

HEARTY CO-OPERATION AND EFFICIENT AID, THE METIS AND TREATY #3

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ABSTRACT/RESUME

Alexander Morris, Commissioner for Treaty #3, stated in 1873 that the Metis had been important to the negotiations because they helped persuade Indians to sign the Treaty. A critical review of the evidence suggests, however, that the Metis role was limited to that of facilitators, and that they served mainly as reporters, interpreters and witnesses.

Selon la déclaration en 1873 d'Alexander Morris, commissaire responsable du traité numéro trois, les Métis avaient joué un rôle important dans les négociations parce qu'ils avaient contribué à obtenir l'accord des Indiens. L'auteur de la présente étude suggère, pourtant, après avoir réexaminé la question, que la contribution des Métis, qui ont servi principalement de rapporteurs, d'interprètes et de témoins, était en réalité plus limitée.

Recent research on the "half-breed" or "Metis" people in Canada has, as one of its major interests, focussed on the origins of the Metis and their development in the context of the fur trade (c.f. Brown, 1980; Van Kirk, 1981). As has been expressed recently by one historian, more research should also be undertaken on all aspects of the Metis in the twentieth century (Lussier, 1982). This is, no doubt true. Yet there has been no critical comprehensive study of the participation of the Metis in the treaties, particularly in the so-called "numbered treaties".¹

Alexander Morris, in his official Report of October 14, 1873 on the Treaty #3 negotiations wrote that he had "much pleasure in bearing testimony to the hearty co-operation and efficient aid the Commissioners received from the Metis who were present at the [Northwest] Angle, and who, with one accord, whether of French or English origin, used the influence which their relationship to the Indians gave them, to impress them with the necessity of their entering into the Treaty" (1880:51).² Morris's view that the Metis from Manitoba had a pivotal role in the final negotiations that led to the signing of Treaty #3 has sometimes been commented on without being critically examined. Morris's attitude that the Metis as a "race" were hearty, helpful, co-operative and efficient appears to be similar to other nineteenth century racial stereotyping of the Metis (McNab, 1977). It is also misleading. This paper suggests that the Metis of Manitoba who were directly involved in the negotiations had an important role in the negotiations based on their "hearty co-operation" and "efficient aid" if, by that, Morris meant that they had acted as facilitators, i.e. reporters, interpreters and witnesses in the Treaty negotiations. The Metis of Manitoba were useful to Morris and his fellow Indian Commissioners, and, perhaps to the Indian people, as facilitators rather than parties directly involved in, the Treaty #3 negotiations. This role would be similar to that which the Metis had in the fur trade. However, the Metis at Fort Frances seem to have participated in the Treaty #3 negotiations through the Indian "spokesmen", particularly through Chief Mawdopeness of the Rainy River Indian Bands.

In 1880, Alexander Morris published his *Treaties of Canada with the Indians of Manitoba*. Morris was one of the major figures in the negotiations that led to the signing of some of the "numbered treaties", including Treaty #3, on October 3, 1873. In his Report of October 14, 1873 on the Treaty #3 negotiations, Morris noted the importance of the "hearty co-operation" and "efficient aid" that he had received from the Metis during those negotiations. He also wrote that, on Friday, October 3, 1873, the last day of the negotiations and the day that Treaty #3 was signed, Chief Mawdopeness of the Rainy River Indian Band, who was one of the spokesmen for the Indian people in the negotiations on that day, said to him:

I wish you to understand you owe the treaty much to the Half-breeds (1880:74).

Morris immediately and unequivocally acknowledged this debt:

I know it. I sent some of them to talk with you, and I am proud that all the Half-breeds from Manitoba, who are here, gave their Governor [Alexander Morris] their cordial support (ibid).

Apart from the Morris report, there is no extant account of the Metis role in the Treaty #3 negotiations. There is a copy of Joseph Nolin's "Notes" in English on the "Terms of Treaty #3,"³ a document that is similar in its content to the "Paypom Treaty" or "Paypom Document".⁴

There are six different sources on the final Treaty #3 negotiations: 1) an anonymous newspaper account in the "Manitoban" on October 18, 1873,⁵ 2) Morris's official Report of October 14, 1873; 3) an oral Indian account that may or may not be extant; 4) the copies of the three documents comprising Joseph Nolin's "Notes" in English on the "terms of Treaty #3" dated October 5, 1873; 5) Chapter 5 on "Treaty Number Three, or the North-West Angle Treaty" in Morris (1880) which contains the 1873 Report and extracts from the newspaper account, 6) The Treaty #3 document which signified agreement on the results of the final negotiations.

There is an anonymous account in the "Manitoban" that was published in Winnipeg on October 18, 1873, which was according to Morris, "prepared by a short-hand reporter and presents an accurate view of the course of the discussions, and a vivid representation of the habits of Indian thought" (1880:52). Since this document contains no report of what happened in the Indian "Councils" held at that time it does not really provide, as Morris suggested, "a vivid representation of the habits of Indian thought" (ibid). It may provide an idea of the negotiating rhetoric and how non-Indians perceived the habits of Indian thought but little about the "habits of Indian thought" or about "Indian thought". It tells us very little, if anything, and only from one perspective, of what actually happened when the Metis of Manitoba were invited into the Indian "Council" early in the morning on Friday, October 3, 1873. The account in the "Manitoban" stated that the "Hon. James McKay, and Messrs. Nolin, Genton, and Lavaillee were invited into their council, and after a most exhaustive discussion of the circumstances in which they were placed, it was resolved to accept the Governor's terms, with some modifications."⁶ In this part of the newspaper account of the Metis involvement in the negotiations, the anonymous "reporter", almost certainly a non-native and not privy to the Indian Councils on those days, assumed that the presence of the Manitoba Metis was crucial in getting the Indian people to change their minds about the proposed Treaty and to sign it. However, although this account points to the "fact" that some of the Metis from Manitoba who were present at the negotiations on Treaty #3 were sent to one of the Indian Councils to persuade the Indian people to sign that Treaty, there is no conclusive evidence on this point. To determine what actually happened, (if that is at all possible given the fragments of the past that remain), it is necessary to turn to the extant evidence and examine it critically for what it tells us and what it does not tell us. The account of the anonymous newspaper reporter whom Morris later described as a "short-

hand reporter", comprised the "reports of the speeches" during the negotiations (1880:52). The short-hand reporter may or may not have been the same person, or one of the persons, who prepared the account that later appeared in the "Manitoban" on Saturday, October 18, 1873, fifteen days after the signing of Treaty #3. It is also difficult to determine what, if anything, had been added to that document by way of editorial comment or other additions, although there appear to be some comments interspersed among the reported verbatim speeches of the negotiators. For example, in the first section of the newspaper account, dated September 30, 1873, there is the following statement: "Divisions and local jealousies have taken possession of the Indian mind, and are bearing the same fruit as like causes would produce among the free and independent electors of Manitoba, or among half a dozen candidates contesting a seat to parliamentary honors",⁵ This analogy was used to explain the "Indian mind" to the non-natives of Manitoba in the late nineteenth century. This source must be used very warily. If sections of it were added for local colour to evoke the reader's imagination of the image of the "savage", as they almost certainly were, then the speeches taken down by the short-hand reporter may also be suspect. Since this account and the Morris Report of October 14, 1873, contain similar information sometimes in similar wording, both documents may have been conceived or written by Morris or by someone associated with him.

The Morris Report of October 14, 1873 on the Treaty #3 negotiations and its signing is the official account of the Treaty #3 negotiations. This report was written after the events that it purports to describe, probably between October 7 and October 13, 1873, at approximately the same time that the newspaper account was being completed for publication in the "Manitoban", the official organ of the Lieutenant Governor on October 18, 1873 (Morton, 1957:147). The official report was probably written first and then, like a press release today, the news followed.

The Report of October 14, 1873 is, compared with the newspaper account of October 18, 1873, a more succinct version of the negotiations that occurred between September 25, 1873 and October 6, 1873 at the Northwest Angle. Attached to it among other items are copies of other documents on those events, including a copy of Joseph Nolin's notes in English on the terms of Treaty #3.

There may also be an oral Indian account of the negotiations. In his Report, Morris noted that the Ojibwa "had selected three spokesmen and had also an Indian reporter whose duty was to commit to memory all that was said" (1880:48). Such an account if it exists, may yet provide another perspective on the negotiations.

There are copies of three documents in English of Joseph Nolin's notes on the terms of Treaty #3, or the so-called "Paypom Treaty". As these documents are copies in English, they are suspect, for Morris stated in his Report that at the specific request of the Indian Chiefs Joseph Nolin was to take notes in French of the negotiations. Morris stated that he attached a copy of those notes which he had obtained from Joseph Nolin to his Report (ibid). However, the copy that is now attached to the Morris Report in the Public Archives of Canada, is a copy in English, not in French. Another document similar in

content and also in English is in the Alexander Morris Papers in the Provincial Archives of Manitoba. Both of these documents may be copies of one or more copies of the original document that may still be extant. Another document, which may be a third copy of these notes, also in English, is now apparently in the possession of Allan Paypom, and elder of the Indian people in the Treaty #3 area. Unlike the other two documents, this one is signed by August Nolin and Joseph Nolin. This document has been identified recently by Grand Council Treaty #3 as the "Paypom Treaty" or "Paypom Document", the real Treaty No. 3 held by Elders, and a copy of it was presented by Grand Council Treaty #3 to the Premier of Ontario on May 25, 1982.⁴

Joseph Nolin's notes on the terms of Treaty #3 do not give a full description of the Treaty #3 negotiations, as the other sources do. The notes comprise a list of brief comments on the items that were apparently discussed during the negotiations. Each note in that list is worded affirmatively, such as "The Government will give when the Indians are located...", and seems to indicate items of agreement on some of the outstanding issues between the parties involved in the Treaty negotiations.⁸ The copies of these three documents were not signed either by representatives of the Indian people or by the Federal Government, as was the Treaty #3 document. That document was signed on October 3, 1873 by the representatives of the Indian people or by the Federal Government, after the negotiations were concluded. The Treaty #3 document signified agreement on certain issues that had been discussed and then resolved at the end of the negotiations.

Chapter 5 in Morris's *Treaties of Canada* contains Morris's 1878 Report, edited extracts of the account in the "Manitoban" and retrospective comments by Morris in 1880. It must be used carefully and compared with the original documents that are in it.

There were a few Metis from Manitoba involved in the Treaty #3 negotiations. They included James (Rat) McKay (1828-79), Charles Nolin (1823-1907), Joseph Nolin (182?-?), and Pierre Levielle (also variously spelled Le Vieller, Levaillier, Leveillee) from Manitoba, a colleague of Charles Nolin during the Red River resistance (Morton, 1957:133-4). A "Mr. Genton", presumably a Metis, and from Manitoba, was also present. George McPherson, (182?-189?), described by Alexander Morris as an "intelligent half-breed trader", (1880:48) resided in the Rainy Lake and Rainy River area before and after the signing of Treaty #3 and was subsequently an Indian Agent in Lake of the Woods. Nicholas Chastelain (1791-189?) (also spelled variously Chatelan, Chatelaine) was a prominent Metis and a Federal Government interpreter, from "Old Grand Portage" and seems to have been a spokesman for the Metis community at Fort Frances.

James (Rat) McKay was certainly the most valuable of the Metis of Manitoba in the Treaty #3 negotiations. Rat McKay has been described as a "fur trader, guide and politician". Born in 1828 at Edmonton House in present day Alberta, he was educated at Red River and worked for the Hudson's Bay Company in the 1850's. Later, in the 1860's, he was an independent entrepreneur and in 1868 was appointed a member of the Council of Assiniboia. He did

not become involved in the Red River resistance of 1869-70. In 1871, he was appointed to the Lieutenant Governor's Council and occupied various Government posts until his retirement in 1878. In 1873, at the time of the signing of Treaty #3, McKay was also a member of the Council of Assiniboia and participated actively in many issues affecting the native population. He acted as an interpreter and negotiator in the numbered treaties, as he did during the Treaty #3 negotiations. Turner had a great deal of experience in addition to his political and social stature in Manitoba and of all the Metis from Manitoba he may have had the greatest impact on the Treaty #3 negotiations. Yet, the extant evidence does not provide any specific evidence of his influence on them.

Charles Nolin was, like Rat McKay, a prominent Metis from the Red River settlement. Unlike McKay he was deeply involved in the Red River resistance of 1869-70, first as a supporter of Louis Riel and then of the Federal Government (Morton, 1957:125, 133-4; Stanley, 1963:94, 98). The Nolin family was from Sault Ste. Marie, probably from Point du Chene (Oak Point). They were seen as "key people" in the Red River settlement, first, in the 1820's when they were living at St. Boniface and later, from the 1840's, at the settlement of Point du Chene on the Seine River in Manitoba (Chaput, 1975:14-17). Charles Nolin's brothers, Joseph and August were also present at the Treaty #3 negotiations. All three appear to have been perceived by the *Saulteaux Ojibwa* as independent of Government. Joseph Nolin, and his brother August Nolin, acted as interpreters and reporters of the proceedings. Charles and Joseph Nolin also signed the Treaty # 3 document as witnesses, along with Rat McKay.

Nicholas Chastelain, described as a "French half-breed", was the one Metis person who seems to have represented the Metis people in the Fort Frances area. Born about 1791, he had apparently fought in the War of 1812. His family had originally resided at Old Grand Portage and his mother and grandmother were *Saulteaux Ojibwa*. He had been present at the negotiations that led to the signing of the Robinson Treaties in 1850 and participated in the Robinson Superior Treaty as a member of the Fort William Indian Band at Fort William, now Thunder Bay. He had been an employee of the Hudson's Bay Company at Lac La Pluie (Rainy Lake) and then of the Department of Indian Affairs. Since 1871 when the Treaty #3 negotiations began, his specific role in the Treaty #3 negotiations was to act as the Government interpreter. He was also a witness to the Treaty #3 document. Later, in 1875, he was a spokesman and a signator, on behalf of the Metis at Fort Frances, to the "Half-breed Adhesion to Treaty #3". As an interpreter he was limited since he was able "to interpret only *Ojibbewa* into French, but not into English". E. McColl, the Inspector of Indian Agencies at Winnipeg, provided the following description of him in 1889:

I always understood that the amount of \$250 was given to this veteran of the war of 1812 as an acknowledgment of the great services he had rendered to his Country, not only during the invasion of Canada during that year by the Americans, but also for his great influence over the Indians of the District, in their allowing the volunteers to pass through their territory in 1870 and

afterwards in inducing the Indians to make a Treaty with the Government in 1873.⁹

McColl was, in part, mistaken. In fact, the sum of \$250 was authorized by a Federal Order-in-Council in 1871 to pay Nicholas Chastelain annually for his services to that Government as an interpreter. McColl also wrote that he was

a French Half-Breed, one of nature's noblemen of commanding presence, being six feet four inches in height, 98 years of age and totally blind. Even now, neither agent, nor any other person within the District has a greater influence over the Indians than this remarkable man. I would therefore recommend that whether he be placed on the retired list or not, the amount paid him will not be interfered with until he is gathered to his fathers.⁹

Morris did not indicate whether or not Nicholas Chastelain was included in the Indian "Councils" during the negotiations. However, Nicholas Chastelain and the Metis at Fort Frances, in conjunction with the Rainy River and Rainy Lake Bands with whom they shared some common interests in the economic development of Fort Frances and the Rainy River and Rainy Lake country, may have had more influence on the Treaty #3 negotiations than the Metis of Manitoba (Nute, 1950:46-54 Arthur, 1981:210-213).

Alexander Morals was the Federal Government's chief negotiator. There has been no full-scale critical study of Alexander Morris or of his role as a Treaty negotiator. Nevertheless, Friesen's portrait of him in the Dictionary of Canadian Biography is informative and reliable. In it, she traces his varied career as a "lawyer, judge, business-man, politician and public servant" from his birth in Perth, Upper Canada, on March 17, 1826 to his death in Toronto, on October 28, 1889. Well-born and educated, Morris "inherited the legacy of a mid-Victorian sense of public duty and family place as well as a network of political friends". Prior to the Treaty #3 negotiations, he studied law in Kingston under John A. Macdonald, later the first Prime Minister of Canada, and was admitted to the Bar in 1851.

Setting up his own legal practice in Montreal, he followed the career path of some of his prominent contemporaries in 1861 when he entered politics as the member for Lanark South in Canada West. As early as 1849, there is an indication that he had developed an interest in the native people. He was in the forefront in advocating that the Northwest Territories and Rupert's Land should become part of a larger Canada. He had business interests in iron ore, canals and railways, and he was a strong supporter of Confederation. On November 16, 1869, he was appointed to Sir John A. Macdonald's Cabinet as Minister of Inland Revenue and remained in Cabinet until he left Federal politics altogether in 1872, due to ill health. Shortly thereafter he was appointed as the first Chief Justice of the Court of Queen's Bench of Manitoba. After Sir Adams George Archibald (1814-1892) left his position as Lieutenant Governor of Manitoba and the Northwest Territories in the middle of October 1872, Morris

acted in his place. On December 21, 1872 he was appointed Lieutenant Governor.

Among Morris's most important responsibilities at that time was to try to resolve the Metis land claims in Manitoba under the Manitoba Act of 1870, the Saulteaux Ojibwa claims in the Treaty #3 area and the introduction of responsible government in Manitoba. In Friesen's view, Morris's "goal was to see a peaceful, stable Manitoba based largely on the Ontario model, with an acquiescent and co-operative French population" (Friesen, 1982)

He took his responsibilities for the Treaty # 3 negotiations very seriously. However, unlike William Benjamin Robinson he had no prior experience at Indian Treaty negotiations. He had not been involved in the negotiations on Treaties #1 or #2 that had been signed on August 5, 1871 and August 21, 1871 respectively, the year before he arrived in Manitoba. The terms of Treaty #3 were not the same as Treaties #1 and #2, and for this, Morris was at least partly responsible. Friesen attributes this partly to the "invaluable assistance of some Red River Metis" as well as "threats and cajolements" to convince the Ojibwa that the Federal Government was determined "finally to settle with them". In doing so, Morris it is suggested, following Robinson's example, provided a prototype for the negotiations, the terms of the other numbered Treaties that were to follow, and in 1875, for the renegotiation of Treaties #1 and #2 (*ibid.*). While that may be true, the negotiations on and the terms of Treaty #3 as far as they involved the Metis of Fort Frances were a departure from the Treaties that came before, including the Robinson Huron and Robinson Superior Treaties. Prior to 1875, no Metis people as an organized group had ever been recognized as such, been fully admitted as signatories in a separate adhesion to a Treaty, or been given separate identifiable lands as "half-breed reserves".

There has been some suggestion that, while Lieutenant Governor, Morris was subsequently involved in speculation for Metis lands in the Red River settlement (*ibid.*). Whatever may be the moral implications of those alleged actions, there is no evidence that he tried to deceive the Ojibwa or the Metis in the Treaty #3 negotiations.

There are difficulties in interpreting the extant sources on the Treaty #3 negotiations. The dates cited in Morris's official report of October 14, 1873, that were in the printed version of it subsequently published in his book seven years later (1880), and those cited in the account of October 18, 1873 in the "Manitoban" contain obvious errors. Another difficulty is that Morris's Report and the newspaper account in the "Manitoban" when compared to Joseph Nolin's notes of October 3, 1873, may not reflect all that was discussed among the Federal Government negotiators and the Indian spokesmen on October 3, 1873, the day on which the Treaty was signed. For example, the harvesting of wild rice is referred to in the three documents that are copies of Joseph Nolin's notes in English, but not in the copies of Morris's Reports or in the Treaty #3 document. The Morris Report and the copies of Nolin's notes in English refer to discussions on mineral rights for the Ojibwa people while Treaty #3 contains no reference to mineral rights on or off the Indian reserves that were subsequently set apart.

The Morris Report and the copies of Nolin's notes in English refer to "rations" that were to be given to the Indian people at the Treaty #3 annual payment time, while the Treaty #3 document contains no reference to rations.

In addition, the Treaty #3 document of October 3, 1873 contains no reference to the Metis or to specific rights for them under Treaty #3. However, more than two years later, on September 12, 1875, the "half-breeds of Rainy River and Rainy Lake" signed a memorandum of agreement that was intended to include them as signatories to Treaty #3. At that time they were to receive all of the rights, benefits and responsibilities that had been previously specified in that Treaty for the Ojibwa.¹⁰ It is not known whether or not this memorandum of agreement was ever approved by the Federal Government, either by a Federal Order-in-Council or some other document possessing executive authority. In his Report, Morris stated that, in response to an Indian representative's query about the "Half-breeds who were recognized as Indians and lived with them, and they wished them included", he replied, "I said the Treaty was not for whites, but I would recommend that those families should be permitted the option of taking either status as Indians or Whites but that they could not take both . . ." (1880:50). There is a fuller statement to this effect in the "Manitoban" and in the copies of Joseph Nolin's notes in English. Thus, there is general agreement in the extant documents on the Metis relationship to Treaty #3 at Rainy River and at Rainy Lake in the final Treaty #3 negotiations. This relationship is different from that in the memorandum of agreement that was signed more than two years later.

Before the final negotiations began, Morris was aware of the importance of the location for the proposed negotiations. Here he was likely guided by the experience and advice of Simon James Dawson (1820-1902), surveyor, engineer and politician, who had been involved in the building of the Dawson Route and in the earlier abortive attempts to negotiate this Treaty (Arthur, 1967:281-3). The Federal Government's objective in Treaty #3 was to obtain a surrender from the Ojibwa of all of their "rights, titles and privileges whatsoever", that those people may have had to the lands ceded by that Treaty to enable the Federal Government to complete the transportation links between Manitoba and eastern Canada, first with a road and then with a railroad from sea to sea (McNab, 1981).

The Northwest Angle, located on the Dawson Route, was the preferred location that was chosen by the Federal Government. It was readily accessible for the Lieutenant Governor and his party, including troops, from Winnipeg and thus was, compared with the alternative location suggested by the Indian people, i.e. Fort Frances, very strategic. For Morris it was in a sense, "Government", not "Indian", ground. The Indian people at first refused to meet with the Crown's representative's at the Northwest Angle on September 10, 1873, the date initially suggested for the beginning of the negotiations. To get them to change their minds, Morris stated that he "therefore sent a special agent, Mr. Pierre Levailler to warn them that I would meet them as arranged at the N[orth] W[est] Angle on the 25th September 25, 1873 or not at all this year, to which they eventually agreed" (1873). That message, in the form of a code, was

delivered to the Government representatives and through them to the Ojibwa representatives who were then at Fort Frances.¹¹ Morris did not mention in his Report that the Federal Government officials had not given the Ojibwa a firm date and place for those negotiations.¹² By the time the Ojibwa were informed, many of them were at Fort Frances involved in their own meetings. However, unlike the previous negotiations between 1869 and 1872, at which the Ojibwa refused to negotiate when presented with an ultimatum by the Federal Government's negotiators, this time the Federal Government was prepared to make "more liberal offers", of which the Ojibwa were unaware, within certain constraints imposed by Ottawa.¹³ There was some give and take in the negotiations on both sides.

Even before the final phase of the Treaty #3 negotiations began, Morris knew, as early as March 22, 1873, that the Indian and Metis people who lived at Rainy Lake (Fort Frances) and Rainy River shared some common interests, were united and, in the words of Chief Mawedopeness, Chief of the Rainy River Indian Band, wished that fifteen families of "half-breeds" (i.e. about 90 persons) should, if possible, also be included in the Treaty.¹³ Morris was able to respond with a firm answer that he would recommend, subject to the approval of the Federal Government, that the Metis at Rainy Lake and Rainy River who resided with the Indians should be included in the Treaty.

Prior to Morris's arrival at the Northwest Angle on Thursday, September 25, 1873, he was joined by his fellow Indian Commissioners, Simon James Dawson, and Joseph Albert Norbert Provencher (1843-1887) "lawyer, journalist and public servant", (and nephew of J.N. Provencher, the Bishop of St. Boniface) who then was employed by the Department of Indian Affairs (Landry, 1982). Morris also arranged to have a strong military presence there. In discussions among Morris, the Department of Interior and the military authorities, 55 armed troops were recommended but were deemed to be insufficient if a large number of Ojibwa were also expected to be gathered there.¹⁴ In fact, the number of Ojibwa, estimated by Alexander Morris to be initially about 800, probably rose to about 1,400 as more Indian people arrived from Rainy River and Lac Seul during the negotiations. The following description provided by the short hand reporter and published in the "Manitohan" on October 18, 1873, indicates that it must have been, for Morris, quite a scene:

The Governor occupies the house of the officer in charge of the H.[udson's] B.[ay] [Company's] Post. The grounds around it have been nicely graded and cleared of brush, and surrounded by rows of evergreens planted closely, so as to completely screen the house from wind, and at the same time contribute much to relieve the monotony of the scenery. Immediately west of this, and likewise enclosed by walls of evergreens, is the large marquee used as a Council House, by the contracting parties; and immediately surrounding it to the north and west are the tents of the other officers of the Commission and the officers and men of the Volunteers on detachment duty.

Situated to the eastward, and extending all along the river bank, are the tents of the Indians to the number of a hundred, with here and there the tent of the trader, attracted thither by the prospect of turning an honest penny by exchanging the necessaries of Indian life for such amounts of the price of their heritage as they can be induced to spend.

The natives assembled here number about 800 all told, and hail from the places given below. Among them are many fine physically developed men, who would be considered good looking were it not for the extravagance with which they besmear their faces with pigments of all colors. And every day makes this feature of their ornamentation more atrocious in the eyes of those who see no beauty in the taste displayed in putting streaks of blue and yellow on one side of the face, and blacking the other as if a shoe brush had been drawn across it, the whole spotted with dots of vermillion, or any other pigment that comes to hand. Each seeming to take an idea from the other. As to the style of dress observable on the warriors, it has all the incongruities to be served in the "get up" of a fashionable lady in a fashionable church and may be left to the imagination of your readers; always premising that no absurdity can be too great, no hideousness conceived, that will not fall far short of the reality. Their time is chiefly devoted to gambling on an extensive scale; but a description of this must be left for another occasion.⁵

Morris appears to have been very piqued at being made to wait while the Indian people conducted their own business. This displeasure seems to modify Morris's assertion that the "principal cause of the delay was divisions and jealousies among themselves. The [Ojibwa] nation had not met for many years and some of them had never before been assembled together" (1880:47). Morris observed that he was kept waiting there from Thursday, September 25, 1873 to the following Wednesday, October 1, 1873. He noted that he was given many reasons for this situation, i.e., not all of the Indians had arrived, they were "not ready to confer with us", and there were "divisions" and "jealousies" among them. However, Morris's threats to leave were of no avail. The Ojibwa were clearly busy with their own affairs and it was a good negotiation ploy to make the novice Federal Government negotiator wait. And he waited.

Twice Alexander Morris explained the object of the meeting to the Ojibwa. In this explanation he was assisted by a number of Metis from Manitoba and two from the area in which the Ojibwa resided. These individuals included, as Morris explained later in his Report, George McPherson, who was then Morris's personal interpreter, Nicholas Chastelain, a Metis from Fort Frances who acted as the Government interpreter, and, from Manitoba, Joseph Nolin, who was acting for the Ojibwa, and his brothers Charles and August and Rat McKay. "Mr. Genton" was also present and acted with the other Metis of Manitoba.

It is highly improbable, if not inconceivable, that then as now, the Ojibwa

would act in these important negotiations other than in the local interests of each Indian Band or from their interests as a nation. Having a different world view, and not trusting the Canadians or the Metis, the Ojibwa "also had an Indian reporter whose duty was to commit to memory all that was said" (Morris, 1880:48), in addition to the Government interpreters and Joseph Nolin who took notes in French for them of the proceedings. The Ojibwa had agreed among themselves on those people who would act as their spokesmen during the negotiations. No Metis spoke on their behalf or for the Ojibwa during the three days of intensive negotiation, October 1-3, 1873.

From October 1, 1873, the first day of the negotiations, the leading Indian spokesmen comprised Chief Powassin of the Northwest Angle Indian Band, representing those Indian Bands from Lake of the Woods, and Chief Mawedopeness from Fort Frances who appears to have represented the Rainy River and Rainy Lake Indian Bands and the Metis at Fort Frances. The Chiefs of Indian Bands to the north and to the east were either present and represented by their own spokesmen, such as Chief Kakatcheway of the Lac Seul Indian Band who spoke on behalf of that Band and the English River Indian Band (ibid:49), or were not present and were not represented at the negotiations at that time and who signed Adhesions at a later time, such as Chief Kebaguin of the Sturgeon Lake Indian Band who resided at Kawa Bay in part of the area that is now in Quetico Provincial Park in Ontario (McNab, 1982b). Within their nation, the Ojibwa had a relatively complex political system that they modified to represent them in the Treaty #3 negotiations.

On October 1, 1873 the Indian spokesmen opened the negotiations aggressively and took the initiative away from Morris by referring directly to the previous negotiations that they had been involved in between 1869 and 1872 with Simon James Dawson concerning the right of way for the wagon road, the Dawson Road or Route through the southern part of the area that was to become covered by Treaty #3 in 1873. According to Morris's Report, the Indian spokesmen told him that "they would not treat as to the land until we settled with them as to the Dawson route with regard to which they alleged Mr. Dawson had made promises which had not been kept, and that they had not been paid for the wood needed in building the steamers, nor for the use of the route itself". At this juncture, Simon J. Dawson replied that "he had paid them for cutting wood" and also that he "had always asserted a common right to the use of wood, and the water way" (Morris, 1880:48). In fact, Dawson had paid them. Besides being a major concern of the Indian people of Rainy River and Rainy Lake, this issue was also of importance to the Metis at Fort Frances who had also participated in the construction and the use of the Dawson Route and the waterways that were related to it, i.e. Rainy Lake and Rainy River. However, there is no indication that the Metis of Manitoba or the Metis of Fort Frances spoke for themselves on this issue. After Dawson replied, the shorthand reporter stated that Morris explained to the Ojibwa that "Wood and water were the gift of the Great Spirit, and were made alike for the good of both the white man and the red man" (ibid:57). Morris then shifted the subject of the negotiations to monetary terms, intimating that he had a "new", i.e. a better offer from

the Federal Government. It is clear that he had a mandate to offer more money (i.e. \$7 annuity per person and a present of \$15 per person) than the Federal Government had offered in the previous negotiations. In addition, the Commissioners were also prepared to offer more and different kinds of lands to be identified as Indian Reserve lands than those specified by Treaties #1 and #2, that is, instead of a maximum of 160 acres for each family of 5 persons, the new proposal was a maximum of 640 acres (1 square mile) for each family of five persons.⁵ The meeting then adjourned until Thursday, October 2, 1873 to give the Ojibwa an opportunity to consider this new offer. The Metis had not been directly involved the first day of the negotiations although the issues discussed must have been of great concern to them.

On the second day of the negotiations, the Ojibwa made, in Morris's words, a "counter proposition" which Morris attached to his Report, entitled "Demands made by the Indians as their terms for Treaty - October 2, 1873". This document, dated January 22, 1869 at Fort Frances, had been presented either in writing or verbally to the Indian Commissioners when the Treaty #3 negotiations initially began by, as stated on that document, the "leaders of the various bands of Indians in the vicinity of Fort Frances and Lake of the Woods". It contains no reference to the Metis or to any particular issue that was of significance to them. No Metis signed that document.² It was, like the rest of the Treaty #3 negotiations, an Indian initiative likely designed to catch Morris off guard since the Ojibwa probably thought that he had not previously seen the document.

Although Morris may not have seen that particular document, it is certain that he knew what the Indian demands were going to be because he had the benefit of his predecessor's (Sir Adams George Archibald) views and also the experience of Simon James Dawson and Robert J.N Pither both of whom had previously acted as the Government negotiators.

Strategically, if the Ojibwa spokesmen were expecting, or at least hoping for some hesitation or softening on Morris's part, they were disappointed. Morris "peremptorily, refused the demand" (ibid). Later, he attached to his 1873 Report another document "Estimate of Money value of demands made by the Indians", the total of which was \$123,112 per annum, an extremely large sum at that time.²

Morris reported that, sticking firmly to their 1869 "demands", the Ojibwa were "of one mind that they would make a treaty only if we acceded to their demands". Without hesitation, the Lieutenant Governor responded that, if that were the case, "the conference was over" and that he would "treat with those bands who were willing to treat". However, he also provided an opening for the Ojibwa when he suggested that they "return to the Council and reconsider their determination before next morning, when, if not, I should certainly leave". Breaking ranks, after this negotiating stance of Morris, Chief Kakatcheway of the Lac Seul Indian Band came forward, despite the attempts by other Ojibwa to prevent him from speaking, and stated that he and the 400 other Ojibwa whom he was then representing "wished a treaty", among other things. Acting to neutralize this break in the ranks of the Ojibwa "nation", Chief "Blackstone"

of the Lac la Croix Indian Band immediately proposed that the Chiefs "return to Council" and "consider" Morris's proposals "Stating that he was ready to treat though he did not agree to my [Morris] proposals nor to those made to me [Morris] ". Morris agreed to this proposal and further stated that he wished to make a treaty with them as a "nation, and not with separate bands". At this point in the negotiations, Morris clearly held the upper hand (ibid:48-49).

On that evening of October 2, 1873, returning to Council once again, the Ojibwa consulted among themselves. There is no extant record of this, or of the other Indian Councils. There is also no extant evidence of what happened when, the next morning, three Metis of Manitoba, McKay, Nolin and Leveille, were invited into the Indian Council of Chiefs to give them "friendly advice" (ibid: 49). The Metis of Manitoba likely had a minimal direct influence in the Indian Council. They had not had much, if any, influence in the negotiations prior to this Indian Council, and there is no evidence that the Metis involvement in that Council would have made any difference whether or not the Ojibwa nation signed Treaty #3 the next day.

Later in the morning of October 3, 1873, Morris summoned them to the Conference once more "by the sound of the bugle". What of the "friendly advice" of the Metis? The Chiefs again took the initiative and told Morris that the "determination to adhere to their demands had been so strong a bond that they did not think it could be broken, but that they had now determined to see if I could give them anything more". Far from being persuaded by "friendly advice" of the Metis, the Ojibwa spokesmen kept to their original demands and now wanted more, including a demand that the Metis of Fort Frances be admitted to the Treaty (ibid:49-50). This demand likely came from the influence of the Metis and, in addition, it was a good negotiating tactic by the Ojibwa.

In response, being outflanked and knowing that he had the authority to make a better offer, Morris did so by promising \$1,500 for ammunition and twine for nets every year, agricultural implements and seeds, and an increase in the initial payment or "present". His initial offer of \$10 per person as a present was increased to \$12, whereas the Indian demand had been \$10 per person annually. Morris must have breathed more easily when his proposal was received favourably, until, as he also records in his Report, again the Indian spokesmen "came forward" and "said that they had some questions to ask before accepting my proposals". More demands followed: "suits of clothing every year for all the Bands, and \$50 for every Chief, annually", "free passes forever over the Canada [sic] Pacific Railway" and "no 'firewater' should be sold on their reserves" (ibid). The result was a compromise on these requests. The Ojibwa had already succeeded with their main negotiating objectives on lands and money. They persuaded Morris to agree to more and different kinds of lands for Indian Reserves that they would select and they got \$2 more per person. However, they only got a \$5 annuity per person rather than the \$10 per person that they had demanded. Other items discussed that day included many items of interests to the Ojibwa nation, for example, law and order, mineral rights on and off the Reserves to be selected, hunting, fishing and the

harvest of wild rice, the inclusion in the Treaty of some Ojibwa who were then living in the United States, a proposal to provide for the admission of Metis to the Treaty, the employment of Charles Nolin as Indian agent to them (this likely coming from Charles Nolin rather than from the Ojibwa for when he was subsequently not appointed Indian agent, the Ojibwa did not protest), "an official suit of clothing, a flag, and a medal" for the "Chief and Headmen", (which Morris agreed to since such a provision had been included in Treaties #1 and #2), and the Hudson's Bay Company lands at Fort Frances. In all of the issues discussed above, the Metis were interpreters, reporters and witnesses, facilitators rather than direct participants in the final negotiations.

Comparing Treaty #3 with the original demands of the Ojibwa and what had happened in Treaties #1 and #2, the Ojibwa did well. Of course, with hindsight, they may have done better. Thus proudly and somewhat magnanimously, Chief Mawedopeness could, as Morris stated in his Report, approach him at the end of the negotiations:

"Now, you see me stand before you all, what has been done here to day has been done openly before the Great Spirit and before the nation, and I hope that I may never hear anyone say that this Treaty has been done secretly, and now, in closing this Council, I take off my glove, and in giving you my hand, I deliver over my birthright and lands, and in taking your hand, I hold fast all the promises you have made, and I hope they will last as long as the sun goes round and the water flows as you have said" (ibid:51).

For the Ojibwa, the signing of Treaty #3 was a beginning to a new relationship with the Government, not an end to their former ways. While the conference adjourned for an hour, the blank copy of the Treaty that the Commissioners had brought with them to the negotiations was completed. As Morris reported, the conference then resumed, the completed Treaty was read, and there was "an explanation of it, in Indian by the Hon. James McKay" (ibid), the Treaty #3 document was signed by the Commissioners and all of the Chiefs representing the Indian Bands that were there at that time. The next day, Saturday, October 4, 1873, the Treaty payments were made and "on Sunday afternoon, October 5, 1873, the Governor presented an ox to the nation and after it had been eaten, a great dance was indulged in". On Monday, October 6, 1873, the parties broke camp and departed (ibid:76).

Both sides appear to have been pleased with the results of the negotiations. There is no evidence to indicate whether or not the Metis were happy with it, however. Two years later, in 1875, the Metis at Fort Frances must have been pleased. They were admitted to Treaty #3 and were to receive all of the rights and benefits of it.

In retrospect, Alexander Morris's comment that he had received "hearty aid and efficient co-operation" in the Treaty #3 negotiations was misleading. The only evidence for this view are the statements in the "Manitoban" of

October 18, 1873 by Chief Mawedopenessto Morris that Morris "owed the Treaty much to the half-breeds". Morris's brief acknowledgment of it seems to have been self-serving. Those statements, unlike other important items, are not in Morris's Report. The Metis did not, as Morris stated, use "the influence which their relationship to the Indians gave them, to impress them with the necessity of their entering the Treaty" (ibid:51). They were not pivotal in getting the Ojibwa nation to sign Treaty #3 on the Federal Government's terms. If there was a pivotal role in the negotiations it was that of Chief Kakatcheway of the Lac Seul Indian Band who, on the second day of the negotiations, expressed his desire to enter a Treaty with the Government "on the terms that may be proposed".⁷ After another hard day of bargaining, on October 3, 1873, agreement was reached on most of the outstanding items and the Treaty was signed. The Ojibwa negotiated Treaty #3. The Metis of Fort Frances made their views known to Chief Mawedopenes who conveyed them to Morris, and the Metis of Manitoba had an important role in the negotiations as facilitators. The Metis of Fort Frances, through Nicholas Chastelain, were indirectly involved in these negotiations and their views were conveyed to Morris through the Indian spokesmen.

Hearty, yes. Helpful, but to whom? Efficient, maybe; co-operative, not likely, for the Metis were certainly acting in their own interests. Alexander Morris's comment on the "hearty aid and efficient co-operation" of the Metis does not reflect all that actually happened in the Treaty #3 negotiations. It reflects Morris's views on the character of the Metis "race", his attempts to curry favour with the Metis of Manitoba, wishful thinking on Morris's part, and perhaps nothing more.

NOTES

1. See Stanley, 1936:194-215, especially 214-5; Friesen, 1982:612; Taylor, 1975:115-137; Sealey and Lussier, 1975:102. See also etc. 115-137.
2. The original report is in the Public Archives of Canada (PAC), RG 10, Volume 1918. File 2790B
3. Ibid. The Nolin notes are attached to the Morris report to Campbell of October 14, 1873. See also Provincial Archives of Manitoba (PAM), Alexander Morris Papers (Lieutenant-Governor's Collection), MG 12, BI, 512.
4. The Paypom Document is contained in a press release and attachments by Grand Council Treaty #3, dated May 25, 1982, and in "What Treaty #3 Means Today," 1981.
5. Manitoban, October 18, 1873, Provincial Archives of Manitoba.
6. PAC RG 10, Vol. 1846, Consecutive No.'s 131 and 132, "Treaty No. 3

between Her Majesty the Queen and the Saulteaux Tribe of the Ojibway Indians at the Northwest Angle of the Lake of the Woods", October 5, 1875.

7. PAC RG 10, Vol. 1918, File 2790B, attached to Morris "Report". There is also a copy of a statement, dated October 2, 1873, of Chief Kakatcheway of the Lac Seul Indian Band, attached to Morris's Report, that was presented to Morris on the second day of the negotiations. It was part of the record of the negotiations but it was not intended to be an account of them.
8. Morris, "Report"; Morris Papers, 512, "Paypom Document".
9. PAC RG 10, (Black Series), Vol. 3830. File 62,423, "Personnel File on N. Chastellaine, Interpreter for the Coutcheching Agency". See also Hudson's Bay Company Archives (at P.A.C.) MG 20 D4/42, George Simpson to W.B. Robinson, July 24, 1850. I am indebted to Lise C. Hansen for this reference.
10. PAC RG 10, Vol. 1846, "No. 131".
11. PAM, Morris Papers, 449. On Pither see Taylor, 1975:29.
12. Morris, "Report" and compare the correspondence in the Morris Paper, July/August 1873, \$89, \$90, 395, 449, 452.
13. PAM, Morris Papers, Telegram, Campbell to Morris, 490. Taylor, 1975: 134.
14. PAM, Morris Papers, 397, 417.
15. PAM, Morris Papers, Campbell to Morris, July 26, 1873, \$94. Campbell to Morris, August 5, 1873, \$77.

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