

REVIEW ARTICLE

TREATIES AND AN OFFICIAL USE OF HISTORY

Morris, Alexander: *The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Including the Negotiations on Which They Were Based, and Other Information Relating Thereto.* (1880. Toronto: Belfords, Clarke & Co.) 1991 reprint: Saskatoon, Saskatchewan: Fifth House Publishers. ISBN: 0-920079-83-0, Paper \$18.95.

Canada: *Indian Treaties and Surrenders From 1680 to 1890.* Volume 1, 2, 3. (1891; 1912. Ottawa: Queen's Printer.) 1992 reprint: Saskatoon, Saskatchewan: Fifth House Publishers. ISBN: Volume 1: 1-895618-04-5; Volume 2: 1-895618-05-3; Volume 3: 1-895618-06-1, Paper \$22.95 each.

Canadian public opinion on Aboriginal issues, for example on self-determination or on land or on Treaties, while always generally supportive, has been at best superficial. There is very little understanding of such issues. Is this a result, at least in part, of the domination of an official version of history? Is the Federal Government responsible for an official version of the history of the Treaties as well as the formal wordings of the Treaties themselves? Moreover, is this history a superficial justification of federal Aboriginal policy? Some of these issues, while apparent before Oka, were obviously much more so after the events of the summer of 1990.

Aboriginal policy in Canada has been founded upon two primary components which are diametrically opposed to one another. The first is that federal policy has been largely indifferent to Aboriginal people since the early 19th century, except on the Prairies. The latter have not been seen to be part of the story of the dominant nation-building of Canada's national history. The second component is that the local governments, first the colonial regimes and then the Provinces, simply continue to use their hegemony over lands and natural resources in self-serving ways. Thus, Canada's Aboriginal policy since 1867 has been an artificial creation,

negative and destructive for Aboriginal people and for their relationship to the rest of the country.

Federal policy has generally been driven by more prominent national agenda items: western settlement, protective tariffs, free trade and the Constitution. (Witness, to provide but one example, the Meech Lake Accord.) In the late 19th century, Aboriginal policy was subservient to Sir John A. Macdonald's national policy initiatives. One hundred years later it was relegated behind the federal obsession with the Constitution and Quebec. Only at the initiative of Aboriginal people themselves have the agenda, the process, and finally the substance of Constitution-building begun to change, albeit very slowly. Whatever the stated intentions were, this omnibus policy of control over public lands was designed to put the lands at the exclusive use of the White settlers. Within the parameters of this policy, Aboriginal people were, and still are, excluded. Are they also excluded from the official history of the Treaties since the late 19th century?

Indian Treaties and Surrenders was initially published by the Federal Government in 1891 (Volumes 1 and 2) and in 1912 (Volume 3). The three volumes contain only the printed standard minimum legal conveyance documents (up to 1912) upon which the Department of Indian Affairs still relies today to deny and reject Aboriginal land claims in Canada. For example, one of the key documents cited in the Kanesahtake claims involving Oka is included in Volume 1 as "Surrender #4 1/2," dated October 17, 1717, a grant of land from the French King to the Sulpician Order (1891 [1]:12-14). Instead of recognizing the two row wampum or this grant as an affirmation of the existence of Aboriginal people and their territories, the Federal government uses it in such a way as to suggest that their major objective was, and still is, the denial of Aboriginal title to these lands.

These volumes, produced in the heyday of British and Canadian imperialism and expansion, languished in obscurity until the Aboriginal reaction to the Federal Government's 1969 "White Paper" on Indian policy in the early 1970s. They were reprinted in 1971, ostensibly to provide more information on Aboriginal people and their Treaties, along with other older works on similar subjects. Now, after the Oka resistance, Fifth House Publishers from Saskatoon has reprinted these volumes to serve much the same purpose.

The minimum legal documents in these volumes simply do not represent the entire spectrum of Treaties between the Aboriginal people and the Crown's representatives which were supposed to have been signed and negotiated under the Royal Proclamation of 1763, in a public meeting

or assembly held for that specific purpose. The St. Anne Island Treaty of 1796 is a case in point. The Treaty meeting was held at a public gathering on St. Anne Island in Lake St. Clair on August 30, 1796. The Crown promised a large Reserve, of the size of one Township (then 92,160 acres), as well as free trade, border crossing, and other rights.¹ Yet the record of this meeting is not in the Treaties and Surrenders book. There is only the surrender document (Surrender #7), dated eight days later, which implies, erroneously, that the Aboriginal people had surrendered or relinquished the land which, at the Treaty negotiation, they had agreed that they would in fact retain. This example is replicated throughout the history of Canada.

Even more seriously, and leaving aside the oral tradition altogether, this and many other Treaties have been denied by all levels of government on the basis of what is in this book rather than what is written down in the Department of Indian Affairs records. Thus a source which is readily available and well-used, influences public opinion by what it chooses not to include. The government later views this public perception to be the result of the Treaty, regardless of any perspective held by Aboriginal people.

Alexander Morris (1826-1889) was the primary Federal Government Treaty negotiator for the so-called numbered Treaties in northern Ontario and on the Prairies in the late 19th century. His book on the Treaties of Canada is a classic of Canadian history and extremely influential in our perception of the Treaties. Although it was published for the first time in 1880 by a commercial publisher in Toronto, the work is as close to an official history of the Treaties that one could possibly find then or now. Yet there is, apart from Friesen's admirable and perceptive article (1982), no critical full-length study which places his work in perspective. Morris' book is still heavily used, indeed much relied upon; yet there has been no critical analysis of it.

The book, reprinted in 1971 and again in 1991, is wholly self-serving. It was written to justify Morris' work in the negotiations and his (British) Imperial vision of Canada's future, a vision which was quite at odds with the objectives of the Aboriginal Nations. As Morris clearly and squarely put it in his Preface:

...that I may thereby contribute to the completion of a work, in which I had considerable part, that of, by treaties, securing the good will of the Indian tribes, and by the helpful hand of the Dominion, opening up to them, a future of promise, based upon the foundations of instruction and the many other advantages of civilized life (1880:5).

The work is very simply divided into Chapters on the various treaties beginning with reports on the Selkirk Treaty, the Robinson Treaties of 1850, and the Manitoulin Island Treaty of 1862. The work then follows chronologically through the 1870s with the negotiations on Treaties One to Seven. The last few chapters address issues relating to the Sioux, the administration of the Treaties, the Métis people and the future of the Aboriginal Nations. Alexander Morris includes, unlike *Treaties and Surrenders* which prints the texts of the same Treaties, both his and other reports on the negotiations and council meetings for those Treaties. Thus he left us a more complete record of the Treaties in published form than the later government volume, although his accounts are colored. Severely biased and limited to his vision of what Aboriginal people should be and should become, Morris' work is greatly flawed by his lack of understanding of Aboriginal customs and ways of life. In Treaty #3, to give but one example, he remarks frequently with great frustration on the delays, divisions and jealousies on the part of Aboriginal people (p.54), while failing to comprehend fully the choices he was putting to them which would result in momentous changes to their way of life. At the same time he highlighted the significance of the Treaty for the imperial expansion of Canada by extinguishing the "Indian title" to the vast tract of country comprising 55,000 square miles (p.51). For Morris, as for the government, the official history and the future of Aboriginal people were both self-evident. The way of life and the customs of the Aboriginal people would have to change in the face of material progress and the national vision and colonial regime of the new Dominion of Canada. It was deemed that "these people must be assimilated even for their own good."

Since the publication of Alexander Morris' work in 1880, there have been few changes in Canada's Aboriginal policy. Assimilation remains, if not the stated objective, then at least, as Weaver has documented (1981), the hidden agenda. If anything, the government's already large credibility gap on these matters, however huge before Oka, has widened even more. Little or nothing of substance has happened since the Mohawk summer of 1990.

Fifth House Publishers might wish to consider adding a caveat that this set, however useful for what it is, does not include all the Treaties. It does not reflect any oral negotiations or "outside promises" or even any collateral written records. Ultimately, it does not, in contrast to the Morris volume, really reflect fully the First Nations' understandings of the Treaties. An alternative might be an introduction to the set, placing these matters in

perspective.

From this cursory review, it would seem that a study of the role of official history and its uses and abuses in the Aboriginal history of Canada may be a fruitful endeavour. One could examine the British Imperial roots of the myths propounded and propagated about Aboriginal people and their sovereignty, about the Chain of Friendship and the Treaties. The institutions and popular cultures of the White settlers could be scrutinized as well for their influence on how the public has viewed government policy and Aboriginal issues. Lastly, to what extent has Canadian historiography itself been a vehicle for this official history, as much by what it has said about the history of Aboriginal people as by what it has neglected or denied?

David T. McNab
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Notes

1. The St. Anne Island Treaty, 30 August 1796, National Archives of Canada (NAC), RG 10, Volume 39, Microfilm Reel #C-11,012, (Ontario Archives MS. 775, R. 52), pp. 21652-21656. Another copy of the same document is in RG 10, Volume 785, pp. 181477-181480; see also Cruikshank, 1932:34-35.

References

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1932 The Peter Russell Papers. Volume I: 1796-1797. Toronto: Ontario Historical Society.
- Friesen, Jean
1982 Alexander Morris. Dictionary of Canadian Biography XI (1881-1890):608-615. Toronto: University of Toronto Press.
- Weaver, Sally
1981 Making Canadian Indian Policy: The Hidden Agenda 1968-70. Toronto: University of Toronto Press.