

***TEACHING TREATIES***  
*IN THE*  
***CLASSROOM***

**Regina  
Public  
Schools  
2014**



***Teacher's Manual***

(Revised: Tuesday, August 26, 2014)

## Table of Contents

<b>Day One Agenda</b> .....	1
<b>The Purpose of Teaching Treaties in the Classroom</b> .....	2
<b>A Journey to Build New Relationships</b> .....	3
<b>Let's Talk</b> .....	3
<b>Treaty Trivia</b> .....	4
<b>Worldview</b> .....	5
Stewardship .....	5
First Nations Historical Worldview .....	5
Guiding Concepts for Worldview .....	6
First Nations Historical Worldview (visual) .....	7
<b>Plains Cree Oral Tradition</b> .....	8
<b>Four Levels of Teaching and Learning</b> .....	10
Cultural Surface Information: Levels One and Two .....	10
Cultural In-Depth Information: Levels Three and Four .....	11
<b>Elders in Regina Public Schools</b> .....	12
Protocols .....	12
Smudging .....	13
<b>History of Treaty Making –Historical Timeline</b> .....	15
Guiding Concepts for Historical Timeline .....	15
List of Historical Timeline Readings .....	16
<b>Section 1:</b>	
The Formation of Canada and Events Leading up to the Numbered Treaties .....	17
Guiding Concepts for Section 1 .....	19
<b>Section 2:</b>	
The Formation of Canada and Events Leading up to the Numbered Treaties .....	20
Guiding Concepts for Section 2 .....	22
<b>Section 3:</b>	
Significance of the Pipe Ceremony .....	23
The Meaning of the Pipestem in Treaty-Making .....	25
Guiding Concepts for Section 3 .....	27
<b>Section 4:</b>	
Treaty Promises Given at Treaty Six as Recounted by Alexander Morris .....	28
Treaty Promises Given at Treaty Six as Recounted by the Late Elder Jim Ka-Nipitehtew .....	29
Guiding Concepts for Section 4 .....	30
<b>Section 5:</b>	
Canada's Nation-Building Strategy and Western Settlement .....	31
Guiding Concepts for Section 5 .....	34
<b>Section 6:</b>	
The Meaning of Contract and Covenant as They Relate to Treaty .....	35
Treaty Provisions and Limitations .....	36
Treaty Expectations and Benefits .....	37
Guiding Concepts for Section 6 .....	38
<b>Section 7:</b>	
The <i>Indian Act</i> , 1876 .....	39
Guiding Concepts for Section 7 .....	44
<b>Section 8:</b>	
United Nations Declaration of the Rights of Indigenous Peoples .....	45
Guiding Concepts for Section 8 .....	48
<b>The Historical Thinking Project</b> .....	49
Historical Thinking Concepts .....	49
Primary Source Evidence – Historical Thinking (Activity) .....	51
List of Primary Source Evidence Documents .....	52
Guiding Concepts for Historical Thinking .....	53
<b>School Division Contacts</b> .....	54

# Regina Public Schools Day One Treaty Training Agenda: Historical Overview

## Agenda:

Welcome and Introductions

Treaty Trivia

Worldview

Break

History of Treaties

Lunch (on your own) – 11:45 – 1:00

Primary Source Documents

Break

Elder's Perspective – Noel Starblanket

Evaluation and Wrap Up

***The purpose of the Teaching Treaties in the Classroom*** training is to assist teachers in Regina Public Schools to gain knowledge and skills required for teaching treaties in the classroom.

The overall goals are:

1. To promote understanding and awareness between First Nations and other Saskatchewan citizens.
2. To build positive relationships with each other.
3. To respect each other and honour our diversity with the understanding that the values we live by are universal.
4. To train teachers who will assist other teachers in their schools in teaching treaties in the classroom.

I Can Statements:

1. I can confidently teach First Nations content and perspectives using a variety of resources and activities.
2. I can explain my understanding and awareness of treaties made in Saskatchewan between First Nations and the Crown.
3. I can use the historical thinking framework to engage in dialogue about past, present and future treaty issues.
4. I can engage learners in treaties from the perspectives of First Nations and the Government of Canada.
5. I can identify and align educational resources with outcomes for teaching First Nations content and perspectives as they relate to treaties.
6. I can plan for and implement Teaching Treaties in the classroom as a regular part of my yearly teaching plans.

## A Journey to Build New Relationships

According to the Elders' traditional teachings, as we journey on our life's path, we are guided to new and exciting experiences. We have opportunities to observe, listen and learn from one another. This journey takes us to new and exciting places where we meet new people and make new friendships. These relationships enter our lives when we are ready to grow spiritually, emotionally, mentally and physically. These learning experiences help us to become more skilful and knowledgeable teachers and leaders in our profession. You have chosen to attend an in-service on Teaching Treaties in the Classroom. Please join us as we take you on a journey into the world of treaties.

You are here today to acquire information and to gain insights about the treaties signed by First Nations and the Crown (now the Canadian Government). We will walk the same path as we take a historical, contemporary and futuristic look at the treaty relationship between First Nations and other Canadians.

Each of us has our own worldview, which assists us in understanding the world around us. In order for us to understand the treaties, we need to have an understanding about the British and First Nations worldviews at the time of treaty-making. This will assist us in understanding the importance of treaties and the treaty relationship today.

You are invited to participate and interact with the facilitators, each other and an Elder if available by asking questions, making comments, sharing ideas, listening and reflecting on what you hear and experience. We encourage you to actively participate, to keep an open mind and to welcome perspectives as you encounter the information on treaties.

We will work together to ensure that this in-service is a success for all of us. We can do this by expanding our thinking and opening ourselves to different ways of thinking and doing as we walk this path together. Welcome to the endless possibilities to live in peace and harmony for our children, our grandchildren, born and unborn, and ourselves.

### Let's Talk ...

**Directions:** At your table or with the people around you, share your ideas, thoughts and experiences using the following guiding questions:

1. Why is teaching about Treaties important in all of our schools?
2. Why is First Nation and Metis content an important part of all classrooms?

# Treaty Trivia

## Purpose:

The purpose of this activity is to determine self-awareness about the history of treaties in Saskatchewan.

## Directions:

- Review the statements below and determine if the statement is true (T) or false (F).
- Answers for each statement will be reviewed by the presenter. Record questions that you would like more information about and submit it to your chat room moderator. Questions will be answered throughout the session.

T / F	Statements:
	1. "Aboriginal" is the appropriate term to use when discussing treaties in Saskatchewan.
	2. All First Nations in Saskatchewan entered into treaties with the British Crown.
	3. The First Nations in Saskatchewan had their own laws and social order and were sovereign nations when the treaties were signed.
	4. First Nation leaders were formidable negotiators and understood treaty rights and benefits.
	5. Treaties were simple land transactions.
	6. Ten treaties were signed in Saskatchewan.
	7. The British and First Nations had similar worldviews regarding land ownership.
	8. Language and communication barriers were encountered during the treaty negotiation process.
	9. First Nations women did not participate in treaty negotiations.
	10. The written text of treaty is all that a person needs to understand treaties.
	11. Flags, Treaty medals and suits were symbols used at the time of treaty making.
	12. Treaties benefit all Canadians, including new immigrants coming to live in Canada.
	13. The Indian Act of 1876 was not part of the treaties.
	14. Treaties have no relevance today; they are part of the past.
	15. All Saskatchewan citizens are treaty people.

## Stewardship

(By Sandra G. Bellegarde, Regina Public School Division)

Being stewards of the earth is a critical responsibility for every person. The health of the earth, water and air, depends on everyone taking daily measures to live as ecological consumers. Ideally, ecological consumers have a strong ethical stand on responsible, proactive positive consumer activities so that every person develops a relationship with the land, water and air so that the earth is here for future generations. A critical question to aid in understanding our place as humans in the natural world is: How would the earth, air and water change if humans became extinct or left for another planet? As we explore this question, we understand that our impact as dependent consumers who contribute the least to the natural world becomes very clear. We can either develop a personal environmental relationship of stewardship with the land, air and water or we live without a personal environmental relationship with the land, air and water and contribute to irreparable harm and perhaps devastation.

Historically, Indigenous peoples lived in harmony with the land and viewed the Earth as their Mother as she provides for all of our human needs. Today, Indigenous Nations continue to respect their spiritual relationship with the earth and their basic life practices, such as hunting, reflect this relationship. The relationship with the Earth is a spiritual one and Indigenous peoples recognized their status and place in the natural world as one of dependence. Recognizing place of dependence also acknowledges our lack of ability to fully contribute to the natural world in the same way as other living things. From this place and perspective, Indigenous peoples lived from a place of high respect for the natural world around them.

For Indigenous peoples, living with the land was a natural way of life – like breathing – they lived with it, gave thanks to it, prayed for it. Indigenous ceremonies and practices such as putting down tobacco when taking something from the earth reflect that spiritual personal relationship. Indigenous ceremonies include the natural world – the animals, the grandfather rocks, plants, water and so on. Indigenous peoples respected the natural world and sought to keep balance in it, hence the phrase, “Take only what you need and not more”. E.g., don’t take all of the ducks eggs, leave some.

## First Nations Historical Worldview

(The following information was shared by Elders, the Late Alma Kytwayhat and Late Jimmy Myo, Plains Cree Consultant, Judy Bear and Winston Walkingbear with the Office of the Treaty Commissioner in order to help teachers understand the First Nations worldview.)

## Pre-Contact Lifestyle of First Nations People

The Creator placed First Nations on this land in North America. The Creator gave them natural laws to live by. These natural laws are spiritual in nature and were used to guide First Nations people to live in harmony and balance with all of Creation. First Nations people believed in a spiritual and physical world. This worldview included all living things and elements in Creation.

Everything in Creation has a spirit. All humans are spiritual beings. First Nations people believed that everything was sacred and honored in the Circle of Life.

### **Circle of Life**

The Circle represents the oneness of First Nations with the Creator. It also represents the coming together of a nation. By coming together in a circle, the nation would continue to nurture, protect, care for and heal its people. Everything in life occurs in a clockwise circular pattern. The Creator created each living form so that there would be balance and harmony on Mother Earth. Each living form has a life cycle - e.g. the plants, insects, the winged and water life forms, the two and four legged animals, and human beings. Life is a cyclical journey. For example, human life begins in the womb, is born, then becomes a child, youth, parent, and grandparent. All living things are related and intertwined. Everything was done in a clock-wise circular manner.

#### **Guiding Concepts for Worldview**

##### **Purpose:**

The purpose of this activity is to gain a greater understanding of Indigenous peoples' view of their relationship to the land and the British Crown's view.

##### **Directions:**

Participants will learn about an Indigenous worldview that explains and describes the relationship that Indigenous people have with the land, earth and their place within it. Participants will have an opportunity to share their understandings.

##### **Turn and Talk Session 1:**

- Share an example of how you are already practicing stewardship in your school or at home.

##### **Turn and Talk Session 2:**

- Share how you have taught or can teach this concept in your classroom.
- Share examples of how this is currently being taught in your classroom.

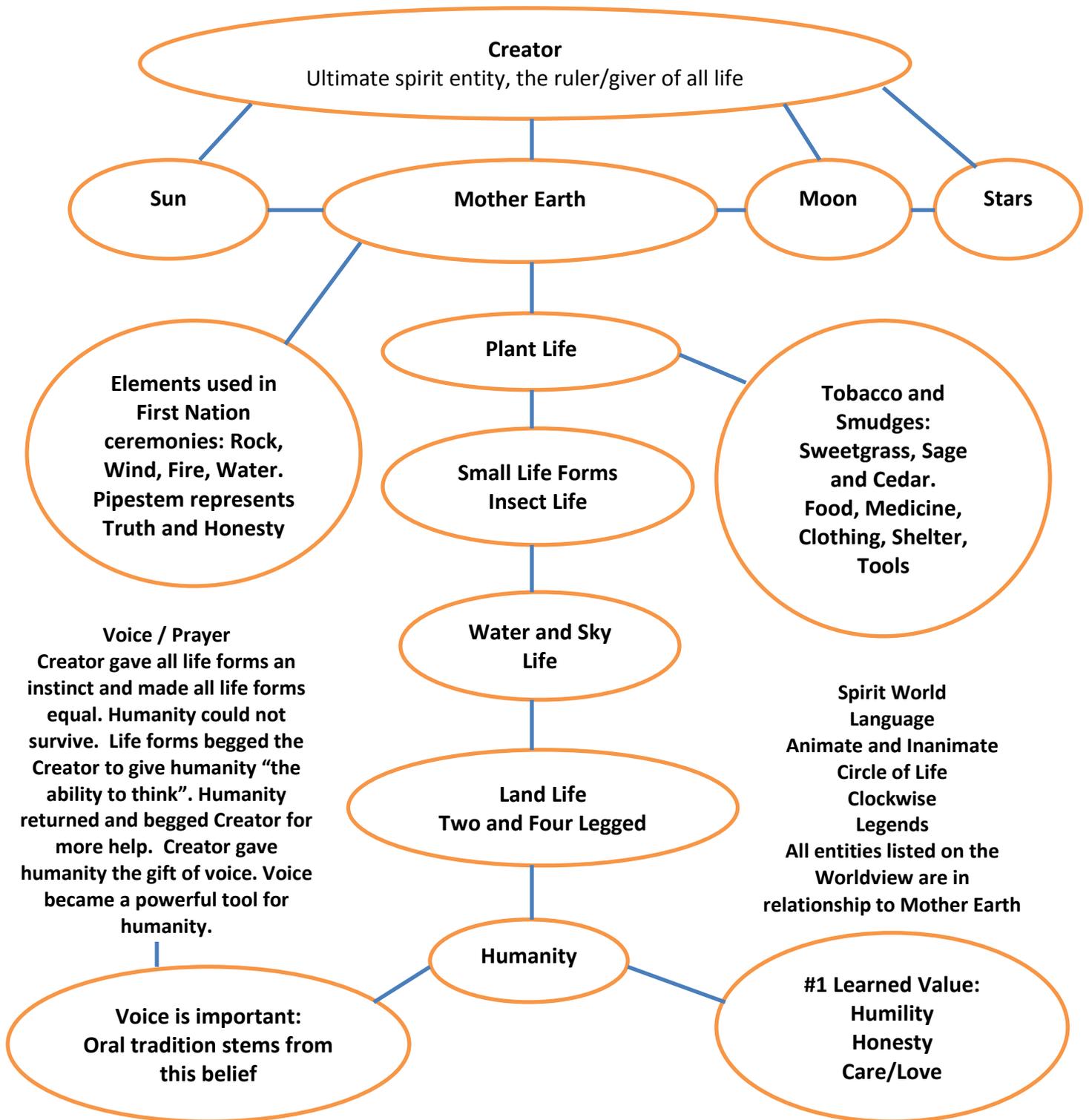
##### **Share with your colleagues ... division wide!**

Chat room – briefly record your ideas or questions for the moderator to post in our chat room.

Tweet – your idea at: #rps-treaties

**First Nations Historical Worldview – adapted, Judy Bear, Maskwa Productions, 2002**

...As long as the sun shines, the grass grows, and the water flows



**Traditional Teaching – Learning takes place before birth:**

**The mother shapes the unborn child’s emotions, transfers feelings such as Love, Caring and Compassion.**

**Each part in this Worldview is a Teaching**

NOTE: The adaptation to this chart was removal of the Cree terminology due to technical challenges.

## Plains Cree Oral Tradition

By Judy A. Bear

(Sources: Elder Father Isaac Bear, Sweetgrass First Nation; Elder grandmother Mistiskwew, Sweetgrass First Nation; Elder grandfather Ka-kisikawinamaw\_t, Little Pine First Nation; late Uncle Misatim-awasis, Sweetgrass First Nation, Late grandfather Sik\_kos Dave, Ochiese First Nation, late Grandmother Nahkawiskwew, Little Pine First Nation)

First Nations language groups of Saskatchewan each have an ohtaskanesowin, (origin), an identity of who they are as a people and where they come from. Through the use of oral tradition, First Nations people heard and learned historical information from the Elders in their own language. The Elders communicated to them orally. The information was then passed on from one generation to the next generation. Oral tradition is governed by tapwewakeyihtamowina (beliefs) and the cautionary Cree terms of pastahowin and ohcinewin (governed by the Creator's laws similar to the Ten Commandments in the bible, if these laws are broken then there are consequences).

In the Plains Cree custom of storytelling, there is an explanation of how the gift of voice was given to humans. Oral tradition was one of the methods of communication to teach people. There were traditional beliefs within the principles of transferring information. These beliefs are portrayed in a story about how ayisiniw (human) is gifted with voice. First Nations believe that the Creator hears the voice spoken from the heart and these words are sacred and answered, when the words are spoken through kakisimowin (prayer) and accompanied with the use of the ospwakan- oskiciy (Peace Pipe). It is a belief that the gift of voice is a powerful tool in the universe. The Elders explained voice in the same way that it was explained to them; voice is like the waves of the water. They said, voice travels like waves, when you drop a pebble, watch the waves and how they roll out from the center creating circles of rippling waves moving out from the center.

Voice was a special gift to humans, a gift that was not given to other living things. The gift of the human voice and languages was given for use when one needed to communicate with the mamawi-wiyohstawimow (Creator). Voice is used by humans with tapahteyimowin (humility), to communicate from the heart while speaking in truth. Oral tradition became a way to pass on information. Oral communication is an important tool for all First Nations to learn. One needs to build a foundation in how to become a good speaker and it is not learned by talking. Other skills provide the basis for becoming an oral speaker. These skills include observation and listening and need to be learned first.

Public oral self-expression by children was neither acceptable nor promoted. Practicing public speaking was not a factor in becoming an orator. Traditionally, adults in the family unit were responsible to teach the children. Direct experience was used to teach these skills. The first rule of learning by everyone was to become a good observer and listener. This part was the foundation to becoming proficient in oratory skills. Children learned to observe details at a glance, listened to identify all noises they heard, learned physical self-movement and developed total environmental awareness. Adults would teach the children through a hands-on approach. From early childhood, children were taught to watch through visual repetition.

This determined whether a skill was thoroughly learned and understood. It was important to sharpen the awareness of human senses such as hearing, feeling, seeing, and smelling. It is believed that a child who learns in this manner will have a foundation of knowledge and have something to say later in life. Once a child has successfully learned many survival skills and demonstrates success by providing a contribution to his/her group, this individual learns the first step to years of learning in becoming a skilled orator.

Oral tradition guidelines include speaking with accurate vocabulary, mimicking exact quotes, interpreting gestures and body language through demonstration and also mimicking vocal expression by using pitch and tone in the voice. This was used to maintain the attention of the listeners and impress upon them to remember the details of the information or story. Stories and information were told and retold exactly the same way, same gestures and body language demonstrated exactly as the way the original ohpetacimo (story-carrier) did. Every time information or a story was told; the teller of the story was mentioned and given credit. This meant the power of the Creator through voice is present and it is truth that is spoken.

Information storytelling circles are important in First Nations' societies. Orators have a distinctive role, as they are the carriers of information. Elders have said "we walk a path of life while on earth; therefore, the past affects the present and plays a role in the future". This is the teaching of our ancestors from generation to generation.

#### **Cree Translations:**

Ohtaskanesowin - origin; where one begins from

Tapwewakeyih tamowina - beliefs, principles of life

Pastahowin - word of caution: Setting traps in your own path of life

Ohcinewin - word of caution: Fate of bad luck

Ayisiniw- human being

Kakisimowin - talking to the Creator from the heart; free spoken communication {a non-structured prayer}

Ospwakan - pipe; presents peace between nations; similar to 'swearing unto the bible' truthfulness

Oskiciy - pipestem represents truthfulness and honesty

Mamawi-wiyoh tamowin- Creator

Tapahteyimowin - humility

Ohpetacimo -story-carrier; oral traditionalist

## **Four Levels of Teaching and Learning First Nations Sacred Information**

(Adapted from: Federation of Saskatchewan Indian Nations, First Nations School to Work Transition Project Curriculum Guide, 1996, pp. 28- 30 – As explained to Plains Cree Consultant, Judy Bear by Elder Mistiskewew, Sweetgrass First Nation)

First Nations had a traditional learning process that allowed young people to learn from kinship and Elders. According to tribal and family custom and practice among the eight cultural-linguistic groups, this transfer of traditional knowledge varied in format. However, it is universally understood to be taught in four levels of learning and teaching.

The following information explains the four levels of learning/teaching cultural information, historically and in modern times. The first two levels are teachings that may be done in the classroom, as cultural surface teachings. Levels three and four, in-depth sacred teachings are learned out of the traditional classroom setting.

### **Classroom Cultural Surface Information: Levels One & Two**

- Levels 1 and 2 are characterized as a group and/or family learning/teaching domain.

#### **Level One**

Information is provided daily to clarify what the younger generation needed to know and given general explanations of their cultural worldview concepts and practices.

Information sharing and providing clarification for the learner would occur by all persons within the extended family and would be reinforced within the social context.

For example, family roles, values, morals, behaviour and conduct, etc. would be interconnected to the teachings of their worldview.

Sample questioning of the youth:

- Kokom, did we have feasts a long time ago?
- How come we have songs for different occasions?
- What fur animals did we trap/hunt long ago for food or clothing?

Family and teachers provided general explanations of the importance to listen and value their traditional education system.

#### **Level Two**

Information is further reinforced with appropriate details and meanings as to what was and continues to be practiced. Traditional Elder's Protocol is to be taught to children by this level to continue learning for levels three and four.

In the first level, it was family group interaction learning as to what was/is practiced in times

past, when you were told and clarified by kinship members, then the second level, only further provided more details of cultural concepts with meaning and the importance to remember and listen.

Sample questions of the youth:

- Kokom, if we had feasts long ago and continue today, what were/are the guidelines for prayer conduct and behaviour for Elders, parents and us young people at these gatherings?
- Why are there different songs with different drum beats?
- What was the proper way of skinning and preparing animal furs for clothing?
- How did we trap them?

### **Cultural In-depth Information: Levels Three & Four**

At levels three and four, the delivery and acquisition of cultural information is deeper:

- Knowledge is acknowledged as the Traditional Elder's instructional domain; and,
- The learning and teaching process becomes one on one with the learner.

#### **Level Three**

Information is earned by the individual, who is carefully instructed through time with ancestral acknowledgement of where the teachings originate and accompanied by the correct interpretations/meanings of a specific concept and its practices.

#### **Level Four**

At this level with the continued guidance of Elders, the learner has acquired the information, experience and wisdom to practice specific teachings and ensures a sacred trust to maintain it on behalf of his/her family and successive generations.

At levels three and four, it is the traditional Elder's daily responsibility to transfer cultural information because they have acquired, experienced and understood the reasoning in respect to their ancestral teachings which ensured survival of their people and a way of life.

The First Nation Language and communication are vital since it connected the natural and spiritual interpretations of words as it represented their sacred worldview.

It is up to the learner, who followed the proper protocol, to maintain and practice the teaching under the guidance of the Elders. The person is walked through a teaching as it relates to how and why it is a part of their way of life.

Today, our curricula have adapted into a new cultural system and we acknowledge the classroom teacher has taken the role of our Elders in respect to the first and second levels of teaching and clarifying cultural information.

## **Elders in Regina Public Schools**

All cultures are enriched by certain valuable and unique individuals. Such individuals possess a wide range of knowledge or very specific knowledge that once shared can expand the learners' insight beyond the perspectives of the teacher and classroom resources.

### **Why Involve an Elder?**

First Nations and Métis Elders in particular are integral to the revival, maintenance, and preservation of history and culture. Elder participation in support of curricular outcomes develops the positive identity of First Nations and Métis students and enhances self-esteem. All students benefit from a heightened awareness and sensitivity that inevitably promotes anti-racist education and positive relations between students.

### **Who is considered an Elder?**

It is important to note that the title Elder does not necessarily indicate age. In First Nation and Métis societies, a person is designated an Elder by their community after acquiring significant knowledge and understanding of First Nations/Métis history, traditional teachings, ceremonies, healing practices and life experience. Elders have earned the respect from their community to pass on this knowledge to others and give advice and guidance on personal issues, as well as issues affecting their communities and nations.

### **Protocols to follow when obtaining the help of an Elder**

Regina Public Schools has an established Elder Program whereby classroom teachers have access to Elders to support the achievement of outcomes and indicators.

Each Elder brings to the classroom his/her unique life experiences, personal teachings, cultural practices and customs. Elders have a variety of expertise in particular areas; for example, an Elder may be very familiar with natural plants while another Elder may be very knowledgeable about the Treaties. Therefore, be sure to discuss with the Elder exactly what it is you are seeking or requesting.

A gift of tobacco (tie or package) should be offered when approaching the Elder with your request. The Elder will advise you as to whether or not he or she can assist you. Acceptance of the tobacco by the Elder means that you have the Elders undivided attention and willingness to assist you. Once the Elder has accepted the responsibility of your request, ask the Elder if there are special needs required by the Elder such as cloth, the colour of the cloth, and transportation to the event.

In the Regina Public School Division, teachers can contact their school administration and Instructional Consultant/Aboriginal Education Instructional Consultant who can provide assistance in contacting an Elder. *The role of the Elder is to enhance the curricular outcomes and indicators taught by the teacher.*

## **Smudging**

When you smudge, you are preparing to communicate with other powers. You smudge your ears so you can hear good words and negative thoughts are pushed away. You smudge your mouth so that you will speak good things; you smudge your eyes to allow you to see the positive path ahead of you; and you smudge your body to present yourself to your Creator in the fashion that you were born, in a state of innocence.

Sweetgrass, sage, cedar and tobacco are plants that are often used in the smudge. Elders use different plants, depending on the group or the reason for the event. Smudging is when one of the natural medicines such as sage is lit so that it is smoldering. Most commonly experienced is when a smudge is taken around the circle of people and an eagle feather is usually used to spread that smoke around all those gathered. In this ceremony, smudging is done to cleanse everyone gathered so that the event runs smoothly and everyone is in a good frame of mind.

It is important to note that not every Elder smudges. To find out the Elder process, or when in doubt, seek clarification and ask questions. If there's something you do not understand, please ask for help.

## **Medicines (Four Sacred Plants)**

There are several plants and their uses that are a part of First Nations culture. The use of tobacco, sage, cedar and sweetgrass are generally used by all First Nations groups in Saskatchewan.

### **Tobacco**

Sacred to First Nations people, tobacco always comes first. It is considered one of the four original gifts from the Creator. It is used as a humble offering before harvesting anything from Mother Earth. An offering is placed in a respectful way on the earth near the plant or animal or stone you wish to take, and permission is asked prior to your taking the item. This ensures that more will come to take its place in nature. Tobacco is believed to open the door between our world and the spiritual world, so it is used to carry prayers to the Creator. Tobacco is placed in the hand during prayer, and then it is left in a special place on Mother Earth when you are done, or offered to fire. Tobacco can be traditional tobacco or contemporary tobacco and given as a package, pouch or a tobacco tie. Offering tobacco establishes a relationship between two people.

### **Sage**

Sacred to First Nations people, sage is considered a woman's medicine. It is considered one of the four original gifts from the Creator. Often in women's circles, only sage is used in the smudge. There are many varieties of sage growing wild on the prairies. It is used to purify the body and keep one in good health. Sage is helpful to remind us of our past and focus on dreams for our life's journey.

**Cedar**

Sacred to First Nations people, cedar offers us protection and grounding. It is considered one of the four original gifts from the Creator. Cedar is used mostly for ceremonies and ground cedar leaves can be offered for prayers.

**Sweetgrass**

Sacred to First Nations people, sweetgrass may be the best known of our plant medicines. It is said to be a feminine plant whose teaching is kindness because it bends without breaking. It is considered one of the four original gifts from the Creator. Its braids are unique to First Nations culture because it is considered to be the hair of Mother Earth; we show respect to her by braiding. The three strands of the braid represent mind, body, and spirit. In a smudge, it is used to attract positive energy. It grows in wetland areas and is ready to be picked in midsummer. It has a purple section that is only about 1/4 inch of its stalk.

## History of Treaty Making – Historical Timeline

### Guiding Concepts for Historical Timeline

#### Purpose:

The purpose of this activity is to engage participants in the historical events that led up to and following treaty making between First Nations people and the Canadian Government on behalf of the British Crown.

#### You will need:

- Participants Manual (sections of it as identified on the next page)
- Paper (letter or legal) for each participant
- Roll of paper for timeline (bulletin board paper)
- Glue or sticky tack
- Markers

**Time:** 40 minutes (At Facilitators' discretion to manage flow of the modified jigsaw and discussion)

#### Activity:

- Each group will need 8 people. Adjust groups as required but ensure content is covered. There are 8 pieces of content – listed on the next page.
- After reading your section, use the Guided Concepts at the end of your section, as a reference to record the main points.
- Record the main points on a piece of paper.
- Each member of the group presents their information to their group of 8.
- After each piece of content is presented within your group of 8, assemble your recordings on to the roll of paper to create a timeline or record information on your group's timeline prior to delivery of the content.
- If time permits, have one group share their timeline and allow other groups to add on details to create a master timeline. Continue with a large school group discussion of insights.

#### School Group Discussion of Insights:

1. What “big picture” insights have you gained?
2. What inferences can you make from the past, present and future? Ex: How has one event influenced another?
3. What new knowledge and understandings have been gained through the exercise?

***Please feel free to share your insights on Twitter or our Chat Room.  
We would love to hear from you!***

**List of Historical Timeline Readings (each group requires all of the below content):**

**Section 1**

The Formation of Canada and Events Leading Up to the Numbered Treaties (pages 17-19)  
Guiding Concepts for Section 1 (page 19)

**Section 2**

The Formation of Canada and Events Leading Up to the Numbered Treaties (pages 20-22)  
Guiding Concepts for Section 2 (page 22)

**Section 3**

Significance of the Pipe Ceremony / Meaning of the Pipestem in Treaty Making (pages 23-26)  
Guiding Concepts for Section 3 (page 27)

**Section 4**

Treaty Promises Given at Treaty 6 as Recounted by Alexander Morris / Treaty Promises Given at Treaty Six as Recounted by the Late Elder Jim Ka-Nipitehtew (pages 28-30)  
Guiding Concepts for Section 4 (page 30)

**Section 5**

Canada's Nation Building Strategy and Western Settlement (pages 31-34)  
Guiding Concepts for Section 5 (page 34)

**Section 6**

The Meaning of Covenant and Contract as They Relate to Treaties / Provisions and Limitations / Treaty Expectations and Benefits (pages 35-37)  
Guiding Concepts for Section 6 (page 38)

**Section 7**

The Indian Act, 1876 (pages 39-43)  
Guiding Concepts for Section 7 (page 44)

**Section 8**

United Nations Declaration on the Rights of Indigenous Peoples (pages 45-47)  
Guiding Concepts for Section 8 (page 48)

**Web-based Historical Timeline Resources:**

Aboriginal Affairs and Northern Development Canada: Historical Timeline  
<http://www.aadnc-aandc.gc.ca/eng/1314977704533/1314977734895>

Aboriginal Affairs and Northern Development Canada: Treaty 4 Text  
<http://www.aadnc-aandc.gc.ca/eng/1100100028689/1100100028690>

Aboriginal Affairs and Northern Development Canada: Indian Act (July 22, 2014)  
<http://laws-lois.justice.gc.ca/PDF/I-5.pdf>

United Nations Declaration on the Rights of Indigenous Peoples  
[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

## **Section 1 – The Formation of Canada and Events Leading Up to the Numbered Treaties**

Since time immemorial - First Nations people believe that they have occupied North America since the Creator placed them here. North America was home to First Nations people long before contact with Europeans. Each First Nation was distinct from the other. They had their own political, social and economic systems that promoted living in balance and harmony with the natural environment in which they lived. These First Nations entered into treaties with each other to consolidate alliances and share resources within each other's territories. This sharing of land was undertaken seriously as it was considered to be in the best interests of all parties involved.

The diverse groups of First Nations had various forms of government ranging from the very complex, as in the Six Nations Confederacy, to the tribal level of one chief and several headmen. The First Nations had/have their own political systems, social and cultural events, spiritual ceremonies, and economies. They had all that they needed for survival and did so for thousands of years prior to European contact.

First Nations people were well adapted to this environment. They were knowledgeable about the geography of the land, which made them adept at hunting and trapping fur bearing animals. They also knew how to survive the harsh winters. First Nations people had a special relationship with the land and respected all living things. The animals they hunted and trapped provided for all their needs. The land was their source of livelihood.

1497- Italian-born English explorer John Cabot "discovered" Newfoundland and the fishing banks on the Atlantic coast. This discovery led to annual voyages to this area by fishermen from Spain, Portugal, France and Britain. The first Europeans came to explore, fish and take whales only, they did not initially settle in the area. First Nation peoples on the east coast began trading with the Europeans.

1500s - French explorer Jacques Cartier was the first European to make contact with First Nations people in the interior of North America between 1534 and 1541. Cartier sailed inland on the St. Lawrence River and, having misunderstood a Huron word, Cartier thought this country was called Canada. He named the St. Lawrence River the "river of Canada." English explorers Martin Frobisher, John Davis and Henry Hudson began searching for a north-west passage to Asia through the northern part of the continent. It was with the help of First Nations people that the first Europeans were able to survive when they arrived.

1600s - Europeans began to settle in North America and developed various approaches for establishing relations with First Nations people. The first major contact between the First Nations and the Europeans occurred within the fur trade. Beaver and a variety of other animal furs were valuable in Europe during this period. Due to their knowledge of the geography of the land, the wildlife and the environment, First Nations were an untapped source of wealth, which led to their involvement in the fur trade. They trapped animals and traded the animal furs for European items like pots, pans, guns, knives, beads, cloth, and blankets. First Nations were essential to the fur trade.

First Nations people did not only trade furs for European goods. Hudson's Bay Company records indicate that the Ojibway used many different kinds of trade items. In addition to animal furs, they traded venison, rice, fish, maple sugar, canoes, sleds, snowshoes, tents, fur pack wrappers, fat for candles, sturgeon oil for lamps, goose and duck feathers for mattresses and blankets, quills for pens, birch bark for shingles and spruce gum to seal roof cracks and to patch canoes.

First Nations women were just as involved in the fur trade as were First Nations men. The women made snowshoes, clothes and nets from twine for fishing. Women also served as translators and guides. Many First Nations women married fur traders and started families with them, resulting in the birth of the Métis Nation.

From first contact with European fur traders and missionaries, First Nations people died in large numbers due to foreign diseases, for which they had no immunity. Diseases such as small pox, chicken pox, influenza and tuberculosis killed many First Nation peoples. Deaths of First Nations people due to exposure to diseases began during this period in the east and spread westward over the course of the next two centuries.

France established its first colonies in 1604 in Acadia and 1608 at Quebec. French colonies were created at Stadacona (Quebec City) and Hochelaga (Montreal).

Both French and British representatives began negotiating treaties with the Mi'kmaq, Innu, Huron and Iroquois Nations. These early treaties formalized economic and military alliances, and established "peace and friendship" between the nations.

1670 - The Hudson's Bay Company was established. Two French adventurers, Sieur Des Groseilliers and Pierre Radisson, undertook an exploratory journey into what is now northwestern Ontario. Ojibway people told them that the Cree lived in rich fur-bearing lands in the north near Hudson Bay. The explorers could not convince the French to expand their trade business, but the British took up the challenge.

The British realized that if they claimed the Hudson's Bay lands they could move in on French trading territory from the north. Prince Rupert, with the support of King Charles II, set up a trading company, called "The Company of Adventurers of England Trading Into Hudson's Bay."

This company is now known as the Hudson's Bay Company (HBC). King Charles II granted a Charter to the new company giving it a trade monopoly over all the land that had rivers flowing into Hudson Bay. The Charter also granted a proprietary interest in Rupert's Land to the HBC. The Charter granted the company the right to trade, to make treaties and laws where necessary, and to defend its territory. Forts were built on Hudson Bay at Moose Factory, Albany and Rupert's House.

The relationship between First Nations and the British in what is now known as Saskatchewan began with the expansion of the fur trade after 1670. The negotiation process conducted between First Nations and the Hudson's Bay Company during the fur trade was based on First Nations protocol and ceremony.

1700s – British colonies were established in North America. New France (Quebec) was ceded by France to Britain in 1760 and their territory was divided into Upper Canada and Lower Canada in 1791. By the end of the 1700s, British North American colonies included Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, and Upper and Lower Canada. These colonies did not have a central government, but rather, remained separate colonies.

The Crown continued entering into treaties with First Nations in what are now known as the Maritime provinces, Ontario and Quebec. These treaties include the Maritime Peace and Friendship Treaties and the Upper Canada Treaties. Peace and Friendship Treaties were not new to First Nations since they, too, practiced this type of treaty-making amongst themselves prior to the arrival of Europeans. The British negotiated treaties with First Nations for the purposes of securing military and trade alliances, acquiring lands, and ensuring peace and friendship.

1763- The Treaty of Paris ended the Seven Years' War between Britain and France. King George III issued the Royal Proclamation of 1763, which confirmed British territory and established colonial governments in British North America. The British policy of making "peace and friendship treaties" also changed after the Royal Proclamation was issued. The Proclamation established guidelines for treaty-making concerning First Nations' lands. Only the Crown could enter into treaties with First Nations and the treaty-making process had to be held with First Nations representatives in public forums.

**Guiding Concepts for Section 1:  
The Formation of Canada and Events Leading Up to the Numbered Treaties**

Using the content from section one, be prepared to share your understanding of the below concepts with your group. Be prepared to briefly record on a group timeline.

- First Nation jurisdiction prior to European contact and treaties
  
- Relationship between First Nations and the Hudson Bay Company
  
- Significance of the British Royal Proclamation for First Nations
  
- Other insights?

## Section 2 – The Formation of Canada and Events Leading Up to the Numbered Treaties

1817 - The first treaty with First Nations in the west was the Selkirk Treaty of 1817. This treaty negotiated by Lord Selkirk, secured land for Scottish settlers adjacent to the Red and Assiniboine Rivers in exchange for annual gifts and goods.

1840s- The Act of Union was passed in 1840 and one year later Lower Canada and Upper Canada merged to form the Province of Canada. Vancouver Island was established as a British colony in 1849.

1850s - British Columbia was created as a British colony under the control of the Hudson's Bay Company. Several treaties were negotiated with First Nations in Upper Canada (Ontario) and on the west coast including the Robinson-Huron Treaty, the Robinson-Superior Treaty and the Vancouver Island Treaties.

The fur trade began to decline due to over-trapping, a decline in demand for North American furs, and commercial harvesting of the buffalo. The impact of the depletion of game, particularly the buffalo, had a great effect on First Nations populations by severely reducing their food sources.

1860s- The proposed sale of Rupert's Land to Canada initiated controversy over the status of the title to the lands in the Red River Settlement as established in the Selkirk Treaty. This controversy led to the negotiation of Treaty One and Treaty Two.

1867- On July 1, 1867, the provinces of Ontario and Quebec (Upper and Lower Canada), Nova Scotia and New Brunswick united to form the Dominion of Canada. Canada became a country through The British North America Act of 1867 (BNA Act). When Canada was being formed, British colonial political leaders discussed sharing and dividing power and jurisdiction between the different levels of government. The results are found in the BNA Act. The Act stated the powers each level of government would hold and outlined the way in which the government of the new Dominion of Canada would be structured.

When a government has power over a specific area, this is known as jurisdiction. Section 91(24) of The British North America Act is significant to First Nations people as it gave the federal government jurisdiction over "Indians and lands reserved for the Indians." As a result, Canada has jurisdiction over and responsibility for First Nations people in Canada. First Nations leaders were not consulted when the Act was negotiated.

1870- The Canadian Government purchased Rupert's Land from the Hudson's Bay Company for 300,000 pounds. The Company also kept a significant amount of land to sell on their own. First Nations leaders were angered by this news since they considered this area to be their territory. Rupert's Land was sold to the Canadian Government without First Nations consent, and conflict followed. This conflict frustrated settlement, as well as the government objective of establishing peace and security in the west. As historian John Tobias points out, this aspect of history is often ignored:

...the treaty process [in the west] only started after Yellow Quill's Band of Saulteaux

turned back settlers who tried to go west of Portage la Prairie, and after other Saulteaux leaders insisted upon enforcement of the Selkirk Treaty or, more often insisted upon making a new treaty. Also ignored is the fact that the Ojibway of the North-West Angle [Treaty Three] demanded rents and created fear of violence against prospective settlers who crossed their land or made use of their territory, if Ojibway rights to their lands were not recognized. This pressure and fear of resulting violence is what motivated the government to begin the treaty-making process. (cited in Office of the Treaty Commissioner, 1998, p. 19)

1870s - Extermination of buffalo herds commenced. Professional hunters were hired by the American government to kill off the buffalo in order to force the First Nations people in the west into submission through starvation. The hunters crossed the United States border and followed the buffalo herds into Canada. By the mid-1870s the buffalo herds were becoming more and more difficult to find.

By 1873, British Columbia, Prince Edward Island and the North West Territories (including the present-day prairie provinces and the northern territories) had joined the Dominion of Canada.

1870s to 1920s - After Confederation, Canada set out to build a united nation. A transcontinental railroad was built to help unite the country. The nation's rich natural resources attracted industries. The Canadian Government sought immigrants to work in these industries and to farm the western Prairies. In the twenty years before 1914, more than three million immigrants came to Canada. This influx of immigrants brought the population to over seven million - three times what it had been in 1850 (Beers, B.. 1986, p. 452). However, First Nations land had to be accessed before the west could be settled or a railroad built, so the negotiation of the Numbered Treaties began.

The Crown and First Nations people had compelling reasons to enter into treaty with each other. Canada was facing external pressures. The government was aware of pressures in the United States to extend the American border northward into Canada. The Canadian Government feared that First Nations would form allies on both sides of the border and create conflict. Both First Nations and the Canadian Government were aware of the "Indian Wars" in the United States and the losses incurred by the U.S. Government and the First Nations.

First Nations people were also beginning to suffer hardship as a result of increased settlement, commercial harvesting of buffalo and other wild game, and high mortality rates due to diseases. First Nations wanted peace and protection of their way of life. They were hopeful that, through treaties, they could protect their livelihood and way of life.

The treaty-making traditions between First Nations and the Crown continued after Confederation. The Dominion Government, on behalf of the Crown, negotiated the Numbered Treaties- Treaties One to Eleven- with several groups of First Nations in what are now the provinces of Ontario, Manitoba, Saskatchewan, and Alberta; and in portions of British Columbia and the Northwest Territories. In the present-day province of Saskatchewan, the Cree, Dene, Nakoda and Saulteaux Nations concluded Treaties Four, Five, Six, Eight and Ten with the Crown.



### **Section 3 – Significance of the Pipe Ceremony**

(The following information was shared by Elders, the Late Alma Kytwayhat and Late Jimmy Myo, Plains Cree Consultant, Judy Bear and Winston Walkingbear with the Office of the Treaty Commissioner in order to help teachers understand the First Nations worldview.)

First Nations people lived a spiritual lifestyle. Their natural laws were spiritually connected to the Creator and all Creation. First Nations lived this lifestyle every day. They knew their place in Creation and had respect for all Creation. They were given ceremonies to pray to the Creator. One of these ceremonies is the Pipe Ceremony. The Pipe embodied the spiritual beliefs of First Nations people.

The Pipe Ceremony was conducted at the time of treaty-making. The Pipe is lifted in acknowledgment of the Creator as well as all of Creation in the universe. The Pipestem Dance was referred to in Alexander Morris' accounts of the first day, August 18th, 1876 during Treaty Six negotiations with the Cree First Nations. Alexander Morris, a British Treaty Commissioner, wrote about the Pipe Ceremony and interpreted it according to his worldview. The following account detailed the proceedings:

At half-past ten His Honor Lieut. -Gov. Morris, the Hon. W.] Christie and Hon. ]as. McKay, accompanied by an escort of North-West Mounted Police, left the Fort for the camp of the Cree Indians, who had selected a site about a mile and a half from the Hudson's Bay Fort. There were about two hundred and fifty lodges, containing over two thousand souls. The Governor's tent was pitched on a piece of rising ground about four hundred yards from the Indian camp, and immediately facing it.

As soon as the Governor and party arrived, the Indians who were to take part in the treaty, commenced to assemble near the Chief's tents, to the sound of beating drums, and the discharge of small arms, singing, dancing and loud speaking, going on at the same time.

In about half an hour they were ready to advance and meet the Governor; this they did in a large semi-circle; in their front were about twenty braves on horseback, galloping about in circles shouting, singing and going through various picturesque performances. The semi-circle steadily advanced until within fifty yards of the Governor's tent, when a halt was made and further peculiar ceremonies commenced, the most remarkable of which was the "dance of the stem". This was commenced by the Chiefs, medicine men, councillors, singers and drumbeaters, coming a little to the front and seating themselves on blankets and robes spread out for them. The bearer of the stem, Wah-wee-kah-nich-kah-oh-tah-mah-hote (the man you strike on the back), carrying in his hand a large and gorgeously adorned pipe stem, walked slowly along the semi-circle, and advancing to the front, raised the stem to the heavens, then slowly turned to the north, south, east and west, presenting the stem at each point; returning to the seated group he handed the stem to one of the young men, who commenced a low chant, at the same time performing a ceremonial dance accompanied by the drums and singing of the men and women in the background.

This was all repeated by another of the young men, after which the horse men again commenced galloping in circles, the whole body slowly advancing. As they approached his tent, the Governor, accompanied by Hon. W.J. Christie and Hon. Jas. McKay, Commissioners, went forward to meet them and to receive the stem carried by its bearer. It was presented first to the Governor, who in accordance with their customs, stroked it several times, then passed it to the Commissioners who repeated the ceremony. The significance of this ceremony is that the Governor and Commissioners accepted the friendship of the tribe. (Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories*, 1991, pp. 197 & 198).

The recording of this ceremony by Alexander Morris demonstrated the importance of the Pipe Ceremony in treaty negotiations. His interpretation of the significance of the ceremony was that "the Governor and Commissioners accepted the friendship of the tribe". This interpretation was made from his worldview, which was very different than the First Nations worldview.

For First Nations, the Pipe Ceremony is very sacred. They believe that First Nations inherited the Pipe ceremony for the purpose of addressing the Creator. This ensures that First Nations people had/have a spiritual connection to the Creator. The ceremony was conducted to address the Creator to ask for guidance during the treaty negotiations. The Pipe Ceremony was/is a sacred ceremony in which First Nations people made an oath with the Creator as witness to uphold the treaty agreements they were making.

### **Spirit and Intent of Treaties**

First Nations believe that the treaties are spiritual. This is why the Pipe Ceremony was an integral part of treaty-making. The Pipe Ceremony is more than an oath, it is made with the Creator as a witness. The Pipe Ceremony is similar to the Euro-Canadian practice of using the Bible to make an oath before God. First Nations had/have respect for the treaties. They acknowledged the life-giving essence of the sun, water and grass to refer to how long the treaties would last. They knew that these spirits would last forever. First Nations and the Crown promised they would honour the treaties forever.

First Nations had a deep respect for the land. They were placed on the land called the People's Island also known as Turtle Island (North America) by the Creator. First Nations were placed on Mother Earth to share the land with all Creation. According to First Nations natural laws, all Creation lived in balance and harmony. When the newcomers came to the People's Island, First Nations agreed to share the land with them. They did this through a treaty-making process.

The Elders' understanding of the spirit and intent of treaty is that both parties (First Nations and the Crown, now the Government of Canada) agreed to share the land so that each would survive and benefit equally from the agreements. The Crown promised that First Nations would be able to live as before without any interference from the newcomers. Both made a commitment to live in peace and have good relations with one another.

## **Treaties are Sacred and Are Meant to Last Forever**

First Nations people knew there would be a time when the Europeans would arrive in North America. Their ancestors foretold that strangers would be coming from across the great waters. They entered into treaty agreements. This treaty relationship was intended to be mutually beneficial to both parties.

First Nations conducted the Pipe Ceremony at the time of treaty-making because they viewed the treaties as sacred agreements. These treaties were made with the Creator as witness. First Nations were guided by their relationship with the Creator and Creation to make reference to the sun, grass and water to indicate how long the treaties would last. First Nations and the Crown promised that the treaties would "last as long as the sun shines, the rivers flow and the grass grows". This promise means that future generations of Canadians have an inherent responsibility to ensure that the treaties are upheld and to honor the treaty relationship made at the time of treaty-making.

## **Good Relations Amongst All Peoples**

Since we are all children of the Creator, we are related. Respect and kindness nurture good relationships. By observing and listening to one another, we gain an understanding about each other. This understanding leads to respectful relationships.

## **The Meaning of the Pipestem In Treaty-Making**

First Nations and the Crown had different interpretations of the significance of the treaties and the use of the Pipestem in treaty-making.

The late Elder Jim Ka-Nipitehtew (Onion Lake First Nation) presented some understandings on the significance and use of the Pipestem at the signing of Treaty Six that he learned from his father (Ahenakew and Wolfart, 1998):

Well, I am very grateful of course that these our relatives who work for us in this place [at the Saskatchewan Indian Languages Institute] will have it [the Pipestem] as their witness of what these promises are which have been made to us; that they want for a person [i.e. me] to tell about this story just as he knows it, just as he heard it in his own hearing. Just as I myself used to be told the story by my late father, that is how I am going to tell it to them. I wonder if I will be able to tell it exactly, just as he used to tell it to me. It cannot be helped that my memory, too, lapses, but to the extent that I know this story, I will nevertheless try to tell it to them. This, for instance, I will discuss first, this which our grandfather cascakiskwes has left behind, the Pipestem (p. 107).

He, my late father, used to say this, "Well, a certain old man had in fact foretold it, rising from his seat; then he had foretold it: The people must have something to rely upon as testimony, and we who are Crees do have something to rely upon as testimony, that which is called the Pipestem, that is all upon which we can rely as testimony" (p. 109).

That is why they had used that [the Pipestem], "In the future, when these things are discussed, this is the bible of the Cree which he held, swearing upon it in response that no one would ever be able to break the promises he had made to us," thus then spoke these old men.

Indeed, thus now the promises which I have made to you, forever, so long as the sun shall cross the sky, so long as the rivers shall run, so long as the grass shall grow, that is how long these promises I have made to you will last; thus then our grandfathers have been told... (p. 113).

First Nations people had well-developed diplomatic and political traditions for negotiating and binding treaty agreements. A ceremony using the Pipe symbolized the seriousness and the sacredness of these agreements.

The use of the Pipestem in the trade ceremony developed during the fur trade era signified divine friendship and trust. This practice was carried over into the treaty-making process.

In summary, Jim Ka-Nipitehtew explained that through the use of the oral tradition and its true practice, the Pipestem was used at the signing of Treaty Six to do the following:

1. To tell the story of the promises made to First Nations, since their grandfathers at the signing of the treaty relied upon the Pipestem as testimony of the promises that were made.
2. To explain that the Pipestem was similar to the Christian Bible and represents the "Bible" of the Cree. When one swears on the Pipestem he or she would never be able to break those promises.
3. The promises made on the Pipestem were to be kept so long as the sun shall cross the sky, so long as the rivers shall run, so long as the grass shall grow.

Deanna Christensen (2000) described the perceptions of Alexander Morris, Treaty Commissioner, and A.G. Jakes, Secretary to the Treaty Commissioner, to the Pipestem ceremony and its significance:

Morris and Jakes had not understood the significance of the sacred Pipestem ceremony. The Pipestem had been unwrapped and presented to the Treaty Six commissioners. According to Indian tradition, in the presence of the sacred Pipestem only the truth could be spoken. Men must put aside their differences and work for good things (p. 236).

Christensen portrayed the European perspective from the viewpoint of Morris at Treaty 6:

Morris in his official report interpreted the Pipestem ceremony...stating that 'after the stroking had been completed, the Indians sat down in front of the council tent, satisfied that in accordance with their custom we had accepted the friendship of the Cree nation' (p. 235).

**Guiding Concepts for Section 3:  
Significance of the Pipe Ceremony / The Meaning of the Pipestem in Treaty-Making**

Record and be prepared to share your understandings of the below concepts with your group. Be prepared to briefly record on a group timeline.

- Significance of the Pipe Ceremony during treaty negotiations
  
- Significance of the Pipestem by the parties to treaties
  
- Spirit and Intent of treaties
  
- Land ownership perspectives between the parties to treaty
  
- Other Insights?

#### **Section 4 – Treaty Promises Given at Treaty Six as Recounted by Alexander Morris**

(Morris, A., 1991, *The Treaties of Canada with the Indians of Manitoba.*)

When Alexander Morris, Treaty Commissioner for Treaty Six, met with First Nations in Fort Carlton and Fort Pitt, he made many promises that would be contained in the treaty. He introduced himself as follows:

I am a Queen's Councillor, I am her Governor of all these territories, and I am here to speak from her to you. I am here now because for many days the Cree nation have been sending word that they wished to see a Queen's messenger face to face. I told the Queen's Councillors your wishes. I sent you word last year by a man who has gone where we will all go by and by, that a Queen's messenger would meet you this year. I named forts Carlton and Pitt as the places of meeting, I sent a letter to you saying so, and my heart grew warm when I heard how well you received it. As the Queen's chief servant here, I always keep my promises; the winter came and went but I did not forget my word, and I sent a messenger to tell you that I would meet you at Carlton on the 15th of August, and at Fort Pitt on the 5th of September (p. 199).

Below are some of the promises that Alexander Morris made during Treaty Six negotiations:

Now what I and my brother Commissioners would like to do is this: we wish to give each band who will accept of it a place where they may live; we wish to give you as much or more land than you need; we wish to send a man that surveys the land to mark it off, so you will know it is your own, and no one will interfere with you. What I would propose to do is what we have done in other places. For every family of five a reserve to themselves of one square mile (p. 205).

When the Indians settle on a reserve and have sufficient number of children to be taught, the Queen would maintain a school (p. 205).

We would give to every family actually cultivating the soil the following articles: viz, two hoes, one spade, one scythe, one axe and then to help in breaking the land, one plough and two harrows for every ten families; and to help you to put up houses we give to each Chief for his band, one chest of carpenter's tools and one cross-cut saw, five hand saws, one pit saw and files, five augers and one grindstone (p. 206).

The Chiefs and head men are not to be lightly put aside. When a treaty is made they become servants of the Queen; they are to try and keep order amongst their people. We will try to keep order in the whole country (p. 206).

The Queen's Councillors intend to send a man to look after the Indians to be chief superintendent of Indian Affairs, and under him there will be two or three others to live in the country, that the Queen's Councillors may know how the Indians are prospering.

I cannot promise, however, that the Government will feed and support all the Indians; you are many, and if we were to try to do it, it would take a great deal of money, and

some of you would never do anything for yourselves. What I have offered does not take away your living, you will have it, then as you have now, and what I offer now is put on top of it. This I can tell you, the Queen's Government will always take a deep interest in your living (p. 210-211).

I told you yesterday that if any great sickness or general famine overtook you, that on the Queen being informed of it by her Indian agent, she in her goodness would give such help as she thought the Indians needed (p. 216).

**Continued: Section 4 – Treaty Promises Given at Treaty Six as Recounted by the Late Elder Jim Ka-Nipitehtew**

(Ahenakew, F. & Wolfart, H.C., *The Counselling Speeches of Jim Ka-Nipitehtew*. University of Manitoba Press, Winnipeg, 1998, pp. 115-119.)

First Nations people who participated in the treaty-making process at Treaty Six have passed on the promises made there through the oral tradition. The late Jim Ka-Nipitehew (Onion Lake First Nation) shares some of the promises made at Treaty Six in an interview format. He learned of these promises from his father and began his interview with the following words:

Well as I tell this story, just so I, too, had it told to me by my late father; I wonder if I tell this properly, just as he used to tell me this story, it is this that I have told to these my grandchildren... Indeed this is all I know of the story as I have been told it.

The promise of a School House:

It is this school house which I have promised you, there your children and grandchildren will be taught; and then when they have finished their schooling, then when they are sixteen years old, then they will be released, and then they will continue to receive help, the students will be given a team of horses, and they will also be given implements from there (by the government). Indeed, they will be given cattle from here (by the government) to raise for themselves, with which to make their living.

The promise of a horse for the Chief of a reserve:

Indeed, now for you, the chief: you will be given one horse, for you to go around and visit your people, a buggy for you to use, for you to go around and visit your people with that.

The promise of medical treatment (Medicine Chest):

This then had been promised to the "chief," as he was called. Indeed, now this which I have given you, the school house which I have promised you, that will never end, and this medicine-chest which I have promised you, you will never pay for medicine with which the doctor treats you.

The promise of an administrator (Indian Agent) to perform a variety of tasks:

Indeed, now, I have given you this agent to work with you; when something worries you, he will deal with it for you.

Indeed, now I have also given you this clerk, for that one also to work for you, to write things for you, to make written records; this one I have also given you.

Indeed, now another, now this farm instructor as he is called, for this one to teach your children and grandchildren how to make their living, that farm economy; this one I have also given you.

Indeed, now another, now this one will be called blacksmith; when your implements break, then for that one to repair them for you, to fix them.

The promise to meet basic needs and to provide for an interpreter at meetings:

Indeed, now that, your welfare, rations, well, in that respect now I give you a rations agent, that too, to look after people, to provide them with food, that I promise you also.

Indeed, now I also promise you an interpreter; where you are going to speak with the Whites, for that one to interpret for you.

The promise of community safety:

Indeed, now another, now for the policeman I have given you to pay attention to your reserve, where something turns out to be too difficult for you in that respect, he now will take up for you in these things, in running your reserve.

The promise that the Crown could not break the promises made at Treaty Six, “Only you yourself will be able to break the promises made to you”.

In true keeping of the proper protocol for oral tradition Jim Ka-Nipitehtew ends his interview as follows, “This is all I know about this which they wanted that I should tell about. Well, that is all.”

**Guiding Concepts for Section 4:  
Treaty Promises Given at Treaty Six as Recounted by Alexander Morris /  
Treaty Promises Given at Treaty Six as Recounted by the Late Elder Jim Ka-Nipitehtew**

Record and be prepared to share your understandings of the below concepts with your group. Be prepared to briefly record on a group timeline.

- Promises made by the Crown
- Jim Ka-Nipitehtew’s account of the promises
- Differences between how the accounts were recorded
- Similarities and differences between the accounts
- Other Insights?

## Section 5 – Canada's Nation-Building Strategy and Western Settlement

A strategy of transcontinental expansion and consolidation was central to the creation of Confederation in 1867, and that strategy had a major impact on Plains First Nations. In the negotiations between 1864 and 1867 that led to the union of British North American provinces it became clear that Ontario would agree to join only if the new state was committed to western expansion. In the minds of Ontario business and political leaders, the West was the next frontier for their farmers and trade. They accepted Confederation on the condition that the newly created Dominion of Canada would acquire and develop the Hudson's Bay Company lands known as Rupertsland. The terms of union on which the colonies agreed, and which Great Britain implemented in The British North America Act (now known as the Canada Act 1867), included a clause that provided for the acquisition of the West.

The new Canadian government headed by Prime Minister John A. Macdonald did not begin the process of transcontinental expansion very successfully. Although the Dominion of Canada negotiated successfully with the Hudson's Bay Company (HBC), thanks to the influence that the British government brought to bear on the Company, to purchase HBC rights in Rupertsland, the acquisition went awry because Canada ignored the local population in the region, especially the Metis of Red River (the region around present-day Winnipeg). Canada's failure to consult them led to the Red River Resistance, led by Louis Riel, in 1869-71 and to the postponement of the planned transfer of Rupertsland to Canada. The Resistance forced Canada to negotiate terms with the Metis-led Provisional Government, resulting in the creation of the Province of Manitoba and passage of the Manitoba Act in 1870. When Canada sent troops west to Red River in 1870 to establish Canadian authority, Canada found that the fact that they ignored First Nations caused them problems as well. Ojibwa groups in the North West Angle region of northwestern Ontario objected to the presence of these foreigners on their territory, and the commandant of the expeditionary force had to provide them with presents to end their opposition and allow passage of the troops.

The Red River Resistance and the objections of Ojibwa in the North West Angle made clear to Ottawa an important point that it had previously ignored: Canada could acquire and develop the West peacefully and successfully only if it made arrangements with the indigenous populations to send settlers there. If there was any doubt about this, it was removed by further evidence of Plains First Nations opposition to entry into their territory by non-Natives that was soon forthcoming. Yellow Quill's Saulteaux band drove out settlers in their territory in 1868 because there was no agreement between the Saulteaux and the Crown. Other groups in what is now southern Manitoba similarly insisted in 1870-71 that newcomers had no rights, such as cutting wood, without an agreement for their presence being concluded in advance. In 1875, Cree warriors from the South Saskatchewan region stopped the work of a government party laying the telegraph line and another party of the Geological Survey of Canada, an agency of the federal government, again because the strangers were on Cree lands without prior agreement. Finally, in the same year the Blackfoot of southern Alberta sent a message to the government that they objected to movement into their territory of outsider groups, including Metis, who were pursuing buffalo. All these actions and warnings by First Nations from the North West Angle in northwestern Ontario to the foothills of the Rockies made the same point: the Crown had to secure First Nations agreement before it could authorize sending people into First Nations territory.

A factor that contributed to the Macdonald government's sense of urgency to acquire the West was widespread fear of the United States and its expansionist aims. Macdonald in particular was intensely suspicious of the Americans, and his views about the desire of the American republic to acquire additional territory were widely shared in Ontario and Quebec. In the nineteenth century, most central Canadians regarded their own society as superior to that of the Americans, and they were opposed to closer political or cultural links with the people to the south. For Macdonald these fears had been made worse by some of the events that took place during the winter of 1869-71 in Red River. Louis Riel flirted with known supporters of annexation of Rupertsland to the United States, probably with the intention of frightening the Canadian government into negotiating with its Provisional Government. In addition, the American government had an agent stationed in Red River who supplied regular reports on developments in the Resistance to Washington. These things, which were known to the Canadian government, increased Macdonald's fear and suspicion of the United States. Those concerns added to the government's eagerness to secure peaceful acquisition of the West for Canada.

Once Canada was forced by Metis and First Nations resistance to understand that it could not carry out the western development contemplated by Confederation without making agreements with the indigenous people, it had certain strengths it could rely upon. Between the 1780s and 1860s the Crown had made treaties with a variety of Indian nations in what is now southern Ontario, culminating in 1850 with the Robinson Treaties that covered large territories east and north of Lake Huron and Lake Superior. This treaty-making tradition, which had developed as a result of Crown officers following the requirements of the Royal Proclamation of 1763 to gain peaceful access to First Nations lands for future settlers, served as the model that Canada followed once it turned to making treaties in the West in the 1870s.

And Canada recognized that both recent history and future plans made it imperative that it conclude treaties with western First Nations. As noted earlier, part of the Confederation deal among the colonies that joined was a commitment to acquiring and developing the West. This need took even more pointed form in 1871, when the Dominion fashioned an agreement with British Columbia for the Pacific region to enter Confederation. Among the terms of union for BC's entry was a commitment to construct a transcontinental railway to link Ontario and British Columbia, with Canada committed to commence construction of the line within two years and complete it within ten. Construction of this railway through the Shield country of northern Ontario and the prairie region of the West would not be possible if First Nations opposition to unauthorized Canadian presence continued. The proposed Canadian Pacific Railway increased the pressure on Canada to ensure peace in the West by negotiating treaties with the western First Nations.

Once Canada had started the treaty-making that would ensure peace in the West, it began to put other parts of its nation-building strategy in place. In 1872, Parliament passed the Dominion Lands Act, which provided settlers with an opportunity to claim quarter-section (160-acre) farms for minimal fees, provided they developed the land for agricultural purposes within a short period of time. This legislation was necessary if Canada was going to attract thousandof agricultural settlers and place them on western lands to grow crops for export. The production of cereal crops for export was regarded as essential to make the proposed

transcontinental railway economically sustainable. As well the railway would be needed to transport settlers to the western farm lands. Without a large settler population in the West growing crops and shipping them out by the railway to export points, the railway simply would not be viable. In this manner, the settlement policy embodied in the Dominion Lands Act and the transcontinental railway were logically and closely lined. The final component of Macdonald's strategy that is known as the National Policy was the protective tariff that his government put through parliament in 1879. This tariff, which was designed to promote industrialization in Canada by creating a protective wall against foreign manufacturers behind which Canadian entrepreneurs could shelter while they developed their factories, was expected to develop more manufacturing in the eastern provinces. These eastern factories would produce goods that could be consumed by the hoped-for large population of agricultural settlers in the West. For their part, those western farmers would pay for the tariff-protected goods, such as agricultural implements, that they would have to buy by growing large crops that would be exported. The CPR was essential to the plan; it transported eastern manufactured goods west, and western grains to tidewater.

A fourth policy, which was not strictly speaking part of the National Policy, was the creation of the North West Mounted Police in 1873 and their dispatch to the West in 1874. Canada knew that it needed a police force of some kind to cement its claim to the region after it acquired it from the Hudson's Bay Company, and it was conscious that it would need some form of authority to regulate relations between western First Nations and the large numbers of agricultural settlers that the government hoped would soon flood into the region. The Cypress Hills Massacre of 1873, in which American wolf hunters slaughtered a number of Assiniboine men and women, underlined the urgency of establishing a government police force in the West. The mounties did function effectively to keep the peace for more than a decade after they arrived in western Canada. Very quickly they routed the whiskey peddlers and closed the "whiskey forts" that they had established in the Cypress Hills and southern Alberta. Moreover, they established good relations with western First Nations. For example, Cree and Blackfoot chiefs referred positively to the role of the mounted police in explaining why they favoured concluding Treaty 6 (1876) and Treaty 7 (1877) and the NWMP did not fire a shot at any First Nations people until the outbreak of the North West Rebellion in March 1885.

Although the three elements of the National Policy - western settlement, transcontinental railway, and protective tariff - were logically connected, their emergence was not part of some master plan of economic development hatched in the mind of Prime Minister Macdonald. Rather the National Policy emerged as the consequence of a series of adhoc decisions taken in response to specific needs. Confederation required acquisition of the West to satisfy Ontario, and that implied settling the prairies with farmers. The protective tariff was a political ploy used to gain votes in Ontario and Quebec in the general election of 1878. And the railway was a constitutional obligation that Canada acquired with the entry of British Columbia into Confederation in 1871. (The creation of the North West Mounted Police was a specific response to a practical problem - policing a newly acquired territory - rather than part of grand nation-building design). Although the National Policy did not develop as a master plan, its components did fit together and they did add up to a design for the economic development of the West and the Dominion as a whole. Western agricultural settlement would satisfy Ontario's ambitions and make the transcontinental railway profitable, while the tariff would promote the

industrialization of eastern portions of the new country. The National Policy had an internal logic, even if it did not originate in pure nation-building ambitions.

Canada's strategy of nation-building had a profound impact on the peoples of the Canadian West, including the First Nations. The acquisition and development of the West was part of the Confederation bargain so far as eastern Canadian leaders were concerned. Although the federal government stumbled badly at first, provoking the Red River Resistance by its failure to consult the Metis of the area, Ottawa learned from its mistakes and pursued western development somewhat more effectively in the 1870s. On behalf of the Crown it negotiated treaties with the First Nations, while preparing for settlement by passing the Dominion Lands Act and committing the country to the construction of a transcontinental railway. Western settlement and the railway, along with the protective tariff of 1879, constituted Macdonald's National Policy, a strategy for national expansion and consolidation that relied heavily on successful western development. The North West Mounted Police facilitated both treaty-making in 1876-77 and later agricultural settlement. Violence erupted in 1885 because of the federal government's failure to respond to Metis complaints and Riel's willingness to move from a peaceful movement of protest to the use of arms. What is striking about the events of the spring and early summer of 1885 is that the First Nations, who also suffered from Ottawa's clumsy implementation of its development policies after the making of the treaties, did not join in the armed resistance to Ottawa. Plains First Nations in 1885 overwhelmingly remained faithful to their treaty commitments to live in peace with the newcomers. The numbered treaties of the 1870s were important in preventing an Indian insurrection and destroying the government's policies for the development of the West.

**Guiding Concepts for Section 5:  
Canada's Nation-Building Strategy and Western Settlement**

Record and be prepared to share your understandings of the below concepts with your group. Be prepared to briefly record on a group timeline.

- Significance of the West in Confederation
  
- Impact of Canada's strategy of nation building on First Nations
  
- First Nations response to newcomers in their territories
  
- Insights Canada learned about First Nations
  
- Other Insights?

## Section 6 – The Meaning of Covenant and Contract as They Relate to Treaties

Covenant – First Nation Perspective	Contract – European Perspective
Agreement between two autonomous parties with the Creator as a witness.	Agreement between two autonomous parties.
Established a permanent relationship.	Agreement to last for a specific amount of time.
Meant to be mutually beneficial.	Meant to be mutually beneficial.
Rights and obligations for both parties.	Rights and obligations for both parties.
Is an understanding based on the principles of good faith and goodwill.	Is negotiated.
The spirit of the agreement is most important.	Written text and oral agreements.
Sealed with a sacred ceremony.	Is signed and dated.
The Creator as a witness makes it binding.	Signatures of witnesses make it legal and binding.
There is a spirit and intent to the entire agreement.	Terms are specific as to what has been agreed to.
Sacred commitment for both parties (the spirit of the agreement is most important).	Legal documents (the letter of the agreement is most important).
Cannot be changed.	Can only be changed with consent of both parties.

## Section 6 (continued) – Treaty Provisions and Limitations

Provisions under Treaty	Limitations
<p>Land</p> <ul style="list-style-type: none"> <li>• Share the land and its resources</li> <li>• One section per family of five</li> </ul>	<p>Land</p> <ul style="list-style-type: none"> <li>• Land and resources not shared</li> <li>• No additional land for future generations of families</li> <li>• Reserve lands held in trust by the Crown</li> </ul>
<p>Education</p> <ul style="list-style-type: none"> <li>• A school when the Band was ready</li> </ul>	<p>Education</p> <ul style="list-style-type: none"> <li>• Enforcement of attendance at residential schools from 1870s – 1940s.</li> </ul>
<p>Protection of way of life</p> <ul style="list-style-type: none"> <li>• Hunt, fish , trap – maintain livelihood</li> </ul>	<p>Protection of way of life</p> <ul style="list-style-type: none"> <li>• Restriction of hunting, fishing and trapping to the confines of the reserve until 1940s. No ability to go to traditional territories for hunting, fishing and trapping until 1940s.</li> </ul>
<p>No interference</p> <ul style="list-style-type: none"> <li>• Live without interference from settlers or government</li> </ul>	<p>No interference</p> <ul style="list-style-type: none"> <li>• Indian Agents enforced Eurocentric lifestyles and ways of managing a home and family until 1940s.</li> <li>• <i>Indian Act</i> Policy enforced by Indian Agent and RCMP on behalf of federal government until 1940s.</li> </ul>
<p>Economic Independence</p> <ul style="list-style-type: none"> <li>• Learn a new way of providing for their families</li> <li>• Provided tools for those who wanted to farm</li> <li>• Animals for farmers to share</li> </ul>	<p>Economic Independence</p> <ul style="list-style-type: none"> <li>• Government provided an Indian Agent and / or Farm Instructor to teach how to farm by this relationship became supervisory</li> <li>• Indian Agent seized grain profits and distributed them to the farmer at a later date or kept some back for fines or other reasons</li> <li>• Farmers had to obtain a pass from the Indian Agent to leave the reserve and a permit to sell their grain</li> </ul>
<p>Medicine Chest</p> <ul style="list-style-type: none"> <li>• Access to health care</li> </ul>	<p>Medicine Chest</p> <ul style="list-style-type: none"> <li>• Limited access to limited health care which has to be pre-approved by Aboriginal Affairs and Northern Development Canada</li> </ul>
<p>Annuities</p> <ul style="list-style-type: none"> <li>• \$5.00 per year for each man, woman and child (Chief and Councillors received additional annuity)</li> </ul>	<p>Annuities</p> <ul style="list-style-type: none"> <li>• Same amount given out each year – no increase</li> </ul>

## Section 6 (continued) – Treaty Expectations and Benefits

Canadian Government's Expectations from Treaty	Canadian Government's Benefits from Treaty
Peace and Friendship	Peace – no Indian wars
Land for Settlement	Land for Settlement <ul style="list-style-type: none"> <li>• The federal government transferred responsibility for Crown lands and resources to the provinces of BC, Alberta, Saskatchewan and Manitoba in 1930 under the Natural Resources Transfer Agreement in which First Nations were not consulted. The pass and permit system were still in effect on reserves.</li> </ul>
Access to resources	<ul style="list-style-type: none"> <li>• Access to and profits from resources</li> <li>• The federal government transferred responsibility for Crown lands and resources to the provinces of BC, Alberta, Saskatchewan and Manitoba in 1930 under the Natural Resources Transfer Agreement in which First Nations were not consulted. The pass and permit system were still in effect on reserves.</li> <li>• Some land owners have mineral rights on their lands</li> </ul>
Agricultural settlement of the prairie region	Agricultural settlement of the prairie region <ul style="list-style-type: none"> <li>• Land Act of 1872 brought settlement to the West</li> </ul>
Populate and settle the country	Populate and settle the country
Railway expansion to unite the nation	Railway expansion to unite the nation
Stop American expansion	Confederation of the colonies



## Section 7 – The Indian Act, 1876

In 1867, The British North America Act was passed, which gave the Government of Canada jurisdiction over First Nations people and their lands. In order to fulfill its jurisdiction in this area, Canada passed the *Indian Act* in 1876. Since its creation, the Act has regulated and controlled many aspects of the lives of First Nations people across Canada. There is no direct link between the *Indian Act* and treaties. The *Indian Act* was not discussed during any treaty negotiations and First Nations people were not involved in its development and implementation.

Many First Nations view the *Indian Act* as a repudiation of the terms of treaty. The original Treaty Commissioners for the Crown assured the First Nations that their way of life would continue without interference and that the Queen was offering benefits on top of what they already had. Treaties were seen as mutual agreements entered into for the shared protection and mutual benefit of both parties - peaceful co-existence was key to the agreements.

Through the *Indian Act*, the government wanted to "civilize" First Nations people and to assimilate them into Canadian society. The *Indian Act* imposed several restrictions on First Nations people in order to meet these dual goals of civilization and assimilation. The conflicting goals between what was discussed during the treaty negotiations and what was imposed by the *Indian Act* caused poor relations between First Nations people, the Canadian Government and other Canadians.

At the time the *Indian Act* was passed, the Government of Canada needed a regulating body to implement its provisions so they created "Indian Affairs" as a branch of the Department of the Interior. In 1880, the Indian Affairs Branch was separated from the Department of the Interior and was given its own minister. Through the *Indian Act*, the Government of Canada "treated First Nations throughout Canada as legal minors and approached them as a problem to be administered...the DIA [Department of Indian Affairs] carried out a series of policies aimed a political control, enforced economic transition, and cultural subjugation and assimilation."<sup>1</sup> The "implementation of this *Indian Act* made it clear that the government regarded itself as the guardian of Indian minors."<sup>2</sup>

Today, the federal department responsible for First Nations people and their lands is Aboriginal Affairs and Northern Development Canada (AANDC) and formerly known as Indian and Northern Affairs Canada (INAC). AANDC is still responsible for implementing the *Indian Act*.

### Precedents to the Indian Act

After Confederation, the Dominion of Canada passed the first Indian Act as part of its authority that it had assumed under section 91(24) of the BNA Act, 1867. The Indian Act, 1876 was a

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1. Ray, Arthur J., Jim Miller and Frank Tough. *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill

-Queen's University Press, 2000, at 202).

2. Price, R.T., *Legacy: Indian Treaty Relationships* (Edmonton: Plains Publishing Inc., 1991. at 64).

3 S.C. 1876, c.18 (39 Vict.).

consolidation of pre-existing colonial legislation including the *Gradual Civilization Act* passed in 1857 and the *Gradual Enfranchisement Act* passed in 1869. The 1876 Act's full title was "An Act to amend and consolidate the laws respecting Indians."

The *Gradual Civilization Act* assumed that if First Nations people owned individual property, they would become industrious and self-reliant. The Act generally stated that:

"any Indian, if he was male, free of debt, literate, and of good moral character, could be awarded full ownership of 50 acres (20 hectares) of reserve land, and would thereby be enfranchised. He would then cut his tribal ties and cease to be an Indian. The goal of full civilization through enfranchisement of individuals was to be accompanied by the disappearance of Aboriginal communities... Enfranchisement had attracted very few qualified candidates, and the tribal governments and their leaders were seen as obstacles."<sup>4</sup>

The *Gradual Enfranchisement Act* "greatly increased the degree of government control of on-reserve systems. There was to be very little meaningful Aboriginal participation in their own governance...the superintendent general of Indian Affairs decided the time, manner, and place of the election."<sup>5</sup> The use of the elective (Euro-Canadian) governing system was encouraged, and continued in the 1876 Indian Act and beyond.

### **The Indian Act, 1876**

The *Indian Act* was not intended to carry out the terms of the treaties negotiated with First Nations. First Nations people were not consulted or involved in its creation. Rather, it was intended to carry out the assimilation policy of the Government of Canada through administering First Nations people and their lands, regulating interactions between First Nations and the settlers, and promoting assimilation into Canadian society. Provisions of the 1876 Act covered such matters as:

- defining who "Indians" were (Sections 6.1, 6.2, 6.3 of the *Indian Act*)
- providing for enfranchising First Nations people
- administering reserve lands
- managing sales of timber
- administering band moneys
- determining the processes of leadership selection (through chief and council elections)
- regulating intoxicants
- prohibitions on certain activities.

### **Citizenship versus "Indian status" under the *Indian Act***

Since 1876, the Indian Act has been revised on a regular basis to carry out the government's assimilation policy. One example of the assimilation policy was the government's policy of

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<sup>4</sup> Carter, S., *Aboriginal People and Colonizers of Western Canada to 1900* (Toronto: University of Toronto Press, 1999, at 116).

<sup>5</sup> *Ibid.*, p. 116

encouraging First Nations people to enfranchise. Enfranchisement meant the giving up of status under the *Indian Act* and taking up the same rights and privileges as other Canadian citizens. Enfranchisement was originally introduced as a voluntary program, however, First Nations people did not respond so enfranchisement became compulsory to certain people, such as, but not limited to:

- First Nation women marrying non-First Nation men (even though First Nation men marrying non-First Nation women did not similarly lose status)
- children of First Nation women and non-First Nation men
- people who had lived off the reserve for more than five years, or
- people who had obtained higher education.

As a result of these provisions, many First Nations people involuntarily lost their status and membership with their First Nations. In 1920, Duncan Campbell Scott, Superintendent General of Indian Affairs, exposed the intent of Canadian policy to assimilate First Nations into Canadian society, when he said to Parliament:

Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian Question.<sup>6</sup>

It was not until 1985 that the *Indian Act* was revised through Bill C-31 to eliminate these provisions.

### **Cultural heritage**

Provisions were introduced into the *Indian Act* in 1884 that were designed to discourage and punish First Nations people for participating in cultural practices such as dancing. The first of many arrests under what was referred to as the Potlatch Law was made in 1889.<sup>7</sup> In subsequent amendments, bans on participation in ceremonies such as festivals, dances, sun dances, or giveaways were introduced. They were not lifted from the *Indian Act* until its 1951 revision.

### **Residential schooling**

In 1894, provisions of the *Indian Act* provided for compulsory school attendance of First Nations children and for the operation of industrial or boarding schools. From 1883 until 1923 the Government of Canada funded industrial and boarding schools, run by a variety of churches. In 1923, these schools became known as residential schools. These schools were created as part of the government's assimilation policy and were intended to focus on children by systematically eliminating First Nation cultural beliefs and practices from a young age. Parents were faced with fines or jail sentences if they tried to prevent their children from being removed from home to go to these schools.<sup>8</sup>

### **Administrative powers of the Department of Indian Affairs**

By 1880, the Department of Indian Affairs was created to administer the Government of Canada's responsibilities under the *Indian Act*.<sup>9</sup> Indian Agents were appointed to regulate and

enforce the *Indian Act* and provided agricultural or trades training for the men. The wives of the Indian Agents taught First Nations women how to take care of their homes, plant gardens and take care of livestock. Indian Agents had decision-making power over every aspect of life on the reserves. By 1880, they were given judicial powers as justices of the peace as well.

### **New process for leadership selection**

In 1869, the Government of Canada introduced the Chief and Council system of government to replace traditional forms of First Nations governments. This system was continued in the 1876 *Indian Act* under sections 61-63.<sup>10</sup> Band Council responsibilities were established by the Government of Canada. Band Council systems of government enforced the rules and regulations created under the *Indian Act*. Most First Nations were no longer able to select their leadership through their own customary processes.

### **Prohibitions**

In response to the North West Resistance<sup>11</sup> of 1885, the Government of Canada introduced provisions in the *Indian Act* imposing penalties for inducing First Nations people to breach the peace. The sale or gift of ammunition to First Nations was also prohibited with a penalty of fine or imprisonment.<sup>12</sup>

Section 1 of the 1880 *Indian Act* introduced penalties for purchasing produce from Indians.<sup>13</sup> A permit system required First Nations people to obtain written consent from an Indian Agent to sell any livestock, wood, hay, or personal possessions.

A pass system that forced First Nations people to obtain consent from an Indian Agent to leave their reserves was enforced after the 1885 Resistance as a form of control over First Nations people and their activities. Though it was never a specific provision of the *Indian Act*, the pass system was enforced by Indian Agents after the Resistance of 1885 and persisted as a policy on the Prairies as late as the 1930s.

### **Contemporary *Indian Act***

The *Indian Act* continues to exist today as a piece of federal legislation. The *Indian Act* continues to regulate, manage and direct many aspects of the lives of First Nations people

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<sup>6</sup> Cited in Royal Commission on Aboriginal Peoples, *Volume 1: Looking Forward, Looking Back, Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Minister of Supply and Services Canada, 1996, at 183).

<sup>7</sup> K. Pettipas. *Severing the ties that Bind - Government Repression of Indigenous Religious Ceremonies on the Prairies* (Winnipeg: The University of Manitoba Press, 1994, at 93.)

<sup>8</sup> *An Act respecting Indians*, R.S.C 1906, c. 81, s. 10.

<sup>9</sup> S.C. 1880, c. 28 (43 Vict.)

<sup>10</sup> S.C. 1869, c. 6 (32-33 Vict.)

<sup>11</sup> The "North West Resistance of 1885" is commonly called the "North West Rebellion" or the "1885 Rebellion." However, Metis people believe that they were defending their land and "resisting" an attack by the Canadian Government and army. For the purposes of this activity, the terminology used will reflect the Metis perspective.

<sup>12</sup> *An Act to further to amend "The Indian Act, 1880"* S.C. 1884, c. 27 (47 Vict.), s. 2.

<sup>13</sup> *An Act to amend "The Indian Act, 1880"* S.C. 1881, c. 17 (44 Vict.).

across Canada. Many of its provisions today are the same as those included in the 1876 Act including education, membership, elections for Band government, taxation, liquor restrictions, and management of First Nations lands and resources. Currently, the federal government is undertaking a review of the *Indian Act* for the purpose of amending it. A complete viewing of the Indian Act can be found at the AANDC website at <https://www.aadnc-aandc.gc.ca/eng/1100100010002/1100100010021>

## Conclusion

Despite the control that the *Indian Act* had over the lives of First Nations people, many resisted the restrictions imposed on them. Many did not give up traditional leadership, they continued to practice their spiritual ceremonies in secret, and they refused to follow the rules dictated by Indian Agents.

Major amendments were made to the Indian Act in 1951 and in 1985. The 1951 amendments removed some of the interfering and coercive provisions in the legislation including the banning of dances and ceremonies, and the prohibition on giving or soliciting money for pursuit of claims against the government.

The major change to the Indian Act in 1985 occurred as a result of what is known today as Bill C-31. Bill C-31 allowed First Nations women to marry non-status or non-First Nations men without losing their "Indian status," and allowed those First Nations women who had previously lost their status through marriage and those individuals who had lost their status through enfranchisement to apply to have their "Indian status" reinstated.

Since entering into treaty with the Crown, First Nations people have faced many problems and endured much difficulty. The government has imposed its legislation and policies on First Nations, there have been several disputes over the meaning of the treaties, and the treaty relationship has not been fully acknowledged or implemented. However, despite these problems,

First Nation leaders continued to advocate for treaty implementation. Many members of the First Nations communities continued to maintain ties to traditional way of life. The political leadership of treaty First Nations has evolved and survived along with the spiritual, cultural and social systems inherent within First Nations communities. In turn, policies of the federal government have also evolved and changed over time. Today, the Treaty First Nations in Saskatchewan, in partnership with the Government of Canada and Saskatchewan, have initiated dialogue and are building upon their common understanding about the treaty relationship.<sup>14</sup>

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<sup>14</sup> Office of the Treaty Commissioner, *Statement of Treaty Issues: Treaties as a Bridge to the Future* (Saskatoon: Office of the Treaty Commissioner, 1998, at 29).



## **Section 8 – United Nations Declaration on the Rights of Indigenous Nations**

(NOTE: The following includes sections from the first five pages of the Declaration.)

### **Resolution adopted by the General Assembly**

[*without reference to a Main Committee (A/61/L.67 and Add.1)*]

#### **61/295. United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1 / 2 of 29 June 2006,<sup>1</sup> by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61 / 178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

*Adopts* the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107<sup>th</sup> plenary meeting  
13 September 2007*

### **Annex**

#### **United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter, Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming* also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

*Affirming* further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

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<sup>1</sup> See Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53), part one, chap. II, sect. A

*Reaffirming* that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing* also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment, ...

... *Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering* also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

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<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> A/CONF.157/24 (Part I), chap. III

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples, ...

*...Recognizing* and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

*... Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

*Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

*... Article 8*

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (d) Any form of forced assimilation or integration;

The full Declaration can be found at: [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)



## **The Historical Thinking Project**

(Information taken from The Historical Thinking Project website: <http://historicalthinking.ca/>)

The notion of historical thinking concepts is recommended by the Ministry of Education's social science curricula.

### **Historical Thinking Concepts:**

The Historical Thinking Project works with six distinct but closely interrelated historical thinking concepts. To think historically, students need to be able to:

#### **Establish historical significance:**

- The past is everything that ever happened to anyone anywhere. There is much too much history to remember all of it. So how do we make choices about what is worth remembering? Significant events include those that resulted in great change over long periods of time for large numbers of people.
- What about my own ancestors, who are clearly significant to me, but not necessarily to others? Significance depends upon one's perspective and purpose. A historical person or event can acquire significance if we, the historians, can link it to larger trends and stories that reveal something important for us today.

#### **Use primary source evidence:**

- The litter of history — letters, documents, records, diaries, drawings, newspaper accounts and other bits and pieces left behind by those who have passed on — are treasures to the historian. These are primary sources that can give up the secrets of life in the past. Historians learn to read these sources.
- A history textbook is generally used more like a phone book: it is a place to look up information. Primary sources must be read differently. To use them well, we set them in their historical contexts and make inferences from them to help us understand more about what was going on when they were created.

#### **Identify continuity and change:**

- Students sometimes misunderstand history as a list of events. Once they start to understand history as a complex mix of continuity and change, they reach a fundamentally different sense of the past.
- One of the keys to continuity and change is looking for change where common sense suggests that there has been none and looking for continuities where we assumed that there was change. Judgments of continuity and change can be made on the basis of comparisons between some point in the past and the present, or between two points in the past, such as before and after Confederation in Canada. We evaluate change over time using the ideas of progress and decline.

#### **Analyze cause and consequence:**

- In examining both tragedies and accomplishments in the past, we are usually interested in the questions of how and why. These questions start the search for causes: what were the actions, beliefs, and circumstances that led to these consequences?

- In history, as opposed to geology or astronomy, we need to consider human agency. People, as individuals and as groups, play a part in promoting, shaping, and resisting change.

### **Take historical perspectives:**

- Understanding the foreignness of the past is a huge challenge for students. But rising to the challenge illuminates the range of human behaviour, belief and social organization. It offers surprising alternatives to the taken-for-granted, conventional wisdom, and opens a wider perspective from which to evaluate our present preoccupations.
- Taking historical perspective means understanding the social, cultural, intellectual, and emotional settings that shaped people’s lives and actions in the past. At any one point, different historical actors may have acted on the basis of conflicting beliefs and ideologies, so understanding diverse perspectives is also a key to historical perspective-taking. Though it is sometimes called “historical empathy,” historical perspective is very different from the common-sense notion of identification with another person. Indeed, taking historical perspective demands comprehension of the vast differences between us in the present and those in the past.

### **Understand the ethical dimension of historical interpretations:**

- Are we obligated to remember the fallen soldiers of World War I? Do we owe reparations to the First Nations victims of aboriginal residential schools, or to the descendants of those who paid the Chinese Head Tax? In other words, what responsibilities do historical crimes and sacrifices impose upon us today?
- These questions are one part of the ethical dimension of history. Another part has to do with the ethical judgments we make about historical actions. This creates a difficult paradox. Taking historical perspective demands that we understand the differences between our ethical universe and those of bygone societies. We do not want to impose our own anachronistic standards on the past. At the same time, meaningful history does not treat brutal slave-holders, enthusiastic Nazis, and marauding conquistadors in a “neutral” manner. Historians attempt to hold back on explicit ethical judgments about actors in the midst of their accounts, but, when all is said and done, if the story is meaningful, then there is an ethical judgment involved. We should expect to learn something from the past that helps us to face the ethical issues of today.

Taken together, these concepts tie “historical thinking” to competencies in “historical literacy.” In this case, “historical literacy” means gaining a deep understanding of historical events and processes through active engagement with historical texts.

In short, they can detect the differences, as Margaret MacMillan's book title reads, between the uses and abuses of history. “Historical thinking” only becomes possible in relation to substantive content. These concepts are not abstract “skills.” Rather, they provide the structure that shapes the practice of history.

For more detailed information, teaching ideas and resources about The Historical Thinking Project, go to: <http://historicalthinking.ca/>

## Primary Source Evidence – Historical Thinking

### Purpose:

The purpose of this activity is to utilize and promote critical historical literacy in classrooms by working with and discussing primary source evidence and making relations and connections to past, present and future.

**Time:** 45 minutes (At facilitators' discretion to manage activity and discussion)

### You will need:

- All Primary Resource Documents per group of 8 – 10 (available online – links at: <http://www.rbe.sk.ca/rpstreaties> )
- Guiding Concepts Chart

### Activity:

- Each group will need 8 – 10 people. Adjust groups as required but ensure content is covered. There are 10 pieces of content – listed on the next page.
- Review the primary source document and use Historical Thinking concepts to report on what you have read.
- After reading your section, use the Historical Thinking concepts chart, as a guide to respond and record your insights.
- In your group, share and discuss what you have discovered
- If time permits, have one person from your group share their insights from the readings with the school group.

Send in a few of your insights, questions, or comments to your Chat room Monitor to share division wide.

## **List of Primary Source Documents (10):**

### **Winnipeg, Manitoba. 7th October, 1875**

This document is a report from Indian Commissioner, M.G. Dickieson to a senior government official. Dickieson's report on mission to get all First Nation bands to sign onto Treaty

### **Treaty No. 4. October 5th, 1893. Paid at File Hills Office**

This document is a copy of one page of an original pay list from Treaty 4.

### **File Hills Agency, Treaty 4. Inspectors report from March 31st, 1894 to April 30, 1897**

**File Hills Agency, North-West Territories, Assiniboia** – File Hills Agency, Fort Qu'Appelle, 14th August 1898

### **Education – Policy. RG – 10, vol. 3965, file 150000-1**

This document provides a summary of Department of Indian Affairs policies regarding the education of Treaty Indian students in residential and industrial schools between 1880s and 1900s.

### **Education. RG – 10, vol. 6032, file 150-14**

This is document provides a summary of residential school reports between 1880s and 1914.

### **Indian Record. Vol. XXII, No. 4. April 1959**

Suggested Reading: Indians Appointed Agents

Suggested Reading: The Canadian Eskimo

### **Indian Record. Vol. XXVII, No. 10. December 1964**

Suggested Reading: Fear of Change Hinders Progress, pages 2 & 9

Suggested Reading: Provincial Answer May Be Answer

### **Indian Record. Vol. XXIV. No. VI. June 1961**

Suggested Reading: Indians Spurn Citizenship Option

Suggested Reading: Indian Act Revision Proposed, page 3

### **Indian Record. Vol. XXII. No. 6. June 1959**

Suggested Reading: Study Action Plan, page 3

Suggested Reading: Job Benefitting the Indian, page 7

**Guiding Concepts for:  
Primary Source Evidence: Historical Thinking**

Record and be prepared to share your insights with your group.

**Establish historical significance:**

Significance depends upon one's perspective and purpose. A historical person or event can acquire significance if we, the historians, can link it to larger trends and stories that reveal something important for us today.

**Use primary source evidence:**

- Set them in their historical contexts and make inferences from them to help us understand more about what was going on when they were created.

**Identify continuity and change:**

- Judgments of continuity and change can be made on the basis of comparisons between some point in the past and the present, or between two points in the past. We evaluate change over time using the ideas of progress and decline.

**Analyze cause and consequence:**

Interest in the questions of how and why to search for causes: what were the actions, beliefs, and circumstances that led to these consequences? Need to consider human agency.

**Take historical perspectives:**

Understanding the social, cultural, intellectual, and emotional settings that shaped people's lives and actions in the past. Historical perspective demands comprehension of the vast differences between us in the present and those in the past.

**Understand the ethical dimension of historical interpretations:**

What responsibilities do historical crimes and sacrifices impose upon us today? If the story is meaningful, then there is an ethical judgment involved. We should expect to learn something from the past that helps us to face the ethical issues of today.

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