ALEXANDER MORRIS and the SAULTEAUX:

THE CONTEXT AND MAKING OF TREATY THREE, 1869-73

by

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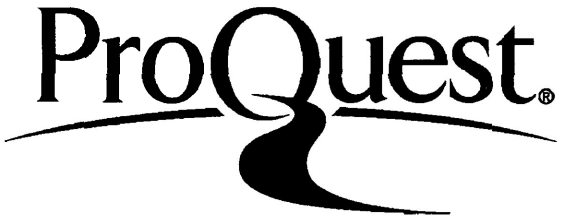

For Louise.

TABLE OF CONTENTS

PREFACE

The primary purpose of this thesis is to explore and analyze the circumstances surrounding the Treaty Three agreement between the Canadian government and the Anishinabe in 1873. The agreement is important for a number of reasons. The Anishinabe won significant concessions from Canada that, not only led to the renegotiation of Treaties One and Two, but set the standard for the rest of the numbered treaties across Western Canada as well. It is helpful to remember that while most of the other numbered treaties were signed in a matter of weeks, Treaty Three was over four years in the making. The Anishinabe realized the value of their land and insisted on key demands from the Dominion government. They remained committed to their basic position from 1869 when they first issued a copy of their demands to the Canadian government until 1873 when they finally signed Treaty Three. These demands went far beyond what Indian agents were commissioned by the Canadian cabinet to agree to. The Anishinabe realized this and held up the talks until they could negotiate with a representative of the Queen, who they believed had the authority to deal with their demands. In 1873, they received such an individual in Alexander Morris, the Lieutenant-Governor of Manitoba and the North-West Territories. The Anishinabe could not have realized at the time that Morris' instructions were as narrow as the other representatives who had earlier attempted to negotiate a treaty with them.

It is not surprising that Morris has received much of the credit for negotiating Treaty Three which had eluded the Canadian government since the Riel Resistance. However, a careful examination of the available evidence suggests that the agreement was made possible by the work of Simon Dawson and his associates Richard Pither and Nicholas Chatelain on one hand and James McKay and other Metis leaders of the Red River community who

accompanied Morris to Lake of the Woods in 1873. This paper argues that it was a combination of these two factors, the rank that Morris enjoyed in the eyes of the Anishinabe and the role played Dawson, McKay and the rest of the Canadian negotiating team that led to the successful agreement in 1873.

In the 1870's, Canadian officials referred to the Anishinabe as the Saulteaux. There is no evidence available that suggests that they ever called themselves by this term. Nevertheless, all of the primary and many of the secondary sources use the word Saulteaux, so, for sake of consistency and in order to avoid confusion, I have decided to use it throughout this paper.

This paper would not have been made possible without the support and encouragement of many people. I would like to expressed my thanks to members of the History department at Lakehead University including Professors Smith, Zimmermann and Jasen who have always created stimulating atmospheres for me both in and outside of the classroom.

I would especially like to thank Dr. A. E. Epp who works tirelessly on behalf of the Lakehead University community and still makes time to offer his keen insights to students.

And to my thesis supervisor Dr. Bruce Muirhead who knows the value of finishing a project like this. Without him, I would still be sitting in the library reading about Treaty Three.

During the research stage of this thesis, I was fortunate to meet many people who have helped me more than I can properly say. I owe a debt of thanks to the Librarians and Staff of the Chancellor Patterson Library especially the members of the Reference and Circulation departments.

I would like to thank Fred McIntosh, the head of the Chancellor Patterson Library who

over the years has provided me with funding for a number of research projects through the Vast and Magnificent Land fund. Some of those funds made it possible for me to travel to archives in Ottawa, Toronto, St. Paul and across Northwestern Ontario.

I would to thank Wendy Pickard, the research assistant with the Treaty and Historical Research Centre of the Department of Indian and Northern Affairs. The Centre is a gold mine for researchers and Wendy is happy to offer a pick and shovel as well as some excellent advice to any who enter.

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I would be remise if I did not acknowledge the help of the staff of the Lake of the Woods Museum in Kenora and the John B. Ridley Research Library at Quetico Park, especially Andrea Allison and Shirley Penuiak for all of their help.

I would like to also thank Dr. Leonard Brulier, the director of the South Dakota Oral History Project at the University of South Dakota at Vermilion. Anyone interested in pursuing the study of the First Nations should talk to him.

And finally, I would like to express my deepest thanks to Leo Waisberg, an ethnohistorian with the Treaty and Aboriginal Rights Research (TARR) of Grand Council Treaty #3. Just when I thought I had a command of the subject, I listened to Leo Waisberg for a couple of minutes and discovered I that I had a long way to go. Yet, that didn't stop him for throwing me a much needed life line.

I would especially like to thank my friend Paul Nadjiwan who taught me to see history in a different light. I would not have undertaken this thesis if it were not for him.

And my parents, who have always been patient with me throughout the course of this project.

I would especially like to thank an exceptional librarian in the Northern Studies Research Centre at Lakehead University.

All of the good things in this paper belong to those people who I've met and worked with during the development of this thesis. The bad things, well, they are all mine.

B.W.

INTRODUCTION

Treaty Three has been recognised by historians as a significant episode in the development of Canadian Indian policy since the agreement first attracted the attention of George Stanley in the 1930's. Unlike many of the numbered treaties which were negotiated and signed relatively quickly, Treaty Three was four years in the making. The Saulteaux indicated their treaty terms to the government as early as 1869 and, despite numerous attempts by Canadian negotiators to influence them, they remained firm on their basic position until the arrival of Lieutenant-Governor Alexander Morris at the Lake of the Woods in the fall of 1873.[1] Then, in a manner of weeks, the Saulteaux reached an agreement with Morris which, while superior to the ones signed earlier in Manitoba, fell far short of the demands they made on to the government in 1869. As a result, Morris has been given credit for an achievement that had eluded Canadian authorities since the Red River Resistance. This is not surprising since much of what we know about the day-to-day events during the negotiations that led to Treaty Three comes from the report he filed with the Canadian government following the signing of the agreement and from his book, The Treaties of

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[1]Throughout this paper the Amerindians who signed Treaty Three will be referred to as the Saulteaux. This is the name by which the Canadians referred to them throughout the period with which this paper deals. These people, however, did not specifically identify themselves by this name. In fact, in a document that listed their treaty demands in 1869, these people referred to themselves simply as "the various bands of Indians in the vicinity of Fort Francis and the Lake of the Woods." Nevertheless, they are part of the Ojibwa-speaking people who occupy much of the Great Lakes Basin. There are, of course, Amerindians who signed later treaties on the Canadian prairies who are referred as Saulteaux as well as well as those people who originally occupied the region near Sault Ste. Marie. In Canada, they are often called Ojibwa, and in the United States, they are known as Chippewa. The people call themselves Anishinabe.

Canada with the Indians.[2] The tribal memories of the Amerindians of this region might reveal a somewhat different version of the Treaty Three negotiations. Even a careful reading of the available sources challenges the conventional wisdom concerning the role played by Morris during the talks that led to Treaty Three. Does he deserve to receive the lion's share of the credit for negotiating this agreement? What of the role of Simon Dawson, the engineer who supervised the construction of the Red River Route or how significant was the part played by James McKay and other leaders of the Red River Metis community in the successful conclusion of Treaty Three?

This thesis argues that, although, Morris gathered more information on the Saulteaux prior to the negotiations, he approached his dealings with the Amerindians of the region in much the same manner as Wemyss Simpson, the Indian Commissioner, who, for years, was unable to reach an agreement with the Saulteaux prior to the final meeting in the fall of 1873. It demonstrates this by examining the negotiating positions of both the Saulteaux and the Canadian government prior to the treaty in 1873. It then assesses the political environment in which Morris found himself as Lieutenant-Governor of Manitoba and the North-West Territories in 1873 and shows how it impacted on the negotiating instructions he received from the Canadian government. Finally, it examines why earlier attempts by the Canadian government to reach an agreement with the Saulteaux failed and concludes with the successful negotiations that Morris led in 1873. It becomes obvious that Treaty Three was not the

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[2]Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories including Negotiations on which they Were Based, (Toronto, 1880); reprinted Toronto: Coles Publishing Company, 1971).

personal triumph of Alexander Morris, the man, rather the achievement of Lieutenant-Governor Morris, the Queen's representative in Manitoba and the North-West Territories.

CHAPTER ONE: TREATY THREE AND THE DEVELOPMENT OF CANADIAN INDIAN POLICY.

The first decade following Confederation is one of the most significant ten year periods in the development of Canadian Indian policy. Between 1867 and 1876, the federal government reorganised its Indian department no less than four times, made changes in its policy and passed its first Indian Act. The Indian Act of 1876 effectively made Amerindians wards of the State and attempted to destroy their culture through assimilationalist policies. It is not surprising that the Indian Act was developed when Canada was negotiating the numbered treaties which saw massive transfers of land title from the Amerindian peoples of the West to the federal government. In spite of these negotiations, the Indian Act did not conform to the spirit of the numbered treaties. The Canadian government had plans for the West which did not include fostering the traditional way of life of the First Nations.

In less than a decade, almost all of the territory from Shebandowan from the Height of Land near Lake Superior to the Rockies was transferred from the Amerindians to the Canadian government. In 1871, Indian title was extinguished in the Red River District (Treaties One and Two), followed by the Lake of the Woods and Rainy River valley in 1873 (Treaty Three). By the following summer, territory including what is now southern Saskatchewan was surrendered (Treaty Four), Treaty Five was signed in 1875 and, in 1876, the North Saskatchewan River District was ceded (Treaty Six). The immense transfer was completed in 1877 with the surrender of most of Alberta and the area south of the Saskatchewan River (Treaty Seven). Much can be learned about Canada's future Indian policy from study of the process by which this land transfer took place as well as of the government's cavalier attitude toward its treaty obligations once these agreements were

signed.[3]

This is not to say that British North Americans lacked expertise in Indian affairs prior to Confederation. The Province of Canada had, in fact, exercised exclusive authority over Indian administration since 1860. Before this, affairs with Amerindians were managed by the British through military officials until 1830 when the responsibilities was transferred to civilian authorities.[4] In both cases, officials answered directly to the Governor-General. The day-to-day administration, however, remained in the hands of Indian agents who acted as middlemen between the government and the First Nations. The principal goal of Indian policy prior to Confederation was to maintain the alliance with the Amerindians by providing presents and limited economic assistance.[5]

Even as settlers began to move westward, there was no significant change in Indian policy. Rather than making a complete overall of policy, the government adopted different approaches to the various First Nations in the distinct regions. Contact between the Amerindians had been a reality for centuries, however, the situation was more limited and sporadic. The new reality resulting from the agreement to transfer control of Rupert's Land from the Hudson's Bay Company to the Dominion government placed new demands on

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[3]Thomas Flanagan, "Aboriginal Claims in the Prairie Provinces" in Aboriginal Land Claims in Canada, A Regional Perspective, ed. Ken Coates (Toronto: Copp Clark Pitman Ltd, 1992), 32.

[4]Anthony J. (Tony) Hall, "The Red Man's Burden: Land, Law and the Lord in Indian Affairs of Upper Canada, 1791-1858" (unpublished PhD dissertation. University of Toronto, 1984), 3.

[5]L.F.S. Upton, "Origins of Canadian Indian Policy" in the Journal of Canadian Studies 8, no. 4 (November 1973): 55.

Indian policy. The British, after all, had developed an Indian policy that was regional in nature. The Province of Canada continued this approach until Confederation.[6] John A. Macdonald understood the importance of adopting a national perspective in Indian affairs when he ensured that the federal government would oversee Indian administration under Section 91(24) of the British North America Act. To meet this obligation, Macdonald reorganised his Indian department several times during Canada's first decade. Initially, the Secretary of State for the Provinces and later the Superintendent-General of Indian Affairs were charged with the development of Indian policy. The Department of the Interior was established in 1873, however, and Boards of Indian Commissioners were created to oversee Indian policy in Manitoba, the North-West Territories, and British Columbia. The first Board in Manitoba was composed of high ranking civil servants including Joseph-Alfred-Norbert Provencher, the regional Indian Superintendent, Alexander Morris, (1826-1889) newly appointed as Lieutenant-Governor of Manitoba and the North-West Territories, and the Scottish-born civil engineer, Simon J. Dawson (1820-1902).[7] Dawson was appointed at the last minute to replace Lindsay Russell, the provincial land agent, who refused to sit on the Board because he thought it constituted a conflict of interest. The Board of Commissioners

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[6]George F. G. Stanley, "As Long as the Sun Shines and Water Flows: An Historical Comment" in As Long As The Sun Shines And Water Flows: A Reader in Canadian Native Studies, eds. Ian A.L. Getty and Antoine S. Lussier (Vancouver: University of British Columbia Press, 1983), 10.

[7]Simon Dawson is perhaps best known for his role in the surveying and construction of the Red River Route (also known as the Dawson Road). The "route", really a series of roads, portages and steam-ship lines, stretched across what is now Northwestern Ontario and Eastern Manitoba from Prince Arthur's Landing to Fort Garry. For a complete account of his life, see M.E. Arthur, Simon Dawson C.E. (Thunder Bay: Thunder Bay Historical Museum Society, 1987).

was charged above all with the responsibility of extinguishing Indian title in Manitoba and assimilating Indians into mainstream white society.[8]

The Manitoba Board of Indian Commissioners was uniquely qualified for the task at hand since, although all but Dawson lacked significant experience with Amerindians, they represented the highest-ranking public officials in Manitoba. The Provincher family, for instance had a long association with Amerindians in the West. Joseph-Norbert Provencher, the first Bishop of St. Boniface and uncle to the new Indian Superintendent, had tried to influence Metis social customs as well as to encourage them, unsuccessfully, to adopt agriculture.[9] The bishop also provided support for his nephew to receive a formal education in Quebec. The young man studied law and began a career in journalism before, unsuccessfully, contesting a seat for the Conservative Party in Lower Canada during the 1867 federal election. Nevertheless, he was rewarded for his attempt with a patronage appointment from Prime Minister Macdonald as the secretary to the newly appointed lieutenant-governor of the region in 1869. Unfortunately for him, he arrived at the height of the Red River Resistance and was arrested and subsequently jailed by Riel. Upon his release, Provencher returned to Canada via the United States. In 1871, he was appointed immigration commissioner to encourage the settlement of Manitoba and after a brief appointment in Paris

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[8]Robert G. Moore, John Leslie and Ron Maguire eds. The Historical Development of the Indian Act (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs, 1978), 51.

[9]A.S. Lussier, "Msgr. Provencher and the Native People of Red River, 1818-1853" Prairie Forum 10, no. 1; 13.

returned to Fort Garry as the Superintendent of Indian Affairs.[10]

Unlike Provencher and his misadventures, Simon Dawson developed an understanding of Amerindians as a result of his long experience west of Lake Superior. In particular, he understood the Saulteaux after spending years negotiating with them as a public servant working at various times for both the Canadian and Ontario governments. As for Lieutenant-Governor Morris, even though he lacked experience in Indian affairs, he brought the prestige of the Crown to the Board.[11] He also shared John A. Macdonald's vision of a Canada that rivalled the power and influence of the United States. He was also an individual blessed with good sense. Along with Oliver Mowat, the future premier of Ontario, Morris had articled under John A. Macdonald and served as a cabinet minister before his appointment in Manitoba.[12]

The first test of the new Board was the negotiation of Treaty Three with the Saulteaux along the Line of Route of the Dawson Road, an agreement that had eluded Canadian authorities since 1869 when the Saulteaux first indicated their treaty demands to the federal government. The Saulteaux, part of the Anishinabe First Nation, were part of the Algonquian-speaking people who occupied the territory that stretched from Shebandowan just

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[10]Kenneth Landry, "Joseph-Alfred-Norbert Provencher" Dictionary of Canadian Biography (Toronto: University of Toronto Press, 1982), vol. 11, 716-7.

[11]David T. McNab, "The Administration of Treaty 3: The Location of the Boundaries of Treaty 3 Indian Reserves in Ontario, 1873-1915" in As Long As The Sun Shines, eds. Getty and Lussier, 147.

[12]Jean Friesen, "Alexander Morris" Dictionary of Canadian Biography (Toronto: University of Toronto Press, 1982), vol. 11, 608-15.

east of the Lakehead to the North-West Angle. They arrived in the region relatively late, migrating westward along the north and south shores of Lake Superior during the 17th and 18th centuries, with some arriving to Manitoba as late as 1850.[13] They followed an annual cycle that involved hunting, fishing, and gathering. They adopted agriculture around the Lake of the Woods and Rainy River regions at the beginning of the nineteenth century and this resulted in a dramatic increase in their population.[14] The fur trade, not surprising, played a significant role in the economy of this woodland people.

By the middle of the nineteenth century, the arrival of Euro-Canadian interests in the region on a large scale, particularly during the building of the Dawson Road, demonstrated the need to negotiate a treaty with the Canadian government that would protect their culture and way of life, on the one hand, and assist in their social and economic transition, on the other.[15] Nevertheless, the demands of the Saulteaux had changed very little from 1869, when the Canadian government first formally approached them regarding a treaty, until 1873, when the agreement was finally

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[13]Rodger W. and Priscilla K. Buffalohead, *Against the Tide of American History: The Story of the Mille Lacs Anisinabe*. (Cass Lake, Minnesota: The Minnesota Chippewa Tribe, 1985), 5-7.

[14]Leo. G. Waisberg and Tim E. Holzkam, "'A Tendency to Discourage Them From Cultivating' : Ojibwa Agriculture and Indians Affairs Administration in Northwestern Ontario" in *Enthnohistory* 40, no. 2 (1993).

[15]Sarah Carter, *Lost Harvests, Prairie Indian Reserve Farmers and Government Policy* (Montreal and Kingston: McGill-Queen's University Press, 1993), 55.

signed.[16]

For its part, the Canadian government had struggled over its Indian policy since Confederation. It waffled between negotiating ad hoc agreements with the Amerindians of Western Canada as issues arose and establishing a formal relationship with them through comprehensive treaties. The Canadian government's decision to initiate treaty talks was influenced by a number of events in the West. It perceived an American threat to the former Hudson's Bay Company territory, which passed into Canadian control in 1870.[17] In spite of initial agreements with the Manitoba Cree and Chippewa, in Treaties One and Two respectively, the Canadian government could not convince the Saulteaux to accept its terms for a treaty until the arrival of Morris in 1873. He was, in fact, Canada's chief negotiator not only in Treaty Three but also in the subsequent Treaties Four, Five and Six. There is little doubt that the lessons he learned during the Treaty Three talks were applied later to Amerindian peoples across Western Canada. The part played by Morris is, important, therefore, in understanding the place of the numbered treaties in the evolution of Canadian Indian policy in the 1870's.

Treaty Three is significant for a number of other reasons as well. Assuming that the timetable set by the Canadian government had been adhered to, Treaty Three would have been Treaty One; however, the Saulteaux along the Line of Route were not prepared to cede

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[16]Morris, Treaties of Canada, 44-46.

[17]Donald Creigton, John A. Macdonald, the Old Chieftain (Toronto: The Macmillan Company of Canada Limited, 1955), 45-46.

title to their territory.[18] Unlike the Cree and Chippewa, who were forced to sign Treaties One and Two relatively quickly, the Saulteaux resisted federal negotiators for four years before finally agreeing to sign Treaty Three in 1873. Why did the Canadian government take so long to reach an agreement with the Saulteaux compared with the First Nations of Western Canada? This question can best be addressed by re-examining the political and economic context in which this treaty was achieved. Treeaty Three, in fact, provides some of the best best available evidence that the Amerindians understood their political relationship with Canada as government to government.[19]

For the Saulteaux, Treaty Three was important for other reasons. This was the first time they entered negotiations knowing the true intentions of the Canadian government and took appropriate precautions to protect their interests. Chief Powasson, one of the Saulteaux

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[18]Throughout this paper, Saulteaux will refer to the Algonquian-speaking people who occupied the territory in Northwestern Ontario that was transferred as a result of the signing of Treaty Three in 1873. There are, of course, Amerindians who signed later treaties on the prairies who also refer to themselves as Saulteaux as well as those people who reside at Sault St. Marie. Nevertheless, the people who negotiated Treaty Three with the Canadian government were continually referred to as the Saulteaux by all of the principal Canadian negotiators throughout the decades leading up to and following the signing of Treaty Three. The "Saulteaux" are also known as Chippewa and Ojibwa. The people call themselves Anishinabe or "the people".

[19]Olive P. Dickason and L. C. Green, Laws of Nations and the New World. (Edmonton: University of Alberta Press, 1989). This important book discusses the case of Amerindian rights in Canada by examining whether the First Nations formed governments as defined by Western legal tradition at the time of contact. Green asserts that they did not, however, Dickason, on the other hand, argues that the Amerindians did form such governments and thus satisfied the terms of international law. She says that to argue otherwise is to ignore hundreds of years of negotiated treaties between the British, the American and the Canadian authorities and the Amerindians. The British, in particular, she argues, understood that the Amerindians enjoyed title to their land and negotiated treaties with them in order to extinguish it. Both the American and Canadian governments chose to follow this tradition.

who signed Treaty Three, asked Joseph Nolin, a member of a prominent family of the Red River Metis from Point du Chene, to prepare a transcript of the negotiations with the Canadians in case of future misunderstanding. The Saulteaux were well aware of disputes arising out of Treaties One and Two and the problems their relatives across the border experienced after they signed treaties with the American government.[20]

Like the other Amerindians of the West, the Saulteaux were skilled negotiators as a result of their long trading relationship with French traders from Montreal, the North West Company and the Hudson's Bay Company. Arthur Ray argues that Aboriginal fur traders were seldom cheated by the Hudson's Bay Company. On the contrary, they forced the HBC to improve trade goods in order to maintain access to furs.[21] While the economic situation of many Amerindian fur traders changed drastically after the "amalgamation" of the Northwest Company with the Hudson's Bay Company in 1821, there is ample evidence that the Saulteaux traded successfully with independent traders and with represenatives of American fur companies throughout the nineteenth century. The Hudson's Bay Company, ironically, aided Saulteaux self-sufficiency by closing posts (in order to reduce costs) and by concentrating its efforts west of the North West Angle.[22] As a result, the Saulteaux enjoyed

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[20]Donald A. Grinde and Quintard Taylor, "Red VS Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907" American Indian Quarterly 8, no. 3 (Summer 1984): 212.

[21]Arthur Ray, "Indians as Consumers in the Eighteenth Century" in Old Trails and New Directions: Papers of the Third North American Fur Trade Conference eds. Carol M. Judd and Arthur J. Ray (Toronto: University of Toronto Press, 1980), 267.

[22]Victor Lytwyn, The Fur Trade of the Little North, Indians, Pedlars, and Englishmen East of Lake Winnipeg, 1760-1821. (Winnipeg: Rupert's Land Research Centre, University of Winnipeg, 1986), 161-62.

a degree of indepence from the Hudson's Bay Company that was due in no small to their accessto other traders, their relative isolation and the richness of the country they occupied.[23]

Despite the acquisition of Rupert's Land, the Canadian government considered the former Hudson's Bay empire as Indian territory and recognised that the need to extinguish Amerindian title to the land.[24] The Red River Resistance, the negotiations with Louis Riel's Provisional Government, and the subsequent admission of Manitoba into Confederation forced the Canadian government to negotiate treaties with the Aboriginal peoples of the West.[25] The desire to maintain sovereignty from coast to coast forced the Canadian government to develop a economic strategy aimed at linking the country by means of a transcontinental railroad, the rapid settlement of the prairie, and the industrialization of the East. The admission of British Columbia into Confederation in 1871 placed railroad construction at the top of the federal agenda since the terms by which the province agreed to join the Dominion included the construction of a transcontinental railway joining it to the rest of Canada.

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[23]Simon J. Dawson, "General Report On The Progress Of The Red River Expedition," in Report On The Exploration Of The Country Between Lake Superior And The Red River Settlement, And Between the Latter Place And The Assiniboine And Saskatchewan, (Toronto, 1859), 14-15. As found in part at the John B. Ridley Research Library, Quetico Provincial Park.

[24]Frank J. Tough, "Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada's Acquisition of the Hudson's Bay Company Territory," Prairie Forum 17, no. 2 (Fall 1992): 239.

[25]George F.G. Stanley, "As Long as the Sun Shines and Water Flows: An Historical Comment" in As Long As The Sun Shines eds. Getty and Lussier, 10.

The transfer of land title from the First Nations who occupied Western Canada thus became the linchpin of John A. Macdonald's national ambition.[26] The signing of treaties was necessary to maintain peace and order and encourage the arrival of settlers who would help to establish Canada's sovereignty in the territory. The Canadian government had a problem. It wanted to avoid anything resembling the costly Indian wars plaguing the United States following the end of the Civil War. These ongoing conflicts cost American taxpayers $20 million a year during the 1870's.[27] The Canadian government also hoped to escape the financial burden of compensating the Amerindians properly for their land through comprehensive treaty agreements.[28] Nevertheless, when faced with an energetic rival to the South, the demands of British Columbia and continuing Aboriginal unrest in Manitoba, the Canadian government was forced to adopt a more flexible negotiating position with the First Nations in the 1870's.[29]

The issue of land title in territory occupied by the Saulteaux presented a serious obstacle to the economic and political objectives of the Canadian government. Before East and West could be joined by a transcontinental railroad, the federal government would have

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[26]McNab, "Administration of Treaty 3", As Long As The Sunshines eds. Getty and Lussier, 146.

[27]Gerald A. Friesen, "Preparing Western Settlement, 1870-1890" Journal of the West 23 no. 4: 6.

[28]Ibid.

[29]John Leonard Taylor, "Canada's Northwest Indian Policy in the 1870's: Traditional Premises and Necessary Innovations" in The Spirit of the Alberta Indian Treaties, ed. Richard Price (Toronto: Butterworth and Company, 1979): 7.

to achieve an agreement and extinguish the land title of the Saulteaux. This region was critical because, without it, an all-Canadian route, linking the East and the West, was impossible.[30] Even though there was access through the area via the Dawson Road, Simon Dawson and others familiar with the Saulteaux had grave doubts as to whether these people were prepared to allow any more transportation construction through their territory without a formal treaty. As it was, the Canadian government had reluctantly agreed to pay the Saulteaux in order to obtain permission to survey and construct the Dawson Road.[31]

For their part, the Saulteaux believed that a treaty with Canada would protect their interests in the region by outlining the terms and conditions of any future development. In exchange for annuities, protection of their traditional way of life and assistance in making the transition to "modern" ways, the Saulteaux were prepared to grant safe passage through their lands to settlers on their way to the West. According to official government reports, some of them prepared by Dawson, these people believed in their sovereignty over the territory which they occupied. He reported that the Saulteaux had stated as early as the 1850's, that encroachment on their lands threatened their traditional way of life.[32] More recently, the Saulteaux had indicated to Dawson that they were prepared to defend their territorial rights aggressively against the arrival of agricultural settlers, mining prospectors, and entrepreneurs

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[30]McNab, "Administration", As Long as the Sunshines Getty and Lussier, 146.

[31]Provincial Archives of Manitoba, Adams Archibald Papers, Lieutenant-Governor's Collection, 25.

[32]Irene M. Spry, "The Tragedy of the Loss of the Commons in Western Canada" in As Long As The Sun Shines Getty and Lussier, 211.

entering their territory.[33] These reports also indicated that, although the Saulteaux were prepared to allow safe passage by white travellers along the Dawson Road to destinations *west* of the Lake of the Woods region without a treaty, they were unwilling to guarantee the same protection to passengers on the proposed railroad through their territory without a formal agreement.[34] Although it was unlikely that the Saulteaux could prevent the construction of the Pacific railroad through their territory, the government recognised that action needed to be taken to avoid any type of conflict in the region that would threaten settlers eager to settle the West.[35] Any such problems, real or imagined, would have both inhibited settlers from emigrating to the West through the region and slowed the construction of the Pacific railroad between Shabandawon and the North-West Angle.

It is not surprising that Treaty Three has attracted the attention of Canadian historians interested in relations between Amerindians andd Eurocanadians. No comprehensive study of Treaty Three has yet been undertaken, however, many articles have been written on the importance of this agreement. Lieutenant-Governor Alexander Morris, who led the Canadian delegation that negotiated Treaty Three with the Saulteaux in 1873, published The Treaties of Canada with the Indians, as an account of his treaty-making experiences in the Canadian

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[33]John B. Ridley Research Library, Quetico Provincial Park Archives, Dawson Collection, (Cited hereafter as the Dawson collection) Simon Dawson to the Honourable J.C. Aikens, Ottawa, September 12, 1871.

[34]Ibid.

[35]Bruce W. Muirhead in "Between Scylla and Charybdis: The Ontario Boundary Dispute and Treaty Three, 1873-1915" unpublished article.

West.[36] This book forms the foundation upon which much of our knowledge of the numbered treaties is built. In addition to this, Morris filed a detailed report with his superiors in Ottawa. It contained not only the notes taken by his shorthand reporter and a newspaper article on the negotiations but also copies of both Dawson's report and the Paypom Treaty (otherwise known as the Nolin notes).[37]

In the 1930's, George F.G. Stanley was the first professional historian to recognize the significance of Treaty Three. In The Birth of Western Canada: A History of the Riel Rebellions, Stanley relied mostly on the published and unpublished accounts of Morris and presented Treaty Three as an important chapter in the opening of the Canadian West for white settlement. He applied Turner's Frontier Thesis to the Canadian West to explain its development as primarily a clash "between primitive and civilized peoples".[38] Unlike the United States, he argued Canada was able to avoid armed conflicts between the Amerindians and the settlers from the East by adopting the conciliatory stance in race relations that had proved so successful for the Hudson's Bay Company. The relationship, he maintained, was continued after 1870 by the Canadian government through the treaty-making process. This operation was greatly aided by the fact that Canada was more successful than the United States in maintaining law and order on its frontier. The Canadian effort was made possible,

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[36]Alexander Morris, Treaties of Canadawith the Indains of Manitoba and the North-West Territories including Negotiations on which they Were Based (Toronto, 1880); reprinted Toronto: Coles Publishing Company, 1971.

[37]National Archives of Canada, RG 10 Department of Indian Affairs Red Series Volume 1918 File 2790A. (Cited hereafter as NAC).

[38]George F.G. Stanley, The Birth of Western Canada: A History of the Riel Rebellions (Toronto: University of Toronto Press, 1963), vii.

he wrote, by the overall cooperation of the Metis.[39] Unfortunately, Treaty Three involves only a portion of a chapter in The Birth of the West in which the main focus is Riel and the Metis resistance.[40] Nevertheless, he recognised that the Saulteaux were able to force the Canadian government to grant concessions that it did not have to concede to other Amerindians in earlier treaties. In addition, he acknowledged that the Saulteaux understood the value of their territory in terms of mineral wealth and points out that the Canadian government realized that their territory was vital for the future construction of the Pacific railroad.[41] In spite of his sympathy for Amerindians and his pioneering work to give them a proper place in Canadian history, Stanley shared the commonly held view of his day that Aboriginal peoples were "primitive" and "savage".[42] While he never asserts that the Canadian government deliberately misled the Saulteaux or any of the other signatories of the numbered treaties, he does conclude the Canadians were unable to clearly explain the true significance of these documents to the Amerindians and suggests this as the major reason there was so many dissatisfaction .[43]

After Stanley, there was little serious interest in Treaty Three, the numbered treaties or even Canadian Indian policy until the 1970's when academics took a renewed interest in Native History. Social historians believed that concentration in such under-researched fields

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[39]Ibid., 214.

[40]Ibid., 195-96.

[41]Ibid., 210.

[42]Ibid., 194.

[43]Ibid., 209.

of study as Native History would provide more satisfying answers to historical problems, particularly in Western Canada, than was possible with more traditional approaches. Native History became the focus of many doctoral students interested in such an understanding of Canadian history. Two Ph.D dissertations that concentrated on the development of Canadian Indian Policy signalled the beginning of a re-examination of the acquisition of the West and its impact on Aboriginal peoples. J. Douglas Leighton's "The Development of Federal Indian Policy in Canada, 1840-1890" focused on the transition from imperial control of Indian affairs in British North American to Dominion authorities and the subsequent creation of its own bureaucracy.[44] John L. Taylor's "The Development of an Indian Policy for the Canadian North-West, 1864-79" examined the federal government's resolve to oversee the safe settlement of the Canadian West and the pacification of the Amerindians through the treaty-making process.[45]

In the 1980's, a greater understanding of Treaty Three was possible as numerous studies of Canadian Indian policy and the numbered treaties challenged the conventional wisdom on Amerindians. One of the best articles to date on Treaty Three is Jean Friesen's "My Birthright and My Land: The Making of Treaty Three".[46] In it, she rejects the notion that the Amerindians were helpless victims of history and contends that the Saulteaux, experienced negotiators as a result of the fur trade, understood the gravity of their situation

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[44]J.D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890." Ph.D thesis, University of Western Ontario, 1975.

[45]John L. Taylor's "The Development of an Indian Policy for the Canadian North-West, 1864-79" Ph.D thesis, Queen's University, 1975.

[46]Jean Friesen, "My Birthright And My Land: The Making of Treaty Three" Native Studies Conference Proceeding, n.p., Brandon University, November 1981.

and negotiated the best agreement they could under the circumstances. She argues that the Saulteaux saw Treaty Three as a political agreement by which they traded the title of their territory to the Canadian government for future economic security.[47]

Not surprisingly, Treaty Three has attracted the attention of other historians interested in Amerindians and the settlement of Western Canada. Treaty Three was negotiated at a time when the federal government was developing the Indian Act of 1876. The debate over the evolution of Canadian Indian policy during the 1870's has created two camps. The first is led by historians such as David McNab, Jean Friesen and Anthony Hall who argue that Ottawa adopted the British model and adapted it to the needs of the Canadian West. The second is led by Douglas Leigton and John Taylor who had suggested that the government attempted to create a new national Indian policy in response to the new realities facing the country after Confederation. An understanding of this debate is critical for a clear perception of Treaty Three in particular and the numbered treaties in general because it sheds different light on the motives of the Canadian government regarding Indian policy during the 1870's. Hall, for instance, rejects the notion that the 1870's involved any break with traditional British Indian Policy. Instead, he argues that British policy in the West was modified by a peculiar mix of religious zeal and business oportunism. Christian churches, particularly the Methodists, wanted to share the Gospel with the Amerindians of the West and saw the Hudson's Bay Company as an obstacle to their desire to spread the Word of God. On the other hand, business interests, especially those in Toronto, favoured the annexation of the

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[47]Jean Friesen, "Magnificent Gifts: The Treaties of Canada with the Indians of the Northwest 1869-76" Transactions of the Royal Society of Canada Series V, Volume 1, 1986, 43.

West in order to profit from the agricultural settlement of the West. The Hudson's Bay Company stood in the way of such development as a threat to its own interest in the region. This unusal mixture of interests combined to form the foundation of an Indian policy that suited the Canadian experience, according to Hall.[48]

For many scholars, Treaty Three marks a watershed for it represents the first time in the negotiation of the numbered treaties that Amerindians were able to force the Canadian government to address their demands seriously. Nevertheless, this position, accepted by virtually all those specializing in Native History, is now being seriously challenged. David J. Hall contends that all of the concessions won by the Saulteaux during the Treaty Three negotiations, particularly those regarding agricultural assistance, had not only been discussed during the Treaty One talks but also were actually accepted by the Canadian government.[49]

Another series of articles looks at the impact of Treaty Three on the Saulteaux in respect to the interests of Ontario. These articles focus on the years between 1873, the signing of Treaty Three, and 1915, when the Ontario government finally agreed to "confirm" Indian reserves in Northwestern Ontario. Bruce W. Muirhead, in "Between Scylla and Charybdis: The Ontario Boundary Dispute and Treaty Three, 1873-1915," argues that neither the Canadian nor the Ontario government acted in the best interests of the Saulteaux during the Ontario Boundary dispute.[50] Similarly, David T. McNab argues in "The Administration

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[48]Anthony (Tony) Hall, "Closing an Incomplete Circle" Canadian Journal of Native Studies 6, no. 2 (1986): 197-221 and "The Red Man's Burden: Land, Law and the Lord in the Indian Affairs of Upper Canada, 1791-1858" Ph.D thesis, University of Toronto, 1985.

[49]D.J. Hall, "A Serene Atmosphere:? Treaty 1 Revisited" Canadian Journal of Natives Studies 4, no. 2 (1984) 321-358.

[50]Muirhead, "Between Scylla and Charybdis", 1.

of Treaty Three: The Location of the Boundaries Of Treaty Three Indian Reserves in Ontario, 1873-1915" that Amerindian rights were lost in the struggle of Ontario to expand its borders to the North-West Angle.[51] He focuses more specifically on the impact of this federal-provincial dispute on the Saulteaux in "'Principally Rocks and Burnt Lands': Crown Reserves and the Tragedy of the Sturgeon Lake First Nation in Northwestern Ontario".[52]

In addition to documenting the consequences of Treaty Three in terms of federal - provincial relations, McNab challenges the role of the Metis allegedly played in the 1873 negotiations. Morris wrote in The Treaties of Canada with the Indians the Metis were instrumental in the negotiations that led to Treaty Three. In his report on the successful negotiations, he pointed out the importance of the Metis in helping him reach an agreement:

> [I have] much pleasure in bearing testimony to the hearty cooperation and efficient aid the Commissioners received from the Metis who were present at the Angle, and who, with one accord, whether French or English origin, used the influence which their relationship to the Indians gave them, to impress them with the necessity of their entering into the Treaty.[53]

At least one of the Saulteaux representatives at the Treaty Three negotiations formally recognised the important role played by the Metis during the successful negotiations. Chief Mawedopeness of Rainy River, the principal Saulteaux spokesperson told Morris at the close

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[51]David T. McNab, "Administration of Treaty Three" in As Long as the Sun Shines eds. Getty and Lussier, 145-58.

[52]David T. McNab, "'Principally Rocks and Burnt Land': Crown Reserves and the Tragedy of the Sturgeon Lake First Nation in Northwestern Ontario in Aboriginal Resource Use in Canada: Historical and Legal Aspects eds. Kerry Abel and Jean Friesen. (Winnipeg: University of Manitoba Press, 1991), 157-172.

[53]NAC, RG10, volume 1918, file 2790B.

of negotiations, "I wish you to understand you owe the treaty much to the Halfbreeds."[54]

The role of the Metis during the Treaty Three negotiations has consequently been the focus of some debate. McNab appears to be the exception in historical circles with respect to this. He does not take Morris at his word and argues that the Metis had little influence on the Saulteaux and played no leadership role at all. He says that they were merely "reporters, interpreters and witnesses."[55] Wendy Moss, however, makes a strong case for the important role of the Metis using sources other than Morris. In "Metis Adhesion to Treaty Three," she asserted that the Canadian government recognised the Metis as a distinct group only when their influence was sufficiently strong enough to influence other Aboriginal peoples. She concluded that the Metis adhesion to Treaty Three, the only treaty in Canada that recognised the equal status of Metis with other Aboriginal peoples, proves that the Metis were influential in securing the signatures of the Saulteaux in 1873.[56] Olive Dickason also argues that the Metis played a crucial role in assisting the Canadian government negotiate Treaty Three with the Saulteaux. However, she goes further in arguing that their help was not limited to simply this treaty but were involved in all the numbered treaties.[57]

The vast majority of the articles written about Treaty Three deal with land claims and the control of resources. Angela Emmerson, a former researcher for the Ontario Ministry of

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[54]Ibid.

[55]David T. McNab, "Hearty Co-operation and Efficient Aid, The Metis and Treaty #3" Canadian Journal of Native Studies 3 no.1 (1983): 131-49.

[56]Wendy L. Moss, "Metis Adhesion To Treaty No. 3" March 16, 1979. As found at the Treaty and Historical Research Centre, Department of Indian Affairs, Ottawa, Canada.

[57]Olive P. Dickason, Canada's First Nations: A History of Founding Peoples from Earliest Times (Toronto: McCelland and Stewart Inc., 1992), 279-80.

Natural Resources prepared a comprehensive study on the "headland to headland" question. In it, she supported the arguement that Ontario chipped away at the treaty rights of the Saulteaux until their value was lost.[58] Grand Council Treaty Three, not surprisingly, has led the way in research on Aboriginal rights within the context of Treaty Three. Tim E. Holzkamm, Victor P. Lytwyn and Leo G. Waisberg outline in "Rainy River Sturgeon: An Ojibway Resource in the Fur Trade Economy" the value of the fishery to the Saulteaux and its destruction by white commercial fishermen.[59] In addition, Holzkamm and Waisberg have challenged the long established myth that agriculture was not important in Saulteaux subsistence before its "introduction" by Canadian authorities.[60]

Much has been written on the development of Canadian Indian policy during the 1870's, the negotiations of Treaty Three and the role the Ontario government played in infringing upon the treaty rights of the Saulteaux. Considerable attention, too, has been paid to land claims and control of natural resources in terms of what was negotiated during the treaty talks in 1873. Nevertheless, there has been little study of the role of the events unfolding in Manitoba as Alexander Morris prepared to leave for the Northwest Angle and begin his face-to-face talks with the Saulteaux at Lake of the Woods. Morris was forced to

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[58]Angela Emerson, "Research Report on Policy of the Government of Ontario Re Headland to Headland Question, Treaty No. 3, 1873-1878" Office of Indian Resource Policy, Ministry of Natural Resources (Ontario), 1978.

[59]Tim E. Holzkamm, Victor P. Lytwyn and Leo G. Waisberg, "Rainy River Sturgeon: An Ojibway Resource in the Fur Trade Economy" 119-40 in Aboriginal Resource Use In Canada eds. Kerry Abel and Jean Friesen, (Winnipeg: University of Manitoba Press, 1991), 120.

[60]Tim E.Holtzkamm and Leo G. Waisberg, "Agriculture and One 19th Century Ojibwa Band: "They Hardly Ever Loose Sight of Their Field," Proceedings of the Twenty-Fourth Algonquian Conference (Montreal, Quebec: n.p., 1993).

reach an agreement with the Saulteaux in spite of strict instructions from the Dominion government regarding limited annuities and other provisions, on the one hand, and the firm conviction of their own rights by the Amerindians, on the other. He had to achieve an agreement within a political atmosphere in Manitoba that bordered on crisis. This thesis argues that although the negotiating position of the Saulteaux had been well known since 1869, it was not until 1873 that Canadian negotiators, specifically Alexander Morris, had the authority in the eyes of the Saulteaux to carry on government-to-government talks with them annd address their demands. This made it possible for him to succeed where others had failed.

CHAPTER TWO: SOURCES OF THE SAULTEAUX NEGOTIATING POSITION

While the determination of the federal negotiating position during the Treaty Three talks is a fairly simple exercise, the same cannot be said for the Saulteaux. Historians, traditionally, have relied very heavily on what Morris wrote regarding the numbered treaties. He was clearly more concerned about the material demands of the Saulteaux than any of the other issues facing these people in the 1870's. He wrote that the Saulteaux wanted such things as generous annuities from the federal government, the provision of clothing corresponding to their rank in society, and weapons and ammunition provided on a regular basis.[61] They also demanded domesticated animals and agricultural tools, including horses, buggies and new harnesses every four years, to assist them in their farming pursuits. Fishing twine and cord to make fishing nets were also part of their demands as were carpentry tools and cooking stoves. The Saulteaux, he wrote, required stores of food, including flour, pork, tea, sugar, and wheat, and supplies of garden seeds. Furthermore, Morris wrote these "demands should last, if granted, forever, that is to say during all time that an Indian will be alive in this part of the country."[62] He estimated that their demands, including

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[61]Alexander Morris, The Treaties of Canada with the Indians (Toronto, reprint of 1880 ed.: Toronto: Coles, 1991). Morris published his thoughts on the treaty within a decade of the signing of the treaty. In addition, his papers, along with those of Archibald, exist at the Manitoba Archives in Winnipeg.

[62]National Archives of Canada. Indian Affairs Red Series. (RG 10, Volume 1918, File 2790B) Demands Made By the Indians as their Terms for Treaty. October 2, 1873. Morris reported that the Saulteaux wanted $50 in annuities for each chief, $20 for each member of council, $15 for every "first" and "second" soldier. While every man. woman and child would receive $15 as an annuity the first year, followed by $10 in each subsequent year. The American government had made similar promises to the Sioux in treaty talks immediately before the Treaty Three negotiations.

transportation, would cost $123,112 annually.

Why did Morris make no reference to the Saulteaux demands for protection of their wild rice harvest or their fishing rights in the region? Why did he not refer to any of their demands for cultural protection? Fortunately, the Lieutenant-Governor had hired a shorthand reporter to provide a record of the Treaty Three negotiations. His report is significantly different from what Morris indicated he agreed to and what finally appeared in the text of Treaty Three as published by the Canadian government. These notes provide insight into the treaty demands of the Saulteaux and no doubt formed the basis for a newspaper account of the treaty negotiations which subsequently appeared in the Manitoban newspaper. In addition to the reporter's notes, certain government documents provide information concerning the Saulteaux negotiating position. In order to prepare himself for the treaty negotiations, Morris had sent agents into the Saulteaux territory to ascertain their. The correspondence of his agents provides valuable insight into the Saulteaux position. Most of what Morris knew of the Saulteaux demands came, in fact, from these agents. As a result, Morris was much better prepared to negotiate with the Saulteaux than Adams Archibald, his predecessor as Lieutenant-Governor of Manitoba, had been. Morris' agents gathered information and reported regularly to him before the actual discussions began. The writings of these agents shed a good deal of light on the Saulteaux position.[63]

Of all the agents, Simon Dawson left the most complete set of papers regarding the Saulteaux prior to the Treaty Three talks in 1873. His surviving correspondence contains

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[63]Much of this correspondence is found in the Morris Papers at the Manitoba Archives as well as in the RG-10 Series at the National Archives of Canada.

documents ranging from early reports on his surveying expeditions through the Saulteaux territory in the 1850's to his own notes on the Treaty Three negotiations. Later, as a Member of Parliament, Dawson made speeches in the House of Commons regarding Treaty Three. Dawson was recognised by such Amerindian leaders as Chief Blackstone and such government officials as Alexander Campbell, the Superintendent-General of Indian Affairs in 1873, to be sympathetic to the Saulteaux and their future in the region. His ideas on how to deal with the Saulteaux had evolved dramatically during his years in their territory. Dawson's first contact with the Saulteaux occurred when he was commissioned to survey the territory for the Province of Canada in the middle of the nineteenth century. In 1856, when he first met the Saulteaux, he advocated seeking only a right of way through their territories that would guarantee the safe construction of the Red River Route. He recognised that he needed their cooperation to find the most efficient way around the many swamps and bogs of the region. Until 1868, Dawson put forward many proposals for the negotiation of limited agreements with the Saulteaux in order to guarantee the safe construction of the Red River Route. By 1870, however, his opinion on the subject had changed. In a Report on the Indians, he now called on the government to negotiate a comprehensive treaty with the Saulteaux that would facilitate a massive transfer of land from the Amerindians to the Government of Canada.

In spite of his empathy, Dawson's papers must be used carefully regarding the Saulteaux negotiating position. Attention must be paid to the time period when he was writing any given report. His motives were different in 1856, when he was working for the Province of Canada, than they were when he was working for Alexander Morris in the

1870's. His purpose was different yet again when he was speaking as a Member of Parliament for the region in the 1880's. Nevertheless, it is from Dawson that we learn that the Saulteaux were prepared to make an armed resistance against any Pacific railroad built across their territory unless a treaty was first negotiated. He genuinely feared for the lives of farmers, loggers, and prospectors who might want to settle in the region, if a formal relationship were not established with the Saulteaux. Yet, at the same time, Dawson recognised that negotiation of a treaty with the Saulteaux presented an opportunity, for such an agreement would thwart growing American influence in their territory. As early as 1871, U.S. mining interests were surveying potential mine sites near the Dawson Road.[64] Other American business interests were moving north to exploit the rich natural resources of the region. Dawson was concerned that, unless action were taken, profits from these ventures would disappear south of the international border.[65]

Dawson's correspondence also reveals an interest in the renewal of treaties between the United States government and the Chippewa, relatives of the Saulteaux who lived in Minnesota.[66] Major treaties between the United States and various Chippewa nations had

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[64]John B. Ridley Research Library, Quetico Provincial Park Archives, Dawson Collection, Simon Dawson to the Honourable J.C. Aikens, Secretary of State for Canada, September 12, 1871. (Cited hereafter as Dawson Collection).

[65]Dawson Collection. Simon J. Dawson to the Honourable J.C. Aitkins, September 12, 1871. See also Alexander Campbell Papers, Ontario Archives, Dawson to Campbell, September 12, 1871, as cited Elizabeth Arthur, Simon Dawson C.E. (Thunder Bay: Thunder Bay Historical Museum Society, 1987), 18.

[66]The international border imposed on the Ojibwa by whites has done little to impede contact between family members living in either country. The respective Indian policies of Canada and the United States, particularly in the field of education, have had an impact on

been negotiated in 1826, 1836, 1842, 1854, and 1863. These agreements appeared to have a positive impact on both parties. Americans, for instance, were busy logging the forests, mining copper, and building transportation systems in Minnesota as a result of the La Pointe Treaty of 1854.[67] The Chippewa, for their part, found seasonal employment in these operations much of the year but returned to winter on their reservations where game was still plentiful. When they experienced bad weather and scarce game during the winter of 1869, however, these employment opportunities helped to limit their suffering.[68]

In spite of the positive benefits of contact, however, Dawson reported to Ottawa that "his" Saulteaux realized, from the experience of their cousins in Minnesota, that even small numbers of whites, particularly farmers, constituted a serious threat to their way of life.[69] He warned Ottawa that these people were well armed and prepared to protect their interests in

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the Ojibwa language. More people in Northwestern Ontario, for example, continue to speak Ojibwa as their first language than in Minnesota. However, a growing number of Anishinawbe are learning Ojibwa as a second language on both sides of the international border.

[67]For a more complete discussion of this issue see chapters 4 and 7 of Alvin C. Gluek, Minnesota and the Manifest Destiny of the Canadian Northwest: A Study in Canadian-American Relations (Toronto: University of Toronto Press, 1965).

[68]Edmund Jefferson Danziger, The Chippewas of Lake Superior (Norman: University of Oklahoma Press, 1978), 94.

[69]Leo G. Waisberg and Tim E. Holzkamm, "Agriculture and One 19th Century Ojibwa Band: "They Hardly Ever Loose Sight of Their Field" Proceeding of the Twenty-Fourth Algonquian Conference (Montreal, Que.: n.p., 1993).

the region.[70] Dawson was concerned that, once his road was opened to general traffic and large numbers of settlers arrived in the region, the delicate balance of race relations would end. "In the interests of both," he concluded, "the time has come when some provision should be made to meet the approaching change."[71] He suggested that a small military force be maintained in the Fort Frances / Rainy River district during the "grand rendezvous" in the summer. In addition, a magistrate should be appointed in the community to establish a regular Canadian presence in the region. He also advocated the construction of a small stockade to ensure that the rulings of the new magistrate would be respected.[72]

Dawson was well aware that, although the Saulteaux maintained peaceful relations with his largely white construction crew, they were not a people to be trifled with. Ironically, officials in both the American and Canadian government often took the friendship of the Ojibwa-speaking people of the Great Lakes Basin for granted. Dawson pointed out to his superiors in Ottawa that the Americans had paid a terrible price for abusing these people within their jurisdiction:

> ... where a neighbouring tribe had lived in apparent amity for years with the settlers and yet rose simultaneously, in one night and committed a terrible massacre.[73]

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[70]NAC RG10 Vol.254 File 541 The Indians. A Report by Simon Dawson to the Minister of Public Works.

[71] Ibid.

[72] Ibid., 2 - 3.

[73] Ibid., 4.

Dawson was no doubt referring to the 1862 Chippewa "Disturbance" in Minnesota where in the fall of that year, Hole-in-the-Sky, the recognised Head Chief of the entire Ojibwa-speaking nation, grew impatient with the corruption of American Indian agents and went to war against the United States.[74] Hole-in-the-Sky attempted to organize the Ojibwa-speaking people as far north as Rainy River in order the whites out of their territory. Messengers were sent throughout the Great Lakes Basin but he found little support for his plan beyond the Pillagers.[75] Nevertheless, he led his supporters against the American Indian agent in charge of the region. The uprising came as a shock to many settlers in Minnesota who had depended on the Chippewa for protection against the Sioux. During the Civil War, Hole-In-The-Sky, in fact, provided protection for settlers against the Sioux while the Union Army was fighting in the South. Before the disturbance, a newspaper reporter expressed great confidence in the loyalty of Chief Hole-in-the-Sky.

> Twenty U.S. troops at each fort (Ridgely and Ripley) will keep the Indians all right, or if they could not, Hole-in-the-Day can be safely trusted to look after the Sioux.[76]

In spite of this setback, Hole-in-the-Sky's reputation as a warrior and influence as a diplomat

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[74]Mark Diedrich. "Chief Hole-in-the-Day and the 1862 Chippewa Disturbance: A Reappraisal," Minnesota History 50, no.5 (1987): 193.

[75]Rodger Buffalohead and Pricilla K. Buffalohead, Against The Tide of American History: The Story of the Mille Lac Anishinabe (Cass Lake, Minnesota: The Minnesota Chippewa Tribe, 1985), 56.

[76]Ibid., 196.

was felt as far north as Rainy River and Lake of the Woods.[77]

Dawson wrote that a treaty with the Saulteaux would help to legitimize the Dominion government's presence in their territory. He argued that such a presence was required in the area to limit the disputes that might be expected when the work crews were building the proposed transcontinental railroad through the Saulteaux lands. He foresaw many problems arising between the Native and non-Native population, not only during the construction of the railroad but also after passenger service commenced. Already the Saulteaux were complaining that, as more and more whites arrived in the region, the population of game was declining. Dawson reported that rabbits were virtually extinct and that many Amerindians blamed this decline on the arrival of whites.[78] There is evidence, however, that, although fur-bearing animals like the beaver were in decline in the Little North, reports of food shortages among the Saulteaux in the 1870's were greatly exaggerated by the Saulteaux. These complaints, nonetheless, found their way into government reports. This is not to say that Hudson's Bay Company employees and government officials such as Dawson were misleading Ottawa but that the Saulteaux embellished their poverty to gain a competitive advantage in trading. Bruce M. White, in "Give Us A Little Milk: The Social and Cultural Meanings of Gift Giving in the Lake Superior Fur Trade," argues that this was an established

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[77]Ibid., 193.

[78]Ibid.

and time honoured practise.[79] One of these practises, in particular, proved effective during the treaty negotiations. In the heyday of rivalry between the Hudson's Bay Company and the Northwest Company, Amerindian traders routinely complained about the quality of weapons, blankets and any other articles that the clerks offered in exchange for furs. As Arthur Ray and others have argued, the Amerindian traders effectively played one company off against the other to gain a competitive advantage.[80] Over half a century after the amalgamation of the two companies, the Saulteaux confounded the Canadian authorities by praising the treaties their relatives had negotiated with the American government saying their annuities were higher, land offered as reservations was superior and the educational assistance was more effective than that offered by Canada.[81] Unlike the Hudson's Bay Company, however, the Canadian government had means of learning the exact terms of American treaties with the Amerindians.

Regardless of the economic status of the Saulteaux, Dawson did not suggest that the Canadian presence among the Saulteaux should be asserted only in legal authority and military force. He suggested that the government could create much good will by providing aid to those Ojibwa too old or sick to care for themselves any longer. Such a gesture would replace the vacuum resulting from the steady withdrawal of the Hudson's Bay Company from the region following the transfer of Rupert's Land to the Canadian government. The HBC,

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[79]Bruce M. White, "Give Us a Little Milk: The Social and Cultural Meanings of Gift Giving in the Lake Superior Fur Trade," Minnesota History 48, no. 3 (1982/83): 70.

[80]Arthur Ray, Indians in the Fur Trade (Toronto: University of Toronto Press, 1974).

[81]Wayne E. Daugherty, "Treaty Research Report: Treaty Three" (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1986), 26-7.

he pointed out, had provided provisions for those Saulteaux who were too old to hunt, fish, or gather wild rice any longer. Dawson knew that the Saulteaux had a great respect for their elderly and he believed that, if the government took responsibility for their care, it would relieve pressure on their extended families during the harsh winter months. This would not only have symbolic implications, according to Dawson, but also be of practical significance:

> If the aged and helpless were in the care of the government and provided for even in the most moderate way, it would take a great deal to excite hostility among the Indians.[82]

At the same time, Dawson did not want the Saulteaux people to become economically dependent on the federal government. In order to avoid this danger, Dawson argued that the Saulteaux should be properly compensated for the loss of hunting and fishing grounds resulting from the construction of the Pacific railroad.[83] He said the treaty should anticipate the devastation caused by the arrival of the Pacific railroad and compensate the Saulteaux accordingly.[84]

Dawson considered himself fortunate that relations between his road construction crew and the Saulteaux remained mostly cordial.[85] He warned the federal government that any treaty negotiations with the Saulteaux would be complicated because these people understood

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[82]Dawson Collection, Report on the Indians, 8.

[83]Canada, Sessional Papers, 1868, vol.31, No. 81, Simon J. Dawson, "Report on The Line of Route Between Lake Superior and the Red River Settlement" May 4, 1868.

[84]Ibid.

[85]Ibid., 27.

that their self-reliance and livelihood depended on their relationship to the land. "They are very intelligent and are extremely jealous as to their right of soil and authority over the country that they occupy."[86] Dawson thus wrote to the Dominion government requesting permission to begin treaty negotiations with the Saulteaux of the Rainy River / Lake of the Woods region.[87]

There is danger, however, in giving too much credence to the accounts of traders and government officials in the region concerning the decline in game and its impact on the Saulteuax. The Hudson's Bay Company took steps to increase the beaver population during the nineteenth century, yet fur returns for the Lac la Puise region rivalled those of Athabasca and the Red River prior to the 1860's.[88] Even in the United States, there was no evidence of a decline in fur-bearing animals as fur exports rose annually until 1880, in spite of the advance of settlement.[89] At any rate, Dawson believed that such declines were inevitable and argued that it was important to start treaty negotiations with the Saulteaux immediately. Dawson was concerned that news of the Riel Resistance in the Red River region might inspire an uprising among the Saulteaux along the Line of Route. He feared an Amerindian uprising

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[86]Ibid.

[87]Ibid.

[88]Hudson's Bay Company Archives, Section B, Class 239, Subdivision H, Piece 7, Desciption York Factory District Fur Returns, 1840-1860.

[89]R. Gilman, "The Upper Mississippi Fur Trade," Minnestoa History 42, no. 4 (1970-71): 123.

that would result in many deaths among the small non-Native population.[90] He was anxious that agents representing the Metis might try to agitate the Saulteaux to interfere with the expected movement of troops through their territory. In spite of the risks, Dawson concluded that the resistance in the Red River Colony provided an opportunity to open negotiations with the Saulteaux he and remained optimistic that a treaty was possible as well as necessary if peace were to be maintained in the region.[91]

Another agent working for Morris who knew the Saulteaux well was Richard Pither. Pither had a long association with both Dawson and the Saulteaux along the Line of Route. He initially worked for the Hudson Bay's Company at Rainy River and Fort William. During Wemyss Simpson's unsuccessful attempts at arrive at a treaty with the Saulteaux, Pither was the Canadian government's Indian agent in the region. Pither worked closely with Dawson on a number of negotiations with the Saulteaux during the construction of his road and provided frequent reports to Morris during the year leading up to the Treaty Three negotiations. Unfortunately, his correspondence has not survived as well as Dawson's has. What reports still exist are found in the Red and Black Series of the Indian Affairs documents as well as in the Morris Papers.

The papers of Adams Archibald, Lieutenant-Governor of Manitoba during the Treaty One and Two negotiations as well as the first attempts to achieve a treaty with the Saulteaux,

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[90]Public Archives of Manitoba. Adams Archibald Lieutenant-Governor's Collection 1869-1872. Memorandum in Reference to the Indians on the Red River Route, Simon Dawson, Ottawa to Howe, Ottawa, December 1869.

[91]Ibid.

provides another source of information on the Amerindians of the region. During his term as Lieutenant-Governor, Archibald was clearly overwhelmed by events in Manitoba. The arrival of more and more Sioux refugees from the United States, conflicts between white settlers and the Metis and the other Amerindians, and the continuing presence of Louis Riel and his followers taxed his ability to govern. Unfortunately, his reliance on Wemyss Simpson to negotiate with the Saulteaux on his behalf largely contributed to the initial failure to achieve a treaty with them. The pressence of the Lieutenent-Governor in Saulteaux country would have made an agreement possible. Nevertheless, Archibald had more face-to-face contact with the Saulteaux east of Fort Garry during his term as Lieutenant-Governor than Morris ever had. He took opportunities to hunt in the region and apparently met some Saulteaux chiefs. In his papers, Archibald's opinions regarding the Saulteaux and their territories were based largely on these hunting trips and his conversations with a Metis who led the Saulteaux living near Fort Garry.

Alexander Morris, who succeeded Archibald in 1873, however, was better equipped to execute his role as Lieutenant-Governor in Manitoba. His success in signing a treaty with the Saulteaux was a direct result of his preparation for the negotiations. It was this preparation that gives the researcher a clearer picture of the Saulteaux position since Morris was a practical man who was less interested in Victorian philosophy than in achieving results.[92]

Other sources shed light on the Saulteaux negotiating position during the Treaty

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[92]C. Ratkoff-Rojnoff, "The Nolin-Paypom Treaty and Wild Rice." as found at the Claims and Historical Research Centre, Indian and Northern Affairs Department, Ottawa, 9.

Three talks. There are newspaper accounts of the negotiations themselves as well as stories relating to early complaints against the Canadian government. The most important non-governmental source of information concerning the Saulteaux negotiating position remains the Paypom Treaty, the document understood by the Saulteaux chiefs to be the real Treaty Three agreement. It confirms that promises relating to wild rice, hunting and fishing were made during the negotiations.[93] The latter became a serious issue when American and Canadian commercial fishermen plundered the Lake of the Woods region. Speaking in the House of Commons, Dawson reiterated his claim that the Saulteaux had not surrendered their fishing rights in the region when they signed Treaty Three. Chief Sacheway, too, challenged the right of white commercial fishermen to harvest on Lake of the Woods. He said that when his people surrendered their land, they did not surrender their resources, including fish.[94] There are still other ways to ascertain the treaty demands of the Saulteaux. To discover the Saulteaux position, researchers must utilize a number of different approaches. Researchers must consider remarks made by both parties concerning the treaty many years later, like the ones Dawson made in the House of Commons with respect to Saulteaux fishing rights in the region. More valuable are petitions from the Amerindians to the Government of Canada which shed light on misunderstandings of the treaty itself.

What is clear, despite the ambiguities involved, is that the two parties did not speak

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[93]Grand Council Treaty Three affirms that the legitimate agreement reached between the Government of Canada and their people was the Paypom Treaty, not the version published in the Gazette. Obviously, the federal government disagrees.

[94]Leo Waisberg and Tim Holzkamm, The Document Published by Canada as Treaty #3 Treaty and Aboriginal Rights Research of Grand Council Treaty #3, 1992.

the same language, either literally or figuratively. The Saulteaux could not read the language in which the treaty was written. The translators who could read it were in the pay of the federal government and were principally French, although James MacKay was obviously an Anglophone. Many of the terms in the treaty were of a legal nature and had no corresponding words in the Ojibwa world view. The Saulteaux understanding of the treaty was limited to what could be explained to them by translators who were more skilled in the fur trade, than in legal terminology. There were also major cultural differences between the two parties that Morris chose to discount. As a Euro-Canadian trained in the British legal tradition, Morris regarded that Saulteaux silence on a variety of issues was acceptance of an idea. Silence had quite the opposite meaning for the Saulteaux; silence meant that no consensus had yet been reached.[95] Finally, Ebenezer McCole, an inspector for the Dominion government, confirmed in his 1880 Annual Report that promises made to the Saulteaux had not been included in the final draft of the treaty.

The protection of Saulteaux farmland in their territory was a serious concern for the Saulteaux negotiators, yet, there is no reference to it in the Treaty Three document published by the Canadian government. Like other promises made to them, references to agriculture are found in both the Paypom Treaty and in the notes of Morris' shorthand reporter. Agricultural activities provided the Saulteaux with an ever increasing portion of their food

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[95]Office of the Attorney General of Ontario and the Multicultural Association of Kenora and District, Proceedings of Indian Ways - Indian Thinking: A Dialogue Between Clare Brant and Bruce Sealy (Kenora, Ontario: n.p., 1988), 53-55.

supply by the 1870's.[96] Saulteaux farmers were trading agricultural products to fur traders as early as the beginning of the nineteenth century. As the population nearly tripled, Saulteaux farm production provided an important source of food for the Amerindians in the region. According to the researchers for Grand Council Treaty Three, Leo G. Waisberg and Tim E. Holzkamm, the desire of the Saulteaux to expand their agricultural initiatives was a key reason why Treaty Three was negotiated in the first place.[97] It was not until Canadian legislation restricted the commercial sale of Saulteaux farm produce in 1881, combined with the flooding of their lands as a result of the damming of the Rainy River, that the Saulteaux abandoned agriculture and turned once again to hunting and gathering and wage labour in the growing resource industries as their means of subsistence.

By 1890, it was generally recognised that the text of Treaty Three as published by the Canadian government was not a complete record of the agreement between Morris and the Saulteaux of Northwestern Ontario. In addition, there were many differences between the Canadian government and the Saulteaux regarding the interpretation of Treaty Three. The government had seen the signing of the treaty as the final step in achieving the Saulteaux land surrender. The Saulteaux saw the signing of the treaty, however, as merely the first step in a series of discussions that would include such outstanding issues as fishing and hunting rights

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[96]Wayne Moodie, "The Northern Limits of Ojibwa Agriculture" Geography Review 1969: Leo G. Waisberg and Tim E. Holzkamm, "'A Tendency to Discourage Them From Cultivating': Ojibwa Agriculture and Indian Affairs Administration in Northwestern Ontario" in Ethnohistory 40, no. 2 (1993) and the later in "The Rise of Ojibwa Gardening After 1862" Ethnohistory

[97]Waisberg and Holzkamm, "Ojibwa Agriculture", Ethnohistory 1.

throughout the region. The Saulteaux maintained that they had held unconditional title to their land and had no intention of surrendering it in a treaty with the Canadian government. Chief Posh-King-On said during the negotiations that "this is Indians'; not white man's country."[98] The Saulteaux were prepared to grant a right of way for the Pacific railroad but they were not willing to transfer title to the land.

Beyond these primary sources, a growing body of historical discussions of Treaty Three has clarified the Saulteaux position during the face-to-face negotiations. J.E. Foster has argued that the Saulteaux enjoyed more success in negotiating Treaty Three than the Plains Cree did in later treaties because they were exposed to European contact earlier than the Amerindians of Western Canada and, as a result, had a better understanding of Euro-Canadians. Their exposure to the fur trade, he says, gave them a clearer concept of their own rights in terms of Canadian demands.[99] Frank J. Tough has provided ample evidence that the Canadian government recognised that Amerindian title to the former HBC territory was a serious obstacle to westward expansion.[100] The Canadian government recognised that the Amerindians of the former Rupert's Land were entitled to compensation following the settlement of the Hudson's Bay Company.

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[98]NAC, MG 29, C 67, Dawson Notes on Treaty #3 Negotiations.

[99]J.E. Foster, "The Saulteaux and the Numbered Treaties: An Aboriginal Rights Position" in The Spirit of Indian Treaties, ed. Richard Price (Toronto: Butterworth and Company, 1979), 161-80.

[100]Frank J. Tough, "Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada's Acquisition of the Hudson's Bay Company Territory," Prairie Forum 17, no. 2 (Fall 1992): 225-62.

The varied sources provides a clear picture of the Saulteaux's basic treaty demands. The Saulteaux rejected every overture made by the federal government to obtain an out-right transfer of their land title from 1869 to 1873. Four times the government failed to convince the Saulteaux to surrender their land. Each time, government officials complained that the Saulteaux negotiating position was "unreasonable." Olive Dickason argues that the Saulteaux remained firm on their basic demands because they had learned from the bitter lessons of other Amerindians both in the East and the South.

> The better terms of Treaty Three reflected the greater familarity of the Amerindians of the area with the governmental negotiating process and their greater political assertiveness.[101]

As a result, the Saulteaux may have demanded from the Canadian government simply what they understood their "cousins" in Minnesota had received from the United States government during the 1854 negotiations at La Pointe. More likely, they were pressing the Canadian authorities to keep their treaty promises unlike the American government. Jean Friesen is no doubt correct when she argues that the Saulteaux recognised that their livelihood and their freedom sprang from the land and were convinced that, if the government wanted their land, it would have to compensate them for it.[102] At the very least, the Saulteaux wanted reserves with good farm land, agricultural implements, technical support staff including teachers and a generous annuity in return for any land that was surrendered for the construction of new transportation systems in the region. In fact, the Saulteaux position had changed little since 1869 when Wemyss Simpson was commissioned to seek assurances from them that they

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[101]Dickason, Canada's First Nations, 280.

[102]Friesen, "Magnificent Gifts", 43.

would not interfere with Colonel G. J. Wolseley and the troops who would be travelling through the territory on their way to establish Canadian authority in the Red River Settlement.

It has been pointed out that the Canadian Indian policy of the late nineteenth century was not "deliberate, wise, and benevolent" as asserted in the official records and secondary accounts based on them. It was the Saulteaux themselves who recognized not only the value of their land but also their need to adapt to the changes caused by the encroaching white presence in their territory. Although it paid lip service to the idea, the Canadian government was not interested in assisting this "vanishing people" to adapt to modern society. In both American and Canadian government circles, many believed that Amerindians were doomed to suffer "extinction" according to the laws of Social Darwinism. Both governments were more concerned about removing what they perceived to be obstacles in the path of trade and commerce rather than in aiding Amerindians in their adaptation to "modern ways".[103] In order for the government to achieve its objectives, it would have to remain patient. Time, however, was not on the side of the Saulteaux.

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[103]John Leonard Taylor, "Canada's North-West Indian Policy in the 1870's: Traditional Premises and Necessary Innovations," Sweet Promises A Reader on Indian - White Relations In Canada, ed. J.R.Miller (Toronto: The University of Toronto Press, 1991), 208-10.

CHAPTER THREE: EARLY CANADIAN ATTEMPTS TO NEGOTIATE A TREATY

Simon Dawson played a key role in drawing the attention of the Canadian government to the need to negotiate a treaty with the Saulteaux. He first made contact with the Saulteaux in the 1850's when he was part of the Hind expedition commissioned to explore Rupert's Land for the Province of Canada West and assess its agricultural potential.[104] His first meeting with the Saulteaux was less than ideal. He reported that they were angered that the party had not first sought their permission to cross their territory. In spite of that unfortunate first encounter, Dawson gradually won the respect of the Saulteaux as he surveyed the Red River Route later oversaw the construction of the Dawson Road, named in his honour. The Dawson Road snaked along the Saulteaux territory generally, following the old route of the fur traders from the Lakehead to Fort Garry. Dawson, himself, admitted that without the assistance of the Saulteaux as guides it would have been nearly impossible to construct a transportation system through the many bogs and swamps of the region. Throughout his years in their territory, Dawson prepared many reports to Ottawa regarding the Saulteaux and outlining various policies that he believed that the Canadian government should pursue in the region.

As an entrepreneur, Dawson was concerned that the profitability of his road once completed would depend on peaceful relations with the Saulteaux, otherwise, settlers on their way to the Red River Colony would seek alternative routes. Dawson's ideas on maintaining peace relations changed over the years. During the construction phase, he advocated that the government seek only a right of way through the Saulteaux country. As the road neared completion, however, Dawson began to realize that there were profits to be made in land

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[104]L.H. Thomas, "The Hind and Dawson Expeditions, 1857-58", The Beaver (Winter 1958), 39-45.

speculation in the region, particularly in mining and farming. Soon, he was calling on the Canadian government to negotiate a comprehensive treaty with the Saulteaux. It is not surprising that he was an early advocate of peaceful relations with them and remained so to the end of his life. The Red River Resistance of 1869-1870 occurred at an opportune time for Dawson. He saw the uprising as an opportunity to put forward his case for a comprehensive treaty with the Saulteaux. In a memorandum, he reiterated his concerns regarding the dangers of a Saulteaux uprising in the region and noted that relations between the races were rapidly declining. In addition, he expressed, once again, anxiety over reports that both American entrepreneurs and Metis agents representing Louis Riel were operating along the Line of Route.[105] He pressed the government to begin treaty negotiations with the Saulteaux the following spring.

Dawson's concerns did not fall on deaf ears. Joseph Howe, the Secretary of State for the Provinces, instructed Dawson to prepare for treaty negotiations with the Saulteaux which would be held no latter than the summer of 1870. Howe also accepted Dawson's advice regarding the employment of Richard Pither to ascertain the treaty demands of the Saulteaux in the Fort Frances area. Pither, an employee of the Hudson's Bay Company, had had extensive experience with the Saulteaux. Dawson instructed Pither to hire Nicolas Chatelain, a respected Metis leader, to act as an interpreter for the Canadians. The trio of Dawson, Pither, and Chatelain would prove instrumental in the eventual negotiation of Treaty Three in 1873.

Nevertheless, as issues in Manitoba came to dominate the agenda of the Canadian government, cabinet turned its attention away from addressing the demands of the Saulteaux and

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[105]Provincial Archives of Manitoba, Alexander Morris, Lieutenant-Governor's Collection, 1872-1877, MG12, A1, Memorandum from S.J. Dawson, 17 December 1869. (Cited hereafter as PAM).

towards reinforcing its authority in the Red River Settlement.[106] In spite of George E. Cartier's objections, Prime Minister John A. Macdonald wanted to establish a military presence in the Red River Settlement as a show of Dominion strength in the region. The prime minister warned of the danger of American expansion to the North-West Territories, this, in spite, of the American government's position of neutrality in the region. In a letter, Macdonald expressed a popular view in Canada when he wrote "that the United States' government are resolved to do all they can, short of war, to get possession of the western territory, and we must take immediate and vigorous steps to counteract them."[107] James Snell challenged this notion by saying that President U.S. Grant and his administration were sincere in remaining neutral regardless of the rocky relations between the two countries.[108] Still, given the context of the times, Macdonald wanted a military force to arrive at Fort Garry as quickly as possible following the passage of the Manitoba Act in 1870 and appointment of Adams G. Achibald as Lieutenant-Governor for the new province and surrounding territory.

To ensure that their troops would not be interfered with along the way, the Canadian cabinet passed an Order-In-Council to seek assurances from the Amerindians that their troops would enjoy safe passage along the Dawson Road. The 1871 Annual Report of the Department of Indian Affairs said in part:

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[106]Donald Creighton, John A. Macdonald: The Old Chieftain (Toronto: The Macmillian Company of Canada Limited, 1955), 67-68.

[107]Creighton, The Old Chieftain; 54-55. This quote has been used by various historians interested in the American role during the Red River Resistance. See Gluek, Minnesota, Manifest Destiny and the Canadian North-West, Chapter 9.

[108]James G. Snell, "American Neutrality and the Red River Resistance, 1869-1870," Prairie Forum 4, no. 2 (1979): 183-96.

In anticipation of the movement of troops across the country lying between Thunder Bay and Manitoba, in 1870, agents were employed to visit the Indians tribes along the line of route, to conciliate them with presents, and to assure them that while a peaceful right of way for Troops and Emigrants only was required, the Government would be prepared, at a convenient season, to compensate them for their friendly co-operation, and to cover by a treaty any lands which they might be willing to part with and the Government deemed it politic to acquire.[109]

Meanwhile, the government ordered Colonel Garnet Wolseley to lead the military force to Fort Garry. In order that these troops would not encounter any unnecessary delays while travelling across the Dawson Road, Howe revised his instructions concerning formal treaty talks with the Aboriginal peoples of Manitoba and the North West Territories. Dawson, leader of the advance party, was charged specifically with the responsibility of seeking assurances from the Saulteuax that they would not interfere with the military force passing through their territory. He passed on the government's instructions to Pither and kept both the new Lieutenant-Governor in Fort Garry and the Secretary of State in Ottawa abreast of the situation unfolding among the Saulteaux at Fort Frances and around the Lake of the Woods. Pither and Dawson both provided Ottawa and Fort Garry with valuable information concerning the negotiating position of the Saulteaux. In addition to gathering information, the team was instructed to ascertain support for a treaty with the Canadian government. Pither, in particular, was instructed to promise the Saulteaux that the government would treat them fairly and that they would benefit in material terms from signing a treaty with Canada.[110] The government also wanted the team to thwart any initiatives

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[109]Canada, Department of Indian Affairs, Annual Report, 1871, Secretary of State for the Provinces, Joseph Howe to his Excellency the Right Honourable Lord Lisgar, Governor-General of Canada, 17 April 1871, 3-4 as cited in Wayne E. Daugherty, Treaty Research Report: Treaty Three (Ottawa: Indian and Northern Affairs Canada, 1986), 14-15.

[110]PAM Archibald Lieutenant-Governor's Collection 1869-1872. Instructions. Dawson, Toronto, to Pither, Fort William. 6 January 1870.

by agents of Riel operating among the Saulteaux. Members of the team were strictly forbidden, however, from confronting any of the Metis "agitators".[111] By February, 1870, Pither was reporting that the Saulteaux looked favourably upon treaty talks with the Canadian government.[112] He began trying to establish the terms on which the Saulteaux would be willing to accept a treaty with Ottawa.

After studying the Pither reports, the government was confident that the Saulteaux would not ally themselves formally with the Metis resistance in Manitoba. Nevertheless, Ottawa was still concerned that the Saulteaux might inhibit the passage of government troops on their way to Manitoba. Military officials were convinced that the active support of the Saulteaux as labourers and voyageurs was essential if troops were to arrive soon in Manitoba.[113]

By this time, the Canadian government was preoccupied with the crisis in the Red River. It informed Pither and Dawson that it had appointed Wemyss Simpson, Indian Commissioner and that they were to assist him in his formal treaty talks with the Saulteaux. His instructions, however, indicate no reference to comprehensive negotiations. Instead, the government simply wanted him to seek assurances from the Saulteaux that the Canadian troops would not be

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[111]Ibid.

[112]PAM Archibald Collection. Pither, Fort William, to Dawson, Ottawa, 8 February 1870.

[113]PAM Archibald Collection. Donald A. Smith to Sir George Cartier, 19 April 1870.

interfered with as they passed through the Lake of the Woods region in May 1870.[114] Simpson interpreted his instructions in the strictest possible sense and, unlike Dawson, demonstrated little initiative in spite of the fact that the Saulteaux at the time appeared to be willing to reach an agreement. Lieutenant-Governor Adams Archibald blamed Simpson for not only failing to reach an agreement with the Saulteaux but for actually making relations between the two parties worse.[115] Still, it was the federal government which instructed him simply to seek only assurances that military personnel would not be attacked or interfered with on their way to the Red River Settlement and that surveying crews could carry on with their work uninhibited.[116] There was much concern, both in political and military circles, that the Saulteaux could wreak havoc with the government's efforts to put down Riel if they interfered with the transportation of troops travelling to Manitoba. Captain Huyshe of the expedition later wrote:

> There is no doubt that a hundred determined men might have inflicted tremendous loss on the troops with comparative impunity; for, thoroughly acquainted with the vast network of lakes, they could have fired on the boats as they passed though narrow channels, or blocked up the portages, and done much mischief in a variety of ways, while to have attempted to pursue them through the woods and lakes would have been madness.[117]

The government no doubt was less interested in signing a formal treaty with the Saulteaux

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[114]PAM Archibald Collection. Howe to Wemyss M. Simpson, M.P., Fort Frances, 17 May 1870.

[115]PAM, Archibald Collection, MG12-A1, Despatch Book 3, Letter No. 20. Archibald to Secretary of State, 1872.

[116]PAM, Archibald Collection. Secretary of State Joseph Howe to Wemyss M. Simpson, M.P., 17 May, 1870.

[117]George F.G. Stanley, The Birth of Western Canada: A History of the Riel Rebellions (Toronto: University of Toronto Press, 1963), 136.

than it was with putting down Riel and his supporters in the 1870's.[118] These negotiations in the spring of 1870, however, confirmed some of the government's worst fears. Many more Saulteaux, a significant number from the United States, arrived at the talks in 1870 than Simpson had anticipated and their expectations concerning a formal treaty were high.[119] Although they agreed to guarantee the safety of the soldiers passing though their lands on the way to the Red River settlement, they refused to assist the soldiers as guides or labourers. Simpson blamed Riel's agents for the uncooperative attitude of the Saulteaux:

> The Half Breeds and the Indians of Red River had been tampering with them telling them that the Troops were going to the Settlement to take their lands from them by force and advising the Rainy River Indians not to assist the soldiers, make any treaty or receive any presents this year.[120]

On the other hand, the Red River resistance seemed of little consequence to the Saulteaux. Instead, they were eager to discuss their grievances, which they believed could only be addressed in a formal treaty with the government. Simpson was unwilling to listen to any of the Saulteaux concerns outside the terms of his instructions. Recognising this, the Saulteaux concluded that he lacked the authority to negotiate for the Crown and subsequently gave him a message to the Dominion government. In it, they listed their demands, including their terms for a treaty, and stated their concern about the construction of a Pacific railroad through their territory. They insisted that Simpson pass their message to the nearest Indian agent.

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[118]Wayne E. Daugherty, "Treaty Research Report: Treaty Three" (Ottawa: Treaties and Historical Research Centre, Research Branch, Corporate Policy, Department of Indian Affairs, 1981), 16-17.

[119]PAM, Archibald Collection, Wemyss M. Simpson to Secretary of State Joseph Howe, 19 August, 1870.

[120]Ibid.

Following these talks, Simpson reported to Howe that a Saulteaux chief was quite specific about his grievances with the government.[121] The Saulteaux wanted proper compensation for the building of the Dawson Road and demanded regular payment from those who intended to use it. They insisted that no white farmers would be welcome in their territory and they expected an annual payment of ten dollars for every man, woman, and child and enough provisions to support them through the winter months.[122] Later, Simpson reported that the chief said:

> ...that we expect an answer to our demand sent to Mr. Pither during the winter so that we may know how to act and when we assemble for payment. For this we are willing to allow the Queen's subjects the right of passage through our lands, to build and run steamers, build canals and rail roads and to take up sufficient land for buildings for Government use - but we will not take your presents, they are a bait and if we take them you will say we are bound to you.[123]

Like other Canadians negotiating treaties with the Amerindians at that time, Simpson did not understand the nature of the Saulteaux demands. The Saulteaux, like other Aboriginal peoples in the West, were prepared to grant safe passage to the Crown's subjects travelling through their territories for a small annuity as long as title to their lands was respected. However, the compensation increased dramatically when the Canadians demanded a complete surrender of the lands from which they derived their economic security. The Canadian government, like the United States, saw land as a commodity which could be bought and sold. Beyond its spiritual significance, the Saulteaux saw the land in terms of subsistence: If they were going to trade that,

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[121]PAM Archibald Collection. Howe to Archibald, 23 September 1870.

[122]Ibid.

[123]PAM, Archibald Collection, Wemyss M. Simpson M.P. to Joseph Howe, Secretary of State Joseph Howe, 17 May 1870.

then they would have to receive an alternate method of livelihood.[124] Simpson, like other Canadians, balked at these demands, saying that the Dominion would never agree to pay so much. The Canadian government was adamant that "its" Aboriginal peoples could expect no more, and probably much less, for the negotiation of the numbered treaties than their relatives had received under agreements signed with the American government. Simpson was quick to point out that the American government had paid far less for the territory once occupied by the Chippewa at La Pointe in 1854.[125] He was certain that the government would guarantee annuity payments only for a fixed term as their American counterparts had done. In spite of his efforts, however, he was unsuccessful in convincing the Saulteaux that the government would not give in to their demands. Simpson appeared to have blamed Dawson for raising the expectations of the Saulteaux in the Lake of the Woods area. According to Simpson, Dawson had successfully negotiated safe passage through the Rainy River area for the Dominion soldiers by offering Chief Blackstone and his people generous gifts.[126] Like many whites of the time and since, Simpson greatly underestimated the negotiating ability of Amerindians.

Secretary of State Howe was disappointed with Simpson's report and asked for more information regarding the Saulteaux treaty demands. Expectations among them for negotiations aimed at a formal treaty were high, and there were fears that a widespread uprising would erupt in the region. In October, however, Pither informed the government that the entire region was

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[124]Jean Friesen, "Magnificent Gifts": The Treaties of Canad with the Indians of the Northwest, 1869-76" Transactions of the Royal Society of Canada Series V, Volume 1, 1986, 43.

[125]PAM, Archibald Collection, Wemyss M. Simpson to Secretary of State Joseph Howe, 19 August 1870.

[126]Ibid.

peaceful as the "Indians were off to the Hunting Grounds."[127] Amerindian unrest was limited to a few minor incidents of looting and threats made against whites who were cutting timber without first seeking the consent of the Saulteaux.[128] Nevertheless, Howe subsequently requested Lieutenant-Governor Archibald to address the outstanding issues raised by the Amerindians along the Line of Route.[129] Unfortunately, Archibald was preoccupied with the unstable situation around Fort Garry and unfamiliar with the situation along the Dawson Road. He was forced to delegate face-to-face negotiations to Simpson. He informed Howe that he would need until the following spring to become fully informed of the Saulteaux situation. Any current knowledge he had regarding the Saulteaux was limited to the information that he was able to glean from his acquaintance with Henry Prince, a chief of the Plains Ojibwa in Manitoba. In fact, his interest in the North West Angle waned as tensions increased closer to Fort Garry between the Amerindians and white settlers. In Manitoba, Amerindians were preventing settlers from constructing any permanent buildings outside the Selkirk settlement until treaties were signed and reserves surveyed. Settlers were asking Archibald to call out the troops to defend their interests against a feared uprising. Archibald declined, saying that even the appearance of soldiers might provoke violence. The situation was reaching a critical stage by the end of 1870.

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[127]PAM Archibald Collection. Robert Pither, Fort Frances, to (Archibald) 14 October 1870.

[128]PAM Archibald Collection. Robert Pither, Fort Frances to (Archibald) 14 October 1870.

[129]PAM Archibald Collection. Secretary of State Joseph Howe to Lieutenant-Governor of Manitoba, A.G. Archibald, 23 September 1870.

Archibald ordered Pither to postpone the planned negotiations with the Saulteaux. Instead, he turned his attention to the Cree to whom he had promised treaty talks in exchange for peace.[130] The Governor did instruct Pither to carry on with his work among the Saulteaux and to gather intelligence that would prove useful in new talks expected in the spring.[131]

Archibald was more optimistic that he could reach agreements with the Amerindians who occupied the territory closer to Fort Garry than with the Saulteaux along the Line of Route. In his report to Howe, Archibald expressed concern about the financial implications of a treaty with the Saulteaux along the Line of Route. He argued that Ottawa could afford to pay the Cree occupying the Prairies far more than the Woodland people of the Lac la Pluie region because the government could expect to receive a high return on the Cree land once white settlers arrived and began farming. He questioned whether the government could ever recover monies paid to the Saulteaux under any negotiated treaty. It is not clear why he underestimated the value of the timber and mining potential in Saulteaux territory. Minnestota was experiencing an economic boom when Archibald was writing his report, to say nothing of Dawson's reports indicating that Americans were surveying mining sites in the Saulteaux territory. The Saulteaux were certainly aware of the mineral wealth of their territory.[132] Nevertheless, Archibald who was preoccupied

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[130]PAM Archibald Collection. Archibald's Reply to the Cree, 4 January 1871.

[131]PAM Archibald Collection. Archibald to Robert Pither. 27 November 1870.

[132]Treaty talks between Canada and the Saulteaux in 1872 broke down over the issue of royalties for mineral rights. According to the Commissioners report, "they are well informed as to the discovery of gold and silver to the west of the watershed, and have not been slow to give us their views as to the value of that discovery." As cited in "The Mineral Rights of Treaty #3 Indians" Treaty and Aboriginal Rights Research Grand Council Treaty #3, April 1992.

with thoughts of agricultural settlement wrote to Howe that their lands were virtually worthless:

So far therefore as the question of the value of Indian claims depends on the character of the soil between the North West Angle of the Lake of the Woods and the Eastern shore of Lake Shabandowan I should not consider the fee simple of the entire country, for agricultural purposes, with as much as 100 acres of the Prairie of Red River.[133]

Archibald did not share Dawson's optimism that his road would be a commercial success. Settlers travelling to homestead on the Prairies, he believed, would rather travel relatively quickly and safely by rail through the United States across Minnesota instead of using the Dawson Road with its many portages and hazards. Traffic, not surprisingly, was low on the Dawson Road. There was fear, however, particularly in the Ontario legislature, that, once they were in the United States, many of these settlers were lost to Canada forever.[134]

The major issue in Archibald's mind was fiscal responsibility. He concluded that the Canadian government would have to pay the Saulteaux out of general revenues. As a result, he advised the government not to establish a formal treaty relationship with these people and suggested that it would be more expeditious to resolve conflicts as they arose.[135] Ironnically, virtually all of the major recommendations made originally by Simpson to Howe were echoed by Archibald in his correspondence to the minister.[136] Dawson, learning of Archibald's assessment of the situation along the Line of Route, prepared his own report to Hector-Louis

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[133]PAM, Archibald Collection, Adams G. Archibald to Secretary of State Howe, 12 November 1870.

[134]Friesen, "Morris"; 610.

[135]Ibid.

[136]Daugherty, "Research Report", 12.

Langevin, the Minister of Public Works.[137] Langevin was familiar with many of the concerns Dawson expressed since he had been Superintendent of Indian Affairs when the Red River Resistance began. It is not clear if Dawson's recommendations arrived in time to influence cabinet deliberations and, if they did, what weight they carried. The cabinet, however, remained committed to a policy of limited agreements with the Saulteaux rather than a comprehensive treaty.

According to Wayne Daugherty, a researcher with the Claims and Historical Research Branch of Indian and Northern Affairs, the government was forced to reverse this policy and, by 1871, demanded that the Saulteaux surrender all their lands along the Line of Route and sent appropriate instructions to Archibald. The new federal policy was unacceptable to the Saulteaux, however, who continued to resist the idea of any large land surrender. Yet, in spite of their respective positions, both sides continued to make overtures to each other regarding a formal treaty.[138] In the spring of 1871, Simpson was given another chance by cabinet to negotiate a treaty with the Saulteaux. He was assisted once again by Dawson and Pither.[139] The federal government was anxious to reopen treaty talks with the Saulteaux for fear of trouble resulting from the launching of steamers on Rainy Lake, Sturgeon Lake and Lake of the Woods. The Canadian government believed that the steamers would be attacked by the Saulteaux if a treaty

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[137]PAM Archibald Collection. S.J. Dawson, Ottawa, to Hector-Louis Langevin, Minister of Public Works, Ottawa. 19 December 1870.

[138]Evidence that the Saulteaux were still interested in a formal treaty with the Canadian government can be found in PAM, Archibald Collection, Memorandum from S.J. Dawson to H.L. Langevin, 7 February 1871.

[139]PAM Archibald Collection. Howe to Archibald. 29 March 1871.

with them was not negotiated.[140] To ensure that the transportation system would remain open in the interim, the government appointed James McKay (1828-1879) to communicate its intentions regarding the steamships and the road to the Saulteaux.[141]

McKay certainly deserves more credit than he has received so far for his role in, not only the successful negotiation of Treaty Three, but for the other numbered treaties as well.[142] McKay, a former Hudson's Bay Company employee, was a Metis leader, influential with both Native and non-Natives alike.[143] He was an experienced guide popular with the territory's elite such as George Simpson, head of the Hudson's Bay Company. During the Pallister expedition across the Prairies in the 1850's, he was the chief guide. Following his departure from the Hudson's Bay Company, he played an active role in the politics of Manitoba and the North-West Territories. In 1871, he was appointed by Adams Archibald to the Manitoba Legislative Council and was president of the executive council as well as a representative on the North-West Council. He would participate in the upcoming negotiations that led to the signing of Treaties One and Two.[144] The government would also turn to him to deal with the thorny issue of the "outside"

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[140]PAM Archibald Collection. Howe to Archibald. 13 February 1871.

[141]PAM Archibald Collection. Howe to Archibald. 17 April 1871.

[142]Guy R. Joubert, "A Biographical Sketch of James McKay" (Kenora: Treaty and Aboriginal Rights Reseach of Grand Council Treaty Three, u.p. 30 June 1983), 4-5.

[143]Allan R. Turner, "James McKay" Dictionary of Canadian Biography (Toronto: University of Toronto Press, 1982); vol. 10, 474.

[144]Ibid., 473-475.

promises made during the Treaty One and Two negotiations.[145]

In spite of his new instructions from the Canadian government, Archibald remained pessimistic about negotiating a comprehensive treaty with the Saulteaux. In a letter to the governor, the Secretary of State reiterated the importance of securing a treaty with the Saulteaux and made clear that he wanted an agreement reached no later than the end of that year.[146] The Canadian cabinet was overly optimistic. It expected Simpson to conclude treaties not only with the Saulteaux but also with the various First Nations in Manitoba between Lake Superior and the "Stone Fort," otherwise known as Fort Garry.[147] Pressure continued to mount in Manitoba as Amerindian communities demanded that the government negotiate treaties with them. Even as Simpson was preparing to depart for talks with the Saulteaux, Aboriginal leaders at Portage la Prairie threatened to resist the government until a treaty was signed.[148] The Lieutenant-Governor feared that blood would be spilled if some action were not taken in Manitoba first.

In spite of the growing danger in Manitoba, Ottawa was still not willing to grant Simpson more discretionary power to negotiate a quick settlement with the Saulteaux.[149] Talks began in June. Dawson was late in arriving at the negotiations and Simpson was unable to achieve an

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[145]Joubert, "James McKay" TARR, 6.

[146]PAM Archibald Collection. Howe to Archibald. 17 April 1871.

[147]PAM Archibald Collection. Howe to Archibald. 28 April 1871.

[148]PAM Archibald Collection. Resolution of Indians at Portage la Prairie. 30 May 1871.

[149]PAM Archibald Collection. Howe to Archibald. 13 June 1871.

agreement with the Saulteaux without the help of the Scottish engineer.[150] Simpson rejected all of the basic demands put forward by the Saulteaux, which had not changed significantly since the time of the Red River Resistance.[151] With Dawson present, the two parties began serious negotiations and arrived at a tentative agreement. Unfortunately, a disease, perhaps measles, broke out and the Saulteaux dispersed before the agreement could be signed.[152] Nevertheless, there was speculation that the Saulteaux departed early and declined to negotiate further until a Crown representative was present.[153]

This tentative agreement is an important one. Not only did it represent the first time that the two parties reached such a comprehensive agreement but also because there is growing evidence that the treaty signed by Morris and the Saulteaux in 1873 did not represent the actual negotiations but was merely a copy of the tentative agreement reached earlier by Simpson and Dawson.[154] Dawson may have actually drafted the text of Treaty Three in 1872 prior to the

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[150]PAM Archibald Collection. W.M. Simpson, Fort Frances to Archibald. 6 July 1871.

[151]Daugherty, "Research Report", 7.

[152]Ibid., 18.

[153]PAM Lieutenant-Governor's Collection 1869-1872. W.M. Simpson, Fort Frances, to Archibald, 6 July 1871.

[154]On April 28, 1885 while a Member of Parliament, Simon Dawson wrote to Hayter Reed, the Deputy Superintendent General of Indian Affairs, describing the actual Treaty Three negotiations. He wrote in part: "I was one of the Commissioners appointed by the Government to negotiate a Treaty with the Salteaux tribe of Ojibbeway (sic) Indians, and as such was associated with Mr. W. M. Simpson in 1872, and subsequently acted in the same capacity with Lieutenant-Governor Morris and Mr. Provencher in 1873. *The treaty was practically completed by myself and Mr. Simpson in 1872, and it was the draft we then made*

actual negotiations in the fall of 1873 and based it on this earlier tentative agreement.[155] After the early departure of the Saulteaux, new talks did not resume until the following year. The estimated total cost of all the Saulteaux demands did not exceed $125,000, a mere fraction of the total value of the natural resources of the region had the agreement been ratified.[156] The treaty-making process, however, did not stop with this initial set-back. Simpson quickly turned his attention to other First Nations nearer Fort Garry.[157] Simpson enjoyed better luck closer in Manitoba. There, he quickly negotiated Treaties One and Two with the Cree and Chippewa within months of one another.[158] His success was in no small part due to the presence of the Archibald and McKay. Although Simpson and Archibald were frequently at odds with each other during the Treaty One negotiations, the participation of the Queen's representative made a strong impression on the Amerindians.[159] Treaty One was signed between the Canadian

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that was finally adopted and signed at the North West Angle of the Lake of the Woods in 1873. The conclusion of the Treaty in 1872 was prevented by a sudden outbreak of measles among the Indians, which led them to disperse before it was signed."

[155]C. Ratkoff-Rojnoff. "The Nolin - Paypom Treaty and Wild Rice" Ottawa: Treaty and Historical Research. Department of Indians Affairs. 1980., 28.

[156]Morris, Treaties of Canada, 48.

[157]PAM Archibald Collection. Proclamation to Indians of Manitoba Meet at lower Fort Garry for the Purpose of Negotiating a Treaty. 18 July 1871.

[158]Treaty One was signed between the Canadian government and the Chippewa and the Swampy Cree on August 31, 1871 and Treaty Two was concluded with the Chippewa at Manitoba Post on August 21, 1871.

[159]Hall, "A Serene Atmosphere?: Treaty One Revisited."

government and the Chippewa and the Swampy Cree on 31 August 1871 and Treaty Two was concluded with the Chippewa at Manitoba Post on 21 August 1871. With Treaties One and Two completed, the Dominion government grew more anxious to establish a formal relationship with the Saulteaux and complete the transfer of Aboriginal land title in Manitoba and what is now Northwestern Ontario. Simpson tried once again to reach an agreement with the Saulteaux in June of the following year but was unsuccessful. He complained that it was difficult to reach a consensus among the Saulteaux when so many arrived for the negotiations. Nevertheless, by 1872, the Saulteaux were growing impatient with the government's inflexibility to such an extent that Simpson became concerned for the safety of Canadians residing in Saulteaux country. He requested that a military force be sent to Fort Frances to protect Canada's interest in the region.[160] Simpson made one final to reach an agreement with the Saulteaux in October in Fort William. By then, the government had authorized him to offer better annuities and higher wages for the chiefs and headmen. Unfortunately, the meeting was planned too late in the year and few arrived in Fort William to discuss the offer. Clearly, the Canadian government was slowly coming to realize that it needed to show some flexibility with the Saulteaux if it wanted to reach an agreement with them.

Canadian officials expected the Saulteaux to sign a treaty similar to the ones already negotiated with the Cree. When they did not do so, the government dismissed the Saulteaux demands as "unreasonable".[161] The Saulteaux, for their part, were prepared to wait and watch

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[160]NAC, RG 10, Red Series, Department of Indian Affairs, volume 1868, file 377, Commissioner Simpson to Secretary of State Howe, 17 July 1872.

[161]Ibid.

to see whether the Canadian government was prepared to honour the promises made to the Amerindian signatories of Treaties One and Two. It was becoming apparent to Dawson that the Canadian government would have to show some flexibility and "make these men more liberal offers than they were able to do last year."[162]

It was obvious that, even though many of the Saulteaux leaders wished to establish a formal relationship with the Canadian government through a treaty, they refused to negotiate away title to their land. What the government failed to appreciate was that the Saulteaux wanted to negotiate with a representative of the Crown, not someone who they regarded merely as a pedlar, fur trader or Indian agent at the very best. They wanted someone with authority they could trust. The two parties remained at a stalemate Alexander Morris was appointed to the post of Lieutenant-Governor of Manitoba and the North West Territories in 1873.

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[162]NAC, RG10, volume 1873, file 377. Memorandum in Reference to the Indians on the Red River Route, Simon Dawson to the Honourable H.L. Langevin, Minister of Public Works, 2 June 1873.

CHAPTER FOUR: THE ARRIVAL OF MORRIS

It is difficult to assess the achievement of Alexander Morris, chief negotiator for the Canadian government in the talks with the Saulteaux that led to Treaty Three. In spite of being in poor health, he was a man of considerable administrative talent and vision. He governed as best he could in a manner fair to all its varied interests avoiding, whenever possible, the call-out of the military. Not surprisingly, in terms of Treaty Three, he has been praised for signing an agreement with the Saulteaux where others had failed for four years. Certainly, Morris was a skilled negotiator and a conciliator while a Member of Parliament and of John A. Macdonald's government. In fact, his role in the negotiations between Macdonald and George Brown led to the Great Coalition, which was instrumental in the movement to Confederation.[163] Yet, the word "conciliator" hardly comes to mind when one reads Morris' own account of the Treaty Three negotiations. During those talks, he refused to entertain any changes to the location of their meeting and steadfastly stuck to his own agenda.[164] His reputation for achievement is certainly reinforced by the fact that one of the few easily accessible sources on the negotiations is his book, The Treaties of Canada with the Indians.[165] Nevertheless, a close evaluation of the events unfolding in Manitoba and the North-West Territories in 1873 indicates otherwise. A reassessment of Morris' achievement may be in order in light of the events unfolding in Manitoba and the North-West Territories

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[163]Jean Friesen, "Alexander Morris" Dictionary of Canadian Biolography (Toronto: University of Toronto Press, 1982); vol. 11, 608-15.

[164]Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories including Negotiations on which they Were Based (Toronto, 1880,; reprinted Toronto: Coles Publishing Company, 1971), 15.

[165]Ibid.

in 1873.

Morris was at first reluctant to accept the appointment of Lieutenant-Governor of Manitoba and the North-West Territories. He turned down several offers of the appointment from John A. Macdonald before finally agreeing to accept the responsibility in 1872. The prime minister originally appointed Morris, his close friend and confidante, to the post of magistrate in Manitoba following an illness that led to his resignation from cabinet. Macdonald was anxious to have a Lieutenant-Governor in Manitoba who he could trust and saw such a man in Morris.[166]

The prime minister had a long association with Morris that dated back to the former's youth. Morris had proven himself effective in the backrooms and Macdonald learned to count on him during political crises. It is not surprising that Macdonald believed Morris to be the ideal candidate to solve the growing problems of Manitoba and the North-West Territories. Morris was no more pleased than Archibald with his Manitoba appointment. Pressure mounted from both Archibald and the prime minister on Morris to accept the post of Lieutenant-Governor almost as soon as he arrived in Fort Garry. Morris repeatedly turned the appointment down until 1872 when he finally accepted the post. At it was, Morris found his hands full as magistrate. Once in Fort Garry, he found himself mired in the racial and sectarian politics of Manitoba and the North-West Territories. One of his first duties was to

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[166]The role of Lieutenant-Governor in the 1870's, particularly in Manitoba, was far the the ceremonial head that it is today. The Lieutenant-Governor was the Dominion government's representative and "agent" in the provincial capital. He was expected to act in the best interests of the Dominion not the province. It was therefore important for the prime minister of Canada to trust the man who he appointed to this post. See also, John T. Saywell, The Office of Lieutenant-Governor: A Study in Canadian Government and Politics (Toronto: University of Toronto Press, 1957), 22.

confirm the accuracy of the census taken in 1871; there were charges that Metis were being denied their rights as citizens as a result of the census undertaken by Adams Archibald after he had arrived in Manitoba.

Once in the Lieutenant-Governor's office, Morris had a number of serious issues to deal with including the hay privilege dispute, American whiskey traders and the Cypress Hills Massacre, the arrival across the border of Sioux refugees fleeing the United States Cavalry, and Amerindians determined to protect their way of life in the face of impatient settlers flooding into Manitoba in search of land. There was also the ever-present tension between Protestant Orangemen, originally from Ontario, and Metis, largely Catholics, who were descendants of marriages between Hudson's Bay and Northwest Company employees and Amerindians. It is not surprising that Morris saw his supreme achievement during his term as Lieutenant-Governor to be, not his role in negotiating many of the numbered treaties although he wrote about them, but rather the establishment of responsible government in the province.

Treaty negotiations with the Saulteaux were, in fact, far from Morris's mind when he accepted the post of Lieutenant-Governor.[167] The political environment in Manitoba had grown far more dangerous since the Red River Resistance, and this made Morris's presence at Fort Garry even more important. Protestant Orangemen were demanding compensation for wrongful imprisonment and loss of property during the "insurrection" while Metis leaders were demanding amnesty for themselves and Louis Riel. Competition for land was increasing the tension between the Amerindians and white settlers in Manitoba as agricultural

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[167]There is hardly a reference to treaty negotiations in either set of the Morris Papers found at the Manitoba Archives until he began serious preparation for talks in the spring of 1873.

development began to displace the traditional way of life of the Metis and other Aboriginal peoples.* The growing number of Sioux refugees in Manitoba was increasing the likelihood that blood would be spilled as their leaders threatened war if land allotments were not provided by the federal government. The Sioux seemed little concerned that the Canadian government considered them the responsibility of the American government. The Sioux had, in fact, hunted bison in the region before any Red River settlers arrived in the region. They had also carried on an active trade with the "Canadian" Metis for weapons and ammunition before Dominion authorities established a pressence in Manitoba.[168] The border meant little to Sitting Bull and his followers except as an invisible wall which the "Long Knives" were afraid to cross.

In this troubled context, Alexander Morris reopened negotiations with the Saulteaux that eventually led to the signing of Treaty Three. Even before he was officially commissioned Lieutenant-Governor of Manitoba and the Northwest Territories in 1872 and could begin treaty talks with the Saulteaux, Morris was forced to deal with a number of serious issues. Virtually all of them involved land. The fair distribution of land among the various ethnic groups was one of the major issues that Morris had to deal with as the Lieutenant-Governor of Manitoba. He pleaded with the Canadian government to grant land to the Metis in order to avoid a further uprising.[169] Surveyors apparently had not allocated enough land for the Metis. The situation was compounded by the fact that some Metis had

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[168]Robert M. Utley, The Lance and the Shield: The Life and Times of Sitting Bull (New York: Henry Holt and Company, 1993), 64 and 195.

[169]PAM, Morris Collection. 1872-1877. No 680: M.No. 103: No. 1415. Morris to Mcdonald (Draft telegram, cypher and translation).

not been included in the 1871 census. Confusion reigned as some Metis families were counted as Indians and others were not. Those considered Indians were eligible for annuities and other treaty rights, but were not included in a census that only counted "citizens". Without citizenship, these people were excluded from receiving land allotments. On the other hand, those who were listed as Metis were included in the census and received land as citizens. It remains unclear whether the Metis understood the implications of their status when Adams Archibald offered them the choice during the Treaty One talks. Nevertheless, the Canadian government was firm that families not included in the census were ineligible for a land allotment. The Metis leaders now demanded that the new Lieutenant-Governor personally add those families to the census. The Canadian government claimed, however, that those Metis not included on the census had made their choice to be recorded as Indians, had received annuities, and had forfeited any right to a land allotment.[170] Meetings across the province and throughout the territory were called by Metis leaders to address the situation.[171]

The hay privilege, too, was a source of conflict between the Metis and the Canadian government.[172] According to the Metis, Archibald had, during his term as Manitoba Lieutenant-Governor, promised them that they would be compensated for loss of their right to

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[170]Morris Collection. N. 16: M.No. 2: No. 2. Aikins to Morris 7 January 1873.

[171]Ibid., No. 1: M.No.1: No. 1436. J.S. Dennis, Survey Office, Winnipeg, to Morris. 3 January 1873.

[172]Ibid.

cut hay on the commons.[173] Without proper compensation, the Metis farmers were claiming the right to cut hay on tracts of land now occupied by white settlers. The Metis argued that they did not need the permission of the new owners to cut hay because prior to the founding of the Red River Colony under Lord Selkirk that land was held in common.[174] The government eventually ordered Morris to appoint a local board to deal with the issue.[175] It was to enquire into the problem, assess the value of the land and report confidentially on the potential costs of compensation to the parties involved. It was also charged to examine the land claims in the region.[176] Metis land allotments were to be withheld until a settlement had been reached on the hay privilege issue.[177] Morris was convinced that only the Canadian government could avert a crisis over this issue in Manitoba.[178] Nevertheless, Morris set aside lands for the Metis pending the findings of the Commission. In spite of the

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[173]Ibid., No. 50: M.No. 10. Aikins to Morris (Telegram) 25 January 1873.

[174]Ibid., No. 337: M.No. 56: No. 217 Meredith to Morris (Telegram) 22 July 1873.

[175]Ibid., No. 26: M.No. 3: No.1050. Aikins to Morris. 13 January 1873.

[176]Ibid., No. 39: M.No. 5: No. 20 Howe to Morris.

[177]Ibid., N. 65: M.No. 17: No.25 Morris to Aikins (Draft Telegram) 11 February 1873.

[178]Ibid., No. 42: M.No. 8: No.1121 Aikins to Dennis 21 January 1873.

moratorium, lots were being drawn for Metis land allotments at Portage la Prairie.[179] Metis allotments, unfortunately, spilled over into the Indian reserves as well as the established white settlements.[180] Morris, himself, favoured giving each Metis, man, woman, and child, 140 acres. In order that speculators could not cheat the Metis out of their land, he advised the Canadian government to disallow any act passed by the Manitoba legislature regarding the sale or seizure of Aboriginal lands to whites.[181]

In spite of its continuing reluctance to provide Metis families not counted on the 1871 census with land allotments in Manitoba, the Canadian government made public an order-in-council that granted 80 acres of farm land to each Sioux family in Manitoba.[182] White settlers were concerned about the growing number of Sioux refugees coming to Manitoba, especially those at Poplar Point, High Bluff, and Portage la Prairie. The whites resented the "defiant attitude" of the Dakota in particular which they saw as a marked contrast to the friendliness of the Cree. John Norquay, a community leader in High Bluff and the future premier of Manitoba, wrote to Morris demanding that action be taken against the Sioux

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[179]Ibid., No. 80: M.No. 23: No. 46 Morris to Aikins (Draft Telegram) 22 February 1873.

[180]Ibid., No. 93: M.No.26: No. 20. Morris to McMicken 24 February 1873.

[181]Ibid., No. 67: M.No 18: No. 36 Campbell to Morris (Telegram) 12 February 1873.

[182]PAM Morris Collection. N. 16: M.No. 2: No.2 Howe to Morris 8 January 1873.

refugees who were occupying land rich in timber, which many whites clearly wanted.[183]

Like the Metis, the Amerindians indigenous to Manitoba were concerned about their future in the territory. Many feared that their rights would not be respected by the Canadian authorities.[184] They were particularly concerned about whites who were cutting timber on Indian reserves without first obtaining the consent of the Chiefs.[185] By January 1873, the federal government had announced regulations for the cutting of timber and fuel by all parties in Manitoba.[186] The Indians were concerned that they would have to share their land with the Metis.[187] Indians were also concerned about the government's immigration policy for the region. Morris had already set aside sizable tracts of farm land for the arrival of European settlers expected in the spring. Canadians, too, who had emigrated to the United States in search of better opportunities, were expressing interest in returning to Canada if the land grants were offered to them in Manitoba.[188] Americans, also, were requesting

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[183]Ibid., No 422: No 1128 Letter from J. Norquay, Winnipeg, to Morris. 8 January 1873.

[184]Ibid., (Lieutenant-Governor's Secretary to John Constant, Chief, Devon Mission, Cumberland. (Draft)

[185]Ibid., Wemyss M. Simpson, Indian Office, Winnipeg, to Morris 9 January 1873.

[186]Ibid., No.39: M.No.5: No.20. Howe to Morris. 20 January 1873.

[187]Ibid., No.26: M.No.3: No.1050 Henry Prince, St. Peter's Parish, to Morris.

[188]Ibid., No. 304: M.No. 49: No.206 John Ralston to Morris 14 June 1873.

information from Morris on the availability of good farm land in Manitoba, as hundreds expressed an interest in immigrating to Manitoba.[189] Indians who had not yet signed treaties with the Canadian government feared a flood of settlers and were anxious to open negotiations. They told Morris that Archibald had promised them treaties shortly before he left his post as Lieutenant-Governor.[190] Morris, frustrated in his attempts to ascertain "the truth" in Manitoba, requested confirmation from Archibald, now Lieutenant-Governor of Nova Scotia, if such promises had actually been made. He also urged the Canadian government to move quickly with its promise to survey the Indian reserves as a way of maintaining peaceful relations between the Amerindians and the new settlers.[191]

Aboriginal people in Manitoba who had not yet signed treaties with the government were also concerned about railroad construction through their traditional homelands. In February, Morris received information from the Canadian government regarding future railroad construction across Manitoba and the North-West Territories. It was vital that peace be established in Manitoba so rail construction could be carried on without interruption. The Canadian government optimistically projected the construction of the Pacific railroad between

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[189]Ibid., No. 377: M.No. 67: No. 232 W. N. Fairbanks, Thomas Carney, Winnipeg, to Morris 29 July 1873.

[190]Ibid., No. 344: M.No. 58: No. 220 Campbell to Morris (telegram) 10 July 1873.

[191]Ibid., No. 93: M.No. 26: No. 20 Morris to Macdonald 24 February 1873.

Lake Superior and Red River to be completed by 1876.[192] There was a concern that unless Manitoba was connected to Eastern Canada by rail, local interests would seek to link the Red River settlement with Minnesota.[193] The Canadian government thus grew concerned about maintaining law and order in Manitoba. In addition to discussing the possibility of a new police force, the government began drafting legislation to prevent the sale of Indian land allotments to speculators. Morris was concerned that the policy initiative did not adequately protect the Aboriginal peoples from unscrupulous speculators.[194] He suggested amendments that the government promised to consider. Ironically, by March 1873, the Indians were acting upon the advice of Wemyss Simpson, Indian Commissioner and chief negotiator of Treaties One and Two, to sell their land to white settlers in St. Peter's Parish.

In addition to these land problems, Morris had a number of other serious issues to deal with before he could initiate negotiations with the Saulteaux along the Dawson Road. By March a number of issues needed his immediate attention. Riel was rallying support for a by-election bid in the riding of Provencher.[195] Tension was also increasing as a result of the claim by leaders of the Resistance that an amnesty had been offered to them by the former

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[192]Ibid., No. 80: M.No. 23: No. 46. Mcdonald to Morris (Telegram) 17 February 1873.

[193]Ibid., No. 40: M.No. 6: No. 1153 Howe to Morris 20 January 1873.

[194]Ibid., No. 65: M.No. 17: No. 25 Morris to Mcdonald (Draft Telegram) 10 February 1873.

[195]Ibid., No. 93: M.No. 26: No.20 (Private, French) Joseph Royal to Morris March 1873.

lieutenant-governor in the presence of Sir George-Etienne Cartier himself.[196] In addition to the demands of Riel and his followers, Morris received reports that Sioux refugees under the leadership of Sitting Bull, in spite of the federal offer of land elsewhere, were gathering at White Mud River. Hudson's Bay Company officials in the area feared the worse and called upon Morris to send troops to protect the lives and property of Amerindians and settlers in the area. There were unconfirmed reports of Sioux warriors engaging in looting at Egg Lake. Rumours spread that Sioux led by Little Knife were planning raids throughout Manitoba in the spring.[197]

Morris took these reports seriously and sent a telegram to Ottawa to inform the government of the danger of a Sioux uprising in Manitoba. As a solution, he requested permission to negotiate a formal treaty with them. Lacking a sufficient number of troops and militia, Morris dispatched couriers to seek assistance from the Cree and the Assiniboine and prepared defensive measures against the Sioux as best he could.[198] Meanwhile, settlers at High Bluff requested permission to form a volunteer militia company to defend against potential Sioux attacks.[199] Bloodshed was avoided, however, when Morris received permission to negotiate a treaty with the Sioux in the spring. He immediately commissioned

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[196]Ibid., No. 115: M.No. 27: no. 27 Morris to Mcdonald. 3 March 1873.

[197]Ibid., No. 127: M.No. 30: No. 81 John Norquay, Winnipeg to Morris. 17 March 1873.

[198]Ibid., No. 151: M.No. 32: No. 99 Morris to Howe, 21 March 1873.

[199]Ibid., Urquhart to Rev. Brown, High Bluff, 22 March 1873.

Pascal Breland, a former HBC employee who had had extensive experience with Amerindians, to talk with the Sioux. Breland found the leaders of the Sioux to be amiable and reported to Morris that rumours of spring attacks were greatly exaggerated. Nevertheless, he was concerned that Fort Ellice was in real danger of attack and advised Morris to order that reinforcements be sent there.[200] He also reported that the Sioux had agreed to send representatives to talk with Morris in the spring.[201]

In spite of these friendly talks with the Sioux, fear of Sioux raids against Fort Garry grew. The Cypress Hills, where at least six American liquor trading posts operated, continued to be a centre of trouble for Sioux and other Amerindian people in the region.[202] A massacre of Assiniboines there, by American liquor traders from Montana was an important test for the Canadian government as Amerindians watched and waited to see if they could expect justice from the Canadian government. No sooner than news of the Cypress Hills Massacre spread through Manitoba than there were reports, that both Sitting Bull and Little Knife had been poisoned. This precipitated further reports of reprisals and other "massacres".[203] White settlers called for the removal of all of the Sioux to reserves and the

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[200]Ibid., Breland, Lac Qu'Appelle, to McKeaghey, Administrator. 9 April 1873.

[201]Ibid., Pascal Breland, Prairie du Cheval Blanc, to Morris, 22 March 1873.

[202]Ibid., Archibald McDonald, Fort Ellice, to McKeagney. 16 April 1873.

[203]PAM Morris Collection. No. 205: M.No. 39: No. 132 Archibald McDonald, Fort Ellice, to McKeagney, 16 April 1873.

volunteer militia continued to prepare defensive positions at High Bluff.[204] By the end of April, the Sioux question was in the hands of Macdonald.[205] By May, military officials believed the crisis had subsided but Colonel Osborne Smith (1831-1887), the Deputy Adjutant General of Manitoba and the North-West Territories since 1872, recommended to Morris that he seek authority to disarm Sioux refugees before they entered the country.[206] A company of infantry soldiers was also ordered to reinforce Fort Ellice against the threat of a Sioux uprising.[207] By June, Morris was able to inform the prime minister that negotiations with the Sioux had been successful and arrangements had been made to settle them on a reserve.[208]

In addition to these Amerindian problems, Morris had to deal with the preliminary recommendations of the commission looking into the hay privilege. The commissioners concluded in their final report that the land issue was too complex for a blanket policy. Instead, they recommended that a new board be set up to investigate each claim and offer

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[204]Ibid., No. 151: M.No. 32: No. 99 Address from the People of High Bluff to Morris. 17 April 1873.

[205]Ibid., No. 205: M.No. 39: No. 132 McKeagnney to Macdonald. 22 April 1873.

[206]Ibid., No. 205: M.No. 39: No. 132 W. Osborne Smith, Fort Garry to Morris 1 May 1873.

[207]Ibid., Orderly Officer, Deputy Adjutant General Dominion Troops, Fort Garry, to Urquhart 1 May 1873.

[208]Ibid., No. 270: N.No. 46: No. 186 Morris to Macdonald (Draft telegram) 6 June 1873.

suitable compensation on an individual basis to Metis and white alike.[209] Rumours that a decision was pending increased expectations. Far from resolving the issue, unofficial reports of the board's recommendations increased tensions in Manitoba. Morris agreed with the commission's findings and recommended that the Canadian government intervene and offer an even more flexible package to the Metis in way of compensation.[210] Instead, the government instructed Morris to carry out the recommendations of the board quietly without making the final report public.[211] Morris had hoped to check the support of Riel in the Metis community prior to the Provencher by-election by settling the hay privilege issue but the actions of the Canadian government made this quite unlikely.

To make matters worse, American liquor traders and Metis agitators were making the region near the Canadian / American border ungovernable. Tension in the Aboriginal community was increasing. Meanwhile, the Saulteaux and Cree had formed an alliance against the Sioux who were infringing upon their collective hunting grounds. For their part, the Metis were spreading rumours in the Aboriginal community that white settlers were planning genocide in Manitoba. Riel also remained tremendously popular among the Metis who occupied the border areas and officials in Fort Garry were concerned that, if Riel gave

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[209]Ibid., No. 115: M.No.27: no. 71. Report on Rights of Common and Rights of Cutting Hay by James C. McKeagney, L. Betournay and J.S. Dennis. 6 March 1873.

[210]Ibid., No. 277: M.No. 47: No. 188 Morris to Macdonald 29 May 1873.

[211]Ibid., No. 1115 Aikins to Morris 15 June 1873.

the signal, the entire region could erupt into rebellion.[212] Tension intensified as American Metis promised support for a rebellion against British rule in Manitoba and the North West Territories. Canadian officials feared the appearance of Riel at Fort Qu'Appelle would ignite the powder keg.[213]

By June, it was becoming clear to Morris that he was powerless to stop the election of Riel. He called upon the Canadian government to respond to the growing tension between Metis and white settlers in Manitoba caused by the Provencher by-election.[214] Morris began preparations to arrest Riel for inspiring insurrection.[215] The Lieutenant-Governor attempted to seize the initiative by confronting Metis leaders publicly on their charges against the Canadian government and asserted that the Crown had ultimate legal authority to govern throughout the North West Territories. He also denied their charges that the Metis had been treated unfairly as a result of the Red River Resistance.[216]

Growing tension among the Sioux, the Metis, and the "Canadian" Aboriginal peoples

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[212]Ibid., No. 151: M.No. 32: No.99 Breland, White Horse Plains, to Morris. 18 May 1873.

[213]Ibid., No. 151: M.No. 32: No.99. Urquhart to McKeagney, 29 May 1873.

[214]Ibid., No. 270: N.No. 46: No. 186 Morris to Macdonald June 1873.

[215]Ibid., No. 270: N.No. 46: No. 186 Morris to John Fisher and other, Qu'Appelle 4 June 1873.

[216]Ibid., No. 270: N.No. 46: No. 186 John Fisher and others, Qu'Appelle to Morris 4 June 1873.

led to renewed calls by white settlers for the removal of all Amerindians to reserves.[217] Morris was asked to advise on a federal proposal to create a commission to oversee Indian affairs in Manitoba. The board would include the Lieutenant-Governor, the Land Officer, the Indian Commissioner, and representatives of the Manitoba legislature as well as Metis leaders.[218] Morris was concerned about the position of the Indian Commissioner within the structure of the Manitoba government.[219] J.A.N. Provencher had been appointed to chair the new Board of Commissioners for Indian Affairs of the Northwest Territories, but it was unclear whether he would receive his instructions directly from the Canadian government or from Morris.[220]

The Canadian government clearly had more reason to negotiate treaties with Amerindians west of Fort Garry than the Saulteaux of Rainy River and the Lake of the Woods. Morris was pleased to receive instructions from the government to open negotiations with the Amerindians west of Fort Ellice that June.[221] As preparations began for spring

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[217]Ibid., No. 151: M.No. 32: No.99. F. Ruddlestone, Portage la Prairie, to McKeagney 30 April 1873.

[218]Ibid., No. 270: N.No. 46: No. 186 Campbell to Morris. 10 June 1873.

[219]Ibid., No. 313: M.No. 52: No. 212 Morris to Macdonald 20 June 1873.

[220]Ibid., Spragge to Morris 25 June 1873.

[221]Ibid., No. 313: M.No. 52: No. 212 W. Spragge, Indians Affairs, Ottawa, to Morris 24 June 1873.

talks with the Amerindians, reports of Metis attacks against white settlers reached Fort Garry.[222] The new Mennonite community called on Morris to send troops to protect their families and homes near White Horse Plains. Morris responded quickly by calling out troops and sending agents into the region.[223] Colonel Osborne Smith was ordered to put down the disturbance and to arrest any suspected ring leaders. Five men were taken into custody.[224] News of the arrests arrived at the same time that American authorities were providing information to Morris on whisky traders operating illegally along the border. Minnesota officials provided Morris with intelligence on liquor trading as well as the names of American and Metis offenders.[225] The reason for the sudden U.S. cooperation remains unclear, but it is possible that American authorities were growing embarrassed by the antics of its nationals in the province of Manitoba. The Americans may also have sought information on Sioux activities in Canada and hoped for speedy extradition of the Sioux leaders if warrants were issued south of the border.

As Canadian - American relations improved, the Canadian government changed its treaty-making strategy. After Archibald claimed not to have made any promises to Indians west of Fort Garry in regard to treaties, the government decided to postpone negotiations

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[222]Ibid., No. 332: M.No. -: No. 216. William Hespeler, White Horse Plains, to Morris. 30 June 1873.

[223]Ibid., Morris to Osborne Smith 1 July 1873.

[224]Ibid., Osborne Smith to Morris 2 July 1873.

[225]Ibid., Walter J.S. Traill, Georgetown, Minnesota, to Morris 7 July 1873.

with them and turned its attention to the Saulteaux.[226] Morris insisted that this was a mistake, as the territories west of Fort Garry had rich agricultural potential. The Amerindians who occupied this region feared a flood of white farmers into their hunting grounds and were eager to negotiate treaties.[227] The Canadian government acted upon the former governor's advice, however, and decided not to negotiate treaties with any of the western First Nations until the migration dictated that action was required.[228] The situation had changed, however, since Archibald was in Manitoba. In spite of the change in federal policy, western chiefs and their people continued to gather near St. Peter's parish and awaited what they considered to be the promised arrival of the Indian Commissioner. When the Canadian representative did not arrive, white settlers grew concerned for their safety.[229] James Nisbet, (1823-1874) a Presbyterian missionary working with Amerindians in Prince Albert, wrote Morris to inquire why the government had not sent an Indian Commissioner to negotiate a treaty. Nisbet was concerned about the safety of the 40 white families who had

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[226]Ibid., No. 342, M.No. 57: No. 219. Campbell to Morris (Telegram) 10 July 1873.

[227]Ibid., No. 377: M.No. 21: No. 55. Campbell to Morris. 14 August 1873.

[228]Ibid., No. 342, M.No. 57: No. 219. Campbell to Morris 10 July 1873.

[229]Ibid., No. 324: M.No. 55: No. 188. Abraham Cowley, St. Peter's, Lisgar, to Morris 23 June 1873.

settled in the Prince Albert region.[230]

As fear of an Amerindian uprising grew west of Fort Garry, violence threatened to erupt over the still unresolved hay privilege. The final recommendations of the commission still had not been released and the Metis were growing restless. To buy time, Morris issued a proclamation that restricted the sale of the land in question.[231] In anticipation of the final recommendations being released, applications were forwarded by various people for permission to cut hay on the disputed land. Local officials were concerned that property would be destroyed and blood shed.[232] In July, the government announced its decision. Metis farmers would no longer have the right to cut hay on areas recently settled by whites, in spite of the fact that they had done this for years.[233] The Roman Catholic Church used this decision to assert its influence in Manitoba. The Church had long been a vocal advocate of the rights of the French-speaking Metis, especially during the Red River Resistance and on behalf of those convicted of various crimes as a result of the rebellion. The Church now urged Morris to resolve the outstanding issue of land allotments for the Metis.[234]

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[230]Ibid., No. 51. Memorandum of Matters to be submitted for the consideration of His Honour Governor Morris by James Nisbet, Presbyterian Missionary, Prince Albert Saskatchewan 22 July 1873.

[231]Ibid., No. 342, M.No. 57: No. 219. Morris to Royal 19 July 1873.

[232]Ibid., Joseph Royal, Provincial Secretary, to Morris 20 July 1873.

[233]Ibid., No. 337: M.No. 56: No. 217 Meredish to Morris (Telegram) 22 July 1873.

[234]Ibid., Bishop Tache, St. Boniface, to Morris. 22 July 1873.

By July, the Canadian cabinet was fully informed about the escalating violence in Manitoba. Government officials were reviewing reports of Metis attacks in the spring against the Mennonites at White Horse Plains.[235] They were also considering their military commitment to the Northwest Territories in light of the growing illegal trade in alcohol by American whisky traders.[236] There were divisions in the Manitoba administration as a lingering dispute between Morris and Indian Commissioner Provencher came to a head. In the spring of 1873, the Canadian government had informed both Morris and Provencher that it had delegated its authority to the Lieutenant-Governor and that he would provide the Indian Commissioner with instructions on the negotiation of treaties in the region. Provencher ignored Morris as he prepared to begin negotiations with the Saulteaux, however, and sought permission to begin the Treaty Three negotiations directly from Ottawa.[237] It was no secret in Manitoba that Morris was not pleased with the way the Indian Commissioner was executing his duties. Morris blamed the growing discontent among Amerindians west of Fort Garry on Provencher as he had blamed Simpson for the problems of the North-West Angle. He favored the appointment of James McKay to the post, however, that would not be until after the Treaty Three negotiations.[238] Provencher, for his part, believed that he was simply

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[235]Ibid., No. 364: M.No. 61: No. 226 Aikins to Morris 22 July 1873.

[236]Ibid., No. 366: M.No. 62: No. 227 Aikins to Morris 24 July 1873.

[237]Ibid., No. 377: M.No. 67: No. 232 Morris to J.A.N. Provencher, Indian Commissioner 22 July 1873.

[238]Guy R. Joubert, "A Biographical Sketch of James McKay" (Kenora: Treaty and Aboriginal Rights Research, June 1983), 5

acting upon the cabinet's instructions forwarded to him by Simon Dawson. These instructions came directly from Ottawa bypassing Morris entirely. To Provencher, the whole episode was a simple misunderstanding.

Meanwhile, Dawson had already asked the Saulteaux to meet for treaty talks, and they had agreed. The Commissioner wrote to Morris telling him that the Canadian government placed the responsibility of preparing for the face-to-face negotiations in the hands of Dawson and his party.[239] In spite of the tension between Provencher and Morris, Dawson carried on with the planned negotiations. He warned the Commissioner to expect approximately 1500 Saulteaux to attend the talks. In order to ensure on-going negotiations, Dawson requested that the Canadian government provide him with $10 per head to buy supplies and presents for the Saulteaux. He informed Morris directly of special problems that he was encountering in his preliminary talks with the Saulteaux. Based on his participation in earlier talks with them, Dawson knew that the federal government would have to modify its negotiating position to reach an agreement. He warned Morris that these people were fully aware of American concessions awarded to their relatives south of the border. The Chippewa had received $14 per head, not the $3 that the Canadian government had offered during the last round of negotiations. In addition to annual payments, the Americans had promised the Chippewa agricultural implements and schools. Dawson told Morris that the Saulteaux were skilled negotiators and would accept nothing less.[240] It is hardly surprising that Dawson

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[239]Ibid., No. 377: M.No. 67: No. 232 Provencher to Morris 23 July 1873.

[240]Ibid., S. J. Dawson, St. Boniface, to Morris 23 July 1873.

also warned that the Canadian negotiating team would need more discretionary power to arrive at an agreement than it had previously been given. He also believed that it was essential that a large body of troops accompany the Canadian representatives if this round of negotiations were to be successful.[241] Most important of all, Dawson warned Morris that his presence was critical at the talks since the Saulteaux were prepared to negotiate only with the Queen's representative in the area, the Lieutenant-Governor himself. Dawson believed that treaty talks would fail if Morris did not attend the Lake of the Woods talks in September.[242]

The Canadian government wanted to conclude negotiations with the Saulteaux as quickly as possible.[243] Dawson had convinced the Saulteaux to meet the Canadian negotiators at Lake of the Woods in the fall. He reported that the strongest support for a treaty existed among the Saulteaux who occupied the territory along the Dawson Road.[244] By July 29, Morris was convinced that Dawson had assessed the situation accurately. He concluded that his presence was necessary if the negotiations were to be successful.[245] With a meeting agreed to for September, Morris reported to Alexander Campbell, Macdonald's

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[241]Ibid.

[242]Ibid., S. J. Dawson, St. Boniface, to Morris 23 July 1873.

[243]Ibid., Aikins to Dawson, Thunder Bay. 21 June 1873.

[244]Ibid., Dawson, Fort Garry, to Aikins. 19 July 1873.

[245]Ibid., Morris to Minister of Interior (Draft telegram and cypher) 29 July 1873.

closest confidant in cabinet that he, Provencher and Lindsay Russell, the Dominion Land Agent, would be Canada's representatives at the treaty negotiations with the Saulteaux. Presents, provisions, and a military escort had been arranged. Morris planned to leave for Lake of the Woods following the next meeting of the North-west Council.[246]

However, another political crisis was developing that threatened to prevent his attendance at the treaty talks in the fall. The North-West Council voted to cancel the land allotments promised the Metis earlier in the year and this made Morris furious. In addition to these legislative problems, Russell was surveying reserves for the Sioux on the west shore of Lake Manitoba and had not returned in time to join the advance party leaving for the Saulteaux negotiations.[247] Russell had already indicated his reluctance to participate in direct negotiations with Amerindians in any case because he believed that treaty-making put him in a conflict of interest with respect to his duties as Land Agent.[248] With or without Russell, Morris still had to deal with the North West Council. It was to deliberate again in the first week of September at precisely the same time that Dawson had arranged for the Indian Commissioners to meet with the Saulteaux.[249] The land allotment crisis was forcing Morris to choose. If he failed to attend the meeting of the North-West Council, the promised

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[246]Ibid., Campbell to Morris. 1 August 1873.

[247]Ibid., Campbell to Morris. (telegram) 5 August 1873.

[248]Ibid., Morris to Minister of Interior. Campbell to Morris, 1 August 1873.

[249]Ibid., Morris to Minister of Interior. 8 August 1873.

land allotments would certainly not be guaranteed and more unrest would develop in the Metis community. If he did not travel to Lake of the Woods, however, the negotiations with the Saulteaux would surely break down as they had done in the past.[250] Morris decided that the negotiations should take place at Fort Frances and sent word that he required Dawson and Pither to be in attendance.[251] The meeting of the North West Council would be postponed.[252] Morris prepared a letter to Ottawa outlining his concerns with regard to the actions of the Council on the Metis land allotments. He reminded Ottawa that the Manitoba Act had guaranteed the Metis right to land. He warned of more unrest if the white settlers, through the North-West Council, deprived the Metis of their portion of Manitoba. He suggested that the entire issue could be solved by offering both the Metis and Selkirk settlers scrip.[253] With the North-West Council temporarily in check, Morris learned that it was too late to move the negotiations from the Lake of the Woods to Fort Frances.[254] In addition, Russell arrived back to Fort Garry and told Morris that he would only provide professional advice to the other Indian commissioners and would not participate in the treaty-

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[250]Ibid.

[251]Ibid.

[252]Ibid. Campbell to Morris. (telegram) 11 August 1873.

[253]Ibid., No. 377: M.No. 69 Morris to Minister of Interior 13 August 1873.

[254]Ibid., No. 377: M.No. 67: No. 102. Morris to Minister of Interior. Campbell to Morris, 9 August 1873.

making discussions.[255] Morris needed negotiators at the Lake of the Woods not advisors so he considered the possibility of appointing Dawson in place of Russell. The Canadian cabinet, however, did not share Morris' enthusiasm for Dawson. Alexander Campbell, for instance, haboured concerns that both Dawson and Pither were both too sympathetic to the Saulteaux position.[256]

By August 12, Morris had received his negotiating instructions from the federal government.[257] The American government had recently concluded treaties with more generous presents and annuities that he could offer to the Saulteaux.[258] Campbell urged Morris to seek press cabinet directly for more flexible negotiating terms.[259] Meanwhile, the final date for negotiations had been set. The Dominion delegation and the Saulteaux agreed to meet at the North West Angle on September 11.[260] Campbell had not convinced Morris that the assistance of Dawson and Pither was not necessary to complete the negotiations of

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[255]Ibid., No. 377: M.No. 67: No. 102. Morris to Minister of Interior. Campbell to Morris, 11 August 1873.

[256]Ibid., 377: M.No. 67: No. 102. Campbell to Morris. (telegram) 11 August 1873.

[257]Ibid., No. 377: M.No. 67: No. 102. Campbell to Morris (telegram) 12 August 1873.

[258]Ibid., No. 377: M.No. 16: No. 50. Campbell to Morris 13 August 1873.

[259]Ibid., No. 377: M.No. 16: No. 50. Campbell to Morris 13 August 1873.

[260]Ibid., No. 377: M.No. 21: No. 50. Campbell to Morris. 14 August 1873.

Treaty Three and Morris issued instructions to each requesting their attendance at the North West Angle.

Even as Morris was preparing to depart for Lake of the Woods, pressure continued to rise from the white community to negotiate a treaty with the Amerindians west of Fort Garry. Whites feared an uprising, following the decision of the federal government not to open treaty negotiations in the spring. There were numerous reports that Amerindians were facing starvation on the prairies as farmers, few as there were at that time, settled unceded territories recently used as hunting grounds. Morris blamed much of the problem on Provencher's cavalier attitude about the western Amerindian concerns and Archibald, who he believed had promised them that white settlers would not occupy their territory until treaties were signed.[261] The Sioux were also putting pressure on Morris to honour his promise to settle them on reserves within Canadian jurisdiction. There was growing opposition from white settlers, as well as Metis and other Aboriginal communities in Manitoba, to what seemed as too generous an offer of land to the Sioux. Morris was forced to delegate the responsibility of settling the Sioux problem to his subordinates.[262] Tensions subsided when the federal government approved of his recommendations to set aside territory near Portage la Prairie for the Sioux and to provide them with agricultural tools.[263]

In addition to the deterioration of relations between the settlers and the Amerindians,

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[261]Ibid., No. 377: M.No. 21: No. 50. Morris to Campbell. 18 August 1873.

[262]Ibid., No. 23: No. 56. Campbell to Morris. 18 August 1873.

[263]Ibid., No. 3: No. 64 Meredith to Morris. 22 August 1873.

rejection of the hay privilege continued to fester. The Canadian government had decided not to maintain the hay privilege, and it now had to determine fair compensation for this loss of the commons. Russell determined how much land the Metis would require as compensation shortly before Morris departed for the North West Angle negotiations.[264] Russell wrote Morris that his land surveys indicated that the Metis had already received more land than they were entitled to receive as a result of the census. Morris knew that this revelation would not please the Metis.[265]

With the Sioux danger temporarily averted but the hay privilege still simmering, Morris turned his attention to the western tribes. Not only was he concerned about the threat of an uprising in the west but both Catholic and Protestant leaders in Manitoba were putting intense pressure on the Canadian government to negotiate treaties with the Amerindians. Church leaders throughout the North-West Territories wanted treaties to encompass a number of issues that the government was reluctant to concede. The various denominations wanted the federal government to provide funding for Native education, fair land allotments for the Metis, and employment opportunities for all the Amerindians in Manitoba.[266] The Canadian government now informed Morris that he could promise the western tribes that treaty negotiations would begin the following spring. He should send Provencher with this message

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[264]Ibid., No. 368 Lindsay Russell, Selkirk, to Morris. 18 August 1873.

[265]Ibid., No. 396. Lindsay Russell, Selkirk, to Morris. 19 August 1873.

[266]Ibid., No. 27: No. 58. Campbell to Morris. 20 August 1873.

to the Amerindians following the Treaty Three negotiations.[267] Morris' confidence in Provencher continued to wane, however as the Indian Commissioner failed to accompany Russell on his trip to show the Sioux the location of their new reserves.[268]

As Morris prepared to leave for the Treaty Three talks, he was concerned about the size of his military escort. As Dawson had suggested, Morris wanted a large escort to impress the Saulteaux with the strength and determination of the Canadian government. His military advisors remained concerned about the Sioux, the Metis, the rest of the Amerindians in the west. Each group posed a serious threat to the stability of the Manitoba government in 1873. The army wanted Morris to take only 55 infantry soldiers and three officers for his trip to the Lake of the Woods.[269] Morris insisted on more. He wanted at least 70 soldiers.[270] However, by the time his party left for the Lake of Woods, disturbances in what is now Saskatchewan demanded that many of the soldiers be transferred west instead.

Clearly, various issues required the attention of Morris at Fort Garry. The disappointment of the Amerindians in the west, the fear that the North West Council would cancel the land allotments for the Metis, growing tension arising from the Sioux pressence, and illegal liquor trading by Americans created a difficult political environment in Manitoba.

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[267]Ibid., No. 35: No. 67. Meredith to Morris. 22 August 1873.

[268]Ibid., No. 416. Lindsay Russell, Selkirk, to Morris. 24 August 1873.

[269]Ibid., No. 39: No. 50. Campbell to Morris. 28 August 1873.

[270]Ibid., No. 39: No. 50. Morris to Campbell. 1 September 1873.

Morris knew he would have to settle the Treaty Three negotiations quickly; he did not have the luxury of time to deal with the Saulteaux. The growing fear in Fort Garry that Riel would be elected in Provencher only intensified the need to conclude the Treaty Three negotiations quickly.[271] The Lieutenant-Governor was under intense pressure as he travelled to the Lake of the Woods, determined to sign an agreement with the Saulteaux. His decison to attend the talks was no doubt influenced by Dawson, who strongly recommended that the Lieutenant-Governor attend. Dawson had applied all the pressure he could to ensure that Morris would be there during the upcoming treaty talks with the Saulteaux. Dawson believed that it was crucial to their success that the Queen's representative negotiate face-to-face with the Saulteaux. It becomes clear that it was not necessarily the considerable talents of Morris or even the wearing down of the Saulteaux, both important factors in their own right, that led to the signing of Treaty Three but his position as the Queen's representative that chiefly accounted for his success.

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[271]Ibid., No. 393: M.No. 73: No. 250. Campbell to Morris. (telegram, cypher and translation) 21 August 1873.

CHAPTER FIVE: THE ACTUAL NEGOTIATIONS

The work of the advance party undertaken by Simon J. Dawson and Robert Pither on one hand, and James McKay on the other, proved to be invaluable when the formal treaty negotiations between the Canadian Indian Commissioners and the Saulteaux began in the fall. Little is known about these initial talks except that the two parties agreed on a date for the meeting. Dawson revealed to Morris what the position of the Saulteaux was going into the formal negotiations, although their basic position had been available to the Canadian authorities since 1869[272]. The formal negotiations almost did not take place. A misunderstanding threatened these face-to-face negotiations before the Morris had a chance to meet the Saulteaux representatives. Dawson had arranged with some of the Saulteaux chiefs to meet at the Lake of the Woods during the second week of September but events both in Manitoba and at the Lake of the Woods led to delays. As it was, Morris did not arrive at the Lake of the Woods until September 25th.[273] The location of the negotiations and the date had not been unanimously agreed to by all of the Saulteaux First Nations. Some leaders were pressing Morris to change the location of the meeting from the Lake of the Woods to Fort Frances. As Morris was preparing to depart for the North West Angle, he ordered Dawson to tell the Saulteaux that a change of venue was impossible considering the late date.[274] The

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[272]Provincial Archives of Manitoba, Morris Papers, No. 63: No. 110. Demands made by the Indians as their terms for a Treaty, dated Fort Frances, 22 January 1869.

[273]Department of Indian Affairs, Annual Report, 1874, Lieutenant-Governor Morris to the Minister of the Interior, 14 October, 1874; 15.

[274]PAM Morris Collection. M.No. 82. Indian Commissioner to Indians of the Saulteaux Tribe, 3 September 1873.

Saulteaux were to be told that, unless the talks were held at the Lake of the Woods, the negotiations would have to be postponed until the following year.[275]

In spite of the possibility of a breakdown, Canadian officials continued to prepare for the negotiations. Dawson was notified that he would replace Lindsay Russell, Land Agent for Manitoba, as a member of the Indian Board for the Treaty Three negotiations.[276] By September 5th, Morris was concerned that the negotiations would collapse because of the dispute over location. He postponed the meeting until the 22nd and also considered the possibility of delaying the negotiations until the following year.[277] Less than a week later, Morris ordered Pither to use his influence to convince the Saulteaux chiefs to attend the proposed meeting on the 22nd and to report any change in their negotiating position.[278] By the 15th, Pither reported that the chiefs had consented to the original location and would arrive in time to begin negotiations on the 26th. He enclosed a list of the chiefs who planned to attend.[279]

Morris' arrival at the Lake of the Woods did not signal the start of negotiations. It

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[275]Ibid.

[276]PAM Morris Collection. No. 273. M.No. 82. Campbell to S.J. Dawson. 3 September 1873.

[277]Ibid., No. 273. M.No. 82. Morris to Campbell. 5 September 1873.

[278]Ibid., No. 454: M.No. 89: No. 274. Urquhart to J. Pither, Indian Agent. 11 September 1873.

[279]Ibid., No. 454: M.No. 89: No. 274. Robert Pither, North West Angle, to Morris. 14 September 1873.

was now his turn to wait. In spite of the delays, some of the chiefs had not yet appeared to begin negotiations. The other chiefs refused to begin until tall had arrived. When the stragglers finally appeared, the Saulteaux needed time to caucus before meeting with Morris and his delegation.[280] Morris remained concerned about the failure of earlier attempts by Wemyss Simpson, the recently retired Indian Commissioner of the region, to reach an agreement with these people. He wanted more flexibility in coming to terms with the Saulteaux especially on the contentious issue of how long the they could expect to receive annuities from the Canada. The government preferred to offer fixed term annuities to the Saulteaux but was not firmly committed on the issue.[281] Morris also wanted more information on what Simpson had offered the Saulteaux in his earlier attempts to negotiate a treaty. He needed more information on the most recent treaties negotiated by the American government with its Amerindians, in particular the Chippewa. He was anxious to learn what concessions the First Nations had won, if any, from the Americans.[282] He concluded that earlier negotiations had broken down on the issue of protection of Saulteaux rights in the face of white settlement. Morris favoured educating all Amerindians as a way of limiting the responsibility of the Canadian government for their future welfare. He also expressed the

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[280]Morris, Treaties of Canada, 53-55.

[281]PAM Morris Collection. No. 426: M.NNo. 81: No.1157. Campbell to Morris. (telegram) 29 August 1873.

[282]Ibid., No. 444/219 MNo. 86. Campbell to Morris. 9 September 1873.

idea that, by providing an education for the Saulteaux, he could negotiate smaller annuities.[283] He was also concerned about promising protection for agriculture land already occupied by the Saulteaux.[284] The government informed him that he had the power to protect such farms within the boundaries of reserves, which could be held in trust, like the ones outlined in the Robinson Superior Treaty. These farms should not be "excessive", however, he was told.[285] In the end, he was told to use his own discretion. The government did not want these treaty negotiations to fail.[286] It is unclear whether Morris received all of the discretionary powers that Campbell had suggested he seek from the cabinet earlier in the year. Nevertheless, by the fall of 1873, signs were appearing that the Saulteaux, despite a bold front, were wearing down. They may have been resigned to the fact that the whites were coming and that they were powerless to stop their advance. On the other hand, despite what David McNab may believe, the Red River Metis may have convinced the Saulteaux that they could receive no more than what Governor Morris was prepared to offer them. When the final round of negotiations between the Morris and the Saulteaux opened, one of the first issues that they wanted to resolve was the location of the route that settlers would take in travelling west to the prairies.

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[283]Ibid., No. 426: M.No. 811: No. 1157. Morris to Campbell. 1 September 1873.

[284]Ibid., No. 457/248: M.No. 91. Campbell to Morris. 20 September 1873.

[285]Ibid., No. 457/248: M.No. 91. Campbell to Morris. 20 September 1873.

[286]Ibid., No. 444/219: M.No. 86. Campbell to Morris. (telegram, cypher and translation). 9 September 1873.

Morris grew confident that he could negotiate a better deal with the Saulteaux than Simpson had done with the Amerindians who signed Treaties One and Two. The Saulteaux situation, however was different. The Cree had been forced to settle for much less than the Saulteaux because they had a weaker bargaining position.[287] The Cree did not face the threat of white settlement in their territory; it was already there. Although both tribes did considerable sabre-rattling prior to treaty negotiations, the Cree in Manitoba simply did not have the ability to back their threats after the Canadian government's action in response to the Red River Resistance. The government feared that the Saulteaux could act on their threats partly because of their isolated woodland situation and partly as a result of violence by the Chippewa against American settlers in Minnesota. The government was concerned that railroad construction could be disrupted by the sustained armed resistance of the Saulteaux if they adopted guerrilla-style tactics along the Dawson Road. The Saulteaux had already proven themselves very successful in keeping prospectors and other whites off their land until a treaty was signed.[288] The government had learned in Manitoba that military force was not an effective tool in exerting its will. There was no reason to believe such force would be any more effective along the Line of Route. At best, the government needed the support of the Saulteaux to exploit the rich natural resources of the region. At worst, they required that the Amerindians not interfere with their plans to develop it.

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[287]Wayne E. Daugherty, "Treaty Research Report: Treaty One and Two" (Ottawa: Treaty and Historical Research Centre, Research Branch, Corporate Policy, Department of Indian and Northern Affairs, 1984), 16.

[288] PAC, RG10, volume 1868, file 377, Commissioner Simpson to Secretary of State Howe, 17 July 1872.

The Saulteaux had learned much about treaty negotiations from their "cousins" across the border. The La Pointe Treaty between the Chippewa and the American government provided not only a blueprint for the Saulteaux to guide them in their own negotiations but also more than twenty years of experience of living under treaty terms in the U.S. that made the Saulteaux cautious in their dealings with the Canadian government. They did not want to suffer the same fate the Chippewa endured as the American government forced them to concentrate their numbers on smaller and smaller reservations, despite treaty promises.[289] The Saulteauux were aware of other treaties signed between the United States government. The Saulteaux naturally expected that the Canadian authorities would be as generous as the United States had been.[290] This is not to say that the Saulteaux believed that the American treaties represented an ideal but saying so in the presence of Canadian Indian Commissioners was a popular ploy to win better concessions during treaty talks. Morris and the Canadian government made it a point to learn about the treaties negotiated south of the border.[291]

By October 1st, the Saulteaux were ready to begin negotiations with the government, especially after Morris threaten to return to Fort Garry if such a meeting did not take place.[292] The Saulteaux refused to discuss their terms for a treaty, however, until the government was prepared to address outstanding grievances arising from the construction and

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[289]Danziger, Chippewas of Lake Superior, 96.

[290]Daugherty, "Treaty Three Research Report", 43.

[291]Morris, Treaties of Canada, 48.

[292]Ibid., 54.

maintenance of the Dawson Road.[293] In spite of a small annuity paid to them in compensation for the construction of the Dawson Road, the Saulteaux had not formally agreed to give the Canadian government permission to operate steamers on any of the waterways within their traditional homelands nor were they being compensated for any of the timber that was cut to provide these ships with fuel. James McKay, whom Morris had sent to the region earlier to assure the Saulteaux that the steamers would pose no threat to them, had promised the Saulteaux that this issue would be discussed during the formal treaty talks with Morris. In addition, the Saulteaux were concerned that promises made by Simon Dawson during the construction of the road had not been kept. Dawson rejected their charges by saying that the Saulteaux had been paid as labourers to cut the timber and had no right to expect any more compensation. Morris told the chiefs that "wood and water were the gift of the Great Spirit, and were made alike for the good of both the whiteman and red man."[294] A Saulteaux chief countered Morris by saying, "this is Indian's country, not the White man's."[295]

Although no formal agreement concerning compensation for the Dawson Road was reached, the two groups moved on to discuss treaty proposals. The Saulteaux remained firm on the issues of annuities, land surrender, and federal assistance in making the transition from their mixed economy to one based primarily on agriculture. J.E. Foster has observed that the

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[293]Department of Indian Affairs, Annual Report, 1874, 15.

[294]Morris, Treaties of Canada., 45.

[295]Ibid.

Saulteeaux had two major objectives in negotiating a treaty with the Canadian government:

> Both goals envisaged a "better" future for the Indian people in a world in which the white man was an increasingly significant factor. One goal emphasized the physical and cultural survival of the Indian people; the other goal emphasized improved material well-being. One strategy underlined the need for an alliance with the whites; the other strategy suggested the hard bargaining of horse-traders in the market place.[296]

By his own admission, Morris adopted the tactic of not agreeing to even the simplest demands of the Saulteaux until he had established firm control over the negotiations.[297] His decision not to meet with them outside the Lake of the Woods and not to consider any of their concerns regarding construction of the Dawson Route were due in part to this strategy. His plan was to press for the complete surrender of land title from Lake of the Woods to the Rainy River area. His firmness quickly wore down the Saulteaux collective front.

After Morris made clear to the Saulteaux that he was prepared only to negotiate a treaty, not to deal with their past grievances, he announced his opening position:

> I will give you lands for your farms, and also reserves for your own use. I have the authority to make reserves such as described, not exceeding in all a square mile for every family of five or thereabouts. It may be a long time before the other lands are wanted, and in the meantime you will be permitted to fish and hunt over them. I will also establish schools whenever any bands asks for them, so that your children may have the learning of the white man. I will also give you a sum of money for yourselves and every one of your wives and children for this year. I will give you ten dollars per head of the population, and for every other year five dollars a head. But to the chief men, not exceeding two per band, we will give twenty dollars a year for ever. I

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[296]J.E. Foster, "The Saulteaux and the Numbered Treaties: An Aboriginal Rights Position" in The Spirit of the Alberta Indian Treaties, ed. Richard Price (Montreal: Institute for Research on Public Policy in association with Butterworth & Company Limited, 1980), 163.

[297]Morris, Treaties of Canada, 45.

will give to each of you this year a present of goods and provisions to take you home, and I am sure you will be satisfied.[298]

At this point, face-to-face talks between the Saulteaux and the Canadians drew to a close for the day. Morris had apparently been meeting with a number of chiefs secretly soon after his arrival at the Lake of the Woods and, as he himself reported, they began to show signs of increasing flexibility in their negotiating positions.[299]

Nevertheless, the next morning, Chief Ma-we-do-pe-nais responded to Morris' opening statement by recognising that he was acting as the Crown's representative but asserting that the territory was Saulteaux country.

All this is our property where you have come. We have understood you yesterday that Her Majesty has given you the same power and authority as she has, to act in this business; you said the Queen gave you her goodness, her charitableness in your hands. That is what we think, that the Great Spirit has planted us on this ground where we are, as you were where you came from. We think where we as our property. I will tell you what He said to us when he planted us here; the rules that we should follow to govern us rightly.[300]

Ma-we-do-pe-nais then outlined the Saulteaux negotiating position. The Saulteaux wanted much better annuities than Morris had offered in his opening statement. They countered by demanding $50 a year for chiefs; $20 per councillor; $15 per every first and second soldier and $10 for every ordinary band member. In addition, each ordinary member was to receive a special one-time payment of fifteen dollars. In addition to annuities, Ma-we-do-pe-nais demanded agricultural tools, seeds, domesticated animals, clothing suitable to the rank of each Saulteaux, material for making fishing nets and a variety of food stuffs, including flour

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[298]Ibid., 58.

[299]Ibid., 48.

[300]Ibid., 59-60.

and sugar.[301] Morris acknowledged that the Saulteaux demands had changed little since 1869, when the government first approached these people regarding a treaty.[302] Not surprisingly, Morris rejected the counter-proposal, claiming it was larger than the one signed between the Chippewa and the American government at La Pointe in 1854. After listening to Ma-we-do-pe-nais' reply, he threatened to leave if the chiefs did not reconsider it. Ma-we-do-pe-nais called Morris' bluff by pointing out that his people had been cheated in the past and that they their territory was rich in mineral deposits the whites were anxious to exploit.[303]

Just when it appeared that the talks would break down, Ka-Katche-way, a chief representing the Lac Seul area, appears to break rank with the other Saulteaux leaders. In spite of the apparent split, Ka-Katche-way demanded essentially the same terms as Ma-we-do-pe-nais had stated the day before. This "split" remains a mystery. There is some speculation that this was an spontaneous act on the part of the Lac Seul chief. Nevertheless, Morris hinted that he knew something of Ka-katche-way's intentions in advance. However, this may not have been a split at all but a carefully timed tactic on the part of the Saulteaux. Ka-Katche-way insisted that the government provide his people with agricultural implements and the technical expertise to teach them white methods of farming as well as a "school

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[301]NAC, RG10, volume 1918, file 2790B, "Demands by the Indians as their terms for treaty," 2 October 1873.

[302]DIA, Annual Report, 1874, 16.

[303]Daugerty, "Treaty Three Research Report", 46.

master to be sent to teach their children the knowledge of the white man".[304] We will never know if, as Morris believed, this was the first sign of a break in Saulteaux resolve or whether their leaders were using this chief to test the position of the government. It seems odd, if the entire assembly of Saulteaux at the Treaty Three negotiations was intent on preventing this chief from meeting publicly with Morris, that they could not have prevented it even in the presence of the Fort Garry troops. At any rate, Morris told the chiefs that he was not interested in negotiating individually with the different bands and asked the Saulteaux to caucus on the matter.

At this point another chief appears to have played a key role in the Treaty Three negotiations. Like the other chiefs, Blackstone rejected the limited terms put forward by Morris but recognised that this was the time to negotiate. The Saulteaux continued to demand ammunition, twine to make nets, agricultural implements, and the $15 cash payment.[305] Morris thought that the Saulteaux were under pressure to accept less because he believed that they were in desperate need of economic assistance. He was aware of the recent partial failure of the wild rice crop and reports from fur traders regarding an overall decline in the game population. In addition, many of the Saulteaux had not received the annuity of three dollars a year promised them by the Canadian government when construction of the Red River Route began.[306]

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[304]Ibid.,49.

[305]Ibid.

[306]Ibid.

With this "breaking of ranks" by some of the chiefs, face-to-face negotiations between the government and the Saulteaux were recessed. Both groups went into caucus to discuss the situation. Morris met briefly with the other Indian Commissioners to discuss the possibility of raising the annuity payment.[307] The Saulteaux, on the other hand, had much to deliberate over. Little is known about their meeting except that four of the Metis working as translators for the Canadian government participated in their discussions. It is not clear whether these men were invited by the chiefs to attend their assembly or if they joined the meeting at the request of Morris.[308] The Lieutenant-Governor, nevertheless, in his report on the successful negotiations claimed that he had sent the men to provide the Indians with "friendly advice."[309] David McNab, a historian and former researcher for the Ontario Native Affairs Secretariat, has rejected the notion that the Metis played a critical role in influencing the Saulteaux to accept the government's terms.[310] This proposition ignores one important fact. When the negotiations went into recess, both sides were far apart. Morris refused to offer any new concessions to the Saulteaux who refused to budge from their original 1869 demands. In caucus, the Saulteau chiefs deliberated over the government's final offer and finally accepted it only after James McKay and other Metis representatives joined in the discussions. McNab would argue that this was merely a coincidence - perhaps it

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[307]Ibid.

[308]DIA, Annual Report, 1874, 16.

[309]Ibid.

[310]McNab, "Hearty Co-operation", 131-149.

was - although highly unlikely. Jean Friesen believes that the Metis were responsible for convincing the Saulteaux chiefs to accept the government's final offer.

> They [the Metis] had prepared the way for the Commissioners and in the last 48 hours of the treaty had probably been crucial in keeping it alive. Alexander Morris recognized this and in his final report payed tribute to both French and English Metis. The Indians themselves seemed to see a kind of tri-partite arrangement, not unusual in Indian alliances.[311]

At any rate, the Saulteaux returned to the negotiations after a long night of deliberations with the Metis to hear a new offer by the government. Morris raised the government's annuity offer from ten dollars annually to twelve. The government had authorized him to go no higher than fifteen dollars. In addition, Morris offered the Saulteaux the stores they demanded, including ammunition, fishing twine, and agricultural tools. The Saulteaux countered with demands for clothing, carpenter's tools and free passage on both the steamships and any future railroad passing through their territory.[312] The negotiations let to a series of compromises except on the issue of the railroad and steam-ship passes. At this point, the Saulteaux asked Morris a series of questions about their future if they signed the agreement. They were anxious to know who would profit from the discovery of minerals, both on and off the reserves. They were also concerned about the size and location of reserves and whether they would be guaranteed good farm land and territories plentiful with game. They were eager to know if their relatives living across the border would qualify for membership in this treaty. Likewise, they wanted to how the Metis would benefit from the treaty. In addition, the Saulteaux were anxious to know if Canada expected them to fight in

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[311]Jean Friesen, "'My Birthright and My Lands': The Making of Treaty Three," Proceedings of The Native Studies Conference (Brandon, Manitoba: n.p., 1981), 21.

[312]DIA, Annual Report, 1874, 17.

its army[313] and whether the government was going to policy liquor on the reserves.[314]

Morris responded by telling the Sauteaux that they would only profit from royalties if one of their members actually discovered the mine and if it were found on reserve land. He said that Chippewa who had already signed treaties with the American government were ineligible for any monies or assistance from Canada. The Metis, on the other hand, represented a special case. He said this treaty was for "Indians" only but nevertheless promised that their concerns regarding the addition of Metis relatives would be addressed by the Canadian government. Morris told the Saulteaux that the government would never force them to fight against their will and that they would be under the same liquor laws as other Aboriginal peoples in Canada. The treaty was subsequently approved by the Saulteaux, signed on 3 October 1873, and ratified by the Dominion government on 31 October 1873.[315] Following the signing ceremony at the Lake of the Woods, Dawson left for Shebandowan Lake to obtain the adhesion of a band not represented at the North-West Angle negotiations. The following spring Pither similarly obtained the adhesion of the Lac Seul band. With the signatures of these leaders at Lake Shebandowan and Lac Seul, in addition to those of the assembled chiefs at the North-West Angle, the Dominion government had successfully extinguished Amerindian title to 55,000 square miles of territory west of Lake Superior along the Canadian / American border.[316]

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[313]Morris, Treaties of Canada, 68.

[314]Ibid., 70-3.

[315]DIA, Annual Report, 1874, 17.

[316]NAC, RG10, volume 1918, file 2790B, Order in Council, 31 October, 1877.

With the signing of Treaty Three, the Canadian government gained an all-Canadian corridor to the West and took a significant step towards exploitation of the west. The Red River Resistance of 1869-70 had forced the Canadian government to realize that a safe all-Canadian route for transportation and communication from eastern Canada to the West was necessary. The apparent interest in territorial expansion by the Americans made such a route critical and the terms by which British Columbia joined the Dominion made it essential. Although the Dawson Road had been constructed through the region without a treaty, it was clear to many (including Simon Dawson) that the Saulteaux were not prepared to allow the building of a railroad through their lands without a treaty.

In spite of the threat of famine resulting from a poor wild rice crop and a decline in game, particularly among the rabbit population, the Saulteaux remained firm in their terms for a treaty. They rejected an outright land surrender in favour of safe passage through their territory for travellers using the Dawson route and the future railroad until the very end of the negotiations that led to Treaty Three. They pressed for better annuities than those given by the negotiators of Treaties One and Two. In addition, they wanted to receive tools and teachers to help them adjust to the presence of the white man in their homelands. Morris, for his part, rejected their demands as "excessive" until it was clear that an agreement would be reached. In the end, the government received its desired land title while paying the Saulteaux only a fraction of its true value.

CONCLUSION

The successful conclusion of talks between the Saulteaux and the Canadian government was important for a number of reasons. After four years and numerous attempts, the Canadian government was finally able to convince the Saulteaux to surrender title to their land but it was achieved at a price. Regardless of the verbal promises made during the Treaty One negotiations, the Saulteaux were able to wring more concessions out of the Canadian government and have them included in the final draft of the text. For this reason alone, Treaty Three is a milestone in the Amerindian struggle to force the Canadian government to recognize their inherent rights as Aboriginal peoples.

Treaty Three was important, too, for the newly appointed Lieutenant-Governor of Manitoba and the North-West Territories. It was the first time that Alexander Morris tested his negotiating ability against Amerindian determination. In his book, The Treaties of Canada with the Indians, he was to write that he learned many lessons during these talks with the Saulteaux that he later applied to the negotiations of other numbered treaties.

One of the lessons that he learned when dealing with Amerindians was to remain in control during treaty negotiations. During the Treaty Three talks, he steadfastly stuck to his own agenda and refused to consider changing the location of the talks to an area more convenient for the Saulteaux. It would be a principle that he tried to apply during the later negotiations with Aboriginal peoples on the prairies. Nevertheless, the negotiations were never as one-sided as Morris would have the readers of The Treaties of Canada with the Indians believe. The Saulteaux forced Morris to make concessions that Amerindians had failed to achieve during Treaties One and Two, including better annuities, assistance in agricultural development and education. Was Treaty Three a personal achievement for

Red River Metis who participated in the Treaty Three negotiations on the other. No agreement could have been reached without the active assistance of these people. Dawson, in particular, had spent over twenty years of his life learning about the Saulteaux during his time exploring the region with Hind, surveying and later constructing the road named in his honour, and finally spending four years actively seeking a comprehensive treaty with the Saulteaux. Although not a fur trader himself, Dawson seemed to understand the way the Saulteaux preferred to do things and he respected their wishes. He consistently offered accurate advice to the Canadian government concerning the Saulteaux and Morris, to his credit, appears to have been the first negotiator to have accepted it. Dawson was criticized by many like Simpson and Alexander Campbell for being too sympathetic to the needs and desires of the Saulteaux. However, Dawson was successful in reaching limited agreements with the Saulteaux throughout the region during his years in the Little North, largely because he understood these people and respected them.

Likewise, the role of James McKay and other members of the Red River Metis attending the Treaty Three negotiations cannot be underestimated. They were not merely "translators" for the Canadian government but forged a middle ground between the two parties who shared little if anything in common. McKay, for instance, was equally comfortable in both worlds. He spent much of his youth living among Amerindians learning many of their languages and customs. As a young man, he worked for the Hudson's Bay Company developing his administrative talents. He was an important leader in the Metis community when Morris arrived at Fort Garry. He had been influential during the negotiations that led to Treaties One and Two. As the Canadian government turned to

Dawson to prepare for treaty talks with the Saulteaux in 1873, so too did Morris seek the assistance of McKay, a man of proven ability in Manitoba, to ensure the negotiations would be successful.

Wayne Daugherty suggests that Morris was able to "shame the Saulteaux into acceptance" by pointing out the extravagance of their first counter-proposal.[317] However, if the Saulteaux felt any shame during the negotiations, it most likely occurred when one of the Saulteaux chiefs accused Dawson of not keeping his word during the construction of the Red River Route. Dawson demanded evidence of just one such incident of bad faith on his part. There was only silence. Credit for the achievement of a treaty with the Saulteaux largely belongs to Simon Dawson, on one hand and to James McKay and the Red River Metis on the other. For without their patience, knowledge and skill, an agreement would have been unlikely.

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[317]Wayne E. Daugherty, "Treaty Research Report: Treaty Three.", (Ottawa: Treaties and Historical Research Centre, Research Branch, Corporate Policy, Department of Indian Affairs, Canada, 1981.), 45.

APPENDIX A

"Demands made by the Indians as their terms for treaty"[1]

October 2nd 1873

Fort Frances January 22 1869

We, the undersignd leaders of the various bands of Indians in the vicinity of Fort Francis and the Lake of the Woods, will agree to make the treaty with the Queen's Commissioners, at the following conditions -

1st That every chief gets a pay of fifty dollars every year -

2nd That every member of Council get a pay of Twenty dollars every year -

3rd That every first soldier of each chief get a pay of fifteen dollars every year -

4th That every second soldier of each chief gets a pay of fifteen dollars every year -

5th That every heads of INdian men, women , and children gets a pay of $15 for the first payment, and every subsequent year ten dollars.

6th That every head of Indians get a suit of clothing from the first Chief to the last Indian according to their rank every year -

7th That every chief gets a double barrelled gun every four years, and every man gets one single barrel gunnduring the same period

8th That every chief gets 100 lbs of powder, three hundred lbs of shot, flints and caps, according to the quantity of munitions every year -

9th That every Chief gets a yoke of oxen, plough, harress, and utensils for cultivation, every 4 years -

10th That every chief gets ten cows and one bull every eight years -

11th That every chief gets a team of Horse, Buggy. and Harness every four years -

12th That every chief gets a she and a he lamb, and one sow and one boar, every four

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[1]PAC RG10, Volume 1918, File 2790B, "Demands made by the Indians as their terms for Treaty", January 22, 1869 in Morris' Report on the Treaty Three Negotiations, October 2, 1873.

13th That every married women gets fishing twine and cord line to make four nets every year -

14th That every chief gets a set of Carpenter's tools, (indisciperable) saws included, every six years -

15th That every chief gets one cooking stove and utensils every four years -

16th That every member of the Council, first soldiers and second grade soldiers, gets one box stove every four years-

17th That every Chief gets 20 sacks of flour, 10 barrells of pork, 1 Big Chest Tea and 100 lbs. of sugar every year -

18th That every chief gets 30 bushels of wheat, 20 bushels peas and various kinds of garden seeds every four years -

19th That every chief gets one ox, every year, and rations for all the Indians during the payment each year -

20th That all the demands should last, if granted, forever, that is to say during all the time that an Indian will be alive in this part of the country -

For the Land reserves of the various bands of Indians will be treated verbally from we the undersigned and the Queen's Commissionners.

Here follow the marks of the Chiefs named below ----------

Pa-pash-kon-gin
Pwa-wa-was-song
Ke-ta-ki-pi-nins
Pa-shi-tah-chi-wesh-kang
Sha-sha-kinsi
No-lin-a-kwo-am
Nan-won-do-pinnis
An-day-ka-mi-konimi
A-ya-sha-wash
Pe-sha-hos
Was-sau-ki-gish
Bi-gik-ko-kay
Ka-ki-ke-pininsi
Ka-wit-ta-yash
Sha-win-ni-pinme
May-ne-wa-ban-newnyo
Kit-chi-kak

TREATY No. 3

APPENDIX B

BETWEEN

HER MAJESTY THE QUEEN

AND THE

SAULTEAUX TRIBE

OF THE

OJIBBEWAY INDIANS

AT THE

NORTHWEST ANGLE ON THE LAKE OF THE WOODS WITH ADHESIONS

(REPRINTED 1966)
(REPRINTED 1978)

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1966

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ORDER IN COUNCIL SETTING UP COMMISSION FOR TREATY 3

The Committee have had under consideration the memorandum dated 19th April, 1871, from the Hon. the Secretary of State for the provinces submitting with reference to his report of the 17th of the same month that the Indians mentioned in the last paragraph of that report and with whom it will be necessary first to deal occupy the country from the water shed of Lake Superior to the north west angle of the Lake of the Woods and from the American border to the height of land from which the streams flow towards Hudson's Bay.

That they are composed of Saulteaux and Lac Seul Indians of the Ojibbeway Nation, and number about twenty-five hundred men, women and children, and, retaining what they desire in reserves at certain localities where they fish for sturgeon, would, it is thought be willing to surrender for a certain annual payment their lands to the Crown. That the American Indians to the south of them surrendered their lands to the Government of the United States for an annual payment which has been stated to him (but not on authority) to amount to ten dollars per head for each man, woman and child of which six dollars is paid in goods and four in money. That to treat with these Indians with advantage he recommends that Mr. Simon J. Dawson of the Department of Public Works and Mr. Robert Pither of the Hudson's Bay Company's service be associated with Mr. Wemyss M. Simpson—and further that the presents which were promised the Indians last year and a similar quantity for the present year should be collected at Fort Francis not later than the middle of June also that four additional suits of Chiefs' clothes and flags should be added to those now in store at Fort Francis—and further that a small house and store for provisions should be constructed at Rainy River at the site and of the dimensions which Mr. Simpson may deem best—that the assistance of the Department of Public Works will be necessary should his report be adopted in carrying into effect the recommendations therein made as to provisions, clothes and construction of buildings.

He likewise submits that it will be necessary that the sum of Six Thousand dollars in silver should be at Fort Francis subject to the Order of the above named Commissioners on the fifteenth day of June next—And further recommends that in the instructions to be given to them they should be directed to make the best arrangements in their power but authorized if need be to give as much as twelve dollars a family for each family not exceeding five—with such small Sum in addition where the family exceeds five as the Commissioners may find necessary —Such Subsidy to be made partly in goods and provisions and partly in money or wholly in goods and provisions should the Commissioners so decide for the surrender of the lands described in the earlier part of this report.

The Committee concur in the foregoing recommendations and submit the same for Your Excellency's approval.

Signed: Charles Tupper

25 April/71

Approved:

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TREATY No. 3

ARTICLES OF A TREATY made and concluded this third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories; Joseph Alfred Norbert Provencher and Simon James Dawson, of the one part, and the Saulteaux Tribe of the Ojibway Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the north-west angle of the Lake of the Woods to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other.

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 purpose 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.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen, who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for their faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:—

KEK-TA-PAY-PI-NAIS (Rainy River.)
KITCHI-GAY-KAKE (Rainy River.)
NOTE-NA-QUA-HUNG (North-West Angle.)
NAWE-DO-PE-NESS (Rainy River.)
POW-WA-SANG (North-West Angle.)
CANDA-COM-IGO-WE-NINIE (North-West Angle.)
PAPA-SKO-GIN (Rainy River.)
MAY-NO-WAH-TAW-WAYS-KIONG (North-West Angle.)
KITCHI-NE-KA-LE-HAN (Rainy River.)
SAH-KATCH-EWAY (Lake Seul.)
MUPA-DAY-WAH-SIN (Kettle Falls.)
ME-PIE-SIES (Rainy Lake, Fort Frances.)
OOS-CON-NA-GEITH (Rainy Lake.)
WAH-SHIS-KOUCE (Eagle Lake.)
KAH-KEE-Y-ASH (Flower Lake.)
GO-BAY (Rainy Lake.)
KA-MO-TI-ASH (White Fish Lake.)
NEE-SHO-TAL (Rainy River.)
KEE-JE-GO-KAY (Rainy River.)

SHA-SHA-GANCE (Shoal Lake.)
SHAH-WIN-NA-BI-NAIS (Shoal Lake.)
AY-ASH-A-WATH (Buffalo Point.)
PAY-AH-BEE-WASH (White Fish Bay.)
KAH-TAY-TAY-PA-E-CUTCH (Lake of the Woods.)

And thereupon, in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded, as follows, that is to say:—

The Saulteaux Tribe of the Ojibbeway 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, that is to say:—

Commencing at a point on the Pigeon River route where the international boundary line between the Territories of Great Britain and the United States intersects the height of land separating the waters running to Lake Superior from those flowing to Lake Winnipeg; thence northerly, westerly and easterly along the height of land aforesaid, following its sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the watershed from which the streams flow to Lake Nepigon; thence northerly and westerly, or whatever may be its course, along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg; thence westerly and north-westerly along the height of land dividing the waters flowing to Hudson's Bay by the Albany or other rivers from those running to English River and the Winnipeg to a point on the said height of land bearing north forty-five degrees east from Fort Alexander, at the mouth of the Winnipeg; thence south forty-five degrees west to Fort Alexander, at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of White Mouth River; thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree tribes of Indians to Her Majesty on the third of August, one thousand eight hundred and seventy-one, namely, by White Mouth River to White Mouth Lake, and thence on a line having the general bearing of White Mouth River to the forty-ninth parallel of north latitude; thence by the forty-ninth parallel of north latitude to the Lake of the Woods, and from thence by the international boundary line to the place beginning.

The tract comprised within the lines above described, embracing an area of fifty-five thousand square miles, be the same more or less. To have and to hold the same to Her Majesty the Queen, and Her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other reserves of land in the said territory hereby ceded, which said reserves shall be

selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the Indians; provided, however, that such reserves, whether for farming or other purposes, shall in no wise exceed in all one square mile for each family of five, or in that proportion for larger or smaller families; and such selections shall be made if possible during the course of next summer, or as soon thereafter as may be found practicable, it being understood, however, that if at the time of any such selection of any reserve, as aforesaid, there are any settlers within the bounds of the lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just so as not to diminish the extent of land allotted to Indians; and provided also that the aforesaid reserves of lands, or any interest or right therein or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians She hereby, through Her Commissioners, makes them a present of twelve dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of Her Dominion of Canada may seem advisable whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories, from the evil influences of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with Her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may, from time to time, be required or taken up for settlement, mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and Her said Indians that such sections of the reserves above indicated as may at any time be required for Public Works or buildings of what nature soever may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period in each year to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now

actually cultivating the soil or who shall hereafter commence to cultivate the land, that is to say: two hoes for every family actually cultivating, also one spade per family as aforesaid, one plough for every ten families as aforesaid, five harrows for every twenty families as aforesaid, one scythe for every family as aforesaid, and also one axe and one cross-cut saw, one hand-saw, one pit-saw, the necessary files, one grind-stone, one auger for each band, and also for each Chief for the use of his band one chest of ordinary carpenter's tools; also for each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band one yoke of oxen, one bull and four cows; all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognized as such shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive once in every three years a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law, that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tract, and that they will not molest the person or property of any inhabitants of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

In Witness Whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at the North-West Angle of the Lake of the Woods this day and year herein first above named.

Signed by the Chiefs within named, in presence of the following witnesses, the same having been first read and explained by the Honorable James McKay:

James McKay,
Molyneux St. John,
Robert Pither,
Christine V. K. Morris,
Charles Nolin,
A. McDonald, *Capt.*,
Comg. Escort to Lieut. Governor.
Jas. F. Graham,
Joseph Nolin,
A. McLeod,
George McPherson, Sr.,
Sedley Blanchard,
W. Fred. Buchanan,
Frank G. Becher,

Alex. Morris, *L.G.*,
J. A. N. Provencher, *Ind. Comr.*,
S. J. Dawson,

his
Kee-ta-kay-pi-nais, x
mark.
his
Kitchi-gay-kake, x
mark.
his
No-te-na-qua-hung, x
mark.
his
Mawe-do-pe-nais, x
mark.
his
Pow-wa-sang, x
mark.

Alfred Codd, M.D.,
G. S. Corbault,
Pierre LeVieller,
Nicholas Chatelaine.

his
Canda-com-igo-wi-nine, x
mark.
his
May-no-wah-taw-ways-kung, x
mark.
his
Kitchi-ne-ka-be-han, x
mark.
his
Sah-katch-eway, x
mark.
his
Muka-day-wah-sin, x
mark.
his
Me-kie-sies, x
mark.
his
Oos-con-na-geish, x
mark.
his
Wah-shis-kouce, x
mark.
his
Kah-kee-y-ash, x
mark.
his
Go-bay, x
mark.
his
Ka-me-ti-ash, x
mark.
his
Nee-sho-tal, x
mark
his
Kee-jee-go-kay, x
mark
his
Sha-sha-gauce, x
mark.
his
Shaw-win-na-bi-nais, x
mark.
his
Ay-ash-a-wash, x
mark.
his
Pay-ah-bee-wash, x
mark.
his
Kah-tay-tay-pa-o-cutch, x
mark.

We, having had communication of the treaty, a certified copy whereof is hereto annexed, but not having been present at the councils held at the North West Angle of the Lake of the Woods between Her Majesty's Commissioners, and the several Indian Chiefs and others therein named, at which the articles of the said treaty were agreed upon, hereby for ourselves and the several bands of Indians which we represent, in consideration of the provisions of the said treaty being extended to us and the said bands which we represent, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of Her Government of Her Dominion of Canada, all our right, title and privilege whatsoever, which we, the said Chiefs and the said bands which we represent have, hold or enjoy, of, in and to the territory described and fully set out in the said articles of treaty, and every part thereof. To have and to hold the same unto and to the use of Her said Majesty the Queen, Her heirs and successors forever.

And we hereby agree to accept the several provisions, payments and reserves of the said treaty, as therein stated, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, on the part of the said Chiefs and Indians therein named, to be observed and performed; and in all things to conform to the articles of the said treaty as if we ourselves and the bands which we represent had been originally contracting parties thereto, and had been present and attached our signatures to the said treaty.

IN WITNESS WHEREOF, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, this thirteenth day of October, in the year of Our Lord one thousand eight hundred and seventy-three.

Signed by S. J. Dawson, Esquire, one of Her Majesty's said Commissioners, for and on behalf and with the authority and consent of the Honorable Alexander Morris, Lieutenant Governor of Manitoba and the North-West Territories, and J. A. N. Provencher, Esq., the remaining two Commissioners, and himself and by the Chiefs within named, on behalf of themselves and the several bands which they represent, the same and the annexed certified copy of articles of treaty having been first read and explained in presence of the following witnesses:

THOS. A. P. TOWERS,
JOHN AITKEN,
A. J. MCDONALD.
UNZZAKI.
his
JAS. LOGANOSH, x
mark.
PINLLSISE.

For and on behalf of the Commissioners, the Honorable Alexander Morris, Lieut. Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher, Esquire, and the undersigned

S. J. DAWSON,
Commissioner.
his
PAY-BA-MA-CHAS, x
mark.
his
RE-BA-QUIN, x
mark.
his
ME-TAS-SO-QUE-NE-SKANK, x
mark.

To S. J. Dawson, Esquire, Indian Commissioner, &c., &c., &c.

SIR,—We hereby authorize you to treat with the various bands belonging to the Salteaux Tribe of the Ojibbeway Indians inhabiting the North-West Territories of the Dominion of Canada not included in the foregoing certified copy of articles of treaty, upon the same conditions and stipulations as are therein agreed upon, and to sign and execute for us and in our name and on our behalf the foregoing agreement annexed to the foregoing treaty.

NORTH-WEST ANGLE, LAKE OF THE WOODS,
October 4th, A.D. 1873.

ALEX. MORRIS,
Lieutenant-Governor.
J. A. N. PROVENCHER,
Indian Commissioner.

ADHESION BY HALFBREEDS OF RAINY RIVER AND LAKE

(A.)

This Memorandum of Agreement made and entered into this twelfth day of September one thousand eight hundred and seventy-five, between Nicholas Chatelaine, Indian interpreter at Fort Francis and the Rainy River and acting herein solely in the latter capacity for and as representing the said Half-breeds, on the one part, and John Stoughton Dennis, Surveyor General of Dominion Lands, as representing Her Majesty the Queen through the Government of the Dominion, of the other part, Witnesseth as follows:—

Whereas the Half-breeds above described, by virtue of their Indian blood, claim a certain interest or title in the lands or territories in the vicinity of Rainy Lake and the Rainy River, for the commutation or surrender of which claims they ask compensation from the Government.

And whereas, having fully and deliberately discussed and considered the matter, the said Half-breeds have elected to join in the treaty made between the Indians and Her Majesty, at the North-West Angle of the Lake of the Woods, on the third day of October, 1873, and have expressed a desire thereto, and to become subject to the terms and conditions thereof in all respects saving as hereinafter set forth.

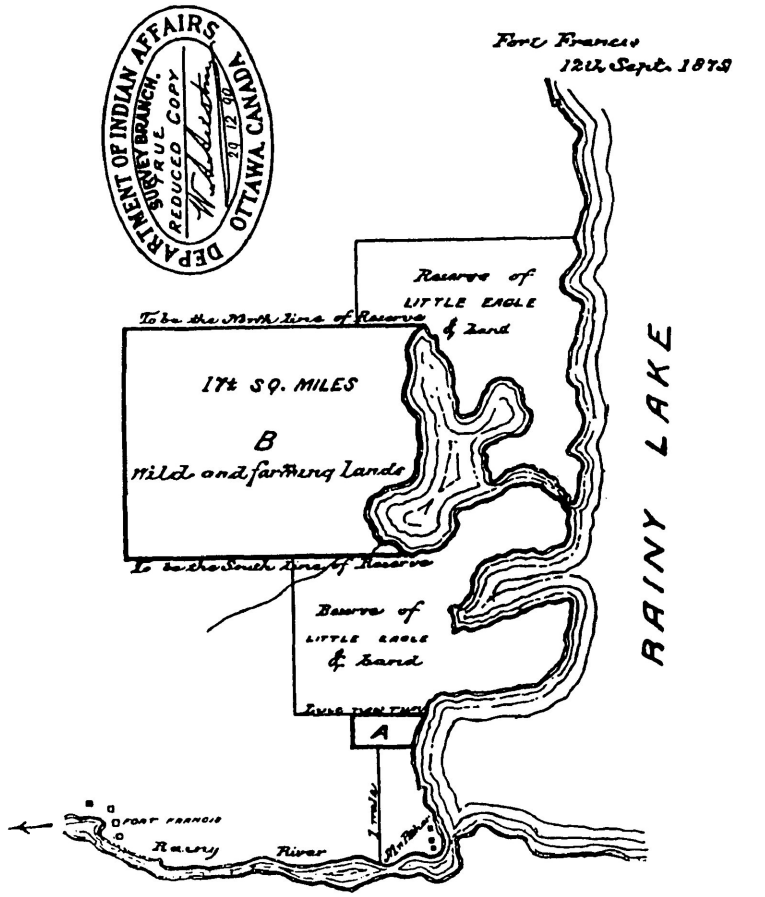
It is now hereby agreed upon by and between the said parties hereto (this agreement, however, to be subject in all respects to approval and confirmation by the Government, without which the same shall be considered as void and of no effect), as follows, that is to say: The Half-breeds, through Nicholas Chatelaine, their Chief above named, as representing them herein, agree as follows, that is to say:—

That they hereby fully and voluntarily surrender to Her Majesty the Queen to be held by Her Majesty and Her successors for ever, any and all claim, right, title or interest which they, by virtue of their Indian blood, have or possess in the lands or territories above described, and solemnly promise to observe all the terms and conditions of the said treaty (a copy whereof, duly certified by the Honourable the Secretary of State of the Dominion has been this day placed in the hands of the said Nicholas Chatelaine).

In consideration of which Her Majesty agrees as follows, that is to say:—

That the said Half-breeds, keeping and observing on their part the terms and conditions of the said treaty shall receive compensation in the way of reserves of land, payments, annuities and presents, in manner similar to that set forth in the several respects for the Indians in the said treaty; it being understood, however, that any sum expended annually by Her Majesty in the purchase of

This is the rough diagram attached to in the agreement to which the same is attached shewing the Reserves for the Half-breeds on the westerly shore of the Rainy Lake



A. To be 160 acres for Halfbreeds to build and live on as a village

B To extend from South to North limit of large Bay as shewn and to extend westerly to embrace 17½ square miles

(Sgd.) T.S.D.
N. C.

ammunition and twine for nets for the use of the said Half-breeds shall not be taken out of the fifteen hundred dollars set apart by the treaty for the purchase annually of those articles for the Indians, but shall be in addition thereto, and shall be a *pro rata* amount in the proportion of the number of Half-breeds parties hereto to the number of Indians embraced in the treaty; and it being further understood that the said Half-breeds shall be entitled to all the benefits of the said treaty as from the date thereof, as regards payments and annuities, in the same manner as if they had been present and had become parties to the same at the time of the making thereof.

And whereas the said Half-breeds desire the land set forth as tracts marked (A) and (B) on the rough diagram attached hereto, and marked with the initials of the parties aforementioned to this agreement, as their reserves (in all eighteen square miles), to which they would be entitled under the provisions of the treaty, the same is hereby agreed to on the part of the Government.

Should this agreement be approved by the Government, the reserves as above to be surveyed in due course.

Signed at Fort Francis, the day and date above mentioned, in presence of us as witnesses:
A. R. TILLIE,
CHAS. S. CROWE,
W. B. RICHARDSON,
L. KITTSON.

J. S. DENNIS, [L.S.]
his
NICHOLAS x CHATELAINE. [L.S.]
mark.

ADHESION OF LAC SEUL INDIANS TO TREATY NO. 3

LAC SEUL, 9th June, 1874.

We, the Chiefs and Councillors of Lac Seul, Seul, Trout and Sturgeon Lakes, subscribe and set our marks, that we and our followers will abide by the articles of the Treaty made and concluded with the Indians at the North West Angle of the Lake of the Woods, on the third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, Hon. Alexander Morris, Lieutenant Governor of Manitoba and the North-West Territories, Joseph Albert N. Provencher, and Simon J. Dawson, of the one part, and the Saulteaux tribes of Ojibewas Indians, inhabitants of the country as defined by the Treaty aforesaid.

IN WITNESS WHEREOF, Her Majesty's Indian Agent and the Chiefs and Councillors have hereto set their hands at Lac Seul, on the 9th day of June, 1874.

(Signed) R. J. N. PITHER, *Indian Agent.*
JOHN CROMARTY, his x mark,
Chief.
ACKEMENCE, his x mark.
MAINEETAINEQUIRE, his x mark.
NAH-KEE-JECKWAHE, his x mark,
Councillors.

The whole Treaty explained by R. J. N. PITHER.

Witnesses:
(Signed) JAMES MCKENZIE.
LOUIS KITTSON.
his
NICHOLAS x CHATELAINE.
mark.

APPENDIX C

THE PAYPOM TREATY

The following are the terms of the Treaty held at North West Angle the Third day of October, Eighteen Hundred and seventy three, viz:

1. *The Government will give when Indians will be settled, Two hoes, one plough for every ten families Five harrows for every twenty families, one yoke of oxen, one bull and four cows for every band, one scythe and one axe for every family and enough of wheat, barley and oats for the land broken up; this is to encourage them at the beginning of their labour, once for all.*

2. *Fifteen hundred dollars every year in twine and munitions.*

3. *Twelve dollars for the first payment to every head of Indians and every subsequent year, Five Dollars. Twenty five Dollars to every chief every year. Councillor, first soldier and messenger Fifteen Dollars.*
   The farming implements will be provided for during this winter to be given next year to those that are farming and to those who are anxious to imitate the farmers, a set of carpenter tools will also be given.

7. *Coats will be given to the Chiefs and their head men every three years. With regard to the other Indians there is goods here to be given to them.*

8. *If their children that are scattered come inside of two years and settle with you, they will have the same privilege as you have.*

9. *I will recommend to the authorities at Ottawa, assisted by the Indian Commissioner, the half breeds that are living with you to have the same privilege as you have.*

10. *The English Government never calls the Indians to assist them in their battles but he expects you to live in peace with red and white people.*

11. *Mr. Dawson said he would act as by the past about the Indians passage in his road. The Indians will be free as by the past for their hunting and rice harvest.*

12. *If some gold or silver mines be found in their reserves, it will be to the benefit of the Indians but if the Indians find any gold or silver mines out of their reserves they will surely be paid the finding of the mines.*

13. *The Commissioner and an agent will come to an understanding with the Indians about the reserve, and shall be surveyed by the Government. The Commissioners don't wish that the Indians leave their harvest immediately to step into their reserve.*

14. *About the Indian Commissioner, the Commission is pending upon the authorities at Ottawa. I will write to Ottawa and refer Mr. Charles Nolin.*

15. *There will be no sale of liquor in this part of Canadian Territory. It is the greatest pleasure for me to hear you and when we shake hands it must be for ever. It will be the duty of the English Government to deal with the Commissioners if they act wrong towards the Indians. I will give you a copy of the Agreement now and when I reach my residence I will send you a copy in parchment.*

16. *You will get rations during the time of the payment every year.*

17. *The Queen will have her policemen to preserve order and whenever there is crime and murder the guilty must be punished.*

18. *This Treaty will last as long as the sun will shine and water runs, that is to say forever.*

Joseph Nolin

August Nolin

Elder Paypom explains how he obtained the document as follows:

Linde was a photographer and a friend to the Indian people. One day, about forty or fifty years ago, he told me he had a paper and the Government wanted to buy it from him. He said they would give him $5,000.00 for it. But he wanted me to have it, "for your children" he said.

That winter I saved all the money from my trapline. My family had a very hard winter that year because I saved that money, but my wife never complained. She was a great woman, and she understood that the paper had on it the promises made to the people by the Government, and they were breaking those promises.

I saved my money and in the spring I gave it to Linde. He moved south, but he sent me a parcel in the mail. He sent it like a parcel of clothes so nobody would suspect it was the treaty.

The "Paypom Document" is an original set of notes made for Chief Powasson at the signing of the 1873 treaty between the Ojibway Indians and the government of Canada at North West Angle on Lake of the Woods. The notes differ in many respects from the printed version of the treaty which was delivered to the signatories by government officials sometime later. Recent treaty research indicates that the printed version may have been written a year before the 1873 North West Angle negotiations.

The notation below appears in pencil on the back of the original.

This copy was given to me in 1906 by Chief Powasson at Bukety — the Northwest Angle — Lake of the Woods.

(signed)
C. G. Linde

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Ontario Archives

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The Dawson Collection and related files

The Lake of the Woods Museum
Kenora, Ontario

Thunder Bay Historical Museum
Thunder Bay, Ontario

The South Dakota Oral History Project, The Native American Studies Centre, The University of South Dakota. Vermillion SD

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