

The Signing of Treaties 1 and 2

Southern Manitoba was included in the signing of Treaty 1 and 2 in 1871 between local First Nations and the government of Canada. This event marked a major shift in land use on the prairies.

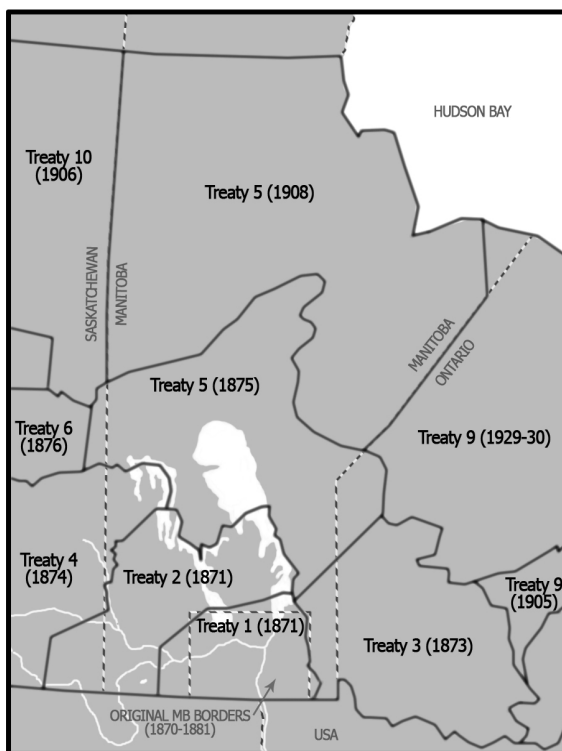
During the 50 years between 1871 and 1921 the Dominion Government of Canada negotiated 11 treaties with the First Nations of western Canada. Southern Manitoba lies in the area covered by Treaty 1 and 2. These two treaties were signed within three weeks of each other and provided the template by which the following numbered treaties were fashioned.

The treaties in western Canada transferred ownership of what is now modern farmland to the Canadian Government, opening up the west to settlement and agriculture. There were several motives which moved the Dominion government into action to secure control over the northwest. First of all, an unspoken southern threat was being felt from the Americans; there was a worry that they might have their eye on the vast western lands claimed by the British if something wasn't done with them. Secondly, the Conservative government led by John A. MacDonald had a long-time dream of building a railway that would span the country from coast to coast. Before this could happen, the government needed to own that land.

Among the native inhabitants of the northwest – First Nations and Métis – there existed a great uneasiness and anxiety. They communicated strongly that difficulties would result if they were not negotiated with and compensated for the use of their land and its resources prior to settlement. Yet they could not help but admit that the lifestyle that had served them for centuries would not sustain them in the changing times they were facing. Aboriginal people were therefore interested in securing a more certain future for themselves and generations to come.

For its part, Canada recognised that western Aboriginal groups were Nations unto themselves: the government admitted that Aborigi-

Numbered Treaties in Manitoba



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nal title to the land they occupied existed and that it ought to be dealt with before it was made available for settlers. Canada's only option was to settle with Native communities peacefully: they did not have the military strength to force their will.

In 1870 Adams Archibald was appointed Lieutenant-Governor of the new province of Manitoba and the North-West Territories. Archibald was not authorised to make agreements with concerned First Nations, but assured them that an Indian Commissioner would soon visit with them to negotiate a treaty.

First Nations were not pleased with the amount of time that it took for an Indian Commissioner to come to treat with them – a full year. They expressed great frustration with the government's slow action. While the government delayed, settlement encroached upon native lands, causing increased tension.

Wemyss M. Simpson was appointed Indian Commissioner in the spring of 1871 and the treaty process finally commenced. The treaty negotiations began at Fort Garry on the Red River on the 27th of July when the treaty commissioners met with about one thousand Swampy Cree and Chipewewa (Ojibway) First Nations, a substantial number

of Métis (including James McKay as translator/mediator—see article on Page 20, "Métis Intermediaries") and a crowd of other interested parties. The Dakota were not included in the numbered treaties because the Canadian government saw them as American refugees, not Canadian.

Over the following nine days, laborious negotiations took place as the bands gathered tried to secure the provisions that would lead to a prosperous future and Archibald and Simpson attempted to negotiate favourable terms for Canada. The First Nations were hard bargainers and ultimately the Commissioners were forced to grant more than they wanted. To sway negotiations at the end, some verbal promises were made which caused a great deal of trouble later on.

One of the most important provisions that First Nations pressed hard to maintain was land. Their initial request was for a reserve two-thirds the size of the postage-stamp province of Manitoba. They ended up being granted only 160 acres per family of five. Some chiefs protested that in addition to reserve sizes not being adequate, the yearly allowance being offered of \$12 per family of five was also too low. When they asked to be supplied with tools to work the land, Simpson was put in an awkward position because he was not authorised by the government to provide provisions for agricultural assistance. The result was that he was drawn into promising things verbally. This assurance of government assistance drastically altered the mood of the negotiations, as oral commitments were regarded by First Nations as being every bit a part of the treaty as the written ones.

Towards the end of the negotiations, some bands became upset and were deliberating leaving the conference altogether. The commissioners realised that a treaty would not be signed without some addi-

tional generous compromises. The terms by which the bands were convinced to sign included the following provisions: a plough and harrow for each individual who settled down to farm; livestock to be supplied to each reserve; a medal, buggy and uniform for every chief and less elaborate uniforms for two braves and two councillors per band. Several bands would not sign the treaty until Simpson and Archibald agreed to draw up a list of these “outside promises” as they came to be termed. A list was written out after the treaty negotiations but was not signed – perhaps not even seen – by any First Nation signatories.

After these verbal concessions were made, Treaty 1 was signed on August 3rd 1871. The document version of the treaty set aside a reserve for the exclusive use of each band which was to be a size proportionate to the population of that band. Every man, woman and child was granted a gift of \$3 and an annuity of the same amount. The treaty agreed to maintain a school and schoolmaster on each reserve when the band professed a desire for one. The treaty also prohibited the sale of liquor on reserves, and promised to conduct a census of all First Nations living within the treaty boundaries.

In return for these provisions the First Nations agreed to – in the language of the written document – “cede, release, surrender and yield up to Her Majesty the Queen” all of their land. In signing the treaty, the signatories pledged that they and their people would “maintain peace between themselves and Her Majesty’s white subjects, and not interfere with the property or in any way molest the persons of Her Majesty’s subjects.” After the signing of Treaty 1 the Commissioners travelled to Manitoba Post on the northwest extremity of Manitoba Lake to meet with several Ojibway bands. These bands had learned about the treaty signed at Lower Fort Garry and desired to agree to the same provisions. Treaty 2 was signed on the 21st of August. In this way an area just under 137,000 km² was transferred over to government control.

When Ottawa received Simpson’s report on the treaty, they discarded the oral promises. The government

was only prepared to fulfill the written treaty obligations – which were already more liberal than they had wanted. Difficulties with the implementation of Treaty 1 and 2 began to arise almost immediately, as bands within the treaty areas realised that the government did not intend to fulfill their agreement. Archibald wrote to Ottawa, cautioning the government that “we must fulfill our obligations with scrupulous fidelity. The Indians expect these promises to be rigidly kept and it will be most unsafe to disappoint them.”

In 1872 Alexander Morris succeeded Archibald as Lieutenant-Governor and inherited the problem of the outside promises. Morris took it upon himself to lobby on behalf of First Nations, believing that the signatories had been short-changed by the government’s unwillingness to act in good faith.

Constant pressure on the government brought about a revision of Treaties 1 and 2 in 1875. The list of oral promises recorded after the treaty negotiation was then taken to be a part of the official agreement. This list did not envelop all of the points of displeasure being pointed out by the treaty signatories, but the government was not prepared to fulfill provisions that had not been written down. They did admit that there had been a misunderstanding, however, and as a matter of grace, annuities were increased from \$3 to \$5. This amendment was given in exchange for First Nation silence on the subject of the outside promises thereafter.

The process of negotiating Treaty 1 and 2 brought important lessons. The government learned that First Nations were aggressive negotiators who could not be expected to simply sign a document that had been drawn up by officials and put in front of them. The

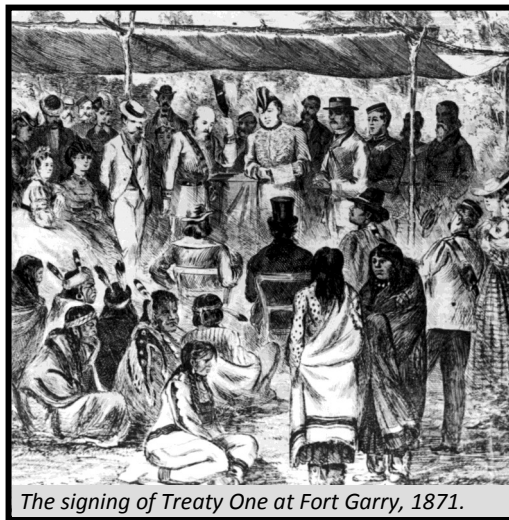
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problems that rose out of the unfulfilled outside promises were only the beginning of what came to define the relationship between First Nations and the government over the following decades. As subsequent treaties were signed, Ottawa showed increasing disinterest to provide adequate provisions to First Nations to facilitate their

successful economic shift from subsistence off the land to sedentary agriculture. This caused enormous hardship among First Nations peoples, and sowed seeds of disappointment and distrust.

The Numbered Treaties, in addition to the passage of the *Indian Act* in 1876, marked the beginning of a new relationship between western First Nations and the Canadian government. The following decades of bureaucracy, residential schools and resource extraction continued to put First Nations in a disadvantaged position. It was not an arrangement that First Nations necessarily knowingly entered into. They hadn’t meant to lose control over their lands and their lives. What they had endeavoured to do was safeguard their future, not put it in the hands of individual Indian Agents and bureaucrats in Ottawa. Treaty 1 and 2 indicated to First Nations that the government could not be trusted to act in good faith towards their treaty partners.

First Nations communities never considered themselves “defeated” through the treaty negotiations. They are still fighting hard to defend their sovereignty. What do they want? Respect, honesty and appreciation for their status.



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