Aboriginals: Treaties and Relations

Introduction

Since the time of European First Contact, the course of Aboriginal history in Canada has been deeply altered by relations with Europeans and the laws they imposed on aboriginals – laws like the Indian Act. Furthermore, major and minor treaties played a significant and important role in charting the course of European – Aboriginal relations within the country.

This section of the Canada in the Making site will look at these treaties and laws, and the events that preceded and followed these changes.

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1492 – 1779: From First Contact to the Peace and Friendship Treaties

Before the discovery of North America by European explorers, Aboriginal peoples had an entire continent to themselves. They each had their own cultures and traditions, which ranged from nomadic lifestyles, such as the plains peoples who followed the buffalo, to settled farmers such as the Iroquois. The arrival of the white man would eventually change everything, and fundamentally affect the Aboriginal people’s relationship with the land and its resources.

Decision Making Among Aboriginals

Aboriginals did not have centralized, formal governments in the European sense. Aboriginal societies were largely governed by unwritten customs and codes of conduct.

You will find more information on this topic and examples in the Constitutional History section.

Oral Treaty Making

Aboriginals had treaties with each other long before European fur traders or settlers arrived in what is now called Canada. Aboriginal nations would use oral treaties to settle land disputes and end other conflicts, including war. Trade and marriage arrangements were commonly made between tribes as well.

When the Europeans arrived, they brought with them their own methods, especially the written treaty. Particularly after the conquest, when the British gradually began to establish a strong hold on the continent, Aboriginals were not always happy with the outcomes of these written treaties – for governments of the time sometimes did not include oral promises made to the Aboriginals in the written treaty. This forms the basis of many land claims today, as Aboriginal leaders demand to be given what they were promised.

Did you know…?

The Great Law of Peace of the People of the Longhouse is one of the earliest recorded treaties negotiated between Aboriginal tribes. It predates the year 1450, and covered 117 articles governing customs and relationships between the Seneca, Mohawk and Cayuga tribes, among others. It was passed on orally from generation to generation, and was written down for the first time in 1880.

Covenant Chain

In the early 1600s, a series of treaties were negotiated between the Thirteen Colonies, which would eventually make up the United States, and the six-nation Iroquois Confederacy. These agreements likely originated between the Mohawk nation and the colony of New York, and were represented by iron or silver chains that symbolized the binding of a promise.
These agreements would often be re-negotiated as more financial aid to the Aboriginals was needed, and the chains would be symbolically polished to show that revisions had taken place. Other colonies, including Connecticut, Massachusetts, Maryland and Rhode Island, would later join the chain as would the Tuscarora tribe.

The chain lasted until June 1753, when the Mohawk broke it, upset that Anglo-American settlers had begun occupying Confederacy lands without permission of any of the six nations in the chain. In 1754, an elaborate condolence ceremony was held in Albany, New York, which saw colonial leaders make peace with the Aboriginals by offering gifts. The chain was then restored.

**The Great Peace of 1701**

One example of early treaty making between Europeans and Aboriginal peoples was the Great Peace of 1701. One 1300 delegates of more than 40 First Nations converged on Montreal. The treaty that followed the negotiations ended almost 100 years of war between the Iroquois Confederacy and New France and its allies.

The significance of the treaty lasts to this day, as it set a precedent the use of negotiation to settle disputes between First Nations peoples and European colonial representatives in what is now Canada. It also set the foundation for the expansion of the "empire" of New France to the south and west, and ensured the neutrality of the Iroquois Confederacy in case of war between the French and English in North America. At the outbreak of the Seven Years War between British and French forces in 1756, the Iroquois Confederacy was neutral.

In August 1760, the Seven Nations of Canada – comprised of Aboriginal bands that had been domiciled in Québec – also joined the Covenant Chain to declare their neutrality after fighting alongside the French during the early part of the Seven Years War.

**Aboriginal-European Relations in the 1700s**

By 1701, Aboriginals and Europeans had had about two centuries worth of contact. While there had been wars between the Europeans and Aboriginals, the relationship between both parties had stabilized.

Aboriginal skills and knowledge about the harsh landscape helped many Europeans survive cold Canadian winters. These Aboriginals provided access to land to furs for trading, as well as food supplies from fishing and big game hunting.

For more information about the fur trade in Canada, visit:
- *Exploration, the Fur Trade and Hudson’s Bay Company*
  URL: http://www.canadiana.org/hbc/

On the other hand, European goods and technologies found their way into Aboriginal culture. The Natives now had blankets, iron kettles, guns and gunpowder as new tools. Over a period of time, the Aboriginals and Europeans slowly became more interdependent. Cultural and social aspects were borrowed from both cultures and incorporated into trading ceremonies.
A new cultural group, the Métis, came out of this interaction between European and Aboriginal civilizations. Early European explorers and traders were virtually all men, and some of them decided to settle down and start new lives in Canada. Many started families by marrying Aboriginal women. The ancestors of these children form the basis of Canada’s Métis population.

**Peace and Friendship Treaties**

Other colonial governments in the area now covered by New Brunswick, Nova Scotia and the northeastern United States began to sign peace agreements with the Aboriginals in the early 1700s. Starting with the first Peace and Friendship Treaty in 1725 and lasting until 1779, these treaties were designed to stop and prevent wars with the Aboriginal peoples so that European settlers could begin to safely live on this land and use its natural resources.

To learn more about the Peace and Friendship Treaties, visit:

  URL: http://atlas.gc.ca/maptexts/map_texts/english/trytxt_e.html#PC

Supporting documents in Early Canadiana Online:

- *The Submission and Agreement of the Delegates of the Eastern Indians*
  URL: http://www.canadiana.org/ECO/PageView/91943/0229
  (The first Peace and Friendship Treaty to be negotiated with the "Eastern Tribes" of Nova Scotia, December 15, 1725)

- *Articles of Submission and Agreement made at Boston, in New England…, 1725*
  URL: http://www.canadiana.org/ECO/PageView/91943/0231
  (Articles from the first Peace and Friendship Treaty negotiated with the "Eastern Tribes" of Nova Scotia, December 15, 1725.)

- *Ratification at Annapolis Royal, 1728*
  URL: http://www.canadiana.org/ECO/PageView/91943/0231
  (The ratification of first Peace and Friendship Treaty by the "Eastern Tribes" of Nova Scotia, May 13, 1728.)

- *Casco Bay Articles, 1727*
  URL: http://www.canadiana.org/ECO/PageView/91943/0233
  (Adhesion to the first Peace and Friendship Treaty of December 15, 1725.)

- *Chebucto Harbour Ratification, 1749*
  URL: http://www.canadiana.org/ECO/PageView/91943/0232
  (Ratification of the Treaty made with the Malisset.)
Enclosure in letter of Governor Hopson to the Right Honourable The Earl of Holderness: Treaty or Articles of Peace and Friendship Renewed
URL: http://www.schoolnet.ca/autochtone/treaties/maritim6-e.html
(Renewal of the first Peace and Friendship Treaty.)

Letter of Jonathan Belcher to the Lords of Trade 2 July 1762 - Halifax, Nova Scotia
URL: http://www.schoolnet.ca/autochtone/treaties/maritim8-e.html
(Articles on the fishing and hunting rights of the "Eastern Tribes" in the colony of Nova Scotia.)

Proclamation issued in Nova Scotia, 1762
URL: http://www.schoolnet.ca/autochtone/treaties/maritim9-e.html
(Sets out relations and obligations of the Crown to the "Eastern Tribes").

Other Interesting or Important Documents

- Indian treaties and surrenders, from 1680 to 1890, Volume I
  URL: http://www.canadiana.org/ECO/ItemRecord/91942

- Indian treaties and surrenders, from 1680 to 1890, Volume II
  URL: http://www.canadiana.org/ECO/ItemRecord/91943
A new document in 1763 called the *Royal Proclamation* set the boundaries of a new colony called Québec – which was now under British control. This document would open a new chapter in European-Aboriginal relations, because it was the first document that called for land cession negotiations. For the first time, the Aboriginal people would be expected to extinguish their rights to the land in order for large-scale colonial settlement to take place.

**The Royal Proclamation, 1763**

In 1763, the *Royal Proclamation* was created to integrate New France into the British Empire in North America. It created the Province of Québec along a fairly narrow stretch of land located along the shores of the St. Lawrence River. Part of the proclamation, however, expressively dealt with Aboriginal issues.

The British, who now controlled Québec, wanted settlement to take place within the colony, but also wanted to ensure Aboriginals had their own land for reserve settlements. This was especially important as the British expected an overflow of settlers from the Thirteen Colonies to move north. However, this move to protect Aboriginal land ultimately frustrated British settlers and merchants in the colony.

Britain did not want land deals to be done by the settlers to protect Aboriginal interests. The *Royal Proclamation* hints at the reason: it notes that British interests were, prior to 1763, responsible for “great fraud and abuses” in obtaining land from Aboriginals that had caused the latter “great dissatisfaction”. After all, only a decade earlier, the Mohawk had broken the covenant chain with the American colonies due to Anglo-American settlement that had occurred on Aboriginal lands without permission. After spending years fighting the French in North America and abroad, the British wanted to gain the allegiance of the Aboriginals to prevent further costly and bloody frontier wars, as more British settlers arrived.

Thus, they ensured that any future negotiation with the Aboriginals was to be in done in public by representatives of the British crown, and that the final results of such negotiations would be recorded in written treaties. The proclamation also gave Britain the right to purchase Aboriginal hunting and fishing grounds, but gave Aboriginals the right to hunt and fish on these acquired lands. This would be very important in future claims and court cases by Aboriginal nations.

In October and November 1768, a conference was held at Fort Stanwix, New York, to fix the boundaries of the reserved hunting grounds provided for in the *Royal Proclamation* between all sides of the covenant chain. The Iroquois thanked the British for ‘polishing the chain’ when its sides had grown dull.
Aboriginal View of Land Ownership

The concept of land ownership was completely alien to the Native peoples. From an Aboriginal cultural and spiritual perspective, land cannot be bought or sold. They saw themselves as the spiritual guardians of the land, not its actual owners. Land was considered a gift from the Creator or Great Spirit, and its resources were to be used for survival purposes only.

Thus, the concept of ‘surrendering’ land was one that caused great confusion within Aboriginal communities, and may have contributed to further injustices against the Aboriginals – notably, the signings of the Upper Canada and other treaties. This Aboriginal view of land ownership is one of the roots to many Aboriginal rights and land issues today.

The Québec Act, 1774

This act was an extension of the Royal Proclamation meant to push Québec’s boundaries into Aboriginal land located past the Great Lakes into the Ohio and Mississippi River valleys. It has been interpreted that the spirit of the Royal Proclamation was to be kept in acquiring Aboriginal land for the British. From the British perspective, it had two goals: to keep French Canadian neutral in the coming uprising in the Thirteen Colonies, and to keep Aboriginal peoples on the side of the British.

Settlers in the Thirteen Colonies were upset by British encroachment into Aboriginal lands that they considered to be theirs, and considered the Québec Act to be one of the “Intolerable Acts”, which were a direct cause of the American Revolution.

Did you know...?

Despite the covenant chain and its promises of neutrality, four of the six Iroquois nations fought on the side of the British during the American Revolution. After the Revolution was over, the non-Loyalist Iroquois that did not fight were excluded from the chain.
The *Constitution Act, 1791*, later replaced the *Québec Act* and divided Québec into Upper and Lower Canada.

Supporting documents in Early Canadiana Online:

**The *Québec Act, 1774***
URL: http://www.canadiana.org/ECO/mtq?doc=48786

**The *Constitution Act, 1791***
URL: http://www.canadiana.org/ECO/mtq?doc=21241
During the half-century directly following the Royal Proclamation, the colonial governments of North America embarked on signing a number of peace and land treaties with Aboriginal peoples to retain them as allies, while purchasing land for settlement and resource development.

During this period, however, the balance of power began to shift as the British consolidated their control. The pragmatism that had prompted the British Crown to protect Aboriginal interests in the Royal Proclamation gave way to British paternalism, a policy of assimilation and the attitude that the Aboriginals were British subjects – and not equal, independent nations.

**Niagara Treaty, 1764**

The Niagara Treaty created a new Covenant Chain between Britain and the Aboriginal nations of the western Great Lakes, including the Iroquois Confederacy, the Algonquin and the Huron nations. Britain had been at war with some of these nations since 1760.

The British were represented by Sir William Johnson, who reaffirmed the historic relations between the two groups and offered solutions to problems between them. This treaty grew out of the Royal Proclamation of 1763, which proposed fair and voluntary land dealings between the British and Aboriginals.

The Niagara Congress met in July 1764 and it included members from 24 Aboriginal nations and Crown officials. More than 2,000 people attended.

Promises made by Johnson during this congress were preserved on wampum belts that were woven with hundreds of coloured shell beads. These belts made up the Twenty Four Nations Belt that recorded the event.

The Annual Presents Belt shows twenty-four figures (representing the Aboriginal nations) holding hands between a ship (Britain) and a rock (North America). To the Aboriginals, the promise spoken to them was that the King would always give gifts each year to the 24 nations on the belt. If the British forgot this promise, the Aboriginals would link together to pull the ‘ship’ from Britain.

Johnson promised these presents for “as long as the sun shone and the grass grew, and the British wore red coats.” These promises would, however, be gradually discontinued in Upper Canada starting in 1836.

These promises were recited every year for nearly a century during annual gift-giving ceremonies. The Aboriginals placed importance in the material goods given to them – blankets, pipes, pelts and various tools of much better quality than could be obtained through fur traders.
However, they place as much importance on the symbolism of sharing and respect between the British and Aboriginal nations that took place during these ceremonies.

During the War of 1812, Aboriginals involved with this treaty would fight with the British, as they believed the treaty bound them to the British cause.

**Fort Stanwix Treaty, 1768**

While this is a treaty that did not involve land in what is now Canada, it was important as it was the first major land transfer treaty signed after the *Royal Proclamation*. It was made between fur traders in Pennsylvania, one of the Thirteen Colonies, who sued the British government. The traders wanted compensation for damages incurred during Aboriginal rebellions against European settlers around the Great Lakes during the mid-1760s.

In 1768, the British Indian Department decided to compensate these companies with land. The ensuing treaty signed at Fort Stanwix, New York, pushed the border between Indian country and the colonies west to the banks of the Ohio River. About 3,400 Iroquois attended this signing.

British allies, such as the Iroquois, received land in western New York. Other tribes, such as the Shawnee, lost land. This led to bitterness between these Aboriginal nations for many years.

Some Aboriginals also believed this treaty was a promise by the British that no further land west of the Ohio River would ever be surrendered to settlers, and that the river would remain an international boundary between the European colonies and Aboriginal nations.

Instead, this treaty actually appeared to encourage English American settlement westward. In 1784, the Iroquois would be forced to sign a second treaty at Fort Stanwix to give up more land.

**Treaty of Paris, 1783**

The *Treaty of Paris, 1783*, created a new international border between the new United States and the British colony of Québec within the Great Lakes region. This treaty, however, ignored promises made to British allies – namely, the Iroquois Confederacy – in the Covenant Chain and the 1768 Fort Stanwix treaty on both sides of the Québec-U.S border. The Aboriginals were never invited to take part in the signing of this treaty, despite the fact that many Mohawks fought on the side of the British during the American Revolution. These Aboriginals had decided that the British were less likely to interfere with their land and way of life than the Americans.

The British government in London, however, had little interest in the Aboriginals’ right to be a part of these negotiations, as it now hoped to pursue its own imperial worldview on its remaining North American colony and Aboriginal allies.

News of this betrayal shocked Loyalists in the Iroquois Confederacy. To appease this group, Québec governor Fredrick Haldimand decided to offer two parcels of land near Lake Ontario in 1784 to Iroquois who were still loyal to the Crown. An agreement was reached with the
Mississauga Indians who owned this land, which would ultimately lead to the creation of the Six Nations Reserve near current-day Brantford, Ontario, nearly a decade later.

Supporting documents in Early Canadiana Online:

_The Treaty of Paris, 1783_
URL: http://www.canadiana.org/ECO/PageView/60404/0002
(Borders drawn at end of American Revolution)

_Haldimand Land Grants to Loyalist Iroquois, Oct. 25, 1784_
URL: http://www.canadiana.org/ECO/PageView/91942/0388
(Gives Loyalist Six Nations Indians the right to settle on land along Grand River in SW Ontario.)

_Creation of Grand River Six Nations Reserve, Jan. 14, 1793_
URL: http://www.canadiana.org/ECO/PageView/91942/0082

**Upper Canada Treaties, 1764 – 1836**

In the years immediately following the Royal Proclamation, numerous treaties were signed with the Aboriginals to surrender small parcels of land in the province of Québec (later Lower Canada) in exchange for a lump sum of money, gifts and the creation of smaller reserve lands specifically for the Aboriginals. Annual cash payments to the Aboriginals usually followed for some time after these deals were made. Many of these treaties were signed so the British could take land for settlements, roads, churches to help ‘Christianize’ the Aboriginals, and other uses.

In one particular abuse, blank treaties – where the Aboriginal chiefs signed their tribes’ land rights away on a blank document – were often the order of the day.

Many of these treaties were hastily and carelessly put together, particularly during the 1780s and early 1790s when the British were faced with an influx of Loyalist settlers emigrating from the newly created United States to the northern shores of Lake Erie and Lake Ontario. John Graves Simcoe, Upper Canada’s first lieutenant-governor, was responsible for purchasing and assigning this land.

British representatives often made hasty oral promises to Aboriginals that were never written down, simply to rush things along in obtaining land for farming and settlement. Because the Aboriginals valued their oral tradition over written legal documents, they would later complain that the British made promises that were not kept.

While efforts were made after 1794 to ensure the treaty process was done with more fairness to the Aboriginals living in this region, outstanding land claims remained, particularly in regards to the blank treaties.
Did you know...?
The so-called Gunshot Treaty gave the British land rights stretching along Lake Ontario from just west of present-day Toronto east to the Bay of Quinte. The Aboriginals gave up their land rights extending north of the Great Lake within the sound of a gunshot – almost 20 kilometers – in exchange for annual gifts.

Supporting documents in Early Canadiana Online:

**The Indenture made at Carrying Place, Ont.**
URL: http://www.canadiana.org/ECO/PageView/91942/0124
(Also known as the Gunshot Treaty, 1787 and 1805)

**John Graves Simcoe purchases land from Mississauga Aboriginals**
URL: http://www.canadiana.org/ECO/PageView/91942/0078
(Between Lakes Ontario and Erie, Dec. 7, 1792)

**Granting of land ceded from Mississauga Indians to Loyalist Six Nations Mohawks**
URL: http://www.canadiana.org/ECO/PageView/91942/0080
(Bay of Quinte, Apr. 1, 1793)

**Mohawk War Chiefs and Principle Women give up reserve land to Nancy and Mary Margaret Kerr**
URL: http://www.canadiana.org/ECO/PageView/91942/0082
(Grand River Six Nations Reserve, 1796)

**Aboriginals give right to Capt. Thomas McKee to build road on reserve land**
URL: http://www.canadiana.org/ECO/PageView/91942/0118
(Huron Church Reserve, Sept. 11, 1800)

**Mohawks give up land to Church of England for Protestant church building and burial ground**
URL: http://www.canadiana.org/ECO/PageView/91942/0225
(Bay of Quinte, Jan. 20, 1836)

**Map of the Indenture at Carrying Place, Ont., with Aboriginal Signatures**
URL: http://www.canadiana.org/ECO/PageView/91942/0128

**Jay Treaty, 1794**
The *Jay Treaty* is technically not an Aboriginal treaty as it was signed between the British government and the United States. However, it affected Aboriginals in Canada, particularly the Six Nations.

Following the American Revolution, Aboriginals in the newly created United States began to be pushed further west by white settlement. The British also continued to post soldiers in garrisons.
in the west. American cavalry expeditions into the Ohio Valley in the early 1790s were met with fierce resistance and fighting from Aboriginals, which culminated in 1794 in the Battle of Fallen Timbers. The latter side lost this battle near current-day Toledo, Ohio, which resulted in the opening of white settlement further west.

To prevent war with the U.S. over Aboriginal land rights and the creation of a ‘buffer’ state between settlers and Aboriginals, Britain negotiated a peace agreement. They agreed to remove all Crown officials from their posts south of the Great Lakes by June 1796. In return, the British obtained permission for Aboriginals to freely cross the Canada-U.S. border.

This was done partly out of concern for Aboriginal allies, but also to ensure the continued success of the fur trade – as traders in Montréal relied on furs from Aboriginals in the upper Mississippi Valley.

In recent times, the U.S. government has seen the *Jay Treaty* as an agreement that gives status Indians the right to freely work and live across the border. However, the Canadian government does not. This difference in legal opinion has been frequently challenged in the courts by Six Nations tribes, whose ancestral lands have been cut in two by the U.S.-Canadian border.

**Supporting document in Early Canadiana Online:**

*The Jay Treaty, 1794*

English URL: http://www.canadiana.org/ECO/PageView/42348/0008
French URL: http://www.canadiana.org/ECO/PageView/42348/0009

**Did you know...?**

When the *Jay Treaty* was signed, it angered the French as it allowed the British to seize French goods off American ships. The French pulled their minister from the U.S. and began seizing American ships on the Atlantic.

**Other Interesting or Important Documents**

- *Indian treaties and surrenders, from 1680 to 1890, Volume I*
  URL: http://www.canadiana.org/ECO/ItemRecord/91942

- *Indian treaties and surrenders, from 1680 to 1890, Volume II*
  URL: http://www.canadiana.org/ECO/ItemRecord/91943
This was a turbulent period with far-ranging effects for Aboriginal peoples. First, the War of 1812 splintered the First Nations in Upper Canada and the U.S. Then Aboriginals gave up their land rights in the North-west - without the involving the Métis who also lived on this land.

Later, during the 1830s, Upper Canada started to rethink the necessity of giving presents to the Aboriginals as promised in the Niagara Treaty. Sir Francis Bond Head, the province’s lieutenant-governor, attempted to remove Aboriginals from their land and settle them onto a new reserve in Manitoulin Island on Lake Huron.

**War of 1812**

Many Aboriginals sided with the British during the War of 1812, partially out of a sense of obligation through the Niagara Treaty but also because they thought the British would allow them to preserve enough land for their way of life. The British had appeared to support the creation of a buffer state between settlers and the Aboriginals in the past, particularly prior to the Jay Treaty.

Some Aboriginals had their reservations with siding with the British. However, the Americans were moving deeper into Indian territory, and they appeared willing to wipe out the Aboriginals by any means possible.

Aboriginals nations played a vital role in British victories during the War, including the taking of Detroit, although it came at a considerable cost. In 1813, a popular leader, Tecumseh, was killed in the Battle of Thames. This loss seriously damaged Aboriginal unity and confidence, causing much of their political clout in Upper Canada and the U.S. to vanish.

Following the War of 1812, the Americans would largely remove any Aboriginals living east of the Mississippi River and force them into Indian land now known as Oklahoma. Many Aboriginals chose to migrate north into land around the Great Lakes in Upper Canada instead.

**The Selkirk Treaty, 1817**

In 1811, British aristocrat Thomas Selkirk wished to create a new colony in a region owned by the Hudson’s Bay Company. Selkirk purchased land, mostly located in what is now lower Manitoba, from the fur trading company. This led to the creation of the Red River Settlement in 1812.

This settlement only lasted for three years. Métis who had called the area home were angered that they were not consulted, which partially led to much conflict in the region. In June 1816, the Métis killed the governor-in-chief of Rupert’s Land and 20 of his men in the Seven Oaks.
Incident. Two months later, Selkirk and a mercenary force attacked and captured Fort William from the Métis.

In 1817, Selkirk decided to sign a treaty with Cree and Chippewa nations, among others, to extinguish their claims to a tract of land on his domain stretching along the Red River. He distributed this land to new settlers. When he died in 1820, the executors of his estate sought to control spiraling costs by ending new European settlement on the land. Only those who had settled during the late 1810s, plus some retired Métis fur traders, remained on the land.

In 1836, land covered by this treaty reverted back to the Hudson’s Bay Company. This land changed hands once again in 1869 and became the property of the new Dominion of Canada. This angered many Métis and Aboriginals, who felt that new European settlers coming into the region were violating their land rights and disrupting their way of life. This was a leading cause of the Red River Rebellion in 1870.

Supporting documents in Early Canadiana Online:

*The Selkirk Treaty, 1817*
URL: http://www.canadiana.org/ECO/PageView/30387/0301

*Indenture of Sale from the Hudson’s Bay Company to the Earl of Selkirk, 1811*
URL: http://www.canadiana.org/ECO/PageView/30387/0302

*Image of Aboriginal Signatures on the Selkirk Treaty, 1817*
URL: http://www.canadiana.org/ECO/PageView/30387/0300

**Rescinding the Niagara Treaty, 1836**

By the 1830s, the British government began to reconsider its promises to give annual presents to the Aboriginal nations that had signed the Niagara Treaty. At this point, European settlers in North America far outnumbered Aboriginal peoples, and the United States and the British colonies in North America were relatively stable and at peace. The government hoped to save monies needed to assist European settlers coming to North America by cutting back on these presents.

In 1836, Sir Francis Bond Head, the lieutenant-governor of Upper Canada, issued a statement at the annual present-giving ceremony on Manitoulin Island (where the original Niagara Treaty wampum belts now resided). He announced that the number of presents given would be reduced. First to be eliminated were gifts to “half-breeds”, followed by those to “non-British” Aboriginals who had lived in the United States for two years or more. Eventually, only the most “deserving” Aboriginals would receive these presents.
Bond Head Treaties, 1836

By 1836, Sir Francis Bond Head believed that attempts to remake the Aboriginal peoples living in his province into independent pioneer farmers were failing. He felt the Aboriginals were hunters and gatherers by tradition, unused to working and living in an agricultural society. He also felt that the increase in European settlers had created problems for Aboriginal peoples – not least of which was alcohol.

Bond Head wanted to separate the Aboriginals in the province from the white population, and move them to Manitoulin Island and smaller nearby islands in Lake Huron so they could pursue their regular lifestyle of hunting and fishing.

Ultimately, Bond Head failed to convince most Aboriginals to move to the much less-arable Manitoulin Island. Instead what they really wanted was Crown protection from white settlers on their ancestral lands.

While the colonial office more or less approved Bond Head’s policy – it never revoked the Bond Head Treaties – it also met with substantial resistance in Britain, particularly from the Aborigines’ Protection Society – a Protestant group with links to the anti-slavery movement.

Supporting documents in Early Canadiana Online:

Bond Head Treaties, Aug. 9, 1836
URL: http://www.canadiana.org/ECO/PageView/91942/0236
(Numbers 45 and 45 ½)

Letter from Sir Francis Bond Head to Lord Glenelg, Toronto, 20 August 1836
URL: http://www.canadiana.org/ECO/PageView/35802/0019

Correspondence between Lord Glenelg and Bond Head, London, 5 October 1836;
Toronto, 20 November 1836
URL: http://www.canadiana.org/ECO/PageView/35802/0020

Lord Glenelg to Bond Head, London, 20 January 1837
URL: http://www.canadiana.org/ECO/PageView/35802/0022

Memorial from the Aborigines’ Protection Society to Lord Glenelg, 1837
URL: http://www.canadiana.org/ECO/PageView/35802/0023

Province of Canada Treaties, 1850 – 1862

The discovery of minerals on the shores of Lake Huron and Lake Superior led the government of the Province of Canada to take measures to extinguish Aboriginal titles to the land in 1850. Two treaties, known as the Robinson Treaties, were signed in 1850 between the Crown and Aboriginals. The latter gave up mining lands – including ‘land’ directly below the earth’s surface
– in exchange for money and the creation of reserves. They were also given the right to hunt and fish on these ceded lands.

In 1862, the Manitoulin Island Treaty was negotiated, allowing European settlement on this island in Lake Huron.

Supporting documents in Early Canadiana Online:

- **The Robinson Superior Treaty, 1850**
  URL: http://www.canadiana.org/ECO/PageView/30387/0304

- **The Robinson Huron Treaty, 1850**
  URL: http://www.canadiana.org/ECO/PageView/30387/0307

- **The Manitoulin Island Treaty, 1862**
  URL: http://www.canadiana.org/ECO/PageView/30387/0311

- **Report of Robinson to the Honourable Colonel Bruce, Superintendent of Indian Affairs – Toronto, 24th September, 1850**
  URL: http://www.canadiana.org/ECO/PageView/30387/0019

- **William McDougall’s Report, Manitoulin Island, Nov. 3, 1862**
  URL: http://www.canadiana.org/ECO/PageView/30387/0025

**The Douglas Treaties, 1850 – 1854**

Treaty negotiation was not limited to the Province of Canada in the 1850s. When the colony of Vancouver Island was established in 1849, British administrators sought to acquire Aboriginal land for settlement and industrial use in the colony. When the colony was established, it was dependant on the fur trade. Then, following the California gold rush of 1848, prospectors pushed further and further north, hoping to find gold.

During a period of four years, 14 treaties were signed between the Aboriginals on the island and the colonial government. Governor James Douglas, chief factor for the Hudson’s Bay Company in the area, led this effort. These agreements were known variously as the Douglas Treaties, the Vancouver Island Treaties or the Fort Victoria Treaties. Douglas never used the word treaty in any of his negotiations – he used words like ‘sale’ or ‘deed of conveyance’ – but the Supreme Court of Canada would later rule that they were treaties because he was negotiating on behalf of the British monarchy.

The Aboriginals gave up nearly 570 square kilometers of land in exchange for cash, clothing and blankets. They were able to retain existing village lands and fields for their use, and also were allowed to hunt and fish on the surrendered lands.
Treaty-making on Vancouver Island came to an end in 1854 when the colony began to run out of money for further expansion. New settlement and the development of industry on the island had also been slower than anticipated.

Supporting document:

**Douglas Treaty Documents**
URL: http://www.gsxreg.com/pdfs/ir_pdfs/ir_1/douglas_treaties.pdf

For more information on the Douglas Treaties, visit:
- the Government of British Columbia Web site.
  URL: http://www.gov.bc.ca/tno/history/douglas.htm

For more information on the Aboriginal Treaties, visit:
- the Department of Indian and Northern Affairs.
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/site/maindex_e.html
- the Atlas of Canada.
  URL: http://atlas.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties
- the Canadian Encyclopedia.
  URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A

Other Interesting or Important Documents

- *Indian treaties and surrenders, from 1680 to 1890, Volume I*
  URL: http://www.canadiana.org/ECO/ItemRecord/91942

- *Indian treaties and surrenders, from 1680 to 1890, Volume II*
  URL: http://www.canadiana.org/ECO/ItemRecord/91943
Following Confederation, Aboriginal treaty negotiations were no longer done by representatives of the British Colonial Office, they were done by representatives of the Canadian government. With this new era came old – and some new – problems. In 1869, the Métis and Aboriginal allies resisted the transfer of land covered in the Selkirk Treaty back to the federal government.

The British North America Act, 1867
Under Section 91 of the British North America Act, 1867, the newly created federal government had constitutional responsibility and authority over Aboriginals and any land that was to be reserved for them. Responsibility for treaty making was ultimately given to the Prime Minister, although the cabinet, the Privy Council, the Secretary of State for the Provinces and the Minister of the Interior would also have important roles to play during any future negotiations.

The Canadian government sought to remove Aboriginals from their land in large blocks and place them in smaller reserves in order to enfranchise them, and eventually assimilate them into white society. This stance was taken to quickly and cheaply clear the west for anticipated European settlement.

There is evidence that the government tried to act on the behalf of all Aboriginal people in fairness and good faith during negotiations. However, some Aboriginals and many Métis people soon came to distrust the government’s motives after it bought land they lived on from the Hudson’s Bay Company without their input.

Did you know...?
The American government spent around $20 million annually to forcibly remove Aboriginal settlers living on the U.S. plains during bloody conflicts of the 1870s. In comparison, the Canadian government spent slightly more than $730,000 between 1875 and 1905 on costs related to its Aboriginal treaties. There was also comparatively little bloodshed in Canada during this period.

Supporting document in Early Canadiana Online:

The British North America Act, 1867
URL: http://www.canadiana.org/ECO/mtq?doc=92338
Sale of Selkirk Treaty Lands, 1869

In 1869, the Hudson’s Bay Company sold land to the federal government of Canada that had been covered by the Selkirk Treaty of 1817. This angered Aboriginal nations who had signed the treaty – including the Métis, whom had never secured any rights to the land despite being half-Aboriginal. This was one of the leading causes of the Red River Rebellion.

This sowed the seeds of deep distrust among many Prairie Aboriginals. Many began to fear that any treaties they signed in the future would be meaningless. Some Aboriginals were so upset that they began to block settlers and railway surveyors from crossing into their territorial land. It was in this climate that the federal government would have to negotiate its Numbered Treaties.

For more information please see the Riel Rebellions section of Events and Topics.

Supporting documents in Early Canadiana Online:

**Rupert’s Land Act, 1868**
URL: http://www.canadiana.org/ECO/PageView/9_03428/0668
(Allows government to admit Rupert’s Land into Canada)

**Temporary Government of Rupert’s Land Act, 1869 (bilingual)**
(Establishes a temporary government for Rupert’s Land when it is admitted into Confederation)

**Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the Union, June 23, 1870**
URL: http://www.canadiana.org/ECO/mtq?display=9_03428+0673
(Brings the territories into Confederation.)

**Telegram regarding the blocking of Lieut.-Gov. William McDougall’s party en route to Fort Garry by Métis insurgents, Nov. 23, 1869**
URL: http://www.canadiana.org/ECO/PageView/30620/0013

**Response to preceding telegram from Earl Granville, Secretary of State, Nov. 25, 1869**
URL: http://www.canadiana.org/ECO/PageView/30620/0180
While many Aboriginal nations were skeptical of dealing with the new federal government, they had little choice. Declining buffalo herds and disease put many nations on the verge of extinction. They also risked the loss of their culture and way of life in the face of European settlement. To survive, many Aboriginals negotiated the surrender of land for very little in return: cash and supplies. They were left with small reserves that the government hoped they would farm.

Meanwhile, smaller treaties were signed in central and eastern Canada throughout this period as well, which saw the Aboriginals give up parts of their reserve land for white settlement, lighthouses and shooting ranges.

**Numbered Treaties One to Five, 1871 – 1875**

The first five Numbered Treaties, which are also called the Land Cession or Post-Confederation Treaties, covered areas in what was then part of the new province of Manitoba and the Northwest Territories. These are now parts of northwestern Ontario and southern Manitoba, Saskatchewan and Alberta.

The purpose of these treaties was to secure land from the Aboriginals for European settlement and agricultural and industrial development. In the wording of these treaty documents, the Aboriginals were to give up their rights to the land “forever.”

Typically, the government would provide farm supplies and new clothes to help transform Aboriginal society from what Europeans viewed as a simple hunting and gathering basis, into independent pioneer farmers like their European counterparts.

In return for giving up their land rights, the Aboriginals would receive:

- Reserve lands to live on. Usually, just 600 square meters were provided to each family of five. However, in Treaties Three and Four only, the Aboriginals were able to successfully negotiate 2.5 square kilometers for each family of five.
- Cash, the amount of which differed between each treaty. However, the amount usually grew with each subsequent treaty as Aboriginal demands grew.
- An allowance for blankets and hunting/fishing tools.
- Farming assistance.
- Schools on reserve land, whenever desired by the Aboriginals.
- A census to keep track of how many Aboriginals there were in each band, mainly for financial compensation purposes.
- The right to hunt and fish on all ceded land not used for settlement, lumbering or mining. However, this was only promised in writing from *Treaty Number Three* onward.
• The right for the government to build public buildings, roads and other crucial pieces of infrastructure.

In return for the aforementioned items, the Aboriginals had to promise they would keep the peace and maintain law and order, and keep liquor off reserves. Europeans viewed liquor as a corrupting influence on aboriginal peoples. In addition, there was a strong prohibitionist sentiment in the last half of the nineteenth century and the first part of the twentieth century.

Did you know…?

Some Aboriginal nations would not sign these treaties at first, but would wish to be added on at a later date. This is called an adhesion.

Supporting documents in Early Canadiana Online:

_Treaty Number One, 1871_
URL: http://www.canadiana.org/ECO/PageView/30387/0315

_Treaty Number Two, 1871_
URL: http://www.canadiana.org/ECO/PageView/30387/0318

_Treaty Number Three, 1873_
URL: http://www.canadiana.org/ECO/PageView/30387/0322

_Adhesion of Lac Seul Indians, 9th June 1874_
URL: http://www.canadiana.org/ECO/PageView/30387/0331
(Treaty Number Three)

_Treaty Number Four, 1874_
URL: http://www.canadiana.org/ECO/PageView/30387/0332

_Adhesion of the Fort Ellice Saulteaux Indians_
URL: http://www.canadiana.org/ECO/PageView/30387/0337
(Treaty Number Four)

_Adhesion of Saulteaux and Assiniboine Indians_
URL: http://www.canadiana.org/ECO/PageView/30387/0338
(Treaty Number Four)

_Adhesion of Cree, Saulteaux and Assiniboine Indians_
URL: http://www.canadiana.org/ECO/PageView/30387/0339
(Treaty Number Four)

_Treaty Number Five, 1875_
URL: http://www.canadiana.org/ECO/PageView/30387/0344
The Revision of Treaties One and Two, 1875

Despite the fact the Aboriginals were to surrender their right to the land “forever,” the first and second Numbered Treaties were renegotiated and changed in 1875. The Chippewans who had signed these early treaties were, by this time, upset that oral promises made by government representatives in 1871 had not been included in the written treaties. They began to approach other Aboriginals in the region in an attempt to discourage them from singing similar treaties.

In the end, the federal government reluctantly gave more money, clothes and farm supplies to the Aboriginals who signed the first two Numbered Treaties. The Chippewans, in return, had to drop all of their claims to all so-called “outside” or oral promises.

Supporting documents in Early Canadiana Online:

Memorandum, 27th April, 1875
URL: http://www.canadiana.org/ECO/PageView/30387/0128

Privy Council Report on the Memorandum, 30th April, 1875
URL: http://www.canadiana.org/ECO/PageView/30387/0340

For more information on the Numbered Treaties, visit:
- the Department of Indian and Northern Affairs.
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/site/mainindex_e.html
- the Atlas of Canada.
  URL: http://atlas.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties
- the Canadian Encyclopedia.
  URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A

Other Treaties

There were other treaties signed in central and eastern Canada during the late 1860s and 1870s as well. These treaties are minor in comparison to the Numbered Treaties, but they are, nevertheless, interesting.

For example, in the early 1870s the Mi’kmaq of New Brunswick gave up land on a reserve to the province for white settlement. Other examples include treaties allowing for the construction of lighthouses and shooting ranges on Aboriginal land.

Supporting documents in Early Canadiana Online:

Micmac yield land on Bouctouche reserve, NB, Sept. 3, 1870
URL: http://www.canadiana.org/ECO/PageView/91942/0434

Micmac yield land on Bouctouche reserve, NB, May 4, 1871
URL: http://www.canadiana.org/ECO/PageView/91942/0447
Aboriginal land ceded for lighthouse on Lake Simcoe, Ont., Mar. 24, 1874
URL: http://www.canadiana.org/ECO/PageView/91943/0042

Aboriginal land ceded for shooting range on Walpole Island, Ont., 1875
URL: http://www.canadiana.org/ECO/PageView/91943/0014

Maps of Bouctouche Micmac reserve land
URL: http://www.canadiana.org/ECO/PageView/91942/0436

Other Interesting or Important Documents

- Indian treaties and surrenders, from 1680 to 1890, Volume I
  URL: http://www.canadiana.org/ECO/ItemRecord/91942

- Indian treaties and surrenders, from 1680 to 1890, Volume II
  URL: http://www.canadiana.org/ECO/ItemRecord/91943

- Letter from Adams G. Archibald to Wemyss Simpson, July 22, 1871
  URL: http://www.canadiana.org/ECO/PageView/30387/0034
  (Treaty Number One)

- Letter from Archibald to Simpson, July 29, 1871
  URL: http://www.canadiana.org/ECO/PageView/30387/0035
  (Treaty Number One)

- Letter from Simpson to Archibald, July 30, 1871
  URL: http://www.canadiana.org/ECO/PageView/30387/0037
  (Treaty Number One)

- Letter from Simpson to Archibald, Nov. 3, 1871
  URL: http://www.canadiana.org/ECO/PageView/30387/0039
  (Treaty Number Two)

- Letter from Morris to Minister of the Interior, Oct. 4, 1875
  URL: http://www.canadiana.org/ECO/PageView/30387/0135
  (On revisions to treaties one and two)

- Letter from Morris to Minister of the Interior, Oct. 5, 1875
  URL: http://www.canadiana.org/ECO/PageView/30387/0134
  (On revisions to treaties one and two)

- Letter from Morris to Minister of the Interior, Aug. 2, 1875
  URL: http://www.canadiana.org/ECO/PageView/30387/0136
  (On revisions to treaties one and two)
• **Letter from Morris to Minister of the Interior, July 8, 1876**
  URL: http://www.canadiana.org/ECO/PageView/30387/0140
  (On revisions to treaties one and two)

• **Letter from Alexander Morris to Minister of the Interior, Oct. 14, 1873**
  URL: http://www.canadiana.org/ECO/PageView/30387/0049
  (Treaty Number Three)

• **Report of Commissioner Dawson, 26th December 1873**
  URL: http://www.canadiana.org/ECO/PageView/30387/0329
  (Treaty Number Three)

• **First Letter from Morris to Minister of the Interior, Oct. 17, 1874**
  URL: http://www.canadiana.org/ECO/PageView/30387/0082
  (Treaty Number Four)

• **Second Letter from Morris, Oct. 17, 1874**
  URL: http://www.canadiana.org/ECO/PageView/30387/0086
  (Treaty Number Four)

• **Letter from Christie and Dickieson to Morris, Oct. 7, 1875**
  URL: http://www.canadiana.org/ECO/PageView/30387/0087
  (Treaty Number Four)

• **Letter from Howard and Reid to Morris, Oct. 10, 1875**
  URL: http://www.canadiana.org/ECO/PageView/30387/0156
  (Treaty Number Five)

• **Letter from Howard to Morris, Oct. 10, 1875**
  URL: http://www.canadiana.org/ECO/PageView/30387/0161
  (Treaty Number Five)

• **Letter from Howard to Morris, Oct. 10, 1875**
  URL: http://www.canadiana.org/ECO/PageView/30387/0161
  (Treaty Number Five)

• **Letter from Morris to Howard and Reid, July 14, 1876**
  URL: http://www.canadiana.org/ECO/PageView/30387/0
  (Treaty Number Five)
• *Letter from Howard to Morris, Oct. 14, 1876*
  URL: http://www.canadiana.org/ECO/PageView/30387/0168
  (Treaty Number Five)
Chapter 7 - 1876 – 1877: The Indian Act, 1876 and Numbered Treaties Six and Seven

Two important events happened in 1876 that had an effect on Aboriginal history in Canada. One was the signing of Numbered Treaty Six, which was arguably the most important and controversial treaty signed during the 1800s. It allowed, for the first time, an Indian agent to keep a medicine chest in his home, a move some Aboriginals later interpreted as a promise by the government to provide free health care. The second was the passing of the Indian Act, which effectively made all Aboriginals wards of the state.

The Indian Act, 1876

Once a majority of Aboriginals living on the Prairies had signed the Numbered Treaties, the federal government introduced and passed an act to amend and consolidate previous laws concerning the Aboriginals. Notably, this act turned the Aboriginals into legal wards of the state.

The Act also spelled out conditions for being an Indian under the eyes of the law. For instance:

- Any woman that married an Aboriginal man could be considered an Indian and could be allowed to live and even be buried on a reserve. These women also received other cultural and social benefits by gaining Indian status. However, any Aboriginal woman who married a white, European male was now considered to be a bona fide member of Canadian society. She lost her Indian status and every right that came with it.

- All “half-breed” Indians, like the Métis, were not entitled to Indian status. This included Métis who had received scrip – transferable land or cash allowances that were issued on paper certificates.

Sir John A. Macdonald summed up the government’s position nearly a decade later in 1885 when he said, “If they are half-breed, they are considered by the government to be white.”

This position was maintained until September, 2003, when the Supreme Court of Canada ruled that the Métis were entitled to the same rights as Aboriginal peoples.

Supporting document in Early Canadiana Online:

Alexander Morris’s Recommendations Regarding Half-Breeds, 1876 – 1880
URL: http://www.canadiana.org/ECO/PageView/30387/0295

The terms of the Indian Act also set out instructions regarding the sale of Aboriginal lands. It allowed the government to set licenses allowing timber to be cut and removed from these properties. This confused many Aboriginals, who thought they had given away land for
settlement purposes only and did not understand that the government could take resources – their forests – away from them.

Additionally, Aboriginals who broke the law could now be charged under the Criminal Code of Canada. As of 1876, there were legal punishments for Natives who left reserves or sold liquor on reserves.

The act was rewritten in 1951 and revised again in 1985. However, many provisions – including ones prohibiting Aboriginals from living on land outside of reserves or from drinking – have since been repealed or have simply fallen into disuse.

Did you know…?

Following the 1876 Indian Act, Aboriginals who lived on reserves were forced to carry an identity card, like a passport, every time they stepped off reserve land.

Supporting documents in Early Canadiana Online:

The Indian Act, 1876
URL: http://www.canadiana.org/ECO/PageView/9_02041/0056

Treaty Number Six, 1876
At a first glance, Treaty Number Six, signed by the Plains and Woods Cree Aboriginals, is very similar to the five that preceded it. In exchange for yielding their land on the Prairies in current day Alberta and Saskatchewan, the Aboriginals received smaller tracts of reserve land, cash, farm animals and tools (and so on) from the government. As with the other treaties, they had to promise to not drink alcohol and maintain law and order on the reserves.

This time, however, the government faced more resistance. Aboriginals had new concerns: European settlers were moving onto the Prairies at an alarming rate, and, as they moved westward, they displaced Aboriginals from their land. The buffalo had virtually disappeared from this region as well, and other big game animals like deer were not as plentiful. More and more Aboriginals were now facing starvation. On top of this, diseases like smallpox were decimating Aboriginal populations.

Poundmaker, a famous Cree chief, refused to sign the treaty at first since he felt that the government was trying to grab land from his nation unfairly. He is quoted as saying:

“This is our land! It isn’t just a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want.”

By December 1882, however, he had no choice. The buffalo were so scarce his people were starving. As the best hope for survival lay in accepting government money and resources, he allowed his people to be moved onto reserve land.
Treaty Number Six was unique as it was the only treaty of its sort with an implied provision for health care. It allows a medicine chest to be kept in the home of an Indian agent for the use and benefit of the Aboriginals. Some Aboriginals have interpreted this provision as extending to all who signed the Numbered Treaties. It is also interpreted by some as an promise by the federal government to provide free health care to every Aboriginal person in Canada – forever.

Supporting documents in Early Canadiana Online:

- Treaty Number Six
  URL: http://www.canadiana.org/ECO/PageView/30387/0353

- Adhesions to Treaty Number Six
  URL: http://www.canadiana.org/ECO/PageView/30387/0362

- Sharphead Indians give away Treaty Six reserve land, Sept. 11, 1897
  URL: http://www.canadiana.org/ECO/PageView/9_02042/0265

Treaty Number Seven, 1877
This treaty was signed by a number of Aboriginal bands, including the Blackfoot and Stoney Indians, among others, in present-day southern Alberta. It is very similar to the ones that preceded it, with some exceptions. There was no health care provision as there had been in Treaty Number Six; however, these bands were successful in negotiating for more money and supplies than in previous treaty negotiations. This would be the last Numbered Treaty signed between the government and the Aboriginals until 1899.

- Treaty Number Seven
  URL: http://www.canadiana.org/ECO/PageView/30387/0370

- Adhesion to Treaty Number Seven
  URL: http://www.canadiana.org/ECO/PageView/30387/0376

Other Interesting or Important Documents:

- Dispatch of Alexander Morris, 4th December 1876
  URL: http://www.canadiana.org/ECO/PageView/30387/0182
  (On Treaty Number Six.)

- Letter from Rev. Constantine Scollen, Sept. 8, 1876
  URL: http://www.canadiana.org/ECO/PageView/30387/0249
  (On Treaty Number Seven.)

- Dispatch of David Laird, Oct. 4, 1877
  URL: http://www.canadiana.org/ECO/PageView/30387/0253
  (On Treaty Number Seven.)
While there were no new treaty negotiations during this period, the federal government continued to pursue a policy of assimilation and enfranchisement of Aboriginals. To further these policies, the government banned potlatch celebrations in 1884 and started placing Aboriginal children into Western Canadian residential schools during the late 1800s. Many Natives resisted with these moves to destroy their culture.

Residential Schools
Starting in the early 1870s, residential schools for Aboriginal children between the ages of five and 16 began to be set up by the federal government. The right for these schools to exist was enshrined in the Indian Act, 1876, and they were eventually to be found in every province except Newfoundland, New Brunswick and Prince Edward Island.

Children were taken from their homes and communities and placed in these distant residential boarding schools against their or their families’ will. The federal government and various religious organizations jointly ran these schools. They were meant to train Aboriginal youth how to farm and become productive members of society along European, Christian lines.

Residential schools not only destroyed many Aboriginal children’s self-esteem, they helped damaged their culture, language and traditions. This process is called deculturation.

There were other hazards, as well: tuberculosis was common and many students also endured physical or sexual abuse. Some students died as a result.

Those that survived often grew up to be dependant on the government to provide for them. Many returned to their reserves as adults with no sense of belonging, and thus turned to alcohol and drugs to fill the void. Others displayed suicidal tendencies, or turned to anti-social or criminal behaviours.

For more information on the history of Residential Schools, please see the Topics and Events section.

Supporting documents in Early Canadiana Online:

Assiniboia Industrial School Certificate of Ownership, Mar. 27, 1894
URL: http://www.canadiana.org/ECO/PageView/9_02042/0165

Assiniboia Industrial School Duplicate Certificate of Ownership, July 15, 1895
URL: http://www.canadiana.org/ECO/PageView/9_02042/0193
Banning the Potlatch, 1884
In 1884, to further assimilate Aboriginals into Canadian culture, the government banned the potlatch ceremony – which was of particular political significance to those living on the northwest coast. This was seen by many Natives as an opportunity to remove the Aboriginal right to self-governance, and some tried to resist the ban. However, the potlatch remained illegal until 1951 and attempts to hold major celebrations during this period were usually met with failure. While potlatches can be and are held today, they are not as extravagant as they once were.

Supporting document in Early Canadiana Online:

_The Indian Potlatch, 1899_
URL: http://www.canadiana.org/ECO/PageView/15538/0003
(Text of a speech about the potlatch ceremony from a presumably Catholic perspective)

For more information, please visit the Canadian Encyclopedia online.
URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A

The North West Rebellion, 1885
A second rebellion, led by Louis Riel and a small group of Aboriginals and Métis who still felt they were being denied their land rights, happened in 1885 in what is now Saskatchewan. This uprising was quickly quashed, and helped to turn public sentiment away from the plight of the Native peoples.

For more information, please see the Riel Rebellions section of Topics and Events.
- Chapter 9 -  
1899 – 1922:  
Last of the Numbered Treaties

After obtaining land from Aboriginals in the Prairies during the 1870s, the federal government was temporarily satisfied. Catholic missionaries in the area pleaded with the government throughout the 1880s and 1890s to sign treaties with the sick and starving Aboriginals in Canada’s north, but the government only handed out a little bit of money. They had reasons: first, the government had limited resources and did not want to be seen diverting large amounts of money away from Europeans to Aboriginals. Secondly, the north’s rugged landscape did not appear to be worthy for Canadian-European settlement.

One event changed these views, however: the Klondike gold rush. Suddenly, the land was yielding bountiful mineral resources and attracting new settlement through gold prospecting. With the discovery of gold in the Yukon in 1896, the government began to finally consider making new treaties with the northern Aboriginals.

Numbered Treaties Eight to Eleven, 1899 – 1921

Treaties Eight to Eleven were signed over a period of two decades. Treaty Eight was signed in 1899 so the federal government could obtain Aboriginal lands to the north of Treaty Six (found in present-day northern British Columbia, Alberta, Saskatchewan and south-central Northwest Territories). Treaty Nine was signed in 1905 and 1906, and dealt with lands in northern Ontario. Treaty Ten was signed in 1906 and saw land cession deals struck in northern Alberta. Treaty Eleven was signed in 1921 and dealt with land in the Northwest Territories and the Yukon.

These treaties are all very similar to each other and most of the numbered treaties that preceded them. However, one concept new to Treaty Eight was the creation of small family reserves for individual families. This was to meet the needs of small band groupings like the Woodland Cree and Dene tribes that lived in this area.

For more information on the terms contained in these treaties, please see the Numbered Treaties Content section of Events and Topics.

Despite the fact that northern Aboriginals were not faring well, the government learned in 1898 that some bands were not interested in signing Treaty Number Eight. These bands did not want to live on reserves like their southern counterparts, and they feared signing the treaty would destroy their way of life.

Some members of these tribes expressed concerns about the perpetual nature of these treaties, and virtually all remained suspicious of the government’s track record when it came to keeping its word. Northern Aboriginals looked closely at the failed attempts to turn the Prairie Aboriginals into pioneer farmers like the Europeans. Many Aboriginals on Prairie reserves were suffering from poverty and starvation.
Thus, there was now a growing skepticism that the government would eventually curtail Aboriginal fishing and hunting rights, since the land allowed for these activities shrunk considerably in these latter numbered treaties. The government would refute this during all numbered treaty negotiations, and provided more cash for fishing net twine and gun ammunition to allay this fear.

Also, the previous treaties had called for the government to take a census of all Aboriginals living on reserves for the purposes of paying them a lump sum of cash every year. However, the government had, by this point, lost count of many Aboriginals. Even today, we don’t know precisely how many Aboriginals are in Canada because of the poor census taking in the late 1800s.

All of these things would weigh heavily on the minds of many Aboriginals who cautiously and nervously agreed to sign Treaties Eight to Eleven.

Did you know…?

At the dawn of the twentieth century, the federal government was paying about three-quarters of its spending on Aboriginals to those living on the Prairies, even though they made up only about one-quarter of the total Aboriginal population in Canada.

Supporting documents in Early Canadiana Online:

**Treaty Number Eight**
URL: http://www.canadiana.org/ECO/PageView/9_02042/0347

**Treaty Number Nine**
URL: http://www.ainc-inac.gc.ca/pr/trts/trty9_e.html

**Treaty Number Ten**
URL: http://www.ainc-inac.gc.ca/pr/trts/trty10_e.html

**Treaty Number Eleven**
URL: http://www.ainc-inac.gc.ca/pr/trts/trty11_e.html

For more information on the Numbered Treaties, visit:
- the Department of Indian and Northern Affairs.
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/site/mainindex_e.html
- the Atlas of Canada.
  URL: http://atlas.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties
- the Canadian Encyclopedia Online.
  URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A
Treaty on Migratory Birds, 1916

If the Aboriginals who signed the Numbered Treaties had any right to feel nervous about potentially losing their hunting, trapping and fishing rights – the Treaty on Migratory Birds, 1916, signed between Canada and the U.S. was further cause of alarm. It called for the conservation of migratory birds between the two countries, and prevented the hunting of certain endangered bird species.

This treaty was signed without any Aboriginal consultation, even though it put restrictions on their hunting rights. This treaty would only presage the loss of hunting and fishing rights to come in the Williams Treaties of 1923.
The Williams Treaties and Land Transfer Agreements

This period was a decisive one in Aboriginal history in Canada. While the William Treaties would clean up many faulty land cession agreements dating back to the 1700s, they would come at a price: the complete loss of fishing and hunting rights for Aboriginals on surrendered lands. What was more, some western provinces received new powers to rule over hunting and fishing land. However, it is in this period that Aboriginals began to come into their own by organizing protest movements.

The Williams Treaties, 1923

In late 1923, treaties were signed dealing with outstanding Aboriginal land claims in southern and central Ontario. The treaties covered some 28,000 square kilometers of land. Some areas had been improperly seized through late 1700s-era blank treaties – simply put, treaties where the Aboriginals signed nothing but a blank piece of paper.

Like the Numbered Treaties that preceded the Williams Treaties, the Aboriginals received cash in exchange for formally giving up this land. However, they lost their right to hunt, fish or trap on any of this land. The worst fears of many Aboriginals to the west had finally come true: the government seemed to be clearly saying it was not interested in preserving their way of life.

Supporting documents:

Williams Treaties, 1923 – Chippewa Indians
URL: http://www.ainc-inac.gc.ca/pr/trts/trchip_e.html

Williams Treaties, 1923 – Mississauga Indians
URL: http://www.ainc-inac.gc.ca/pr/trts/trmis_e.html

Pow-wows Banned, 1925

Two years after the Williams Treaties, the federal government decided it would ban further Aboriginal cultural ceremonies, including pow-wows, sweat lodges and Indian Sun Dances through Indian Act legislation. These ceremonies would be driven underground and held in secret until 1951, when the ban was finally lifted.

Provincial Land Transfer Agreements, 1930

New agreements gave Alberta, Saskatchewan and Manitoba the right to have greater control over their natural resources. Once again, Aboriginals in these provinces were not consulted. They were greatly upset because these agreements gave provincial governments in most of western Canada the right to curb fishing, hunting and trapping on Crown land if needed.
British Columbia, Ontario, Québec, New Brunswick and Nova Scotia, on the other hand, already had constitutional control over their land and natural resources through Section 109 of the British North America Act.

Supporting documents:

**Alberta Natural Resources Act, 1930**

**Saskatchewan Natural Resources Act, 1930**
URL: http://www.canlii.org/sk/sta/cssk/20030731/s.s.1993c.s-31.1/whole.html

**Manitoba Natural Resources Act, 1930**
URL: http://web2.gov.mb.ca/laws/statutes/ccsm/n030e.php

**The British North America Act, 1867**
URL: http://www.canadiana.org/ECO/mtq?doc=92338

**Aboriginal Protest Movements**

Aboriginal political protests really began in earnest during the early 1910s, when a Native delegation was sent from the Prairies to Ottawa to protest the breaking of Numbered Treaty promises. However, the movement really started gain momentum in the 1920s and 1930s, fuelled by broken treaty promises and the introduction of new laws that went against these promises. The most active agitation came from Aboriginals in the Treaty Six area of Alberta and Saskatchewan.

The League of Indians of Canada was established in the early 1920s, and was eventually followed by at least two more provincial organizations: the Indian Association of Alberta in 1939 and the Federation of Saskatchewan Indians in 1944. These groups would go on to make presentations to a joint Senate-House of Commons committee studying changes needing to be made to the *Indian Act* between 1946 and 1948. (These changes needed to be made of in light of Canada’s anticipated signing of the UN *Universal Declaration of Human Rights* in 1948, which forced the government to rethink it’s treatment of Aboriginals.)

For more information, please see the Aboriginal Protest Movements section of Events and Topics.

**Other Interesting and Important Links**

- **Historical background about the Williams Treaties**
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/Twil/twil_e.html

- **The Making of The Williams Treaties**
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/Twil/twil1_e.html
- Chapter 11 -
1951 – 1981:
Aboriginal Rights Movement

Upon signing the United Nations *Universal Declaration of Human Rights* in December 1948, Canada’s government was forced to re-examine its treatment of Aboriginals for the first time. Voting rights were extended in 1960, and Aboriginal civil rights became an ongoing concern in the 1970s. While there were still many Aboriginal grievances, they would make significant gains during this period.

**Indian Act Revisions, 1951**
In 1951, the *Indian Act* was changed so that many of the most oppressive laws banning key customs – including potlatches, pow-wows or other cultural ceremonies – were no longer effective. Aboriginals were also now allowed to possess and drink alcohol for the first time, but only on their own reserves.

Just as significant were changes made to the act allowing Aboriginals to sue the government over land claims. The provinces gained an increased role in determining Indian status. However, ultimate control over the Aboriginal peoples still resided (and still resides) with the federal government.

**The Right to Vote, 1960**
In 1958, Prime Minister John Diefenbaker named James Gladstone, a member of Alberta’s Blood tribe, as the first Native Senator. Then, in 1960, he gave non-enfranchised Aboriginals the right to vote in federal elections. Despite these moves, though, the federal government was still opposed to the idea of Aboriginal self-government.

In March 1959, the Royal Canadian Mounted Police was sent into Six Nations Reserve near Brantford, Ontario, which, until 1924, had been completely self-governed. The police were there to evict Iroquois chiefs and clan mothers after traditionalists on the reserve seized control and, for all intents and purposes, declared the reserve separate from Canada.

**White and Red Papers, 1969 – 1970**
The year following Prime Minister Pierre Trudeau’s rise to power in 1968, his government issued a White Paper on Aboriginal policy that argued that Canada shouldn’t negotiate any further treaties with the Native peoples. Trudeau believed treaties were something only signed between sovereign nations. His government also did not agree with Aboriginal land right claims, either, because they were too broad and unspecific. Aboriginals feared this stance would undermine their special rights and status within Canadian society.

Aboriginals responded with their own document, named Citizens Plus, in 1970. This became more commonly known as the Red Paper. The Red Paper countered all of the proposals of the
White Paper. An Aboriginal delegation, backed by other Canadian citizens, met with the government and successfully convinced it to radically change its policies and positions.

**The Drybones Case, 1970**

In 1969, an Aboriginal man named Joesph Drybones was found drunk in a Yellowknife hotel lobby and was arrested. While the *Indian Act* now allowed Aboriginals to drink, they could only do so on reserves. At the time, no reserves existed in the Northwest Territories.

Drybones fought his case all the way to the Supreme Court of Canada, who found that the police had discriminated against him because of his race when they charged him with drunkenness. This ruling effectively caused the no-drinking clause in the *Indian Act* to fall into disuse.

**The Calder Case, 1973**

Frank Arthur Calder, a member of the federal Cabinet, sued the British Columbian government over land claims issues outstanding in the province with the Nisga’a tribe. The issue went to the Supreme Court of Canada, which ruled that aboriginal rights to the land did exist, particularly under the *Royal Proclamation of 1763* and subsequent government implementation of that proclamation.

This ruling forced Pierre Trudeau’s government to reconsider its federal Aboriginal policy once again, which opened the door to discussion on the intent and meaning of all Indian treaties.

**The Berger Commission, 1974 – 1977**

During the 1960s, new natural gas reserves were found in the Beaufort Sea in the Arctic, and oil companies began to express interest in building a pipeline straight through the fragile ecosystem of the northern Yukon and Mackenzie River Valley. In the mid-1970s, the Berger Commission, led by Thomas Berger, examined the effects of this proposed pipeline. Aboriginals in the region were particularly opposed to the pipeline, for several reasons:

- Environmental concerns
- Skepticism about the motives and interests of big business
- Perceptions that it infringed upon their land rights and special status.

Ultimately, the pipeline was never built.

**The James Bay and Northern Québec Agreement, 1975**

This was, notably, the first major land cession deal signed since the early twentieth century. It gave Inuit and Cree people in northern Québec significant amounts of money – $225 million – and hunting and fishing rights to land that was to be surrendered to the provincial government. The Québec provincial government wanted large portions of land in the northern half of the province for the purposes of building hydroelectric dams.
Supporting documents:

*James Bay and Northern Québec Native Claims Settlement Act, 1975*

*Cree-Naskapi (of Québec) Act, 1984*

**Other Interesting or Important Links:**

- *Quebec Boundaries Extensions Act, 1912*
  URL: http://www.solon.org/Constitutions/Canada/English/Misc/qbea_1912.html
  (Increases Québec boundaries into James Bay and Hudson’s Bay)
Aboriginals made significant gains during this period, particularly with the restoration of Indian status to all enfranchised Aboriginals, women with lost status and the Métis, in the 1982 Constitution Act. The period was also one marked by strife, discontent and much dissatisfaction. For instance, the Oka crisis pitted Mohawks against police officers and the Canadian military during a tense standoff over a land claims issue near Montréal, Québec, during the summer of 1990.

Despite major breakthroughs during the 1990s with the creation of Nunavut Territory and British Columbia’s Nisaga’a Treaty, outstanding land claims and rights issues still remain. Even those with self-governance face the challenges of ensuring they have the proper financial resources, leadership and determination to be able to govern themselves within the Canadian social and governmental framework.

**Constitution Act, 1982**

Section 25 of the modern charter of rights and freedoms guaranteed the rights and freedoms of all Aboriginals, Métis and Inuit. The basis for these rights and freedoms are:

- The *Royal Proclamation of 1763*
- Previous land claim agreements made between governments and Aboriginals
- Other outstanding agreements

Section 35 recognized and affirmed existing Aboriginal treaty rights. It suggested that these treaties are open to interpretation and further negotiation.

Supporting document:

*The Constitution Act, 1982*

URL: http://laws.justice.gc.ca/en/const/annex_e.html#VII

**Western Arctic (Inuvialuit) Claims Settlement Act, 1984**

This act was approved by Parliament in 1984 and was one of the first major pieces of legislation to affect Aboriginals covered by the 1982 *Charter of Rights and Freedoms*. It was meant to protect the area’s wildlife and Inuit culture, and give the Inuit people of the Western Arctic control over their natural resources. This act cannot be changed without the approval of the Inuit living here.
Bill C-31, 1985
This bill was introduced as an amendment to the Indian Act. When passed in 1985, it officially provided Indian Status to:

- The Métis
- All enfranchised Aboriginals living off reserve land
- All Aboriginal women who had lost their status by marrying a non-Aboriginal man

The Meech Lake and Charlottetown Accords, 1987 – 1992
The 1987 Meech Lake Accord was meant to gain the acceptance of Québécois of the Canadian Constitution. However, many Aboriginals were upset that the accord perpetuated a myth that there were only two founding nations in Canada: the English and the French.

There was also a fear among Aboriginals that this accord would hand more power over Aboriginal affairs to the provinces. This, they feared, would reduce the services available to Aboriginal groups and individuals, and limit any future Aboriginal land claims or rights to self-government.

The Meech Lake Accord needed to be ratified by the provinces to be enacted. However, an Aboriginal MLA in Manitoba named Elijah Harper was able to stall the provincial legislature in 1990. By keeping the legislature from debating and giving assent to the accord on deadline, it collapsed.

The 1992 Charlottetown Accord was also meant to gain the acceptance of Québécois of the Canadian Constitution. This time, the federal government listened to Aboriginal leaders. Under the Accord, Aboriginals in Canada would receive:

- The inherent right to self-government
- The recognition of Aboriginal governments as a third order of government, after the federal and provincial governments
- A definition of self-government that was related to Aboriginal land, environment, language, and culture
- Senate representation
This accord went to a public vote in a national referendum that year, but was defeated.

For more information, visit the Canadian Encyclopedia online.  
URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A

The Oka Crisis, 1990

When municipal leaders in the village of Oka, Québec, decided to allow construction of a golf course on the burial grounds at a nearby reserve, it angered the Mohawk nation living there. A militant faction of the tribe immediately blocked off all roads leading into their reserve. A Québec police officer was shot and killed when charging the barricades. The Canadian Armed Forces were called in under the aid to civil power provision in Part VI of the National Defence Act to remove the barricades and quell the dispute by force.

The crisis helped to increase the awareness of the Canadian public to the concerns of the Aboriginal peoples, and led to a long Royal Commission on this issue. The Commission released a lengthy report on its findings in 1996.

For more information, visit the Canadian Encyclopedia online.  
URL: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A

Nunavut Territory, 1993 – 1999

A new territory was created in the eastern Arctic in 1999 as a result of the Nunavut Land Claims Agreement in 1993. The federal government gave some of this land to the Inuit specifically for living, hunting and controlling sub-surface resources. The government is also now paying the territory almost $1.2 billion for the sole purpose of retaining non-Inuit property during a 15-year period.

Supporting document:

Nunavut Act  

Nisaga’a Treaty, 1996 – 2000

This treaty was signed in 1996 between the British Columbian government and the province’s Nisaga’a tribe. It received royal assent in 2000 from the federal government, despite opposition from the Reform Party. It gave about $196 million to the tribe that is to be paid over a 15-year period, plus communal self-government and control of natural resources in their corner of northwestern British Columbia. See also the Calder Case.

Supporting document:

Nisaga’a Final Agreement Act  
- Sources -

The treaties, acts and other documents that make up the history of Aboriginal relations in Canada stretch back hundreds of years. They have been researched from:

Online Texts

- The Early Canadiana Online collection.
  URL: http://www.canadiana.org/cgi-bin/ECO/mtq

- Canada (1891). *Indian treaties and surrenders, from 1680 to 1890 Volume I*. Ottawa: Brown Chamberlin (Queen’s Printer).
  URL: http://www.canadiana.org/ECO/ItemRecord/91942

- Canada (1891). *Indian treaties and surrenders, from 1680 to 1890 Volume II*. Ottawa: Brown Chamberlin (Queen’s Printer).
  URL: http://www.canadiana.org/ECO/ItemRecord/91943

  URL: http://www.canadiana.org/ECO/ItemRecord/9_02041

- Morris, Alexander (1880). *The Treaties of Canada with the Indians of Manitoba and the North-West Territories including the Negotiations on which they were based*. Toronto: Belfords, Clarke and Co.
  URL: http://www.canadiana.org/ECO/ItemRecord/30387

Books


Maps

• The *Atlas of Canada* – Historical Indian Treaties
  URL: http://atlas.gc.ca/site/english/maps/historical/indiantreaties/historicaltreaties

Web sites

• Canadian Encyclopedia *Indian Treaties* section.
  URL: http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&TCE_Version=J&SectionId=623061&MenuClosed=0

• Department of Indian and Northern Affairs *Historic Treaty Information* site.
  URL: http://www.ainc-inac.gc.ca/pr/trts/hti/site/maindex_e.html

  URL: http://www.gov.bc.ca/tno/history/douglas.htm