

Sources on the Numbered Treaties

Numbered Treaties Document #1: Aboriginal Territory Before the Treaties

Sharon Venne is a Cree writer of books and articles on the rights on Indigenous people:

Indigenous Chiefs dealt with the arrival of the non-Indigenous settlers into Indigenous territory in the same manner as they dealt with others entering their jurisdiction. There was a protocol [correct code of conduct] to be followed. The Chiefs requested that the Crown and its settlers not enter their territory without concluding an agreement. It was the Indigenous peoples who had the jurisdiction in this area and told the Crown that their jurisdiction must be respected . . .

All over the West following 1870, Indigenous Peoples prevented surveyors and other people – including the builders of the telegraph – from coming into their territory without a treaty. The Indigenous peoples were protecting their jurisdiction. If the Crown wanted to have access to their territories, the Crown would need an agreement from the Indigenous peoples.

Source: Sharon H. Venne, “Understanding Treaty 6: An Indigenous Perspective,” in Michael Asch, ed. *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997, 2002), p. 184.

Numbered Treaties Document #2: Protecting Claim to the Land

Sharon Venne is a Cree writer of books and articles on the rights on Indigenous people:

The Indigenous peoples heard that the Hudson’s Bay Company had sold lands to the British Crown. The Chiefs could not believe that the trading company could have acquired their lands . . . In order to clarify the situation, the Chiefs sent a message to the representative of the Queen to inform her of the true situation. They stated that the Hudson’s Bay Company could not gain control of their lands through its trading activities. These lands belonged to the Indigenous peoples who demanded that the Crown respect their rights before moving into their territory. They wanted the jurisdictional issue settled as soon as possible. They wanted the Crown to determine the exact nature of its agreement with the Hudson’s Bay Company, which was undertaken without the consent of Indigenous peoples. They considered such an agreement to be invalid as a means of gaining access to their lands.

Source: Sharon H. Venne, “Understanding Treaty 6: An Indigenous Perspective,” in Michael Asch, ed. *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997, 2002), p. 184.

Numbered Treaties Document #3: Importance of the Buffalo

Arthur Ray is a University of British Columbia history professor, specializing in Aboriginal treaty negotiations:

The buffalo people of the prairies lived in what a European fur trader described as a vast ‘sea of grass and scattered islands of woods,’ which teemed with bison. Bison, or buffalo as they are usually called, North America’s largest terrestrial animal, had been the main focus of the Plains people’s economies since the great Ice Age. The adult male buffalo weighs up to two thousand pounds and could provide the hunter with as much as a thousand pounds of dressed meat. . . . The Plains people also depended on buffalo for an array of essential raw materials. Their heavy winter coats served as warm robes for bedding and outer wear. The hides were idea for making lodge coverings, *parfleches* (leather containers), clothing, *babiche* (leather cording), and war shields. Men worked bison bone into a variety of tools, and the women used the paunch as a cooking and storage container. In short, this one majestic animal provided the foundation for their way of life.

Source: Arthur J. Ray, *I Have Lived Here since the World Began*, (Toronto: Key Porter Books, 2005), p. 13.

Numbered Treaties Document #4: Demise of the Buffalo

Gerald Friesen is a University of Manitoba history professor, specializing in Western Canadian history:

The heart of the problem was the virtual extinction of the Canadian buffalo herd between 1874 and 1879. No satisfactory explanation, aside from an incredible slaughter by native and white hunters were supplying the American hide trade, has ever been offered for this sudden destruction of the prairie food supply. A variety of half-hearted conservation measures was considered by the Canadian federal and territorial governments, but no effective limits were adopted in time. Heavy hunting in the mid-1870s depleted the breeding stock, and by 1878 most of the Canadian herd had been driven into Montana. . . . The plains equestrian way of life, rich and fulfilling as it had been for over a century, had come to an end.

Source: Gerald Friesen, *The Canadian Prairies: A History*, (Toronto: University of Toronto Press, 1987) pp. 149-150

Numbered Treaties Document #5: Aboriginal Request for Help

Sweet Grass (Wikaskokiseyin), Cree Chief along North Saskatchewan River, sent this petition to Lieutenant-Governor Alexander Morris in 1871, asking the government's assistance to protect his people's property and help them become farmers:

Great Father, - I shake hands with you, and bid you welcome. 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.

Make provision for us against years of starvation. We have had great starvation the past winter, and the small-pox took away many of our people, the old, young, and children.

We want you to stop the Americans from coming to trade on our lands, and giving the firewater, ammunition and arms to our enemies the Blackfeet.

We made a peace this winter with the Blackfeet. Our young men are foolish, it may not last long. We want you to come and see us and to speak with us. If you can't come yourself, send some one in your place.

Source: Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (1880; reprint, Saskatoon, Fifth House, 1991), pp 170-171.

Numbered Treaties Document #6: Promise by the Crown

Lieutenant-Governor Archibald was the negotiator for the Crown on the first treaty signed at Lower Fort Garry in 1871 with the Chippewa and Swampy Cree.

Your Great Mother wishes the good of all races under her sway. She wishes her red children to be happy and contented. She wishes them to live in comfort. She would like them to adopt the habits of the whites, to till land and raise food, and store it up against a time of want. . . . Your Great Mother, therefore, will lay aside for you 'lots' of land to be used by you and your children forever. She will not allow the white men to intrude upon these lots. She will make rules to keep them for you, so that as long as the sun shall shine, there shall be no Indian who has not a place that he can call his home, where he can go and pitch his camp, or if he chooses, build his house and till his land.

Source: From Treaty No. 1: 1871 Lt Governor to the Natives. In Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1987), pp. 138-139.

Numbered Treaties Document #7: Interest in Negotiating a Treaty

Petition of the Chokitapix [Blackfeet] Indian Chiefs to Lieut. Governor Morris, President of the Council for the North West Territories:

Humbly sheweth: -

1. That at a general Council of the Nation held by respective tribe of Blackfeet, Bloods and Peigans in the Fall of 1875, it was decided to draw the attention of our honourable Council of the North West to the following facts, viz-
2. That in the Winter of 1871 a message of Lieut. Governor Archibald was forwarded to . . . promise us that the Government, or the white man, would not take the Indian lands without a Council of Her Majesty's Commissioner and the respective Chiefs of the Nation.
3. That the white men have already taken the best location and built houses in any place they pleased in our 'hunting grounds.'
4. That the Half-breeds [Métis] and Cree Indians in large Camps are hunting Buffalo, both summer and Winter in the very centre of our lands.
5. That the land is pretty well taken up by white men and no Indian Commissioner has visited us yet.
6. That we pray for an Indian Commissioner to visit us at the Hand Hills, Red Deer River, this year and let us know the time that he will visit us, so that we could hold a Council with him, for putting a stop to the invasion of our Country, till our Treaty be made with the Government.
7. That we are perfectly willing the Mounted Police and the Missionary should remain in the Country, for we are much indebted to them for important services.
8. That we feel perfectly confident that the representatives of Our Great Mother, Her Majesty the Queen, will do prompt Justice to her Indian children.

Praying that the Ottawa Government will grant us our Petition, or do in the matter what to you and your Honourable Council of the North West may seem meet;-

Your Petitioners Remain, Your Excellency's Humble Servants."

Source: Treaty 7 Elders and Tribal Council. *The True Spirit and Original Intent of Treaty 7* (Montreal: McGill-Queen's University Press, 1995), pp. 276-277.

Numbered Treaties Document #8: Poundmaker's Objections

This account of Poundmaker's dissent in 1876 to Treaty 6 comes from Peter Erasmus, a Métis interpreter hired by the Cree to help them in their negotiations:

Poundmaker, 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 [dried meat] 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 some time before the main chiefs could restore order.

Source: Peter Erasmus, as told to Henry Thomson, *Buffalo Days and Nights*, (Victoria: Heritage House Publishing, 1976), p. 244.

Numbered Treaties Document #9: Response to Poundmaker

Three prominent Cree Chiefs, Mistawasis (Big Child), Ahtahkakoop (Star Blanket) and Wikaskokiseyin (Sweet Grass), responded to the concerns raised by Poundmaker in 1876 about Treaty 6:

Mistawasis: "I speak directly to Poundmaker and The Badger and those others who object to signing this treaty. Have you anything better to offer our people? . . . the Great White Queen Mother has offered us a way of life when the buffalo are no more. Gone they will be before many snows have come to cover our heads or graves if such should be . . . "

Ahtahkakoop: His people could not "stop the power of the white man from spreading over the land like the grasshoppers that cloud the sky and then fall to consume every blade of grass and every leaf on the trees in their path . . . I for one will take the hand that is offered . . . I will accept the Queen's hand for my people."

Wikaskokiseyin: "I have pity on all those who have to live by the buffalo. If I am spared until this time next year I want my brother to commence to act for me, thinking thereby that the buffalo may be protected. It is for that reason I give you my hand. If spared, I shall commence at once to clear a small piece of land for myself, and others of my kinsmen will do the same. We will commence hand in hand to protect the buffalo."

Source: J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), pp. 176-177, 180.

Numbered Treaties Document #10: Different Languages

Peter Erasmus was a Métis traveler, guide, buffalo hunter, translator, farmer, Indian Agent, and mission worker. He was born in 1833, and died in 1931. He was highly educated man, fluent in six Native languages as well as English, Latin and Greek, and respected by Native peoples, white settlers and explorers. Erasmus was instrumental as the translator at the Treaty Six negotiations. At the age of 87, Erasmus told his life story to Henry Thompson (also a Métis person, and a journalist). Below Erasmus describes the Treaty Six negotiations:

[Government interpreter] Rev. McKay had learned his Cree among the Swampy and Saultaux. While there was a similarity in some words, and I had learned both languages, the Prairie Crees would not understand his Cree. Further, the Prairie Crees looked down on the Swampy and Saultaux as an inferior race. They would be intolerant at being addressed in Swampy or Saultaux words. I knew that McKay was not sufficiently versed in the Prairie Cree to confine his interpretations to their own language . . . Mista-wa-sis, after listening for a time, jumped to his feet and said, “We are not Swampy Cree or Saultaux Indians. We are Plains Crees and demand to be spoken to in our own language.”

Source: Peter Erasmus, as told to Henry Thomson, *Buffalo Days and Nights*, (Victoria: Heritage House Publishing, 1976), pp. 251-252.

Numbered Treaties Document #11: Authority to Make the Treaty

Sharon Venne is a Cree writer of books and articles on the rights on Indigenous people: Because of [their] spiritual connection with the Creator and Mother Earth, it is the women who own the land. Man can use the land, protect and guard it, but not own it. Women can pass on authority of use to the man, but not the life of the earth. . . . The Chiefs did not go to the treaty table with unlimited authority to negotiate with the representatives of the Crown. Just as the Queen’s commissioner was limited by the Crown’s legislative authority, so too were the Chiefs limited.

The Chiefs who entered into treaty only had the authority to share the lands, never to sell or surrender it. One of the reasons women did not take on political roles such as Chief, or participate in the treaty-making process, was to protect their jurisdiction and possessory rights. Women never signed the treaties: they never signed away possession of the lands to the Crown. This is the main reason that the Elders and Chiefs can say with such authority that the land was never sold in the treaty process.

Source: Sharon H. Venne, “Understanding Treaty 6: An Indigenous Perspective,” in Michael Asch, ed. *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997, 2002), pp. 191-192

Numbered Treaties Document #12: Commitment to Respect the Treaty

Chief Mawedopenais was a spokesperson for the Aboriginal people at the Treaty 3 negotiations in October 1873. He is recorded to have stated:

Now you see me stand before you all: what has been done here today has been done openly before the Great Spirit and before the nation, and I hope I may never hear any one say that this treaty has been done secretly: and now in closing this Council, I take off my glove, and in giving you my hand I deliver over my birth-right and lands: and in taking your hand I hold fast all the promises you have made, and I hope they will last as long as the sun rises and the water flows, as you have said.

Source: From Treaty Three (1873) in J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), pp. 167, 170.

Numbered Treaties Document #13: The Government's Position

Elder Fred Horse was interviewed in 1973 when he was 64 years old about Aboriginal oral history regarding Treaty 6:

The Commissioner said he wanted three things. He only wanted the pine to make houses, grass for his animals and land to the depth of six inches to break and plant crops. Anything underneath remained under the jurisdiction and property of the Indigenous peoples. The Indian people would never be in want as they had ensured their future good life by sharing their lands. [The Commissioner] stated that he had not bought the water nor the fish in it. All the creatures that flew or walked were the Indian's property . . . The Queen had promised that the wealth of the land would be ours.

Source: Elder Fred Horse in Sharon H. Venne, "Understanding Treaty 6: An Indigenous Perspective," in Michael Asch, ed. *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997, 2002), pp. 192-193.

Numbered Treaties Document #14: Differing Perceptions

Gerald Friesen is a University of Manitoba history professor, specializing in Western Canadian history:

There will never be agreement on what the original parties did, let alone what they thought they had done. Nevertheless, it seems clear that a fundamental divergence in Indian and government views of the treaty has marred Indian-white relations from the 1870s to the present. For the crown, the treaty was a single transaction. A price was arrived at, aboriginal title was extinguished, and the two parties had no further claims on each other except as specified in the clauses of the treaty. For the Indians, in contrast, the treaty, like the fur trade exchange, was an alliance. It was subject to renewal each year and implied a continuing relationship between two peoples. The Indian people assumed they had given up their land or birthright, however they understood this concept, and in exchange acquired political protection, economic security, and education not just during the troubled era of transition but forever. As the custom of annual treaty payments recognized, this was not a one-shot event, in their eyes, but a relationship that would be reviewed in order that the spirit of the contract, as well as the letter, was maintained.

Source: Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1987), pp. 147-149.

Numbered Treaties Document #15: Details of Treaty 6

Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions

ARTICLES OF A TREATY made and concluded near Carlton on the 23rd day of August and on the 28th day of said month, respectively, and near Fort Pitt on the 9th day of September, in the year of Our Lord one thousand eight hundred and seventy-six.

... And whereas the said Indians have been notified and informed by Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

The Plain and Wood Cree Tribes of Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors forever, all their rights, titles and privileges, whatsoever, to the lands included within the following limits .

..

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 tract comprised within the lines above described embracing an area of 121,000 square miles, be the same more or less.

To have and to hold the same to Her Majesty the Queen and Her successors forever.

Source: Roger Duhamel Queen's Printer And Controller Of Stationery, Ottawa, 1964 Cat. No. R33-0664 Land Publication No. Qs-0574-000-Ee-A-1