

**TREATY RESEARCH REPORT**

**TREATY FIVE**

**(1875-1908)**

**by**

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## Abstract

Treaty Five originated in two historical processes. The southern part, negotiated in 1875, was one of the southern Prairie treaties, and was in large part a result of the insistence of the Native people of that region that their aboriginal rights be recognized by the Canadian government, which had recently acquired title to their lands. The northern part of Treaty Five, negotiated in 1908, though requested for many years by the Native people, was the result of government initiative. The timing of the original treaty and the later adhesion to it reflected the changing relations between the Native people and the federal government. Both sides had different reasons for entering into the treaty process, had different expectations of it, and derived different benefits from it. Not surprisingly, its subsequent history on occasion gave rise to controversy.

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## TREATY FIVE

### Historical Introduction

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

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

Though the federal government had made a formal commitment to treaty negotiations, few resources and little political energy was immediately devoted to the matter. The initial push came instead from the Native people themselves. Before and during the Red River Resistance of 1869-1870, Louis Riel, the Metis and the Provisional Government spoke repeatedly of the need to settle outstanding Metis and Native land entitlements. The military and political power of the Metis made these demands impossible to ignore. It was for this reason that the Manitoba Act contained specific assurances that the mixed bloods of Red River would receive adequate land assignments.<sup>3</sup> The mixed bloods' claims appeared, at least on paper, to have been settled. The Indians' request for treaty negotiations, however, had yet to be addressed.

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

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

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

Those who propagate the myth would have us believe that Canada began to negotiate treaties with the Indians of the West in 1871 as a part of an overall plan to develop the agricultural potential of the West, open the land for railway construction, and bind the prairies to Canada in a network of economic and commercial ties. Although there is an element of truth to those statements, the fact remains that in 1871 Canada had no plan on how to deal with the Indians, and the negotiations of treaties was not at the initiative of the Canadian government, but at the insistence of the Ojibwa Indians of the North-West Angle and the Saulteaux of the tiny province of Manitoba.<sup>4</sup>

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

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

Treaty Five emerged out of this initial process, though the northern half of the area now included in Treaty Five was not part of the original agreement. That section, added to the original treaty as an adhesion in 1909-10, had been deliberately omitted from the first phase of western treaty negotiations. It was not until the turn of the century, when federal priorities changed, that the non-

agricultural sections of the region were brought under treaty. Though Native motivation remained similar to that encountered on the southern plains, the federal government approached Native land entitlement in the northern districts with a vastly different attitude and a more muted sense of urgency.

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

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

It was at this time that the second treaty process began -- a process in which the impetus for treaty negotiation came not from the Native people but as a result of government imperatives. Since the north had been assigned a low priority in the government's national development plans, this policy ensured that the requests of the Native people for treaty negotiations would be regularly ignored. It meant; more specifically, that the federal government would set the agenda for the

northern treaty process. This was the single major difference between the southern and northern treaties processes.

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

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

## Background to Negotiations

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

Through their missionary, the Reverend E.R. Young of the Wesleyan Methodist Church, they informed the government that they had waited in 1873 for the treaty commissioner to come as promised, facing considerable hardship as local food resources quickly dwindled. Although Young noted they "were somewhat soured in their minds and think they have not been dealt with in that straightforward manner which they expect from the Great Men who carry out the wishes of their Great Mother across the waters," they were still acutely interested in being brought under treaty.<sup>6</sup> The Native people living at Berens River later indicated their desire to receive "the same amount of Treaty money as had been given to the other Indians around us," and submitted a lengthy list of construction tools they wanted the government to supply.<sup>7</sup>

Alexander Morris, Lieutenant-Governor of Manitoba, the North-West Territories and Kee-wa-Tin, agreed with the Native people's requests, believing that such an accord could well serve the interests of the government. He felt that Lake Winnipeg would continue as an important transportation route to the west, particularly as steamers were replacing York boats. He believed that a treaty would accomplish two laudable goals: it would free the lake for navigation and would also open the shores of Lake Winnipeg to settlement.<sup>8</sup> He recommended that treaty negotiations be scheduled for the following season.

Before the official party could be dispatched, the Indians of Norway House injected a further element into the discussion. The Norway House band, some eight hundred people, petitioned the

government for special and immediate attention to their plight. They were a Christian community that wished, as their spokesman put it, "to escape from starvation and cannibalism and to adopt the means employed by the white man to preserve life, by disturbing the soil and raising food out of the ground." The problem was that the land at Norway House was unsuitable for agriculture, and thus the Indians requested help in relocating to a better place, preferably Grassy Narrows on the shores of Lake Winnipeg, or to the Saskatchewan District.<sup>9</sup>

The petition, directed initially to the Editor of the Manitoba Free Press, was forwarded by Chief Henry Prince (Mis-Koo-Ke-New), formerly of Norway House, to the Council of the North-west Territories<sup>10</sup> for further consideration. The Native people at Norway House had previously found seasonal work on the Hudson's Bay Company vessels, but changes to the Company's supply system had undermined their position. The introduction of steam service along the Red River had allowed the company to all but abandon the York Factory-Norway House route for supplying the interior trade. Now supplies were gathered at the central Winnipeg depot and then shipped north and west, across Lake Winnipeg, by steamer. The change threw almost 200 men at Norway House out of work and thoroughly disrupted the local economy. Now unemployed, and living in an area where neither the fur trade nor agriculture was viable, the Native people were truly facing hardship.

Their professed willingness to relocate, rather unusual for northern Natives, and their support for the missionaries provided the government with a welcome solution. Morris had requested only a few months earlier permission to bring the inhabitants of Berens River under treaty; he now amended that request to include the people of Norway House.<sup>11</sup> Other government officials concurred, though one noted that "The occasion might also be turned to valuable account in obtaining a surrender of the remaining country, East of Lake Winnipeg to the Height of the Land and Northerly, say, to a line due East from foot of Play Green Lake."<sup>12</sup> Such opportunities were not to be missed, particularly by a government suddenly anxious to put the question of aboriginal title in the settlement belt quickly to rest.

The initial plans called for only a modest undertaking. In accepting Morris' general point, David Laird, the Minister of the Interior, suggested the Berens River band sign an adhesion to Treaty One.<sup>13</sup> Morris disagreed with this more modest proposal. The expansion of steam travel, signs of mineral discovery, the advent of lumbering, and the proposed migration of the Norway House band demanded a larger agreement. It was crucial, he wrote, "that arrangements should be affected with the Indians on Lake Winnipeg for the surrender of the Territory uncovered by previous Treaties."<sup>14</sup> he expected that fewer than 200 families would be included in this new accord. Laird accepted the revised proposal and asked for formal permission to send Lieutenant Governor Morris and James McKay, a member of the Executive Council of Manitoba and advisor to Governor Archibald on the negotiation of Treaties One and Two, to meet with the Native bands involved.<sup>15</sup>

## Instructions Issued to Treaty Commissioners

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

lying North of the Territories included in Treaties Nos. 3, 2 and 4 and South of a line running from the North West point of Treaty No. 3 North Easterly to Jack Lake, then following the Jack River and including the Play Green Lake, thence, Westerly, to Moose Lake: thence Southerly to Red Deer Lake, it being understood that in all cases where Lakes form the Treaty limits, ten miles from the shore of the Lake should be included in the Treaty and that the Treaty shall expressly cover all Islands either in Lake Winnipeg or in any other Lake included in the Territory.<sup>16</sup>

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

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

in view of the comparatively small area of the Territory proposed to be ceded and of the fact that it is not required by the Dominion Government for immediate use either for

railroad or other public purposes, it is hoped that it will not be found necessary to give the Indians either as present or as annuity a larger amount than five dollars, the amount secured to the Indians of Treaties No 1 and 2 under the recent arrangements.<sup>17</sup>

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

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

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

## Negotiating The Treaty: Treaty Terms

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

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

The treaty party then pushed on to Grand Rapids on the Saskatchewan River. Morris and McKay recognized that a strict adherence to the treaty boundaries would leave the band at The Pas, or Wahpahpuha, outside Treaty Five, where logic demanded they be included. The boundaries of the treaty were accordingly stretched to include this group. Although the treaty was signed at Grand Rapids, some business was left unfinished. The Native people there lived at the bottom of the Grand Rapids tramway, a site important to future transportation developments in the area. The commissioners invited the inhabitants to accept a new reserve across the river. The people agreed, subject to the payment of \$500, a codicil the commissioners tentatively accepted, with the money to be paid the following year. This done, the treaty party returned to Winnipeg.<sup>18</sup>

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

Because the Howard and Reid party was the second Treaty Five negotiating team, it was expected they would come across a number of Native people who, though eligible for annuities the previous year, had not received them. Morris told them that "in the case of new adhesions to the Treaty, which are in fact new Treaties, only \$5.00 is to be paid, but persons belonging to Bands treated with last year are to receive last year's payments if then absent if necessary."<sup>19</sup>

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

and that they had the greatest difficulty in procuring a livelihood." Having completed his work, Reid returned to Winnipeg.<sup>20</sup>

The combined efforts of Morris, McKay, Howard and Reid had resulted in the acceptance of Treaty Five by most of the Native bands inhabiting the initial boundaries of the treaty. In 1878, for example, the Black River band from the east shore of Lake Winnipeg formally accepted the treaty.<sup>21</sup> Many individuals had not been party to the negotiations, having been away fishing, hunting or working for the Hudson's Bay Company when the treaty commissioners passed through. They, however, were bound by the agreement of their band.

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

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

Thickfoot refused to participate unless he was assured of being chief. Another leading man, Ka-tuk-e-pin-ois of the Island Band, made a similar demand.

The deadlock was broken when the treaty commissioners proposed, through the Reverend Henry Cockrane, "that from each band other than the one from which the chief was chosen, a Councillor would have to be taken." This apparently satisfied Thickfoot, who seemed assured of his place as the principal man of his band, but a raucous debate soon demonstrated that no easy consensus was possible. Cockrane again visited the Native forum, suggesting that a ballot be used to settle the affair. Several ballots were still required before Sa-ha-cha-way-ass of the Blood Vein River band was selected chief. It was an artificial designation, fittingly bestowed through an equally artificial "democratic" process. However, the extra income and prestige that accompanied the post, symbolized in the medal which was held only by the chief, soon gave it greater authority. The net result of this episode, and others like it, was that the treaty process had imposed a new and alien form of leadership upon the bands of Treaty Five, one eminently satisfactory to the federal government, but of questionable validity by Native standards.<sup>22</sup>

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

As to the reserve of this place I hardly know what will yet be done. There seems to be nothing but rocks and muskeg around this place. Altho I had an interview with the Chiefs on Thursday in reference to the location of their reserve they have not yet come to a decision on it yet. The friends of the Indians think that there is no use for them to take a reserve here.<sup>23</sup>

When Thomas Howard reached Grand Rapids, he found another embroglio swirling about him. The Chief informed Thomas that he and his band believed that the previous year's negotiations with Lieutenant Governor Morris had been only preliminary to the signing of an accord. They fully

expected to be treated with in 1876, and they placed on the table a number of demands described by Thomas only as "most unreasonable." The treaty commissioner was, of course, not empowered to re-open talks, and so informed the Native leaders. Only after considerable discussion could he get them to agree that a treaty already existed. That proved to be only the first of his troubles.

The previous year, Morris had convinced the Native people to surrender their settlement, believing that it made a natural townsite which should be reserved for non-Native settlers. They had reluctantly agreed, but only after Morris promised \$500 by way of compensation. In 1876, Thomas came with the money. They had left as requested, but now quarreled over the division of the cash. Negotiations on this score proved troublesome and, to Thomas, tiresome. As he reflected later on his experience with the Grand Rapids band, he wrote, "Care must be taken and strict watch kept over this band. Living as they do on the bank of a navigable river, where people are constantly passing, they can give great trouble and annoyance, and, I am sorry to say, are inclined to do so."<sup>24</sup>

The difficulties at Grand Rapids and at The Pas, where the Native leaders asked for a new treaty rather than an adhesion to Treaty Five, were likely due to the recent signing of Treaty Six at Fort Carleton. There the Native signatories received a more generous land allotment -- 640 acres instead of the 160 acres per family granted under Treaty Five -- and more generous provisions for agricultural implements. The people gathered at The Pas, familiar with the earlier accord to the west, were understandably perplexed as to why federal generosity did not extend in equal portions to their area. Thomas "at last made them understand the difference between their position and the Plains Indians, by pointing out that the land they would surrender would be useless to the queen, while what the Plains Indians would give up would be of value to her for homes for her white children."<sup>25</sup> The government's priorities were again strikingly clear; the non-agricultural lands of the north were of little concern in the national plans. The Native people could, therefore, expect only meagre generosity at treaty time.

The first phase of Treaty Five was now complete. An early enumeration claimed that there were some 2500 Native people covered by the 1875 and 1876 negotiations, although Native organizations later claimed that many people had been missed in the drafting of the early annuity lists. Considerable work, and no little controversy lay ahead as the Native leaders and government officials turned the paper trails of the treaty commissioners into a workable administrative system.

## Early Administration of Treaty Five

The haste and urgency with which the treaty commissioners negotiated Treaty Five left a great deal of room for misunderstanding. After 1876, there were numerous disputes over the location and size of reserves, the chiefs selected, and the payment of treaty promises. The problems also raised some serious questions as to how much the Native people understood the entire treaty process. The reaction of the Grand Rapids band when Howard visited in 1876 proved to be symptomatic of a much broader problem. The Native people repeatedly complained that that government was not honouring its commitments; the federal agents responded that the Natives simply did not understand the finer points of the legal accord. Duncan Sinclair, the Dominion Land Surveyor sent to survey a number of the Treaty Five reserves, provided an excellent commentary on the problem, albeit permeated with the paternalism of nineteenth century bureaucracy. "Great allowance is to be made," he wrote, "for the poor creatures because they have very dark ideas of our language and only slowly comprehend our bargains with them no matter how clearly we explain matters to them."<sup>26</sup>

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

The assignment of reserves did not begin in earnest until 1877, when nine reserves were surveyed.<sup>27</sup> The Native people very quickly recognized that some of the divisions and band unions agreed to during the negotiations were not practical. A number of groups petitioned the government for smaller reserves that reflected more precisely band distribution and allegiance. The Deputy Minister of the Interior counselled caution: "It is not desirable of course that the Indians should be encouraged to break up into too many small bands but the extent to which this should be allowed must be determined by the circumstances of each case."<sup>28</sup>

The problem was particularly evident in the struggles of members of the Moose Lake band living at Che,mse,wo,wur for an independent reserve. The government had intended to place them under the Cumberland House band, but the Natives complained that they were being pressured to relocate. They asked for a reserve at a place they had inhabited for many years, claiming that "they are unwilling to leave these improvements & homes, for another point, where Captain Howard...had endeavoured to drive them to, & that the Indian Agent last year had gone past. them & would not consent to pay them their Treaty money nor give them anything whatever, unless they would quit to the said place." The government held a powerful bargaining tool with their annuities and treaty supplies, especially given the hardships being felt by the Native people, but the inhabitants refused to move.<sup>29</sup> In this instance, the government partially conceded the point, establishing a separate reserve but not establishing the group as an independent band.<sup>30</sup>

The Norway House situation was even more confusing. The desire of many band members to move to the more promising farmlands at Fisher River was often cited as a major reason for the negotiation of Treaty Five. A number did leave after 1876, but several problems were left in the wake of the movement. The two branches of the original band were left together, leading the remaining Norway House residents to petition in 1880 for status as a separate band.<sup>31</sup> The proposal would, of course, require the government to pay the higher annuities for a new chief and two councillors. The Deputy Superintendent General of Indian Affairs had an predictable response to the untenable situation: "But inasmuch as there was no provision made in the Treaty for paying an extra Chief and extra Councillors, it would not seem competent for the Department to authorize the payment of salaries to them as such, but there would, as far as I see, be no objection whatever to a recommendation... that the Indians at Norway House be allowed to elect a Chief and Councillors on the understanding, however, that they are not to receive salaries as such from the Government."<sup>32</sup>

The government's unwavering determination to limit its financial obligations was evident at almost every turn. The band at The Pas complained repeatedly about the failure of the Department

of Indian Affairs to honour its treaty promises. They complained in 1879 that "they have been ill-treated & neglected & have received very little distribution in anything whatever,"<sup>33</sup> An internal investigation confirmed the Native people's complaints and led, belatedly, to the provision of the implements, seed and cattle promised in the 1875-1876 negotiations.<sup>34</sup>

Reserves remained the major point of contention through the early years of Treaty Five. Band after band requested either an addition to an existing reserve or the allocation of a new parcel of land. The Norway House band, for example, appealed in 1901 for additional arable land. They reminded the government that "when this reserve was set apart our Fathers and Brethren were hunters and fishermen and did not at the time think or sufficiently forecast the future to secure for us their children and descendants a sufficiency of arable lands. We who are now living have learned that we must till the land and in this way secure to ourselves and people a living."<sup>35</sup> The local Indian agent concurred with the request, although the fact that the Native people had not raised the point during a recent meeting made him wonder if it was "not an outside affair thrust upon them." The switch of the unusable land of the existing reserve for a better plot was encouraged because it presented "social, educational and religious advantages not at present enjoyed."<sup>36</sup>

A number of bands requested alterations in the boundaries or locations of their reserves. The rapidly changing economy of the Lake Winnipeg region brought many new forces to bear on the Native population. Expansion in the transportation industry, the start of commercial fishing on the lake, and a growing number of lumbering operations forced the Native people either to protect their existing reserves or to ask for different locations which promised better access to the new opportunities. When lumbermen began working near the homes of the Island band, the residents petitioned for an immediate survey of their reserve in order to protect their lands from encroachment.<sup>37</sup> The government generally responded to these appeals expeditiously, hoping to forestall potential conflicts between the Native people and the growing number of non-Natives

active in the area. Since the newcomers were threatening the harvesting resources usually exploited by the Native people, the concern was not unreasonable.<sup>38</sup>

By the turn of the century, a number of bands, had secured improvements or changes to their reserves.<sup>39</sup> The Cumberland band went so far as to vacate their original grant. A. McKay, the Indian agent, reported in 1881, "The rapid failure of the fisheries and hunt in this part of the Treaty is alarming these Indians and compelling them to leave their old hunting grounds. They assert that unless the Department allows] them to go to better farming land, they will be obliged to look to the Government for food in the future, as it is impossible to make a living by farming where they are at present."<sup>40</sup> The Cumberland band appealed annually for a change, asking for permission to relocate to Fort a la Corne, even though that post lay within the boundaries of Treaty Six. The Department of Indian Affairs resisted the attempt to shift across treaty boundaries, forgetting (as historian S. Raby pointed out) that the lands in The Pas district lay outside the territory originally set aside for Treaty Five.<sup>41</sup> The government finally concurred, and in 1887 a new reserve was surveyed for the band at the requested site.<sup>42</sup>

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

The Pas band bore the brunt of the new priorities. The Canadian Northern Railway Company expressed concern that protracted negotiations over railway rights-of-way across reserves could slow construction.<sup>43</sup> There was a great deal at stake for the band at The Pas, for the reserve land was wanted for both a railway easement and a townsite. The plans were tentative at first, as it seemed that only minimal development would follow the railway. Arrangements were concluded in 1906 for the sale of a parcel of reserve land as a townsite, although questions of compensation were left hanging for quite some time.<sup>44</sup> Five hundred acres were removed from the reserve at that

time, and the government set aside \$1,500 to pay the Native people for improvements they had made on it.<sup>45</sup>

When construction of the railway actually began, the situation changed very rapidly. By early 1912, the village of The Pas had some 2500 people and an additional five to six thousand construction workers were expected that summer. The Department of Indian Affairs was greatly concerned about the possible ramifications of this invasion. One official commented, "You can realize that that class of people do a great deal to demoralize the Indians, and I think it would be very much to the interest of the Indians to try and obtain a surrender from them, and move them further away from the temptations that are incidental to close proximity with a town of that kind." Action was recommended immediately, "before these poor people get debauched and demoralized."<sup>46</sup> The proposal was in keeping with longstanding government policy of keeping Native people away from such centres. By moving quickly, it was hoped to avoid "a duplication of what has [happened] at St. Peters where those once fine people have gradually been debauched till now a majority of them are as bad as bad can be physically, morally and mentally."<sup>47</sup>

It was immediately proposed that the Indians be induced to sell their reserve, and take up new land away from the railway. The official on site hoped that an offer of twenty-five percent of the estimated value of the land would induce the Native people to sell. The band had surrendered 500 acres earlier without much compensation and were understandably wary that they would be cheated in this instance. "Without a substantial cash payment it will be useless to talk to those Indians," an agent noted, "as they know the already inflated price of the lands they surrendered and are inclined to think that they were not fairly treated last time. Of course they will spend foolishly some of their money, but it is theirs to spend and will give them some pleasure anyway. They can be induced to buy some galloway cattle and ponies to take back to the Reserve."<sup>48</sup> However, the plan was not proceeded with, and the reserve near the townsite remained intact. Government officials lamented the failure to proceed, and over the next years commented on the

increasing immorality of The Pas band.<sup>49</sup> From time to time government officials again raised the question of removing the Indians from the townsite, but action was never taken.

The episode involving the right-of-way through the reserve at The Pas demonstrated the much different approach to Native-held lands when they were coveted by non-Native developers. The government had the legal resources to impose its will on the Native people, since it had the right of guardianship, but it preferred to convince them to move without formal coercion. Five hundred acres had been lost to a government-owned townsite,<sup>50</sup> but the attempt to repeat the procedure in 1912 failed. That the matter was even raised shows the government's determination to keep the Native people away from non-Native settlements whenever possible and its willingness to relocate the Natives with minimal consultation if such a move conformed to some larger official purpose.

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

Thus, the increased activity seemed to justify the government's original decision to proceed with Treaty Five in 1875-1876, for the allocation of reserves and the alienation of aboriginal title had freed some 260,000 square kilometres for development. The Native people got, in the main, what they had asked for in the months leading up to the treaty negotiations. The annuities were paid each year, and the tools, implements and other supplies promised under the treaty were provided, although often only after lengthy delays. The main thrust of western settlement had, as anticipated, passed the region by. The Treaty Five area would not see the massive influx of agricultural settlers that fell on the Prairies. The region would also not witness the stunning decline of harvestable

resources, especially fish and game, which had so savagely disrupted Native life on the plains. These conditions ensured that the Native people would place few demands on the government's table. The government thus felt little compulsion to interfere significantly with the lifestyle of the people of Treaty Five.

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

## Northern Adhesions to Treaty Five

As early as 1876, the band at Oxford House petitioned the federal government, asking for inclusion in Treaty Five. Much like other Native people in the non-agricultural regions of the west, they knew the financial benefits of being taken under treaty and, although perhaps not always aware of the significance of the territorial surrenders involved, they approached the government in hopes of being offered a treaty or being included under an existing accord. At the time, however, the government was reluctant to assume any additional legal and financial obligations in the north: As Frank Pedley, Deputy Superintendent General of the Department of Indian Affairs, said in 1906, "I think we should have a definite policy that the [northern] aborigines . . . should not be brought into treaty but that Indian Affairs should be administered in that far northern country as the needs of the case suggest".<sup>51</sup> The fur trading districts of the northern Prairie provinces were well down on the government's priority list; the only region that was more neglected was the land north of 60 degrees where the department foresaw little likelihood of significant non-Native development.<sup>52</sup>

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

The impetus for a northward extension of Treaty Five lay in impending rather than actual developments. Politicians and developers had for years debated the merits of a railway from the plains to Hudson Bay; two generations of prairie farmers had accepted the need for such a route as

an article of faith, the only means of circumventing the much-hated Canadian Pacific Railway. From 1886 onwards, the federal government sought a company to build the railroad, and by 1906 had issued charters to eight companies to undertake the project. However, none of the private companies was able to find enough financial backing to begin work, so in 1908 the federal government undertook the task, laying out a townsite at the terminus of Churchill that year. Construction was begun at The Pas in 1910.<sup>53</sup>

There was a second similar cause for concern among the Native people of the region. Negotiations to extend the boundaries of Manitoba had also gone on for many years. By 1907, surveyors were busy in the region north of Treaty Five, causing considerable dissension among the Native bands, who wondered what impact the new developments would have on their lives. The creation of Alberta and Saskatchewan, with northern boundaries set at the 60th parallel, provided a strong indication that Manitoba's borders would soon be recast in line with those of its neighbours. However, arguments with Ontario over the placement of the eastern border stalled a final decision, and the matter was not finally resolved until 1912, when the federal Conservative government of Sir Robert Borden imposed the northern part of the present Manitoba-Ontario boundary.<sup>54</sup>

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

By the turn of the century, the federal government had already extended numerous services to the non-treaty Natives of the middle north. Although its generosity was far from uniform, the

Department of Indian Affairs was providing annual grants for schools, modest medical aid, and other supplies as the individual cases dictated.<sup>55</sup> Going the additional step of providing a treaty no longer seemed as symbolic or expensive to the government as it had in the past.

There is little question that many of the Native people living north of Treaty Five desired a treaty. The Split Lake band sent a representative to meet with Indian Commissioner David Laird in 1905, and followed that initial discussion with another request the next year.<sup>56</sup> The Split Lake request convinced the government to investigate the claims further. The band, it seemed, lived in the area formally covered by Treaty Five, but had never signed the treaty and hunted and trapped outside the treaty limits\* It seemed logical simply to have them accept the terms of the initial agreement, but that suggestion carried certain problems. As the Secretary of the Department of Indian Affairs wrote, "When the time comes to admit these Indians to Treaty it would seem advisable to make a new Treaty with them; as an adhesion to Treaty No. 5 would entail a large expenditure for arrears of annuity unless it is specially stipulated in the adhesion that no arrears should be claimed or paid."<sup>57</sup> The Reverend J. Semmens, Inspector of Indian Agencies, suggested that a treaty be offered to the Split Lake band. The government concurred, although also indicating that "the Department does not feel disposed to hurry matters."<sup>58</sup>

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

had looked over the matter in the light of his own interests and those of his band pretty carefully. He said that the coming of the road would interfere with the game upon which his people relied wholly. They were hunters and boatmen and knew no other employment and anything affecting seriously the fur catch would hit them hard. Surely he said the Government would consider his welfare and if his occupation were interfered with would be willing to treat with him so no misunderstanding should arise and no friction result.

At Split Lake, he informed the people that a treaty would be offered them the next year and "they expressed a willingness to adhere to the terms of Treaty No. 5 so as to be on an equal footing with their friends of Norway House and Cross Lake." They went further, however, claiming that the government had promised to include them at the time of the initial treaty. Since they had not done so, the band felt they were owed full arrears in annuities back to 1876.<sup>59</sup>

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

The final report of Semmens' inspection recommended that an adhesion be offered to the Split Lake band and that the non-treaty Natives living within the treaty limits be accepted into treaty. Indian Commissioner David Laird agreed, although with the caveat that "those at Cross Lake, Norway House, and Fisher River, living for some two or three years within the limits of said Treaty, should sign not only an adhesion to the Treaty, but also surrender their claim to all other lands in the North West Territories or Canada."<sup>60</sup> This limited proposal initiated by the Split Lake band soon stimulated further government action.

The proposed adhesion with Split Lake raised the possibility of a broader effort to bring the Native people in unceded territory under treaty. The Deputy Superintendent General of Indian Affairs believed that the impending railway development justified immediate attention to the treaty requests of the northern peoples. It seemed, as well, that "the terms of Treaty No. 10 which was negotiated in 1906 and 1907 by Commissioners specially appointed are applicable to the whole of this territory, and I would, therefore, propose to extend the limits of Treaty No. 10 over the vast district between the Eastern boundary of Treaty No. 5 and the Eastern boundary of Treaty No. 9." Since Treaty Ten had been specifically structured for a nonagricultural district, it seemed particularly appropriate for the area immediately to the east. The proposal, which called for the

adhesion of individual bands only as specific needs dictated, had the added attraction of completing much of the department's treaty work: "It may never be considered expedient to make treaties with the Indians of the Mackenzie River and the Arctic Circle, but pending a decision of that point, the territory proposed to be added to Treaty No. 10 would be the last in the Dominion to be included in a formal treaty."<sup>61</sup>

It appeared that the plan had been set in motion. Inspector Semmens was to gain the adhesion of the bands at Split Lake and Nelson House to Treaty Ten, while adding the non-treaty Natives at Cross Lake, Norway House and Fisher River to Treaty Five. The following year, a treaty commissioner was to visit Churchill and York to secure their acceptance of Treaty Ten. The proposal forwarded by the Department of Indian Affairs' accountant was based on the idea that 'the terms offered by this Treaty (10) are a little more liberal than those of Treaty Five. We are permitted to pay a gratuity of \$12.00 per capita. Under Treaty Five we can give no gratuity, and as the Split Lake Indians have been urging us for years to allow them to join treaty, it will require some additional inducement to get them to accept treaty without arrears of annuity."

Extending treaty boundaries also raised questions about the eastern boundary. Department official D. Scott commented, 'When the boundary for the addition to the Province of Ontario is settled all the Indians within that Province should be allocated to Treaty No. 9, and the Indians between the new boundary and Treaty No. 5 should be brought under the last mentioned treaty ....I am informed by officers of the Geological Survey that there is no well defined height of land between the waters of the Hayes and Severn Rivers, and as before long the whole of this territory will be taken into Treaty, the limits need not necessarily follow a well defined natural boundary.' <sup>62</sup>

The government seemed prepared to proceed with the extension of Treaty Ten into the region north of Treaty Five. There was some surprise, therefore, when Inspector Semmens was directed in 1908 to secure the adhesion of the Split Lake and Nelson House bands to Treaty Five. Scott's suggestion that Treaty Five permitted a more generous settlement was met with a slight modification to the original treaty which allowed for the payment of a three dollar gratuity at the time

of signing. It was expected that "the payment of this gratuity should extinguish all the past claims of these Indians, but if for any reason and after due consideration, you find it insufficient you may increase it by \$2.00 per head and pay the gratuity at the rate of \$5.00 but it is hoped and believed that you will be able to negotiate the adhesion for the gratuity mentioned in the Treaty. If you find it impossible to do so you should substitute the word "Five" for "Three" and initial the alteration." Semmens was also to travel to Cross Lake, Norway House and Fisher River to offer treaty to non-treaty people on the reserve.<sup>63</sup>

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

As with the other northern treaties, there was in fact little to negotiate. In directing the treaty commissioner, the Department of Indian Affairs noted "It is extremely important that no outside promises should be made during the negotiation of the Treaty."<sup>64</sup> The chief at Split Lake did insist on the five dollar per person gratuity, which Semmens dutifully provided. At Norway House, the matter was not immediately raised, and annuity payments commenced with a three dollar gratuity. The chief then interceded and requested the additional grant "to harmonize with the payment at Split Lake.". Semmens refused, although he did promised to forward the band's appeal that "as a matter of grace...the Department would grant the other two dollars in 1909." The treaty party stopped briefly at Norway House, Fisher River and Cross Lake, signing 319 people onto the treaty lists.<sup>65</sup>

Semmens was not finished for the year. A month after his return to his base at Stonewall, Manitoba, he received word that the department wanted him to travel to Gods Lake, Island Lake and Oxford Souse to tell the Native people that the a treaty commissioner would visit with them the next year. Although the season was late and the trip extremely long and arduous, Semmens set out. He returned just over a month after he received his instructions. His hasty enumerations found

more than 1250 people eligible for treaty in the three bands, which he promised would be visited the following summer.<sup>66</sup> After years of reticence, the federal government had suddenly decided to proceed with the utmost haste. Semmens was instructed early in 1909 to proceed with plans for treaty negotiations with the Oxford House, Gods Lake and Island Lake bands the forthcoming July and August.<sup>67</sup>

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

The department was aghast at the error, and at Semmens' failure to make changes in the document providing for the five dollar gratuity. Semmens claimed that the error originated in the clerk passing him the wrong document, although he did not explain how the mistake had passed unnoticed until the treaty papers reached Ottawa. The treaty commissioner assured J.D. McLean, Secretary of the Department of Indian Affairs, that the mistake was merely an administrative gaffe. As he wrote, "I read the treaty first and translated it thoroughly. I then read the proper adhesion and all said they understood and declared their willingness to sign. At that juncture the wrong paper must have been submitted. The Indians signing understood perfectly what they were doing and what they were accepting. There can be no doubt about that for many witnesses were present." Semmens offered to travel to Ottawa at his own expense to correct the error, although his explanation apparently satisfied his superiors. Semmens returned to the north that summer, but his reports of the trip indicate that he did not even travel to Split Lake. It appears, therefore, that the matter was resolved internally.<sup>68</sup>

The Native people did not protest the sudden interest in negotiations; the opposite was closer to the case. They were only too aware that the proposed Hudson Bay Railway would disrupt their

lands and sought the official protection of a federal treaty. The York Factory band, hearing to their dismay that the Split Lake band had said they were uninterested in a treaty, wrote that "We have been quietly waiting for years to be taken in as Treaty people & now that the Hudson Bay Railroad is coming down our way we hope that the Government will take us under their care. Our hunting lands will be ruined by the shriek of the Iron horse & we will be at a loss to know how to feed & clothe our little ones."<sup>69</sup>

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

they were making a fairly good living out of their country so far, but in view of the work that Government people were carrying on now in their country and what was likely to follow, they were afraid that changes would take place that would not be so good for them. They then asked what entering into Treaty meant for them. I told [them that] in the event of the Government taking them into Treaty, they would have due regard to their welfare and that they would receive a certain amount of help every year which would be a benefit to them.<sup>70</sup>

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

Semmens travelled north in the summer of 1909 to secure the adhesions of the Oxford House, Gods Lake and Island Lake bands. The treaty terms, including the option of accepting half-breed scrip, were carefully explained and, by all accounts, enthusiastically accepted. Band elections followed the treaty discussions, after which the treaty was formally signed. Semmens then distributed the five dollar gratuity allocated under the adhesion and parcelled out the supplies he brought north. This time there seems to have been no attempt to get the Native people to accept a three dollar payment. Before Semmens left the south, it was suggested that he take 58 sacks of flour, 2800 pounds of bacon, 150 pounds of tea and 3 "caddies" of tobacco, which he was to distribute at the treaty signing ceremonies.<sup>71</sup>

The only hitch in Semmens' schedule occurred during the trip to Island Lake. The Sucker Lake band had earlier informed the federal government that they did not wish too be amalgamated for treaty purposes with the Island Lake band, but preferred a separate adhesion, accepted by their own chief and councillors, to be signed at Little Grand Rapids. They also requested a separate reserve at Reindeer Lake.<sup>72</sup>

Representatives of the band were at Island Lake when Semmens arrived to explain the treaty, but they refused to sign. The treaty commissioner tried to get them to change their minds but, as Semmens later wrote, they "had given a promise to their Missionary Santmier that they would take this stand." Semmens attributed their desire to be independent of Island Lake to "the fact that the Suckers and the Cranes cannot blend because of ancestor hatred and the people of Deer Lake East would prefer not to mix with the Cranes." He could not, of course, allow the alteration without approval and "held out no promise of any sort to them and when I could not prevail upon them to come into Treaty I left them."<sup>73</sup>

Semmens was not the only agent of the Department of Indian Affairs active in the northward extension of Treaty Five that year. W. McLean also travelled to the area that year, primarily to meet with the recently-signed Indians at Split Lake and Nelson House and to ascertain the interest of the Indians at York Factory and Churchill in accepting an adhesion to Treaty Five. Although a number of small bands remained outside the treaty, gaining the acceptance of these two groups promised to more or less complete the adhesion process in the territories added to Treaty Five.<sup>74</sup>

McLean soon discovered that the Native people had more to discuss than he had perhaps expected. He hoped to pass through Split Lake very quickly on his way to Hudson Bay. But to his dismay, the chief quickly declared that they had substantive questions held over from the previous year's treaty negotiations and did not wish to proceed too hastily with annuity payments. McLean was reluctant to upset his schedule and convinced the people to present their questions at once. Their queries dealt primarily with trapping, hunting and fishing rights, plus a request that a reserve

be immediately allocated. McLean addressed their questions, apparently to their satisfaction, and the paying officer was able to proceed with annuity payments as planned.

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

why they were paid only eight dollars [\$3.00 gratuity plus \$5.00 first year annuity] cash when they gave their adhesion to a Treaty with the government last year, when their neighbours at Split Lake were paid ten dollars each. That undesired happening appeared to have given rise in their minds to undesirable suspicions and distrust, which however I was able to disprove, and gave them every assurance that the discrepancy which they complained of did not happen with the knowledge or consent of the government, and to prove to them that the Government were most anxious to deal fair and just with them, I was instructed to pay them along with their annuity for this year the two dollars for each one of them, men, women and children that they were short paid last year, and pointed out to them that the Government was going so without being asked to do it.<sup>75</sup>

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

McLean's work at York Factory and Churchill proceeded more expeditiously. He explained his mission at both centres, describing the government's interest in concluding a treaty and the assistance that would be offered to those accepting the treaty. The Native people at both posts were emphatic in declaring their interest in signing a treaty; the leaders at Fort Churchill went so far as to petition the government to send McLean back as the treaty commissioner.<sup>76</sup> McLean dispensed food and supplies and arranged for the doctor who accompanied his party to examine

the people assembled at the posts. With the work completed, McLean returned to the south. The way had been cleared for the adhesion negotiators to return the next year and complete the formal adhesions to Treaty Five.<sup>77</sup>

The task fell, understandably, to John Semmens. He headed north in the summer of 1910. His first stop was at Deer's Lake East (also known as Reindeer Lake), where the band a year earlier had rejected incorporation with the Island Lake band. The government accepted their claim to separate status, and on June 9th Chief Robert Fiddler formally accepted Treaty Five on behalf of his band. Semmens continued northward, reaching Fort Churchill in late July. On August 1st, the adhesion was signed. The treaty party then travelled to York Factory, where on August 10th 1910, Chief Charles Wastasekoot and two councillors, Robert Beardy and Sandy Beardy, agreed to the adhesion to Treaty Five. The document accepted by the three bands mirrored the adhesion offered to the other bands north of the original treaty boundaries, including a five dollar gratuity offered "once and for all" at the time of signing.<sup>78</sup>

Most of the bands had requested reserves during negotiations, but a surveyor was not sent north until 1913. In that year, D.F. Robertson of the Dominion Land Survey was appointed to lay out reserves at Gods Lake, Island Lake, Deer Lake, Split Lake, Nelson House, Oxford House, Churchill and York Factory.<sup>79</sup>

The negotiating trip by Treaty Commissioner John Semmens in 1910 marked the final formal stage in the extension of Treaty Five. What had initially been a modest treaty covering the Native people living on the shores of Lake Winnipeg and the lower end of the Saskatchewan River, now reached from the Saskatchewan boundary in the west to Hudson Bay and the border of Treaty Nine in the east, from the limits of Treaties One, Two, Three and Four in the south to the 60th parallel in the north. Since a small part of Saskatchewan west of The Pas and a section of northwest Ontario were also included, Treaty Five took in parts of three provinces; in total, some 350,000 square kilometres were now covered by the terms of the treaty.

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

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

## Conclusion

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

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

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

From the beginning, Treaty Five carried elements of the northern treaties, which characteristically paid limited attention to Native needs but served to secure control of the land for future development. The treaty terms called for only 160 acres of land to be set aside for each

family of five,<sup>81</sup> a departure from the standard Prairie allotment of 640 acres per family. The five dollar gratuity was also considerably lower than that offered to the signatories to Treaties Three and Four. The lower benefits reflected the government's belief that the Treaty Five lands were of marginal use for settlement and development, that the Native people would not need the land for their own farms, and so smaller reserves were seemingly justified. When the adhesions were added between 1908 and 1910, the negotiation process clearly favoured the government and offered little room for Native contributions. From 1899, when Treaty Eight was signed, to 1921, when the Dene of the Mackenzie River valley were brought under Treaty Eleven, the northern treaties served the government's purpose well: Huge tracts of land were secured at minimal cost: the small reserves allocated posed little threat to contemporary or future non-Native development.

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

The government had achieved title to the soil, according to its view of the law, and the Indians achieved recognition of their needs and some measure of protection against the seemingly inevitable influx of Canadian settlers. In return for relinquishing sovereignty, the Indians had won a permanent direct relationship with the crown which, they believed, would serve them in cash of disputes with local administrators.

The Native people and the federal government had different reasons for entering into the treaty process and, not surprisingly, derived different benefits from that involvement. The government received vast quantities of land at absurdly low cost, even by nineteenth century standards, which enabled it to plan for the orderly development of the west and the north. The Native people lost control of the land--although whether or not they had a sense of private property remains a subject of debate<sup>83</sup> but the protection they believed they had gained was of considerable value.

The Native people in western Canada were only too aware of the rapid changes facing their lands in the last quarter of the nineteenth century. Although they valued their harvesting life, they were not blind to the necessity for change in the face of non-Native settlement and economic restructuring. They believed the treaties would provide the means to survive the anticipated dislocations. Native people and the federal government could, therefore, agree on the same document, though for rather different purposes and with different expectations. An analogy might be drawn to the recent scholarship on the fur trade, in which it is asserted that both Native people and traders gained from the trade, though in different ways.<sup>84</sup>

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

measure of government intervention would not come until after World War II, in a vastly different era of Native-government relations than the one when the treaties were signed.<sup>85</sup>

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

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

## Appendix A

Copy of Treaty Five

**TREATY No. 5**

**BETWEEN**

**HER MAJESTY THE QUEEN**

**AND THE**

**SAULTEAUX AND SWAMPY CREE  
TRIBES OF INDIANS**

**AT**

**BEREN'S RIVER AND NORWAY HOUSE  
WITH ADHESIONS**

## TREATY No. 5

ARTICLES OF A TREATY made and concluded at Beren's River the 20th day of September, and at Norway House the 24th day of September, in the year of Our Lord one thousand eight hundred and seventy-five, between "Her Most Gracious Majesty the Queen" of Great Britain and Ireland, by Her Commissioners the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

WHEREAS, the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at meetings at Beren's River and Norway House to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS the said Indians have been notified and informed by Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

AND WHEREAS the Indians of said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them the said Indians, have thereupon named the following persons for that purpose, that is to say:

For the Indians within the Beren's River region and their several bands: Nah-wee-kee-sick-quah-yash, Chief; Kah-nah-wah-kee-wee-nin and Nah-kee-quan-nay-yash, Councillors, and Pee-wah-roo-wee-nin, of Poplar River; Councillors for the Indians within the Norway House region and their several bands: David Rundle, Chief, James Cochrane, Harry Constatag and Charles Pisequinip, Councillors; and Ta-pas-ta-num, or Donald William Sinclair Ross, Chief, James Garrioch and Proud McKay, Councillors.

AND THEREUPON, in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid of the respective Bands of Indians inhabiting the said district hereinafter described. AND WHEREAS the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen, for the purposes aforesaid, of the respective Bands of Indians inhabiting the said district hereinafter described.

AND WHEREAS the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded as follows, that is to say:

The Saulteaux and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at the north corner or junction of Treaties Nos. 1 and 3; then easterly along the boundary of Treaty No. 3 to the "Height of Land," at the northeast corner of the said treaty limits, a point dividing the waters of the Albany and Winnipeg Rivers; thence due north along the said "Height of Land " to a point intersected by the 53<sup>rd</sup> of north latitude; and thence north-westerly to "Favourable Lake"; thence following the east shore of said lake to its northern limit; thence north-westerly to the north end of Lake Winnipegosis; then westerly to the "Height of Land" called "Robinson's Portage"; thence north-westerly to the east end of "Cross Lake"; thence north-westerly crossing "Foxes Lake"; thence north-westerly to the north end of "Split Lake"; thence south-westerly to "Pipestone Lake," on "Burntwood River "; thence south-westerly to the western point of "John Scott's Lake"; thence south-westerly to the north shore of "Beaver Lake"; thence south-westerly to the west end of "Cumberland Lake"; thence due south to the "Saskatchewan River"; thence due south to the north-west corner of the northern limits of Treaty No. 4, including all territory within the said limits, and all islands on all lakes within the said limits, as above described; and it being also understood that in all cases where lakes form the treaty limits, ten miles from the shore of the lake should be included in the treaty.

And also all their rights, titles and privileges whatsoever to all other lands wherever situated in the North-west Territories or in any other Province or portion of Her Majesty's dominions situated and being within the Dominion of Canada;

The tract comprised within the lines above described, embracing an area of one hundred thousand square miles, be the same more or less;

To have and to hold the same to Her Majesty the Queen, and Her successors forever;

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and other reserves for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, provided all such reserves shall not exceed in all one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families-in manner following, that is to say: For the Band of "Saulteaux, in the Beren's River" region, now settled or who may within two years settle therein, a reserve commencing at the outlet of Beren's River into Lake Winnipeg, and extending along the shores of said lake, and up said river and into the interior behind said lake and river, so as to comprehend one hundred and sixty acres for each family of five, a reasonable addition being, however, to be made by Her Majesty to the extent of the said reserve for the inclusion in the tract so reserved of swamp, but reserving the free navigation of the said lake and river, and free access to the shores and waters thereof, for Her Majesty and all Her subjects, and expecting thereout such land as may have been granted to or stipulated to be held by the "Hudson Bay Company," and also such land as Her Majesty or Her successors, may in Her good pleasure, see fit to grant to the Mission established at or near Beren's River by the Methodist Church of Canada, for a church, school-house, parsonage, burial ground and farm, or other mission purposes; and to the Indians residing at Poplar River, falling into Lake Winnipeg north of Beren's River, a reserve not exceeding one hundred and sixty acres to each family of five, respecting, as much as possible, their present improvements:

And inasmuch as a number of the Indians now residing in and about Norway House of the band of whom David Rundle is Chief are desirous of removing to a locality where they can cultivate the soil, Her Majesty the Queen hereby agrees to lay aside a reserve on the west side of Lake Winnipeg, in the vicinity of Fisher River, so as to give one hundred acres to each family of five, or in that proportion for larger or smaller families, who shall remove to the said locality within "three years," it being estimated that ninety families or thereabout will remove within the said period, and that a reserve will be laid aside sufficient for that or the actual number; and it is further agreed that

those of the band who remain in the vicinity of "Norway House" shall retain for their own use their present gardens, buildings and improvements, until the same be departed with by the Queen's Government, with their consent first had and obtained, for their individual benefit, if any value can be realized therefore:

And with regard to the Band of Wood Indians, of whom Ta-pas-ta-num, or Donald William Sinclair Ross, is Chief, a reserve at Otter Island, on the west side of Cross Lake, of one hundred and sixty acres for each family of five or in that proportion for smaller families-reserving, however, to Her Majesty, Her successors and Her subjects the free navigation of all lakes and rivers and free access to the shores thereof; Provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any that the aforesaid reserves of land or any interest therein may be sold or otherwise disposed of by Her Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians, She hereby, through Her Commissioners, makes them a present of five dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with Her said Indians, that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve Her Indian subjects inhabiting the reserves, or living elsewhere within Her North-west Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with Her said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes, by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and Her said Indians that such sections of the reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period in each year to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of five hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition, and twine for nets, for the use of the said Indians, in manner following, that is to say: in the reasonable discretion as regards the distribution thereof among the Indians inhabiting the

several reserves or otherwise included therein of Her Majesty's Indian Agent have the supervision of this treaty.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say: Two hoes for every family actually cultivating; also one spade per family as aforesaid; one plough for every ten families as aforesaid; five harrows for every twenty families as aforesaid; one scythe for every family as aforesaid, and also one axe; and also one cross-cut saw, one hand-saw, one pit-saw, the necessary files, one grindstone, and one auger for each band; and also for each Chief, for the use of his band, one chest of ordinary carpenter's tools; also for each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band one yoke of oxen, one bull and four cows all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognized as such shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive, once every three years, a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law, and they will maintain peace and good order between each other, and also between themselves and other Tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tracts, and that they will not molest the person or property of any inhabitant of such ceded tracts, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tracts, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

IN WITNESS WHEREOF, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at "Beren's River" this twentieth day of September, A.D. 1875, and at Norway House on the twenty-fourth day of the month and year herein first above named.

Signed by the Chiefs within named  
in presence of the following  
witnesses, the same having been  
first read and explained by the  
Honourable James McKay:

THOS. HOWARD,  
A. G. JACKES, M.D.,  
CHRISTINE MORRIS,  
E. C. MORRIS,

ALEX. MORRIS, L.G. [L.S.]  
JAMES McKAY, [L.S.]  
NAH-WEE-KEE-SICK-QUAH-YASH,  
otherwise, JACOB BERENS, Chief,  
his x mark  
KAH-NAH-WAH-KEE-WEE-NIN,  
otherwise, ANTOINE GOUIN,  
his x mark  
NAH-KEE-QUAN-NAY-YASH,  
his x mark

ELIZABETH YOUNG,  
WILLIAM McKAY,  
JOHN Mc KAY,  
EGERTON RYERSON  
YOUNG

Signed at Norway House by the  
Chiefs and Councillors hereunto  
his subscribing in the presence of  
the undersigned witnesses, the  
same having been first read and  
explained by the Honourable  
James McKay:

RODK. ROSS,  
JOHN H. RUTTAN, Methodist  
Minister,  
O. GRINDER, Methodist Min.,  
D. C. McTAVISH,  
ALEX. SINCLAIR,  
L. C. McTAVISH,  
CHRISTINE V. K. MORRIS,  
E. C. MORRIS,  
A. G. JACKES, M.D.,  
THOS. HOWARD.

PEE-WAH-ROO-WEE-NIN,  
his x mark  
Councillors.

ALEX. MORRIS, L.G., [L.S.]  
JAMES McKAY, [L.S.]  
DAVID RUNDLE, Chief.  
his x mark  
JAMES COCHRANE,  
his x mark  
HARRY CONSTATAG,  
his x mark  
CHARLES PISEQUINIP, Councillors.  
his x mark  
TA-PAS-TA-NUM, or, DONALD  
WILLIAM  
his x mark  
SINCLAIR ROSS, Chief,  
his x mark  
GEORGE GARRIOCK,  
his x mark  
PROUD McKAY, Councillors.  
his x mark

We, the Band of the Saulteaux Tribe of Indians residing at the mouth of the Saskatchewan River, on both sides thereof, having had communication of the foregoing treaty, hereby, and in consideration of the provisions of the said treaty being extended to us, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said treaty, and every part thereof, to have and to hold to the use of Her Majesty the Queen and Her heirs and successors for ever. And Her Majesty agrees, through the said Commissioners, to assign a reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for larger or smaller families-such reserve to be laid off and surveyed next year on the south side of the River Saskatchewan.

And having regard to the importance of the land where the said Indians are now settled in respect of the purposes of the navigation of the said river and transport in connection therewith, and otherwise, and in view of the fact that many of the said Indians have now houses and gardens on the other side of the river and elsewhere which they will abandon, Her Majesty agrees, through Her said Commissioners, to grant a sum of five hundred dollars to the said Band to be paid in equitable proportions to such of them as have houses, to assist them in removing their houses to the said reserve or building others.

And the said Indians, represented herein by their Chiefs and Councillors, presented as such by the Band, do hereby agree to accept the several provisions, payments and other benefits as stated in the said treaty, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, on the part of the said Chiefs and Indians

therein named, to be observed and performed, and in all things to conform to the articles of the said treaty as if we ourselves had been originally contracting parties thereto.

IN WITNESS WHEREOF, Her Majesty's said Commissioners and the said Indian Chief and Councillors have hereunto subscribed and set their hands, at the Grand Rapids, this twenty-seventh day of September, in the year of Our Lord one thousand eight hundred and seventy-five.

Signed by the parties in the presence of ALEX. MORRIS, L.G. [L.S.]  
the  
undersigned witnesses, the same having JAMES McKAY, [L.S.]  
been  
first explained to the Indians by the PETER BEARDY, Chief,  
Honourable James McKay. his x mark

THOS. HOWARD, JOSEPH ATKINSON,  
RODK. ROSS, his x mark  
E. C. MORRIS,  
A. G. JACKES, M.D., ROBERT S. ANDERSON,  
ALEX. MATHESON, Councillors  
JOSEPH HOUSTON,  
CHRISTINE V. K. MORRIS. his x mark

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## **ADHESION BY SAULTEAUX OR CHIPPEWA INDIANS**

### **MEMORANDUM.**

The Queen's Indian Commissioners having met Thick-foot and a portion of the Island Band of Indians at Wa-pang or Dog-head Island on the 28th day of September, A.D. 1875, request him to notify the Island Indians and those of Jack-head Point to meet at Wa-pang an Indian Agent next summer to receive payments under the treaty which they have made with the Indians of Norway House, Beren's River, Grand Rapids and Lake Winnipeg, and in which they are included, at a time of which they will be notified, and to be prepared then to designate their Chief and two Councillors. The Commissioners have agreed to give some of the "Norway House" Indians a reserve at Fisher Creek, and they will give land to the Island Indians at the same place.

Given at Wa-pang this 28th day of September, A.D. 1875, under our hands.

ALEX. MORRIS, L.G.

JAMES McKAY.

I accept payments under the treaty for myself and those who may adhere to me, and accept the same and all its provisions as a Principal Indian, and agree to notify the Indians as above written.

THICK-FOOT

his x mark

WA-PANG, September 28th, 1875.

Witness:  
THOS. HOWARD,  
RODK. ROSS.

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### **ADHESION BY SAULTEAUX OR CHIPPEWA INDIANS**

We, the Band of Saulteaux Tribe of Indians residing at the mouth of Black River, on the east shore of Lake Winnipeg, having had communication of the treaty made and concluded at Beren's River the 20th day of September, 1875, between Her Most Gracious Majesty the Queen, by Her Commissioners the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the Northwest Territories, and the Honourable James McKay, and the different tribes of Indians and inhabitants of the country within the limits mentioned in the said treaty, hereby, and in consideration of the provisions of the said treaty being extended to us, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of the Government of Canada, all our rights, titles and privileges whatsoever which we may have or enjoy in the territory descript in the said treaty, and every part thereof-and to hold to the use of Her Majesty the Queen, and heirs and successors forever. And Her Majesty agrees through the Acting Indian Superintendent, to assign the reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for smaller or larger families, on the banks of the said Black River.

IN WITNESS WHEREOF, the said Acting Indian Superintendent and the said Indians, represented by their Chief and Councillors, have hereunto subscript and set their hands at Winnipeg, the seventh day of September, in the year of Our Lord one thousand eight hundred seventy-six.

Witness:  
J. A. N. PROVENCHER,  
JAS. F. GRAHAM,  
H. MARTINEAU,  
J. P. WRIGHT,

JAMES BIRD,  
his x mark  
JOSEPH SAYER,  
his x mark  
JOHN SAYER.  
his x mark

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### **ADHESION BY SAULTEAUX OR CHIPPEWA AND CREE INDIANS**

ARTICLE OF AGREEMENT AND ADHESION TO A TREATY made and concluded at Beren's River on the 20th day of September and at Norway House the 24th day of September, in the year of Our Lord one thousand eight hundred and seventy-five, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs, chosen and named as hereinafter mentioned, of the other part:

We, the Band of Saulteaux and Swampy Cree Indians, residing at the "Pas," on the Saskatchewan River, Birch River, the Pas Mountain and File Lake, and known as "The Pas Band"; and at Cumberland Island, Sturgeon River, Angling River, Pine Bluff, Beaver Lake and the Ratty Country, and known as "The Cumberland Band"; and at Moose Lake and Cedar Lake, and known as "The Moose Lake Band," having had communication of the aforesaid treaty, of which a true copy is hereunto annexed, hereby, and in consideration of the provisions of the said treaty being extended to us, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of the Government of Canada, all our rights, title and privileges whatsoever, which we have or enjoy in the territory described in the said treaty and every part thereof, to have and to hold to the use of Her Majesty the Queen and Her heirs and successors forever.

And Her Majesty agrees, through Her representative as hereinafter named, to assign a reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for larger or smaller families, such reserves to be subject to the approval of Her Majesty's Government of the Dominion of Canada, and to be laid off and surveyed as soon as may be found practicable, in manner following, that is to say: For the "Pas" Band, a reserve on both sides of the Saskatchewan River at the "Pas"; but as the area of land fit for cultivation in that vicinity is very limited, and insufficient to allow of a reserve being laid off to meet the requirements of the Band, that the balance of such reserve shall be at "Birch River" and the "Pas Mountain"; for the "Cumberland Band" a reserve at "Cumberland Island," and as the land fit for cultivation there is also limited and insufficient to meet their requirements, that the balance of that reserve shall be at a point between the "Pine Bluff" and "Lime Stone Rock," on "Cumberland Lake"; and for the "Moose Lake Band" a reserve at the north end of "Moose Lake," called Little Narrows-reserving, however, to Her Majesty, Her heirs, successors, and Her subjects, the free navigation of all lakes and rivers, and free access to the shores thereof, and excepting thereout such land as may have been granted to or stipulated to be held by the Hudson's Bay Company at the Pas and Cumberland Island, and also such land as Her Majesty or Her successors may in their good pleasure see fit to grant to the missions established at the "Pas" and Cumberland Island by the Church Missionary Society, and the mission established at Cumberland Island by the Roman Catholic Church; and provided Her Majesty, Her heirs and successors, reserve the right to deal with any settlers within the bounds of any lands reserved for any Band as She shall deem fit.

And the said Indians, represented herein by their Chiefs and Councillors, presented as such by the Bands, do hereby agree to accept the several provisions, payments, and other benefits, as stated in the said treaty, and solemnly promise and engage to abide by, carry out and fulfil all stipulations, obligations and conditions therein contained, on the part of the said Chiefs and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said treaty, as if we ourselves had been originally contracting parties thereto.

IN WITNESS WHEREOF, the Honourable Thomas Howard, acting herein for Her Majesty under special authority of the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and of the North-west Territories, and Chief Superintendent of Indian Affairs for the Manitoba Superintendency, and the said Chiefs and Councillors, have hereunto subscribed and set their hands at the "Pas," on the Saskatchewan River, this seventh day of September, in the year of Our Lord one thousand eight hundred and seventy-six.

Signed by the Chiefs and Councillors THOS. HOWARD, [L.S.]  
within named, in the presence of the  
following "Pas Band".  
witnesses, the treaty and this adhesion, JOHN CONSTANT, Chief,  
having his x mark

been first read and explained by the Rev.  
Henry Cochrane:

H. BELLANGER,  
HENRY COCHRANE, Missionary,  
CHARLES D. RICKARDS,  
CHARLES ADAMS, C. Clk., H.B. Co.,  
WALTER R. NURSEY,  
JOHN CLEMONS  
THOMAS NIXON, Jr.,  
ROBERT BALLENDINE,  
A. M. MUCKLE, J.P.

JAMES COOK, Sr.,  
his x mark  
JOHN BELL, Jr.,  
his x mark  
PETER BELL,  
his x mark  
DONALD COOK, Sr.,  
his x mark  
Councillors.

"Cumberland" Band.  
JOHN COCHRANE, Chief,  
his x mark  
PETER CHAPMAN,  
his x mark  
ALBERT FLETT,  
his x mark  
Councillors.

"Moose Lake" Band.  
O-TIN-IK-IM-AW, Chief,  
his x mark  
MA-IK-WUH-E-HA-POW,  
his x mark  
WA-ME-KWUW-UH-OP,  
his x mark  
KA-CHA-CHUCK-OOS,  
his x mark  
Councillors.

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## **ADHESION BY SAULTEAUX OR CHIPPEWA INDIANS**

ARTICLES OF AGREEMENT AND ADHESION TO A TREATY made and concluded at Beren's River the 20th day of September, and at Norway House the 24th day of September, in the year of Our Lord one thousand eight hundred and seventy-five between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs, chosen and named as hereinafter mentioned, of the other part.

We, the Band of Saulteaux Indians residing in the vicinity of the Grand Rapids of the Beren's River, having had communication of the aforesaid treaty, of which a true copy is hereunto annexed, hereby and in consideration of the provisions of the said treaty being extended to us, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of the Government of Canada, all our rights, titles and privileges whatsoever, which we have or enjoy in the territory described in the said treaty, and every part thereof, to have and to hold to the use of Her Majesty the Queen, and Her heirs and successors forever.

And Her Majesty agrees, through Her representatives as hereinafter named to assign a reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for larger or smaller families, such reserve to be laid off and surveyed as soon as may be found practicable, at or near the Sandy Narrows of the Beren's River, on both sides of the said river, reserving the free navigation of the said river, and free access to the shores thereof, to all Her Majesty's subjects.

And the said Indians, represented herein by their Chief and Councillor, presented as such by the Band, do hereby agree to accept the several provisions, payments and other benefits, as stated in the said treaty, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, on the part of the said Chief and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said treaty, as if we ourselves had been originally contracting parties thereto.

IN WITNESS WHEREOF, the Honourable Thomas Howard, and John Lestock Reid, Esquire, acting herein for Her Majesty, under special authority of the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and the North-west Territories, and Chief Superintendent of Indian Affairs for the Manitoba Superintendency, and the said Chief and Councillor, have hereunto subscribed and set their hands at the Beren's River, this fourth day of August, A.D. 1876.

Signed by the Chief and Councillor  
within named in the presence of the  
following witnesses, the treaty and  
this adhesion having been first read  
and explained by the Rev. H.  
Cochrane

HENRY COCHRANE,  
Missionary  
JAMES FLETT,  
OWEN HUGHES,  
ALEXANDER BEGG,  
A. M. MUCKLE, J.P.,  
GEO. COLDEE,  
THOMAS PRATT,  
WILLIAM McKAY,  
THOMAS NIXON, Jr.

THOS. HOWARD, [L.S.]  
J. LESTOCK REID, [L.S.]  
NAH-WEE-KEE-SICK-QUAH-YASH  
(Or JACOB BERENS, of Beren's River),  
his x mark  
Chief,  
NUN-AK-OW-AH-NUK-WAPE,  
his x mark  
Councillor.

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### **ADHESION BY SAULTEAUX AND CHIPPEWA INDIANS**

ARTICLES OF AGREEMENT AND ADHESION TO A TREATY made and concluded at Beren's River the 20th day of September, and at Norway House the 24th day of September, in the year of Our Lord one thousand eight hundred and seventy five, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honourable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-west Territories, and the Honourable James McKay, of the one part, and the Saulteaux and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs, chosen and named as hereinafter mentioned, of the other part:

We, the Band of Saulteaux Indians residing at or near the Big Island and the other islands in Lake Winnipeg, and also on the shores thereof, having had communication of the aforesaid treaty, of which a true copy is hereunto annexed, hereby, and in consideration of the provisions of the said treaty being extended to us, transfer, surrender, and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said treaty, and every part thereof, to have and to hold to the use of Her Majesty the Queen, and Her heirs and successors forever.

And Her Majesty agrees, through Her representatives as hereinafter named, to assign reserves of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for larger or smaller families, such reserves to be selected for said Indians by a Dominion Land Surveyor, or other officer named for that purpose, with the approval of the said Indians, as soon as practicable.

And the said Indians, represented herein by their Chief and Councillors, presented as such by the Band, do hereby agree to accept the several provisions, payments and other benefits as stated in the said treaty, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, on the part of the said Chief and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said treaty, as if we ourselves had been originally contracting parties thereto.

IN WITNESS WHEREOF, the Honourable Thomas Howard, and John Lestock Reid, Esquire, acting herein for Her Majesty, under special authority of the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and of the North-west Territories, and Chief Superintendent of Indian Affairs for the Manitoba Superintendency, and the said Chief and Councillors, have hereunto subscribed and set their hands, at Wapang, or Dog Head, Lake Winnipeg, this twenty-six day of July, A.D. 1876.

Signed by the Chief and  
Councillors within named in the  
presence of the following  
witnesses, treaty and this adhesion  
having been first read and  
explained by the Rev. Henry  
Cochrane:

W. W. KIRBY, Archdeacon of  
York,  
HENRY COCHRANE,  
Missionary,  
ALEXANDER BEGG,  
WILLIAM LEACK,  
THOMAS NIXON, Jr.,  
A. M. MUCKLE, J.P.

THOS. HOWARD, [L.S.]  
J. LESTOCK REID, [L.S.]  
SA-KA-CHE-WAYAS, Chief, (Blood  
Vein River.)  
his x mark  
KA-TUK-E-PIN-AIS or HARDISTY,  
(Big Island.)  
his x mark  
THICKFOOT, (Dog Head.)  
his x mark  
SANG-GWA-WA- KA-POW, or  
JAMES SINCLAIR, (Jack Head),  
his x mark  
Councillors.

I, the Honourable Alexander Morris, Lieutenant-Governor of Manitoba and the North-west Territories, do hereby certify that the foregoing is a true copy of the treaty of which it purports to be a copy.

Given under my hand and seal at Fort Garry, this nineteenth day of July, A.D. 1876.

ALEXANDER MORRIS, *L.G.* [L.S.]

**ADHESION TO TREATY 5**  
**BY**  
**SPLIT LAKE AND NELSON HOUSE.**

We, the undersigned Chiefs and Headmen, on behalf of ourselves and the other members of the Split Lake and Nelson House Bands of Indians, having had communication of the Treaty with certain Bands of Saulteaux and Swampy Cree Indians, known as Treaty No. 5, hereby in consideration of the provisions of the said Treaty being extended to us, it being understood and agreed that the said provisions shall not be retroactive, transfer, surrender, and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of His Majesty the King, and his heirs and successors forever.

And we also hereby transfer, surrender and relinquish to His Majesty the King, His heirs and successors, to and for the use of the Government of the Dominion of Canada, all our right, title and interest whatsoever which we and the said Bands which we represent hold and enjoy, or have held and enjoyed, of, in and to the territory within the following limits: All that portion of the North West Territories of Canada comprised within the following limits, that is to say; commencing where the sixtieth parallel of latitude intersects the water's edge of the West shore of Hudson Bay, thence West along the said parallel to the North East corner of the Province of Saskatchewan, thence south along the East boundary of the said Province, to the Northerly limit of the Indian treaty number Five, thence North Easterly, then South Easterly, then South Westerly and again South Easterly following the northerly limit of the said Treaty number Five to the intersection of a line drawn from the North East corner of the Province of Manitoba, North Fifty-five degrees East; thence on the said line produced fifty miles; thence North twenty-five degrees East one hundred and eighty miles more or less to a point situated due South of Cape Tatnam, thence due North ninety-eight miles more or less to the said Cape Tatnam; thence South Westerly and then Northerly following the water's edge of the West shore of Hudson Bay to the point of commencement, together with all the foreshores, and Islands adjacent to the said described tract of land, and containing approximately an area of one hundred and thirty-three thousand four hundred (133,400) square miles.

And also, all our right, title and interest whatsoever to all other lands wherever situated, whether within the limits of any other treaty heretofore made, or hereafter to be made with the Indians, and whether the said lands are situated in the North West Territories or elsewhere in His Majesty's Dominions, to have and to hold the same unto and for the use of His Majesty, the King, His heirs and successors forever.

And we hereby agree to accept the several benefits, payments and reserves promised to and accepted by the Indians adhering to the said Treaty No. 5. And we solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained on the part of the Chiefs and Indians therein named to be observed and performed, and we agree in all things to conform to the articles of the said treaty, as if we ourselves and the Bands which we represent had been originally contracting parties thereto and had attached our signatures to the said treaty.

And his Majesty hereby agrees to set apart Reserves of land of a like proportionate area to those mentioned in the original Treaty No. 5.

And his Majesty further hereby agrees to provide a grant proportionate to that mentioned in the original treaty to be yearly and every year expended by His Majesty in the purchase of ammunition and twine for nets for the use of the said Indians; and to further increase this annual grant in lieu of other supplies provided by the said treaty when this action is shown to be in the interests of the Indians.

And his Majesty further agrees to pay to each Indian a gratuity of Five Dollars in cash, once for all, in addition to the Five Dollars annuity promised by the Treaty in order to show the satisfaction of His Majesty with the behaviour and good conduct of his Indians and in extinguishment of all their past claims.

IN WITNESS WHEREOF, His Majesty's Special Commissioner and the Chiefs and Councillors of the Bands hereby giving their adhesion to the said treaty have hereunto subscribed and set their hands at Split Lake this Twenty-sixth day of June in the year of our Lord one thousand nine hundred and eight.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by JOHN SEMMENS, Commissioner.

[Name in Cree characters]  
WM. KECHE-KESIK  
his x mark  
[Name in Cree characters]  
CHARLES MORRIS  
his x mark  
[Name in Cree characters]  
ALBERT SPENCE  
his x mark

W. J. GRANT, M.D.  
Medical Officer.  
R. J. SPENCER, Clerk.  
H. McKAY, Commissioner.  
G. J. WARDNER, Constable.  
H. C. McLEOD, H. B. COY.  
J. M. THOMAS, C.F.

**IN WITNESS WHEREOF**, His Majesty's Special Commissioner and the Chiefs and Councillors of the Bands hereby giving their adhesion to the said treaty have hereunto subscribed and set their hands at Nelson House this thirtieth day of July in the year of our Lord one thousand nine hundred and eight.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by JOHN SEMMENS, Commissioner.

[Name in Cree characters]  
PETER MOOSE, Chief.  
his x mark  
[Name in Cree characters]  
MURDOCH HART,  
Councillor.  
his x mark  
[Name in Cree characters]  
JAMES SPENCE,  
Councillor.  
his x mark

W. J. GRANT, M.D.  
Medical Officer.  
R. J. SPENCER, Clerk.  
H. McKAY, Commissioner.  
G. J. WARDNER, Constable.  
FRED. A. SEMMENS.

G. D. BUTLER, S/Sergt. R.N.W.M. Police  
CHARLES GEORGE FOX,  
Missionary-Anglican.  
GEO THOS. VINCENT.  
ALEXANDER FLETT.  
WILLIAM ISBESTER.  
F. A. SEMMENS.

## ADHESION TO TREATY No. 5

- 1908 -

### NORWAY HOUSE, CROSS LAKE, and FISHER RIVER.

*Dated respectively: 8th July 1908; 15th July 1908; 24th August 1908.*

WE, the undersigned principal men of the non-treaty Indians resident at the places hereinafter mentioned at which this adhesion has been signed having had communication of the Treaty with certain Bands of Saulteaux and Swampy Cree Indians, known as Treaty No. 5, hereby, in consideration of the provisions of the said Treaty being extended to us, it being understood and agreed that the said provisions shall not be retroactive, transfer, surrender and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all our right, title, and privileges whatsoever, which we have or enjoy in the territory described in the said treaty, and every part thereof, to have and to hold to the use of His Majesty the King, and his heirs and successors forever.

And also, all our right, title and interest whatsoever to all other lands wherever situated, whether within the limits of any other treaty heretofore made, or hereafter to be made with the Indians, and whether the said lands are situated in the North West Territories or elsewhere in His Majesty's Dominions, to have and to hold the same unto and for the use of His Majesty the King, His heirs and successors forever.

And His Majesty hereby agrees to set apart Reserves of land of a like proportionate area to those mentioned in the original Treaty No. 5, or if thought advisable, to add to Reserves already set aside proportionate areas for the Indians now by this Instrument giving their adhesion to the said Treaty.

And His Majesty further hereby agrees to provide a grant proportionate to that mentioned in the original Treaty to be yearly and every year expended by His Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

AND we hereby agree to accept the several benefits, payments and reserves promised to the Indians adhering to the said Treaty No. 5, it being understood and agreed by us that the said benefits and payments shall not be retroactive. And we solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained on the part of the Chiefs and Indians therein named to be observed and performed, and we agree in all things to conform to the articles of the said treaty, as if we ourselves and the Bands which we represent had been originally contracting parties thereto and had attached our signatures to the said treaty.

IN WITNESS WHEREOF His Majesty's Special Commissioner and the Chiefs and Councillors of the Bands hereby giving their adhesion to the said treaty have hereunto subscribed and set their hands at Norway House this eighth day of July and at Cross Lake this fifteenth day of July and at Fisher River this twenty-fourth day of August in the year of our Lord one thousand nine hundred and eight.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first mark explained to the Indians by JOHN SEMMENS, Commissioner.

SANDY SANDERS  
his x mark  
PETER x MAHAM  
his x mark  
THOMAS x GRIEVE  
his x mark  
and 224 others at Norway House.

DANIEL MESWAKUN

his x mark

DAVID MONEAS

his x mark

SIMON MONEAS

his x mark

and 70 others at Cross Lake.

PETER MURDO

his x mark

JAMES KIRKNESS

his x mark

and 17 others at Fisher River.

Witnessed by  
R. J. SPENCER,  
Clerk.

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### **ADHESION TO TREATY No. 5**

### **OXFORD HOUSE, GOD'S LAKE, and ISLAND LAKE BANDS.**

*Dated 29th day of July 1909*

We, the undersigned Chiefs and Headmen, on behalf of ourselves and the other members of the Oxford House, God's Lake and Island Lake Band of Indians, having had communication of the Treaty with certain Bands of Saulteaux and Swampy Cree Indians, known as Treaty No. 5, hereby in consideration of the provisions of the said Treaty being extended to us, it being understood and agreed that the said provisions shall not be retroactive, transfer, surrender and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of His Majesty the King, and his heirs and successors forever.

And we also hereby transfer, surrender and relinquish to His Majesty the King, His heirs and successors, to and for the use of the Government of the Dominion of Canada, all our right, title and interest whatsoever which we and the said Bands which we represent hold and enjoy, or have held and enjoyed, of, in and to the territory within the following limits:-All that portion of the North West Territories of Canada comprised within the following limits, that is to say; commencing where the sixtieth parallel of latitude intersects the water's edge of the West shore of Hudson Bay, thence West along the said parallel to the North East corner of the Province of Saskatchewan, thence south along the East boundary of the said Province to the Northerly limit of the Indian treaty number Five, thence North Easterly, then South Easterly, then South Westerly and again South Easterly following the northerly limit of the said Treaty number Five to the intersection of a line drawn from the North East corner of the Province of Manitoba, North Fifty-five degrees East; thence on the said line produced fifty miles; thence North twenty-five degrees East one hundred and eighty miles more or less to a point situated due South of Cape Tatnam, thence due North ninety-eight miles more or less to the said Cape Tatnam; thence South Westerly and then Northerly

following the water's edge of the West shore of Hudson Bay to the point of commencement, together with all the foreshores, and Islands adjacent to the said described tract of land, and containing approximately an area of one hundred and thirty-three thousand four hundred (133,400) square miles.

And also, all our right, title and interest whatsoever to all other lands wherever situated, whether within the limits of any other treaty heretofore made, of hereafter to be made with the Indians, and whether the said lands are situated in the North West Territories or elsewhere in His Majesty's Dominions, to have and to hold the same unto and for the use of His Majesty, the King, His heirs and successors forever.

And we hereby agree to accept the several benefits, payments and reserves promised to and accepted by the Indians adhering to the said Treaty No. 5. And we solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained on the part of the Chiefs and Indians therein named to be observed and performed, and we agree in all things to conform to the articles of the said treaty, as if we ourselves and the Bands which we represent had been originally contracting parties thereto and had attached our signatures to the said treaty.

And His Majesty hereby agrees to set apart Reserves of land of a like proportionate area to those mentioned in the original Treaty No. 5.

And His Majesty further hereby agrees to provide a grant proportionate to that mentioned in the original Treaty to be yearly and every year expended by His Majesty in the purchase of ammunition and twine for nets for the use of the said Indians; and to further increase this annual grant in lieu of other supplies provided by the said treaty when this action is shown to be in the interests of the Indians.

And His Majesty further agrees to pay to each Indian a gratuity of Five Dollars in cash, once for all, in addition to the Five Dollars annuity promised by the Treaty in order to show the satisfaction of His Majesty with the behaviour and good conduct of his Indians and in extinguishment of all their past claims.

IN WITNESS WHEREOF, His Majesty's Special Commissioner and the Chiefs and Councillors of the Bands hereby giving their adhesion to the said treaty have hereunto subscribed and set their hands at Oxford House this Twenty Ninth day of July in the year of Our Lord one thousand nine hundred and nine.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by

JOHN SEMMENS, Commissioner.

H. S. STEAD, Secretary.  
WALTER ROSS, M.D.C.M.  
CHRISTY THOMPSON,  
H. A. McIVER,  
A. E. KEMP,  
BERTHA STEAD,  
BARBARA ROSS.

JEREMIAS CHUBB Chief,  
his x mark  
ROBERT CHUBB, H.S.S.,  
Councillor.  
his x mark  
JAMES NATAWAYO,  
Councillor, H.S.S.  
his x mark

And at Island Lake this 13th day of August in the year of Our Lord one thousand nine hundred and nine.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by H.S. STEAD, Secretary.

A. B. MASSIL  
E. T. BEVINGTON,  
A. SWAIN  
C. THOMPSON,  
WALTER ROSS, M.D.C.M.,  
WM. M. McEWEN, Commissary,  
BARBARA ROSS,  
BERTHA STEAD.

JOHN SEMMENS,  
Commissioner.  
[Name in Cree characters]  
(PETER WATT), Chief  
his x mark  
[Name in Cree characters]  
(BIG SIMON), Councillor.  
his x mark  
PETER CHUBB, Councillor  
H.S.S.  
his x mark

And at Island Lake this 13th day of August in the year of Our Lord one thousand nine hundred and nine.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by H. S. STEAD, Secretary.

BERTHA STEAD,  
BARBARA ROSS,  
CHARLES B. ISBESTER,  
C. CUNNUNGHAM,  
WM. M. McEWEN, Commissary,  
WALTER ROSS, M.D.C.M.  
ALEX H. CUNNINGHAM.

JOHN SEMMENS,  
Commissioner.  
GEORGE NOTT, Chief,  
H.S.S.  
his x mark  
JOSEPH LINKLATER,  
Councillor H.S.S.  
his x mark  
JOHN MASON Councillor,  
H.S.S.  
his x mark

WE, the undersigned Chiefs and Headmen, on behalf of ourselves and the other members of the Deer Lake, Fort York and Fort Churchill Bands of Indians, having had communication of the Treaty with certain Bands of Saulteaux and Swampy Cree Indians, known as Treaty No. 5, hereby in consideration of the provisions of the said Treaty being extended to us, it being understood and greed that the said provisions shall not be retroactive, transfer, surrender and relinquish to His Majesty the King, his heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said Treaty, and every part thereof, to have and to hold to the use of His Majesty the King, and his heirs and successors forever.

And we also hereby transfer, surrender and relinquish to His Majesty the King, His heirs and successors, to and for the use of the Government of the Dominion of Canada, all our right, title and interest whatsoever which we and the said Bands which we represent hold and enjoy, or have held and enjoyed, of, in and to the territory within the following limits; All that portion of the North West Territories of Canada comprised within the following limits, that is to say; commencing where the sixtieth parallel of latitude intersects the water's edge of the West shore of Hudson Bay, thence West along the said parallel to the North East corner of the Province of Saskatchewan, thence south along the East boundary of the said Province to the Northerly limit of the Indian treaty number Five, thence North Easterly, then South Easterly, then South Westerly and again south Easterly following the northerly limit of the said Treaty Number Five to the intersection of a line drawn from the North East corner of the Province of Manitoba, North Fifty-five degrees East; thence on the said line produced fifty miles; thence North twenty-five degrees East one hundred and eighty miles more or less to a point situated due South of Cape Tatnam, thence due North ninety-eight miles more or less to the said Cape Tatnam; thence South Westerly and then Northerly following the water's edge of the West shore of Hudson Bay to the point of commencement, together with all the foreshores, and Islands adjacent to the said described tract of land, and containing approximately an area of one hundred and thirty-three thousand four hundred (133,400) square miles.

And also, all our right, title and interest whatsoever to all other lands wherever situated, whether within the limits of any other treaty heretofore made, or hereafter to be made with the Indians, and whether the said lands are situated in the North West Territories or elsewhere in His Majesty's Dominions, to have and to hold the same unto and for the use of His Majesty the King, His heirs and successors forever.

And we hereby agree to accept the several benefits, payments and reserves promised to and accepted by the Indians adhering to the said Treaty No. 5. And we solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained on the part of the Chiefs and Indians therein named to be observed and performed, and we agree in all things to conform to the articles of the said Treaty, as if we ourselves and the Bands which we represent had been originally contracting parties thereto and had attached our signatures to the said Treaty.

And His Majesty hereby agrees to set apart Reserves of land of a like proportionate area to those mentioned in the original Treaty No. 5.

And His Majesty further hereby agrees to provide a grant proportionate to that mentioned in the original Treaty to be yearly and every year expended by His Majesty in the purchase of ammunition and twine for nets for the use of the said Indians; and to further increase this annual grant in lieu of other supplies provided by the said Treaty when this action is shown to be in the interests of the Indians.

And His Majesty further agrees to pay to each Indian a gratuity of Five Dollars in cash, once for all, in addition to the Five Dollars annuity promised by the Treaty in order to show the satisfaction of His Majesty with the behaviour and good conduct of his Indians and in extinguishment of all their past claims.

IN WITNESS WHEREOF, His Majesty's Special Commissioner and the Chiefs and Councillors of the Bands hereby giving their adhesion to the said Treaty have hereunto subscribed and set their hands at Deer's Lake East this ninth day of June in the year of our Lord one thousand nine hundred and ten.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by

[L.S.] ROBERT FIDDLER  
Chief of Deer's Lake East.  
his x mark

A. VERNON THOMAS, secretary to  
Commissioner.  
HARVEY J. HASSARD, Physician,  
WM. M. McEWEN, Commissary,

Signed at Fort Churchill, August 1st,  
1910, by

JOHN SEMMENS, [L.S.]  
Commissioner.  
FRENCH JOHN, Chief. [L.S.]  
his x mark  
SAM CHINASHAGUN,  
Councillor [L.S.]  
his x mark  
THOMAS CRAZY, Councillor  
[L.S.]  
his x mark

Witnessed by:  
C. N. C. HAYTER, Sgt. R.N.W.M.P.  
ASHTON ASHTON  
F. C. SEVIER, Missionary in Charge.  
A. VERNON THOMAS, Clerk.  
HARVEY. J. HASSARD, Physician.  
JAMES MELVILLE, MACOUN  
THOMAS N. MARCELLUS.  
WM. M. McEWEN, Commissary.

JOHN SEMMENS [L.S.]  
Commissioner.

Signed at York Factory, August 10th, 1910.

[Name in Indian characters] [L.S.]  
CHARLES WASTASEKOOT, Chief.  
his x mark  
[Name in Indian characters] [L.S.]  
ROBERT BEARDY, Councillor  
his x mark  
[Name in Indian characters] [L.S.]  
SANDY BEARDY.  
his x mark

Witnessed by:  
  
HARVEY J. HANSARD, Physician.  
LESLIE LAING  
THOS. TURNBULL.  
RICHARD FARIES, clk. in H.O.  
R. L. BAYLIS.  
A. VERNON THOMAS, Clerk.

JOHN SEMMENS [L.S.]  
Commissioner.

## **APPENDIX B**

### **Treaty Five**

#### **Original Bands and Reserves**

BAND	RESERVE	COMMENTS
Little Black River	Black River #9	
Hollow Water	Hollow Water #10	
Island Band	Loon Strait #11	Surrendered in 1923.
Blood Vein	Bloodvein River #12	
Beren's River	Beren's River #13	
Little Grand Rapids	Little Grand Rapids #41	
Pinkangikum	Pinkangikum #14	Not confirmed by Order-in-Council.
Poplar River	Poplar River #16	
Norway House	Norway House #17	
Cross Lake	Cross Lake #19 Cross Lake #19A Cross Lake #19B Cross Lake #19C Cross Lake #19D	Not confirmed by Order-in-Council.
Cumberland House	Cumberland #20 Pine Bluff #20A Pine Bluff #20B Muskeg River #20C Budd's Point #20D Cumberland #100A	Amalgamated with James Smith Band (Treaty #6).
The Pas	Stoney Point #21 The Pas #21A The Pas #21B The Pas #21C The Pas #21D Salt Channel #21D The Pas #21E The Pas #21F	

	The Pas #21G The Pas #21H The Pas #21I The Pas #21J	Surrendered in 1926.
	The Pas #21K Rocky Lake #21L	Received in exchange for I.R. #27
	Bignell #21M The Pas #21N	" " " Received in exchange for I.R. #21H
	The Pas #21P The Pas #21R	Purchased in 1945; surrendered in 1952.
	Birch River #27 Timber Berth #27A	Surrendered in 1918. Received in exchange for I.R. #27
	Root Lake #231	
Wasagamack	St. Theresa #22	Originally a part of Island Lake Band
Red Sucker Lake	Provincial Crown Land	" " "
St. Theresa Point	St. Theresa #22	" " "
Garden Hill	Island Lake #22A	" " "
God's Lake	God's Lake #23	
Oxford House	Oxford Lake #24	
Shoal Lake	Shoal Lake #28 Shoal Lake #28A Shoal Lake #28B	Cancelled in 1895.
Red Earth	Red Earth #29 Carrot River #29A	
Moose Lake	Moose Lake #31 Moose Lake #31A	Exchanged in 1893. Received in exchange for I.R. #31
	Moose Lake #31B	" " "
	Big Island #31C	" " "
	Moose Lake #31D	Received in exchange for I.R. #31
	Moose Lake #31E	" " "
	Moose Lake #31F	Haylands; not confirmed by Order-in-Council.
	Moose Lake #31G	

Chemahawin	Chemahawin #32A	Abandoned. Substituted for I.R. #32E; surrendered in 1945. Received in exchange for I.R. #32F
	Chemahawin #32B	
	Chemahawin #32C	
	Chemahawin #32D	
	Chemahawin #32E	
	Poplar Point #32F	
	Chemahawin #32G	
Grand Rapids	Grand Rapids #33	
Jack Head	Jackhead #43	
	Jackhead #43A	
Fisher River	Fisher River #44	
	Fisher River #44A	
Deer Lake	Sandy Lake #88	
Nelson House	Nelson House #170	
	Nelson House #170A	
	Nelson House #170B	
	Nelson House #170C	
Split Lake	Split Lake #171	
	Split Lake #171A	
	Split Lake #171B	
Churchhill	No reserve	
Fox Lake	No reserve	
Shamattawa	No reserve	
York Factory	No reserve	

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69. Charles Wastukekoot, Chief of the York Factory band to Frank Oliver, 5 December 1908, *ibid*.
70. McLean to Frank Pedley, 21 October 1909, *ibid*.
71. Laird to Secretary, Department of Indian Affairs, 29 January 1909, *ibid*. The treaty party diary can be found in Diary of John Semmens and G.S. Stead, 3 September 1909, *ibid*. See also Semmens to Secretary, Department of Indian Affairs, 4 September 1909, *ibid*.
72. Robert Fiddler et al to His Majesty's Officer of the Indian Department, c. 1909.
73. Semmens to Secretary, Department of Indian Affairs, 31 August 1909 and 4 September 1909, *ibid*.
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75. McLean to Frank Pedley, 21 October 1909, *ibid*.
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