact?" in *The Spirit of the Alberta Indian Treaties*, Richard Price, ed. (Montreal: Institute for Research on Public Policy, 1979), p. 183.
26. *Ibid.*, pp. 186-87.
27. Morris, *Treaties*, pp. 182-83.
28. *Ibid.*, p. 202.

29. *Ibid.* p. 183.
30. Neither Morris nor the Indians knew at this time that in three years the buffalo would be entirely gone from the Canadian prairies. However, they were both aware that the buffalo were going. It was only the extremely short interval before that event which took them by surprise.
31. Morris, *Treaties*, p. 184.
32. *Ibid.*
33. Originally hired by the Indians, Erasmus agreed to interpret for the Government as well. In the end, he was paid by both parties.
34. Peter Erasmus, "Buffalo Days and Nights", unpublished typescript, Glenbow - Alberta Institute, Calgary. [Now published under that title.]
35. Morris, *Treaties*, pp. 188-89.
36. *Ibid.* p. 184.
37. Were they "extravagant" demands in the sense of greater benefits or were they "unreasonable" demands because they wanted greater control over their territory?
38. It is interesting that in his correspondence on Treaty Six after the negotiations, Morris agreed with this point of view. PAM, M12 B1, Morris Papers, Ketcheson Collection, Morris to the Minister of the Interior, March 27, 1877.
39. *Ibid.* p. 185.
40. *Ibid.*
41. *Ibid.* p. 186.
42. *Ibid.*, p. 217.
43. Erasmus, "Buffalo Days and Nights."
44. This description was made after viewing the original Treaty Six at the Public Archives of Canada.
45. *Ibid.*
46. Morris, *Treaties*, p. 188.
47. *Ibid.*
48. *Ibid.* p. 190.
49. Hugh Dempsey, *Big Bear: The End of Freedom* (Vancouver/Toronto: Douglas and McIntyre, 1984), p. 71.
50. Morris, *Treaties*, p. 179.
51. Morris, *Treaties*, p. 231.
52. *Ibid.*, p. 190.

^{53.} *Ibid.*, p. 236.

^{54.} *Ibid.*, p. 191.

^{55.} *Ibid.*, p. 236-37.

^{56.} *Ibid.* p. 191.

^{57.} Dempsey, *Big Bear*, p. 70.

^{58.} *Ibid.* p. 240.

^{59.} Dempsey, *Big Bear*, p. 74.

^{60.} Dempsey, *Big Bear*, p. 74.

^{61.} Morris, *Treaties*, p. 242. In fact, Big Bear did not sign the treaty until 1882. Dempsey, *Big Bear*, p. 75, wrote that "his speeches had made it perfectly clear that he would not make a decision until he had spoken with his people and the other chiefs still on the plains."

^{62.} Everything had happened so quickly when Treaty Five was made, it is uncertain what the Indians understood. At Grand Rapids the following year, they did not even know that they had made a treaty.

^{63.} *Ibid.*, pp. 241-42.

^{64.} *Ibid.* p. 195.

^{65.} PAM, M12B1 Morris Papers (KC), Morris to the Minister of the Interior, March 27, 1877.

^{66.} *Ibid.*

INTERPRETING TREATY SIX

Almost from the moment that each treaty was concluded, there have been differences about the meaning. Some of these have concerned content and specific terms. There is also the more general question of interpretation. Is the meaning of a treaty found in the text alone or must the entire historical and cultural context be taken into account?

In her paper on the meaning of the treaties, Delia Opekokew pointed out the need to consider more than the bare treaty text. She made reference to an earlier study:

In the 1976 Federation of Saskatchewan Indians study of the circumstances surrounding Treaty 6, it was concluded that, "In considering the terms of a specific treaty, both the actual treaty document and the recording of the discussions involved must be included. This is the nature of the communication process within Indian culture. When oral communication takes place, it is understood that men are literally bound by their words. Considering this process then, it is easy to understand that the verbal assurances and statements of the commissioners were accepted by the Indian people as part of the treaty agreements."¹

There is an obvious contrast between the literal meaning conveyed by the written words of the treaty text and that suggested by the context and spoken words of the treaty-making process. Quite apart from specific content, there is a marked difference in the emphasis given to the subjects treated. This difference in emphasis is a major cause of the disparity found in various interpretations of the treaty.

It is clear from the text of the treaties and from the correspondence about them that the Government saw treaty-making primarily as a means of obtaining peaceful leave from the resident Indians for the settlement and development of the Indians' territory. The treaty texts go even further and read like deeds of sale. The first provision in the text of Treaty Six is for the Indians of the district described and defined there to "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 a description of the territory

intended to have been surrendered by the treaty, there was added for greater certainty, “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.”

The interpreters did read the text of the treaty to the Indians in their own language, but what understanding could they have had of the land surrender clause?² Quite apart from the difficulty of finding words to translate the legal terms so familiar to Morris, the concepts involved were entirely alien to the prairie Indian of 1876.

Moreover, there is the matter of emphasis. In spite of the clear emphasis on land surrender in the written text of the Treaty, there is no mention at all in the recorded speeches of the commissioners of the voluntary and total surrender forever of the Indians’ country. Nor is there any indication that the commissioners attempted to explain a concept which was at the heart of the treaty from the Government point of view and which loomed so largely in the treaty text.³

During the negotiation of Treaty One in 1871, Governor Archibald and Commissioner Simpson had considerable difficulty explaining the land implications of the proposed treaty.⁴ It is not clear that the Indians there ever did appreciate the significance of the land surrender and reserve clauses of the treaty until they had actually lost most of the land through settlement. When Treaty Three was made at the North-West Angle, the Saulteaux spoke as though they had no intention of giving up control over their country but of making only specific concessions as agreed upon. The chiefs frequently told Morris that the land where they stood belonged to them. In asking for farming assistance, one chief said, “The waters out of which you sometimes take food for yourselves, we will lend you in return.”⁵ There is no suggestion there that the chief thought he was negotiating a land surrender forever.

Only three years had passed since the making of Treaty Three and five years since Treaty One. If those Indians had difficulty with the concept of a land surrender, there

was even less reason for the Indians of the more remote Saskatchewan country to understand what the government meant by land surrender and reserves.

One must also wonder if they could really foresee the massive migration of settlers into their lands. During the negotiations, the Indian people were led to believe that 'much of the land was beyond the places where the white man would want to go.' They were convinced that although the land was ceded to the Queen, they still had rights to hunt, fish, and travel as freely as before. They were always assured of the Queen's concern for them and their future, being addressed throughout the negotiations as the Red Children of the Great White Mother, the Queen.

Coming into the west in increasing numbers, the settlers were claiming land as their exclusive private property. These values were alien to Indian culture and threatened the very roots of the freedom they had so dearly cherished since the beginning of time.⁶

It is within this context that Big Bear's comment about having a rope around his neck can best be understood. He seemed to foresee the problem over land and sought assurances from the Commissioner. However, he was too late. The Treaty had already been concluded. We do not know what the others thought about the land question, apart from Poundmaker.

As far as we can tell from the records we have, the subject of land surrender was not discussed at the Treaty Six negotiations. The Commissioner's recorded addresses stressed instead the Queen's concern for her Indian subjects and the alliance between the two races. The treaty terms which were mentioned were those which would give something to the Indians rather than take something away.

The impression left by Morris in his book is that he and his fellow commissioners had reached a common understanding with the majority of the Indians who had been present at Forts Carlton and Pitt. This was the symbolism of the uniforms given to the chiefs and headmen and of the flags and medals presented to the chiefs. The medals portray a treaty commissioner grasping the hand of an Indian. Between them lies a hatchet buried in the ground.

In the mid-1970s, the Indian Association of Alberta (I.A.A.) conducted an extensive series of interviews with the Indian elders of the Alberta treaty areas. These interviews were conducted in the native languages by a group of native speakers and subsequently translated into English. They were published together with an interpretive essay on each treaty. The essay on Treaty Six deals chiefly with the crucial question of the understanding of the concept of land surrender. The attempt is made to compare what we know on the subject from written sources with the recorded oral testimony of the Indian elders. Was there a common understanding about land surrender? The essay concludes that the land cession aspect of the treaty was probably viewed by the Indian participants in a very different way from that in which it was interpreted by the commissioners or by many people to-day.⁷

The idea that the treaty provided for some kind of sharing of the land rather than the outright surrender described in the treaty text is a view which runs through all of the testimony of the Alberta Treaty Six elders. They held that the Indians only gave up limited rights in the land, namely the surface rights. "This was explained as being land required for farming."⁸ One researcher on the oral history project offered an explanation of the difference in interpretation 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.⁹

Contrary to the language of the treaty text, the elders who were interviewed in the 1970s saw the treaty in terms of certain things being requested by the commissioners. "Only those specific items were surrendered."¹⁰ Consequently, the elders denied that

other resources were given up along with the use of the land:

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.¹¹

A study done by the Federation of Saskatchewan Indians came to a similar conclusion:

Since the treaties were signed, more than one chief has stated that he had no idea he was completely and absolutely giving up possession of the traditional lands of his people; he had only intended that the white settlers be permitted to use the land.¹²

These interpretations are compatible with the idea of sharing and with the comments made by Morris at the negotiations that they did not wish to interfere with the Indians' hunting and fishing. "What I have offered does not take away your living, you will have it then as you have now, and what I offer now is put on top of it."¹³ The Indians might well have understood that they were agreeing to settlers using what they did not require in return for protection for their way of life and some practical assistance in supplementing their traditional means of livelihood. If this was the Indian interpretation, it is considerably at odds with that view of the treaty which regards it as an instrument of comprehensive and final territorial alienation from the Indians to the Crown.

What are we to understand to-day about the benefits to be given to the Indians under the terms of the treaties? While Morris said little or nothing about what he expected the Indians to give up, he said a great deal about the benefits to be derived from a treaty. There were the intangibles; the Queen's concern for her Indian subjects and the brotherhood between her non-Indian and Indian subjects. Then in considerable contrast to these broad generalizations, the treaty negotiations narrowed down to the number of hoes and spades to be provided.

These detailed provisions cannot be dismissed as insignificant. It is clear that the commissioners and the Indians attached considerable importance to the specific items and quantities of benefits to be provided under the treaty. These were negotiated at

length and the Treaty Six Indians managed to get a little more than it had been the Government's intention to give them. This concern with the precise items and quantities was important to both sides at the time. The Indians had to be sure that they could begin farming with what was being provided. The Government was concerned with the cost of its western territories when the treaties, police, and railway-building all had to be paid for with little corresponding revenue.

On the other hand, the specific items of farming assistance and the medicine chest are, in this writer's opinion, clearly out-dated now. Are these terms of Treaty Six mere anachronisms designed to meet a need in the nineteenth century, but of no continuing significance? A recent writer has raised the question more graphically:

Another cause of controversy is the native claim that treaty clauses should be interpreted in the light of changing conditions. For example, 'treaty money' of \$5 had substantial purchasing power in 1876; today it is scarcely more than small change. A century ago, ploughs, harrows, and oxen were standard agricultural equipment; to-day their equivalents are combines, tractors, one-way discs, and the like. If other bands, and there are some still eligible, should sign treaty, should the government offer them hoes and reaping hooks to establish their farms?¹⁴

Was Morris himself suggesting a continuous updating of the treaty when he wrote to the Minister of the Interior that the "Indians demanded progressive assistance as they advanced in civilization; food, and help in time of famine or national calamity."¹⁵

Since 1876, there has been a great deal of change in Canada, not all of it contemplated at the time of the treaties. Hence, modern Indian associations have interpreted the treaty provisions in broad terms. They justify this on several grounds. The Indian people did not die out or become assimilated as some Canadians in 1876 thought they would. Moreover, in the view of the Federation of Saskatchewan Indians, they were and are sovereign nations. In the view of the Federation,

Nor did Indian nations surrender this sovereignty. Instead, they granted some of their powers to the Crown in exchange for certain benefits and rights... Indian

people entered into a political arrangement with the Crown so that they could live as Indian people forever... By signing the treaties, the Indian nations created an ongoing relationship with the Crown in Indian social and economic development in exchange for lands surrendered.¹⁶

The Alberta Indian Chiefs have taken a similar position:

Under the terms of Treaties 6, 7 and 8 the Government of Canada has a legal obligation to assist the Alberta Indian bands to accomplish socio-economic development in the reserves. Our people will take the initiative in asking for whatever resources are needed to begin and complete the development process, and when this occurs the Department must respond. The level and the nature of assistance must be sufficient to provide for sound economic development and must not be restricted to the specific *written* terms of the treaties. It should be sufficient to provide a solid new economic base for communities deprived of a traditional economic base.¹⁷

Indians point to the words used by Morris at Fort Carlton: "What I trust and hope we will do is not for to-day or tomorrow 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 Hence, treaty terms have been recast in modern terms. For example, the medicine chest clause has been regarded as implying the full benefits of medicare. Similarly, farm implements, animals, and seed were the logical form of assistance in economic development in the nineteenth century. Today, it could comprise the entire spectrum of economic activity in the region concerned. The provision for schools was interpreted by the Federation of Saskatchewan Indians to mean that "[e]ducation, as *authorized* by, according to the *direction* from, and under the *control* of, Indian authority will be established in *perpetuity*."¹⁹ Further, the "famine and pestilence" clause is regarded as a treaty guarantee of social assistance: "This right does not intend that Indians live in dependency. It guarantees support to Indian socio-economic development and self reliance."²⁰

The written provisions of the treaties, says the Federation of Saskatchewan Indians, do not adequately reflect the agreements reached in the negotiations with respect to hunting, fishing, trapping and gathering:

Treaty Six Indians were assured that they would be free to hunt and fish throughout the territory as they had done prior to the Treaty, provided they did not destroy the settlers crops...²¹

As early as the summer of 1884, the chiefs of the Treaty Six area met in council at Carlton and interpreted their Treaty in terms of the Commissioner's words to them rather than the Treaty text. Indian Agent Macrae reported what they had represented to him:

That they were told that they would see how the white man lived, and would be taught to live like him. It is seen that he has threshing mills, mowers, reapers, and rakes. As the Government pledged itself to put them in the same position as the white man, it should give them these things.²²

Whatever the precise interpretation of Treaty Six may be, no interpretation of the treaty is adequate which regards it as a simple business contract. It has to be considered within the context of the initial ceremonial and the assurances of friendship and brotherhood and of the Queen's concern for her Indian subjects which were such a prominent feature of the Treaty Six negotiations. Furthermore, the treaty requires interpretation, not only in cultural and historical terms, but within the context of modern Canada. The present Queen suggested this approach when she told a gathering of Indian people at Calgary on July 5, 1973, that her Government would keep the spirit and the terms of their treaties.

Notes

¹ Delia Opekokew, "The First Nations: Indian Government and the Canadian Confederation" (Federation of Saskatchewan Indians, 1979), p. 11.

² Was it translated into Cree only or was the treaty read in Saulteaux and Assiniboine as well? Commissioner James McKay had explained Treaty Three at the North-West Angle "in Indian," presumably Saulteaux. See Morris, *Treaties*, p. 51. Did he perform a similar service in 1876?

³ Morris, *Treaties*, p. 178, states that "the treaty was interpreted to them carefully..." However, there is no specific mention in his detailed account of his addresses and the subsequent discussions of any attempt to explain this most important concept. Yet there is recorded discussion of flags, medals, and uniforms.

⁴ Morris, *Treaties*, p. 34.

⁵ *Ibid.* p. 63.

6. Quoted from a report of the Federation of Saskatchewan Indians in Opekokew, "The First Nations," p. 11.
7. Richard Price, ed., *The Spirit of the Alberta Indian Treaties* (Montreal: Institute for Research on Public Policy, 1979).
8. Price, *Alberta Indian Treaties*, p. 42.
9. *Ibid.*
10. *Ibid.*, p. 43.
11. *Ibid.*
12. Opekokew, "The First Nations," p. 11.
13. Morris, *Treaties*, p. 211; see also pp. 184, 204.
14. John W. Chalmers, "Treaty No. Six," *Alberta History* (Spring 1977), p. 27
15. PAM, M12B1, Morris Papers, (KC) Morris to the Minister of the Interior, March 27, 1877
16. Opekokew, "The First Nations," pp. 10-11
17. Indian Association of Alberta, "An Appeal by the Treaty Indian Chiefs of Alberta to the Government of Canada to Perform Totally its Treaty Obligations in Fiscal year 1878-79 and in Perpetuity", August 24, p. 21
18. Morris, *Treaties*, p. 202
19. Federation of Saskatchewan Indians, "Indian Treaty Rights," 1979. The emphasis is in the original.
20. *Ibid.*
21. *Ibid.*
22. PAC, RG 10, Vol. 3697, file 15, August 25, 1884.

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