

2007

Perceptions of Implementation: Treaty Signatory Views of Treaty Implementation

Jean-Pierre Morin

Follow this and additional works at: <https://ir.lib.uwo.ca/aprci>



Part of the [Other Public Affairs, Public Policy and Public Administration Commons](#)

Citation of this paper:

Morin, Jean-Pierre, "Perceptions of Implementation: Treaty Signatory Views of Treaty Implementation" (2007). *Aboriginal Policy Research Consortium International (APRCi)*. 108.

<https://ir.lib.uwo.ca/aprci/108>

8

Perceptions of Implementation: Treaty Signatory Views of Treaty Implementation

Jean-Pierre Morin

The views expressed in this communication are those of the author, and not necessarily those of the Government of Canada.

Introduction

Since the rebirth of the Indian Rights movement, Treaty First Nations and the Government of Canada have agreed to disagree. Both sides have radically different perspectives of the same issue: the implementation of the Numbered Treaties. On the one hand, Treaty First Nations have argued that the Numbered Treaties have not been fully implemented and that the Government of Canada continues to refuse to honour to its treaty obligations. The Government of Canada, on the other hand, counters that it has substantially implemented and fulfilled its treaty obligations. For cases in which First Nations groups have maintained that treaty terms remain unfulfilled, the specific claims process has been created to address their allegations. This disagreement on the degree of implementation of the Numbered Treaties is a major underlying cause of conflict between Canada and Treaty First Nations on Numbered Treaty issues, which, in turn, is affecting the implementation of modern initiatives, programs, and agreements—not to mention increasing the financial and resource costs associated with them through such delays.

This is, however, not a modern debate. Immediately after the signing of Treaties 4 and 6 in 1874 and 1876, it was clear that both parties to the treaties had different understandings of how the treaties would be implemented. To the Crown, the terms of the treaties were clearly spelled out in the text, and it was understood that the written terms were to be strictly adhered to. Treaty chiefs, however, argued that the treaty terms as described were incomplete and insufficient to help them cope with a changing living environment. To understand the modern Numbered Treaty debate, it is useful to examine the origins of the conflict—specifically, how the treaty signatories' views of treaty implementation were expressed in the first 20 years after the treaty signings, and how these views had an impact upon the relations between the Government of Canada and First Nations peoples. It was clear from the first year after the treaty signings that the Crown and Aboriginal signatories did not share the same view of the treaties. While Treaty chiefs repeatedly called upon the Department of Indian Affairs and Ottawa to fulfill their

promises through letters and petitions, the government steadfastly stuck to its policy of strict adherence to the terms of the text. As hardship befell the bands in the northwest, they pushed for fulfilment and some even asked to renegotiate the treaties. Through all this, Ottawa continued to reject all complaints about the treaties and increased the pressure on bands to settle on reserves. A clash between the two was inevitable.

While it would have been useful to examine all treaty areas in the Northwest Territories, such an expansive study is not practical in this instance. In order to develop a better, representative understanding of the issues at hand and the evolution of the growing conflict between the Government of Canada and First Nations in the Northwest, two treaty regions will be used as a type of case study of the Northwest. The areas included in Treaties 4 and 6, covering what is now southern and central Saskatchewan as well as central Alberta, are the best to represent the conflict because of the large volume of correspondence from bands in these areas to the Crown expressing their opinions regarding the implementation of the treaties. Furthermore, the Department of Indian Affairs saw several of the chiefs in these two areas as “troublesome,” and kept substantial record of their opinions on these particular tribes and their claims. Finally, departmental officials also responded to the claims being made by the Treaty 4 and 6 chiefs, in which they elaborated and debated the Crown’s obligation and its fulfilment of treaty promises.

Treaty Signings

Shortly after the transfer of Rupert’s Land to the Dominion of Canada in 1869, Canada undertook the negotiation of a series of treaties across the Northwest Territories. Obligated by the terms of the *Rupert’s Land Act* and the *Northwest Territories Act*, the Dominion wanted to secure the Aboriginal title to the lands in the Northwest so as to facilitate settlement and development of the Territories. Furthermore, events in the United States, such as the Indian Wars and calls for the annexation of the Northwest Territories, pushed Canada to quickly establish its authority and sovereignty over its newly acquired territories. As the Indian Wars raged south of the border, the Dominion was concerned that, without treaties, the violence would spread north and engulf the bands in Canada. Over the span of 50 years, 11 treaties were negotiated and signed, covering northern Ontario, all of the Prairies, northeastern British Columbia, and the MacKenzie Valley, and involved territory covering some three million square kilometres.

In the case of Treaties 4 and 6, the negotiation and conclusion of the treaties were only done after a considerable number of requests from the Aboriginal populations of the North and South Saskatchewan rivers. After initially refusing to do so, the government conceded to increasing demands and appeals from the area’s Aboriginal population and the Northwest Territories Council and sent Commissioners to negotiate Treaty 4 at Fort Qu’Appelle. Alexander Morris, the

lieutenant-governor of the Northwest Territories, along with David Laird, Minister of the Interior, and other commissioners negotiated a treaty with the Aboriginal peoples throughout the Qu'Appelle Valley and in the vicinity of the Canada-United States border.¹ In September 1874, after negotiations at Qu'Appelle and Fort Ellice, the treaty commissioners and the chiefs agreed to use the same terms as those in Treaty 3 with little variation (Taylor 1985, 28).

After the geological survey team, which was exploring and mapping the Territories, and a telegraph construction crew were stopped by Aboriginal people in the untreated areas in the summer of 1875, the Dominion government decided to undertake the negotiation of Treaty 6, with Morris heading the commission (Taylor 1985, 7). Treaty meetings were held in August and September 1876, at Fort Carlton, and further west at Fort Pitt on the North Saskatchewan River. While there was considerable dissent among the different assembled bands, Morris and the other commissioners managed to secure a treaty, but only after conceding some significant additions to the treaty terms (Morris 1881/1991, 176-77). These concessions were criticized by Ottawa, but the criticisms were allayed by Morris' reassurances that it was the only deal acceptable to the chiefs.²

While Canada's stated goal in the treaty process was to secure its authority and sovereignty over the Northwest, Aboriginal signatories had different goals and intents. It was central for them to secure some compensation for the inevitable loss of their land to growing settlement, and they needed assistance in making the transition towards an agricultural lifestyle. During the negotiations for both Treaties 4 and 6, the chiefs called for more assistance, more food, more seed, more cattle, and more implements. The treaties also promised to avoid any possible violent conflicts between the Aboriginal population and white settlers, a concern especially in light of the Indian Wars in the United States. As Blair Stonechild states, "it was ... this sentiment for peace that the Indian leaders were receptive to the signing of treaties in the 1870s. Not only had Indians never been at war with whites in the Northwest, but they also sought to prevent such a thing from ever happening" (1986). For these chiefs, the treaties created a relationship between the Northwest's Aboriginal population and Canada that ensured not only peace in the Territories, but also the survival of the area's original inhabitants.

Initial Reaction to Treaty Terms and Implementation

As the officials of the Department of Indian Affairs settled into the administration of Ottawa's policies and the fulfilment of the Crown's treaty obligations, problems with the treaties were becoming apparent. At both signings, a significant number of bands were absent. It has been estimated that, during the negotiations at Qu'Appelle in 1874, nearly half of the Aboriginal population either was not present at the signing or refused to sign at that time. These included some of the most influential chiefs, such as Piapot. In his historical study of the

implementation of Treaty 4, Raoul McKay reports that most of the Assiniboine bands between the Cypress and the Touchwood Hills refused to adhere to the treaty (McKay 1973, 41). Morris himself, in his report of the treaty negotiations, recognized that not all the bands were present at the signing of the treaty. At his stop at Fort Ellice, Morris added to the number of adherents when he convinced two Saulteaux chiefs also to sign the treaty (124). Even with this second signing of 1874, there were still some 600 to 700 Crees, Saulteaux, and Assiniboine who had not yet signed.

A similar situation existed during the negotiations for Treaty 6, during which several prominent chiefs were absent during the Fort Pitt negotiations. When Morris and the Treaty Commission arrived, some one hundred lodges were gathered to meet them. A large number of Cree and Saulteaux were out on a hunt, as a herd of buffalo had been spotted in the vicinity (Taylor 1985, 23). While messengers were sent out to fetch some chiefs, such as Sweet Grass, others were ignored or forgotten. Two such prominent chiefs were Big Bear and Little Pine, who controlled some 85 lodges between them (Dempsey, 1984, 71). Morris believed that Sweet Grass was the principal chief of the district and that, with his presence, there was no need to wait for the other chiefs to arrive (Morris 1881/1991, 179). This decision would have dire consequences for the relations between the Treaty 6 bands and the Crown.

The absence of a large number of bands at the 1874 signing of Treaty 4 became a serious issue during the first treaty annuity payment. Two members of the original treaty commission, W.J. Christie and M.G. Dickieson, arrived at Fort Ellice in 1875 to find twice the number lodges that had been present a year previous. A council had been held prior to the arrival of the government officials, and Christie and Dickieson were surprised to discover that the assembled bands wanted new terms for the treaty. In his report to David Laird, Minister of the Interior and Treaty 4 Commissioner, Christie warned the chiefs that a refusal of the terms of the 1874 treaty would result in a report to the government that the chiefs had “broken the agreement.” In her study of the agricultural policies of the Department of Indian Affairs in the Northwest, Sarah Carter states that “officials saw the treaty as a ‘covenant’ between the Indians and the Government; therefore it was impossible to comply with new demands” (Carter 1990, 74). While Christie agreed to hear the chiefs’ demands and report them back to Ottawa, Christie and Dickieson did not include the demands in the official report of the admission and annuity payment. Rather, they included them in a separate letter to Laird. In their letter, the commissioners indicated that they explained the main premises of the treaty to the bands, that all bands be treated equally. They also had stressed to the assembled bands that the original agreement should be respected. For their part, the assembled First Nations had made three demands: more money, more implements, and more assistance. The annuity set in Treaty 4 was regarded as insufficient, and the chiefs asked for the annuity to be increased from \$5 to \$12 a person. They also requested an increase in the amount spent on ammunition and

twine from \$750 for the entire treaty area to \$250 per year per band. In regard to agricultural implements, they demanded a blacksmith and a forge, mowers, and mills for every reserve, as well as the implements offered in 1874. The most important demands they made dealt with assistance to the bands. The chiefs recognized that they needed assistance to make the transition to agriculture. They asked for more rations, medicines, and someone to teach them how to farm and build houses.³ In reply to these demands by both Treaty and non-Treaty bands, Christie and Dickieson stated that none of these concerns and demands had been brought up at the Qu'Appelle signing in 1874. They followed up by saying that these demands could not be considered rights, but if they were fulfilled they would only be considered "favours." Dickieson and Christie reported that they had made it clear to the chiefs that they did not believe that these demands would be granted: "At the same time, we held out no hope that any would be granted except that a man might be sent possibly to shew them how to use their tools."⁴

Christie and Dickieson's reaction to the chiefs' demands for a renegotiation of treaty terms was typical of the position that the Department of Indian Affairs held regarding calls for new terms for the treaties. Over the next 10 years, all calls for new treaties or terms were answered in the same way: The treaty terms were established at the time of signing and those terms could not be changed. Not only could the terms not be changed, the exact wording of the text had to be strictly followed. The federal government had intended the Numbered Treaties to be their main tool for securing Canada's interests to the lands of the Northwest at the lowest possible cost (Dyck 1986, 122). Treaty commissioners and the officers of the Department of Indian Affairs saw the treaties as once and for all agreements to exchange Aboriginal interests to the Crown for benefits. The interpretation of the terms, in the eyes of the government, was under no circumstances to be left to the Aboriginal signatories. As no provisions in the treaties allowed for any type of arbitration in the case of disagreement, the department maintained that its interpretation of the written text was the most accurate (McKay 1972, 39). Ottawa also believed itself to be in a position of strength, both legally and morally, compared to the bands. Indian policy in the late nineteenth century was largely guided by the civilization projects of the department, and officials, politicians, and the public at large maintained that it was their responsibility to bring the Indian towards the more "civilized," British Victorian way of life. Furthermore, the treaties bound the Treaty bands to the law of Canada, as well as binding them to fulfilling their half of the treaty promises—"yielding, ceding and surrendering" their interests and title to the land (39). But while the government had a legal system to enforce Aboriginal fulfilment of the treaty terms, there was no such mechanism to enforce a mutually acceptable interpretation of the Crown's obligations.

As demonstrated by the 1875 requests for renegotiation of the terms of Treaty 4, the fulfilment of the clauses regarding agricultural implements and assistance was one of the central grievances of Treaty bands. As several historians have shown, the Crown was not willing to commit fully to the lifestyle

transformation of the Plains Indians, regardless of its own rhetoric. The Department of Indian Affairs was not prepared to undertake the logistics of establishing an administrative infrastructure or providing practical assistance to bands attempting to farm (Dyck, 1986 125). In addition to the logistical nightmare of transferring some 60,000 people from a nomadic to a settled agricultural lifestyle, the department was hampered by constant financial shortfalls and budgetary restrictions. As McKay's study of the implementation of Treaty 4 suggests, the terms of the treaties themselves did not allow for sufficient funds or rations to allow bands to gain a foothold in their new lives as agriculturalists (McKay 1972, 131).

The terms of the treaties were to be followed exactly and precisely. This strict adherence to the text not only limited the extent of the Crown's treaty obligations, but was also fiscally prudent for the government. In both Treaties 4 and 6, the agricultural benefits were only to be issued to bands that had first settled on a reserve and broken the ground. Treaty 4 states that "It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band thereof who are now actually cultivating the soil, or who shall hereafter settle on their reserves and commence to break up the land."⁵ To departmental officials, both this clause and the similar one in Treaty 6 limited the Crown's responsibility for issuing implements and cattle only to those bands that were settled on a reserve and who had already broken up soil prior to receiving implements, although this does lead to the question of how the agricultural implements clauses of the treaties would assist the bands to adopt agriculture if implements were only issued to bands already engaged in farming. Furthermore, departmental officials stated that implements were not to become the property of the bands or chiefs. Rather, the tools, and even the cattle, remained the property of the government and any damage to them could be judged as vandalism of Crown property. Departmental officials were reluctant to replace damaged tools because of the cost, but also because some believed that it would serve little purpose to do so.

At the time of the implementation of the treaties, an economic slowdown was having a serious impact upon the business of the Canadian government. The worldwide recession, later a depression, lasted some 20 years, and severely reduced the federal government's revenues, which were based on excise taxes and duties. At the same time, a new deputy superintendent general of Indian Affairs was taking charge, centralizing decision making and changing the administration of the department. Lawrence Vankoughnet, a high-ranking Tory from Cornwall, Ontario and a long-time supporter of Sir John A. Macdonald, was a micro-manager of the highest order. Vankoughnet centralized all decisions into his own hands and removed nearly all the discretionary powers of Indian agents, including those of the Indian commissioner in the Northwest (Carter 1990, 51). He seldom took the advice of men in the field and relied almost entirely upon his own opinions. Vankoughnet was also renowned for his frugality and efforts to minimize costs; his efforts created a slow and largely inefficient administration.⁶ Vankoughnet's administration made no distinction between the funds spent

for treaty implementation and those spent for general assistance to bands, such as the issuing of rations. To him, all were expenses that needed to be cut. After his 1881 tour of the Northwest, during which he met with several chiefs and visited reserves, Vankoughnet dramatically cut \$140,000 from the departmental budget, dismissed clerks and agents, and ordered the reduction of rations (Dempsey 1984, 121).

The deputy superintendent also was interested in reducing costs. Laird's replacement (as of 1876) as minister of the Interior and ex officio superintendent general of Indian Affairs was David Mills, who believed that more than enough had been done in the few years since the signing of the treaties to encourage the transition of First Nations people to agriculture. He also held the notion that, during Laird's ministry, the government had been far too generous in issuing implements, tools, and cattle (Carter 1990, 69). With the goal of reducing costs, the department was to limit the distribution of tools and implements. Along with Vankoughnet and Mills, other officials in Ottawa had begun to develop, along with their desire to cut spending, a view that Canada was being too generous towards the Treaty bands, and that such "charity" was detrimental to the civilization of Aboriginal people.

While it is true to state that the Department of Indian Affairs was spending far more than was required by the terms of the treaties for rations, implements, and cattle, these expenditures were still insufficient to permit a proper transition from hunting to farming. Reports of bands killing their cattle for food were frequent, as were accounts of individuals begging at the doors of white settlers. These incidents did not lead departmental officials to recognize problems with the agricultural policy or the insufficiency of the rations being issued. Instead, politicians and bureaucrats saw these incidents as examples of laziness, or a refusal to become self-sufficient. This opinion was widespread throughout Indian Affairs. In a letter to Alexander Morris in 1873, Edward McKay stressed that the transition to an agricultural way of life would not be easy for the Plains people: "The Plains Indians accustomed to an easy, free, and lazy existence will not in the present generation take to farming unless compelled to do so."⁷

By the end of the 1870s, the belief that treaty bands had no desire to make the transition to agriculture because they preferred to live by government handouts was the dominant view of officials, and this opinion coloured all subsequent relations with First Nations. With the desired goal of compelling Aboriginal people to adopt farming, in concordance with the government's underlying goal of civilizing the Treaty bands, and influenced by the Victorian belief that charity leads to laziness, the Department of Indian Affairs adopted a ration policy of "food for work." The issuance of rations became directly tied to the work Aboriginal bands undertook, and their adoption of agriculture, treaty benefits, and government assistance were rolled into the central issue of rations. Rations were issued to individuals who were working on their reserves, for their agents, or, after the creation of instructional farms, for the farm instructors. Agents were instructed to feed only those

who were willing to work and to criticize openly those who did not (McKay 1972, 114). The issuance of rations was not only used to encourage farming. On several occasions, officials such as Indian commissioner, Edgar Dewdney, used the issuance of rations as tool for Aboriginal compliance. When trying to get bands to stay on their reserves, Dewdney ordered that rations were only to be issued on a band's respective reserve.⁸ The department's rations policy quickly became a major complaint for Treaty bands.

The government's interpretation of the treaty terms, and the desire to reduce expenditures as well as the growing administrative structure of the department, had a severe impact on its ongoing relationship with Treaty chiefs. In her paper "Magnificent Gifts," Jean Friesen explains that "to the Indians, disillusioned with the government's unilateral interpretation, increasingly confined in their economic opportunities, and ruled by the federal *Indian Act* to which they had never consented, the treaties came to be seen in the words of a Saskatchewan chief as merely 'sweet promises' " (Friesen 1999, 212). Only a few years after the signing of the treaties, chiefs were beginning to believe that the treaties had serious shortcomings and that the Indian Affairs department did not see the treaties in the same way as they did. Because the buffalo disappeared much more quickly than anyone had expected—the conservative estimates at the time had been 10 or more years before their total disappearance—Aboriginal populations lost not only their main food staple but also their main economic staple within five years of the signing the treaties (McKay 1972, 110). While Morris and Laird had promised that the treaties would allow the bands to prosper and adapt to the new realities of the Northwest, in reality the Aboriginal population had begun a steady economic and social regression from their pre-treaty lives.

The annual treaty annuity payments, which were made at a gathering of bands on the site of the treaty negotiations until 1879, were a popular occasion for chiefs to express their dissatisfaction with government policy and treaty implementation. At the first treaty payment after the signing of Treaty 6 at Fort Carlton, complaints and concerns about the treaty culminated in the drafting of a petition that stated that the government had broken the treaty because of its non-fulfilment of the terms. The petition further called upon the governor general to reopen the negotiations so as to make it more generous towards the bands.⁹ This incident created much concern for the Indian agent, Captain James Walker, who was completely taken aback by the complaints. Walker, who had been at Carlton but returned to Battleford, attributed the reason for the petition upon the late arrival of treaty goods and provisions to Fort Carlton. He reported to G.M. Dickieson that all the assembled chiefs had signed the petition and already sent it to Ottawa.¹⁰ This petition referred to the treaty of 1876 as nothing but "sweet promises" to the bands so that they would surrender their lands. In an effort to resolve the situation, Walker called a council of the chiefs and explained why the presents had not been distributed at the time of the payments. Through the influence of Mistowasis and Ah-kha-ta-koop, two chiefs who had led the campaign for the adhesion of the

bands to the treaty in 1876, Walker was able to convince the chiefs to rescinded their petition, and sign a letter of apology. The letter stated:

We the undersigned chiefs of the Cree Nation who signed the Treaty that was made at Carlton last summer wish you to express to our Good Father, the Governor of this Country our entire, and complete content and satisfaction with the terms and conditions of that treaty; and to thank our good Mother the Queen in our own manners, for the governors way in which she has fulfilled the promises they made to us ... We want also to tell you that we are well pleased with the way in which you have dealt with us, for the patience you have borne with our many questions and the kindness you have shown in explaining the articles of the Treaty that we do not quite understand.¹¹

There are two remarkable points that must be noted regarding this incident. First the bands, when confronted by Walker, acquiesced to the demands of the departmental official and apologized for their actions. In the early years of the treaty, chiefs were quick to rescind their earlier demands when confronted and asked for specifics. Another point of interest is in the last sentence of the letter signed by the chiefs. In it, the chiefs say that they were thankful for the agent's explanation of the treaty terms. By doing so, they not only admitted that their interpretation of the terms was different to that of the Department of Indian Affairs, but that they may not have fully understood the treaty terms or, at the very least, not understood the government's interpretation of the terms. This would not be the last reference of this nature.

In the following year, 1878, another incident attracted the attention of the department. Chief Pasqua, an original signatory to Treaty 4 in 1874 and a leader in the call for Aboriginal people to make the transition to agriculture, travelled to Winnipeg to meet with Lieutenant-Governor Cauchon. In the account drafted by Cauchon's interpreter, Pasqua presented a series of complaints about the inadequacies of the treaties. Seeing the lieutenant-governor as a more direct representative of the Queen than the officials of the Department of Indian Affairs, Pasqua asked that Cauchon call upon the Queen to rectify the inadequacies of the treaties. The report stated that the chief believed that the department was not fulfilling its promises even though his band had cleared 30 acres of land for planting, adding that "they were neither supplied with cattle to break and work the land; seed to sow it; nor provisions to feed them while at work."¹² Pasqua also stated that specific promises, made by Laird, to be supplied with rations were not being carried out and that his people were starving and forced to eat their dogs while at work. He closed his meeting with Cauchon by stating that he had come to Winnipeg as a sign of his friendship with the representative of the Queen, but that the Indians were "subject at time to an irritation of feeling against the white race who while establishing themselves in comfort on their broad domain have directly or indirectly caused such havoc in the Northwest and that without assistance there was nothing left for them to do but suffer and die."¹³

When Cauchon's office forwarded a report to the Department of Indian Affairs, Laird was quick to refute Pasqua's claims and question the value of his character.

While sources prior to this incident cited Pasqua as an industrious and valuable leader amongst the Cree who had already adopted farming prior to the Treaty, Laird dismissed his complaints as baseless and stated that Pasqua “is the most untruthful chief whom I have met in this Superintendency and though not really so poor as many others, he is a great beggar.”¹⁴ In regard to Pasqua’s statement that he had made promises to feed the bands during planting, Laird refuted the claim and returned to the letter of the text of the treaty, stating that “there is no stipulation to that effect in Treaty no. 4.”¹⁵ Because Laird refuted Pasqua’s claims, the department saw no need to address the claims and ignored them. Pasqua, however, was no longer considered a good chief, but rather as a troublesome one, a typical conclusion made by the department towards any chief who dared complain.

David Laird’s dismissal of Pasqua’s complaints as frivolous and exaggerated was typical of the “outside service,” the Indian agents scattered across the Territories, and of the department. In late 1877, the Indian Department in Ottawa sent a circular to all agents in Manitoba and the Northwest from the superintendent general of Indian Affairs. The circular asked that reports of the status of Indian affairs by agency be sent to Ottawa. One question in particular related to the implementation of treaties: “Are the Indians satisfied with the manner in which the treaty are [sic] being carried out; if not, what are the grounds of their dissatisfaction?”¹⁶ On the whole, the agents stated that the bands in their agencies were largely satisfied with the implementation of the treaties and that there were but a few complaints regarding the quantity of stock animals and implements due to them.¹⁷ David Laird, as the highest ranking departmental official, rejected any possibility of complaints: “The Indians of this superintendency [the entire Northwest Territories] have no reason to be dissatisfied with the manner treaty obligations are carried out.”¹⁸ He further stated that the only complaint he received pertained to the quantity of provisions being distributed at the time of treaty payments. As there was no provision to issue rations at the treaty payments in the treaties, this could not be considered a complaint about the fulfilment of the treaty terms. Laird added that the issuance of rations was “a necessity forced upon the Government in order to enable the Indians from the Plains to subsist while away from their hunting grounds,” and he saw such complaints as unreasonable considering the massive government expenditure.

Without a single agent reporting any general dissatisfaction among the bands and Laird’s categorical rejection of complaints, one must question the purpose of the reports in light of Pasqua’s meeting and the 1877 petition of the Carlton chiefs. As the Indian Affairs department was also using these reports as a measure of the agents’ management of their agencies, agents themselves appear to downplay the complaints made by bands. In several instances, the agents stated that the bands were satisfied, but had a few minor complaints and proceeded to list several specific complaints dealing with the fulfilment of promises for stock animals and implements.¹⁹ Agents replied that the bands were asking more than the treaty

entitled them to receive. Any possible complaints were explained away not as any mismanagement on the part of the agent, but rather as excessive and unreasonable demands by the bands.

Indian Activism and Government Refusals

The reports of departmental officials are, thankfully, not the only source of information regarding complaints of treaty non-fulfilment made by bands. Chiefs were quick to use the available resources at their disposal to press the government to look into their complaints. The letters, petitions, and delegations were so numerous as to lead government officials to view Aboriginal peoples as chronic complainers. While it is impossible to review every single complaint made, two occasions merit special review: the interview of chiefs by the governor general, the Marquis of Lorne, in 1881, and the letter to the prime minister printed in the *Edmonton Bulletin* in 1883.

As part of his general tour of Western Canada, the Marquis of Lorne travelled throughout the Territories and large-scale meetings with chiefs were held in the different treaty areas. For the Aboriginal population, the news of the coming of the governor general was seen as an occasion for a grand council where their concerns could be expressed to the direct representative of the Queen. In a society so closely linked by family relations, the fact that the Marquis was also the Queen's son-in-law signified to the assembled chiefs the importance of his status and influence. During his tour, Lorne held meetings with the chiefs at Qu'Appelle in the Treaty 4 area and at Fort Carlton in the Treaty 6 region. Not fully understanding the somewhat symbolic role of the governor general, the chiefs of Treaties 4 and 6 believed that the Marquis of Lorne could undertake steps to address their grievances. Over the course of the two meetings, the governor general was addressed by numerous and influential chiefs and headmen.

At both meetings, the chiefs presented three specific arguments: the insufficiency of the treaty terms, the need to renegotiate, and the need for more assistance. At Qu'Appelle, Chief Kanasis told Lorne that they could not "make [their] living by what was given to [them] by the Treaty."²⁰ This sentiment was repeated by Yellow Quill and Louis O'Soup. The chiefs explained that their people were without horses because they had been forced to eat them, and that they did not know how to farm because no one had taught them how to use their tools. Yellow Quill's statements regarding the nature of the treaties are a good representation of the other chiefs' comments. He openly stated that he did "not understand the Treaty" and that a new treaty was necessary because "we cannot live by the first treaty: we shall die off ... They [the government] cannot hold the treaty that was made before."²¹ The chiefs called upon the governor general to reopen the treaties and negotiate more generous terms for the Aboriginal signatories. Chiefs such as Poundmaker, the influential Cree leader from the Battleford district, recalled Alexander Morris's words at the treaty negotiations in 1876 when it was stated that

the Indian would live like the white man. Poundmaker told Lorne that the treaty terms did not permit him to live like the white settlers and that better tools and implements, similar to those used by the settlers, should be provided to him.²²

In response to these constant calls for a new treaty and more assistance, the Marquis de Lorne responded in a manner typical of the federal government and white society as a whole. Lorne saw the bands as lazy and idle with no real desire to adapt to the new reality of the Northwest (Carter 1990, 144). Lorne stressed that the treaties had brought peace to the Territories and that it was because of the benevolence of the Queen that such a thing was possible. He also underlined the fact that the chiefs had already signed a treaty and that such agreements must be respected. He reminded them that the Queen would respect her promises and that the “red men” must do the same. He also expressed some displeasure at the constant calls for a new treaty and said, “I hope to hear nothing more of breaking treaty for the treaty was made for them and their children’s good. And no good man among them need fear that he will not be as well off as the white man.”²³ The chiefs came away from their council with the governor general with nothing more than a few presents and statements that the treaties must be maintained as they were negotiated. Their experience with the Queen’s son-in-law proved to be similar to every other meeting with government officials.

The other incident that garnered considerable attention was a letter to the prime minister that appeared in the Edmonton *Bulletin*. Signed by nine chiefs, including all of the chiefs of the Hobbema agency south of Edmonton, the letter is a striking complaint of their treatment since signing Treaty 6. The chiefs argued that the treaty was only favourable for the federal government—“the white man had it all his own way. He made the conditions both for himself and for us”—and that the Department of Indian Affairs treated the bands like groups of children. They stressed that, at the signing, the treaty was said to be inviolable and binding upon both parties, but that only the Indian was required to follow the treaty while the federal government did what it wished and ignored its promises and obligations. As did the chiefs who met with the governor general, the letter referred to the promises made by the Treaty commissioners that the treaties would help the Indians survive and prosper. Since the treaty, the bands had become poverty-stricken and starving, and the chiefs feared that their people would eventually disappear from the Plains. They closed by warning that their complaints should be addressed or they “shall conclude that the treaty made with us six years ago was meaningless matter of form and that the white man had indirectly doomed us to annihilation, little by little.”²⁴

Despite the chiefs’ warnings, the department paid little heed to the letters’ complaints and accusations. Rather, Lawrence Vankoughnet, the deputy superintendent general, and Edgar Dewdney, the Indian commissioner, spent the next several months trying to find whom had written the letter for the chiefs. When Father C. Scollen, a Catholic missionary in the Edmonton district and a man highly critical of the Indian department, was finally identified, they accused him

of acting in a treasonous manner and of causing great harm to the bands by raising their expectations and spreading lies.²⁵ The archival files of the Department of Indian Affairs contain a copy of the original letter printed in the *Bulletin*, and some 20 pages worth of correspondence relating to the department's efforts at identifying Scollen, but not a single document disputes or even addresses the complaints presented in the letter.

As letters, petitions, and delegations proved to be largely ineffectual, other chiefs chose different routes in attempts to enforce the fulfilment of treaty terms. Poundmaker, Piapot, and Big Bear, all very influential and powerful chiefs in their own right, each chose a different tactic: Poundmaker refused to work; Piapot refused to take a reserve; and Big Bear refused to take treaty. Each had his own reasons for discontent. During the Fort Carlton negotiations, Poundmaker, at the time a headman and not a chief, openly opposed the treaty and demanded that the chiefs wait for better terms. In the years after the treaty, he routinely challenged the authority of Indian agents and demanded more implements and more sophisticated machinery, all the while demanding rations for his band (Department of Indian Affairs, 1882, 195). Piapot, while not present at the 1874 signing of Treaty 4, was one of the leading chiefs who demanded that the treaty be modified during the 1875 treaty payment at Qu'Appelle. As with many chiefs in the Treaty 4 area, Piapot wanted his reserve to be in the Cypress Hills, a location rejected by the department (Morin 2003). Told to take a reserve near Indian Head, Piapot refused to select a specific site until 1882, when the department agreed to his selection and provided rations and transportation to the reserve.²⁶ As for Big Bear, his band's hunting expedition cost him the chance to speak at the Fort Pitt negotiations for Treaty 6, and he staunchly believed the treaty terms to be meagre and insufficient to meet the needs of the Plains people. Big Bear continually refused to sign the treaty and travelled across the Prairie in search of buffalo, often crossing into Montana. He met with various chiefs and Aboriginal leaders trying to garner support for a renegotiation of the treaties (Dempsey 1984, 122). Only after starvation and desertions to other bands had severely reduced the number of his followers did Big Bear take treaty at Fort Walsh in 1882.

Of the three chiefs, Big Bear was considered by far the most influential and potentially dangerous leader on the Prairie. As has already been stated, Big Bear had one of the largest followings among the Plains Cree in the Treaty 6 area, and was well respected as a wise man not only for his council but also for his medicine. While starvation forced him to adhere to the treaty, Big Bear was still determined to continue to press the Department of Indian Affairs for better treaty terms. Refusing to take a reserve, or by asking for land that he knew would be rejected by officials, he travelled across the region, calling upon the other chiefs to stand united with him against the federal government. By 1884, Big Bear had considerable support from among the different bands. In his report to Edgar Dewdney about Big Bear calling upon the department to fulfil the treaties, Agent J.A. McRae stated that "a year ago, [Big Bear] stood alone, in making

these demands; now, the whole of the Indians are with him."²⁷ Big Bear encouraged other chiefs to stand together when confronting agents and other government officials, a tactic adopted by Louis O'Soup in the Treaty 4 area.²⁸ For his refusal to take treaty and a reserve, as well as his constant meetings with chiefs, the higher-ranking officers of the department viewed Big Bear with considerable suspicion. Hayter Reed, one-time Indian agent and assistant Indian commissioner for the Northwest, described Big Bear as "an agitator and always has been and having received the moral support of the half-breed community he is only too glad to have the opportunity of inciting the Indians to make fresh and exorbitant demands."²⁹ Every statement and meeting Big Bear made was closely monitored by the department. While Big Bear was getting the attention that he wanted, it was for the entirely wrong reasons. The Department of Indian Affairs continued to dismiss his claims as gross exaggerations of the treaty terms and his actions as nothing more than troublesome behaviour. The officials of the Department of Indian Affairs continued to be blind to any link between the claims and complaints being made and their own implementation of the treaties.

The general feeling of dissatisfaction with the department's policies and practices, and Big Bear's efforts to unite the bands across the Northwest, coalesced in 1883 and 1884 in a series of councils. Sponsored by some of the chiefs considered by Dewdney and Reed to be the most troublesome, the department looked upon these gatherings with suspicion. The focus of these councils, which also included the traditional thirst or sun dance, was to decide how best to deal with the federal government's non-fulfilment of the treaties and what tactic should be employed to negotiate new agreements with the Crown. Piapot and Big Bear were, again, central figures in this latest attempt to organize the bands. As both chiefs were of the same mind regarding the need to stand united against the federal government, Piapot and Big Bear wanted the councils to give them the authority to represent the other chiefs and present their grievances and complaints to Dewdney and Macdonald. In Piapot's case, a council and dance was held on his reserve in the fall of 1883 with attendance by most of the Treaty 4 chiefs. During the meetings, Piapot had little difficulty convincing the others to change their stance towards the government officials. Recognizing the need for wider representation, the council concluded with a call to hold a grand council of the Northwest where representatives from the Cree, Assiniboine, and Blackfoot bands would attend to plan an appropriate strategy to deal with the federal government in a united manner (Dempsey 1984, 123).

As messengers travelled between reserves calling the bands together, the Department of Indian Affairs, thinking that these councils were the prelude to a violent uprising, began to flex its muscles in response. Senior officials were also very much aware of the purpose of the councils. In March 1884, J.M. Rae, Indian agent for the Carlton district, stated in a letter to Edgar Dewdney that "messengers are being sent all over the Country and that the chiefs all over the Country are to join those B/ford rascals next summer in asking for better terms."³⁰ As Rae

notes, the chiefs' dissatisfaction with the treaty terms was well known. Because the department saw the terms of the treaties as fixed and non-negotiable, officials perceived these councils as fomenting dissent and, therefore, to be prevented. Rae gave a clear representation of the Crown's position in his same letter to the Indian commissioner:

A firm stand must be taken and the answer no given to all their demands, for if they succeed this time, years will not undo the work of one day. At the present they think they can do anything they like—and they must be disabused of this idea even by force if necessary—the Chiefs from below here will take and active part in the matter unless they see what a grave turn affairs are taking here. [emphasis in original]³¹

As there were a relatively small number of North West Mounted Police in the Territories, agents had few coercive powers. The only true method of influence at Indian agents' disposal was the refusal of rations. When a chief came to ask for rations for the trip to a council in 1884, Indian Agent Rae was quick to refuse the request, stating that the federal government disapproved of the council meeting, while trying to dissuade the chief from attending.³²

The councils were, on the whole, very well attended. The biggest council of 1884 was hosted by Big Bear and Poundmaker, on Poundmaker's reserve near Battleford. These meetings of the chiefs proved to be constructive and accomplished Big Bear's goal of unifying the bands. The final outcome of the council was instruction for a delegation led by Big Bear to travel first to see Piapot in Treaty 4, then to Dewdney in Regina, and finally onward to Ottawa to meet with Vankoughnet. Their goal was to express the concerns and desires of the chiefs to the highest possible officials; specifically, to the superintendent general of Indian Affairs, Sir John A. Macdonald (Dempsey 1984, 123). Any possible success the proposed delegation might have had, however, was ruined before the council was concluded. During the council, a farm instructor named Craig was assaulted by a small group from the Yellow Quill band, who stopped by his house asking for provisions. When Craig refused, he was struck by one of the men and subsequently lodged a complaint with the nearby North West Mounted Police post. When the constables arrived at the council to arrest the man in question, a large confrontation occurred and violence was only averted by the intervention of Big Bear and Poundmaker and the voluntary surrender of the suspect by the council to the NWMP a few days later.³³ This incident completely overshadowed the rest of the council and dance. The near outbreak of violence put the Department of Indian Affairs and the NWMP on the defensive. Dewdney was no longer willing to meet with any delegations, and all the blame for the incident was placed on Big Bear and Poundmaker for having organized the council in the first place. The incident, however, led to a review of the department's policy regarding rations and the discretionary powers of agents.

With a growing number of incidents between departmental officials and Indians occurring across the Northwest, Dewdney, Hayter Reed, and Deputy Superintendent General Lawrence Vankoughnet began to focus their attention on the

influence of specific chiefs as being at the root of the problems. Reed, the assistant Indian commissioner, was an ever-increasing presence in Indian Affairs. After Dewdney's assumption of the role of lieutenant governor of the Northwest Territories, Reed took on an ever-growing amount of responsibility. As he personally investigated incidents between officials and bands, his views and perspective of Indian-government relations became more and more important. Reed maintained the view that the bands were generally content with their treatment by the department, and that certain chiefs, namely Big Bear and Poundmaker, were stirring up dissent. He investigated a petition presented to Agent Macrae in the fall of 1884, which listed 18 items of complaint about the implementation of the treaties. Reed's report dismissed all the complaints.³⁴ He had in the past responded to complaints by saying that they were based on "false statements being made by them [the chiefs] and constantly repeated until they become a matter of belief as no one was ever present capable of giving them a denial."³⁵ Reed based his opinion on his direct experiences with individual chiefs. During those meetings, he pressed chiefs to show how the treaties had not been fulfilled and explained away the basis of every complaint with examples of the Crown's fulfilment of its obligations. Reed reported that Big Bear's involvement in the petition was further proof of his role as a "troublemaker" in the district.³⁶ As a sign of Reed's growing influence on Indian policy, in a reply to Reed's report from the Department of Indian Affairs, likely from Vankoughnet, the department stated that "it would appear from Mr. Reed's report that the Indians have no good grounds for serious complaint in any respect."³⁷ The memorandum goes on to instruct all Indian agents to explain to the bands that the treaties were being fulfilled and that the federal government was giving them far more than what was stated in the treaties.

As they were seen as the most disruptive influences to the proper administration of Indian affairs in the Northwest, senior departmental officials wanted to remove these "troublesome" chiefs from their positions. Vankoughnet, in a February 1885 letter, asked Dewdney for his opinion on how best to deal with Big Bear, Little Pine, and Poundmaker, calling them "Indians [who] incite or stir up other Indians ... to act in a riotous, disorderly or threatening manner."³⁸ Vankoughnet suggested that such people should be used as examples to the general Aboriginal population through their arrest and imprisonment. Dewdney agreed whole-heartedly with his superior's plan but noted that the territorial judicial system did not view the matter in the same way. Where the Department of Indian Affairs wanted convictions and imprisonment of chiefs for "disloyalty" and stirring up discontent, the magistrates and the North West Mounted Police only arrested and convicted people for specific crimes as listed in the Criminal Code.³⁹ Dewdney went so far as to suggest the code itself be amended to make the prosecution of chiefs easier. No modification to the Criminal Code was ever made in this regard.

As Dewdney and Vankoughnet debated how to rid themselves of the chiefs, the North West Mounted Police was growing increasingly concerned with the policies of the Department of Indian Affairs. Throughout 1884, police inspectors

and constables were reporting on the state of Indian affairs from a police perspective. In his report of the 1884 incident during Big Bear and Poundmaker's council, Inspector W.W. Crozier of the Battleford detachment placed the blame for the incident not on the chiefs, but rather on the department's policies. He stated, "if the government wish to conduct Indian affairs peacefully, their policy should be, as it has been in the past, one of conciliation." He roundly condemned Indian policy by questioning the very nature of the civilization program: "It does not seem to me reasonable to expect a lot of pure savages to settle down and become steady farmers all at once—or even within a few years—and even if they do not do much work for some time, it should not be considered extraordinary."⁴⁰ He continued by suggesting that the refusal of the bands' demands would lead to further confrontation. He also warned that the bands were prepared to resist any attempts interfere with them, and that further confrontation would adversely affect the whole of the Territories. The inspector's words had little impact upon the administration in the Northwest. Agents did not receive more discretionary powers to issue rations, the work for food policy was continued, and discontent among the bands continued to increase. Crozier's warnings of possible future violence became reality in the spring of 1885.

Rebellion and the End of the Treaty Movement

On April 2, 1885, Big Bear's attempts at negotiating new treaties with the federal government came to a quick and violent end. Shortly after the Métis victory at Duck Lake, and while Big Bear was absent from his camp, several warriors from his band and the neighbouring Wood Cree band attacked the settlement of Frog Lake, looting the Hudson's Bay Company store and killing nine people, including the Indian agent, Thomas Quinn; the farm instructor, John Delaney; and two Catholic priests (Morton 1979, 77). Bolstered by additional warriors from Bobtail's Reserve and the Cold Lake Chipewyans, the bands moved down the Saskatchewan River towards Fort Pitt, where they met Little Poplar and his followers from Battleford, who had been waiting before the fort (Dempsey 1984, 168). On April 14, 1885, Fort Pitt surrendered and then was pillaged by the Cree for war plunder. After receiving news that Poundmaker was under attack by soldiers and police, the camp was moved to Frenchman's Butte. On May 28, 1885, the Cree warriors ambushed the militia forces of General Strange, who was tracking the Cree from Fort Pitt (Beal and Macleod 1984, 284). During the battle, the Chipewyans deserted, prisoners escaped, and the Cree warriors began to fall back. Fleeing towards Loon Lake, the Cree were again attacked by the militia on June 3, 1885. The Wood Cree left the group to take refuge in the forests and others headed towards Batoche, while a number of warriors held out until the end of June. Big Bear's son, Imasees, avoiding patrols and the militia, led more than a hundred Cree south across the border to take refuge in the United States. On July 4, 1885, Big Bear, alone, abandoned by his band, surrendered to the militia

at Fort Carlton (Dempsey 1984, 180). Big Bear, Poundmaker, and nearly 45 other “rebel Indians” were put on trial, along with Louis Riel and other Métis arrested after the battle of Batoche (Dickason 2002, 311). Big Bear was sentenced to three years imprisonment, as was Poundmaker, although their sentences were reduced to 18 months after both developed serious illnesses. Big Bear was released in early 1887, and, having never taken a reserve, joined his daughter on Poundmaker’s reserve.

As the events on the North Saskatchewan unfolded, numerous chiefs across the region refused to participate in the uprising. The concerns of the North West Mounted Police and government officials, such as Reed and Dewdney, that the uprising would spread to all the bands in the Territories, proved to be unfounded. From the first instances of violence, several chiefs attempted to distance themselves from the bands in revolt and made overtures of peace to the Crown. Chiefs such as George Bear, Pasqua, and Piapot, all sent letters and telegrams to Ottawa stating their loyalty to the Crown. They all referred to the treaties as the source of their loyalty, as did a group of chiefs from the Wolf Creek region of Alberta: “At the Treaty, we were promised peace, not war, and we wish to remain loyal till death.”⁴¹ Piapot, once considered one of the more “troublesome” chiefs in Treaty 4, also referred to his promise of loyalty by stating, “It is eleven years since I gave up fighting. When I took the Government Treaty, I touched the pen not to interfere with the white man and the white man not to interfere with me ... I promise you [Macdonald] as I have promised our Governor that I will never fight against the white man.”⁴² All the while promising their loyalty, the chiefs used the occasion of their communication to stress again for the fulfilment of the treaty promises. Chiefs Ochapascoopeeasis and Rock Chief both reminded the federal government that they remained loyal, even though all the treaty provisions had not been fulfilled.⁴³ In his letter, Pasqua comments on the poor state of his band by saying, “We depend on promises by Governor Morris to us because of our keeping faith, and hope when trouble is ended that she [the Queen] will extend some help to us on our reserves to make a better living than before.”⁴⁴ Interestingly, Prime Minister Macdonald responded directly to the telegrams and letters, stating that “the Government will do everything that they properly can to forward the interests and improve the conditions of the red man. All treaty promises will be faithfully carried out and loyalty of these chiefs is fully appreciated.”⁴⁵ As it had been prior to the uprising, however, the treaty promises were “carried out” according to the federal government’s understanding of its obligations.

In the aftermath of the defeat of Riel and the Métis at the battle of Batoche, the Department of Indian Affairs attempted to ascertain why part of the Aboriginal population had rebelled. Again relying on reports by Hayter Reed, Lawrence Vankoughnet placed the blame squarely on the shoulders of Riel, Poundmaker, and Big Bear, describing them as disloyal troublemakers who had always been opposed to Canada’s administration of the Northwest. Following the line of argument that had been presented prior to the events of the spring of 1885, Reed and Vankoughnet

saw Big Bear and Poundmaker as the leaders of the Indian rebellion, disregarding several eyewitness accounts to the contrary. As leaders of disloyal bands, they were to bear the brunt of the blame.⁴⁶ As a result of their involvement, the rebellious bands were considered to have violated the treaties they had signed, and their treaty rights were to be suspended until such time as the department saw fit to restore them. On Reed's recommendation, the department instituted a series of punitive measures against any rebellious Indians, such as withholding annuities, a pass system, and breaking up bands.⁴⁷ While Vankoughnet's memorandum stated that loyal bands would not face any such restrictions, certain measures, especially the pass system, were applied to all bands in the Northwest.

One of the major consequences of the rebellion was a hardening of the Department of Indian Affairs's position towards complaints. In the first years after the uprising, any chief that dared complain about missing treaty cattle or not having received his full complement of implements was accused of disloyalty. The department continued to keep a close watch on bands, and appointed regional officials to tour reserves and report on the level of discontentment among the bands. An example of one such tour was the one made by the Anglican bishop of the Northwest Territories, J.A. MacKay, to the Battleford bands. While he found most of the bands fairly complacent, the bishop noted that some bands were disgruntled and that only the constant presence of troops in the area was preventing a repetition of the events of the previous year.⁴⁸

As the Department of Indian Affairs began to enforce its new restrictive policies, its general handling of the Aboriginal population in the Northwest and, specifically, its respect of the treaties, was being questioned in Ottawa. The member of Parliament for Huron-West, Malcolm Cameron, presented a strong criticism of the department's handling of the treaties and the rebellion. Using first-hand accounts from prominent figures in the Northwest Territories, such as Father Scollen, and the reports of the department itself, Cameron presented the case that the root causes of the rebellion were the non-fulfilment of the terms of the treaties and the refusal of the Department of Indian Affairs to acknowledge its mistakes. He went on to criticize every aspect of Indian administration, from the quality of the implements and cattle to the morality and character of Indian agents and the Indian commissioner. Cameron was adamant that the blame of the uprising had to rest with the department's officials.

The conduct of the officials of the North-West Territories, more than any thing else, created dissatisfaction and discontent among the Indians; I say that the misconduct and the mismanagement of the Administration in connection with the Indian Affairs in the North-West Territories, as much as anything else produced uneasiness, dissatisfaction and discontent among the Indians, which ultimately broke out into open rebellion.⁴⁹

Cameron also accused the federal government of breaking the promises made in the treaties, what he called "solemn covenants entered into with the Indians ... shamefully, openly, persistently and systematically broken by this Government."⁵⁰ He concluded that "instead of dealing fairly and honestly by the Indian, as we

ought to have done, instead of maintaining unbroken our treaty obligations with the Indian, we pursued, and we still pursue that mad and reckless and inhuman policy of submission by starvation.”

The MP's remarks in the House of Commons were a surprisingly accurate representation of the arguments being made by Treaty chiefs in the 10 years following the signing of the treaties. As usual, the Department of Indian Affairs responded to Cameron by outlining how the government had endeavoured to fulfil the treaties. In a 60-page document, the officials of the department, specifically Lawrence Vankoughnet, refuted every single claim made in Cameron's speech to the House of Commons. The departmental report refuted Cameron's claims on two fronts: first, by showing that it had implemented the treaties according to the letter of the text and more so; and second, that Treaty bands had not properly understood the nature of the federal government's obligations under the treaties. In response to the claims that the bands had not receive all the implements and cattle they asked for, the report states that all that was entitled to by the treaties had been issued to the bands. The department added that the issue at hand was not what was promised in the treaty but, rather, what the chiefs demanded beyond the terms of the treaty (Department of Indian Affairs 1886, 37). The department stated that while it could have limited itself to the terms of the treaty, it had been in fact far more generous, reporting that the bands “certainly have received far more than they were entitled to under their treaties. Let it not be forgotten that with a single exception [Treaty 6] not one of the treaties stipulates that the Government shall supply the Indians with food” (5). The rationing of Aboriginal people was done “as a measure of humanity” and that food was issued so as to encourage the bands to become self-sustaining. The overarching policy goal of civilization was reinforced again, while refuting the claims of a starvation policy: “The provisions supplied them are so distributed as to encourage industry. Men who absolutely refuse to work are certainly not encouraged in their idleness.”

The departmental report attributed the Treaty bands' incomprehension of the federal government's treaty obligations largely to their “primitive condition” and childish manner. The report stated that the Treaty bands “have very imperfect notions of the duties of the Government towards them, and of their claims upon the Government. They desire to get all they can; and they are deeply incensed when they think they have been wronged” (Department of Indian Affairs 1886, 3). Moreover, the report accuses of Cameron of spreading the same “exaggerated notions of their rights” as had been claimed by leaders such as Big Bear, Piapot, and Poundmaker. The department stated that it was its responsibility to care for the bands while they were in a state of “simplicity” and “ignorance.” Furthermore, it saw itself as the ultimate arbiter of what was required for their advancement and what was beyond their capabilities (5). The department's rebuttal of Cameron's allegations brought the matter to a close. While there was a short debate in the Senate regarding Cameron's presentation later that year, the issue of treaties and the fulfilment of treaty obligations never returned to the floor of the

House of Commons. The unmediated implementation of the Department of Indian Affairs' policies and their effect on the lives of Aboriginal people in the Northwest remained largely unchallenged for the next 70 years. Over the course of that time, successive amendments to the *Indian Act* brought ever-tighter controls over the daily lives of Treaty bands.

In the past 130 years, the confrontational positions of Treaty First Nations and the federal government have remained largely unchanged, although the conflict was suppressed. First Nations still claim that the treaties have remained largely unfulfilled while the Crown's position is that treaty obligations have been respected in accordance to the letter of the text. While Indian and Northern Affairs Canada maintains a largely similar position to the one it held back in the late nineteenth century, the Treaty First Nations have modified their position. In the 1870s and 1880s, treaty leaders continuously remarked that the treaties they had signed were not sufficient to allow them to either continue their traditional way of life or to adapt to the new agricultural lifestyle being advocated by the department. This perception of the insufficiencies of the existing treaties led to a series of calls for a renegotiation of the treaties, and attempts to get better terms.

Today, Treaty First Nations are looking for new agreements that would build upon their existing treaties. While the replacement of the treaty was an aspect of the earlier Yukon Umbrella Agreement and some comprehensive land claim agreements in the Northwest Territories, more recent negotiations have stalled or broken off, such as the Akaitcho negotiations, because the agreements on the table did not reflect the earlier treaty. The same has happened in Saskatchewan with the long-standing self-government negotiations between Canada and the Federation of Saskatchewan Indian Nations. In this case, Grand Chief Alphonse Bird linked the rejection of the final agreement at the referendum level to the failure to see any clear references to the Numbered Treaties. As self-government and comprehensive land claim negotiations continue, the respect accorded to the Numbered Treaties and the need to reflect them in modern agreements are becoming central issues, aggravated by the continuing gap that exists between Crown and Treaty First Nations' perceptions of the implementation of the treaties themselves.

Endnotes

- 1 National Archives of Canada (hereafter NAC), MG 27 I-C-8, Alexander Morris Papers, Morris to Minister of the Interior, June 8, 1874.
- 2 PAM, M12B1 Morris Papers (KC), Morris to the Minister of the Interior, March 27, 1877.
- 3 RG 10, vol 3625, file 5489, W.J. Christie and M.G. Dickieson to David Laird, October 7, 1875.
- 4 Ibid.
- 5 Treaty 4 between Her Majesty the Queen and the Cree and Saulteaux Tribes of Indians at Qu'Appelle and Fort Ellice, 15 September, 1877.
- 6 For a more detailed account of the administration of Lawrence Vankoughnet, see Douglas Leighton (1983:104–19).
- 7 Morris Papers, Lieutenant-Governor's Collection, Report of Edward McKay to A. Morris, 18 May 1873.
- 8 RG 10, vol 3741, file 288856, E. Dewdney to Superintendent General of Indian Affairs, April 22, 1881.
- 9 RG 10, vol 3654, file 8855, James Walker to Dickenson, August 28, 1877.
- 10 Ibid.
- 11 Ibid. This petition was signed by several of the prominent chiefs of the Fort Carlton area.
- 12 RG 10, vol 3665, file 10094, Report of meeting with Chief Pasqua and Lieutenant Governor of Manitoba, 1878, unsigned.
- 13 Ibid.
- 14 RG 10, vol 3665, file 10094, David Laird to Minister of the Interior, August 11, 1878.
- 15 Ibid.
- 16 RG 10, vol 3654, file 8904, Circular to David Laird and all agents in Manitoba and the North-West Territories, November 6, 1877.
- 17 See RG 10, vol 3654, file 8904 for a complete listing of all the reports by Indian agents. There are some 35 reports from agents in Manitoba, the NWT, and Keewatin.
- 18 RG 10, vol 3654, file 8904, David Laird to Minister of the Interior, December 31, 1877.
- 19 For detailed examples, see RG 10, vol 3654, file 8904, reports by H. Martineau, November 26, 1877; R.J.K. Pither, January 3, 1878; and George McPherson, January 3, 1878.
- 20 RG 10, vol 3768, file 33624, Governor General's meeting with chiefs at Qu'Appelle, 1881.
- 21 Ibid.
- 22 RG 10, vol 3768, file 33624, Governor General's meeting with chiefs at Carlton, 1881.
- 23 RG 10, vol 3768, file 33624, Governor General's meeting with chiefs at Qu'Appelle, 1881.
- 24 RG 10, vol 3673, file 10986, Edmonton *Bulletin*, January 7, 1883.
- 25 RG 10, vol 3673, file 10986, C. Scollen to Edgar Dewdney, March 17, 1884; Unsigned memo [likely from L. Vankoughnet] to Edgar Dewdney, May 21, 1884.
- 26 RG 10, vol 3686, file 13168, MacDonald to Dewdney, July 8, 1884.
- 27 RG 10, vol 3697, file 15423, J.A. MacRae to Edgar Dewdney, August 25, 1884.
- 28 RG 10, vol 3697, file 15423, A. MacDonald to Indian Commissioner, May 14, 1884.
- 29 RG 10, vol 3697, file 15423, Hayter Reed to the Superintendent General of Indian Affairs, January 23, 1885.
- 30 RG 10, vol 3741, file 28856, J.M. Rae, no recipient noted, 28 March 1884.
- 31 Ibid.
- 32 Ibid.
- 33 RG 10, vol 3576, file 309, part B, W.W. Crozier to Edgar Dewdney, June 25, 1884.
- 34 RG 10, vol 3697, file 15423, J.A. Macrae to Indian Commissioner, August 25, 1884.

- 35 RG 10, vol 3668, file 10644, Hayter Reed to Indian Commissioner, December 28, 1883.
- 36 RG 10, vol 3697, file 15423, Hayter Reed to Superintendent General of Indian Affairs, January 23, 1885.
- 37 RG 10, vol 3697, file 15423, Memo to E. Dewdney but likely from L. Vankoughnet, February 4, 1885.
- 38 RG 10, vol 3576, file 309, part A, L. Vankoughnet to E. Dewdney, February 5, 1885.
- 39 RG 10, vol 3576, file 309, part A, Comms [Dewdney] to Superintendent General of Indian Affairs, February 12, 1885.
- 40 RG 10, vol 3576, file 309, part B, W.W. Crozier to Edgar Dewdney, June 25, 1884.
- 41 RG 10, vol 3709, file 19550, part 2, Report of letter sent to Prime Minister by chiefs at Wolf Creek.
- 42 RG 10, vol 3709, file 19550, part 2, Telegram from Piapot to Sir J. Macdonald, April 30, 1885.
- 43 RG 10, vol 3709, file 19550, part 2, Telegrams from Rock Chief and Oochapascoopeeasis to Macdonald, April 30, 1885.
- 44 RG 10, vol 3709, file 19550, part 1, Pasquah, Muscowpeting, and Charles Ashault to Macdonald, April 21, 1885.
- 45 RG 10, vol 3709, file 19550, part 2, John Macdonald to Lieutenant Governor Dewdney, May 11, 1885.
- 46 RG 10, vol 3709, file 19550, part 3, L. Vankoughnet to Sir John Macdonald, August 17, 1885.
- 47 Ibid.
- 48 RG 10, vol 3598, file 1364, J.A. MacKay to Indian Commissioner, February 16, 1886.
- 49 Debates of the House of Commons, 5th Parliament, 4th Session, April 1885, Mr. Cameron, Huron West, 719.
- 50 Ibid.

References

- Beal, Bob and Rod Macleod. 1984. *Prairie fire: The 1885 North-West Rebellion*. Edmonton: Hurtig Publishers.
- Carter, Sarah. 1990. *Lost harvest: Prairie Indian reserve farmers and government policy*. Montreal and Kingston: McGill-Queen's Univ. Press.
- Dempsey, Hugh. 1984. *Big Bear: The end of freedom*. Toronto: Douglas and McIntyre.
- Department of Indian Affairs. 1886. *The facts respecting Indian administration in the North-West*. Ottawa: Queen's Press.
- Dickason, Olive Patricia. 2002. *Canada's First Nations*. Toronto: Oxford Univ. Press.
- Dyck, Noel. 1986. An opportunity lost: The initiative of the reserve agriculture programme in the Prairie West. In *1885 and after: Native society in transition*, ed. F. Laurie Barron and James B. Waldram. 121–138. Regina: Univ. of Regina Press.
- Friesen, Jean. 1999. Magnificent gifts: The treaties of Canada with the Indians of the Northwest, 1869–1876. In *The spirit of the Alberta Indian treaties*, ed. Richard T. Price. 203–213. Edmonton: Univ. of Alberta Press.
- Leighton, Douglas. A Victorian civil servant at work: Lawrence Vankoughnet and the Canadian Indian Department, 1874–1893. In *As long as the sun shines and water flows*, ed. Ian A. L. Getty and Antoine S. Lussier, 104–19. Vancouver: UBC Press.
- McKay, Raoul J. 1973. A history of Indian Treaty Number Four and government policies in its implementation, 1874–1905. MA thesis, Univ. of Manitoba.
- Morin, Jean-Pierre. 2003. Empty hills: Aboriginal land usage and the Cypress Hills problem, 1974–1883. *Saskatchewan History* 55(1), Spring: 5–20.
- Morris, Alexander. 1991. *The treaties of Canada with the Indians of Manitoba and the North-West Territories*, Originally published 1881. Saskatoon: Fifth House Publishing.

Morton, Desmond. 1979. *Rebellions in Canada*. Toronto: Grolier Ltd.

Stonechild, A. Blair. 1986. The Indian view of the 1885 uprising in the Prairie West. In *1885 and after: Native society in transition*, ed. F. Laurie Barron and James B. Waldram. Regina: Univ. of Regina Press.

Taylor, John Leonard. 1985a. Treaty research report: Treaty 4, 1874. Treaties and Historical Research Centre, Indian and Northern Affairs Canada.

Taylor, John Leonard. 1985b. Treaty research report: Treaty 6 1876, Treaties and Historical Research Centre, Indian and Northern Affairs Canada.