

TREATY RESEARCH REPORT
TREATY FIVE
(1875)

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HISTORICAL INTRODUCTION

Treaty Five originated in two different historical contexts, separated widely in time and intent. Though the Native people in northern Manitoba are covered under the same treaty as those in the southern districts of the treaty, they signed at a much later time and for very different reasons. It is important, therefore, to remember that there were two treaty processes involved with settling the question of aboriginal title in western Canada, one reflecting the interests of both Native people and the federal government, the other arising out of the priorities of the government. Both rested on a well-established British-Canadian legal foundation. The first process began with the Royal Proclamation of 1763 when the British government and the British Office accepted an unspecified aboriginal title in the occupied lands of British North America. The acceptance of the principle made it incumbent upon subsequent administrations to arrange for the legal transfer of land title from the Native residents to the government before organized settlements could be permitted.¹

Formal treaties had been signed with Native peoples in most agricultural districts of central Canada before Confederation in 1867. Immediately after Confederation, the purchase of Rupert's Land from the Hudson's Bay Company in 1870 raised the question of aboriginal land title in the agricultural districts of the newly acquired territories. The matter was clearly of some importance, for the Order in Council formally establishing federal control over Manitoba and the unorganized territories specifically stated that "any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government."²

Though the federal government had made a formal commitment to treaty negotiations, few resources and little political energy was immediately devoted to the matter. The initial push came instead from the Native people themselves. Before and during the Red River Resistance of 1869-1870, Louis Riel, the Métis and the Provincial Government spoke repeatedly of the need to settle outstanding Métis and Native land

entitlements. The military and political power of the Métis made these demands impossible to ignore. It was for this reason that the *Manitoba Act* contained specific assurances that the mixed bloods of Red River would receive adequate land assignments.³ The mixed bloods' claims appeared, at least on paper, to have been settled. The Indians' request for treaty negotiations, however, had yet to be addressed.

Until recently, most historians assumed that the federal government had a clear plan for dealing with aboriginal title in the agricultural districts of the Prairie west. The government's obvious interest in quick settlement, and the hoped-for transformation of the district from a fur trading region to an agricultural empire, led many to conclude that the signing for treaties with the plains Natives, a process which began in 1871 and continued to 1877, was a logical and coherent part of federal settlement policy. The analysis appeared to make sense, for the treaties removed outstanding aboriginal title to the land, led to the assignment of Natives to reserves, and provided for significant measures to assist their adaptation to the new economic order. The government seemed to have been fair-minded and humanitarian in its approach to the Natives in the west, though it also looked as though the Native people had been largely passive objects of the process.

Recently, however, historians re-examining the treaty negotiations have begun to alter that view, arguing that the Native people played a crucial, if not a determining, role in setting both the timing and the terms for the early plains treaties, and in so doing established priorities and conditions for subsequent agreements that went much beyond what the government had initially offered.

A proponent of this new interpretation is John Tobias, an historian of Native-government relations in western Canada, who has challenged the standard notions of federal intent and Native reaction:

Those who propagate the myth would have us believe that Canada began to negotiate treaties with the Indians of the West in 1871 as part of an overall plan to develop the agricultural potential of the West, open the land

for railway construction, and bind the prairies to Canada in a network of economic and commercial ties. Although there is an element of truth to those statements, the fact remains that in 1871 Canada had no plan on how to deal with the Indians, and the negotiations of treaties was not at the initiative of the Canadian government, but at the insistence of the Ojibway Indians of the North-West Angle and the Saulteaux of the tiny province of Manitoba.⁴

By interfering with the settlement, the Native people forced the government to move more rapidly than intended. The Ojibwa in the area between Lake Superior and Manitoba wanted their land rights recognized, threatening to stop prospective settlers from crossing their territory if suitable discussions were not started. Similarly Yellow Quill's band of Saulteaux posted announcements warning farmers not to move west of Portage la Prairie until their demand for entitlement had been accepted. The government had earlier indicated its intention to negotiate treaties; the Native people's actions did, however, speed the process considerably.

Moreover, the Native people approached the government with much higher demands for land, payments, and supplies than federal negotiators had anticipated. Once the treaty process began, the government expected that the Native people would be content with reserves and a small cash grant. Instead, they demanded agricultural equipment and training, education, medical supplies and other treaty rights--requests the government reluctantly accepted. After the first treaty negotiations, the federal government learned its lesson and quickly changed its approach to the negotiation of the plains treaties. Provisions not initially considered for the first treaties were automatically incorporated into subsequent agreements. Also, the government quickly recognized the Native people's insistence on both an acknowledgement of the aboriginal title and a suitable settlement which offered them the means to adapt to the new economic and social conditions.⁵

Treaty Five emerged out of this initial process, though the Northern half of the area now included in Treaty Five was not part of the original agreement. That section, added to the original treaty as an adhesion in 1909-10, had been deliberately omitted from the

first phase of western treaty negotiations. It was not until the turn of the century, when federal priorities changed, that the non-agricultural sections of the region were brought under treaty. Though Native motivation remained similar to that encountered on the southern plains, the federal government approached Native land entitlement in the northern districts with a vastly different attitude and a more muted sense of urgency.

Though the Native people in northern Manitoba and throughout the unceded portions of the Northwest Territories regularly proposed an opening of treaty negotiations, the government held back from committing further funds to Natives in non-agricultural districts. Quite simply, the federal government did not believe treaties were necessary in the north. Only when new developmental priorities turned commercial attentions northward or when southern political questions extended into the north did the government consider addressing the matter of aboriginal land title. The issues and priorities which convinced the federal government to offer treaties to the Natives on the Prairies, primarily to prepare the way for agricultural settlement, simply did not apply to northern regions.

The Department of Indian Affairs provided a ready justification for its reluctance to respond to Native requests for northern treaties. For the most part, Native people in the north remained hunters and trappers, continuing pursuits no longer economically viable in southern districts. In non-agricultural regions, there were few options to the harvesting lifestyle, and the government felt there was little likelihood of that situation changing in the immediate future. So long as economic conditions remained unaltered, the government continued to ignore Native requests for assistance. Only when non-Native developments threatened to upset the harvesting economy in the north would the government seek to sign a treaty with the Natives affected.

It was at this time that the second treaty process began -- a process in which the impetus for treaty negotiation came not from the Native people but as a result of government imperatives. Since the north had been assigned a low priority in the government's national development plans, this policy ensured that the requests of the

Native people for treaty negotiations would be regularly ignored. It meant, more specifically, that the federal government would set the agenda for the northern treaty process. This was the single major difference between the southern and northern treaty processes.

The federal government's reluctance to become involved in the formal arrangements with the Natives in the more northerly parts of Canada was based on a parsimonious approach to spending on Native matters and an assignment of low priority to the development of remote non-agricultural areas. These policies ensured that the treaty process would not be expanded northward until the turn of the century. The northward expansion of the process started in 1899 with the negotiation of Treaty Eight with the Native people in southern Mackenzie River valley, and continued through Treaties Nine (northern Ontario) in 1905, Ten (northern Saskatchewan) in 1906, and Eleven (northern Mackenzie River Valley) in 1921. In 1908, after a treaty had been signed with the Native people of the adjacent part of northern Saskatchewan, the government logically decided to extend treaty coverage to northern Manitoba, the only part of the Prairie provinces not yet covered by treaty.

Treaty Five, therefore, had its roots in two separate treaty processes, one influenced significantly by the Native people, the other implemented by and serving the interests of the federal government. The description of this treaty must take into account the different forces which influenced its genesis; it must also explain how the timing of the original treaty and the subsequent adhesion to it reflected the changing relations between the Native people and the federal government. This particular treaty is unique in the western treaty process, for it straddles the two separate periods in treaty negotiations in the region and combines very clearly the different influences, attitudes and expectations of the Native people and the government.

Notes

1. On the Proclamation of 1763 see Jack Stagg, *Anglo-Indian Relations in North America to 1763 and an Analysis of the Royal Proclamation of 7 October 1763* (Ottawa: Research Branch, Indian and Northern Affairs Canada, 1981). For a discussion of the history of aboriginal land title in Canada, see W.R. Morrison, *A Survey of the History and Claims of the Native People of Northern Canada* (Ottawa: Treaties and Historical Research Centre, 1984).
2. Quoted in Thomas Flanagan, *Riel and the Rebellion: 1885 Reconsidered* (Saskatoon: Western Producer Prairie Books, 1984), p. 78.
3. D. N. Sprague, "The Manitoba Land Question, 1869-1892," *Journal of Canadian Studies* (Fall 1980).
4. John Tobias, "Canada's subjugation of the Plains Cree, 1879-1885," *Canadian Historical Review*, 1983, p. 521.
5. *Ibid.*; for a description of the early treaty negotiations, see W. Dougherty, *Treaty Research Report: Treaty One and Treaty Two* (Ottawa: Treaties and Historical Research Centre, 1983).

BACKGROUND TO NEGOTIATIONS

The impetus for Treaty Five was twofold: it lay with the Native people's desire to be covered by the agreement offered to other aboriginal peoples, and with the government's desire to open up a new area for future development. Initial plans called for the inhabitants of the Lake Winnipeg area to be included under either Treaty One or Treaty Two, but the extensive travels required to reach either the Stone Fort or Manitoba House made such an arrangement impractical. It did not, however, mean that the Native people of the Berens River and other districts were uninterested in the treaties.

Through their missionary, the Reverend E.R. Young of the Wesleyan Methodist Church, they informed the government that they had waited in 1873 for the treaty commissioner to come as promised, facing considerable hardship as local food resources quickly dwindled. Although Young noted they "were somewhat soured in the minds and think they have not been dealt with in that straightforward manner which they expect from the Great Men who carry out the wishes of their Great Mother across the waters," they were still acutely interested in being brought under treaty.¹ The Native people living at Berens River later indicated their desire to receive "the same amount of Treaty money as had been given to the other Indians around us" and submitted a lengthy list of construction tools they wanted the government to supply.²

Alexander Morris, Lieutenant-Governor of Manitoba, the North-West Territories and Kee-wa-tin, agreed with the Native people's requests, believing that such an accord could serve the interests of the government. He felt that Lake Winnipeg would continue as an important transportation route to the west, particularly as steamers were replacing York boats. He believed that a treaty would accomplish two laudable goals: it would free the lake for navigation and would also open the shore of Lake Winnipeg to settlement.³ He recommended that treaty negotiations be scheduled for the following season.

Before the official party could be dispatched, the Indians of Norway House injected a further element into the discussion. The Norway House band, some eight hundred people, petitioned the government for special and immediate attention to their plight. They were a Christian community that wished, as their spokesman put it, “to escape from starvation and cannibalism and to adopt the means employed by the white man to preserve life, by disturbing the soil and raising food out of the ground.” The problem was that the land at Norway House was unsuitable for agriculture, and thus the Indians requested help in relocating to a better place, preferably Grassy Narrows on the shores of Lake Winnipeg, or to the Saskatchewan District.⁴

Directed initially to the editor of the *Manitoba Free Press*, the petition was forwarded by Chief Henry Prince (Mis-Koo-Ke-New), formerly of Norway House, to the Council of the North-west Territories⁵ for further consideration. The Native people at Norway House had previously found seasonal work on the Hudson’s Bay Company vessels, but changes to the Company’s supply system had undermined their position. The introduction of steam service along the Red River had allowed the company to all but abandon the York Factory-Norway House route for supplying the interior trade. Now supplies were gathered at the central Winnipeg depot and then shipped north and west, across Lake Winnipeg, by steamer. The change threw almost 200 men at Norway House out of work and thoroughly disrupted the local economy. Now unemployed, and living in an area where neither the fur trade nor agriculture was viable, the Native people were truly facing hardship.

Their professed willingness to relocate, rather unusual for northern Natives, and their support for the missionaries provided the government with a welcome solution. Morris had requested only a few months earlier permission to bring the inhabitants of Berens River under treaty; he now amended that request to include the people of Norway House.⁶ Other government officials concurred, though one noted that “[t]he occasion might also be turned to valuable account in obtaining a surrender of the remaining country, East of Lake Winnipeg to the Height of the Land and Northerly, say, to a line due East from foot of Play Green Lake.”⁷ Such opportunities were not to be missed,

particularly by a government suddenly anxious to put the question of aboriginal title in the settlement belt quickly to rest.

The initial plans called for only a modest undertaking. In accepting Morris' general point, David Laird, the Minister of the Interior, suggested the Berens River band sign an adherence to Treaty One.⁸ Morris disagreed with this more modest proposal. The expansion of steam travel, signs of mineral discovery, the advent of lumbering, and the proposed migration of the Norway House band demanded a larger agreement. It was crucial, he wrote, "that arrangements should be affected with the Indians on Lake Winnipeg for the surrender of the Territory uncovered by previous Treaties."⁹ He expected that fewer than 200 families would be included in this new accord. Laird accepted the revised proposal and asked for formal permission to send Lieutenant Governor Morris and James McKay, a member of the Executive Council of Manitoba and advisor to Governor Archibald on the negotiation of Treaties One and Two, to meet with the Native bands involved.¹⁰

Notes

1. Public Archives of Canada (PAC), Record Group (RG) 10, vol. 3609, file 3230, E.R. Young to Lieutenant Governor of Manitoba, 18 March 1874.
2. Sow-Na-Nas (South Wind) to Lieutenant Governor, 7 April 1875, Indian and Northern Affairs Canada (INAC), file 1/1-11-2.
3. *Ibid.*, Morris to Minister of the Interior, 6 April 1874.
4. PAC, RG10, vol. 3613, file 4060, David Randal to Editor of the Manitoba *Free Press*, 22 February 1875.
5. The spelling "Northwest" was adopted in 1905.
6. PAC, RG 10, Vol. 3613, file 4060, Morris to Secretary of State, 25 March 1875. For further elaboration on the plight of the Norway House natives, see *Ibid.*, Ruttan to Morris, 6 April 1875.
7. *Ibid.*, Memo to Dennis, 12 May 1875.
8. IAND, file 1/1-11-2, Laird to Morris, 11 May 1875.
9. *Ibid.*, Morris to Minister of the Interior, 31 May 1875.
10. *Ibid.*, Laird Memorandum, 2 July 1875.

INSTRUCTIONS ISSUED TO TREATY COMMISSIONERS

Formal acceptance of the Morris-Laird proposal came quickly. The federal cabinet agreed on 2 July 1875 that a treaty be signed with Native people in the area

lying North of the Territories included in Treaties nos. 3, 2 and 4 and South of a line running from the North West point of Treaty No. 3 North Easterly to Jack Lake, then following the Jack River and including the Play Green Lake, thence, Westerly, to Moose Lake; thence Southerly to Red Deer Lake, it being understood that in all cases where Lakes form the Treaty limits, ten Miles from the shore of the Lake should be included in the Treaty and that the Treaty shall expressly cover all Islands either in Lake Winnipeg or in any other Lake included in the Territory.¹

Under Treaty Five, each family of five received 160 acres, subject to the government's right to sell or lease reserve lands (with the Indians' consent) and to appropriate reserve lands for government purposes (subject to compensation). The government undertook to maintain schools on reserves as it found necessary. The Native people retained the right to hunt, fish and trap on lands covered by the treaty, subject to unspecified regulations, except on lands needed for mining, lumbering, or settlement. The government promised to control the liquor traffic. Annuities were to be paid: five dollars per person, fifteen dollars per headman, and twenty-five dollars per chief. Five hundred dollars was to be given annually for ammunition and twine. Chiefs and headmen were to be provided with clothing every three years. A one-time presentation of five hundred dollars per head and farm stock, tools, equipment, flags and medals was to be made.

But this treaty would not be like the ones negotiated over the previous four years. The earlier treaties had secured title to land in the agricultural belt, and thus were central to the government's plans for western settlement. Although the government accepted Morris's argument that the Lake Winnipeg region would, in the short term at least, play an important role, they knew the area had only limited agricultural potential. The Native people living in what would become Treaty Five were not to be dealt with as generously as those on the plains. Laird told Morris that

in view of the comparatively small area of the Territory proposed to be ceded and of the fact that it is not required by the Dominion Government for immediate use either for railroad or other public purposes, it is hoped that it will not be found necessary to give the Indians either as present or as annuity a larger amount than five dollars, the amount secured to the Indians of Treaties Nos. 1 and 2 under the recent arrangements.²

He did not mention that the treaty-signing gratuities for the people of Treaties Three and Four were twelve dollars each. More importantly, Morris was directed to offer only 160 acres of land to each family, one quarter the allotment granted to the members of Treaties Three and Four, but equal to the grants given under Treaties One and Two. There was one additional provision of note. In the interest of speed, and to satisfy Native requests that reserves be assigned quickly, Laird instructed Morris that “it is very important that the reserves should if possible be selected this year, after the treaty is concluded, and not postponed, as had been practice heretofore to the following year.” Speed was obviously the top priority.

Morris and McKay had received their official appointments. The federal government had forwarded \$5,000 for the use of the treaty party, and plans were underway to visit the Lake Winnipeg bands that year to secure their acceptance of the treaty. It is clear that the Native people in the Berens River and Norway House regions, and possibly others in the area as well, wanted to be included under treaty and wanted benefits and payments similar to those received by their neighbours. It is also evident that the government took this initial expression of interest (or, in the case of the Norway House band, desperation) and adapted Native requests to suit government’s needs.

Rather than a simple and limited adhesion which would have satisfied the Native groups involved, Laird and Morris decided to proceed with a broader treaty, securing for the government title to all the land surrounding Lake Winnipeg. The northern reaches of the territory were ignored, as the government could see little immediate or even long-term benefit to itself in assuming any obligation in that district.

NEGOTIATING THE TREATY: TREATY TERMS

Because the general conditions for Treaty Five had been set by Laird and Morris before actual negotiations began, it was evident that the Native people would have little actual input into the treaty itself. Nonetheless, the treaty commissioners would go through an elaborate procedure of explaining the terms, asking for Native suggestions, and securing their acceptance of the package. But there were, in fact, few substantive negotiations; such matters as the election of the chief and the selection of the reserve sites were the only ones about which the Native people had much choice.

Treaty Commissioners Morris and McKay left Fort Garry aboard the Hudson's Bay Company steamer *Colville* on 17 September 1875. They proceeded to Berens River where, in short order, they secured that band's acceptance of the treaty terms. From there, they quickly pushed on to Norway House where many people had earlier expressed a desire to move south and establish an agricultural colony. When the treaty was signed there, the commissioners agreed that any who left the original settlement would receive a reserve at their new location. A number of them subsequently moved to Fisher River.

The treaty party was then pushed on to Grand Rapids on the Saskatchewan River. Morris and McKay recognized that a strict adherence to the treaty boundaries would leave the band at The Pas, or Wahpahpuha, outside Treaty Five, where logic demanded they be included. The boundaries of the treaty were accordingly stretched to include this group. Although the treaty was signed at Grand Rapids, some business was left unfinished. The Native people there lived at the bottom of the Grand Rapids tramway, a site important to the future transportation developments in the area. The commissioners invited the inhabitants to accept a new reserve across the river. The people agreed, subject to the payment of \$500, a codicil the commissioners tentatively accepted, with the money to be paid the following year. This done, the treaty party returned to Winnipeg.³

Morris immediately recognized that the work was incomplete. A number of bands had not yet signed the treaty and further negotiation remained regarding the selection of

several reserve sites. Morris was accordingly directed in 1876 to continue the work started the previous year. He assigned the task to Thomas Howard and J. Lestock Reid. In the summer of 1876, they were to pay annuities to bands already treated with and to meet with the Native people at Dog Head Point, on the islands of Lake Winnipeg, at the rapids on Berens River, and at The Pas. They were instructed to ensure that reserve allotments at The Pas did not interfere with any possible transportation developments. They were also directed to pay the outstanding debt of \$500 to the band at Grand Rapids. The matter of the Norway House band remained unresolved, and the treaty commissioners were requested to ascertain their plans.

Because the Howard and Reid party was the second Treaty Five negotiating team, it was expected they would come across a number of Native people who, though eligible for annuities the previous year, had not received them. Morris told them that “in the case of new adhesions to the Treaty, which are in fact new Treaties, only \$5.00 is to be paid, but persons belonging to Bands treated with last year are to receive last year’s payments if then absent if necessary.”⁴

The two men travelled together to Dog Head Point where they met members of the Dog Head, Blood Vein River, Big Island, Jack-Fish Head, and Sandy Bar bands. After protracted but ultimately successful negotiations, the commissioners continued to Berens River where they paid annuities to the Berens River band and explained the treaty to the people from the Grand Rapids of Berens Rivers. At this point, Howard and Reid headed off in different directions. Howard continued to Grand Rapids where he concluded negotiations with the Grand Rapids band. He then travelled to The Pas, where The Pas, Moose Lake and Cumberland bands all accepted the treaty. Lestock Reid left Berens River for Norway House, where he provided annuities for that band and the one at Cross Lake. While there, he was visited by a delegation from Oxford House, which asked to be included in the treaty as “the country in which they were living was totally unfit for cultivation, and that they had the greatest difficulty in procuring a livelihood.” Having completed his work, Reid returned to Winnipeg.⁵

The combined efforts of Morris, McKay, Howard and Reid had resulted in the acceptance of Treaty Five by most of the Native bands inhabiting the initial boundaries of the treaty. In 1878, for example, the Black River band from the east shore of Lake Winnipeg formally accepted the treaty.⁶ Many individuals had not been party to the negotiations, having been away fishing, hunting or working for the Hudson's Bay Company when the treaty commissioners passed through. They were bound, however, by the agreement of their band.

The apparent ease of the 1875 and 1876 treaty negotiations masked the internal disruptions and difficulties the treaty had caused. The discussions themselves created an immediate problem, for the treaty commissioners would deal only with a properly elected chief. Where there were large, isolated and stable communities, this condition did not impose much difficulty, as quick election ratified the authority of one or other of the band's leading men. In other instances, several bands were thrown together for the purposes of negotiations. At Berens River in 1876, Howard and Reid convinced the Grand Rapids band to accept the leadership of the Berens River chief. Their leader was appointed as one of the chief's councillors. The benefit to the government was obvious; it did not have to pay the extra annuities owing to an additional chief and set of councillors. For the Indians, what appeared to be a short-term arrangement challenged the structure of local leadership.

The Native people usually recognized the negative implications of the government's plan. In 1875, a man named Thickfoot, after discussions with Alexander Morris, had accepted the terms of Treaty Five on behalf of some of the Island people. The treaty commissioner asked him to notify other Native peoples that the treaty party would return the following year. Trouble appeared when the five bands assembled at Dog Head Point. Thickfoot, who believed that his acceptance of the treaty the previous year had made him chief, now reported that the other bands "threatened him with violence for saying he was to be Chief." Lengthy negotiations continued over two days. Thickfoot refused to participate unless he was assured of being chief. Another leading man, Katak-e-pin-ois of the Island Band, made a similar demand.

The deadlock was broken when the treaty commissioners proposed, through the Reverend Henry Cockrane, "that from each band other than the one from which the chief was chosen, a Councillor would have to be taken." This apparently satisfied Thickfoot, who seemed assured of his place as the principal man of his band, but a raucous debate soon demonstrated that no easy consensus was possible. Cockrane again visited the Native forum, suggesting that a ballot be used to settle the affair. Several ballots were still required before Sa-ha-cha-way-ass of the Blood Vein River band was selected chief. It was an artificial designation, fittingly bestowed through an equally artificial "democratic" process. However, the extra income and prestige that accompanied the post, symbolized in the medal which was held only by the chief, soon gave it greater authority. The net result of this episode, and others like it, was that the treaty process had imposed a new and alien form of leadership upon the bands of Treaty Five, one eminently satisfactory to the federal government but of questionable validity by Native standards.⁷

There were other problems as well. It was difficult to get the Norway House band to identify a reserve site. A number of the band members, including the chief, were planning to move on to an agricultural settlement further south and were, therefore, indifferent to the location of the northern reserve. Selecting a suitable site proved difficult. Duncan Sinclair, a Dominion Land Surveyor, wrote in 1877:

As to the reserve of this place I hardly know what will yet be done. There seems to be nothing but rocks and muskeg around this place. Altho I had an interview with the Chiefs on Thursday, in reference to the location of their reserve they have not yet come to a decision on it yet. The friends of the Indians think that there is no use for them to take a reserve here.⁸

When Thomas Howard reached Grand Rapids, he found another imbroglio swirling about him. The Chief informed Howard that he and his band believed that the previous year's negotiations with Lieutenant Governor Morris had been only preliminary to the signing of an accord. They fully expected to be treated with in 1876, and they placed on the table a number of demands described by Howard only as "most unreasonable."

The treaty commissioner was, of course, not empowered to re-open talks, and so informed the Native leaders. Only after considerable discussion could he get them to agree that a treaty already existed. That proved to be only the first of his troubles.

The previous year, Morris had convinced the Native people to surrender their settlement, believing that it made a natural town site which should be reserved for non-Native settlers. They had reluctantly agreed, but only after Morris promised \$500 by way of compensation. In 1876, Howard came with the money. They had left as requested, but now quarrelled over the division of the cash. Negotiations on this score proved troublesome and, to Howard, tiresome. As he reflected later on his experience with the Grand Rapids band, he wrote, "Care must be taken and strict watch kept over this band. Living as they do on the bank of a navigable river, where people are constantly passing, they can give great trouble and annoyance, and, I am sorry to say, are inclined to do so."⁹

The difficulties at Grand Rapids and at The Pas, where the Native leaders asked for a new treaty rather than an adhesion to Treaty Five, were likely due to the recent signing of Treaty Six at Fort Carleton. There the Native signatories received a more generous land allotment - 640 acres instead of the 160 acres per family granted under Treaty Five - and more generous provisions for agricultural implements. Familiar with the earlier accord to the west, the people gathered at The Pas were understandably perplexed as to why federal generosity did not extend in equal portions to their area. Howard "at last made them understand the difference between their position and the Plains Indians, by pointing out that the land they would surrender would be useless to the Queen, while what the Plains Indians would give up would be of value to her for homes for her white children."¹⁰ The government's priorities were again strikingly clear; the non-agricultural lands of the north were of little concern in the national plans. The Native people could, therefore, expect only meagre generosity at treaty time.

The first phase of Treaty Five was now complete. An early enumeration claimed that there were some 2500 Native people covered by the 1875 and 1876 negotiations,

although Native organizations later claimed that many people had been missed in the drafting of the early annuity lists. Considerable work, and no little controversy lay ahead as the Native leaders and government officials turned the paper trails of the treaty commissioners into a workable administrative system.

Notes

- ¹ *Ibid.*, Laird Memorandum to the Privy Council, 2 July 1875.
- ² *Ibid.*, Laird to Morris, 10 August 1875.
- ³ Alexander Morris, *The Treaties of Canada With The Indians* (Toronto, 1880; reprinted Toronto: Coles Publishing Co., 1971), pp. 143-67.
- ⁴ PAC, RG 10, vol. 3635, file 6587, Morris to Howard and Reid, 14 July 1876.
- ⁵ Morris, *The Treaties of Canada*, pp. 152-67.
- ⁶ IAND, 1/1-11-2, James Graham to Minister of the Interior, 13 April 1878. For the formal agreement signed by James Bird, Joseph Sayer and John Sayer on behalf of the Black River band, see PAC, RG10, vol. 3657, file 9340, Agreement, 7 September 1878.
- ⁷ Morris, *The Treaties of Canada*, pp. 154-56.
- ⁸ PAC, RG 10, vol. 3650, file 8474, Sinclair to Lieut. Col. Dennis, 25 August 1877.
- ⁹ Morris, *The Treaties of Canada*, p. 160.
- ¹⁰ *Ibid.*, p. 162.

EARLY ADMINISTRATION OF TREATY FIVE

The haste and urgency with which the treaty commissioners negotiated Treaty Five left a great deal of room for misunderstanding. After 1876, there were numerous disputes over the location and size of reserves, the chiefs selected, and the payment of treaty promises. The problems also raised some serious questions as to how much the Native people understood the entire treaty process. The reaction of the Grand Rapids band when Howard visited in 1876 proved to be symptomatic of a much broader problem. The Native people repeatedly complained that the government was not honouring its commitments; the federal agents responded that the Natives simply did not understand the finer points of the legal accord. Duncan Sinclair, the Dominion Land Surveyor sent to survey a number of the Treaty Five reserves, provided an excellent commentary on the problem, albeit permeated with the paternalism of nineteenth century bureaucracy. "Great allowance is to be made," he wrote, "for the poor creatures because they have very dark ideas of our language and only slowly comprehend our bargains with them no matter how clearly we explain matters to them."¹

The two central problems involved reserves and band divisions. Agreements had been reached on these matters during the negotiation process, but in the years following it became abundantly clear that revisions were necessary. The pressure for change did not come from the government, for the numerous demands for new reserves, the honouring of treaty promises, and formal division of bands meant greater expenditure of time and money on the government's part.

The assignment of reserves did not begin in earnest until 1877, when nine reserves were surveyed.² The Native people very quickly recognized that some of the divisions and band unions agreed to during the negotiations were not practical. A number of groups petitioned the government for smaller reserves that reflected more precisely band distribution and allegiance. The Deputy Minister of the Interior counselled caution: "It is not desirable of course that the Indians should be encouraged to break up into too many small bands but the extent to which this should be allowed must be determined

by the circumstances of each case.”³

The problem was particularly evident in the struggles of members of the Moose Lake band living at Che,mse,wo,wur for an independent reserve. The government had intended to place them under the Cumberland House band, but the Natives complained that they were being pressured to relocate. They asked for a reserve at a place they had inhabited for many years, claiming that “they are unwilling to leave these improvement and homes, for another point, where Captain Howard...had endeavoured to drive them to, and that the Indian Agent last year had gone past them & would not consent to pay them their Treaty money nor give them anything whatever, unless they would quit to the said place.”⁴ The government held a powerful bargaining tool with their annuities and treaty supplies, especially given the hardships being felt by the Native people, but the inhabitants refused to move. In this instance, the government partially conceded the point, establishing a separate reserve but not establishing the group as an independent band.⁵

The Norway House situation was even more confusing. The desire of many band members to move to the more promising farmlands at Fisher River was often cited as a major reason for the negotiation of Treaty Five. A number did leave after 1876, but several problems were left in the wake of the movement. The two branches of the original band were left together, leading the remaining Norway House residents to petition in 1880 for status as a separate bands.⁶ The proposal would, of course, require the government to pay the higher annuities for a new chief and two councillors. The Deputy Superintendent General of Indian Affairs had an predictable response to the untenable situation:

But inasmuch as there was not provision made in the Treaty for paying an extra Chief and extra Councillors, it would not seem competent for the Department to authorize the payment of salaries to them as much, but there would , as far as I see, be no objection whatever to a recommendation... that the Indians at Norway House be allowed to elect a Chief an Councillors on the understanding, however, that they are not to receive salaries as such from the Government.⁷

The government's unwavering determination to limit its financial obligations was evident at almost every turn. The band at The Pas complained repeatedly about the failure of the Department of Indian Affairs to honour its treaty promises. They complained in 1879 that "they have been ill-treated and neglected and have received very little distribution in anything whatever."⁸ An internal investigation confirmed the Native people's complaints and led, belatedly, to the provision of the implements, seed and cattle promised in the 1875-1876 negotiations.⁹

Reserves remained the major point of contention through the early years of Treaty Five. Band after band requested either an addition to an existing reserve or the allocation of a new parcel of land. The Norway House band, for example, appealed in 1901 for additional arable land. They reminded the government that "when this reserve was set apart our Fathers and Brethren were hunters and fishermen and did not at the time think or sufficiently forecast the future to secure for us their children and descendants a sufficiency of arable lands. We who are now living have learned that we must till the land and in this way secure to ourselves and people a living."¹⁰ The local Indian agent concurred with the request, although the fact the Native people had not raised the point during a recent meeting made him wonder if it was "not an outside affair thrust upon them." The switch of the unusable land of the existing reserve for a better plot was encouraged because it presented "social, educational and religious advantages not at present enjoyed."¹¹

A number of bands requested alterations in the boundaries or locations of their reserves. The rapidly changing economy of the Lake Winnipeg region brought many new forces to bear on the Native population. Expansion in the transportation industry, the start of commercial fishing on the lake, and a growing number of lumbering operations forced the Native people either to protect their existing reserves or to ask for different locations which promised better access to the new opportunities. When lumbermen began working near the homes of the Island band, the residents petitioned for an immediate survey of their reserve in order to protect their lands from encroachment.¹² The government generally responded to these appeals expeditiously,

hoping to forestall potential conflicts between the Native people and the growing number of non-Natives active in the area. Since the newcomers were threatening the harvesting resources usually exploited by the Native people, the concern was not unreasonable.¹³

By the turn of the century, a number of bands had secured improvements or changes to their reserves.¹⁴ The Cumberland band went so far as to vacate their original grant.

A. McKay, the Indian agent, reported in 1881 that:

The rapid failure of the fisheries and hunt in this part of the Treaty is alarming these Indians and compelling them to leave their old hunting grounds. They assert that unless the Department allow[s] them to go to better farming land, they will be obliged to look to the Government for food in the future, as it is impossible to make a living by farming where they are at present.¹⁵

The Cumberland band appealed annually for a change, asking for permission to relocate to Fort a la Corne, even though that post lay within the boundaries of Treaty Six. The Department of Indian Affairs resisted the attempt to shift across treaty boundaries, forgetting (as historian S. Raby pointed out) that the lands in the Pas district lay outside the territory originally set aside for Treaty Five.¹⁶ The government finally concurred, and in 1887 a new reserve was surveyed for the band at the requested site.¹⁷

The land reallocations until the turn of the century were almost always at the Native people's request. In a few instances, as at Grand Rapids in 1876, lands the Native people preferred were withheld pending future non-Native development, but most of the changes came following band requests. The situation shifted dramatically after the turn of the century when plans emerged for a railway linking the southern plains with a proposed port on Hudson Bay.

The Pas band bore the brunt of the new priorities. The Canadian Northern Railway Company expressed concern that protracted negotiations over railway rights-of-way across reserves could slow construction.¹⁸ There was a great deal at stake for the band

at The Pas, for the reserve land was wanted for both a railway easement and a townsite. The plans were tentative at first, as it seemed that only minimal development would follow the railway. Arrangements were concluded in 1906 for the sale of a parcel of reserve land as a townsite, although questions of compensation were left hanging for quite some time.¹⁹ Five hundred acres were removed from the reserve at that time, and the government set aside \$1,500 to pay the Native people for improvements they had made on it.²⁰

When construction of the railway actually began, the situation changed very rapidly. By early 1912, the village of The Pas had some 2500 people and an additional five to six thousand construction workers were expected that summer. The Department of Indian Affairs was greatly concerned about the possible ramifications of this invasion. One official commented, "You can realize that that class of people do a great deal to demoralize the Indians, and I think it would be very much to the interest of the Indians to try and obtain a surrender from them, and move them further away from the temptations that are incidental to close proximity with a town of that kind." Action was recommended immediately, "before these poor people get debauched and demoralized."²¹ The proposal was in keeping with longstanding government policy of keeping Native people away from such centres. By moving quickly, it was hoped to avoid "a duplication of what has [happened] at St. Peters where those once fine people have gradually been debauched till now a majority of them are as bad as bad can be physically, morally and mentally."²²

It was immediately proposed that the Indians be induced to sell their reserve and take up new land away from the railway. The official on site hoped that an offer of twenty-five percent of the estimated value of the land would induce the Native people to sell. The band had surrendered 500 acres earlier without much compensation and were understandably wary that they would be cheated in this instance. "Without a substantial cash payment it will be useless to talk to those Indians," an agent noted, "as they know the already inflated price of the lands they surrendered and are inclined to think that they were not fairly treated last time. Of course they will spend foolishly some of their

money, but it is theirs to spend and will give them some pleasure anyway. They can be induced to buy some Galloway cattle and ponies to take back to the Reserve.”²³

However, the plan did not proceed and the reserve near the town site remained intact. Government officials lamented the failure to proceed and over the next years commented on the increasing immorality of The Pas band.²⁴ From time to time government officials again raised the question of removing the Indians from the townsite, but action was never taken.

The episode involving the right-of-way through the reserve at The Pas demonstrated the much different approach to Native-held lands when they were coveted by non-Native developers. The government had the legal resources to impose its will on the Native people, since it had the right of guardianship, but it preferred to convince them to move without formal coercion. Five hundred acres had been lost to a government-owned townsite,²⁵ but the attempt to repeat the procedure in 1912 failed. That the matter was even raised shows the government’s determination to keep the Native people away from non-Native settlements whenever possible and its willingness to relocate the Natives with minimal consultation if such a move conformed to some larger official purpose.

Most of the problem facing the chiefs, councillors and Indian agents of Treaty Five were far removed from the controversies at The Pas. Disputes generally concerned incomplete or incorrect band lists, the provision of schools, challenges to the leadership of several chiefs, battles over government promises, complaints involving transferred memberships, and problems encountered when husbands deserted wives and families. The economic turmoil around the turn of the century, especially the rapid rise and subsequent collapse of the commercial fishery and the gradual expansion of the timber industry, disrupted the Native people’s way of life, although the changes also provided new opportunities that many Native people successfully exploited.

Thus, the increased activity seemed to justify the government’s original decision to proceed with Treaty Five in 1875-1876, for the allocation of reserves and the alienation

of aboriginal title had freed some 260,000 square kilometres for development. The Native people got, in the main, what they had asked for in the months leading up to the treaty negotiations. The annuities were paid each year, and the tools, implements and other supplies promised under the treaty were provided, although often only after lengthy delays. The main thrust of western settlement had, as anticipated, passed the region by. The Treaty Five area would not see the massive influx of agricultural settlers that fell on the Prairies. The region would also not witness the stunning decline of harvestable resources, especially fish and game, which had so savagely disrupted Native life on the plains. These conditions ensured that the Native people would place few demands on the government's table. The government thus felt little compulsion to interfere significantly with the lifestyle of the people of Treaty Five.

Although this treaty had originated with the push to extinguish aboriginal title to the agricultural land of the Prairies, it had quickly taken on the administrative aspect of a northern treaty in which the government left the region and its inhabitants more or less alone and tried to limit its financial obligations until the prospect of non-Native development seemed to justify a greater level of activity. This approach to treaty policy seemed even more logical to the government when after the turn of the century large new tracts of land to the north were incorporated into Treaty Five.

Notes

¹. PAC, RG10, vol. 3737, file 27846, Duncan Sinclair to E. McColl, Inspector of Indian Agencies, 14 April 1886.

². Department of Indian Affairs, *Annual Report, 1877*, p. 16.

³. PAC, RG10, vol. 3677, file 11,528, E.A. Meredith, Deputy Minister of the Interior to J.A.N. Provencher, Acting Indian Superintendent, 6 July 1877.

⁴. PAC, RG 10, vol. 3693, file 14,421, Chief Henry Prince, *et al.*, to John A. Macdonald, July 1879.

⁵. PAC, RG10, vol. 3677, file 11,528, Deputy Supt. General of Indian Affairs to James Graham, Acting Indian Supt., 18 August 1879, and letter from Angus McKay, Indian Agent, 16 March 1880.

⁶. PAC, RG10, vol. 3677, file 11,528, Henry Budd to A. McKay, 1 June 1880.

7. PAC, RG10, vol. 3677, file 11,528, Vankoughnet to James Graham, Indian Superintendent, 22 January 1881.
8. PAC, RG10, vol. 3693, file 14,421, Henry Prince *et al.* to John A. Macdonald, 6 June 1879.
9. PAC, RG10, vol. 3700, file 17027, Extract from a letter from E. McColl, Inspector of Indians Affairs, 6 August 1879.
10. PAC, RG10, vol. 3564, file 82, pt. 27, Chief Alberta Sinclair to Clifford Sifton, August 1901.
11. PAC, RG10, vol. 3564, file 82, pt. 27, John Semmens to Secretary, Department of Indian Affairs, 12 October 1901.
12. PAC, RG10, vol. 3677, file 11,528, John Sinclair *et al.* to James Graham, 9 March 1882; PAC, RG10, vol. 3729, file 26,114, Extract from Annual Report of E. McColl, 25 November 1880. A similar situation led to the survey of the Moose Lake reserve in 1881. See Department of Indian Affairs, *Annual Report, 1881*, p. 102.
13. For a description of evolving economic patterns in the Lake Winnipeg region, see Frank Tough, "Changes to the Native Economy of Northern Manitoba in the Post-Treaty Period: 1870-1900," *Native Studies Review*, 1984, No. 1.
14. For a detailed description of the difficulties concerning reserve site location in The Pas district, see S. Raby, "Indian Treaty No. 5 and The Pas Agency, Saskatchewan, N.W.T.," *Saskatchewan History*, August 1972, No. 3, pp. 92-114.
15. PAC, RG10, vol. 3767, file 333153, Extract from MacKay's Annual Report, 6 September 1881.
16. S. Raby, "Indian Treaty No. 5."
17. Department of Indian Affairs, *Annual Report, 1882*, p. 47; *AR, 1883*, p. 143; *AR 1884*, pp. xii, 127; *AR, 1885*, pp. xxxvii, 133; *AR 1887*, pp. 274-275, 281.
18. PAC, RG10, vol. 3561, file 81, pt. 31, Asst. Indian Commissioner to Secretary, Department of Indian Affairs, 4 July, 1905.
19. PAC, RG10, vol. 3561, file 81, pt. 31, Marlatt to Laird, 31 May 1906; Marlatt to Laird, 29 June 1906.
20. PAC, RG10, vol. 3561, file 81, pt. 31, Marlatt to Laird, 26 Sept. 1906.
21. PAC, RG10, vol. 4064, file 407,313, Campbell to Secretary, Department of Interior, 21 March 1912.
22. PAC, RG10, vol. 4064, file 407,313, Letter to Robert Rogers, Minister of the Interior, 22 May 1912.
23. *Ibid.*
24. PAC, RG10, vol. 4064, file 407,313, Glen Campbell to Secretary, Department of Indian Affairs, 19 July 1913 and Duncan Scott to W.R. Taylor, 22 July 1916. For a less negative view of the situation, see *ibid.*, Taylor to Duncan Scott, 5 August 1916.
25. The government had trouble selling the land taken in 1906. In 1912, some two-thirds remained unsold. PAC, RG10, vol. 4063, file 406,698, David Clapp to J.D. McLean, 9 December.

NORTHERN ADHESIONS TO TREATY FIVE

As early as 1876, the band at Oxford House petitioned the federal government, asking for inclusion in Treaty Five. Much like other Native people in the non-agricultural regions of the west, they knew the financial benefits of being taken under treaty and, although perhaps not always aware of the significance of the territorial surrenders involved, they approached the government in hopes of being offered a treaty or being included under an existing accord. At the time, however, the government was reluctant to assume any additional legal and financial obligations in the north. As Frank Pedley, Deputy Superintendent General of the Department of Indian Affairs, said in 1906, “ I think we should have a definite policy that the (northern) aborigines . . . should not be brought into treaty but that Indian Affairs should be administered in that far northern country as the needs of the case suggest.”¹ The fur trading districts of the northern Prairie provinces were well down on the government’s priority list; the only region that was more neglected was the land north of 60 degrees where the department foresaw little likelihood of significant non-Native development.²

Native bands elsewhere in the north soon learned that this official resistance could, given the right circumstances, disappear with surprising speed. The establishment of the new province of Saskatchewan in 1905, for example, provided the long-awaited impetus necessary to compel the government to offer a treaty to the Native people in the unceded parts of that province. Even more dramatically, the discovery of oil near Norman Wells in the Mackenzie River Valley during 1920 led directly to the rapid negotiation (or, as some contemporary Native groups would suggest, the imposition) of Treaty Eleven. When non-Native development seemed imminent or when new political realities demanded action, the federal government could and did move with considerable dispatch. Until such time, as the Native people living north of Treaty Five discovered, the government would pay little attention to requests for treaty discussions.

The impetus for a northward extension of Treaty Five lay in impending rather than actual developments. Politicians and developers had for years debated the merits of a

railway from the plains to Hudson Bay; two generations of prairie farmers had accepted the need for such a route as an article of faith, the only means of circumventing the much-hated Canadian Pacific Railway. From 1886 onwards, the federal government sought a company to build the railroad and by 1906 had issued charters to eight companies to undertake the project. However, none of the private companies was able to find enough financial backing to begin work, so in 1908 the federal government undertook the task, laying out a townsite at the terminus of Churchill that year. Construction was begun at The Pas in 1910.³

There was a second similar cause for concern among the Native people of the region. Negotiations to extend the boundaries of Manitoba had also gone on for many years. By 1907, surveyors were busy in the region north of Treaty Five, causing considerable dissension among the Native bands, who wondered what impact the new developments would have on their lives. The creation of Alberta and Saskatchewan, with northern boundaries set at the 60th parallel, provided a strong indication that Manitoba's borders would soon be recast in line with those of its neighbours. However, arguments with Ontario over the placement of the eastern border stalled a final decision and the matter was not finally resolved until 1912, when the federal Conservative government of Sir Robert Borden imposed the northern part of the present Manitoba-Ontario boundary.⁴

The treaties had not, of course, been constrained earlier by provincial boundaries. Since the first extension of Manitoba's boundaries in 1881, part of the Treaty Five territory had been in the province, while the rest remained as part of the North-west Territories. The federal government's priorities for treaty-making proceeded in two stages. The first, Treaties One to Seven, cleared the way for western settlement. The second, which started with Treaty Eight in 1899, saw the government abandon its longstanding determination not to offer treaties to the harvesting peoples of the northern forests. This was done in part to pave the way for anticipated non-Native development and in part because the government felt it could no longer ignore the Native people's often-repeated requests for a treaty.

By the turn of the century, the federal government had already extended numerous services to the non-treaty Natives of the middle north. Although its generosity was far from uniform, the Department of Indian Affairs was providing annual grants for schools, modest medical aid, and other supplies as the individual cases dictated.⁵ Going the additional step of providing a treaty no longer seemed as symbolic or expensive to the government as it had in the past.

There is little question that many of the Native people living north of Treaty Five desired a treaty. The Split Lake band sent a representative to meet with Indian Commissioner David Laird in 1905, and followed that initial discussion with another request the next year.⁶ The Split Lake request convinced the government to investigate the claims further. The band, it seemed, lived in the area formally covered by Treaty Five, but had never signed the treaty and hunted and trapped outside the treaty limits. It seemed logical simply to have them accept the terms of the initial agreement, but that suggestion carried certain problems. As the Secretary of the Department of Indian Affairs wrote, "When the time comes to admit these Indians to Treaty it would seem advisable to make a new Treaty with them; as an adhesion to Treaty No. 5 would entail a large expenditure for arrears of annuity unless it is specially stipulated in the adhesion that no arrears should be claimed or paid."⁷ The Reverend J. Semmens, Inspector of Indian Agencies, suggested that a treaty be offered to the Split Lake band. The government concurred, although also indicating that "the Department does not feel disposed to hurry matters."⁸

Semmens visited the bands north of Treaty Seven between July and September of 1907. He found the Native people almost unanimous in their desire for a treaty and quite concerned about impending developments in their area. At Nelson House, for example, the people expressed concern over the threat posed by the surveys for the Hudson Bay Railway. The chief, Semmens later wrote,

had looked over the matter in the light of his own interests and those of his band pretty carefully. He said that the coming of the road would interfere with the game upon which his people relied wholly. They were hunters and boatmen and

knew no other employment and anything affecting seriously the fur catch would hit them hard. Surely he said the Government would consider his welfare and if his occupation were interfered with would be willing to treat with him so no misunderstanding should arise and no friction result.⁹

At Split Lake, he informed the people that a treaty would be offered them the next year and “they expressed a willingness to adhere to the terms of Treaty No. 5 so as to be on an equal footing with their friends of Norway House and Cross Lake.” They went further, however, claiming that the government had promised to include them at the time of the initial treaty. Since they had not done so, the band felt they were owed full arrears in annuities back to 1876.¹⁰

Semmens continued to Norway House, Cross Lake and Fisher River where he was to enumerate the non-treaty Natives living on the reserves. He discovered more than 350 such people, mostly migrants from such northern centres as Oxford House, York Factory, Island Lake and Gods Lake. Almost without exception, they expressed their desire to be taken into treaty and to have a treaty extended to the people at their home settlements.

The final report of Semmens’ inspection recommended that an adhesion be offered to the Split Lake band and that the non-treaty Natives living within the treaty limits be accepted into treaty. Indian Commissioner David Laird agreed, although with the caveat that “those at Cross lake, Norway House, and Fisher River, living for some two or three years within the limits of said Treaty, should sign not only an adhesion to the Treaty, but also surrender their claim to all other lands in the North West Territories or Canada.”¹¹ This limited proposal initiated by the Split Lake band soon stimulated further government action.

The proposed adhesion with Split Lake raised the possibility of a broader effort to bring the Native people in unceded territory under treaty. The Deputy Superintendent General of Indian Affairs believed that the impending railway development justified immediate attention to the treaty requests of the northern peoples. It seemed, as well,

that “the term of Treaty No. 10 which was negotiated in 1906 and 1907 by Commissioners specially appointed are applicable to the whole of this territory, and I would, therefore, propose to extend the limits of Treaty No. 10 over the vast district between the Eastern boundary of Treaty No. 5 and the Eastern boundary of Treaty No. 9.” Since Treaty Ten had been specifically structured for a non-agricultural district, it seemed particularly appropriate for the area immediately to the east. The proposal called for the adhesion of individual bands only as specific needs dictated and had the added attraction of completing much of the department’s treaty work: “It may never be considered expedient to make treaties with the Indians of the Mackenzie River and the Arctic Circle, but pending a decision of that point, the territory proposed to be added to Treaty No. 10 would be the last in the Dominion to be included in a formal treaty.”¹²

It appeared that the plan had been set in motion. Inspector Semmens was to gain the adhesion of the bands at Split Lake and Nelson House to Treaty Ten, while adding the non-treaty Natives at Cross Lake, Norway House and Fisher River to Treaty Five. The following year, a treaty commissioner was to visit Churchill and York to secure their acceptance of Treaty Ten. The proposal forwarded by the Department of Indian Affairs’ accountant, D.C. Scott, was based on the idea that

the terms offered by this Treaty (10) are a little more liberal than those of Treaty Five. We are permitted to pay a gratuity of \$12.00 per capita. Under Treaty Five we can give no gratuity, and as the Split Lake Indians have been urging us for years to allow them to join treaty, it will require some additional inducement to get them to accept treaty without arrears of annuity.¹³

Extending treaty boundaries also raised questions about the eastern boundary.

Department official D.C. Scott commented that

When the boundary for the addition to the Province of Ontario is settled all the Indians within that Province should be allocated to Treaty No. 9, and the Indians between the new boundary and Treaty No. 5 should be brought under the last mentioned treaty ... I am informed by officers of the Geological Survey that there is no well defined height of land between the waters of the Hayes and Severn Rivers, and as before long the whole of this territory will be taken into Treaty, the limits need not necessarily follow a well defined natural boundary.¹⁴

The government seemed prepared to proceed with the extension of Treaty Ten into the region north of Treaty Five. There was some surprise, therefore, when Inspector Semmens was directed in 1908 to secure the adhesion of the Split Lake and Nelson House bands to Treaty Five. Scott's suggestion that Treaty 10 permitted a more generous settlement was met with a slight modification to the original treaty which allowed for the payment of a three dollar gratuity at the time of signing. It was expected that "the payment of this gratuity should extinguish all the past claims of these Indians, but if for any reason and after due consideration, you find it insufficient you may increase it by \$2.00 per head and pay the gratuity at the rate of \$5.00 but it is hoped and believed that you will be able to negotiate the adhesion for the gratuity mentioned in the Treaty. If you find it impossible to do so you should substitute the word "Five" for "Three" and initial the alteration." Semmens was also to travel to Cross Lake, Norway House and Fisher River to offer treaty to non-treaty people on the reserve.¹⁵

The first stage of the adhesion process was completed by Inspector Semmens between June and August of 1908. The help of local missionaries and Royal North-West Mounted Police officers in preparing the ground for negotiations plus Semmens' earlier work in explaining the government's intentions ensured that there were few stumbling blocks during the discussions.

As with the other northern treaties, there was in fact little to negotiate. In directing the treaty commissioner, the Department of Indian Affairs noted "[i]t is extremely important that no outside promises should be made during the negotiation of the Treaty."¹⁶ The chief at Split Lake did insist on the five dollar per person gratuity, which Semmens dutifully provided. At Norway House, the matter was not immediately raised and annuity payments commenced with a three dollar gratuity. The chief then interceded and requested the additional grant "to harmonize with the payment of Split Lake." Semmens refused, although he did promise to forward the band's appeal that "as a matter of grace ... the Department would grant the other two dollars in 1909." The treaty party stopped briefly at Norway House, Fisher River and Cross Lake, signing 319 people onto the treaty lists.¹⁷

Semmens was not finished for the year. A month after his return to his base at Stonewall, Manitoba, he received word that the department wanted him to travel to Gods Lake, Island Lake and Oxford House to tell the Native people that a treaty commissioner would visit with them the next year. Although the season was late and the trip extremely long and arduous, Semmens set out. He returned just over a month after he received his instructions. His hasty enumerations found more than 1250 people eligible for treaty in the three bands, which he promised would be visited the following summer.¹⁸ After years of reticence, the federal government had suddenly decided to proceed with the utmost haste. Semmens was instructed early in 1909 to proceed with plans for treaty negotiations with the Oxford House, Gods Lake and Island Lake bands the forthcoming July and August.¹⁹

But all had not gone as smoothly as it appeared. It was discovered the following year that Semmens had had the Split Lake band sign the adhesion form prepared for the Native people at Fisher River, Norway House and Cross Lake. There was an important difference in the two accords. The document prepared for the Split Lake band called for the cession of large territories, while the adhesion for the other bands involved no such transfer, focusing instead on bringing individuals under treaty.

The department was aghast at the error and at Semmens' failure to make changes in the document providing for the five dollar gratuity. Semmens claimed that the error originated in the clerk passing him the wrong document, although he did not explain how the mistake had passed unnoticed until the treaty papers reached Ottawa. The treaty commissioner assured J.D. McLean, Secretary of the Department of Indian Affairs, that the mistake was merely an administrative gaffe. As he wrote, "I read the treaty first and translated it thoroughly. I then read the proper adhesion and all said they understood and declared their willingness to sign. At that juncture the wrong paper must have been submitted. The Indians signing understood perfectly what they were doing and what they were accepting. There can be no doubt about that for many witnesses were present." Semmens offered to travel to Ottawa at his own expense to correct the error, although his explanation apparently satisfied his superiors. Semmens

returned to the north that summer, but his reports of the trip indicate that he did not even travel to Split Lake. It appears, therefore, that the matter was resolved internally.²⁰

The Native people did not protest the sudden interest in negotiations; the opposite was closer to the case. They were only too aware that the proposed Hudson Bay Railway would disrupt their lands and sought the official protection of a federal treaty. Hearing to their dismay that the Split Lake band had said they were uninterested in a treaty, the York Factory band wrote that “[w]e have been quietly waiting for years to be taken in as Treaty people & now that the Hudson Bay Railroad is coming down our way we hope that the Government will take us under their care. Our hunting lands will be ruined by the shriek of the Iron horse & we will be at a loss to know how to feed & clothe our little ones.”²¹

The Chipewyan Indians at Fort Churchill based their appeal for treaty on similar bases. When a government agent visited them in 1909 they told him that

they were making a fairly good living out of their country so far, but in view of the work that Government people were carrying on now in their country and what was likely to follow, they were afraid that changes would take place that would not be so good for them. They then asked what entering into Treaty meant for them. I told [them that] in the event of the Government taking them into Treaty, they would have due regard to their welfare and that they would receive a certain amount of help every year which would be a benefit to them.²²

These positions reflected the general attitude of the non-treaty Native people, who saw some hope and help in the treaty process, particularly given the disruption forecast to follow the construction of the railway to Hudson Bay.

Semmens travelled north in the summer of 1909 to secure the adhesions of the Oxford House, Gods Lake and Island Lake bands. The Treaty terms, including the option of accepting half-breed scrip, were carefully explained and, by all accounts, enthusiastically accepted. Band elections followed the treaty discussions, after which the treaty was formally signed. Semmens then distributed the five dollar gratuity

allocated under the adhesion and parcelled out the supplies he brought north. This time there seems to have been no attempt to get the Native people to accept a three dollar payment. Before Semmens left the south, it was suggested that he take 58 sacks of flour, 2800 pounds of bacon, 150 pounds of tea and 3 “caddies” of tobacco, which he was to distribute at the treaty signing ceremonies.²³

The only hitch in Semmens’ schedule occurred during the trip to Island Lake. The Sucker Lake band had earlier informed the federal government that they did not wish to be amalgamated for treaty purposes with the Island Lake band, but preferred a separate adhesion, accepted by their own chief and councillors, to be signed at Little Grand Rapids. They also requested a separate reserve at Reindeer Lake.²⁴

Representatives of the band were at Island Lake when Semmens arrived to explain the treaty, but they refused to sign. The treaty commissioner tried to get them to change their minds but, as Semmens later wrote, they “had given a promise to their Missionary Santmier that they would take this stand.” Semmens attributed their desire to be independent of Island Lake to “the fact that the Suckers and the Cranes cannot blend because of ancestor hatred and the people of Deer Lake East would prefer not to mix with the Cranes.” He could not, of course, allow the alteration without approval and “held out no promise of any sort to them and when I could not prevail upon them to come into Treaty I left them.”²⁵

Semmens was not the only agent of the Department of Indian Affairs active in the northward extension of Treaty Five that year. W. McLean also travelled to the area that year, primarily to meet with the recently-signed Indians at Split Lake and Nelson House and to ascertain the interest of the Indians at York Factory and Churchill in accepting an adhesion to Treaty Five. Although a number of small bands remained outside the treaty, gaining the acceptance of these two groups promised to more or less complete the adhesion process in the territories added to Treaty Five.²⁶

McLean soon discovered that the Native people had more to discuss than he had

perhaps expected. He hoped to pass through Split Lake very quickly on his way to Hudson Bay. But to his dismay, the chief declared that they had substantive questions held over from the previous year's treaty negotiations and did not wish to proceed too hastily with annuity payments. McLean was reluctant to upset his schedule and convinced the people to present their questions at once. Their queries dealt primarily with trapping, hunting and fishing rights, plus a request that a reserve be immediately allocated. McLean addressed their questions, apparently to their satisfaction, and the paying officer was able to proceed with annuity payments as planned.

He encountered a more serious protest at Nelson House. When Semmens had signed the treaty with this band the previous year, he had secured their acceptance of a three dollar gratuity, rather than the five dollar maximum he was authorized to grant if it was demanded. The Chief had asked for the full payment, but only after the treaty had been formally accepted. When McLean visited the band in 1909, they reiterated their request for fair treatment. As soon as discussions commenced, they asked

why they were paid only eight dollars [\$3.00 gratuity plus \$5.00 first year annuity] cash when they gave their adhesion to a Treaty with the government last year, when their neighbours at Split Lake were paid ten dollars each. That undesired happening appeared to have given rise in their minds to undesirable suspicions and distrust, which however I was able to disprove, and gave them every assurance that the discrepancy which they complained of did not happen with the knowledge or consent of the government, and to prove to them that the Government were most anxious to deal fair and just with them, I was instructed to pay them along with their annuity for this year the two dollars for each one of them, men, women and children that they were short paid last year, and pointed out to them that the Government was doing so without being asked to do it.²⁷

McLean was wrong on several counts. Treaty Commissioner Semmens had been specifically instructed to try and negotiate the lowest possible annuity, the Indians had complained at the time, and Semmens had promised to forward their complaint to the government, which in due course he did. His attempt at official benevolence doubtlessly sounded hollow to the people of Nelson House, whose displeasure with their mistreatment the previous year had been duly noted.

McLean's work at York Factory and Churchill proceeded more expeditiously. He explained his mission at both centres, describing the government's interest in concluding a treaty and the assistance that would be offered to those accepting the treaty. The Native people at both posts were emphatic in declaring their interest in signing a treaty; the leaders at Fort Churchill went so far as to petition the government to send McLean back as the treaty commissioner.²⁸ McLean dispensed food and supplies and arranged for the doctor who accompanied his party to examine the people assembled at the posts. With the work completed, McLean returned to the south. The way had been cleared for the adhesion negotiators to return the next year and complete the formal adhesions to Treaty Five.²⁹

The task fell, understandably, to John Semmens. He headed north in the summer of 1910. His first stop was at Deer's Lake East (also known as Reindeer Lake), where the band a year earlier had rejected incorporation with the Island Lake band. The government accepted their claim to separate status and on June 9th Chief Robert Fiddler formally accepted Treaty Five on behalf of his band. Semmens continued northward, reaching Fort Churchill in later July. On August 1st, the adhesion was signed. The treaty party then travelled to York Factory, where on August 10th 1910, Chief Charles Wastasekoot and two councillors, Robert Beardy and Sandy Beardy, agreed to the adhesion to Treaty Five. The document accepted by the three bands mirrored the adhesion offered to the other bands north of the original treaty boundaries, including a five dollar gratuity offered "once and for all" at the time of signing.³⁰

Most the bands had requested reserves during negotiations, but a surveyor was not sent north until 1913. In that year, D.F. Robertson of the Dominion Land Survey was appointed to lay out reserve at Gods Lake, Island Lake, Deer Lake, Split Lake, Nelson House, Oxford House, Churchill and York Factory.³¹

The negotiating trip by Treaty Commissioner John Semmens in 1910 marked the final formal stage in the extension of Treaty Five. What had initially been a modest treaty covering the Native people living on the shores of Lake Winnipeg and the lower end of

the Saskatchewan River now reached from the Saskatchewan boundary in the west to Hudson Bay and the border of Treaty Nine in the east, from the limits of Treaties One, Two, Three and Four in the south to the 60th parallel in the north. Since a small part of Saskatchewan west of The Pas and a section of northwestern Ontario were also included, Treaty Five took in parts of three provinces; in total, some 350,000 square kilometres were now covered by the terms of the treaty.

There had, in fact, been little negotiation in this final adhesion process. Like northern treaties Eight, Ten, and Eleven, the adhesions were offered because they suited government and non-Native priorities. In this instance, the proposed Hudson Bay Railway placed immediate development pressure on the region and the government moved with uncharacteristic speed to secure land surrenders covering the affected area. There is little question that the Native people wanted the treaty. They observed the activities of the survey parties with concern and wondered what effect such developments would have on their region. The northern bands were familiar with the experience of treaty Indians elsewhere in the west and placed some hope in the annuity payments and promises of economic, educational and medical assistance. As John Semmens crisscrossed the region, explaining the government's plan and securing the bands' acceptance, he actually had limited room for negotiation. Carrying explicit orders not to permit "outside promises," Semmens had little to offer the Natives people beyond the basic provisions of the treaty.

The scenario was a familiar one. As happened elsewhere across the north, the treaty came, often after years of requests for negotiations, but according to the government's schedule and terms. The Native leaders resisted some measures and secured a few concessions. The Sucker Lake band (living at Reindeer, or Deer's Lake East) successfully opposed Semmens' attempt to incorporate them into the larger Island Lake band and gained separate status. Similarly, the continued protests of the Nelson House band resulted in the government offering an additional payment to bring their annuity in line with that offered to earlier signatories to the adhesions. The government learned its lesson and, when additional adhesions were planned, a full five dollar annuity was

included. These slight modifications aside, the federal government clearly set the agenda for the northward extension of Treaty Five.

Notes

1. PAC, RG10, vol. 4006, file 241,209-1, Pedley to Superintendent General of Indian Affairs, 7 April 1906.
2. Ken Coates and W.R. Morrison, *Treaty 10* (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1985); Coates and Morrison, *Treaty 11* (Ottawa: Treaties and Historical Research Centre, 1985); Ken Coates, "‘Best Left as Indians:’ Federal Government-Native Relations in the Yukon Territory, 1894-1950," *Canadian Journal of Native Studies* (Winter 1984).
3. On the railway, see A.M. Pratt and J.H. Archer, *The Hudson's Bay Route* (Governments of Manitoba and Saskatchewan, 1953).
4. On the boundary question, see Manitoba Department of Cultural Affairs and Historical Resources, *Manitoba's Boundaries* (1983).
5. For a description of government aid to the Split Lake band before the treaty adhesion, see PAC, RG10, vol. 4009, file 249,462-1, Charles Fox to David Laird, 7 March 1906.
6. PAC, RG10, vol. 4009, file 249,462-1, A. Spence *et al.* to Frank Oliver, Minister of the Interior, 20 February 1906.
7. PAC, RG10, vol. 4009, file 249,462-1, Secretary to Rev. J. Semmens, 21 March 1907.
8. PAC, RG10, vol. 4009, file 249,462-1, Secretary, Department of Indian Affairs to David Laird, 11 April 1907.
9. PAC, RG10, vol. 4009, file 249,462-1, Semmens to David Laird, 17 October 1907.
10. *Ibid.*
11. PAC, RG10, vol. 4009, file 249,462-1, Laird to Secretary, Department of Indian Affairs, 7 February 1908.
12. PAC, RG10, vol. 4009, file 249,462-1, Deputy Superintendent General to Mr. Oliver, 14 February 1908.
13. PAC, RG10, vol. 4009, file 249,462-1, D.C. Scott to Deputy Superintendent General, 14 May 1908.
14. *Ibid.*
15. PAC, RG10, vol. 4009, file 249,462-1, Secretary, Department of Indian Affairs, to John Semmens, 1908.
16. *Ibid.*
17. PAC, RG10, vol. 4009, file 249,462-1, Semmens to Minister of the Interior, 30 August 1908.
18. PAC, RG10, vol. 4009, file 249,462-1, Semmens to Indian Commissioner, 6 October 1908, and Semmens to Secretary, Department of Indian Affairs, 10 October 1908.

19. PAC, RG10, vol. 4009, file 249,462-1, Laird to Secretary, Department of Indian Affairs, 29 January 1909.
20. PAC, RG10, vol. 4009, file 249,462-1, J.D. McLean to Rev. John Semmens, 12 May 1909, and Semmens to Secretary, Department of Indian Affairs, 17 May 1909.
21. PAC, RG10, vol. 4009, file 249,462-1, Charles Wastukekoot, Chief of the York Factory band to Frank Oliver, 5 December 1908.
22. PAC, RG10, vol. 4009, file 249,462-1, McLean to Frank Pedley, 21 October 1909.
23. PAC, RG10, vol. 4009, file 249,462-1, Laird to Secretary, Department of Indian Affairs, 29 January 1909. The treaty party diary can be found in Diary of John Semmens and G.S. Stead, 3 September 1909, *ibid*. See also Semmens to Secretary, Department of Indian Affairs, 4 September 1909, *ibid*.
24. Robert Fiddler *et al.* to His Majesty's Officer of the Indian Department, c.1909.
25. PAC, RG10, vol. 4009, file 249,462-1, Semmens to Secretary, Department of Indian Affairs, 31 August 1909 and 4 September 1909.
26. There was no suggestion that the Inuit who frequently the posts would be offered a treaty.
27. PAC, RG10, vol. 4009, file 249,462-1, McLean to Frank Pedley, 21 October 1909.
28. PAC, RG10, vol. 4009, file 249,462-1, Thomas Duck, Jack Ellis, *et al.* to Superintendent of the Indian Department, c.1909.
29. Several small bands and numerous individuals remained off the treaty lists. These omissions have corrected over the following years, although not entirely to the satisfaction of the Native people.
30. Treaty No. 5 Between Her Majesty the Queen and the Saulteaux and Swampy Cree Tribes of Indians at Beren's River and Norway House with Adhesions (Ottawa: Queen's Printer, 1969).
31. PAC, RG10, vol. 4065, file 412-786-2, W. McLean to Robertson, 3 April 1913. For more details on the surveys, see PAC, RG10, vol. 4065, file 412,786-1.

CONCLUSION

The final boundary for Treaty Five had been set by 1910; the settlement of the long-standing Manitoba-Ontario boundary dispute left several sections of the treaty (and Treaty Nine as well) straddling the border. As with the other northern treaties, there would subsequently be debates over the allocation of reserves and the hastily drawn annuity lists.

From the beginning, Treaty Five was different from the other land settlements in the prairie west. There had initially been little interest in securing title to the agriculturally marginal lands along the shores of Lake Winnipeg. The likely need for easy access through the region, particularly until the transcontinental railway had been completed, and the possibility of significant band movements from the northern regions to agricultural lands further south provided sufficient justification for the government to proceed with negotiations. The extension of the treaty to encompass the bands in the area around The Pas was a clear sign of the government's interest in ensuring control of the navigable routes to the west.

The impetus for this treaty, though, came substantially from the Native people. As historian Gerald Friesen recently remarked, "If one prairie treaty stands out from the others it is probably Treaty 5. Though future economic development was in part the government's motivation for the treaty, the urgent need of the Indians themselves was also a precipitating factor in the completion."¹ Although the Native input may have helped start the process, the Department of Indian Affairs set the pace and terms of what followed. The Treaty Five experience also illustrated the strict limits of the government's acceptance of Native appeals. The Native people north of the preliminary boundary of the treaty appealed repeatedly to be covered under treaty. The government refused, at least until the early 1900s when the proposed development of the Hudson Bay Railway convinced the authorities to heed their requests.

From the beginning, Treaty Five carried elements of the northern treaties, which

characteristically paid limited attention to Native needs but served to secure control of the land for future development. The treaty terms called for only 160 acres of land to be set aside for each family of five,² a departure from the standard Prairie allotment of 640 acres per family. The five dollar gratuity was also considerably lower than that offered to the signatories to Treaties Three and Four. The lower benefits reflected the government's belief that the Treaty Five lands were of marginal use for settlement and development, that the Native people would not need the land for their own farms and so smaller reserves were seemingly justified. When the adhesions were added between 1908 and 1910, the negotiation process clearly favoured the government and offered little room for Native contributions. From 1899, when Treaty Eight was signed, to 1921, when the Dene of the Mackenzie River Valley were brought under Treaty Eleven, the northern treaties served the government's purpose well. Huge tracts of land were secured at minimal cost; the small reserves allocated posed little threat to contemporary or future non-Native development.

The question clouding any consideration of the treaty process in Canada is whether or not the Native people recognized they were surrendering sovereignty over the land when they signed the treaty. The difficulties encountered at Grand Rapids in 1876 and subsequent problems when reserves were surveyed suggest considerable confusion among the signatories of Treaty Five as to the original intent of the accords. The Native people repeatedly sought to be included in a treaty and doubtlessly recognized that certain elements of the treaty were of direct and immediate benefit. The treaty commissioners reported that they provided extensive descriptions of the legal and territorial aspects of the treaty and that the Native people had accepted the terms as described. In all fairness, the answer probably lies somewhere in between. The Native people knew they were entering a binding contract, one they felt demanded a commitment from the federal government to provide for their well-being should standard forms of employment and subsistence fail. Gerald Friesen described the process:

The government had achieved title to the soil, according to its view of the law, and the Indians achieved recognition of their needs and some measure of protection against the seemingly inevitable influx of Canadian settlers. In return

for relinquishing sovereignty, the Indians had won a permanent direct relationship with the crown which, they believed, would serve them in case of disputes with local administrators.³

The native people and the federal government had different reasons for entering into the treaty process and, not surprisingly, derived different benefits from that involvement. The government received vast quantities of land at absurdly low cost, even by nineteenth century standards, which enabled it to plan for the orderly development of the west and the north. The Native people lost control of the land - although whether or not they had a sense of private property remains a subject of debate⁴ - but the protection they believed they had gained was of considerable value.

The Native people in western Canada were only too aware of the rapid changes facing their lands in the last quarter of the nineteenth century. Although they valued their harvesting life, they were not blind to the necessity for change in the face of non-Native settlement and economic restructuring. They believed the treaties would provide the means to survive the anticipated dislocations. Native people and the federal government could, therefore, agree on the same document, though for rather different purposes and with different expectations. An analogy might be drawn to the recent scholarship on the fur trade, in which it is asserted that both Native people and traders gained from the trade, though in different ways.⁵

The subsequent problems with Treaty Five and the other western and northern accords seemed to lie with these different expectations. The Native people believed the promises either explicitly mentioned in the treaty or offered during the eloquent and persuasive orations of the treaty commissioners. The government's commitment proved more modest than it had appeared at treaty time, particularly for the Native people in the non-agricultural districts of the north, where non-Native development remained many years off. When dislocations occurred, caused by railway surveys, construction work, the opening of mine or timber camp, or the introduction of a virulent "virgin soil epidemic," the Natives counted on government assistance that, in many cases, was not forthcoming in the quantity or with the speed they had been led to expect. The

government justified its comparative inaction by its more pressing southern commitments and a reluctance to interfere in areas where hunting and trapping pursuits remained economically viable. In such districts, the full measure of government intervention would not come until after World War II, in a vastly different era of Native-government relations than the one when the treaties were signed.⁶

Treaty Five straddled two different phases in the treaty-making process in western Canada - the early plains treaties and the later northern treaties. The negotiation of the initial accord and subsequent adhesions reflect the changes in government priorities during the intervening quarter century and the Native people's continuing interest in securing the apparent guarantees and assistance of a federal treaty. As elsewhere in the west and north, the Native people defended their particular interests and sought changes in the agreement where possible. The government, however, held firm in the face of considerable opposition and maintained its own agenda and schedule. In the end, Treaty Five was essentially the government's treaty, drafted to suit federal priorities and offering the bare minimum to the Native signatories. For their part, the Native people accepted the accord, welcoming the gratuities and annuities and counting on the government's promises of assistance in the changing times.

The subsequent history of Treaty Five has occasionally proven controversial. Questions of reserve allocations, treaty lists, hunting and trapping rights and, much later, flooding of Native lands as a result of provincial hydro-electric developments demonstrated that the signing of the treaties did not end the government's commitment to the Native people around Lake Winnipeg and north to the 60th parallel. On the contrary, the Natives' acceptance of the treaty locked them and the federal government into a permanent relationship; the terms of the treaty provided the context within which subsequent dealings had to operate. As such, the origins and negotiations of Treaty Five and adhesions provide a much needed background to any understanding of subsequent relations between the Native people and the Government of Canada.

Notes

1. Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1984), p. 142.
2. 100 acres at Norway House.
3. *Ibid.*, p. 146.
4. Irene Spry, "The Great Transformation: The Disappearance of the Commons in Western Canada," in Richard Allen, ed., *Map and Nature on the Prairies* (Regina: Canadian Plains Research Centre, 1976), pp. 21-45.
5. On this point see A.J. Ray, *Indians in the Fur Trade: Their Role as Hunters, Trappers and Middlemen in the Lands Southwest of Hudson Bay. 1660-1870* (Toronto: University of Toronto Press, 1974), and A.J. Ray and D.B. Freeman, *Give Us Good Measure: An Economic Analysis of Relations between the Indians and the Hudson's Bay Company before 1763* (Toronto: University of Toronto Press, 1978).
6. Ken Coates, "Best Left As Indians."

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PAC, RG 10, vol. 3677, file 11 528
PAC, RG 10, vol. 3693, file 14 421
PAC, RG 10, vol. 3700, file 17 027
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