

THE NEGOTIATION AND IMPLEMENTATION OF TREATY 7,
THROUGH 1880

Sheila Robert
B.A., University of Lethbridge, 2004

A Thesis
Submitted to the School of Graduate Studies
Of the University of Lethbridge
In Partial Fulfillment of the
Requirements for the Degree

MASTER OF ARTS

Department of Native American Studies
University of Lethbridge
LETHBRIDGE, ALBERTA, CANADA

© Sheila Robert, 2007

The objective of this thesis is to examine the archival documents that may be considered by the Supreme Court of Canada if the Treaty 7 Nations were to challenge the Federal Government on the Treaty's content and meaning. The impetus for this thesis is two-fold. Firstly, recent decisions by the Supreme Court of Canada, in relation to Aboriginal historical treaties, have demonstrated a shift towards legally recognizing the sovereignty of First Nations. As more First Nations challenge the Federal Government on their fulfillment of treaty obligations, Supreme Court decisions will become more elaborate and exhaustive, providing many Nations with an opportunity to address treaty concerns in a more substantive manner than in the past. Secondly, the Blackfoot are my neighbours and I am very honoured to relay part of their story.

Table of Contents

Introduction: Survey of Secondary Works	1-9
Chapter 1: The Canons of Construction for Treaty Interpretation	10-20
Chapter 2: Government Policy and Legislation in the 1870s	21-28
Chapter 3: Historical Context	29-55
Chapter 4: Treaty 7 Negotiations	56-63
Chapter 5: Blackfoot Crossing, 1877	64-83
Chapter 6: Treaty 7 in Practice, 1878-1880	84-142
Bibliography	143
Appendix: Treaty 7	

Introduction - Survey of Secondary Works

On September 22, 1877 the Dominion of Canada and five First Nations signed Treaty Seven at Blackfoot Crossing. The five Nations are: the Siksika (Blackfoot proper), Kianai (Blood), Pikani (Peigan), Sarcee, and Stoney. Treaty 7 encompasses the southern portion of the province of Alberta which joined Canada in 1905.

The area extends from present-day Red Deer, south-west to the Rocky Mountains, south to the United States border, and east to the Cypress Hills area.

To date, there are few publications that examine Treaty Seven specifically, however, there are numerous works on some of the signatory nations.

There is currently only one book that analyzes Treaty Seven exclusively, *The True Spirit and Original Intent of Treaty 7*.¹ That book serves as a milestone in the study of Treaty Seven and historical aboriginal treaties generally. That book is an example of how employing a diverse methodological approach can provide a more accurate account of events and agreements by providing various perspectives

¹ Treaty 7 Elders and Tribal Council with Walter Hildebrandt, Dorothy First Rider, and Sarah Carter. *The True Spirit and Original Intent of Treaty 7*. McGill-Queen's Native and Northern Series, ed. Bruce G. Trigger. Montreal: McGill-Queen's University Press, 1996. Reprint, 1997.

on the events which could not be obtained if the study relied solely on written archival records.

Part One of *The True Spirit and Original Intent of Treaty 7* reveals the evidence provided by the elders of all five signatory nations. The oral testimony of over eighty elders are used to tell the making of Treaty Seven, the life of the First Nations prior to the treaty, what the treaty meant to the Nations, and how their lives were affected following the signing of the treaty. By using the testimony of elders to reconstruct the events of Treaty Seven, the book demonstrates how oral history can be used to provide an aboriginal perspective on historical events. However, the book does not rely on oral testimony alone. The use of archival evidence serves to provide the perspective of others, namely government officials, North West Mounted Police members, and missionaries which provide various other perspectives on the events leading to the signing of Treaty Seven.

Part Two of *The True Spirit and Original Intent of Treaty 7* focuses on the perspective of these other parties while also providing some information on the historical and political context of Treaty Seven.

Part Three of *The True Spirit and Original Intent of Treaty 7* provides the biographies of the elders, interviewers, translators and researchers of the book.

While *The True Spirit and Original Intent of Treaty 7* serves as a milestone in the study of historical aboriginal treaties it does have one significant shortcoming. Nowhere in the book do the authors provide any information on how the testimonies of elders were recorded, nor where they are held. This creates an obstacle for researchers who want to access the interviews and review and interpret them firsthand, therefore this leaves the reader at the mercy of the authors' interpretation of those interviews. In no portion of the book do the authors state why this information is not provided.

John Taylor has contributed an article that looks at Treaties 6 and 7.² The portion of the article that examines Treaty Seven relies on archival records as well as oral history from the Treaty and Aboriginal Rights Research interviews. This work is significant because, like the work described above, the author relies on a diverse methodology to reconstruct and analyze Treaty Seven. His work has proven to be even more helpful to other

² Talyor, John. "Two Views on the Meaning of Treaties Six and Seven." In *The Spirit of the Alberta Treaties*, (3rd Edition) edited by Richard Price. Edmonton: University of Alberta Press, 1999.

researchers because, unlike *The True Spirit and Original Intent of Treaty 7*, he provides his source for the oral history that he has relied on.

To date there is only one other author who has focused on Treaty Seven specifically. Hugh Dempsey is one of the most prolific writers of Treaty Seven First Nations. In 1987, Dempsey provided the Federal Government with a research report on Treaty Seven.³

He begins with an overview of the historical background leading to the negotiation of Treaty Seven and he presumes no background knowledge on the part of the reader. He provides further contextual information by writing about the preparations, undertaken by missionaries and the North West Mounted Police in the region, to inform the First Nations of the coming of the treaty commissioners. His report then presents both the Government perspective and the First Nations perspective of the treaty negotiations. Dempsey concludes his report by examining some of the events and interpretations following the signing of Treaty Seven. In the appendices portion of his report he provides copies of the original treaty as

³ Dempsey, Hugh. *Treaty Research Report: Treaty 7*. Prepared for the Department of Indian Affairs, Ottawa, 1987.

well as a copy of an adhesion and the subsequent treaty amendments.

While this report was produced in 1987, Dempsey demonstrates forward thinking that would later emerge in the Canadian judiciary as he includes the use of interviews, completed by himself and others, and other types of extrinsic evidence. This report serves as a solid foundation for further research.

Dempsey has also published numerous books dealing with the Blackfoot.

His biographies of Crowfoot⁴ and Red Crow⁵ have proven to be very insightful works. His biography of Crowfoot is methodologically similar to his government report, relying on a mixture of both written primary sources and oral sources. As Crowfoot was a leading figure in the negotiation of Treaty Seven, an understanding of his life both before and after has been useful because it speaks to how Crowfoot's authority was unique compared to the other chiefs that signed the treaty. Dempsey discusses how displaced this authority is but he reveals how Crowfoot came to accept this authority, albeit in a responsible manner by continuing to consult with other chiefs to ensure

⁴ Dempsey, Hugh. *Crowfoot: Chief of the Blackfeet. Foreword by Paul F. Sharp*. Vol. 970.3 B: Edmonton: Hurtig Publishers, c1972.

⁵ Dempsey, Hugh. *Red Crow, Warrior Chief*. (2nd Edition) Saskatoon, Sask.: Fifth House, 1995.

that he presented a united voice as much as possible. Dempsey explores the relationships that Crowfoot had with other tribe members as well as with missionaries and members of the North West Mounted Police. His approach to reconstructing the life of Crowfoot provides critical evidence for understanding not only Crowfoot, but others around him. The interpersonal relationships that Dempsey highlights in this biography provides a new context for examining the understanding of various people involved in the treaty. Again, Dempsey relies on historical records but also employs the use of extrinsic evidence in his research, however many of the interviews and other evidence are in his personal possession and therefore currently unavailable to other academics.

In his biography of Red Crow, Dempsey employs a similar methodological approach as he did in Crowfoot's biography, relying on primary sources, oral, and extrinsic evidence. However, there is a distinct difference in how he uses this evidence. In Crowfoot he relies on both types of sources throughout the whole biography. In the biography of Red Crow, however, he relies on the oral accounts primarily for reconstructing the earliest years of the life of Red Crow. When the timeline reaches the establishment of the North West Mounted Police, with the

presence of missionaries and traders, he then relies mostly on their written accounts rather than continuing with the oral accounts. As this text focuses on Red Crow there is a significant amount of information about the Blood tribe and their power and influence within the Confederacy. This biography emphasizes intertribal relations prior to and during the negotiation and signing of Treaty Seven.⁶

John C. Ewers has also written extensively on the Blackfeet. His focus has been primarily on the Blackfeet in what is now Montana, who are otherwise known as the south Peigan. His studies examine various topics but his essays on the fur trade and intertribal warfare have proven to be insightful for the purpose of this thesis.⁷

His book *The Blackfeet: Raiders on the Northwestern Plains*⁸ provides information about events in Blackfeet territory in the United States which may have influenced the Blackfoot perception of events in their territory in Canada. For example, he writes about the Lame Bull's Treaty, the massacre on the Marias and other events that occurred prior to the negotiation and signing of Treaty Seven in Canada. His sources include archival records,

⁶ Dempsey has also written other books and papers dealing with the Blackfoot, but the focus of these books are not on Treaty Seven.

⁷ Ewers, John Canfield. *Plains Indian History and Culture: Essays on Continuity and Change*. Norman: University of Oklahoma Press, 1997.

⁸ Ewers, John Canfield. *The Blackfeet: Raiders on the Northwestern Plains*. Norman: University of Oklahoma Press 1958.

newspapers, books and papers, as well as his own field notes from the 1940s and 50s.

The work of James Willard Schultz is extensive with a focus on stories and conversations that he has had with members of the south Peigan in Montana beginning in the 1870s. During his life he wrote thirty-seven books that report on the daily life activities and stories of those whose nation he married into.⁹

Schultz was fluent in Blackfoot and became an involved member of the community, learning their stories, ceremonies and life-ways. He considered himself an Indian in 1877 and his written works serve as a significant contribution to the study of the Peigan. His work is valuable as he wrote the stories told to him by specific Peigan members, who he identifies in his written works. His contributions provide insight into the culture of a nation that was part of the Blackfoot Confederacy.

As this review of existing literature demonstrates, the meaning of Treaty 7 has yet to be fully examined. In 2005 a case was brought to the Federal Court of Canada to examine the meaning of Treaty 6, however, the meaning of Treaty 7 has never come before the Canadian courts.

⁹ Schultz, James W. *Blackfeet and Buffalo: Memories of Life Among the Indians. Edited and with an Introduction by Keith C. Seele.* Norman: University of Oklahoma Press, 1962.

Chapter One of this thesis will examine the canons of construction for treaty interpretation as established in Canadian jurisprudence.

Chapter Two of this thesis explains federal Indian policy, law, and law enforcement in the 1870s to provide the reader with an understanding of national agendas and on the ground realities in Blackfoot territory.

Chapter Three of this thesis provides the historical context for the events that transpired on September 22, 1877.

Chapter Four of this thesis details the preparations made for the negotiation of Treaty Seven as derived from archival materials.

Chapter Five of this thesis examines the negotiation of Treaty 7 and the events that occurred at Blackfoot Crossing in 1877.

The final chapter of this thesis reviews Treaty 7 in practice, focusing on the year 1878 to 1880. These events are recreated according to archival information.

Chapter 1 - The Canons of Construction for Treaty Interpretation

As there is currently a large amount of litigation and pending litigation regarding historical treaties, analyzing Treaty Seven according to the criteria applied by the Canadian courts is a logical starting point for those in academe who seek to research and contribute to current historical treaty cases. In order to analyze Treaty Seven, it is necessary to review the canons themselves as enunciated by the Supreme Court of Canada.

The canons of construction for treaty interpretation were introduced into Canadian law in *R. v. Taylor and Williams* (1981), 34 O.R. (2d) 360 (Ont.C.A.). According to Thomas Isaac,

[i]n *Taylor and Williams* the Ontario Court of Appeal set out a number of factors to be used when interpreting treaties...The Court stated that it is important to consider the history and oral traditions of the tribes concerned. Treaties should be interpreted in a manner that: (a) upholds the honour of the Crown, (b) avoids the appearance of "sharp dealings," (c) resolves any ambiguity in favour of the Indians, and (d) considers the parties' understanding of the terms of the treaty when it was signed.¹⁰

¹⁰ Thomas Isaac, *Aboriginal Law: Commentary, Cases and Materials*. Third ed. Saskatoon, Saskatchewan: Purich Publishing, 2004, p. 79. In Canadian case law, R. is an abbreviation for Regina, or the Crown, the government.

The first canon, that treaties are a unique type of agreement and require special principles of interpretation finds its origins and entrenchment in Canadian law in *Simon v. The Queen*, [1985] 2 S.C.R. 387, in which the Supreme Court of Canada held that treaties between Aboriginal peoples and the Crown are unique or *sui generis*.¹¹

R. v. Sioui, [1990] 1 S.C.R. 1025, affirmed the *sui generis* nature of treaties as stated in *Simon* and, according to Isaac, "[p]erhaps more important is that this decision illustrates the recognition afforded by the court that Indian nations were regarded by the Europeans as 'independent nations' capable of making treaties. Treaty rights are in addition to rights recognized by the *Royal Proclamation of 1763* and other like instruments."¹²

According to Leonard I. Rotman, "Justice Lamer, as he then was, stated in the *Sioui* case that a treaty exists where there is an agreement between Aboriginal peoples and the Crown that demonstrates 'the intention to create obligations, the presence of mutually binding obligations

¹¹ This case arose out of a conflict between provincial legislation and the exercise of treaty rights in the province of Nova Scotia. The exercised treaty right in question was recognized by the court as deriving from a peace and friendship treaty made in 1752. This case saw the court employ a liberal interpretation to the treaty.

¹² Thomas Isaac, *Aboriginal Law: Cases, Materials and Commentary*. Second ed. Saskatoon, Saskatchewan: Purich Publishing, 1999, p. 156.

and a certain measure of solemnity.'"¹³ The *sui generis* nature of treaties between Aboriginal peoples and the Crown has been reaffirmed in cases such as *R. v. Badger*, [1996] 1 S.C.R. 771, and *R. v. Sundown*, [1999] 1 S.C.R. 393.

The second canon, that treaties should be liberally construed and ambiguities should be resolved in favour of the Indians, finds its earliest origins in the United States. That treaties must be construed as the Indians at the time understood them is found in *Worcester v. Georgia* (1832) 31 U.S. (6 Pet.) 515 (U.S.S.C.) where Chief Justice Marshall states:

The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of, which are susceptible of a more extended meaning than their plain import, as connected with the tenor of the treaty, they should be considered as used only in the latter sense... How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction.¹⁴

This canon was reaffirmed in *Jones v. Meehan*, 175 U.S. 1, (1899). According to Clinton et. al., "the Court stated that, a

¹³ Leonard Rotman, "Taking Aim at the Canons of Treaty Interpretation in Canadian Aboriginal Rights Jurisprudence." *University of New Brunswick Law Journal* 46 (1997), p. 13.

¹⁴ Robert Clinton, Nell Newton, and Monroe Price. *American Indian Law: Cases and Materials*. 3rd ed. Contemporary Legal Education Series. Charlottesville: The Michie Company Law Publishers, 1991, p. 844, Quoting C.J. Marshall in the *Worcester* decision.

'treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians.' The Supreme Court has applied this canon of construction because the Indians and the Government were not bargaining from positions of equal strength, *Choctaw Nation v. United States*, 119 U.S. 1, 28 (1886); the treaties were drawn up by representatives of the United States in a written language unfamiliar to the Indians, *Jones v. Meehan*, 175 U.S. 1, 10-11 (1899); the Indians' comprehension of treaty terms depended on interpreters employed by the Government, *id.*; and, finally, because the Indians were unfamiliar with the legal manner of expression, *id.*¹⁵

The rule of construction requiring that ambiguous phrases and terms should be resolved in favour of the Indians is expressed in "*Arizona v. California*, 373 U.S. 546, 599-601 (1963); *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 89 (1918); *Winters v. United States*, 207 U.S. 564, 576-77 (1908),"¹⁶ and *Washington v. Washington State Com. Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979).¹⁷

According to Isaac, in *R. v. Battisse* (1978), 84 D.L.R. (3d) 377 (Ont. Dist. Ct.) that Canadian court held that when treaties appear unfair or where the bargaining power of one group outweighs the other, ambiguities in treaties should be resolved in favour of the Indians.

¹⁵ *Ibid.*

¹⁶ *Ibid.* p. 845.

¹⁷ *Ibid.* p. 807.

In *R. v. Nowegijick*, [1983] 1 S.C.R. 29, Dickson J. referred to the 1899 U.S. decision of *Jones v. Meehan* for ambiguities found in treaties to be resolved in favour of the Indians.

The canon that treaties should be liberally construed and ambiguities resolved in favour of the Indians has found further support by the Canadian courts in *R. v. White and Bob*, 6 C.N.L.C. 684, (1965), 52 D.L.R. (2d) 481 (S.C.C.), *Simon v. The Queen*, [1985] 2 S.C.R. 387, *R. v. Sioui*, [1990] 1 S.C.R. 1025, and *R. v. Badger*, [1996] 1 S.C.R. 771.

The third canon of construction for treaty interpretation in Canada is to choose from the possible interpretations to find the one that reconciles the interests of both parties at the time of the signing. The "common intentions" goal of this canon emerged in *R. v. Sioui*, [1990] 1 S.C.R. 1025. According to Rotman, "[a]s indicated in the *Sioui* decision, when interpreting the nature of an agreement between the Crown and Aboriginal peoples, it is necessary to strive towards the common intention of the parties and not merely rely upon the understandings possessed by one of the groups."¹⁸ Justice

¹⁸ Leonard Rotman, "Taking Aim at the Canons of Treaty Interpretation in Canadian Aboriginal Rights Jurisprudence," *University of New Brunswick Law Journal* 46 (1997), p.36.

Lamer, in *Sioui*, states “[t]he Court must choose from among the various possible interpretations of the common intention the one which best reconciles the Hurons’ interests and those of the conqueror.”¹⁹

The fourth canon of construction in Canada requires that the court presume the honour of the Crown when searching for the common intentions of the parties involved in a treaty. According to Isaac, “*White and Bob* affirmed the legal status of Indian treaties in Canadian law and emphasized the importance of the honour of the Crown.”²⁰

In *R. v. Badger*, [1996] 2 C.N.L.R. 77 (S.C.C.), the court outlined a summary of the principles of treaty interpretation. The court listed only four principles and further emphasized the principle of the honour of Crown, as had been stated earlier in *R. v. White and Bob* (1965), 52 D.L.R. (2d) 481 (S.C.C.).

Most recently, in *Mikisew Cree First Nation v. Canada*, [2005] 3 S.C.R. 388, 2005 SCC 69, Binnie J. stated, “[T]he honour of the Crown infuses every treaty and the performance of every treaty obligation.”²¹

¹⁹ *R. v. Sioui*, [1990] 1 S.C.R. 1025.

²⁰ *Supra* footnote 3, p. 118.

²¹ *Mikisew Cree First Nation v. Canada*, [2005] 3 S.C.R. 388, 2005 SCC 69, para. 57.

The fifth canon of construction requires the court to be sensitive to the cultural and linguistic differences of the parties involved in a treaty. According to Rotman,

It is beyond dispute that Aboriginal treaties were not only written in a language that was foreign to Aboriginal peoples in Canada, but that they were written entirely by the Crown's representatives. As a result of these facts, there is a *prima facie* inference that the subtleties and nuances of language and the cultural subjectivity of interpretation may have resulted in the text of written treaties having a different meaning than the terms agreed to by the parties during their negotiations... Evolving or changing perceptions of the nature of the treaties and the rights they protect, as well as the change in the position and needs of the parties involved in the treaty-making process, have also had a profound effect upon modern interpretation of treaties.²²

Rotman directs us to the words of *Wilson J.* in *R. v.*

Horseman:

These treaties were the product of negotiation between very different cultures and the language used in them probably does not reflect, and should not be expected to reflect, with total accuracy each party's understanding of their effect at the time they were entered into. This is why the courts must be especially sensitive to the broader historical context in which such treaties were negotiated. They must be prepared to look at the historical context in order to ensure that they reach a proper understanding of the meaning that particular treaties held for their signatories at the time.²³

²² *Supra.* Footnote 4.

²³ *Ibid.*, quoting from *R. v. Horseman*, [1990] 1 S.C.R. 901.

The sixth canon stipulates that the words of the treaty must be construed as the parties at the time would have naturally understood them.

In *R. v. Badger*, [1996] 2 C.N.L.R. 77 (S.C.C.), Sopinka J. explains, "it is well settled that the words in the treaty must not be interpreted in their strict technical sense nor subjected to rigid modern rules of construction. Rather, they must be interpreted in the sense that they would naturally have been understood by the Indians at the time of the signing."²⁴

This principle had appeared earlier in *Nowegijick v. R.* (1983), 144 D.L.R. (3d) 193 (S.C.C.), and was cited recently by Binnie J. in *Mikisew Cree First Nation v. Canada*, [2005] 3 S.C.R. 388, 2005 SCC 69.

The seventh canon identifies that a technical or contractual interpretation of the words in a treaty should be avoided. This principle can be traced back to 1832. In *Worcester v. Georgia*, Chief Justice Marshall declared:

Is it reasonable to suppose that the Indians, who could not write, and most probably could not read, who certainly were not critical judges of our language should distinguish the word 'allotted' from the words 'marked out.'...[I]t may very well be supposed that they might not understand the term employed, as indicating that, instead of granting, they were receiving lands. If the term would admit of no other

²⁴ Sopinka, J. in *R. v. Badger*, [1996] 2 C.N.L.R. 77 (S.C.C.), para. 52.

signification, which is not conceded, its being misunderstood is so apparent, results so necessarily from the whole transaction; that it must, we think, be taken in the sense in which it was most obviously used.²⁵

This principle was reaffirmed in *Jones v. Meehan*, 175 U.S. 1 (1899). But it did not emerge in Canadian law until 1964 when the British Columbia Court of Appeal cited *Worcester v. Georgia* with approval in *R. v. White and Bob* (1964), 50 D.L.R. (2d) 613 (B.C.C.A.). *Nowegijick, Horseman, Sioui* and *Badger* would all later reinforce this principle in their rulings.

The eighth principle, outlined in the 1999 Marshall decision²⁶, directs the court not to alter the terms of the treaty by exceeding what is realistic, while still construing the language in the treaty generously.

In *R. v. Sioui*, Lamer J., for the court, states that the majority in the Court of Appeal erred in adopting the position of the respondents regarding the treaty of September 5, 1760 because the position would allow for unlimited rights of the Huron in a vast area.

Lamer J. states, "[w]ith respect, I feel that adopting such a position would go beyond what General Murray intended. Even a generous interpretation of the document,

²⁵ Marshall, C.J. in *Worcester v. Georgia* (1832) 31 U.S. (6 Pet.) 515 (U.S.S.C.) in Rotman, p. 37.

²⁶ *R. v. Marshall*, [1999] 3 S.C.R. 456.

such as Bisson J.A.'s interpretation, must be realistic and reflect the intention of both parties, not just that of the Hurons.²⁷

This principle, as stated in *Sioui*, was cited with approval in *Mikisew Cree First Nation v. Canada*, [2005] 3 S.C.R. 388, 2005 SCC 69, one of the most recent treaty rights cases in Canada.

The ninth canon requires the courts to interpret treaty rights to provide for their modern exercise as those rights are not to be seen in a static way that would freeze them at the time of the signing of the treaty.

Furthermore, the court is charged with determining what practices are reasonably incidental to the exercise of treaty rights in a modern context. In *R. v. Sundown*, Wakeling J.A., in dissent, states:

In order to determine what is reasonably incidental to a treaty right to hunt, the reasonable person must examine the historical and contemporary practice of that specific treaty right by the aboriginal group in question to see how the treaty right has been and continues to be exercised. That which is reasonably incidental is something which allows the claimant to exercise the right in the manner that his or her ancestors did, taking into account acceptable modern developments or unforeseen alterations in the right. The question is whether the activity asserted as being reasonably incidental is in fact incidental to an actually practiced treaty right to hunt. The inquiry is largely a factual

²⁷ *R. v. Sioui*, [1990] 1 S.C.R. 1025.

and historical one. Its focus is not upon the abstract question of whether a particular activity is "essential" in order for hunting to be possible but rather upon the concrete question of whether the activity was understood in the past and is understood today as significantly connected to hunting. Incidental activities are not only those which are essential, or integral, but include, more broadly, activities which are meaningfully related or linked.²⁸

The interpretive principles from *Marshall* were cited with approval in the recent 2005 Federal Court decisions of *Chief Victor Buffalo et al v. Queen et al*, and *Ermineskin Indian Band and Nations v. Canada*. While the Federal Court cited the canons with approval, the Federal Court of Appeal has granted to hear the appeal of *Chief Victor Buffalo* based on Buffalo's assertion that the Federal Court Judge did not rule on the case according to the interpretive principles that he cited with approval.

The following archival materials related to the negotiation of Treaty Seven should be read with the canons of construction in mind, and with the understanding that only the Supreme Court of Canada can apply those canons to extrinsic evidence, such as the following archival materials, to determine what the Indians were told orally that they would be agreeing to.

²⁸ *R. v. Sundown*, [1999] 1 S.C.R. 393.

Chapter 2 - Government Policy and Legislation in the 1870s

According to J.N. Lyon, "[w]ith the 'expansion of Europe' from the sixteenth century onwards, international law paid particular attention to the rules for the acquisition of territory. The traditional modes of acquiring territory were by accretion, cession, annexation, occupation and prescription."²⁹

International law during this period was based on Canon law which categorized Native Americans as 'savages' and 'heathens.' Lengel explains, "Canon law influenced the justification for colonization of the New World after the fifteenth century. Because the influence of the Roman Catholic Church, especially the papacy, transcended the geographical and political borders of European nation-states, church law was fundamental in defining international legal principles for many centuries."³⁰

Lengel explains how the papacy ascended to its authoritative heights:

Closely linked to the principle of conquest is the Petrine doctrine, which was based upon the

²⁹ J.N. Lyon, *Native Law: The Anomalous Legal Position of the Canadian Indian Treaties*. ed. Indian and Northern Affairs Canada: National Library of Canada, 1983, p. 60.

³⁰James H. Lengel, "The Role of International Law in the Development of Constitutional Jurisprudence in the Supreme Court: The Marshall Court and American Indians." *The American Journal of Legal History* 43, no. 2 (1999), p. 118.

Biblical entrustment by Jesus Christ of the expansion of the Catholic Church to Peter, the first pope. According to the Bible, Christ instructed Peter, one of the Apostles: "And I tell you that you are Peter, and on this rock I will build my church...I will give you the keys of the kingdom of heaven..." The "keys to the kingdom" became a metaphorical license for papal imperialism. The pope was the head of the Church, and the entire world constituted the flock over which the pope was to shepherd. "[T]he medieval theory of universal papal jurisdiction vested a legal responsibility in the pope to realize the vision of the universal Christian commonwealth." All lands captured from the infidels became a fief to be held by the pope.³¹

According to Lengel, "[a]fter England broke away from the Catholic Church, remnants of the Petrine doctrine (creating and respecting a Christian commonwealth) continued to guide the imperialistic discourse of the Crown."³²

Pre-Confederate treaties focused largely, if not exclusively at times, on military and trade alliances because the French were competing with the English, however the French were not concerned with long-term settlements. For the French, the primary goal was to secure trade alliances with First Nations. This was the manifestation of the Imperial view of France, to extract resources and goods from the hinterland to support the French nation.

³¹ Ibid, p. 119.

³² Ibid.

The English, on the other hand, sought to secure the land title of North America.

During the sixteenth and seventeenth centuries colonization of the North American continent involved intense competition among European nations to secure trade and military alliances with First Nations, and later to acquire their land. Hostilities between the French³³ and the British culminated with the Seven Years' War, which lasted from 1754 to 1763, and ended with the signing of the Treaty of Paris on February 10, 1763. With this treaty the British gained control of most of the territory of the French.³⁴ Following this event the British Crown sought to control settlement on the continent.

³³ The French secured strong alliances with many First Nations and some authors credit this with the French being more focused on securing trade alliances rather than land acquisition.

³⁴ Lyon provides a compelling argument suggesting that the French had no authority to surrender land to the British Crown because they had not fulfilled the requirements for claiming territory under the discovery doctrine. He refers to three requirements for the doctrine to apply as laid out by Chief Justice Marshall. Lyon explains: "The first requirement was that the discovery had to have been made either by a subject of the discovering government, or under its authority. The effect of the discovery was to give title to the discovering nation. A second requirement, however, was that the title had to be consummated by possession, and it appears as though such possession had to be exclusive, because it was through the exclusion of all other Europeans, that the discovering nation obtained the right to acquire the soil from the natives...in both cases, French and English, historical data reveals that there was no possession much less exclusive possession. So there could be no title acquired with regard to these later discoveries, since there was no title if not consummated by possession...I should note the Hudson's Bay Company Charter granted by Charles II on May 2, 1670...Although Charles II granted the Charter with these wide-reaching powers to the Hudson's Bay Company, such a grant could, according to the doctrine of discovery, only have been an authority to discover; and for the title to the land to become vested in the discoverer, the other

King George III issued the Royal Proclamation of 1763 on October 7th of that year. This proclamation restricted settlement by preventing colonists from settling beyond the Appalachian Mountains as that land was reserved for Indians and cession of Indian land could only be made to the Crown.

In 1867 the Dominion of Canada came into being with the British North America Act. Under section 91(24) of the Act, 'Indians, and lands reserved for Indians,' fall under the exclusive jurisdiction of the federal government.

Because the primary goal of the new government was to secure land title, under Prime Minister John A. Macdonald, the Conservative government set out to acquire Rupert's Land. First Nations who resided in the territory were not involved in the negotiations for Rupert's Land. According to Jill St. Germain, "[t]he partners in the negotiations included Dominion representatives, Hudson's Bay Company

requirements of the doctrine had to be fulfilled. It is doubtful whether that was done in the area around Hudson and James Bay, much less across the continent...I conclude...by suggesting...the French and English claims to territory in Canada under the doctrine of discovery are only supportable to the extent that the requirements of that doctrine were fulfilled." J.N. Lyon, *Native Law: The Anomalous Legal Position of the Canadian Indian Treaties*. ed. Indian and Northern Affairs Canada: National Library of Canada, 1983, p. 65-70. Lyon concludes that the requirements of the doctrine would result in only very few areas in what is now Canada meeting the discovery doctrine requirements and therefore grant title to the French and the English and further limits the areas legally transferred to the British by the French through the Treaty of Paris.

officers, and British government officials..."³⁵ Due to the absence of First Nations in consultation and negotiation for Rupert's Land, feelings of distrust and suspicion permeated the Nations in the area.

With the acquisition of Rupert's Land, the Dominion Government was required to deal with the First Nations by treaty, as outlined in the sales agreement with the Crown Corporation of the Hudson's Bay Company. In 1870 the land transaction was complete and the Dominion government was in a position to further its goal of securing land title, now extending into the Northwest Territory.

Government policy towards First Nations in the 1870s was inherited from British policy. The transfer of Rupert's Land to the Dominion required that the issue of Indian land title be addressed. According to Dr. F. L. Barron,

"The southern portion of the Territories—the very area earmarked for agrarian settlement—was dominated by Plains Indian Nations. These tribes, largely untouched by European society, were steeped in the culture of their forefathers and had an alarming potential for armed resistance. Equally important, as independent nations they had very definite land rights, sanctified by British policy and precedent. The Royal Proclamation of 1763, as well as the order-

³⁵ Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada: 1867-1877*. Lincoln: University of Nebraska Press, 2001, p. 38.

in-council authorizing the transfer of the Hudson's Bay Company lands in 1869, required that the Canadian government acknowledge Indian title to the Northwest Territories."³⁶

The Dominion's Indian policy was a continuation of the British tradition. St. Germain explains, "Canada had made a commitment to do something about the Indians, at Britain's behest, under the terms of the purchase of Rupert's Land. Treaties were the traditional means... Treaties were not only a standard practice but, unlike the United States, and unquestioned one."³⁷

The Numbered Treaties, and the consistency in Order-In-Councils regarding each treaty, was the closest thing to a formal Indian Policy until 1876 when the Dominion Government first passed the *Indian Act*. This act consolidated all previous legislation regarding Indians into one document and had the effect of making all Indians wards of the state.

Menno Boldt explains how the Indian Act came into existence,

³⁶ Dr. F. L. Barron, "A Summary of Federal Indian Policy in the Canadian West, 1867-1984." *Native Studies Review*, vol. 1, no. 1, 1984.

³⁷ Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada: 1867-1877*. Lincoln: University of Nebraska Press, 2001, p. 37.

"[t]he Indian Act grew out of Province of Canada legislation entitled 'An Act for the Gradual Civilization of the Indian Tribes of Canada' (1857)... The Canadian Parliament enacted the Indian Act in 1876. The Indian Act established the legal framework for the federal government to exercise its authority under section 91(24) of the Constitution Act, 1867. In effect, it provided a legal basis for the colonial administration of Indians and their reserves."³⁸

With the 1876 Indian Act, the Dominion government placed itself in a very powerful position, one that is contradictory to the status of Indians as stated in the Royal Proclamation of 1763. However, it becomes apparent that the Indian Act was crucial in furthering the Dominion government's Indian policy of the 1870s. The "primary motive in embarking on treaty making was not the war-and-peace imperative of the United States but rather the much narrower and traditional quest for land title."³⁹

This quest for title is evident in all of the post-Confederate, numbered treaties. According to St. Germain,

"... each of the Numbered Treaties contained several extensive clauses on the subject of land. These included a statement of the queen's intentions with regard to the land, an extended statement of extinguishment and cession by the Indians to 'all their rights, titles and privileges whatsoever to the lands included

³⁸ Menno Boldt, "Surviving as Indians: The Challenge of Self-Government." Toronto: University of Toronto Press, 1993, appendix 3.

³⁹ Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada: 1867-1877*. Lincoln: University of Nebraska Press, 2001, p. 40.

within the following limits' and an exacting description of the lands *to be ceded*. Treaties 4, 5, 6, and 7 also contained a provision of cession 'to all other lands' to which these people might venture a claim. These terms literally constitute the bulk of the text of the Numbered Treaties."⁴⁰

⁴⁰ Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada: 1867-1877*. Lincoln: University of Nebraska Press, 2001, p. 41.

Chapter 3 - Historical Context

According to John C. Ewers, noted Blackfoot ethnologist, in the 1780s, when David Thompson first met some of the Blackfoot tribes, they had already acquired horses.⁴¹ He explains that the northwestern Plains are the territory of the Blackfoot alliance, which consisted of the Piegan, Blood, and Siksika, and how "[t]hese tribes moved westward and then southward during the eighteenth century, and in so doing displaced the Kootenai, Flathead, and part of the Shoshoni from lands near the Rockies in southern Alberta and northern Montana."⁴² The first half of the nineteenth century saw the Blackfoot at the height of their power as their alliance then included the Sarsi and the Gros Ventres.

Some of the earliest recorded information about the Blackfoot is contained in a manuscript by Alexander Culbertson, which was edited by Hugh Dempsey and published by the *Alberta Historical Review* in 1971. Culbertson was an American fur trader who joined the Upper Missouri Outfit in the 1830s. It was during this time that he first began

⁴¹ John C. Ewers, "Intertribal Warfare as the Precursor of Indian-White Warfare on the Northern Great Plains." *The Western Historical Quarterly* 6, no. 4 (Oct., 1975), p. 400.

⁴² Ibid. p. 403.

trading with the Blackfoot and other tribes. According to Dempsey, "Culbertson became a wealthy man and in about 1840 he had married *Natoyi's-tsik-sina*, or Holy Snake, whose brother was head chief of the Bloods."⁴³

Culbertson recorded his expedition into Blackfoot territory beginning on July 10th, 1870. He was accompanied by a Catholic Missionary, Jean L'Heureux. L'Heureux had spent the previous ten years among the Blackfoot and both men were familiar with the area. Culbertson explains how the Blackfoot are constantly on the move due to their buffalo culture. He explains, "[t]he Piegans, Bloods and Blackfoot Indians are all the same people in manner, custom and language. They are separated only as it were by clans, each regulating themselves by their own laws, none of which are very stringent. Strange to say, they are but little known by the people of the United States, only as a blood thirsty savage people. This is, however, a vague idea formed upon an ignorance of the actual character of these Indians."⁴⁴

In 1871, Jean L'Heureux, a missionary and later an interpreter at the signing of Treaty Seven, wrote about the region and the First Nation inhabitants. He reports,

⁴³ Hugh A. Dempsey, "Alexander Culbertson's Journey to the Bow River." Edited by Hugh A. Dempsey, *Alberta Historical Review*, vol. 19, no. 4, (Autumn) 1971, p. 9.

⁴⁴ *Ibid.* p. 20.

"[t]he inhabitants of the country which we have described in this report are the Chokita-pix Indians who are divided into three tribes, the Sik-sik-kas or Blackfoot, the Ka-nanans or Bloods and the Piegans, who, with the Sarcees, have been formed into a Nation for almost eighty years. They have a population of almost twelve hundred tipis and ten thousand souls."⁴⁵ He explains how the territory is possessed by the whole nation however each tribe has their own territorial division.

L'Heureux provides a description of how their society functions,

"[t]hey have a sort of police among themselves which answers well enough to their social needs...The only common obligation of each individual of the nation is to preserve his land from enemies and the encroachment of the invader. Each tribe is subdivided into a certain number of large families each of which have a chief at their head to supervise the police and to negotiate their differences. The chiefs alone have the right to treat together in the great council of the nation on questions of peace or war, treaties or other affairs concerning their common interest. Their authority is admitted by all and their common decisions become law when once publicly proclaimed by them."⁴⁶

L'Heureux states that the Blackfoot hunt buffalo on horseback and this is their principle occupation in the

⁴⁵ Jean L'Heureux, "Description of a Portion of the Nor'West and the Indians." Rocky Mountain House Nov. 1871. L'Heureux fonds, M675, Glenbow Archives.

⁴⁶ Ibid., p. 17.

summer months. The economy of the Blackfoot is based on their buffalo culture as "[t]heir principal articles of commerce are robes, dressed skins, animal furs, wood, fat, dried meat and horses."⁴⁷

In the 1870s, Indian policy in the Dominion of Canada was very different from that of the United States. While Canada was engaged in negotiating the numbered treaties, which began in 1871, and the passing of the first Indian Act in 1876, the United States ended treaty making with First Nations in 1871, by a declaration of the U.S. Congress.⁴⁸ While Canada was focused on securing surrenders from First Nations the United States was engaged in Indian wars. It is clear that the signatory nations of Treaty Seven and the Crown intended to create mutually binding obligations as evidenced by the archival documentation of the preparation and negotiation, and the subsequent signing, of the Treaty.

In 1875, Inspector Winder of the North West Mounted Police wrote to the Minister of the Interior to inform the Government about the state of affairs in the West.⁴⁹ Winder writes of the desire of the Indians to come into treaty due

⁴⁷ Ibid. p. 18.

⁴⁸ 25 U.S.C. 1871.

⁴⁹ The NWMP arrived in Blackfoot territory in 1874 and a positive relationship existed between the tribes and the force due largely to the mutual respect between Crowfoot and Col. Macleod.

to their concerns about white encroachment and the depletion of the buffalo. "The Indians frequently ask when a treaty is to be made with them... They complain of [encroachment] by white men and the rapid execution of the Buffalo."⁵⁰

In the summer of 1876, the Lieutenant Governor of the North West Territories, Alexander Morris, received a letter from the chiefs of the Blackfeet requesting that a treaty be made with them and to thank the police for eradicating the whiskey trade. Morris enclosed this petition when he wrote to the Secretary of State to assert the necessity of concluding a treaty with the Blackfoot. Morris implies it is urgent to conclude a treaty with the Blackfoot because, as he learned from Rev. McDougall's son, a trader, the Sioux had recently sent tobacco to the Blackfoot requesting their alliance in a war against the whites, but the Blackfeet declined. Morris states that it is too late into the season to make a treaty "but I would request to be authorized to send messengers to them to fix a period next year for the making of a Treaty."⁵¹

Morris writes that the issue is urgent due to the close vicinity of the Indian wars in the United States. He

⁵⁰ NAC, RG 10, vol. 3625, file 5337, Insp. Winder to Min. of Interior, 14 Sept. 1875.

⁵¹ NAC, RG 10, vol. 8595, file 1/1-11-4, Morris to Secretary of State, 11 July 1876. (Blackfoot petition enclosed)

states, "[t]he recent destruction of General Custer and his entire command, will compel the United States, to exert their utmost, in a warfare with the Sioux and the result will be their fight into our Territories... The place of the recent fight, is not more than five hundred miles from here, and not more than one hundred and eighty miles from our boarder."⁵²

The Blackfoot continued to be persistent with their request to negotiate a treaty as indicated by a letter written by a member of the Department of the Interior to an unknown recipient on July 28, 1876. The author states that the Blackfeet, Peigans, and Bloods put forth a petition to the Hon. Governor Morris. He states, "[t]he Petitioners put forth that they were given to understand by His Honor Governor Archibald that their lands would not be taken possession of until a treaty had been made with them, but that, already the white men have taken the best locations and built houses on their hunting grounds and that the Half breeds and Cree Indians are hunting both summer and winter in the centre of their territory and they say that an Indian Commissioner may be directed to visit them so that

⁵² Ibid.

they may hold Council... a stop to the invasion of their Country till a treaty be made with the Government."⁵³

The author of the letter explains his concerns about the unrest south of the boarder when he states "[i]n view of the unsettled conditions of Indian affairs south of the Line, it is a matter of importance that the Blackfeet and other Indians on the Boundary should be treated with as early as possible so as to secure their friendship and [illegible] rely upon their cooperation with the Government [illegible] the Event [sic] of the American Sioux and other Indians being driven into or taking refuge in our territory."⁵⁴

The author then discusses the settlers who have come into the territory and the need for a surrender of Indian land to encourage further settlement. He states that "settlement should be encouraged as much as possible with view to securing cheap provisions and supplies for the Mounted Police, and the settlers generally, in the territories, this of course cannot be done until the territory is surrendered by the Indians."⁵⁵

The letter closes with further urging for a treaty to be concluded with the Blackfeet because the author feels

⁵³ NAC, RG 10, Vol. 8595, file 1/1-11-4, member of Dept. of Interior to unknown recipient, 28 July 1876.

⁵⁴ Ibid.

⁵⁵ Ibid.

that the Cree and Blackfeet are on a collision course over the issue of hunting grounds.

The correspondence makes it clear that the Blackfoot were intent on concluding a treaty with the government. Many others also wrote to government officials requesting that a treaty be made with the Blackfoot.

The Reverend John M. McDougall, a Methodist missionary, wrote the Hon. Alexander Morris on September 8, 1876 to recommend that a treaty be made with the Blackfeet. McDougall explains his desire for a treaty to be made with the Blackfoot based on his personal experience with the Indians when he states, "being brought into continuous contact with these Indians for the last three years during which a great transition from total disorder to comparative order has taken place and [fervently hoping the later state] of things may [illegible] I cannot too strongly recommend that the Dominion Government should send a Commissioner or Commissioners to negotiate or [illegible] with the various Blackfeet Tribes at as early a date as possible. Whites from all parts are flocking into the country which they have called theirs."⁵⁶

⁵⁶ NAC, RG 10, Vol. 8595, file 1/1-11-4, Rev. McDougall to Hon. Alexander Morris, 8 Sept. 1876.

McDougall suggests that treaty talks take place soon because he fears that the Indians may begin to feel neglected because other treaties with other tribes were being concluded that summer.

In a letter dated October 24, 1876, Lieutenant Governor Alexander Morris wrote to the Minister of the Interior concerning the Blackfeet. Morris writes that he made inquiries about the condition of the Blackfeet while meeting with the Cree in the North West Territories. He learned that two Blackfeet, fluent in Cree, were on their way to hold a meeting with him but he reports that they failed to arrive.

He reports how he obtained more information about the state of affairs concerning the Blackfeet when he writes, "I met at Fort Carlton, the Revd Mr. C. Scollen, a Roman Catholic Missionary, who has lived amongst the Crees in the first instance, and latterly amongst the Blackfeet, for sixteen years, and obtained much valuable information from him, as I did, also from the Revd John McDougall, a Methodist Missionary, who is at present labouring amongst the Mountain Assiniboines."⁵⁷

⁵⁷ NAC, RG 10, Vol. 85965, file 1/1-11-4, Morris to Minister of the Interior, 24 Oct. 1876.

Both McDougall and Scollen informed Morris that it was necessary to conclude a treaty with the Blackfeet in order to preserve friendly relations.

Morris informs the Minister of the Interior of the devastating effects of alcohol, American traders, and the Smallpox epidemics have had on the Blackfeet population. He states, "[u]nder the circumstances, I would recommend that steps should be taken for the making of a Treaty, early next season at some central place, where the Blackfeet are in the habit of assembling in early summer."⁵⁸

According to the archival records, the Blackfoot had a clear intention of negotiating and signing a treaty with the government. The intention of the Canadian government to have the Blackfoot come into treaty is evident in the archival record as well as government policy at the time. Beginning in 1871, the Canadian government began negotiating treaties with First Nations, starting in the east and continuing into the west. The government adhered to the legal formula in the Royal Proclamation of 1763 for acquiring land from First Nations.

The Proclamation has the force of law and made it illegal for individuals to purchase land from First Nations because all land west of the Appalachian Mountains were

⁵⁸ Ibid.

reserved for First Nations until they surrendered their title to the Crown by way of treaty. Britain relinquished jurisdiction to Canada in 1869 when "Britain exercised its last official duty to Indians in North America during the negotiations for the acquisition of Rupert's Land, exacting from Canada a promise to abide by the time-honoured principles of the Proclamation of 1763 in its dealings with the Indians of that region, who came thereby, for the first time, under the jurisdiction of parliamentary government."⁵⁹

The legal formula required that the negotiations take place at a public meeting and that a surrender could only occur after securing three fourths consent of the First Nations involved. The governments' intention to make a treaty with the Blackfoot in 1877 was a continuation of this policy that saw seven numbered treaties signed between 1871 and 1877.

In a letter dated June 20, 1874, the Reverend John M. McDougall, a missionary at Morlyville on the Bow River, received instructions from Alexander Morris, Lieutenant Governor of the North West Territories, to meet with the tribes of the Territories and relay a message from the Queen of England. There were three key issues to be

⁵⁹ Jill St. Germain, "Indian Treaty-Making Policy in the United States and Canada, 1867 - 1877." London: University of Nebraska Press, (2001), p. 6.

discussed: first, to inform them that the Queen was sending out "a force of Mounted Police into Her Territories in the North West for the preservation of law and order and the prevention of aggression on the part of lawless American traders against Her Indian subjects and for the suppression of the introducti[on] by such traders and others of intoxicating liquors amongst the Indian tribes."⁶⁰

McDougall was instructed to encourage the tribes to receive the force with warmth and cooperation and to emphasise that their coming presence would be for their benefit. Furthermore, the cooperation sought would not take the form of any military alliance but rather a friendly alliance.

Second, the Queen wished that the tribes be informed of the Boundary Commission, as it was in progress, and to inform them that "the Commissions are engaged in marking out the line between the British and American Territories and that the Indians have a direct interest in knowing, where the land of the Queen begins, and that it is trusted that they will regard this expedition, also with good will."⁶¹

⁶⁰ Whyte Museum and Archives, Banff, Eleanor Luxton fonds [John McDougall Material]. Lieutenant Governor Alexander Morris to John McDougall, 20 June 1874.

⁶¹ Ibid.

Third, "that the aim of the Queen and Her servants to deal fairly and justly by them, as she and they have always done in Her Territories, wherever situate, and that their welfare is as dear to Her, & them, as that of Her white subjects."⁶² The letter concludes by informing McDougall that preserves, valuing \$1500.00, would be provided for him to distribute among the Indians, at his discretion. It was requested that he reply once he had taken action.

The Annual Report of the Department of the Interior, for the year ended 30th June, 1874, reports an estimated population of 4,000 for the Blackfeet, 2,000 for the Bloods, and 3,000 for the "Peagin".⁶³

A message dated May 1, 1875, from the Superintendent General of Indian Affairs, David Laird, to the Rev. John McDougall, requested that he convey to the tribes of the North West Territories that survey and exploration work for the Canadian Pacific Railway would be taking place in the area. "You will inform the Indians that their great mother THE QUEEN and the Government of the Dominion have every confidonce[sic] that the INDIAN TRIBES will receive in a friendly spirit those who are engaged in surveying their country for the purposes of the Pacific Railway, and that

⁶² Ibid.

⁶³ Annual Report of the Department of the Interior for the Year Ended 30th June, 1874.

they will afford them every assistance in their power in this great National work, a work which it is hoped will prove a blessing equally to them and their white brethren."⁶⁴

On September 14, 1875, a member of the North West Mounted Police wrote to the Minister to inform the Government about the state of affairs in the West. The letter refers to NWMP Inspector Winder and his information regarding the quality of the land and the desire of American farmers to move into the area, however, the farmers were reluctant, as the Indians had not yet come into treaty. Furthermore, the Inspector comments on the Indians desire to come into treaty due to their concerns about white encroachment and the depletion of the buffalo. "The Indians frequently ask when a treaty is to be made with them . . . They complain of [encroachments] by white men and the rapid execution of the Buffalo."⁶⁵ The letter continues and discusses the need for more supplies as the police were feeding Indian hunters. The letter concludes with the author stating that they had determined that forts, formerly built by Americans, at the juncture of the

⁶⁴ Whyte Museum and Archives, Banff, Eleanor Luxton fonds [John McDougall Material], Superintendent General of Indian Affairs, David Laird, to Rev. John McDougall, 1 May 1875.

⁶⁵ National Archives (NA), Record Group(RG)10, volume 3625, file 5337, unknown member of NWMP to unknown Minister, 14 Sept. 1875.

St. Mary's River and the Belly River would be a suitable location for establishing an Agency and police station.

A letter from the Privy Council, dated November 23, 1875, to the Minister of the Interior addressed the issue of firearms and legislation pertaining to the matter.

"That as the Indians in the vicinity spoken of live exclusively by hunting, as no British Arms are now imported and as the United States repeating riffles are said to be in every respect more useful for the Country...the importation for a limited term of a limited number of these Arms subject to the discretion of the Asst. Commissioner . . . Asst. Commissioner McLeod should be informed of the decision of the Government."⁶⁶

The Annual Report of the Department of the Interior for the Year Ended 30th JUNE, 1875 shows an estimated population of the "Blackfeet, Bloods, Pagans and Circee Indians frequenting Fort McLeod" as 2,100.⁶⁷

A trader by the name of John M. Latchie reports his count of Indian lodges in the territory in a letter dated February 12, 1876. He estimates that the North Peigan have 40 lodges, the Blackfeet 180, the Blood 160 and the Sarcees having 40 lodges. "Making a total of 420 lodges [&] if

⁶⁶ NA, RG 10, volume 3625, file 5337, Privy Council to Minister of Interior, 23 Nov. 1875.

⁶⁷ Annual Report of the Department of the Interior for the Year Ended 30th June, 1875, p. 86, Part I.

they are counted at 5 persons to a lodge will give 2100 . .
. . ."68

Lieutenant Governor of the North West Territories, Alexander Morris, wrote the Secretary of State on July 11, 1876 discussing the necessity of concluding a treaty with the Blackfeet Indians. He explains the urgency of the situation. "I learned to-day also, from Mr. McDougall a trader, son of the late Revd Mr. McDougall, that, the American Sioux, sent tobacco to the Blackfeet to join them in war, against the whites, and if not against all, against the Americans, but the Blackfeet took the whites advice, and declined."69

Morris states that it is too late into the season to make a treaty "but I would request to be authorized to send messengers to them to fix a period next year for the making of a Treaty."70 The urgency with which Morris writes arises from the Indian wars engaged in, in the United States, and his fear that their fighting may end up in the Blackfeet territory.

"The recent destruction of General Custer and his entire command, will compel the United States, to exert

⁶⁸ NA, RG 10, volume 8595, file 1/1-11-4, John M. Latchie to unknown recipient, 12 Feb. 1876.

⁶⁹ NA, RG 10, volume 8595, file 1/1-11-4, Lieut. Gov. Alexander Morris to Secretary of State, 11 July 1876.

⁷⁰ Ibid.

their utmost, in a warfare with the Sioux and the result will be their fight into our Territories. . . . The place of the recent fight, is not more than five hundred miles from here, and not more than one hundred and eighty miles from our boarder."⁷¹

Morris relays his concerns of the Sioux crossing the border to flee the American soldiers during the winter and the international complications that would arise from such. He also fears that the Indians would be drawn into the conflict, either by fear or sympathy. He continues with a desperate plea for military force to be sent to the area.

"I have urged again and again, on the present Council & their predecessors, the necessity of a military force here - I have suggested that Great Britain ought, to prevent international complications, to be asked to maintain a force in the Territories, and I firmly believe, that if properly presented, the answer would be an affirmative one"⁷² The letter comes to a close with Morris stating, once again, that the Territory must be guarded against the invasion of the United States and the Sioux.

In a letter dated July 22, 1876, a Hudson's Bay House employee wrote to Mr. Mackenzie to inform him of an

⁷¹ Ibid.

⁷² Ibid.

assembly of Blackfoot at the Hudson's Bay House. The author reports that they are expecting, of the Blackfoot "more than 4000 to 5000 of this tribe...a few Bloods, Crees and Peigans."⁷³ Also, "there are already seven hundred Stonies 'Mountain Stonies'...and perhaps about 300 Indians of St. Annes [illegible] Stoneys."⁷⁴ He discusses another possible meeting of the bands "who will this year assemble at Fort Pitt [,] Battle River & Carlton."⁷⁵ Nowhere in the letter does the writer state the purpose of the meetings.

In a largely illegible letter, dated July 24, 1876, an unknown author writes to Alexander Mackenzie and states, "Mr. Hendly does not think there will be any difficulty experienced in making treaties with the Indians."⁷⁶ Mr. Hendly is, presumably, an employee of the Hudson's Bay Company.

A great urgency to conclude a treaty with the Blackfoot is conveyed in a letter dated July 28, 1876, from a member of the Department of the Interior to an unknown recipient. The author states that the Blackfeet, Peigans and Bloods put forth a petition to the Hon. Governor Morris. He explains,

⁷³ NA, RG 10, volume 8595, file 1/1-11-4, unknown Hudson's Bay Company employee to Mr. Mackenzie, 22 July 1876.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ NA, RG 10, volume 8595, file 1/1-11-4, unknown author to Alexander Mackenzie, 24 July 1876.

"[t]he Petitioners put forth that they were given to understand by His Honor Governor Archibald that their lands would not be taken possession of until a treaty had been made with them, but that, already the white men have taken the best locations and built houses on their hunting grounds and that the Half breeds and Cree Indians are hunting both summer and winter in the centre of their territory and they say that an Indian Commissioner may be directed to visit them so that they may hold Council . . . a stop to the invasion of their Country till a treaty be made with the Government."⁷⁷

The letter continues and estimates the annual costs of entering into treaty with these Indians. Concerns of the unrest, south of the boarder, are addressed as the author states, "[i]n view of the unsettled conditions of Indian affairs south of the Line, it is a matter of importance that the Blackfeet and other Indians on the Boundary should be treated with as early as possible so as to secure their friendship and [illegible] rely upon their cooperation with the Government [illegible] the Event [sic] of the American Sioux and other Indians being driven into or taking refuge in our territory."⁷⁸

The author discusses the settlers who have come into the territory and the need for a surrender of Indian land to encourage further settlement. He states, "settlement should be encouraged as much as possible with view to

⁷⁷ NA, RG 10, volume 8595, file 1/1-11-4, unknown member of the Dept. of the Interior to unknown recipient, 28 July 1876.

⁷⁸ Ibid.

securing cheap provisions and supplies for the Mounted Police, and the settlers generally, in the territories, this of course cannot be done until the territory is surrendered by the Indians."⁷⁹ The letter closes with further urging for a treaty to be concluded with the Blackfeet; the Cree and Blackfeet are on a collision course over the issue of hunting grounds.

The Reverend John M. McDougall, a Methodist Missionary, wrote the Hon. Alexander Morris on September 8, 1876 to recommend that a treaty be concluded with the Blackfeet Indians. McDougall explains his rationale based on his experience with the said Indians;

"being brought into continuous contact with these Indians for the last three years during which a great transition from total disorder to comparative order has taken place and [fervently hoping the later state] of things may [illegible] I cannot too strongly recommend that the Dominion Government should send a Commissioner or Commissioners to negotiate or [illegible] with the various Blackfeet Tribes at as early a date as possible. Whites from all parts are flocking into the country which they have called theirs."⁸⁰

The Reverend suggests that treaty talks take place soon or the Indians may begin to feel neglected as other treaties with other tribes were being concluded that summer (the Crees and Assiniboines).

⁷⁹ Ibid.

⁸⁰ NA, RG 10, volume 8595, file 1/1-11-4, Rev. John McDougall to Hon. Alexander Morris, 8 Sept. 1876.

Alexander Morris, Lieutenant Governor, wrote a letter, dated October 24th, 1876, to the Minister of the Interior concerning the Blackfeet. Morris writes that he made inquiries about the condition of the Blackfeet while meeting with the Crees in the North West Territories when he learned that there were two Blackfeet, fluent in Cree, who were on their way to hold a meeting with him but they failed to arrive. Morris did, however obtain more information about the state of affairs concerning the Blackfeet. He explains, "I met at Fort Carlton, the Revd Mr. C. Scollen, a Roman Catholic Missionary, who has lived amongst the Crees in the first instance, and latterly amongst the Blackfeet, for sixteen years, and obtained much valuable information from him, as I did, also from the Revd John McDougall, a Methodist Missionary, who is at present labouring amongst the Mountain Assiniboines."⁸¹ Both McDougall and Scollen informed Morris, that it was necessary to conclude a treaty with the Blackfeet in order to preserve friendly relations.⁸²

⁸¹ NA, RG 10, volume 8595, file 1/1-11-4, Lieut. Gov. Alexander Morris to Minister of the Interior, 24 Oct. 1876.

⁸² Both men wrote and submitted reports on the Blackfeet situation. NA, RG 10, volume 8595, file 1/1-11-4, is the report made by Scollen, which is discussed later in this section. Also discussed in this section is the petition made by the Blackfeet, NA, RG 10, volume 8595, file 1/1-11-4.

Morris writes about the devastating effects of alcohol and American traders on the Blackfeet population, as well as the Smallpox epidemics that plagued them. "Under the circumstances, I would recommend that steps should be taken for the making of a Treaty, early next season at some central place, where the Blackfeet are in the habit of assembling in early summer."⁸³ Morris states that he received a petition from the Blackfeet requesting a meeting at the Hand Hills and recommends that arrangements be made for a Commissioner to attend.

In a report, written in 1876 by the Reverend C. Scollen, he writes of the changes he has witnessed in the Blackfeet and the need to have them come into treaty. He writes about their state when he first met them, fifteen years ago compared to their current state. He explains, "[t]hey were then a proud [illegible] people (perhaps 10 000 on the British side of the line) having a regular politics, religious organization . . . Since that time their number has decreased to less than one half and their respective organizations have fallen into decay in fact they have been utterly [illegible] as a people."⁸⁴

⁸³ Supra. Footnote 82.

⁸⁴ NA, RG 10, volume 8595, file 1/1-11-4, Father Constantine Scollen to the Lieut. Gov. of the North West Territories, n.d., received by the Dept. of the Interior on 2 Nov. 1876.

Scollen writes of the American whiskey traders and their arrival to the area three years earlier. The Indians could not resist the "whitemans [sic] craving for money, some poisoned, some frozen to death whilst in the state of intoxication and many shot down by American bullets."⁸⁵

The Reverend writes about the connection between the devastation brought on by disease and the susceptibility of the Indians to alcohol. He explains, "[t]hen in 1870 came that disease as fatal to the Indian, the Small Pox which [illegible] upon the Blackfeet [illegible] terrible effect destroying between six hundred and eight hundred of them...relatives more and more longed for the use of alcohol, they endeavoured to drown their grief..."⁸⁶ From their grief and devastation the Indians were willing to sell most of their possessions in order to have access to the escape that alcohol could provide. "They sold their robes and horses by the hundred for it and now they began killing one another so that in a short time they were divided into several small parties afraid to meet. Fortunately for them the Government were [sic] aware of the state of affairs in the [society] and did not remain indifferent to it, and as I have heard yourself explain to the Indians Her gracious

⁸⁵ Ibid.

⁸⁶ Ibid.

Majesty has at least the welfare of [illegible] care of the Indians."⁸⁷

Scollen continues on to say that in 1874 he passed through the Blackfeet territory and it was plagued with poverty, however, they remained peaceful but "[i]t was painful to me to see the rate of poverty to which they had been reduced, formerly they had been the most opulent Indians in the Country and now they were clothed in rags without horses and guns, but this was the year of their salvation, that very summer the Mounted Police were struggling against the difficulties of a big journey across the barren plains in order to bring them help."⁸⁸

Scollen listed the reasons why he believed it was necessary to conclude a treaty with the Blackfeet. "The Blackfeet are extremely jealous of what they consider their country and [illegible] allowed any whiteman [sic], Half breeds or Crees to remain in it for any length of time, the only reason that they never drove the Americans off apart from their love for whiskey was their dread of the Henry rifle."⁸⁹

The Blackfeet, according to Scollen, feared that the Mounted Police were present not only to end the whiskey

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

trade but also to protect settlers from them and take their land. They fear that "their country will be gradually taken from them without any ceremony."⁹⁰

Scollen observed that there had been an increase in white settlement in the areas of Fort Calgary and Fort McLeod. Those settlements, he feared, would drive the buffalo out of the Blackfeet hunting territory "and if so the Blackfeet being the most helpless Indians in the country and unaccustomed to anything else but hunting buffalo would suffer extremely."⁹¹

It was not only the Blackfeet that desired to come into treaty but also the settlers. If the Blackfeet were to sign a treaty the settlers could then determine what areas of land they could settle without fear of being molested by the Blackfeet. Scollen, throughout his report, repeats that the treaty should be completed by next year. He is adamant about the necessity of bringing the Blackfeet into treaty. At the end of his report, under P.S., he writes, "I am also aware that the Sioux Indians now at war with the Americans have sent a message to the Blackfeet Tribe asking them to make an alliance with them to make an

⁹⁰ Ibid.

⁹¹ Ibid.

alliance offensive and defensive against all white people in the country."⁹²

The Blackfeet, in 1876, state their desire to come into treaty in a "Petition of the Chokitapix or Blackfeet Indian Chiefs to Lieut. Governor Morris, President of the Council for the North West Territories."⁹³ In the petition they explain that the Nations of the Blackfeet, Bloods and Peagans held a council in the fall of 1875 where they agreed on what is stated in the said document.

The petition stated that the Missionaries and the Mounted Police were welcome to remain in the area as their services were appreciated. They closed off the petition by noting their confidence that the Queen Mother would act justly.

The Annual Report of the Department of the Interior for the Year Ended 30th JUNE, 1876, reported on the conditions of the Tribes of the N.W. Territories consistent with the correspondence and reports of that same year. Concerns of white encroachment, depletion of the buffalo, the desire to conclude a treaty, and the concerns of friendly relations turning unfriendly due to neglect were

⁹² Ibid.

⁹³ NA, RG 10, volume 8595, file 1/1-11-4, Chokitapix or Blackfeet Indian Chiefs to Lieut. Governor Morris, President of the Council for the North West Territories, 11 July 1876.

all addressed. The decrease of the Blackfeet population was also discussed,

"It would appear that the Blackfeet, who some twelve or fifteen year ago numbered upwards of ten thousand souls and were then remarkable as a warlike and haughty nation, have within the last decade of years been greatly demoralized and reduced by more than one-half their number—partly in consequence of the poisoned fire-water introduced into the territory by American traders, partly by the murderous acts of lawless men from the American territory, and partly by the terrible scourge of the Red man, small-pox, which in 1870 caused great havoc among the Indians in this region."⁹⁴

The report estimated a population of 2,100 of Blackfeet, Bloods, Piegans and Sarcee Indians, inhabiting the Fort McLeod area.

⁹⁴ Annual Report of the Department of the Interior for the Year Ended 30th June, 1876, p.xiv.

Chapter 4 - Preparing for Treaty 7 Negotiations

In a letter dated June 28, 1877, David Mills, Minister of the Interior wrote to an unknown recipient to discuss arrangements for bringing the Blackfeet into treaty. He states,

"[t]he undersigned has the honor to report that it having been decided that a treaty should be made this year with the Blackfeet and other Indians occupying the unceded territory north of the boundary line, East of the Rocky Mountains and west and south of Treaties Nos. 4 and 6,[sic] His Honor Governor Laird was in the early part of the year introduced to notify the Indians that Commissioners would be sent in the fall to negotiate a treaty with them at such time and place as His Honor might appoint for that purpose."⁹⁵

Mills states that he had been informed that the Indians had been instructed to meet in Fort McLeod on September 13, 1877 for the purpose of treaty discussions. The area to be covered by this treaty was estimated at 3,500 square miles and would include the Blackfeet, Crees, Sarcees and Peigans. Mills closes his letter with a request that Laird and McLeod be appointed as the Commissioners for the upcoming treaty.

⁹⁵ NA, RG 10, volume 3650, file 8347, Min. of Interior, David Mills to unknown recipient, 28 June 1877.

In a report of the Committee of the Privy Council, dated July 12, 1877, recommendations regarding the date of negotiations and Commissioners appointed for Treaty Seven, made by the Minister of the Interior, David Mills, were supported by the Committee and the recommendations were submitted for approval.⁹⁶

David Mills, Minister of the Interior, wrote David Laird, Lieut. Gov. of the N.W.T., on August 1, 1877, to inform Laird that he and Macleod had been authorized to negotiate a treaty with the "Blackfeet, Blood and other Indians within the unsundered Territories."⁹⁷ Mills states that he enclosed two copies of the Order in Council to confirm their authorization to proceed with treaty negotiations. The letter confirmed that they were to meet with the Indians on September 13 and he instructed Laird to obtain a surrender that would be satisfactory to the Indians and favourable for the Government. Forty thousand dollars was to be made available to the Commissioners to pay the Indians' gratuities. Mills suggested that the Commissioners pay the annuities but not to purchase

⁹⁶ NA, RG 13, volume 2235, File 28/1877, Copy of a Report of a Committee of the Honorable the PRIVY COUNCIL, approved by His Honor the Deputy of His Excellency the Governor General in Council on the 12th July 1877, O. Cote, Assist. Clerk, P.C. to the Minister of the Interior, 12 July 1877.

⁹⁷ NA, RG 10, volume 3650, file 8347, Minister of Interior, David Mills to Lieut. Gov. of N.W.T., David Laird, 1 Aug. 1877.

implements or any other articles as gifts. He suggests that they allow the Indians to use their annuities to purchase what they desired from the traders because he felt that Government money used for these types of purchases, for other treaties, proved expensive and had not benefited the Indians as was initially expected.

Mills recommends that Indians be consulted as soon as possible with regard to reserve locations they desire. He states,

"[t]he Commissioners will do well to bear in mind that there is a large tract of country within the unsundered territory of a somewhat arid character and unsuited for settlement, but over which it is said the buffalo are found to roam, and it would perhaps be well if the Reserves were selected from the fertile land found at places within this territory, or at least in its vicinity, where the Indians would be near and have easy access to their hunting grounds, where settlement would not be likely to take place at a very early period, and where the bands could, if they chose, keep cattle and engage in pastoral pursuits."⁹⁸

On August 10, 1877, Commissioner MacLeod wrote the Minister of the Interior, David Mills to inform him that the Blackfeet had requested that they meet at Blackfoot Crossing instead of Fort MacLeod for treaty negotiations. He explains, "[t]hey give as their reasons for desiring the

⁹⁸ Ibid.

change that the buffalo are not moving as far west this year as formerly, and will [not] be near Fort MacLeod, that if they move far from their hunting grounds Halfbreeds [sic] and others will take possession of the country and will slaughter and disperse [sic], the buffalo unchecked."⁹⁹ Commissioner MacLeod relays Indian concerns that were raised about the number of white men and American traders in Fort MacLeod and that they were concerned that they would be taken advantage of. After considering the reasons given by the Indians, MacLeod states that he consented to hold the negotiations at Blackfoot Crossing due to their concerns.

On September 22, 1877, at Blackfoot Crossing, a treaty was concluded with the "Blackfeet, Blood, Piegan, Sarcee, Stoney and other Indians, inhabitants of the Territory North of the United States Boundary Line, East of the Central range of the Rocky Mountains and South and West of the Treaties numbers six and four, by their Head Chiefs and Minor Chiefs or Councillors chosen..."¹⁰⁰

The Indians surrendered a tract of land describes in the Articles of a Treaty as, "Commencing at a point on the International Boundary due South of the Western extremity

⁹⁹ NA, RG 10, volume 3650, file 8347, Commissioner MacLeod to Minister of Interior David Mills, 10 Aug. 1877.

¹⁰⁰ NA, RG 2, Series 1, volume 111.

of the Cypress Hills, thence West along the said Boundary to the Central Range of the Rocky Mountains or to the boundary of the Province of British Columbia, thence North Westerly along the said Boundary to a point due West of the Source of the main branch of the Red Deer River, thence South Westerly and Southerly following on the boundaries of the tracts ceded by the Treaties numbered Six and Four to the place of commencement."¹⁰¹

In return they were granted the right to hunt on the ceded territory subject to regulations made by the Government and "saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, trading or other purposes by Her Government of Canada, or by any of Her Majesty's subjects duly authorized therefore by the said Government."¹⁰²

Reserve lands were set-aside for the said Indians based on a formula of "one square mile for each family of five persons, or in that proportion for larger and smaller families..."¹⁰³

The Blackfeet, Blood and Sarcee Indians were to share a reserve that:

"shall consist of a belt of land on the north side of the Bow and South Saskatchewan Rivers, of an average

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

width of four miles along said rivers, down stream, commencing at a point on the Bow River twenty miles northwesterly of the Blackfeet Crossing thereof, and extending to the Red Deer River at its junction with the South Saskatchewan; also for the term of ten years and no longer, from the date of the concluding of this treaty when it shall cease to be a portion of said Indian Reserves, as fully to all intents and purposes as if it had not at any time been included therein, and without any compensation to individual Indians for improvements, of a similar belt of land on the south side of the Bow and Saskatchewan Rivers of an average width of one mile along said Rivers down stream, commencing at the aforesaid point on the Bow River, and extending to a point one mile west of the Coal Seam on said River, about five miles below the said Blackfeet Crossing; beginning again one mile East of the said Coal Seam and extending to the mouth of Maple Creek at its junction with the South Saskatchewan ; and beginning again at the junction of the Bow River with the latter River and extending on both sides of the South Saskatchewan in an average width on each side thereof of one mile, along said River against the stream to the junction of the Little Bow River with the latter River; reserving to Her Majesty as may now or hereafter be required by Her for the use of Her Indian and other subjects from all the Reserves herein before described the right to navigate the above mentioned Rivers, to land and receive fuel and cargoes on the shores and banks thereof, to build bridges and establish ferries thereon, to use the fords thereof and all the trails leaving thereto, and to open such other roads through the said Reserves as may appear to Her Majestys Government of Canada, necessary for the ordinary travel of Her Indian and other subjects, due compensation being paid to individual Indians for improvements when the same may be in any manner encroached upon by such roads."¹⁰⁴

The reserve designated for the Peigans "shall be on the Old Man's River, near the fort of the Porcupine Hills at a

¹⁰⁴ Ibid.

place called 'Crow's Creek'."¹⁰⁵ And the reserve designated for the Stony "shall be in the vicinity of Morleyville."¹⁰⁶

Guaranteed to the Indians was an annual payment of five dollars per person, however for the first year they were to receive a one-time payment of twelve dollars a person. Chiefs were to receive twenty-five dollars and Minor Chiefs and Councillors were to receive fifteen dollars. Two thousand dollars worth of ammunition was to be distributed among the Indians annually until the need for ammunition ceases to exist.

"Further, Her Majesty agrees that each Head Chief and Minor Chief and each Chief and Councillor duly recognized as such, shall once in every three years during the term of their office, receive a suitable suit of clothing, and each Head Chief and Stony Chief in recognition of the closing of the Treaty, a suitable medal and flag, and next year or as soon as convenient each Head Chief and Minor Chief and Stony Chief shall receive a Winchester Rifle ..."¹⁰⁷

Her Majesty further agrees to provide the salaries for teachers when the Bands settle on their reserves and desire such services.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

"Further, Her Majesty agrees to supply each Head and Minor Chief and each Stony Chief for the use of their Bands, ten axes, five handsaws, five augers, one grindstone, and the necessary files and whetstones."¹⁰⁸

Upon request of the Bands, Her Majesty agrees to supply a number of cows in proportion to the size of the family, as laid out in the treaty. Head Chiefs and Minor Chiefs, as well as every Stony Chief will receive one Bull. However, if any of the families wish to pursue agriculture they will receive one less cow in exchange for farming implements including seeds.

The treaty, concluded on September 22, 1877, was signed by both MacLeod, Commissioner of the North West Mounted Police, and by David Laird, Lt. Gov. of the N. W. Territories, who represented Her Majesty the Queen as well as the Chiefs, Minor Chiefs and Headmen representing their respective Bands.

¹⁰⁸ Ibid.

Chapter 5 - Blackfoot Crossing, 1877

David Laird, on December 2, 1877, wrote to David Mills, Minister of the Interior, to report on his observations of the events leading to the signing of the treaty at Blackfoot Crossing on September 22, 1877. Laird describes his journey through Battleford to Fort McLeod where he met Major Irvine on August 24, 1877. It was then Laird learned that the Indians wished to meet at Blackfoot Crossing instead of Fort McLeod.

In his detailed and lengthy report he writes, "Major Irvine had reached Battleford only a few hours before me and having a Blackfoot Indian as a guide, I abandoned my intention of going to Fort McLeod by Cypress Hills, and resolved to take the more direct and much shorter route by which that officer came."¹⁰⁹

Laird and Irvine left for Fort McLeod the next day with four police constables, and his personal servant, who were all led by the Blackfoot guide. He reports on the herds of buffalo they observed during their trip. "On the third day out we first sighted buffalo and every day subsequently that we travelled except the last, we saw

¹⁰⁹ NA, RG 10, volume 8595, file 1/1-11-4, David Laird to David Mills, 2 Dec. 1877.

herds of these animals. Most of the herds, however, were small and we remarked with regret that very few calves of this [illegible] were to be seen."¹¹⁰

He also writes of the buffalo carcasses that they found and estimates that the export of buffalo robes would account for approximately half of the animals slaughtered annually. He comments on the wildlife and water sources of the plains, "[a]ntelope, though not very abundant, are widely scattered over the plains."¹¹¹ During their journey they had no problems finding fresh water sources and they found that dry buffalo chips made a good campfire.

They managed to cross the Red Deer River on August 29, and then arrived on Saturday evening at the Blackfoot Crossing, presumably being August 30th. There they met Mr. French, a trader, who assisted them in crossing the Bow River, which he comments was almost as deep as the Red Deer River, where they had camped until Monday. He comments on the location and states his understanding of why the Indians were attached to this land and why they have chosen to have the treaty concluded there. That weekend Laird met some Indian Chiefs and a French Canadian who proved to be insightful.

¹¹⁰ Ibid.

¹¹¹ Ibid.

"On Saturday evening and Sunday several of the Indians called to shake hands with me, among whom was 'Rainy Chief' of the North Bloods. Here also I met Monsieur Jean L'Heuraue a French Canadian, who has spent nearly twenty years of his life among the Blackfeet. From him I obtained much valuable information respecting the number and wishes of the Indians together with an elaborate list of the different chiefs and minor Chiefs of the Blackfeet, Bloods, Piegans and Sarcees, with the principal families of their respective tribes and clans or [divisions]. This list the Commissioners found very useful in evaluating them to understand the relative influence of the several Chiefs and the strength of their bands."¹¹²

The following Monday they resumed their journey and after travelling seventy-nine miles they reached Fort McLeod on September 4th. They were met by the Commissioner of the Mounted Police and members of the force, a few miles outside of the Fort, and were escorted in. Laird reports that he was very impressed with the force and the condition of their horses.

Upon arrival, the community greeted Laird with a welcoming speech and he explains, "[a]t Fort McLeod, on my arrival, I received your Dispatch of 1st August, concerning the Commission relating to the Treaty, and a copy of the Order in Council of 12th July, in terms of which the Commission was issued, also your letter of 27th July informing me that it had been thought desirable to place the services of Rev. Father Lacombe at the disposal of the

¹¹² Ibid.

Commissioners while negotiating the Treaty."¹¹³ Laird learned a couple of days later however, that the Reverend had taken ill on the journey and would not be present for the negotiations.

Laird reports however, that he met a Roman Catholic missionary, Rev. Father Scollen "who has labored [sic] for some years among the Crees and Blackfeet in the western portions of the Territories. He kindly furnished me such information as he possessed and afterwards went to the Treaty where his assistance was of some value particularly in dealing with the Crees present."¹¹⁴

While in Fort McLeod, Laird met with some of the Blood Chiefs who requested that they negotiate there instead of at Blackfoot Crossing. Laird explained that in the future they would receive annuity payments at places found to be convenient to them but for the making of the treaty all of the involved Chiefs and principal headmen must be present so that everyone is consulted. They would, therefore, have to come to the Crossing in order to accomplish such as that had been the arrangement. The Blood Chiefs agreed.

Laird writes of the relationship between the Indians and the Mounted Police, especially Commissioner MacLeod.

¹¹³ Ibid.

¹¹⁴ Ibid.

While in Fort McLeod he never heard a negative word uttered about the Indians by the police; also the Indians held the police in the highest regard. Laird commented on the administration of justice and how the police handled the Indians and white men equally. He notes that, later at the negotiations at Blackfoot Crossing, the Indians gave credit to the Mounted Police for saving them from death as they felt they would have never survived if the whiskey traders hadn't been removed from the area.

Lieut. Col. MacLeod had the supplies for the treaty, originally delivered to Fort McLeod, forwarded to the Crossing. He, the Mounted Police and other men of the force, numbering around eighty, left for the Blackfoot Crossing on Wednesday, September 12th. Laird left Fort McLeod on the Friday and arrived on Sunday and found that the Police well prepared for the negotiations that were to commence on the 17th.

Crowfoot visited the Commissioners requesting where he and his people should meet them for discussions. The Commissioners explained that no negotiations could take place until everyone arrived and that, at that time, only the Blackfeet, Assiniboines and Stonies were present. Furthermore, the negotiations were set for the 17th and the Commissioners were determined to begin on that designated

date. A message was circulated to inform the Indians of when to meet at the Council tent to begin negotiations.

A gunshot, a half-hour before the meeting was to begin, was the signal for the Indians to assemble. Laird reports that the meeting was well attended. First, the Chiefs were introduced to the Commissioners. Laird explained to them that promises made by the Government to assemble for the purpose of negotiating a treaty, were being adhered to. He pointed out specifics in order to convey the commitment of the Government to fulfill their promises made to the Indians. After Laird had explained the reliability of the Government he pointed out that few Bloods, Sarcees or Piegans were present and therefore informed those attending that they should wait until Wednesday to pursue negotiations; to ensure that all of the Bands were involved. The Chiefs agreed.

The Commissioners explained that they had brought rations and that the Indians could apply, through the designated Mounted Police officers, to receive beef, flour, tea and tobacco if they were in need. Crowfoot rejected the offer, as he feared that accepting the rations would commit them to what the Government had to offer in the treaty. Laird explained that this was not the case,

however, only a few Chiefs of other bands applied for rations.

He states, "[t]he Stonies and one Blood Chief applied for flour tea sugar and tobacco, but said they were not in need of beef."¹¹⁵ The refusal, by Crowfoot, to accept any rations concerned Laird about the outcome of the negotiations, however he respected the action as he usually found the Indians rather dependent on the offerings made by the Government.

The Rev. John McDougall, a missionary from Morleyville, was introduced to Laird at the treaty site. John was the son of the late Rev. George McDougall who was well known by the Government. Laird states, "Mr. McDougall was present at the first interview the Commissioners held with the Indians, and acted as interpreter for the Stonies, who do not understand the Blackfoot language. He, as well as the Rev. C. Scollen, rendered the Commissioners all the assistance in their power."¹¹⁶

Many traders showed up at the negotiations with large amounts of supplies, eager to sell to the Indians once the treaty was concluded. Upon their arrival they wished to cut timber to erect buildings to protect their supplies,

¹¹⁵ Ibid.

¹¹⁶ Ibid.

however the Indian Chiefs objected. The Commissioners instructed the traders to set up tents to avoid complications.

A personal letter by William Scollen reveals that organizational task was substantial as he reports that there was an "assembly of nearly 8000 people present at the treaty[,] 6000 Indians, and the whites, and halfbreeds, and Mounted Police numbered nearly two thousand."¹¹⁷

On Monday evening Laird received a message from Bob Tail, a Cree Chief, that he and his band had not yet been accepted into treaty and they had not attended the meeting earlier that day because they did not know if they would be accepted by the Commissioners who were meeting with the Blackfeet; who were known to be their enemies. Laird replied with a message to meet separately from the Blackfeet the next day at two o'clock. The next day the Chief and his band arrived as planned and "[t]he Commissioners ascertained from him that he had frequented for some time the Upper Bow River country, and might fairly be taken in the present treaty, but he expressed a [want] to have his Reserve near Pigeon lake within the limits of Treaty No 6, and from what we could learn of the feelings of the Blackfeet toward the Crees we considered it

¹¹⁷ M1108 Glenbow Archives, William Scollen to Parents, 14 Oct. 1878.

advisable to keep them separate as much as possible. We therefore informed the Chief that it would be most expedient for him to give his adhesion to the Treaty of last year, and be paid annually on the north of Red Deer River, with the other Cree Chiefs."¹¹⁸ Laird asked that they sign the adhesion to Treaty No. 6 after the treaty with the Blackfeet was concluded to prevent any ill feelings. The Chief agreed. Laird did offer however, rations for the meantime, which were accepted.

While many more Indians arrived on Tuesday the principal Chief of the Bloods had still not arrived on Wednesday when the initial meeting was to commence at two o'clock. The Commissioners decided to proceed even in absence of the Blood Chief and "[t]he outline was given of the terms proposed for their acceptance. We also informed them we do not expect an answer that day, but we hoped to hear from them tomorrow."¹¹⁹ The Commissioners again informed them that they were welcome to apply for rations and that accepting such would not commit them to the governments proposed treaty. The Chiefs, including Crowfoot, finally accepted the offer and, as Laird notes, the beef cattle supply began to decrease.

¹¹⁸ Supra. footnote 109.

¹¹⁹ Ibid.

The following day the Indians and Commissioner met and the terms were further explained. The Commissioners emphasised "that by the Canadian law their Reserves could not be taken from them, occupied or sold without their consent. They were also assured that their liberty of hunting over the prairie would not be interfered with, so long as they did not molest settlers and others in the country."¹²⁰ The Chiefs were then invited to respond. A minor Blood Chief spoke. He spoke of the Mounted Police and how they had been "destroying the quantity of wood" since their arrival four years ago. He requested that each Indian Chief receive \$50 each and all other Indians each receive \$30 a head as compensation. He said the Blackfeet, Bloods, Sarcees and Peigans were all one, but he asked that the Crees and Halfbreeds [sic] should be sent back to their own country."¹²¹ He did, however, close his speech by acknowledging the peace that the Mounted Police, sent by the Queen, had established; which allowed them to sleep peacefully at night.

Crowfoot said that he would not comment until the next day and many other Chiefs, who were influenced by him, also chose to refrain from saying anything until the next day.

¹²⁰ Ibid.

¹²¹ Ibid.

"The head Chief of the Piegans remarked that he had always followed the advice the officers of the Mounted Police gave him. He hoped that the promises which the Commissioners made would be secured to them as long as the sun shone, and water ran."¹²² The Stony Chief however, stated his willingness to accept the terms of the treaty as offered by the Commissioners.

Laird immediately responded to the demand for compensation made by the Blood Chief explaining, "[f]earing that some of the Indians might regard the demands of the Blood Chief who has spoken, if not promptly refused, as agreed to, I told them he has asked too much,[sic] He had admitted the great benefit the Police had been to the Indians, and yet he was so unreasonable as to ask that the Government should pay a large gratuity to each Indian for the little wood that their benefactors had used."¹²³ Laird continued on the subject of compensation by stating that if anyone should be compensated it should be the Queen who had sent out the Mounted Police. Crowfoot and others, according to Laird, laughed heartily at the Blood Chief for making such a ridiculous demand. He also stated that the Half-breeds and the Crees were also the Great Mother's

¹²² Ibid.

¹²³ Ibid.

children and they would not be treated unfairly or left to starve. Laird also addressed the concerns the Indians had about the buffalo. He explains that a law was passed that would prevent hunters from entering their hunting area during the closed season. However, as long as the laws were obeyed they could not prevent other subjects of the Queen from going anywhere in the country. It would be contrary to the freedom the Queen allows her people. The Commissioners made it very clear that they would not promise any kind of banishment of people.

The next day the Commissioners heard that there was some disagreement among the Indians, a small group was said to be opposed to the treaty. However, Laird states that the opposition did not appear to be too significant, "[a]bout noon 'Crowfoot,' with Mr. L'Heureux as interpreter, came to my tent and asked for explanations on some points, which I cheerfully gave them."¹²⁴ Later they assembled and Crowfoot was the first to speak. According to Laird, Crowfoot did not say much but did express gratitude for the Mounted Police and acknowledged his willingness to sign the treaty. Laird observed, "[t]he Blood Chief who made the large demand of the previous day said he would agree with the other Chiefs. 'Old Sun,' head

¹²⁴ Ibid.

Chief of the North Blackfeet, said 'Crowfoot' spoke well."¹²⁵ Many other Chiefs commented that they agreed with Crowfoot. The head Chief of the North Bloods, Rainy Chief, and some other minor Chiefs said that they would follow the white man's advice as they had before. They said they wanted cattle, ammunition, guns, tobacco, axes and money.

The Commissioners were pleased to see a unanimous decision had been made. They informed the Indians that the treaty would be prepared and they should reassemble the next day for the signing. The Commissioners however, still needed to attend to the matter of reserves. Laird and MacLeod agreed that, MacLeod would visit the Chiefs separately at their camps to find out the location they desired, while Laird would tend to the drafting of the treaty. Laird reports, "[h]e [MacLeod] succeeded so well in the mission that we were able to name the places chosen in the Treaty."¹²⁶

On Saturday, September 22, the Indians and Commissioners reassembled and found that Red Crow, the Chief of the South Bloods, had arrived. He was introduced to the Commissioners. Laird comments on the large number of Indians who had come for the signing, "[a]ll the head

¹²⁵ Ibid.

¹²⁶ Ibid.

chiefs of the several tribes were now present, only two Blackfoot and two Blood minor Chiefs were absent. The representation was all that could be expected."¹²⁷ Red Crow indicated that he agreed with the terms of the treaty and the signing commenced. Laird explains,

"[t]he conditions of the Treaty having been interpreted to the Indians, some of the Blood Chiefs, who had said very little on the previous day, owing to 'Red Crow's' absence, now spoke, he himself in a few [illegible] words agreeing to accept the Treaty. The Commissioners having first signed it, Mr. L'Heureux, being familiar with the Blackfoot language, attached the Chiefs names to the document at their request and [illegible] to their mark. While the signing was being proceeded with no salute was fired from [the] field [illegible] in honor [sic]of the successful conclusion of the negotiations."¹²⁸

Laird also notes that, on the same day as the signing, he was approached by a delegation of Half-breeds. They inquired about protective measures for the preservation of the buffalo and expressed an interest in receiving the appropriate implements to undertake farming. Laird let them know that he would take their concerns to Ottawa.

The Commissioners met with the Indians again on Monday the 24th at ten A.M.,

"Some minor Chiefs who had not remained until the close of the proceedings on Saturday signed the Treaty this morning. The Chiefs were then asked to

¹²⁷ Ibid.

¹²⁸ Ibid.

stand upon a body, their names were read over, and the Indians once more asked to say whether these were their recognized Chiefs. 'Heavy Shield,' a brother of 'Old Sun,' at the request of the latter took the place of head Chief of his band. It was however, afterwards ascertained that this as requested caused dissatisfaction, and 'Old Sun' was restored to his position, and the band adhering to his brother was called the Middle Blackfoot bands."¹²⁹

The Commissioners proceeded to hand out flags and uniforms to the head Chiefs of the Blackfeet, Blood, Piegan and Sarcee, following the calling of their names. While Laird was shaking their hands the band played 'God save the Queen.'

The Mounted Police immediately commenced the treaty payments. The Blackfeet were paid by one group of officers and the Bloods by another. The Assiniboines and the Stonies were paid at their encampment two miles up the river. The Commissioners went with the officers designated to pay that group so they could present the Chiefs the flags and uniforms prior to their receiving payment. Laird comments that the Stonies were most welcoming of them and he was impressed with the apparent influence of the missionaries on this group. The "polygamy among them being now almost wholly a thing of the past."¹³⁰ The payments were completed around noon Friday. Following the payments

¹²⁹ Ibid.

¹³⁰ Ibid.

the gifts were distributed among the Indians.¹³¹ Laird reports that all of the parties involved appeared to be pleased with the outcome of the negotiations and words of respect appeared to be shared among them. He explains,

"[o]n the invitation of the Blackfoot, Blood and kindred chiefs the Commissioners went, on Wednesday to the Council tent to receive an address of thanks. A large number of Indians were present. Mr. L'Heureux spoke on their behalf and expressed their gratitude for the kind manner in which they conducted the negotiations, to me personally for having come so far to meet them, and to Lieutenant Colonel McLeod for all that he and the Mounted Police has done for them since their arrival in the country. To this address the Commissioners feelingly replied and expressed their confidence that the Indians before them would not regret having agreed to the Treaty."¹³²

Laird notes that the Cree Chief, accompanied by his interpreter Father Scollen, came to his tent that evening and expressed gratitude for being treated so well by the Commissioners.

Laird provides a breakdown of how much money was paid out and how many people were paid according to their status as Head Chiefs, Minor Chiefs and Councillors as well as others, including children. He also provides the same information for the Cree adhesion to Treaty No. 6. Laird notes that the Mounted Police, who were responsible for the payments made to the Indians, were very efficient and

¹³¹ Laird also reports that he took the adhesion of the Cree Chief, Bob Tail, and his band, to Treaty No. 6 on Tuesday, and they were paid.

¹³² Supra, footnote 109.

responsible. Laird comments extensively on how impressed he was with McLeod and also notes the good work of Major Irvine and others involved with the treaty negotiations. He writes that the Commissioners did not have a good interpreter until the Wednesday, when Mr. Bird arrived. Laird states, "[h]e has been many years among the Peigans and Blackfeet and is a very intelligent interpreter."¹³³ Laird also acknowledged the good work Mr. L'Heureux did as an interpreter as well. Laird left to return home on September 28th.

Laird concludes his report with five points. First, "[w]ith respect to the Reserves, the Commissioners thought it expedient to settle at once the location subject to the approval of the Privy Council...The object of the ten years reserves, on the south side of Bow River, is to keep hunters from building winter shanties on the river bottom."¹³⁴ It is hoped that, without this encroachment, the buffalo will not be deterred from roaming in the area. It is expected that the buffalo will be extinct in ten years time and the preservation of area will no longer be necessary. It is also hoped that, by that time, the Indians will have domestic herds of cattle, which will

¹³³ Ibid.

¹³⁴ Ibid.

sustain them. Laird states, "[t]he country on the upper part of the Bow River is better adapted for settlement than most of that included in the Blackfoot Reserve, consequently the Commissioners deemed it advisable to agree that a belt on the south side of the river should be exempt from general occupation for ten years, particularly as the Indians set great value on the concession."¹³⁵

Second, Laird addresses the issuing of farming implements and cattle. He notes that the only group that desired farming equipment was the Stonies. All of the other bands requested cattle, which, if purchased from Fort McLeod, would only cost twenty or twenty-five dollars a head. He comments further that "the articles promised in this [illegible, treaty], will, I am convinced, cost less than those under either Treaty No 4 or No 6."¹³⁶

Third, Laird requests that the Mounted Police make the annual payments to the Indians. There is an established trust between the parties and also, the Chiefs had requested such. Laird reports that he stated he was confident that the request would be approved.

Fourth, Laird explains that the Blackfoot Bands are different in their organization from that of the Cree and

¹³⁵ Ibid.

¹³⁶ Ibid.

Saulteux; "[t]hey have large bands with Head and Minor Chiefs and as they preferred that this arrangement should remain such and as the Commissioners gladly acceded to their desire, as expense would be saved to the Government in clothing were Councillors or Headmen not named. The Stonies however, asked to be allowed Councillors, and their request was granted to the extent of [illegible, two] each Chief."¹³⁷

Fifth, Laird makes his last request for copies of the treaties to be made and sent to Fort McLeod so that they could be delivered to all of the Head and Minor Chiefs of the Bands.

On December 14, 1877, MacLeod wrote the Deputy Minister of the Interior to inform him that he had obtained the adhesion of 'Three Bulls', a Blackfoot Chief who was not present at the Crossing in September when the treaty was concluded. MacLeod states, "I have paid all the members of his band who presented themselves for payment together with a number of Indians belonging to other bands, who were not present at the Treaty, but was duly certified to, by the Chiefs of the bands to which they belong."¹³⁸ MacLeod writes that he did not have enough money authorized

¹³⁷ Ibid.

¹³⁸ NA, RG 10, volume 3657, file 9140, MacLeod to Deputy Minister of the Interior, 14 Dec. 1877.

to him to pay all of the Indians and provides the financial breakdown for the excess required; some of which was borrowed from a company in Fort McLeod. He states, "[t]here are still some lodges of Indians to be paid, and I have been applied to by several of them since the payments ceased, but have refused, informing them that they could receive this years payment next year."¹³⁹

The Report of the Deputy Superintendent General of Indian Affairs for the year 1877 only briefly mentions the conclusion of Treaty Seven, "Treaty No. 7 negotiated in the month of September through the last named gentlemen [Lieut. Gov. Laird & Col. McLeod of the North West Mounted Police], as Commissioners on behalf of the Government, with the Blackfeet Indians, completes the cession of the Fertile Belt to the Rocky Mountains. This treaty differs in some respects, in its terms from the previous treaties; but it is not supposed that heavier expenses will be entailed in giving effect to its provisions."¹⁴⁰ Also mentioned is the adhesion by Cree Chief Bob Tail, and his band, to Treaty No. 6, obtained by Laird.

¹³⁹ Ibid.

¹⁴⁰ Annual Report of the Department of the Interior for the Year Ended 30th June, 1877, p. 16.

Chapter 6 - Treaty 7 in Practice, 1878 - 1880

The Report of the Deputy Superintendent General of Indian Affairs for the year 1878 provides an extract of a letter from Lieut. Col. MacLeod. He explains the conditions of the Treaty seven Indians and his actions taken to meet the obligations of the Government. He reports,

"[a]t Fort Kipp a council of the 'Blood' Tribe was held, at which one Head Chief and two minor Chiefs in the place of 'Rainy Chie[f]' 'Weazle Bull' and 'Heavily Whipped,' who had died since the making of the Treaty, were elected...At both this payment, and that of the North Peigans, everything passed off in the most satisfactory manner, and all expressed their contentment at the manner in which the terms of the Treaty were being carried out."¹⁴¹

The annuity payments made at Blackfoot Crossing were met with dissatisfaction as the Indians expected to receive twelve dollars a head, not five. The report states that Crowfoot was not pleased and that, "[i]t was very evident to my mind that they were instigated to express their discontent by interested persons who had been visiting them, and who should have known better; however, when they found that I had come there to carry out the terms of the

¹⁴¹ Annual Report of the Department of the Interior for the Year Ended 30th June, 1878, p. 66.

Treaty, and not to alter the old one, or make a new one, they all came forward and received what the Government had promised them by the Treaty of last year."¹⁴² While Crowfoot's comments were not made clear, in the excerpt of the letter provided in the annual report, MacLeod later writes that several of the Chiefs apologized for the comments made by Crowfoot. MacLeod visited the Head Chiefs the evening before his departure and was pleased to hear them express their contentment. The next morning, as he was departing, Crowfoot and other Chiefs came to say good-bye. He reports, "'Crow Foot' taking me by the hand said, 'We have come to shake hands with our old friend, and hope he will forget the words I spoke the other day.'"¹⁴³

The Stony Indians received their annuity payments through Sub-Inspector Denny, who was entrusted with that duty. MacLeod commented that the duty was performed satisfactorily. He reported that the rations, supplied through a contract with Messrs. J.G. Baker & Co., were delivered to the Indians in two issues by dividing the proportion according to the number of Indians present at each place. "The cattle did not arrive in time to be distributed at the different payments, and perhaps it is as

¹⁴² Ibid. p. 67.

¹⁴³ Ibid.

well that they did not, as all the different tribes of Blackfeet show a decided disinclination to receive them at present, fearing on account of their wandering habits they would not be able to take care of them."¹⁴⁴ The Indians begged MacLeod to make arrangements for the care of the cattle until the following spring.

MacLeod decided to take responsibility for the herd as they were very valuable and he determined that it would be best for both the Indians and the Government if the Indians were granted their wish not to receive the cattle until the next spring. After some unreasonable offers were made to herd the cattle, MacLeod decided to hire four men at two hundred and fifty dollars a month for the job. The cattle were to be taken to the fine pasture located near the Porcupine Hills, where the men hired would erect sheds and put up hay for the herd. He closed his letter by commenting on the work of his officers. "Inspector Winder, with Constables Storman and Stone, carried out the work of payment, and Inspector Crozier, with constable Calvin, attended to the issuing operations and other supplies. They all performed their duties in a most satisfactory manner."¹⁴⁵

¹⁴⁴ Annual Report of the Department of the Interior for the Year Ended 30th June, 1878, p. 67.

¹⁴⁵ Ibid. p. 68.

The Rev. Father C. Scollen wrote an emotionally charged report to Major Irvine, Assistant Commissioner of the North West Territories, on April 13, 1879. He states that he did not want to write this report but did so because some of the local Mounted Police insisted, and the condition of the Blackfeet left him little choice. He states, "I have talked considerably with some of the officers on the Indian question, and as they think it my duty to make a statement thereof, and have pressed me strongly to do so, I now reluctantly, undertake to do so."¹⁴⁶ Scollen notes that his report refers specifically to the Blackfeet, Bloods, North Piegans, and the Sarcees, known collectively as the Blackfoot nation.

The Father writes that the Indians did not understand the meaning of the treaty made with the Government in 1877. His understanding of why they signed a treaty they did not understand was simple. Scollen explains, "[b]ecause previous to the treaty they had always been kindly dealt with by the Authorities, and did not wish to offend them: and although they had many doubts in their mind as to the meaning of the treaty, yet with this precedent before them,

¹⁴⁶ NA, RG 10, volume 3695, file 14,942, Father Scollen to Major Irvine, 13 April 1879.

they hoped that it simply meant to furnish them with plenty of food and clothing, and particularly the former every time they stood in need of them; and besides this, many outside influences were brought to bear upon them; but I repeat, they were not actuated by any intuitive comprehension of what they were called upon to do."¹⁴⁷ The Indians' lack of understanding was a result of inadequate interpreters, which could have been avoided, he states, because prior to the negotiation Scollen himself requested certain, competent interpreters be acquired for the negotiations.

Father Scollen explains that the speech made by Crowfoot did not reflect an understanding of the treaty and many other Chiefs stated that they agreed with Crowfoot's words. Scollen quotes the speech delivered by Crowfoot prior to the signing of the treaty; "Great-Father! Take pity on me with regard to my Country, with regard to the mountains, the hills, and the valleys: with regard to the prairies the forests and the water: with regard to all the animals that inhabit them, and do not take them from myself and my children forever!!!"¹⁴⁸ While the other Chiefs agreed with what Crowfoot said, that did not translate into

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

an understanding of the treaty as his speech clearly demonstrated.

Crowfoot, Scollen commented, later inquired why the Indian was made to touch the pen at the making of the treaty. Scollen explained to him the meaning of a contract and those signatures on it made it binding, and as the Indians could not write, the touching of the pen was the equivalent to signing the document. In response Crowfoot stated that he did not touch the pen. However, the Father had explained to him that he was bound to the treaty because he accepted the payment of money.

Father Scollen then writes about what the Indians thought of the treaty, two years after it's inception.

"Being very superstitious, they often attribute to the white-man any misfortune that may befall them shortly after have had any dealing with him: and so the death of three of their Chiefs during the first-year, alarmed them considerably, and was looked upon as a very bad omen for the future. This bad omen is now being realized amongst them. Since the conclusion of the treaty the decrease of the buffalo has been more apparent then ever before, and during the winter just past, the sufferings of the Indians from hunger have been something unparalleled heretofore in this section of the country."¹⁴⁹

The Father writes about his relationship with the Indians and the changes he has seen among them since he first met them sixteen years earlier. He writes of a

¹⁴⁹ Ibid.

powerful nation that had double the braves they have now. How their enemies all feared them and how they dominated the prairies from Benton to Edmonton. Scollen states,

"I have seen them later on, when reduced to the last stage of poverty and disorganization from the effects of intoxicating liquor, but through all these stages I have never seen them so desperate as they are now; I have never seen them before in want of food: last winter for the first time have they really suffered the pangs of hunger, and for the first time in my life have I seen a Blackfoot brave withdraw from his lodge that he might not listen to his crying children when he had not meat to give them!"¹⁵⁰

Father Scollen elaborates further on their desperate circumstances explaining that they had been reduced to eating their own dogs and making soup from old bones. He explains that their desperate circumstances had disheartened them and they were no longer living together in large camps but were now scattered.

Scollen explains that many had taken to dishonest acts caused by their hunger. Many could be found around the posts where their presence, and illegal activities, alarmed many of the settlers. Father Scollen states, "[t]he consequence is, they have become a burden and a cause of anxiety to the settlers, they have begged and stolen all they could, and got into the way of helping themselves to white-men's cattle. . . the Mounted Police were not

¹⁵⁰ Ibid.

prepared for this emergency."¹⁵¹ He elaborates on the situation further and states that some of the settlers were considering moving south of the boundary line. The Indians too were considering going south in an attempt to obtain food from American agents.

The combination of "money-making monopolies" in the area, the desperation of the Indians and the terrible winter that affected them so greatly led Scollen to conclude that the Government had only two options; "[w]e shall either have to provide for the Indians or fight them; there is no other alternative."¹⁵² He recommends that the Government provide the Indians the tools and instruction to provide for themselves and comments that he had made a request to Lieut. Gov. Laird for such supplies, and offered his assistance, but was informed that his request was rejected. Scollen states, "I received the Governor's answer with a refusal to my request on the plea that I am not an 'Indian Agent' forthwith! that the Indian might not wish to have me upon their reserve, and that he would require to know more about it before he could recommend the affair to the Dominion Government."¹⁵³ Scollen displays his frustration by commenting that Laird must have the

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid.

authority to issue such implements in a country where a man can be empowered to hang another. Furthermore, Scollen appears insulted about Lairds suggestion that he may not be welcome on the reserve as he had lived among them for so many years, long before any other white-men could safely come into the area.

Father Scollen also points out that the Piegan Indians were entitled to farming implements according to the treaty and yet they had received no such equipment. He explains that their reserve had not yet been surveyed and notes the procrastination of the Government. He complains, "[i]t will be another year before the Piegans can use their farming implements; and when they do get them, I suppose they will be useless flimsy plows without Colters (illegible). Such as have been sent to the Stoney Indians, whereas they ought to be furnished some good strong breaking plows, Strong Hoes & such as one would suppose Government paid for."¹⁵⁴

Scollen closes his report by stating that he wrote without the intention to flatter or offend anyone, rather, to simply state his observations. He requests that the issues he addressed be brought up in Ottawa. He closes on a serious note by stating, "[i]n the mean time I shall

¹⁵⁴ Ibid.

retain a copy myself, in readiness for publication, if circumstances should require it."¹⁵⁵ The report is signed with kindest regards. On the bottom of the last page a hand written note reads "Forwarded for the information of the Hon[our]ble The Minister of the Interior" signed by Major Irvine, Fort Walsh, 4th May 1879.¹⁵⁶

In a report dated July 22, 1879, Edgar Dewdney, Superintendent General, also writes about the desperate conditions of the Blackfeet. He reports to Coln. S. Dennis, Deputy Minister of the Interior, that he and Coln. Macleod had a meeting with Crowfoot and other minor Chiefs, and estimates their population to be thirteen hundred. Dewdney states that he observed men, strong a few months earlier, now emaciated and on the verge of starvation. He explains that older people and others, who depended on these men to provide for them, were suffering from starvation and were becoming desperate. Dewdney states, "[t]he day before we arrived one of these women who went to French, a Trader, and asked for something for her children said, 'I only live for my children and if I cannot get anything I must kill myself, for, I cannot see them die of

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

starvation.'"¹⁵⁷ The trader, French, had been letting the Indians take what they needed because Father Scollen had informed him that they would 'help themselves' if he did not. He explains, "[t]hey have pawned a good many of their riffles, intending to redeem them after the payments, and have eaten nearly all their dogs. They have also been brought so low as to eat Gophers and mice."¹⁵⁸

Dewdney writes about provisions sent to the Crossing in order to combat the dire conditions of the Blackfeet, however, he explains that there was not enough due to the high number of starving Indians. He states that he will have to provide more but little was available. Dewdney explains, "[t]he Season is generally unfortunate. Freights are high between here and Benton, on account of which very little flour has been sent in, and outside of what the Police have, there is not over fifty sacks in Town, and the Merchants hold it at high rates, and are very independent about selling it."¹⁵⁹ Dewdney states that he had ordered more flour with hopes that it will get them through until the treaty payments, when he expects the government will have a break for a while. However, "It is quite evident to me that the Indians of Treaty 7 will have to be fed this

¹⁵⁷ NA, RG 10, volume 3696, file 15,266, Dewdney to Coln. Dennis, 22 July 1879.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

Winter unless the Buffalo come in. At present there is no sign of them."¹⁶⁰

The meeting between Crowfoot, Dewdney and Macleod was relayed in more detail in Dewdney's report. He reports that Crowfoot explained the conditions of the Indians and invited the men to walk through the camp to witness the starvation themselves. Crowfoot also explained that many of them condemned him for signing the treaty but Crowfoot had heard that the government was coming to assist and stated that they would not have been in a position to beg had he not signed the treaty. He spoke of the difficulties in controlling his young men, as they desired to go to the Fort. Crowfoot explained that he feared their starvation would lead them to commit crimes against the white-man. Specifically, he feared they would kill the white-man's cattle. Concerns about the buffalo were also discussed. The Indians requested that the government 'drive away' the Sioux as they believed it was them that prevented the buffalo from roaming across the line. If the government could accomplish this, and the Indians could hunt, they would no longer require food from the government.

Dewdney states, with regard to the disappearance of the buffalo, "[a]llthough it has been predicted that the

¹⁶⁰ Ibid.

Government would sooner or later have to face this serious complication, no one expected it would come this so suddenly on us, and it has taken the Indians as much by surprise as ourselves."¹⁶¹ As the responsibility of feeding the Indians is a great expense to the government, Dewdney suggest that they establish Government farms and farms on the reservations. He predicts that in one year's time the Indians could be sustained, mostly, by produce grown on their farms. He states, "I feel sure, although the first expenditure will appear large, it will be a great saving to the Government in the end; the total number of Indians in Treaty 7 are, as you know, about Four Thousand Five Hundred. They are in a worse position than any other of the Treaty Indians."¹⁶²

After elaborating on the resistance of the Indians to farm, prior to the arrival of himself, Dewdney then states that Crowfoot and his band are now anxious to farm. Dewdney explains, "I found that I could make a reasonable arrangement with Mr. French who lives at the Crossing to break up some land. I therefore arranged with him to break up fifty acres on a flat near the Crossing, selected by myself with 'Crow Foots'[sic] assent."¹⁶³ Dewdney explained

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

to Crowfoot that, if members of the tribe prepare and fence off an area of land, he would provide spades and seed so they could grow their own potatoes and whatever they grow would be theirs.

Dewdney provided some hooks and lines with the hopes that the Indians could fish for trout. While some were hunting for antelope, and others picked berries, Dewdney hoped that fishing would provide some much needed sustenance for the band. He writes however, that the berries are few due to the late frost experienced that year.

Dewdney, acting on the recommendation of Major Irvine, hired a man named Norrish, to be a temporary farming instructor for that reservation. He explains that plans have been arranged to obtain necessary equipment for attempting agriculture. He states,

"I hope to have nearly one hundred acres ready for Crop on that Reservation. I may state that I found it would be impossible to break ground with the Indian horses. They can be worked hauling rails and harrowing and will do for light work. I should therefore have been obliged to borrow a team of heavy horses or purchase one which with the ploughs would have cost not less than seven hundred dollars. Mr. French breaks the land for Four Dollars per Acre."¹⁶⁴

¹⁶⁴ Ibid.

Dewdney begins discussing the Peagans by describing them as better off than Crowfoot's band however later in his report he states their condition is worse. The Peagans, he writes, were to receive a large supply of implements that year. There are however, complications in the settlement of their reserve. Three settlers: Armstrong, Olsen and King, settled on lands designated for the Peagan. In explaining the situation of how the men came to settle on the land, Dewdney states, Armstrong did it with a perfect knowledge of the risk he was running. Two others, called Olson and King settled on the 9th May 1877, before the Treaty was made; they have been notified by me that they will have to leave, and are ready to do it as soon as their Crop is harvested, but they are in hopes that the Government will pay them something for the improvements."¹⁶⁵ The three men have cultivated about eighty acres of land which Dewdney hopes will produce good crops for the Peagans the following year as the land has already been prepared and fenced.

Dewdney states, "[t]he Peagans, most of whom are here and as badly off as the 'Crow Foot' Band for food, are going on their Reservation and will work. These have to get supplies, and I send a Mr. Kettles, also an old N.W.

¹⁶⁵ Ibid.

Policeman, highly recommended by Coln. Macleod, who will act in the same position as Mr. Norrish, and will get what work he can out of the Indians."¹⁶⁶

The Bloods are intending to settle into their reserve as soon as their Chief, with a large number of followers, returns from south of the line where they have been hunting buffalo. They are expected to return soon as they have encountered problems with the Sioux. Dewdney hopes to have the Bloods settled in the near future and has employed a man named Taylor, for four dollars per acre, to break land; with a goal of breaking two hundred acres of land for crops.

Dewdney discusses how expensive it will be to provide the implements required for farming but sees no other viable solution to feeding the Indians. The serious issue of settlers' cattle being killed is also addressed however, Dewdney does credit the Indians with good behaviour, as their situation is dire. Stockmen, concerned about their livelihood, are selling their stock cheap in hopes of leaving the country as soon as possible. Dewdney explains, "'Crow Foot' says he had great difficulty in controlling his young men, and I believe him, for they were hungry."¹⁶⁷

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

Concerns are raised about the buffalo and their lack of presence. Dewdney states that he is attempting to conserve the amount of beef and flour distributed to the Indians, however he had to order more heads of cattle. He states, "I cannot estimate how many will be required, it will depend in a great measure on the amiability [sic] of the Indians but I will do my best to keep the number down...the probability is that we shall have to provide for the Indians from Benton, until we can raise something for them next year."¹⁶⁸ He writes that this issue needs close attention and hopes that, after the treaty payments are made in September, the Indians will not need assistance before the October rations arrive.

The report closes with comments on a letter presented to Dewdney himself, and Coln. Macleod, from the Chiefs of the Blackfoot. Mr. L'Heureux provided the translation. Dewdney writes, "I believe it expresses the true feelings of the Indians and they certainly are very grateful for what the Government have done for them. I have got along very well with them and have not had the least difficulty so far."¹⁶⁹

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

The letter, translated by Mr. L'Heureux, from the Blackfeet Chiefs is dated July 19, 1879 and is addressed to Mr. Dewdney. The letter welcomes them to their country and thanks the Dominion Government for their assistance during their time of need. The Chiefs explain, "[o]ur great need & the dire calamity that has befallen our Nation lately, is our best claim to your sympathy & care."¹⁷⁰ The letter assures the government of their cooperation and willingness to follow their orders and advice. The letter is "signed" by: Crow Foot, Head Chief of the South Blackfeet; Old Sun, Head Chief of the North Blackfeet; Heavy Shield, Head Chief of the Middle Blackfeet; and Eagle Tail, Head Chief of the Peagans. Minor Chiefs and Councillors also "signed" the letter.

In a letter dated October 18, 1879, Dewdney wrote to Mr. Vankoughnet to inform him that Chief Crow Foot had requested that Mr. Norrish be retained as farming instructor. Dewdney explains that Norrish was hired to be a temporary instructor; however he granted the request and assigned him the position of Assistant to the farming instructor.¹⁷¹

¹⁷⁰ NA, RG 10, volume 3696, file 15,266, Blackfoot Chiefs to Dewdney, 19 July, 1879.

¹⁷¹ NA, RG 10, volume 3696, file 15,266, Dewdney to Mr. Vankoughnet, 18 Oct. 1879.

The Report of the Deputy Superintendent-General of Indian Affairs, 1879, provides information on the treaty seven Indians with a report written by E. Dewdney, Indian Commissioner. Dewdney writes of his appointment as Indian Commissioner and his actions as such. Dewdney writes that the reported depletion of the buffalo was accurate. He states, "[o]n the road to Fort MacLeod, a letter was received from Capt. Winder, stating that the Indians at the Blackfeet Crossing were on the verge of starvation, and on arriving at that place, Mr. Jean L'Heureux, who has been living among the Blackfeet for some years, informed us exactly how matters stood; many had died from want, principally old people, who had no means of making their own living, and who, in times of distress, are neglected by their friends."¹⁷²

Dewdney reports the arrival of two men, Wright and Taylor, who were hired by the government to assist in the establishment of farms for the Treaty seven Indians. He explains, "[a]fter getting all the information I could, and after looking about for a favourable location for Mr. Taylor, I determined to locate his farm about five miles from the police farm, on Pincher Creek; the only drawback

¹⁷² Annual Report of the Department of the Interior for the Year Ended 30th June, 1879, p. 77.

to it was the want of timber for the building and firewood, but I am glad to say that a coal seam, four feet thick, and of a good quality, has been discovered by Mr. Taylor close to his farm, which will make up for the want of the latter."¹⁷³ Dewdney expects good crops from the farm, as the soil is rich.

The Commissioner also inspected the Indian cattle in the area of Mr. Taylor's farm, which were being raised by Mr. Scott. He reports that many of the calves died last winter and cows also perished as they were "sore footed."¹⁷⁴ Mr. Scott was being paid two hundred and fifty dollars a month for his services, however Dewdney informed him that he must engage the Indians in herding in order to prepare them for taking on the duty themselves. Dewdney explains,

"I thought, as these cattle were shortly to be distributed among the different tribes of the Blackfeet, that the sooner the Indians became acquainted with them the better, and I further informed him that on my return of my tour of inspection of the different Indian agencies, I should expect that, with the assistance of Indians, he would be able to herd them at a much lower figure, and he must be prepared to make a different arrangement if he proposed to take charge of the cattle another winter."¹⁷⁵

Following Commissioner Dewdney's meeting with Mr. Scott he returned to Fort Macleod to meet with one of the

¹⁷³ Ibid.

¹⁷⁴ Ibid. 78.

¹⁷⁵ Ibid.

Peigan Chiefs, White Swan. They discussed a reserve location. In anticipation of this meeting Dewdney had instructed a surveyor, Mr. Patrick, P.L.S. to attend so that a survey could immediately be conducted. Dewdney states, "[a]n understanding was arrived at, and I proceeded to Fort MacLeod, 'White Swan' having expressed his determination to settle down, and follow both agriculture and stock raising."¹⁷⁶

Col. MacLeod and Commissioner Dewdney left Fort MacLeod, for Blackfoot Crossing, on the 16th. Dewdney had sent some provisions to the area prior to their departure. He reports that, upon their arrival, they observed the most destitute conditions and starvation;

"[t]he wealthy Indians (their wealth consists of horses) had sold numbers of horses to a Mr. French for a few cups of flour each, and at the time I was there he had secured about sixty; his excuse for giving so small an amount was, that he had been obliged to give away more than he had traded, being led to believe by Father Scollen that if he did not let them have it, they would have helped themselves."¹⁷⁷

Dewdney explains that many of the Indians had sold their riffles in order to purchase food. They had been reduced to eating gophers and mice after eating most of their dogs.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

The day after Dewdney and MacLeod arrived, a meeting was held between them and three Blackfeet Chiefs: Crow Foot, Old Sun, and Heavy Shield. Crow Foot, Dewdney comments, who was well spoken and reasonable, requested that the men walk through the camp to witness the starvation themselves. Dewdney states, "I asked him why he had not sent his young men into the fort for food; he said 'I was afraid they might kill the white men's cattle, that they were continually taunting him with having made the treaty with the Government, and he had great trouble in controlling them, but when he heard that I was coming, and that the Government was sending some food, he called them together and asked if he was not right.'"¹⁷⁸

The Blackfeet Chiefs relayed their concerns about the buffalo, as they believed that it was the Sioux who were preventing them from entering the area. Dewdney responded by explaining how the government was establishing farms so that the Indians could learn about agriculture and cattle herding and eventually become self sufficient. Crow Foot responded that he would do it; he would farm. In discussing the cattle Crow Foot had concerns that the white men herding them were taking the calves and branding older ones for themselves. Dewdney assured Crow Foot that that

¹⁷⁸ Ibid.

was not the case. He explained that many calves had died during the winter.

Crow Foot appeared determined to stay at the crossing until the buffalo came in so Dewdney decided to have work on their reserve commenced immediately. He assured Crow Foot that arrangements were being made to have fifty acres of land broken and supplies issued. Furthermore, he promised to send a man out to show them how to do the work and to explain his instructions further. This man would be responsible for tending to the ill. The implements and supplies had been ordered because Fort MacLeod had little provisions available; there was going to be some delay.

Dewdney states, "[a]t the last council before leaving, Mr. J. L'Hereux read an address from the Indian chief to Col. MacLeod and one to myself, first in Blackfoot and then in English..."¹⁷⁹ The Annual report repeats the contents of the letter dated July 19, 1879, previously discussed; however the date in the annual report appears (somewhat illegible) to be July 13th.¹⁸⁰

On July 20, 1879, Mr. Dewdney returned to Fort MacLeod and instructed Mr. Norrish to go to Blackfoot Crossing immediately. He was to take the cattle, and other

¹⁷⁹ Ibid. p. 79.

¹⁸⁰ While the annual report dates the letter July 13, the content is the same as the letter dated July 19, 1879.

supplies, and distribute them among the Blackfeet. Mr. Norrish was instructed to act as a temporary instructor and get the Indians working. Mr. Kettles was sent to the Piegan reservation to carry out similar instructions as those given to Mr. Norrish. These men were hired on the recommendation of the North-West Mounted Police.

Dewdney had a meeting with Captain Winder and Col. Macleod to discuss the issuing of supplies to the Indians of both the Blackfoot and Piegan reservations. He states, "[w]e agreed that the greatest care should be taken so as not to lead the Indians to believe that regular rations would be issued, and I left the southern district leaving the questions of further supplies to these Indians to the discretion of the North-West Mounted Police officer in command at Fort MacLeod."¹⁸¹ Dewdney left Fort MacLeod on July 24th and accompanied Major Irvine to Fort Calgary.

Upon arrival at Fort Calgary, Dewdney met with Inspector Denny to discuss the large amount of supplies he had been issuing to the Indians in the area. Dewdney reports that he encountered Cree, Stony, Sarcee, and some Blackfoot Indians; all being fed by Inspector Denny. Dewdney comments that, at that time, he had forwarded a report by Denny, which explained how the Indians had come

¹⁸¹ Supra. Footnote 171, p. 80.

to him for assistance. Furthermore, Dewdney states that he agreed with Denny, that there was no other option than to feed the Indians. He reports, "[t]he Indians that returned from Battleford were informed by Lieut.-Governor Laird, that supplies were to be sent there, or to the crossing, and they really had nothing, and no prospect of getting anything."¹⁸²

Dewdney reports that there were one hundred and twenty eight Sarcee Indians at Fort Calgary. He instructed them to go to Blackfoot Crossing, pick out a piece of land and work on fencing it as he would only feed the sick and those who worked. He explains,

"[t]hey refused, as they had had some misunderstanding with the Blackfeet, and were sure they would have a difficulty with them if they returned there. They said they did not wish to remain with the Blackfeet, and wanted a reserve of their own. I told them that under the treaty they had agreed to have their reserves with the Blackfeet, and I had no power to alter the treaty..."¹⁸³

Dewdney instructed them to return to Fort MacLeod and he would find out what could be done about the situation. His goal, he writes, was to get them out of Fort Calgary because he feared they would not want to leave because they were attended to so well. The next day the Sarcees

¹⁸² Ibid.

¹⁸³ Ibid.

informed Dewdney that they would return to Blackfoot Crossing but they were going to camp on the other side of the river from the Blackfoot camp. Dewdney states, "[t]he difficulty they had was about the distribution of some flour which was sent to the crossing before I arrived, and the Sarcees were accused by the Blackfeet of stealing from their camp."¹⁸⁴

Commissioner Dewdney also instructed the Blackfeet Indians, being fed by Denny at Fort Calgary, to return to Blackfoot Crossing. The Crees found in the area were instructed to move north. Both groups agreed to follow Dewdney's instructions, however they did not leave the area. He states, "I gave orders that no more food should be given to the Crees or Blackfeet when they agreed to go, and I gave them some supplies to start them. The Crees went to Edmonton and the Blackfeet to the crossing."¹⁸⁵

Dewdney informed the Indians that there would be no more supplies sent to the Calgary post. The Sarcees also vacated the area and Dewdney reports that very few Indians remained in Calgary. He reports, "[t]he Blackfeet and Sarcees returned to the Blackfoot Crossing, and the only

¹⁸⁴ Ibid. p. 81.

¹⁸⁵ Ibid.

advantage gained was that the food there did not cost as much as it did at Calgary."¹⁸⁶

While in Calgary, Dewdney was visited by a Stony chief. He reports that the Stony Indians reside in the area of Morliville and missionaries live among them. The Stony are less dependent on the buffalo than the other treaty seven Indians because they also hunt in the mountains. Furthermore, under the guidance of Father John McDougall, they have been growing potatoes and appear to be faring better than the other Indians; they are less dependent on the Government for food. Dewdney reports, "I arranged with them about the boundaries of their reservations, and gave Mr. Patrick, P.L.S., who accompanied me to Calgary, instructions in regard to this matter."¹⁸⁷ Dewdney reports that the reserves have been surveyed to the satisfaction of the Indians. He does not state the locations or other pertinent details.

Dewdney writes that the Stony had informed him, last spring, that they hired a man to assist them with farming and hoped that the government would pay them well for their crop of barley, potatoes and turnips. He explains that the price the Indians wanted was exorbitant and the government

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

would not agree, however if they were reasonable he would recommend the Government assist them.

Dewdney states, "[t]hey complained that the ploughs and spades given to them were not what they wanted; the spades would double up as soon as used, and the ploughs were cross-ploughs instead of breaking ploughs."¹⁸⁸

Dewdney reports that the equipment was inadequate but that due to the money allotted for such purchases they could not get better. The ploughs requested at the time of purchase were cross-ploughs, not breaking ploughs. Dewdney spoke with the contractor about the situation and he agreed to take back the equipment.

Prior to leaving Fort MacLeod, Commissioner Dewdney made arrangements for more supplies to be sent from Fort Benton to sustain the Indians until the next treaty payment. He gave specific instructions for the issuers to follow. Commissioner Dewdney returned to Fort MacLeod on September 30th as he was informed that the annuity funds had not yet arrived and thought it best that he return. Upon his arrival he found that Col. MacLeod had arrived the previous day with the annuity funds. The following day they began to distribute the money, which, due to

¹⁸⁸ Ibid.

complaints made by the settlers, was not completed until October 8th.

Dewdney reports, "[w]hile at Fort MacLeod, several of the settlers who reside in that vicinity called on me and stated that numbers of their cattle had been killed by the Indians; that they were then gathering up what were [sic] left, and proposed to drive them over the line, preferring to risk them near a settlement on the American side than keep them on our own."¹⁸⁹ When Dewdney requested evidence for their claim none was provided. The settlers stated that they had requested police protection however no such protection was provided. Dewdney questioned MacLeod about the claims made by the settlers but MacLeod responded that no such formal complaints were ever made; that this was the first time he had heard anything about the subject.

Due to the concerns of the settlers, Col. MacLeod and Commissioner Dewdney decided to temporarily suspend the treaty payments and hold a meeting with the Indians to discuss the complaints. The Indians gathered and were told of the situation. They stated that such behaviour would not be tolerated and they would gladly present anyone guilty however, no Indians claimed responsibility and the

¹⁸⁹ Ibid. p. 89.

Commissioner and the Colonel decided to invite the settlers to the meeting to state their claim.

Dewdney does report that many of the settlers involved in the stock business possessed rather small herds and that many could not afford to hire herders to tend to the cattle. Dewdney explains, "[s]mall bands of cows were allowed to roam all over the country, and the owners disbanded on hearing of their whereabouts from those who happened to own large herds of cattle, and who were constantly on the ranges, and if, at the round-up, which takes place twice a year, the cows with their expected increase did not turn up, the Indians were blamed for killing what were wanted."¹⁹⁰

Dewdney sites many other possible explanations that would cause a reduction in the number of cattle rather than the purposed explanation that the Indians were killing them. Evidence was found to show that many of the cattle were purchased from south of the line and had strayed back to their previous homelands. Ample evidence was also provided to show that the Indians were innocent of the accusation. Only one case is sited where an Indian was guilty. The Stony Indian was caught by the owner and offered his horse in return, explaining that he was

¹⁹⁰ Ibid.

starving. Dewdney states, "[h]e was brought before Col. MacLeod and fined the value of the beast, and he promised to pay for it after the payments. A knowledge of the truth of these circumstances convinces me that the complaints of cattle-killing by Indians have been greatly exaggerated."¹⁹¹

After the issue of cattle killing was settled the Commissioner and Col. MacLeod completed the payment of annuities on October 8th. He notes that the Indians were most grateful, well behaved, and prepared immediately to go in search of buffalo. Dewdney, having completed his work at Fort MacLeod, then left for Blackfoot Crossing.

Commissioner Dewdney reports his arrival at the Crossing; "I found his camp (Crow Foot) on the right bank of the river to all appearance, on my arrival, deserted-not an Indian to be seen and no smoke issuing from any lodge."¹⁹² While he and the Mounted Police who had accompanied him set up their camp, Mr. L'Hereux visited them. Dewdney enquired as to the whereabouts of Crow Foot and his band. L'Heruex informed him that Crow Foot had instructed everyone to stay in their lodges and not bother the Commissioner while setting up camp.

¹⁹¹ Ibid. p. 90.

¹⁹² Ibid.

Dewdney found Crow Foot's lodge and approached him for a meeting. In discussing the rations Dewdney states, "I had heard from Capt. Denny, who came to meet me here, that some of the Indians had become sick from over-eating some flour he had obtained for them from one of the merchants, the day before, so I told Crow Foot I had a few bags of biscuits which I thought had better be distributed amongst those who were weak and sick."¹⁹³ Dewdney informed the now sick Crow Foot that he had brought sufficient supplies to prepare his band to go hunting for the buffalo. Dewdney relayed a message to Crow Foot that his brother, Three Bulls, was waiting for him at the mouth of the Bow River. When the Commissioner asked Crow Foot what he would like to discuss, Crow Foot responded that he would meet him the next day to address his concerns.

The following day a meeting with Dewdney was held and all of the Blackfeet and Sarcee Chiefs attended. Dewdney explained the delay with the payments and that the farm instructors were en route, that he was to meet them at Fort Walsh. Crow Foot asked if Dewdney was aware of the assistance the Indians had provided to the temporary instructor; Dewdney responded that he was aware of their

¹⁹³ Ibid. p. 91.

work and relayed his confidence in them to work well with the new instructors.

The issue of cattle was addressed. Dewdney reports, "[h]e told me he was anxious to get his cattle; that he was like a blind man-he was told he had cattle, but he never could see them, and he wanted to see them; that he could get Mr. French, a trader who had been settled on the reserve for some years, to look after them for him, and he appeared to be most anxious that I should agree to deliver them at once."¹⁹⁴ It was explained that the cattle would not fare well at the crossing in the winter and that Mr. French was not responsible to the Government and that soon there would be instructors that could be relied on. It was explained that the cattle all needed to be branded prior to delivering them and that the work involved in that would take some time; the Indians could expect to receive them in the early spring. Father Scollen, also present, stated that rumours were heard that the men responsible for the cattle had been branding them for themselves and that Crow Foot was anxious about the situation. The Commissioner assured them that no such activities were taking place.

Commissioner Dewdney sent the interpreter, Jerry Potts, to inform Crow Foot that the payments would commence

¹⁹⁴ Ibid.

the following morning because Dewdney was eager to get to Fort Walsh to meet the farm instructors. Crow Foot wanted the payments delayed because traders were assembling and he wanted to assess their merchandise and pricing so that he could advise the Indians, who were desperate and eager. Furthermore, he requested that Dewdney stay so that he could assist the Indians in determining the value of the bills they were receiving. The Indians inability to determine the values had been exploited by traders in the past and Crow Foot did not wish to see it happen again. Crow Foot however, agreed to have the payments commence the next day.

The payments did commence on October 13th. Dewdney stayed until the payments were completed on the 15th. He was not informed, until after the commencement, the reasons for Crow Foot's request for a delay. Dewdney, himself, paid the Sarcees and observed fraudulent behaviour. He explains that many Indians, who were supposed to be paid at the Crossing, went to Fort MacLeod requesting payment as they wished to leave in search of buffalo as soon as possible. Dewdney explains, "[c]onsequently, besides the Bloods and Piegans, who it was arranged were to be paid at Fort MacLeod, parts of the different bands of the Blackfeet

and part of the Sarcees received their annuity there."¹⁹⁵
As Dewdney understood it, the whole of the Sarcee band was already paid at Fort MacLeod. Furthermore, he suspected that, at the payments at the Crossing, the Indians were changing their identity via their dress and receiving excessive amounts of annuity. To combat the fraud he suspected at the Crossing he requested that, the following morning, everyone assemble and stand behind their respective chiefs. The next morning they all met. Dewdney reports, "[a]t first they seemed perfectly agreeable, but subsequently, finding that I had some other reason for wishing to ascertain their numbers, they made an excuse that it was unlucky, they did not like to be counted."¹⁹⁶

Dewdney responded to their unwillingness to cooperate by suspending the payments. He left for an hour to inspect Crow Foot's farm and instructed them to be assembled upon his return so that the payments could recommence. He states, "[o]n my return I got them together after a great deal of difficulty, and although it was stated that numbers that had been paid were away trading in the different trading booths, I was unable to count as many on the ground as I had paid the afternoon previous."¹⁹⁷ Dewdney continued

¹⁹⁵ Ibid. p. 92.

¹⁹⁶ Ibid. p. 93.

¹⁹⁷ Ibid.

to pay a few young men but then separated the children and old women and paid them five dollars each. The payments were completed, however he reports that the pay-sheets had not yet been sent in, as he was unable to determine the amount paid to the Sarcees. He does state that he is sure they received more than what their annuity should have been.

While at the Crossing, Dewdney informed Mr. French that he must leave the area as the Government was sending out instructors, as part of a new policy, to assist the Indians. No white men, without Government authorization, would be allowed to reside on their reservations. The previous year, Mr. French had applied to the Government to be compensated for improvements he as wished to leave the area. Dewdney reports, "[a]s I was able to arrange with him to leave at half the price he had intimated to the Government he was prepared to take for his improvements, and believing they were well worth the money, I closed with him, at the same time purchasing from him some little hay, oats, and a few farming tools that I knew would be of use to the farming instructor who was on his way to take charge of the agency."¹⁹⁸ A few days latter, Mr. French departed.

¹⁹⁸ Ibid. p. 94.

On the 16th Dewdney prepared to leave for Fort MacLeod but first he held a final meeting with Crow Foot. Crow Foot explained that he was preparing to meet his brother at the mouth of the Bow. He requested Dewdney to leave him a letter at Cypress if he passed through the area before him, and inform him if he was aware of the location of buffalo. He also requested advice for the upcoming winter. Dewdney agreed.

Dewdney arrived at Fort MacLeod on the 17th of October and set out, the following day, to inspect the farms in that district. Dewdney reports his meetings with Mr. Taylor and Mr. Scott and reported on the progress of the farm and the cattle herding. Two days later, Dewdney met with settlers King and Olsen to discuss the need for them to depart the Piegan reservation. The two men had settled in the area prior to the 1877 treaty and had been informed that they were to prepare to vacate the area but had not yet done so. Dewdney explains, "[t]hey said they had heard that this had been given to the Piegan Indians but they had settled on the land before the Treaty, and had understood after the Treaty was made that they would not be encroaching on the Indians if they made their improvements

where they were."¹⁹⁹ He informed the men that they were required to leave the area and assured them that the Government would compensate them for their improvements.

Dewdney stayed in Fort MacLeod, taking stock of the Indian Department supplies and settling accounts until the 23rd. On his way to Cypress he observed many small herds of buffalo and heard from other Indians that the Bloods found buffalo. Dewdney then continued to visit other areas outside of treaty seven.

Dewdney reports that his tour was quick, as the circumstances required, but he found that he had the opportunity to meet with the most prominent chiefs in the North-West and had become personally acquainted with a large number of Indians. He reports,

"[t]he hardships the Indians have endured this summer, particularly in the southern districts, where our most uncivilized Indians reside, have convinced them that they must adopt some other means of livelihood than the chase, and although I was told by the old settlers in the Blackfoot country, that the Indians of that district would never settle down to work, I found that on giving them a trial at the Blackfoot Crossing, and on the Piegan Reservation, volunteers were easily obtained to help the temporary instructor I had placed there."²⁰⁰

¹⁹⁹ Ibid. p. 94.

²⁰⁰ Ibid. p. 97.

At the end of Dewdney's report, he writes about the assistance provided by the missionaries in the area. He states, "[o]n the Blackfoot Reservation I had the assistance of Father Scollen, who impressed on them the necessity of assisting the instructor; and on the Piegan Reservation, the Rev. M. McKay camped out and took a like share of the small rations issued to the Indians, and lived on them while at work, getting out fencing and logs for a school-house that he proposed to build, thus showing, by his good example, that he was able to work on the same food as that issued to the Indians."²⁰¹ While the Blackfoot and the Piegans were adjusting to their reservations, the Blood Indians had not yet done so, but they had expressed their desire to do so. The Stonys, Dewdney comments, whose "reservation is at Morliville, are well advanced, having, for several years, put in small crops, and in a short time, will be self-sustaining."²⁰²

Dewdney provides a chart showing the names of farm instructors, the location of each farm in the Southern Farming Agency, as well as some comments on the progress made. The location of the farm on the Piegan Reserve is ten miles from Fort MacLeod. There are buildings on the

²⁰¹ Ibid.

²⁰² Ibid.

reserve however there is no Indian agent but the farm instructor is S. Bruce. J. Patterson is the farm instructor for Blackfoot Crossing, which is located seventy-five miles from Fort MacLeod and also has no agent. Dewdney also provides information on the Government Farms recently established in treaty seven. H. J. Taylor is the farm instructor for the farm located thirty miles west of Fort MacLeod, which also has no agent. T. Wright is the farm instructor for the farm located five miles from Fort Calgary, at the Bow River. There is also no agent at this location.

Commissioner Dewdney comments on the work of Col. MacLeod as well he recommends the hiring of Indian agents. He states,

"[u]p to this time there has been no agent in Treaty 7, the whole Indian business having been conducted by Colonel MacLeod, of the North-West Mounted Police, and his officers. Until this year none of the Indians, with the exception of the Stoney, had made any advance in agriculture, and the principal duties were to pay the Indians their annuities. Now, there are several farming agencies and two Government farms, and all the bands have signified their intention of settling down. I therefore strongly recommend that an agent be appointed for this treaty. Its boundaries, as can be seen on the map, are very compact and the area not large. One active man could attend to the whole of this agency. Should the Government adopt my suggestion we will have five Indian agents in the North-West, i.e., in Treaties 4,

6 and 7-two in Treaty 6, two in 4, and one in 7, with Mr. Orde at headquarters."²⁰³

The final comments discuss the beautiful, and valuable, land with stock-raising potential. He explains the successful cattle-raising occurring south of the line, and states that the quality of land in the North West is just as valuable. He encourages settlement of the area by stating "the western limits of our territory, from the southern boundary to the latitude of Edmonton, carrying a width of a hundred miles east of the Rocky Mountains, has more advantages for settlement than Manitoba and none of its disadvantages."²⁰⁴

1880

The department responsible for Indians changed from the Department of the Interior to the Department of Indian Affairs in 1880. The Annual Report for the Department of Indian Affairs for the Year Ended 31st December 1880 also includes the North-West Mounted Police Force Commissioner's Report. Indian Commissioner Dewdney reported to the Superintendent-General of Indian Affairs, on December 31st, 1880. He writes of the changes implemented the previous year and states that, while the Indians were provided farming instructors, they arrived in late fall which

²⁰³ Ibid. p. 102.

²⁰⁴ Ibid. p. 103.

prevented much breaking and sowing from being accomplished, therefore the crops were not large for this year.

The Stoney Indians, who have been attempting farming for the past few years, have shown improvement since the arrival of their farm instructor. The report states, "[t]hey have this fall received the cattle promised them at the time of the treaty. The cows and calves, belonging to each family, are branded with a number that corresponds with the number opposite the names on the pay-lists as well as the band brand; each family will consequently know their own cattle, and take a greater interest in them, than if they had been turned over bodily to the chiefs."²⁰⁵ The Reverend John Macdougall, who accompanies them to Fort MacLeod to receive their cattle, expressed great confidence in the Indians to raise their cattle. Dewdney expects that these Indians will require minimal assistance from the Government due to their farming abilities as well as their hunting and trapping abilities, which they practice in the Rocky Mountains.

Dewdney reports the progress made by the Piegan on their reserve, which they recently settled on in the spring. They have built houses and some have traded horses

²⁰⁵ Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1880, p. 80.

to secure stoves. They also have received their cattle, which have been branded in a manner similar to that of the Stoneys. As a couple of chiefs have had their own cattle for a year or two, and have taken good care of them, Dewdney expresses his hope for the success of the Indians who have recently acquired their own stock. He states, "I have instructed the agents to notify the Indians, that as their cattle are given [sic] them by the Government in order that they might raise their own meat, any family killing them will be debarred from any further assistance from the Government."²⁰⁶

Dewdney writes that the Bloods, the largest portion of the Blackfoot Nation, informed him the previous year that they were not content with their reservation as established in the treaty. Dewdney states that he reported the matter to the Government the previous winter and that he and Colonel MacLeod were authorized, by Order in Council, to make the arrangements with the Bloods. When Dewdney arrived at Fort MacLeod he was received by a large number of Bloods eager to learn the Governments response to their concerns. He reports,

"[a]s Colonel Macleod was at Fort Walsh, and I knew would be delayed for some time; and that Crowfoot, the only Blackfoot Chief from whom any opposition

²⁰⁶ Ibid.

might be expected was across the line, where he had been for over a year, and not likely to return, I informed the Blood Chief that if he would give me release of all his interest in the reserve situated at the Blackfoot Crossing, provided the Government would give him a reserve at the point he indicated, I would send an instructor with him and his band to the spot selected by himself, where he could build houses and prepare some ground for next season, and that I would recommend on my arrival below that a reserve be given to him at that point. This greatly pleased the chief and his Indians who were with him."²⁰⁷

Dewdney explains that Crow Foot and his followers had been south of the line hunting buffalo for over a year and he did not expect them to return before next spring. He estimates the number of Blackfeet, including some Bloods and Piegans, expected to return in the spring, numbering seven or eight thousand; he recommends preparing for their return with emergency supplies.

Commissioner Dewdney includes extracts of reports from agents to supplement his report. Agent Macleod reports on November 2nd the settling of the Bloods on their reserve and the building of a house, with a storehouse, for the farming instructor. He reports, "I have let, by contract, the ploughing of twenty acres, and the oxen which I bought from Mr. Bruce's farm are breaking land when not employed otherwise, preparatory for spring seeding."²⁰⁸ The Bloods have also built nearly forty houses for themselves and many

²⁰⁷ Ibid.

²⁰⁸ Ibid. p. 85.

have built fireplaces. McDougall reported to Agent Macleod, the eagerness to learn and hard work put forth by the Indians. Red Crow also built a house for himself and McDougall agreed to install a door and window for him, as requested by Norman Macleod.

Mr. Norman Macleod also had the opportunity to visit the Piegan reserve and found they were harvesting root crops. They too were successful in building homes, numbering roughly fifty. At the time of his visit he found that they were in the process of cross ploughing land that had been broken for them the previous summer.

When Agent Macleod visited the Blackfoot Crossing he found that thirteen houses had been started with only a few near completion. He states, "[t]his has been done by the 'Long Chief' and his band, who told me, if I would promise to continue to assist them they would remain and finish their houses and do any work required of them. Not wishing to discourage the beginning which had been made I have decided to continue to work there, though I felt much inclined to close it till spring."²⁰⁹ Many of the Indians had gone to Fort MacLeod for food but when they found that they could not receive any they returned to the Crossing.

²⁰⁹ Ibid.

Macleod writes that the Sarcees and Blackfeet were suspected of stealing crops. He reports, "[t]he 'Sarcees' are blamed for pilfering the larger portion of the potatoes and turnip crops before leaving for Calgary, and I think the Blackfeet assisted. At the same time two head of cattle disappeared for which the Sarcees are also blamed."²¹⁰ While Macleod writes about the accusations he fails to state where they stole from or who was accusing them. However, in response to the accusations, Agent Macleod stopped the supply of beef for a two-week period. Mr. Wright, who works with the Sarcees, was informed by letter that he was to employ as many Indians as possible as long as there was work to be completed. However, should the work run out, he was instructed to send the Sarcees to Blackfoot Crossing for the winter where Agent Macleod will have made preparations to feed them. Mr. Wright replied to the letter stating that the Indians would be sent to the Crossing for the winter, as he had no more work for them.

Macleod discusses the new approach of issuing annuities, which, he believes, has saved the government a great deal of money. The issuing of annuity tickets was met with less opposition than anticipated. He reports, "[i]t has prevented Indians moving from one place of

²¹⁰ Ibid.

payment to another, with the object of getting twice paid, and as each head of a family was expected to show their children before receiving a ticket, the number has not turned out to be so great as had been previously reported."²¹¹

Dewdney comments between the different report extracts that prairie fires ravaged the lands north of the boundary line and east of the Rocky Mountains. He believes that the fires prevented the buffalo from roaming in the area and that this explains why so many Indians went south of the line. He states, "[t]he Blackfeet, including the Bloods, most of the Piegans, and a large number of Crees were with the buffalo all winter. With the exception of the Blackfeet under Crowfoot, about half of the Bloods and a small number of the Crees, all have returned this summer for the annual payments."²¹² The Indians, who did remain however, were through the winter sustained continuously by the Government. Dewdney closes his report by commending the Indians on their desire to work and he hopes that they will be independent in the next few years.

Dewdney provides another extract of a report from Agent Norman Macleod dated August 14th. Macleod reports that the

²¹¹ Ibid. p. 86.

²¹² Ibid. p. 93.

Indians of Treaty 7 were all paid on their respective reserves with the exception of the Bloods, who were paid at Fort MacLeod, as their reserve had not yet been determined. The payments began on July 26th and were completed in the following days. Agent Macleod explains the process of payment. He states, "I had previously made application to the officer in command of the detachment of Mounted Police at this post, for the necessary assistance in making the payments so that they should be made as near the same date as possible. He detailed Inspector Frechette to the Stoney Reservation, Inspector Dickens to the Piegan Reservation, Inspector McIllree to pay the Bloods at Fort MacLeod, and I took the Sarcees and Blackfeet at the Blackfoot Crossing."²¹³

Agent Macleod arrived at the Crossing on July 25th and made arrangements with the chiefs of the different bands to meet the next morning. During the meeting Agent Macleod informed them that they would receive their annuities the following day if supplies arrived that evening.

The chiefs expressed a desire not to be paid until they saw the supplies that were to arrive. They expressed dissatisfaction with the census the farming agent had undertaken. Macleod agreed to count the families himself

²¹³ Ibid. p. 88.

the next morning. He reports, "[o]n going to make the census, I began with the Blackfeet, a few of whom had turned out, but having no chief of any influence among them the larger number refused."²¹⁴

Macleod informed them that a census would have to be completed by the end of the day or no rations would be issued. A short while later they had changed their minds and the agent found them assembled with their respective families. He states, "[o]n completing the numbering, I found a very slight difference between it and the one made by the faming agent."²¹⁵

On the evening of July 29th the supplies arrived and payment commenced the next morning and was completed the following day. Agent Macleod distributed the supplies of tea, tobacco, sugar and ammunition to the Chiefs of both the Blackfeet and Sarcees who were then responsible to distribute the goods amongst their respective bands. They expressed satisfaction with payments. Upon the agent's return to Fort MacLeod, he found that the other officers in charge of payments met no complications and all payments were complete.

²¹⁴ Ibid. p. 89.

²¹⁵ Ibid.

The final report from Agent Macleod dated December 29th, 1880, to Commissioner Dewdney is included in the Annual Report. Macleod states that much of the report repeats his other reports and he is, therefore, brief. The Piegan Reservation was now settled by almost all of the tribes. He reports, "[a] change was made in the instructor this month, and as soon as the crops were sown, I directed him to give his attention more particularly to the Indians in breaking patches of land for them to cultivate themselves, to encourage them in cutting timber for houses and showing them how to build them."²¹⁶ The result was that sixty houses had been built and land has been prepared for the spring.

The Bloods were found to camp around Fort MacLeod as they have no reservation assigned to them. Their numbers increased in the summer when the annuities were to be paid. While many of them attempted to sustain themselves on the plains they appeared to be destitute upon arrival at the Fort. A large portion, however, remained in American territory in pursuit of the buffalo, which they were encountering. The report states,

"[o]n the occasion of your [Commissioner Dewdney] visit to this treaty, in September, you made arrangements with the head chief, 'Red Crow,' to take

²¹⁶ Ibid. p. 97.

a location on the Belly River, and to begin with his people to settle there until you could make arrangements to have the reservation finally decided upon. By your instructions I proceeded to this place and selected suitable land on the south side of the Belly River from the fork of the Kootenai eastward, and placed Mr. John McDougall in charge. The Indians have built forty-five houses, and have a few more in progress. They are now cutting rails, and are working the tops of the trees, cut for building purposes, into cordwood. I was disappointed in getting the acres of land broken this fall, which I had contracted for, and, if it will meet your wishes, I shall have one hundred acres broken in the spring, to be planted by the Indians with potatoes and turnips. During the winter enough rails will be cut by the Indians to enclose the land."²¹⁷

Macleod writes that not much was or could be accomplished with the Blackfeet at the Crossing because those who could follow the others to hunt in the plains did. This left the weak, old and helpless who, consequently camped around Fort MacLeod for most of the winter and spring. Agent Macleod instructed those around the Fort to go to the Crossing to accomplish what work they could; however without an influential chief among them, they were reluctant to leave. Macleod states, "[t]he Sarcees arrived about this time in small straggling parties from Cypress, most of them on foot and starving; I sent

²¹⁷ Ibid.

them also on to the Crossing, being their respective reservation."²¹⁸

While at the Crossing making payments, in July, Agent Macleod reports that the Sarcee expressed their dislike of living among the Blackfeet. He suggested that they pick an area of the reserve, perhaps in the western limit, to settle. The Sarcees stated that they would wait until Commissioner Dewdney visited before they would make a decision. Agent Macleod suggests; "[m]y opinion is that they should be settled on the western portion of the present reserve, where there is a large extent of good land, a sufficiency of timber for present use, and they can be as much separated from the Blackfeet as if fifty miles further off."²¹⁹ He writes that the farming instructor from the Crossing could attend to them. The area Macleod is suggesting already has some houses built in the area, which they could occupy. He reports, "[t]he Blackfeet have built fifteen houses at the Crossing; but, it being so late in the season before they or the Sarcees went there, nothing could be done in putting in crops for them."²²⁰

Macleod reports his disappointment with the Stoneys progress during the summer. They spent so much time

²¹⁸ Ibid.

²¹⁹ Ibid. p. 98.

²²⁰ Ibid. p. 97.

hunting in the mountains that they neglected their crops, which had been sown for them in the spring. Unless they work to fence their land in the winter he does not see how the necessary work will be accomplished to prepare them for the next season.

The Stoneys had however, been taking good care of their cattle. They and the Piegan had received their herds, which were promised under Treaty. The Piegan herd their cattle in one large group in the Porcupines along Beaver Creek. The Stoney have separated theirs into two groups; one group on the north side of Bow River, and the other on the south side of the Bow River.

Macleod explains his reasons for encouraging all of the bands to build houses. He reports that most of their lodges are completely worn out and their need for warm homes during the winter. He also feels that the establishment of homes would encourage them to forego their roaming and entice them to settle down and take up work on the supply farms. Macleod reports, "[i]f the men in charge of these supply farms will encourage the Indians to work for them, a large amount of cheap labor [sic] could be secured in this way, at certain times of the year when wanted, and I would recommend that the Indians so working should be paid according to their ability to work, as so to

enable them to purchase clothing and other necessities; they would soon come to see the advantage of this work to them."²²¹

Macleod writes about the need for schools to be established on the reserves, especially for those who have taken up residence on their designated reserves. The Reverend George McKay, with no Government assistance, has built a school on the Piegan reserve, which has an attendance of eight boys and girls. He teaches a variety of subjects and has learned the Blackfoot language, which he speaks fluently. Rev. McKay, during the summer, also assisted the Piegans with obtaining timber to build their homes. He organized several expeditions to the mountains where they rafted timber back to their reserve. All of the work undertaken by Rev. MaKay has cost the government nothing as he receives a salary from the S.P.G., the society that sent him to the area.

The Reverend Samuel Trivett has guided the Bloods who reside at the Belly River. Rev. Trivett has also built a house and schoolroom. The report explains, "[h]e is sent out by the Church Missionary Society, from whom he receives his salary besides assistance in many other ways. His daily average attendance at school is thirty-five children,

²²¹ Ibid. p.98.

who are learning English, alphabet, figures and writing."²²²

Macleod requests that the Education Department of Ontario send out slates and other school equipment, as it would be of great assistance to the children and the Reverend.

While Macleod writes that he does not have any detailed information regarding schools in Morleyville, he does note however, that the Methodist Mission Society had established a school with a teacher in that area for some time.

Macleod concludes his report by commenting on the state of the supply farms and anticipates the needs of the Indians. The supply farms in both Pincher Creek and Fish Creek were almost a total failure. As the land had been broken only the previous spring, the crops were disappointing. Spring was late and cold and the seed was not delivered in time. He states, "[t]he farm at Fish Creek was also visited by a severe hail storm in July, which damaged the growing crops considerably."²²³ In late August they experienced a heavy snowstorm, which was followed by a severe frost. Some crops, on some farms, did survive: barley, oats, and peas. Macleod attributes the success of those crops to land well prepared and sown early. He reports,

²²² Ibid.

²²³ Ibid. p. 99.

"[t]he supply of food for the Indians is a serious question, and one which I cannot presume to meddle with, depending as it does upon the policy of the Government, but until the Indians become self supporting they will require assistance, which will, at the shortest period, be two years from next harvest. There is absolutely no game in the country by which they can subsist, or even partly assist in feeding themselves, and unless fairly supplied with food to prevent them from feeling hunger they will become discontented and have recourse to the committing of depredations upon the settlers and their cattle. A large increase to the numbers being now fed is probable in the event of the balance of the Blackfoot and Blood Tribes, who are now across the lines, returning in the spring. With the supply farms properly equipped, a large amount of food can be supplied. Barley, turnips and potatoes are sure crops, and if the seed is forthcoming in spring to sow the land now ready, a large saving will be effected. The result of last season's operations cannot be considered as a fair trial of what may be done, from the various accidental causes I have already mentioned."²²⁴

Part two of the Annual Report is the North-West Mounted Police Force Commissioner's Report for 1880. The report of the Fort Macleod district was submitted by Superintendent W. Winder, dated December 12, 1880. Winder reports that the settlers were relieved that the Government was feeding the Indians more regularly and they therefore had few concerns over cattle killing. Winder writes, "[t]he Indian Agent arrived here on the 13th of April, up to this time between two and three hundred Indians had been fed daily, all the work being done by the police. Those Indians were

²²⁴ Ibid. p. 100.

employed as much as possible in work about the Fort, and never gave us the slightest trouble."²²⁵ When Mr. Macleod arrived the Mounted Police turned over to him control of the Indian affairs.

In early February, Winder received a report that explained the destitute conditions of the Stoney Indians at Morleyville. He reports, "[b]y order of the Commissioner I sent Inspector Frechette to relieve the distress."²²⁶

Winder provides no details of the work accomplished by Frechette, but does state that he submitted a report on the matter to the then Commissioner of the Mounted Police.

On the 18th of June, Superintendent Winder joined Indian Agent Macleod and visited Mr. Patterson at Blackfoot Crossing. Mr. Patterson, who was in charge at the Crossing, had reported having difficulty with the Indians; it was this report that prompted Winder and Macleod to visit. Mr. Winder reports that he found the Indians to be quiet and peaceful. He writes, "I therefore considered that Patterson had become unnecessarily alarmed, but as he seemed to have great fears for his personal safety Mr.

²²⁵ Annual Report of the Department of Indian Affairs for the Year Ended 31st December, 1880, Part II North-West Mounted Police Force Commissioner's Report 1880, p. 24.

²²⁶ Ibid.

Macleod allowed him to resign, leaving another man in his place."²²⁷

On July 18th, money for the Indian payments arrived from Fort Walsh, brought by Inspector Macdonell. He reports that payments, for which the Police carried out almost wholly, commenced shortly after the arrival of the funds. Winder reports, "Inspector MrIlree paid the Bloods at Macleod, Inspector Dickens the Piegans on their reserve, Inspector Frechette the Stoneys at Morleyville, and I [Winder] accompanied the agent to the Blackfeet Crossing to assist in paying the Indians there."²²⁸

Winder reports that the payments were delayed as they were detained at the Crossing for a few days due to supplies not arriving. He states, "[d]uring this time the agent and myself had several councils with the Indians, and the Sarcees expressed a decided wish to have a reservation of their own, separate from the Blackfeet."²²⁹ Once the supplies arrived they issued the payments without difficulty. Winder reports that the Indians, once paid, supplied themselves with necessities rather than eagerly spending their money on useless goods as they had in the

²²⁷ Ibid.

²²⁸ Ibid. p. 25.

²²⁹ Ibid.

past. Superintendent Winder concludes his report with information pertaining to the Police matters.

These reports demonstrate that in the two years after Treaty 7 was concluded substantial steps had been taken to implement the treaty, however, many members of the Bloods were still hunting the buffalo south of the international border and the exact location of their reserve had not been agreed upon. It is also evident that the implementation of treaty obligations and government policy proved difficult in a number of ways. The accelerated decline of the buffalo caused intense hardships for First Nations and this also affected the government officials and the North West Mounted Police working in the region.

The reader should be reminded that the foregoing archival materials related to the negotiation of Treaty Seven must be read with the canons of construction in mind. And the reader should bear in mind that only the Supreme Court of Canada can apply those canons of construction to extrinsic evidence, such as the foregoing archival materials, to determine what the Indians were told orally that they would be agreeing to when they negotiated Treaty Seven.

Bibliography

Archives

Department of Indian Affairs. Central Registry Files. Black (Western) Series. Record Group 10. National Archives of Canada, Ottawa, Ontario.

Privy Council Office. Privy Council Minutes. Record Group 2. National Archives of Canada, Ottawa, Ontario.

Glenbow Archives. Glenbow Museum and Archives, Calgary, Alberta. Family fonds Collections.

Theses

Jai, Julie Ramona. "Negotiated Vs. Judge-Made Aboriginal Law: Bridging the Two Solitudes." LL.M., University of Toronto, 2000.

Mayfield, Barbara Joan. "The Northwest Mounted Police and the Blackfoot People, 1874-1884." M.A. Thesis, University of Victoria, 1979.

McCraday, David Grant. "Beyond Boundaries: Aboriginal Peoples and the Prairie West, 1850 to 1885." M.A. Thesis, University of Victoria, 1992.

Reports

Dempsey, Hugh. *Treaty Research Report: Treaty 7*. Prepared for the Department of Indian Affairs, Ottawa, 1987.

Lyon, J.N. *Native Law: The Anomalous Legal Position of the Canadian Indian Treaties*. Indian and Northern Affairs Canada: National Library of Canada, 1983.

Articles

Andersen, Raoul R. "Alberta Stoney (Assiniboin) Origins and Adaptations: A Case for Reappraisal." *Ethnohistory* Vol. 17, No. ½ (Winter-Spring, 1970): 49-61.

- Ames, Michael M. "A New Indian History for Museums." *Native Studies Review* 3, no. 2, Special Issue: Native Peoples, Museums, and Heritage Resource Management (1987): 17-25.
- Baird, David W. "Reflections of a Historian of Native American History." *The Western Historical Quarterly* Vol. 30, No. 4 (Winter, 1999): 441-444.
- Barron, F.L. "A Summary of Federal Indian Policy in the Canadian West, 1867-1984." *Native Studies Review*, vol. 1, no. 1, 1984.
- Belanger, Yale D. "Epistemological Distinctiveness and the Use Of "Guided History" Methodology for Writing Native Histories." *Indigenous Nations Studies Journal* 2, no. 2 (Fall, 2001): 15-35.
- Bell, Catherine. "R. V. Badger: One Step Forward and Two Steps Back?" *Constitutional FORUM* 8 (1997): 21-26.
- Berry, David S. "Where Politicians Fear to Tread: The Supreme Court of Canada and Aboriginal Rights." *British Journal of Canadian Studies [Great Britain]* 12, no. 2 (1997): 165-181.
- Bieder, Robert E. "Anthropology and History of the American Indian." *American Quarterly* Vol. 33, No. 3 (1981): 309-326.
- Caldwell, Joyce Y. et. al. "Culturally Competent Research with American Indians and Alaska Natives: Findings and Recommendations of the First Symposium of the Work Group on American Indian Research and Program Evaluation Methodology." *American Indian and Alaska Native Mental Health Research: Journal of the National Center* Vol. 12, No. 1 (2005): 1-21.
- Caron, Fred. "Challenges of the Treaty Relationship." *New Brunswick Law Journal* 43 (1994): 255-60.
- Champagne, Duane. "American Indian Studies Is for Everyone." *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 77-82.

- Churchill, Elizabeth. "The Blackfoot Elders Project: Linking People and Objects in Museum Research." *Native Studies Review* 3, no. 2, Special Issue: Native Peoples, Museums, and Heritage Resource Management (1987): 71-85.
- Coates, Ken. "Breathing New Life into Treaties: History, Politics, the Law, and Aboriginal Grievances in Canada's Maritime Provinces." *Agricultural History* 77, no. 2 (2003): 333-354.
- Conaty, Gerald T. "Economic Models and Blackfoot Ideology." *American Ethnologist* Vol. 22, No. 2 (May, 1995): 403-409.
- Cook-Lynn, Elizabeth. "American Indian Intellectualism and the New Indian Story." *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 57-76.
- Deloria, Vine, Jr. "Indians, Archaeologists, and the Future." *American Antiquity* Vol. 57, No. 4 (Oct., 1992): 595-598.
- _____. "Indian Studies: The Orphan of Academia." *Wicazo Sa Review* Vol. 2, No. 2, Special Issue (Autumn, 1986): 1-7.
- Dempsey, Hugh A. "Social Dances of the Blood Indians of Alberta, Canada." *The Journal of American Folklore* Vol. 69, No. 271 (Jan.-Mar., 1956): 47-52.
- _____. "Alexander Culbertson's Journey to the Bow River." Edited by Hugh A. Dempsey, *Alberta Historical Review*, vol. 19, no. 4 (Autumn, 1971): 8-20.
- _____. "The Starvation Year: Edgar Dewdney's Diary for 1879, Part 1." Edited by Hugh A. Dempsey, *Alberta History*, vol. 31, no. 1 (Winter, 1983): 1-12.
- _____. "The Starvation Year: Edgar Dewdney's Diary for 1879, Part 2." Edited by Hugh A. Dempsey, *Alberta History*, vol. 31, no. 2 (Spring, 1983): 1-15.
- Edmunds, David R. "Native Americans, New Voices: American Indian History, 1895-1995." *The American Historical Review* Vol. 100, No. 3 (Jun., 1995): 717-740.

- Ewers, John C. "When Red and White Men Met." *The Western Historical Quarterly* 2, no. April (1971): 133-150.
- _____. "Intertribal Warfare as the Precursor of Indian-White Warfare on the Northern Great Plains." *The Western Historical Quarterly* 6, no. 4 (1975): 397-410.
- _____. "Symposium on the Concept of Ethnohistory - Comment." *Ethnohistory* Vol. 8, No. 3 (Summer, 1961): 262-270.
- _____. "A Unique Pictorial Interpretation of Blackfoot Indian Religion in 1846-1847." *Ethnohistory* Vol. 18, No. 3 (Summer, 1971): 231-238.
- Fixico, Donald L. "Ethics and Responsibilities in Writing American Indian History." *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 29-39.
- Forbes, Jack D. "The Historian and the Indian: Racial Bias in American History." *The Americas* Vol. 19, No. 4 (Apr., 1963): 349-362.
- _____. "Frontiers in American History and the Role of the Frontier Historian." *Ethnohistory* Vol. 15, No. 2 (Spring, 1968): 203-235.
- Foster, Hamar. "Canadian Indians, Time, and the Law." *Western Legal History* 7, no. 1 (1994): 69-112.
- Henderson, James Youngblood. "Constitutional Powers and Treaty Rights." *Saskatchewan Law Review* 63 (2000): 719-49.
- Horsman, Reginald. "Well-Trodden Paths and Fresh Byways: Recent Writing on Native American History." *Reviews in American History* Vol. 10, No. 4 (Dec., 1982): 234-244.
- Jennings, Francis. "A Growing Partnership: Historians, Anthropologists and American Indian History." *Ethnohistory* Vol. 29, No. 1 (Winter, 1982): 21-34.
- _____. "Virgin Land and Savage People." *American Quarterly* Vol. 23, No. 4 (Oct., 1971): 519-541.

- Kades, Eric. "History and Interpretation of the Great Case of Johnson V. M'intosh." *Law and History Review* 19, no. 1 (Spring, 2001): 67-116.
- Lengel, James H. "The Role of International Law in the Development of Constitutional Jurisprudence in the Supreme Court: The Marshall Court and American Indians." *The American Journal of Legal History* 43, no. 2 (1999):117-132.
- Leslie, John F. "The Importance of Oral and Extrinsic Evidence in Understanding Indian Treaties." *Archivaria [Canada]* 53 (2003): 122-129.
- Martin, Calvin. "The Metaphysics of Writing Indian-White History." *Ethnohistory* 26, no. 2 (Spring, 1979): 153-159.
- Mihesuah, Devon A. "Voices, Interpretations, and the 'New Indian History': Comment on the 'American Indian Quarterly's' Special Issue on Writing about American Indians." *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 91-108.
- _____. "Commonalty of Difference: American Indian Women in History." *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 15-27.
- Nugent, David. "Property Relations, Production Relations, and Inequality: Anthropology, Political Economy, and the Blackfeet." *American Ethnologist* Vol. 20, No. 2 (May, 1993): 336-362.
- Pylypchuk, Mary Ann. "The Value of Aboriginal Records as Legal Evidence in Canada: An Examination of the Sources." *Archivaria [Canada]* 32 (1991): 51-77.
- Ray, Arthur J. "Aboriginal Title and Treaty Rights Research: A Comparative Look at Australia, Canada, New Zealand and the United States." *New Zealand Journal of History [New Zealand]* 37, no. 1 (2003): 5-21.
- _____. "Regina V. Marshall: Native History, the Judiciary and the Public." *Acadiensis* XXIX, no. 2 (Spring 2000): 138-146.

- Riney, Scott. "Education by Hardship: Native American boarding schools in the U.S. and Canada," *The Oral History Review*, vol. 24, no. 2 (Winter, 1997): 117-123.
- Rodnick, David. "Political Structure and Status Among the Assiniboine Indians." *American Anthropologist* Vol. 39, No. 3, Part 1 (Jul. - Sept., 1937): 408-416.
- Rotman, Leonard I. "Taking Aim at the Canons of Treaty Interpretation in Canadian Aboriginal Rights Jurisprudence." *University of New Brunswick Law Journal* 46 (1997): 11-50.
- Slattery, Brian. "Making Sense of Aboriginal and Treaty Rights." *The Canadian Bar Review* 79 (2000): 196-224.
- Spier, Leslie. "Blackfoot Relationship Terms." *American Anthropologist* Vol. 17, No. 3 (Jul. - Sep., 1915): 603-607.
- Wilson, Angela C. "American Indian History or Non-Indian Perceptions of American Indian History?" *American Indian Quarterly* Vol. 20, No. 1, Special Issue (Winter, 1996): 3-5.

Books

- Boldt, Menno. *Surviving as Indians: The Challenge of Self-Government*. Toronto: University of Toronto Press, 1993.
- Clinton, Robert, Nell Newton, and Monroe Price. *American Indian Law: Cases and Materials*. 3rd ed. Contemporary Legal Education Series. Charlottesville: The Michie Company Law Publishers, 1991,
- Dempsey, Hugh A. *Crowfoot : Chief of the Blackfeet*. Foreword by Paul F. Sharp. Vol. 970.3 B: Edmonton : Hurtig Publishers, c1972.
- _____. *Red Crow : Warrior Chief*. (2nd Edition) Saskatoon, Sask. : Fifth House, 1995.

- _____. *Firewater : The Impact of the Whisky Trade on the Blackfoot Nation / Hugh A. Dempsey*: Calgary : Fifth House Publishers, 2002.
- Ewers, John Canfield. *The Blackfeet : Raiders on the Northwestern Plains*. Vol. 970.3. [1st ed.] ed.: Norman, University of Oklahoma Press [1958].
- _____. *Plains Indian History and Culture: Essays on Continuity and Change*. Norman: University of Oklahoma Press, 1997.
- Hanks, L.M. Jr. and J.R. Hanks. *Tribe under Trust: A Study of the Blackfoot Reserve in Alberta*. Toronto: University of Toronto, 1950.
- Hungry Wolf, Adolf & Beverly. *Indian Tribes of the Northern Rockies*. Summertown, Tennessee: Native Voices, 1991.
- Imai, Shin. *Aboriginal Law Handbook*. Second ed. Ontario: Carswell Thomson Professional Publishing, 1999.
- Isaac, Thomas. *Aboriginal Law: Cases, Materials and Commentary*. Second ed. Saskatoon, Saskatchewan: Purich Publishing, 1999.
- _____. *Aboriginal Law: Commentary, Cases and Materials*. Third ed. Saskatoon, Saskatchewan: Purich Publishing, 2004.
- Jackson, John C. *The Piikani Blackfeet: A Culture under Siege*. Missoula, Montana: Mountain Press Publishing Company, 2000.
- _____. *Jeremy Jock Bird: Marginal Man on the Blackfoot Frontier*. Calgary, AB: University of Calgary, 2003.
- Macleod, R.C. *The NWMP and Law Enforcement 1873-1905*. Toronto: University of Toronto Press, 1976.
- Mainville, Robert. *An Overview of Aboriginal and Treaty Rights and Compensation for their Breach*. Purich's Aboriginal Issues Series, Saskatoon: Purich Publishing Ltd.

- Morris, Alexander. *The Treaties of Canada with the Indians of Manitoba and the North-West Territories*. Toronto: Belfords, Clarke and Co., 1880, Reprint, Saskatoon: Fifth House, 1991.
- Price, Richard, ed. *The Spirit of the Alberta Indian Treaties*. (3rd Edition) Edmonton: University of Alberta Press, 1999.
- Schultz, James W. *Blackfeet and Buffalo: Memories of Life Among the Indians*. Edited with an Introduction by Keith C. Steele. Norman: University of Oklahoma Press, 1962.
- Snow, Chief John. *These Mountains Are Our Sacred Places: The Story of the Stoney People* Western Canadian Classic Series by Fifth House Publishers. Calgary, AB: Fifth House Ltd, 2005.
- Stanley, George. *The Birth of Western Canada: A History of the Riel Rebellions*. New Introduction by Thomas Flanagan. Longmans, Green and Co. Ltd., 1936, reprint, Toronto: University of Toronto Press, 1992.
- St. Germain, Jill. *Indian Treaty-Making Policy in the United States and Canada: 1867-1877*. Lincoln: University of Nebraska Press, 2001.
- Treaty 7 Elders and Tribal Council with Walter Hildebrandt, Dorothy First Rider, and Sarah Carter. *The True Spirit and Original Intent of Treaty 7* McGill-Queen's Native and Northern Series, ed. Bruce G. Trigger. Montreal: McGill-Queen's University Press, 1996. Reprint, 1997.

Articles in a Book

- Cardinal, Harold. "Treaties Six and Seven: The Next Century." In *One Century Later: Western Canadian Reserve Indians Since Treaty 7*, edited by Ian A.L. Getty and Donald B. Smith. Vancouver: University of British Columbia Press, 1978.
- Dempsey, Hugh A. "One Hundred Years of Treaty Seven." In *One Century Later: Western Canadian Reserve Indians Since Treaty 7*, edited by Ian A.L. Getty and Donald B. Smith. Vancouver: University of British Columbia Press, 1978.

Snow, Chief John. "Treaty Seven Centennial: Celebration or Commemoration?" In *One Century Later: Western Canadian Reserve Indians Since Treaty 7*, edited by Ian A.L. Getty and Donald B. Smith. Vancouver: University of British Columbia Press, 1978.

Taylor, John. "Two Views on the Meaning of Treaties Six and Seven." In *The Spirit of the Alberta Treaties*, (3rd Edition) edited by Richard Price. Edmonton: University of Alberta Press, 1999.

Titley, Brian E. "Indian Industrial Schools in Western Canada," in Nancy M. Sheehan, J. Donald Wilson, and David C. Jones, eds., *Schools in the West: Essays in Canadian Educational History*, Calgary: Detselig, 1986.

Cases

Attorney General of Ontario v. Bear Island Foundation, [1985] 1 C.N.L.R. 1 (Ont.S.C.).

Cherokee Nation v. Georgia (1831), 30 U.S. (5 Pet.) 1 (U.S.S.C.).

Chief Victor Buffalo et al. v. Her Majesty the Queen et al., (2005) F.C. 1622.

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010.

Ermineskin Indian Band and Nations v. Canada, (2005) F.C. 1623.

Johnson and Grahams's Lessee v. M'Intosh (1823), 8 Wheaton 543 (U.S.S.C.).

Jones v. Meehan, 175 U.S. 1 (1899).

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), [2005] 3 S.C.R. 388, 2005 SCC 69.

Nowegijick v. The Queen, [1983] 1 S.C.R. 29.

R. v. Badger, [1996] 1 S.C.R. 771.

R. v. Battisse (1978), 84 D.L.R. (3d) 377 (Ont. Dist. Ct.).

R. v. Guerin, [1984] 2 S.C.R. 335.

R. v. Horseman, [1990] 1 S.C.R. 901.

R. v. Marhsall, [1999] 3 S.C.R. 456.

R. v. Sioui, [1990] 1 S.C.R. 1025.

R. v. Sundown, [1999] 1 S.C.R. 393.

R. v. Taylor and Williams (1981), 34 O.R. (2d) 360
(Ont.C.A.).

R. v. White and Bob (1964), 50 D.L.R. (2d) 613 (B.C.C.A.).

R. v. White and Bob, 6 C.N.L.R. 684, (1965), 52 D.L.R. (2d)
481 (S.C.C.).

Simon v. The Queen, [1985] 2 S.C.R. 387.

United States v. Lara, 541 U. S. 193 (2004).

Worcester v. Georgia (1832) 31 U.S. (6 Pet.) 515
(U.S.S.C.).

Appendix

Treaty 7

Handwritten treaty from National Archives Canada

Text of Treaty 7 from Alexander Morris

Articles of a Treaty made

and concluded this twenty second
day of September in the year of
Our Lord one thousand eight
hundred and seventy seven.

Between Her most gracious
Majesty the Queen of Great
Britain and Ireland by Her
Commissioners, the Honorable
David Laird, Lieutenant
Governor and Indian Superintendent
of the North West Territories,
and James Farquharson Macleod,
C. M. G., Commissioner of the
North West Mounted Police,
of the one part, and the
Blackfoot, Blood, Piegan,
Sarcee, Stoney and other Indians,
inhabitants of the Territory

North

North of the United States
Boundary Line, east of the
Central range of the Rocky
Mountains and South and
West of Treaties numbers Six
and Four, by their Head Chiefs
and minor Chiefs or Councillors
chosen as hereinafter mentioned,
of the other part.

Whereas the Indians
inhabiting the said Territory have
pursuant to an appointment
made by the said Commissioners
been convened at a meeting at
the "Blackfoot Crossing" of the
Bow River to deliberate upon certain
matters of interest to Her Most

Gracious

Gracious Majesty of the one part
and the said Indians of the other.

And Whereas the said Indians
have been informed by Her Majesty's
Commissioners that it is the desire
of Her Majesty to open up for
settlement and such other purposes
as to Her Majesty may seem meet,
a tract of Country bounded and
described as hereinafter mentioned,
and to obtain the consent thereto
of Her Indian subjects inhabiting
the said tract, and to make a
treaty and arrange with them so
that there may be peace and good-
will between them and Her Majesty;
and between them and Her Majesty's
other subjects; and that Her Indian
people may know and feel assured

of

of what allowance they are to
count upon and receive from
Her Majesty's bounty and
benevolence.

And Whereas the Indians of
the said tract duly convened in
Council and being requested by
Her Majesty's Commissioners to
present their Head Chiefs and
minor Chiefs or Councillors who
should be authorized on their
behalf to conduct such negotiations
and sign any Treaty to be formed
thereon and to become responsible
to Her Majesty for the faithful
performance by their respective
Bands of such obligations as
should be assumed by them;
the said Blackfeet, Blood, Piegans

and

and Sarcce Indians have therefore acknowledged for that purpose the several Head and Minor Chiefs, and the said Stony Indians the Chiefs and Councillors who have subscribed hereto; that thereupon in open Council the said Commissioners received and acknowledged the Head and Minor Chiefs and the Chiefs and Councillors presented for the purpose aforesaid.

And whereas the said Commissioners have proceeded to negotiate a Treaty with the said Indians; and the same has been finally agreed upon and concluded as follows, that is to say; the Blackfeet, Blood,

Pegan

Oregan, Sarcee, Stoney and other
Indians inhabiting the District
heremafter, more fully described
and defined, do, hereby cede,
release, surrender, and yield up
to the Government of Canada
for Her Majesty the Queen and
Her Successors for ever, all
their rights, titles and privileges
whatsoever to the lands included
within the following limits,
that is to say:

Commencing at a point on the
International Boundary due
South of the Western extremity
of the Cypress Hills, thence west
along the said Boundary to the
Central Range of the Rocky
Mountains or to the boundary
of

of the Province of British Columbia, thence Northwesterly along the said Boundary to a point due West of the source of the main branch of the Red Deer River, thence ^a Southwesterly and southerly ^b following on the boundaries of the tracts ceded by the Treaties, numbered Six and Seven to the place of commencement.

And also all their rights, titles and privileges whatsoever, to all other lands wherever situated in the North-West Territories, or in any other portion of the Dominion of Canada.

To Have and to hold the same to Her Majesty the Queen and Her Successors for ever.

And

viz. that in
margin of original

And Her Majesty the Queen hereby agrees with Her said Indians, that they shall have right to pursue their vocations of hunting throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the Country acting under the authority of Her Majesty; and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, trading or other purposes by Her Government of Canada, or by any of Her Majesty's subjects duly authorized therefor by the
said

said Government.

It is also agreed between Her Majesty and Her said Indians that Reserves shall be assigned them of sufficient area to allow one square mile for each family of five persons, or in that proportion for larger and smaller families, and that said Reserves shall be located as follows, that is to say:

First, The reserves of the Blackfoot, Blood, and Sarcee Bands of Indians, shall consist of a belt of land on the north side of the Bow and South Saskatchewan Rivers, of an average width of four miles along said rivers, down stream, commencing at a point on the Bow River twenty
miles

miles northwesterly of the Blackfoot Crossing thereof, and extending to the Red Deer River at its junction with the South Saskatchewan; also for the term of ten years and no longer, from the date of the concluding of this Treaty when it shall cease to be a portion of said Indian Reserves, as fully to all intents and purposes as if it had not at any time been included therein, and without any compensation to individual Indians for improvements of a similar belt of land on the south side of the Bow and Saskatchewan Rivers of an average width of one mile along said Rivers down stream, commencing at the aforesaid point

on

on the Bow River, and extending to a point one mile west of the Coal seam on said River, about five miles below the said Blackfoot Crossing; beginning again one mile East of the said Coal Seam and extending to the mouth of Maple Creek at its junction with the South Saskatchewan; and beginning again at the junction of the Bow River with the latter River and extending on both sides of the South Saskatchewan in an average width on each side thereof of one mile, along said River against the stream to the junction of the Little Bow River with the latter River; reserving to

to Her Majesty as may now
or hereafter be required by Her
for the use of Her Indian and
other subjects from all the
Reserves heretofore described
the right to navigate the above
mentioned Rivers, to land and
receive fuel and cargoes on the
shores and banks thereof, to
build Bridges and establish
ferries thereon, to use the fords
thereof and all the trails leading
thereto, and to open such other
roads through the said Reserves
as may appear to Her Majesty's
Government of Canada, necessary
for the ordinary travel of Her
Indian and other subjects, due
compensation being paid to
individual

individual Indians for improvements when the same may be in any manner encroached upon by such roads.

Secondly, that the Reserve of the Piegan Band of Indians shall be on the Old man's River, near the foot of the Porcupine Hills at a place called "Crow's Creek"

And Thirdly the Reserve of the Stoney Band of Indians shall be in the vicinity of Morleyville.

In view of the satisfaction of Her Majesty with the recent general good conduct of Her said Indians, and in extinguishment of all their past claims, She

herely

herely, through Her Commissioners
agrees to make them a present
payment of twelve dollars
each in cash, to each man,
woman and child of the families
here represented.

Her Majesty also agrees that
next year and annually after-
wards for ever, she will cause
to be paid to the said Indians
in cash, at suitable places and
dates of which the said Indians
shall be duly notified, to each
Chief Twenty five dollars, each
Minor Chief or Councillor (not
exceeding fifteen Minor Chiefs
to the Blackfeet and Blood
Indians and four to the Oregon
and Sarcee Bands, and five

Councillors

Councillors to the Stony Indian Bands) fifteen dollars, and to every other Indian of whatever age five dollars, the same unless there be some exceptional reason to pay to the heads of families for those belonging thereto.

Further Her Majesty agrees that the sum of Two thousand dollars shall hereafter every year be expended in the purchase of ammunition for distribution among the said Indians, provided that if at any future time ammunition become comparatively unnecessary for said Indians, Her Government with the consent of said Indians

or any of the Bands thereof,
may expend the proportion
due to such Band, otherwise
for their benefit.

Further, Her Majesty agrees
that each Head Chief and
Mmos Chief and each Chief
and Cornicillos duly recognized
as such, shall once in every
three years during the term
of their office, receive a
suitable suit of clothing,
and each Head Chief and Stony
Chief in recognition of the
closing of the Treaty, a suitable
medal and flag, and next
year or as soon as convenient
each Head Chief and Mmos
Chief and Stony Chief shall

receive

receives a Winchester Rifle.

Further Her Majesty agrees to pay the salary of such teachers to instruct the children of said Indians as to Her Government of Canada may seem advisable, when said Indians are settled on their Reserves and shall desire teachers.

Further, Her Majesty agrees to supply each Head and Minor Chief and each Story Chief for the use of their Bands, ten axes, five handsaws, five augers, one grindstone, and the necessary files and whetstones.

And Further, Her Majesty agrees that the said Indians shall

shall be supplied as soon as
convenient, after any Band
shall make due application
therefor, with the following
cattle for raising stock, that
is to say: for every family of
five persons and under, two
cows; for every family of more
than five persons and less than
ten persons, three cows; for every
family of over ten persons, four
cows; and every Head and Mmor
Chief and every Stony Chief for
the use of their Bands, one Bull;
but if any Band desire to
cultivate the soil as well as
raise stock, each family of
such Band shall receive one
cow less than the above

mentioned

mentioned number, and in lieu thereof, when settled on their reserves and prepared to break up the soil, two hoes, one spade, one scythe and two hayforks; and for every three families, one plough and one harrow; and for each Band enough potatoes, barley, oats and wheat (if such seeds be suited for the locality of their Reserves) to plant the land actually broken up. All the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

And the undersigned
Blackfoot, Blood, Piegan, and
Sarcee Head Chiefs and Minor
Chiefs and Stony Chiefs and

Councillors

24

Councillors on their own behalf
and on behalf of all other Indians
inhabiting the Tract within ceded
do hereby solemnly promise and
engage to strictly observe this
Treaty and also to conduct and
behave themselves as good and
loyal subjects of Her Majesty
the Queen - They promise and
engage that they will, in all
respects, obey and abide by the
Law; that they will maintain
peace and good order between each
other, and between themselves and
other Tribes of Indians and between
themselves and others of Her
Majesty's subjects, whether Indians,
Half Breeds or Whites, now inhabiting,
or hereafter to inhabit, any part

of

of the said ceded Tract; and that they will not molest the person or property of any inhabitant of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person, passing, or travelling through the said Tract or any part thereof, and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the laws in force in the country so ceded.

In Witness whereof Her Majesty's said Commissioners, and the said Indian Head and Minor Chiefs

and

and Stony Chiefs and Councillors,
have herunto subscribed and set
their hands, at the 'Blackfoot
Crossing' of the Bow River the day
and year herein first above
written.

Signed by the Chiefs and Councillors
within named in presence of the following
witnesses, the same having been first explained
by James Bird, Interpreter

Here follow
the signatures
of David Laird,
Lt. Gov. of N.W.
Territories &
Special Indian

(Here follow the signatures of
A. G. Irvine, Asst. Comd' N.W.M.P.
and other witnesses)

Comd' of
J. F. Macleod
Com. N.W.M.P.
& Spec' Ind. Com'ry,
and of the
Head & Minor
Chiefs & Councillors
aforesaid -

We the Members of the Blackfoot
Tribe of Indians having had
explained to us the terms of the
Treaty made and concluded at
the Blackfoot Crossing of the
Bow River on the twenty second day
of September in the year of Our Lord
one thousand eight hundred and
seventy seven.

Between Her Majesty the Queen
by Her Commissioners duly
appointed to negotiate the said
Treaty and the Blackfeet, Blood,
Piegan, Sarcee, Stony and other
Indian Inhabitants of the Country
within the limits defined in the
said Treaty but not having been
present at the Councils at which
the articles of the said Treaty

were

were agreed upon, do now
hereby for ourselves and the
Bands which we represent, in
consideration of the provisions
of the said Treaty being extended
to us and the Bands which we
represent, transfer, surrender
and relinquish to Her Majesty
The Queen, Her Heirs and Successors
to and for the use of Her
Government of the Dominion
of Canada, all our right, title
and interest whatsoever which
we and the said Bands which
we represent have held or
enjoyed, of, in and to the territory
described and fully set out
in the said Treaty - also, all our
right, title and interest what-

- Soever

1

-power to all other lands
wherever situated, whether within
the limits of any other Treaty
heretofore made or hereafter
to be made, with Indians, or
else where in Her Majesty's territories,
to have and to hold the same unto
and for the use of Her Majesty
The Queen Her Heirs and Successors,
forever.

And we hereby agree to accept
the several benefits, payments
and Reserves promised to the
Indians under the Chiefs adhering
to the said Treaty at the Blackfoot
Crossing of the Bow River, and we
solemnly engage to abide by,
carry out and fulfil all the
stipulations, obligations and
conditions

conditions therein contained
on the part of the Chiefs and
Indians therein named, to be
observed and performed and in
all things to conform to the
Articles of the said Treaty, as if
we ourselves and the Bands which
we represent had been originally
contracting parties thereto
and had been present at the
Councils held at the Blackfoot
Crossing of the Bow River, and
had there attached our signatures
to the said Treaty

In Witness whereof James
Jungbanson Macleod C.M.G. one
of Her Majesty's Commissioners
appointed to negotiate the said
Treaty and the Chief of the Band

hereby

hereby giving their adhesion
to the said Treaty have hereunto
subscribed and set their hands
at Fort Macleod this fourth
day of December in the year of
Our Lord one thousand eight
hundred and seventy seven.

Signed by the parties ⁽¹²⁾ James F. Macleod
Lt. Col.
hereto in the presence Special Indian
of the undersigned Commissioners
Witnesses, the same
having been explained ⁽¹³⁾ near Ristomack ^{his}
to the Indians by the ^{mark} (Three Bulls)
said James Farquharson
Macleod, one of the
Commissioners appointed
to negotiate the said Treaty
through the Interpreter,

George Potts, in the presence of

(12) A. G. Irvine Asst. Commr.

(12) E. Dalrymple Clark

(12) Charles E. Conrad Lt. Adjutant N.W.M.P.

(12) J. W. Under-Inspector

PUBLIC ARCHIVES OF CANADA

This copy is provided for research purposes only
Responsibility regarding questions of copyright
that may arise in the use of this print is assumed
by the recipient.

CALL NUMBER

COTE

(R.G. 2, Series 1, Volume 111)

DATE

JAN 28 1981

Cette copie a été préparée pour fins de recherche
seulement. Le récipiendaire sera tenu responsable
de toute infraction au droit de propriété de ce
document.

Certified to be a True Copy of a document in the
Public Archives of Canada
Copie certifiée d'un document
conservé aux Archives
publiques du Canada

Date JAN 28 1981

Signature *L. Sarachi*
for Dominion Archivist pour l'Archiviste fédéral

THE TREATY WITH THE BLACKFEET, NUMBER SEVEN.

ARTICLES OF A TREATY made and concluded this twenty-second day of September, in the year of our Lord one thousand eight hundred and seventy-seven, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honorable David Laird, Lieutenant-Governor and Indian Superintendent of the North-West Territories, and James Farquharson McLeod, C.M.G., Commissioner of the North-West Mounted Police, of the one part, and the Blackfeet, Blood, Piegan, Sarcee, Stony, and other Indians, inhabitants of the territory north of the United States boundary line, east of the central range of the Rocky Mountains, and south and west of Treaties Numbers Six and Four, by their head Chiefs and minor Chiefs or Councillors, chosen as hereinafter mentioned, of the other part:

Whereas the Indians inhabiting the said territory, have pursuant to an appointment made by the said Commissioners, been convened at a meeting at the "Blackfoot crossing" of the Bow River, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other;

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

And whereas the Indians of the said tract, duly convened in council, and being requested by her Majesty's Commissioners to present their head Chiefs and minor Chiefs, or Councillors, who shall be authorized, on their behalf, to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as should be assumed by them, the said Blackfeet, Blood, Piegan and Sarcee Indians have therefore acknowledged for that purpose, the several head and minor Chiefs, and the said Stony Indians, the Chiefs and Councillors who have subscribed hereto, that thereupon in open council the said Commissioners received and acknowledged the head and minor Chiefs and the Chiefs and Councillors presented for the purpose aforesaid;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians; and the same has been finally agreed upon and concluded as follows, that is to say: the Blackfeet, Blood, Piegan, Sarcee

Stony and of described and the Governm forever, all th within the fo

Commenci western extre to the centr: Province of I to a point du thence south ceded by the and also all wherever sit the Dominic

To have an forever:

And Her they shall l tract surren from time t the authorit be required or other pu subjects du

It is also shall be as family of f and that s:

First—T shall consi Satchew down strea westerly c Deer Rive of ten yea when it s intents an without a similar be of an aver at the afo west of tl foot cross extending

R SEVEN.

second day of
hundred and
Queen of Great
David Laird,
North-West
Commissioner
the Blackfeet,
titants of the
of the central
aties Numbers
r Councillors,

ursuant to an
l at a meeting
e upon certain
part, and the

Her Majesty's
up for settle-
meet, a tract
and to obtain
tract, and to
peace and good
Her Majesty's
eel assured of
Her Majesty's

a council, and
at their head
ized, on their
to be founded
hful perform-
e assumed by
s have there-
or Chiefs, and
ve subscribed
received and
d Councillors

otiate a treaty
ed upon and
egan, Sarcee

Stony and other Indians inhabiting the district hereinafter more fully described and defined, do hereby cede, release, surrender, and yield up to the Government of Canada for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say :

Commencing at a point on the international boundary due south of the western extremity of the Cypress Hills ; thence west along the said boundary to the central range of the Rocky Mountains, or to the boundary of the Province of British Columbia ; thence north-westerly along the said boundary to a point due west of the source of the main branch of the Red Deer River ; thence south-westerly and southerly following on the boundaries of the tracts ceded by the Treaties Numbered Six and Four to the place of commencement ; and also all their rights, titles and privileges whatsoever, to all other lands wherever situated in the North-West Territories, or in any other portion of the Dominion of Canada :

To have and to hold the same to Her Majesty the Queen and her successors forever :

And Her Majesty the Queen hereby agrees with her said Indians, that they shall have right to pursue their vocations of hunting throughout the tract surrendered as heretofore described, subject to such regulations as may, from time to time, be made by the Government of the country, acting under the authority of Her Majesty ; and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, trading or other purposes by her Government of Canada, or by any of her Majesty's subjects duly authorized therefor by the said Government.

It is also agreed between Her Majesty and her said Indians that reserves shall be assigned them of sufficient area to allow one square mile for each family of five persons, or in that proportion for larger and smaller families, and that said reserves shall be located as follows, that is to say :

First—The reserves of the Blackfeet, Blood and Sarcee bands of Indians, shall consist of a belt of land on the north side of the Bow and South Saskatchewan Rivers, of an average width of four miles along said rivers, down stream, commencing at a point on the Bow River twenty miles north-westerly of the "Blackfoot crossing" thereof, and extending to the Red Deer River at its junction with the South Saskatchewan ; also for the term of ten years, and no longer, from the date of the concluding of this treaty, when it shall cease to be a portion of said Indian reserves, as fully to all intents and purposes as if it had not at any time been included therein, and without any compensation to individual Indians for improvements, of a similar belt of land on the south side of the Bow and Saskatchewan Rivers of an average width of one mile along said rivers, down stream ; commencing at the aforesaid point on the Bow River, and extending to a point one mile west of the coal seam on said river, about five miles below the said "Black-foot crossing ;" beginning again one mile east of the said coal seam and extending to the mouth of Maple Creek at its junction with the South

Further, Her Majesty agrees to pay the salary of such teachers to instruct the children of said Indians as to her Government of Canada may seem advisable, when said Indians are settled on their reserves and shall desire teachers.

Further, Her Majesty agrees to supply each head and minor Chief, and each Stony Chief, for the use of their bands, ten axes, five handsaws, five augers, one grindstone, and the necessary files and whetstones.

And further, Her Majesty agrees that the said Indians shall be supplied as soon as convenient, after any band shall make due application therefor, with the following cattle for raising stock, that is to say: for every family of five persons, and under, two cows; for every family of more than five persons, and less than ten persons, three cows; for every family of over ten persons, four cows; and every head and minor Chief, and every Stony Chief, for the use of their bands, one bull; but if any band desire to cultivate the soil as well as raise stock, each family of such band shall receive one cow less than the above mentioned number, and in lieu thereof, when settled on their reserves and prepared to break up the soil, two hoes, one spade, one scythe, and two hay forks, and for every three families, one plough and one harrow, and for each band, enough potatoes, barley, oats, and wheat (if such seeds be suited for the locality of their reserves) to plant the land actually broken up. All the aforesaid articles to be given, once for all, for the encouragement of the practice of agriculture among the Indians.

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

In witness whereof Her Majesty's said Commissioners, and the said Indian head and minor Chiefs, and Stony Chiefs and Councillors, have hereunto subscribed and set their hands, at the "Blackfoot crossing" of the Bow River, the day and year herein first above written.

(Signed) DAVID LAIRD,
Gov. of N.-W. T., and Special Indian Commissioner.

JAMES F. McLEOD,
*Lieut.-Colonel, Com. N.-W.M.P., and
 Special Indian Commissioner.*

	His x mark.
CHAPO-MEXICO (or Crowfoot), <i>Head Chief of the South Blackfeet.</i>	“ x “
MATOSE-APIW (or Old Sun), <i>Head Chief of the North Blackfeet.</i>	“ x “
STAMISCOTOCAR (or Bull Head), <i>Head Chief of the Sarcees.</i>	“ x “
MEKASTO (or Red Crow), <i>Head Chief of the South Bloods.</i>	“ x “
NATOSE-ONISTORS (or Medicine Calf).	“ x “
POKAPIW-OTOIAN (or Bad Head).	“ x “
SOTENAH (or Rainy Chief), <i>Head Chief of the North Bloods.</i>	“ x “
TAKOYE-STAMIX (or Fiend Bull).	“ x “
AKKA-KITCIPIMIW-OTAS (or Many Spotted Horses).	“ x “
ATTTISTAH-MACAN (or Running Rabbit).	“ x “
PITAH-PEKIS (or Eagle Rib).	“ x “
SAKOYE-AOTAN (or Heavy Shield), <i>Head Chief of the Middle Blackfeet.</i>	“ x “
ZOATZE-TAPITAPIW (or Setting on an Eagle Tail). <i>Head Chief of the North Piegans.</i>	“ x “
AKKA-MAKKOYE (or Many Swans).	“ x “
APENAKO-SAPOP, (or Morning Plume).	“ x “
* MAS-GWA-AH-SID (or Bear's Paw).	“ x “
* CHE-NE-KA (or John).	“ x “
* KI-CHI-PWOT (or Jacob).	“ x “
STAMIX-OSOK (or Bull Bacfat).	“ x “
EMITAH-APISKINNE (or White Striped Dog).	“ x “
MATAPI-KOMOTZIW (or the Captive or Stolen Person).	“ x “
APAWAWAKOSOW (or White Antelope).	“ x “
MAKOYE-KIN (or Wolf Collar).	“ x “
AYE-STIPIS-SIMAT (or Heavily Whipped).	“ x “
KISSOUM (or Day Light).	“ x “
PITAH-OTOCAN (or Eagle Head).	“ x “
APAW-STAMIX (or Weasel Bull).	“ x “
ONISTAH-POKAH (or White Calf).	“ x “
NETAH-KITEI-PI-MEW (or Only Spot).	“ x “

Signed by the
 following wi
 Interprets

(Signed) A.
 J. J.
 JE
 W.
 T.
 E.
 A.
 C.
 W
 F
 M

* Stony Chiefs.

	AKAK-OTOS (or Many Horses).	His x mark.
	STOKIMATIS (or The Drum).	" x "
is x mark.	PITAH-ANNES (or Eagle Robe).	" x "
	PITAH-OTSIKIN (or Eagle Shoe).	" x "
x "	STAMIX-OTA-KA-PIW (or Bull Turn Round).	" x "
x "	MASTE-PITAH (or Crow Eagle).	" x "
x "	† JAMES DIXON.	" x "
x "	† ABRAHAM KECHPWOT.	" x "
x "	† PATRICK KECHPWOT.	" x "
x "	† GEORGE MOY-ANY-MEN.	" x "
x "	† GEORGE CRAWLOR.	" x "
x "	EKAS-KINE (or Low Horn).	" x "
x "	KAYO-OKOSIS (or Bear Shield).	" x "
x "	PONOKAH-STAMIX (or Bull Elk).	" x "
x "	OMAKSI SAPOP (or Big Plume).	" x "
x "	ONISTAH (or Calf Robe).	" x "
x "	PITAH-SIKSINUM (or White Eagle).	" x "
x "	APAW-ONISTAW (or Weasel Calf).	" x "
x "	ATTISTA-HAES (or Rabbit Carrier).	" x "
x "	PITAH (or Eagle).	" x "
x "	PITAH-ONISTAH (or Eagle White Calf).	" x "
x "	KAYE-TAPO (or Going to Bear).	" x "

Signed by the Chiefs and Councillors within named in presence of the following witnesses, the same having been first explained by James Bird, Interpreter.

- (Signed) A. G. IRVINE, *Ass't Com., N.-W. M. P.*
 J. McDOUGALL, *Missionary.*
 JEAN L' HEUREUX.
 W. WINDER.
 T. N. F. CROZIER, *Inspectors.*
 E. DALRYMPLE CLARK, *Lieut. and Adjutant. N.-W. M. P.*
 A. SHURTLIFF,
 C. E. DENING,
 W. D. ANTROBUS, *Sub-Inspectors.*
 FRANK NORMAN, *Staff Constable.*
 MARY J. MACLEOD.

† Stony Councillors.

JULIA WINDER.

JULIA SHURTLIFF.

E. HARDISTY.

A. McDOUGALL.

E. A. BARRETT.

CONSTANTINE SCOLLEN, *Priest*, witness to signatures of Stonixosak and those following.

CHARLES E. CONRAD.

THOS. J. BOGG.

Majesty's Con
Chief of the l
hereunto subs
of December,
seventy-seven.

ADHESION TO TREATY NUMBER SEVEN.

We, the members of the Blackfoot tribe of Indians, having had explained to us the terms of the treaty made and concluded at the Blackfoot crossing of the Bow River, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and seventy-seven ;

Between Her Majesty the Queen, by her Commissioners duly appointed to negotiate the said treaty and the Blackfeet, Blood, Piegan, Sarcee, Stony and other Indian inhabitants of the country within the limits defined in the said treaty, but not having been present at the Councils at which the articles of the said treaty were agreed upon, do now hereby, for ourselves and the bands which we represent, in consideration of the provisions of the said treaty being extended to us and the bands which we represent, transfer, surrender and relinquish to Her Majesty the Queen, her heirs and successors, to and for the use of her Government of the Dominion of Canada, all our right, title, and interest whatsoever, which we and the said bands which we represent have held or enjoyed, of in and to the territory described and fully set out in the said treaty ; also, all our right, title, and interest whatsoever to all other lands wherever situated, whether within the limits of any other treaty heretofore made or hereafter to be made with Indians, or elsewhere in Her Majesty's territories, to have and to hold the same unto and for the use of Her Majesty the Queen, her heirs and successors forever ;

And we hereby agree to accept the several benefits, payments, and reserves promised to the Indians under the Chiefs adhering to the said treaty at the Blackfoot crossing of the Bow River, and we solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained on the part of the Chiefs and Indians therein named, to be observed and performed and in all things to conform to the articles of the said treaty, as if we ourselves and the bands which we represent had been originally contracting parties thereto and had been present at the Councils held at the Blackfoot crossing of the Bow River, and had there attached our signatures to the said treaty.

In witness whereof James Farquharson McLeod, C.M.G., one of Her

Signed by the
the same
Farquhar
the said t

(Signed) A.

E.

CH

W

Majesty's Commissioners appointed to negotiate the said treaty, and the Chief of the band, hereby giving their adhesion to the said treaty, have hereunto subscribed and set their hands at Fort McLeod, this fourth day of December, in the year of our Lord one thousand eight hundred and seventy-seven.

(Signed) JAMES F. McLEOD,
*Lieut.-Col., Special Indian
Commissioner.*

MEANXKISTOMACH His x mark.
(or Three Bulls).

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been explained to the Indians by the said James Farquharson McLeod, one of the Commissioners appointed to negotiate the said treaty, through the interpreter, Jerry Potts, in the presence of

(Signed) A. G. IRVINE,
Assistant Commissioner.

E. DALRYMPLÉ CLARK,
Lieutenant and Adjutant N.-W. M. P.

CHARLES E. CONRAD.

W. WINDER,
Inspector.

had explained
a foot crossing
in the year of

uly appointed
Sarcee, Stony
defined in the
at which the
for ourselves
visions of the
resent, trans-
her heirs and
on of Canada,
ne said bands
tory described
, and interest
nin the limits
with Indians,
the same unto
ssors forever ;
ayments, and
g to the said
we solemnly
bligations and
ndians therein
nform to the
ds which we
nd had been
e Bow River,

, one of Her