

CHAPTER SEVEN

Qu'Appelle Treaty, or Treaty 4

Connections and similarities existed between Saskatchewan treaties and the preceding Robinson Treaties and Treaties 1, 2, and 3. Alexander Morris, in his 1880 publication *The Treaties of Canada*, considered the similarities, pointing out that the Robinson agreements and the first three treaties served as the blueprint for those that followed: “The treaties are all based upon the models of that made at the Stone Fort in 1871 and the one made in 1873 at the north-west angle of the Lake of the Woods with the Chippewa tribes, and these again are based in many material features, on those made by the Hon. W. B. Robinson with the Chippewas dwelling on the shores of Lakes Huron and Superior in 1860 [1850].”¹ He noted that the treaties had seven common features:

- 1 A relinquishment ... of all their right and title to the lands covered by the treaties, saving certain reservations for their own use, and
- 2 In return for such relinquishment, permission to the Indians to hunt over the ceded territory and to fish in the waters thereof, excepting such portions of the territory as pass from the Crown into the occupation of individuals or otherwise.
- 3 The perpetual payment of annuities of five dollars per head to each Indian – man, woman and child. The payment of an annual salary of twenty-five dollars to each Chief, and of fifteen dollars to each Councillor, or head man, of a Chief (thus making them in a sense officers of the Crown), and in addition, suits of official clothing for the Chiefs and head men, British flags for the Chiefs, and silver medals ...
- 4 The allotment of lands to the Indians, to be set aside as reserves for them for homes and agricultural purposes, and which cannot be sold or alienated without their consent, and then only for their benefit; the extent of lands thus set apart being generally one section for each family of five.
- 5 A very important feature of all the treaties, is the giving to the Indian bands, agricultural implements, oxen, cattle (to form the nuclei of herds), and seed grain ...
- 6 The Treaties provide for the establishment of schools, on the reserves, for the instruction of the Indian children. This is a very important feature, and is deserving of being

pressed with the utmost energy. The new generation can be trained in the habits and ways of civilized life – prepared to encounter the difficulties with which they will be surrounded, by the influx of settlers, and fitted for maintaining themselves as tillers of the soil ...

7 The treaties all provide for the exclusion of the sale of spirits, or “fire-water” on the reserves ...

Such are the main features of the treaties between Canada and the Indians, and, few as they are, they comprehend the whole future of the Indians and of their relations to the Dominion.²

Not surprisingly, Morris understood the treaty relation between Indian nations and the Crown only in general terms. For example, Treaties 1 and 2 did not express a hunting or fishing right, yet his summary of the common features stated that the Indian right “to hunt over the ceded territory and to fish in the waters” was central to all the treaties.

PRELIMINARY TALKS AT FORT QU’APELLE

Although Treaty 4³ was not, strictly speaking, the first of the Saskatchewan treaties (Treaty 2 of 1871 includes the southeastern corner of Saskatchewan), in practical terms the 1874 discussions that led to this accord initiated the treaty-making process in the territory that became Saskatchewan.⁴ These talks brought together an impressive cast of characters. Alexander Morris, a lawyer and lieutenant-governor of Manitoba and the North-West Territory and David Laird, minister of the Interior and superintendent general of Indian Affairs in the Alexander Mackenzie government (1873–78) led the Crown’s party. These two officials were accompanied and assisted by retired Hudson’s Bay Company factor for the Saskatchewan District, W.J. Christie; a future Indian agent, M.G. Dickieson, who acted as secretary to the proceedings; an official interpreter, Charles Pratt, who was a member of the Cree-Assiniboine band known as the Young Dogs and also a catechist of the Church of England; and a military escort consisting of Canadian militia.⁵ For reasons that are not explained in Alexander Morris’ account, two other men also acted for a time as interpreters: William Daniel at Qu’Appelle and Joseph Robillard at Fort Ellice (see table A4).

Alexander Morris, who for a variety of reasons was to be the most influential of the government’s representatives at Qu’Appelle, was anxious to achieve a successful conclusion to the negotiations. Appointed lieutenant-governor of Manitoba and also of the North-West Territories in 1872, Morris had, after much difficulty negotiated Treaty 3, the North West Angle Treaty, in 1873. In the autumn of 1873 he informed Alexander Campbell, minister of the Interior and superintendent general of Indian Affairs, that “unsatisfactory accounts of

the state of affairs in the Territories” made him “regret much that the Treaties I proposed were not carried out.” He was alarmed at the restiveness of “the Metis at Lac Q’Appelle,” who were reported as “wishing to resist the coming of any settlers & saying there is no law there.” What was worse, “They [the Métis] are also I am told exciting the Indians, telling them their lands are to be taken from them.”⁶ Morris tied “the future of the North West and the Indian question” together, apparently recognizing that failure to solve the latter dimmed the former.⁷

Morris kept up his campaign with Ottawa for more treaties to the west of Treaty 2, and in the spring told the minister of justice that “I am glad that you have obtained a sum for a Treaty this summer. A Treaty covering the region of the Qu’Appelle Lakes is of great importance and would have a very beneficial effect in the North West.”⁸ Morris clearly saw treaties in the prairie region west of Treaty 2, including the Qu’Appelle Treaty, as essential to avoid unrest among Plains First Nations – unrest made worse by discontented Métis, perhaps, and unrest that would deter potential settlers and retard the agricultural development of the Northwest.

The First Nations negotiators whom Morris and the other government representatives met spoke for both the Plains Cree and the Saulteaux groups from the Qu’Appelle Valley and surrounding area, as well as the Fort Pelly district. The man who articulated the Cree point of view was Kakushway (Loud Voice), while Meemay (Gabriel Coté) and Otahaoman (the Gambler) took the lead for the Saulteaux party.⁹ Other prominent chiefs who were present included Pisqua (Pasqua, the Plain), who did speak at one point, and Kawacatoose, who did not.¹⁰ All in all, thirteen leaders would give their approval of the treaty after many days of difficult argument and negotiation.¹¹

Treaty 4 is unique among the Saskatchewan treaties for two things that preceded the actual discussion of treaty terms. First, neither the Plains Cree nor the Saulteaux who were present appeared to have carried out the pipe ceremony or other important rituals that marked other negotiations.¹² Morris was not slow to notice the absence of ceremony and what the omission signified. To The Gambler, the Saulteaux spokesman, he critically contrasted the behaviour of the Saulteaux at Qu’Appelle in 1874 with that of their countrymen at the Treaty 3 talks held at the North West Angle a year earlier: “I held out my hand but you did not do as your nation did at the Angle. When I arrived there the Chief and his men came and gave me the pipe of peace and paid me every honor.”¹³ The Gambler told Morris that those of his people whom he represented were offended that the government had located its militia tents on the HBC site. Also, he was angry that Morris had not shaken the hand of a Métis when introduced, but it emerged over several days that the underlying cause of Native discontent went much deeper than these perceived slights.

“SOMETHING IN MY WAY”

For four days of preliminary discussions and part of the fifth day, *Saulteaux* negotiators refused to engage in substantive discussions with the government negotiators because they resented the Dominion of Canada's dealings with the HBC over land that the First Nation regarded as *Saulteaux* territory. During 1869–70, the Dominion of Canada had, as explained earlier, paid £300,000 for the company's interests in *Rupert's Land*, except for lands adjacent to its posts and a share of lands located in the fertile belt. The Gambler's and other Native objections to the location of Canada's militia camp has to be understood as an objection to this transfer agreement. This is why they immediately objected to Morris' intention to hold treaty talks on HBC land; this is also why they complained about Morris and his fellow commissioner, David Laird, being lodged in the HBC quarters during the talks.¹⁴ These concerns were of great symbolic importance. For the first two days, the *Saulteaux* Chief, Coté, refused to come to the table, leaving the Gambler to articulate his deep reservations. When Coté finally attended on the fourth day, he initially would not talk. He deferred instead to Plains Cree chief Loud Voice, who pointedly told Morris that “there is something in my way” that was preventing serious discussions from taking place.¹⁵

When the *Saulteaux* finally expressed openly what was troubling them, they made it clear that they did not accept the company's pretension that it had the right to dispose of First Nations lands to Canada. Likewise, they resented the surveying of the tracts that the company claimed according to the terms of the 1869–70 transfer agreement.¹⁶ This subject had already been raised briefly and in a rather narrow context during Treaty 3 talks. Indians near Fort Francis had been angry that the company was claiming lands that they wanted for their reserves. The Fort Francis Ojibwa chief had asserted that the land belonged to him. Morris had dealt with this problem by saying that he would look into the matter and assured the Ojibwa that their interests would be dealt with fairly.¹⁷

At Fort Qu'Appelle in 1874, the Gambler demanded to know who was responsible for the surveying that had gone on around the HBC fort:

I have understood plainly before what he (the Hudson Bay Company) told me about the Queen. This country that he (H.B.Co.) bought from the Indians let him complete that. It is that which is in the way. I cannot manage to speak upon anything else, when the land was staked off it was all the Company's work. That is the reason I cannot speak of other things.

The Company have stolen our land. I heard that at first. I hear it is true. The Queen's messengers never came here, and now I see the soldiers and the settlers and the policemen. I know it is not the Queen's work, only the Company has come and they are the head, they are foremost; I do not hold it back. Let this be put to rights; when this is righted I will answer the other.

When one Indian takes anything from another we call it stealing, and when we see the present we say pay us. It is the Company I mean.

Lieut. Gov. Morris – What did the Company steal from you?

The Gambler – The earth, trees, grass, stones, all that which I see with my eyes.¹⁸

Later in the same confrontation the Gambler spelled out even more plainly that the Saulteaux regarded the company's survey of land as presumptuous and an affront:

Lieut-Gov. Morris – What do you complain of? I can not tell.

The Gambler – The survey. This one (pointing to an Indian) did not say so, and this Saulteaux and he was never told about it. He should have been told beforehand that this was to have been done and it would not have been so, and I want to know why the Company have done so. This is the reason I am talking so much about it.¹⁹

And again he made the point that

The Company have no right to this earth, but when they are spoken to they do not desist, but do it in spite of you. He is the head and foremost. These Indians you see sitting around report that they only allowed the store to be put up. That is the reason I was very glad when I heard you were coming. The Indians were not told of the reserves at all[.] I hear now, it was the Queen gave the land. The Indians thought it was they who gave it to the Company, who are now all over the country. The Indians did not know when the land was given.²⁰

The climax of this confrontation came soon after, when Pasqua, in exasperation, pointed at an HBC man and said, "You told me you had sold your land for so much money, £300,000. We want that money."²¹

Pasqua's brother-in-law, the reporter F.L. Hunt, quoted an unidentified negotiator as saying to Morris: "A year ago these people [the company] drew lines, and measured and marked the lands as their own. Why was this? We own the land; the Manitou [or Great Spirit] gave it to us. There was no bargain; they stole from us, and now they steal from you."²²

Commissioner Morris refused to entertain these demands, arguing that the Canadian government did not have any particular responsibility for the HBC and that the Queen could dispose of the lands as she saw fit. He tried to resolve the issue by stating that the Queen had the right to grant lands to the company just as she did to the Indians. He said that "the Company are nothing to her except that they are carrying on trade in this country,"²³ and he added that the company needed land to carry on its trading operations and the Queen had granted the reserves to the company for that purpose. Morris also stressed that the Queen would not break her promises to the company, just as she would not break them

with the Indians. And in an attempt to undermine The Gambler's position, Morris pointed out that the Saulteaux, the Gambler's people, were newcomers to the territory and that their ancestral homelands lay to the east. Thus, argued Morris, the Gambler's people were like the HBC. The Cree had given both of them permission to live in the area.

Morris offered another dubious counterargument to The Gambler:

I told you that many years ago the Queen's father's father gave the Company the right to trade in the country from the frozen ocean to the United States boundary line, and from the Atlantic Ocean to the Pacific. The Company grew strong and wanted no one to trade in the country but themselves. *The Queen's people said, "no, the land is not yours, the Queen's father's father gave you rights to trade, it is time those rights should stop."* You may go on and trade like any other merchant, but as it was worth money to you to say to this trader you shall not buy furs at any post, the Queen would not act unjustly to the Company. She would not take rights away from them any more than from you; and to settle the question, she took all the lands into her own hands and gave the Company a sum of money in place of the rights which she had taken from them.²⁴

Although Morris told the Indians that the £300,000 paid to the HBC was intended solely to compensate it for withdrawal of its monopoly trading privileges, he must have known that the payment was for the purchase of the company's charter title to Rupertsland, given that the terms of this transaction had been the subject of protracted negotiations between the HBC and the Canadian and British governments during the late 1860s. Even more misleading was Morris' statement that the Queen had taken all of the lands into her hands. After all, the HBC retained one-twentieth of the territory of the fertile belt, as well as the developed lands (the reserves) around its posts. The latter concession amounted to 45,160 acres, of which 42,170 was located in the old Northern Department. Of the latter figure, the Saskatchewan District comprised over half with 25,700 acres.²⁵ Morris could not have been ignorant of the terms of the sale of Rupertsland, given the public offices he held. More likely, he was attempting to conceal these aspects of the transaction from the Indians.

After Morris rebuffed them about the HBC-Canada transfer, First Nations negotiators advanced other demands related to the company. On behalf of the Saulteaux, The Gambler demanded an agreement to restrict Hudson's Bay Company activities to their posts: "The Indians want the Company to keep at their post and nothing beyond. After that is signed they will talk about something else ... The Company is not to carry anything out into the country, but are to trade in the Fort. That is what we want signed on the paper; then we will talk on other subjects."²⁶ When Morris said that he could not sign such an agreement, Chief Coté began to talk of leaving Fort Qu'Appelle and returning to his home territory: "You wanted me to come here and I came here. I find nothing, and I

do not think anything will go right. I know what you want; I cannot speak of anything here concerning my own land until I go to my own land. Whenever you desire to see me I will tell you what you are asking me here. Now I want to return.”²⁷ Coté desisted only when Morris intimated that the chief’s departure would be interpreted as rejection of the Crown’s overtures and that it might well be a long time before another opportunity for treaty talks occurred:

If that be the message that, your conduct to-day is going to make us carry back, I am sorry for you, and fear it will be a long day before you again see the Queen’s Councillors here to try to do you good. The Queen and her Councillors may think that you do not want to be friends, that you do not want your little ones to be taught, that you do not want when the food is getting scarce to have a hand in yours stronger than yours to help you. Surely you will think again before you turn your backs on the offers; you will not let so little a question as this about the Company, without whom you tell me you could not live, stop the good we mean to do.²⁸

In response, The Gambler implied that the Saulteaux were not leaving, and that Chief Coté would enter into discussions.

When talks resumed the next day, the sixth day of meetings, the First Nations negotiators were still not ready to let go of the Hudson’s Bay Company issue. Kamooses, a Cree spokesman, tried by an indirect means to obtain some benefit from the HBC-Canada transfer: “Now, I am going to ask you that the debt that has been lying in the Company’s store, I want that to be wiped out. I ask it from the great men of the Queen.”²⁹ Morris suggested that such a course of action would not be appropriate. Surely, he asked, if someone owed a chief a debt it would be wrong for someone else to cancel the obligation? Moreover, he had no authority to wipe the ledger clean: “I would be very glad if we had it in our power to wipe out your debts, but it is not in our power. All we can do is to put money in your hands and promise to put money in the hands of those who are away, and give you money every year afterwards, and help you to make a living when the food is scarce.”³⁰ Both Cree and Saulteaux would have to satisfy themselves with these promises of annuities and support for subsistence in the future.

TREATY 4 NEGOTIATIONS

In light of the protracted preliminary arguments that revolved around the issue of who owned the territory that the treaty was to cover, perhaps it is not surprising that Morris’ and First Nations elders’ accounts of this aspect of the talks are in sharp contrast. Even according to his own secretary’s version of the talks, the commissioner said relatively little about the land. On the other hand the elders’ recollections of what the treaty negotiations had to say about the land are sharp and consistent. The commissioner asserted a Crown title when justifying the HBC

transfer to Canada. "All the ground here is the Queen's and you are free to speak your mind fully," he told Cree spokesmen at the beginning of the third day's meeting.³¹ During his argument with the Gambler over the HBC on the fourth day, Morris denied that the Indians' lands had been stolen, because "it is not stealing to use the gift of the Great Spirit. The lands are the Queen's under the Great Spirit."³² And later in the same set-to, Morris said, "We are here to talk with you about the land."³³

However, through all the many days of talks, Morris was never very specific about what the future status of the lands to be embraced by the treaty would be. For example, on the first day he told the Cree, "We want to speak to you about the land and what the Queen is willing to do for you."³⁴ And on the fifth day he tried to counter Saulteaux charges that the land had been "stolen" by the HBC and Canada with an argument that implied the government wanted to share the territory as First Nations had done earlier: "We have two nations here. We have the Crees, who were here first, and we have the Ojibbeways, who came from our country not many suns ago. We find them here; we won't say they stole the land and the stones and the trees; no, but we will say this, that we believe their brothers, the Crees, said to them when they came in here: 'The land is wide, it is wide, it is big enough for us both; let us live here like brothers'; and that is what you say, as you told us on Saturday, as to the Half-breeds that I see around. You say that you are one with them; now we want all to be one."³⁵ Commissioner Morris' vague language stands in sharp contrast to the full and precise language in the government's printed version of Treaty 4: "The Cree and Saulteaux tribes of Indians, and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and her successors forever, all their rights, titles and privileges whatsoever to the lands included within the following limits [which are then described]."³⁶

For most of the other aspects of Treaty 4, the talks were relatively brief, principally because the First Nations negotiators were prepared to accept the terms that Ojibwa had agreed to a year earlier in the North West Angle Treaty. On the final day of talks, Kamooses, speaking on behalf of Loud Voice of the Cree "and for the other chiefs," told the commissioner, "We want the same Treaty you have given to the North-West Angle." When Morris inquired, "Who are you speaking for? Is it for the whole of the Indians?" the assembly, according to Morris' account, "expressed their assent."³⁷ This concurrence left the commissioner with the rather delicate task of explaining to those at Fort Qu'Appelle why he proposed to pay them eight dollars per person, whereas he had given the Ojibwa of northwestern Ontario twelve dollars as an initial payment. His explanation implied that prior usage of the Treaty 3 region by non-Natives had justified a higher payment: "You must know that the steamboats had been running through their waters, and our soldiers had been marching through their country, and for that

reason we offered the Ojibbeways a larger sum than we offered you. Last year it was a present, covering five years; with you it was a present for this year only. I paid the Indians there a present in money down of twelve dollars per head.”³⁸

Morris also implied that the higher payment in Treaty 3 was justified by the greater difficulty and longer time it took to negotiate that agreement.³⁹ Whatever his supposed justification for a lower initial payment in Treaty 4, the final document contained a provision for payment “for every other man, woman and child [other than chief and headmen], twelve dollars in cash.”⁴⁰ The commissioner explained that the payment was augmented to the same level as Treaty 3 “rather than not close the matter [i.e., conclude the treaty].”⁴¹ In addition, each chief received twenty-five dollars and each head man, to a maximum of four in a band, fifteen dollars, and a coat. Each chief would also receive “a Queen’s silver medal.”⁴²

Most other terms in Treaty 4 were identical to those in Treaty 3. For annuities, each chief would receive twenty-five dollars, each headman fifteen dollars; and both chiefs and head men would receive a commemorative suit of clothes every three years. Each chief was also to receive “in recognition of the closing of the treaty, a suitable flag.” After a census of the people had been taken, each man, woman, and child would receive five dollars per year forever.⁴³ Kamooses, a Cree spokesman, had tried during negotiations to improve these terms: “I want ... all my children around me, something more on the top. For my chief thirty dollars, for my four chief head men twenty dollars, and each of my young children fifteen dollars a year.” However, Morris accused him of trying to renege on the commitment to accept the same terms as had been agreed upon in Treaty 3 and refused to change the article of the treaty.⁴⁴

“THE CUNNING OF THE WHITE MAN”

Treaty 4 also contained provisions for reserves that were the same as those of Treaty 3: “And Her Majesty the Queen hereby agrees, through the said Commissioners, to assign reserves for said Indians, such reserves to be selected by officers of Her Majesty’s Government of the Dominion of Canada appointed for that purpose, after conference with each band of the Indians, and to be of sufficient area to allow one square mile for each family of five, or in that proportion for larger or smaller families.”⁴⁵ For both the First Nations and the Crown, the reserves were related to a possible transfer to a sedentary, agricultural economy. Said Morris:

The Queen knows that you are poor; the Queen knows that it is hard to find food for yourselves and children; she knows that the winters are cold, and your children are often hungry; she has always cared for her red children as much as for her white. *Out of her generous heart and liberal hand she wants to do something for you, so that when the buffalo get scarcer, and they are scarce enough now, you may be able to do something for*

yourselves ... What the Queen and her Councillors would like is this, she would like you to learn something of the cunning of the white man. When fish are scarce and the buffalo are not plentiful she would like to help you to put something in the land; she would like that you should have some money every year to buy things that you need. If any of you would settle down on the land, she would give you cattle to help you; she would like you to have some seed to plant. She would like to give you every year, for twenty years, some powder, shot, and twine to make nets of ... We are ready to promise to give \$1,000 every year, for twenty years, to buy powder and shot and twine, by the end of which time I hope you will have your little farms.⁴⁶

The following day Morris repeated this offer. Once again he referred to the problems they faced as buffalo hunters: “She [the Queen] knows that her red children, their wives and children, are often hungry, and that the buffalo will not last for ever and she desires to do something for them.”⁴⁷ First Nations negotiators also related the reserve allocations to treaty terms covering the means with which to begin farming. Kamooses, for example, said to Morris, “We ask that we may have cattle.” To this the commissioner replied that “We offered you cattle on the first day, we offered your Chief cattle for the use of his band – not for himself, but for the use of his band; we gave the same at the Lake of the Woods. We can give no more here.”⁴⁸

Beginning with Treaty 1 discussions, government representatives had agreed to give Indians a “once and for all” gift of equipment and livestock when they commenced farming operations. These were among the “outside promises” not included in the original copies of Treaties 1 and 2. The numbered treaties that followed included these “once and for all gifts” to promote Indian agricultural efforts, and each succeeding treaty was somewhat more generous in these terms. In the government’s printed version of Treaty 4 the commitment on cattle was part of a broader clause covering support for farming:

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band thereof who are now actually cultivating the soil, or who shall hereafter settle on these reserves and commence to break up the land, that is to say – two hoes, one spade, one scythe, and one axe for every family so actually cultivating; and enough seed, wheat, barley, oats and potatoes to plant such lands as they have broken up; also one plough and two harrows for every ten families so cultivating as aforesaid; and also to each Chief, for the use of his band as aforesaid, one yoke of oxen, one bull, four cows, a chest of ordinary carpenter’s tools, five hand-saws, five augers, one cross-cut saw, one pit saw, the necessary files, and one grindstone; all the aforesaid articles to be given once for all, for the encouragement of the practice of agriculture among the Indians.⁴⁹

Significantly, no explicit undertaking was made in the treaties to provide agricultural instruction. Indians asked for it, however. When Lieutenant-

Governor Morris returned to Fort Garry following the signing of Treaty 6, he made a series of recommendations to the Canadian government that included a recommendation to respond positively to the Indians' request for such instruction. According to Morris,

In the year 1876, I reported to the Minister of the Interior, the Hon. David Mills, after my return from the negotiation of the treaties at Forts Carlton and Pitt, "that measures ought to be taken to instruct the Indians in farming and building."

I said "that their present mode of living is passing away; the Indians are tractable, docile and willing to learn. I think that advantage should be taken of this disposition to teach them to become self-supporting, which can best be accomplished by the aid of a few practical farmers and carpenters to instruct them in farming and house-building."⁵⁰

Also related to these farming provisions was a promise of schools, the two being linked by a concept that the treaty commissioner used more than once in the discussions, as we have seen. The Queen, Morris said, was offering the Plains Cree and Saulteaux "the cunning of the white man," if they chose to adopt it.⁵¹ And shortly thereafter, the commissioner offered that "Whenever you go to a Reserve, the Queen will be ready to give you a school and a schoolmaster."⁵² Accordingly, Treaty 4 promised that "Her Majesty agrees to maintain a school in the reserve, allotted to each band, as soon as they settle on said reserve, and are prepared for a teacher."⁵³

As important as the promises of assistance in making a transition to agriculture and in learning the cunning of the white man were, they were offers of voluntary, not compulsory, change. When Commissioner Morris returned to this theme on the fourth day of talks at Fort Qu'Appelle, he spelled it out: "The Queen wishes her red children to learn the cunning of the white man and when they are ready for it she will send schoolmasters on every Reserve and pay them. We have come through the country for many days and we have seen hills and but little wood and in many places little water, and it may be a long time before there are many white men settled upon this land, and you will have the right of hunting and fishing just as you have now until the land is actually taken up."⁵⁴

The government text of the treaty was more restrictive, however, than Morris' words during negotiation: "Her Majesty agrees that her said Indians shall have right to pursue their avocations of hunting, trapping and fishing throughout the tract surrendered, 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 or other purposes under grant, or other right given by Her Majesty's said Government."⁵⁵ To support continuing hunting and fishing Morris offered what had been given to the Ojibwa in Treaty 3: "We promised there that the Queen would spend \$1,500 per year to buy shot and powder, ball

and twine. There were 4,000 of them. I offered you \$1,000 although you are only one-half the number, as I do not think that you number more than 2,000.”⁵⁶

“THE QUEEN’S KINDNESS”

Beyond the precise terms of the government’s text of Treaty 4, there was another important aspect of the pact that took precedence over such details: Treaty 4, as Morris’ record of the First Nations negotiators’ words makes clear, would establish a relationship between the Plains Cree and Saulteaux and the Queen. Cree leader Loud Voice began the sixth day’s discussions with an allusion to this fact: “We see the good you wish to show us. If you like what we lay before you we will like it too. Let us join together and make the Treaty; when both join together it is very good.”⁵⁷ And a little later Kamooses sought clarification of the party the First Nations were being asked to join hands with:

Is it true you are bringing the Queen’s kindness? Is it true you are bringing the Queen’s messenger’s kindness? Is it true you are going to give my child what he may use? Is it true you are going to give the different bands the Queen’s kindness? Is it true that you bring the Queen’s hand? Is it true you are bringing the Queen’s power?

Lieut-Gov. Morris – Yes, to those who are here and those who are absent, such as she has given us.

Kamooses – Is it true that my child will not be troubled for what you are bringing him?

Lieut-Gov. Morris – The Queen’s power will be around him.⁵⁸

It is possible, though there is no documentary evidence on the point, that uncertainty about the identity of the people asking them to make treaty – were they representing the Queen or the company? – underlay First Nations concern about the obviously close ties between Morris and the HBC, symbolized by Morris lodging at the HBC post. Morris’ reassurances during the substantive negotiations followed on earlier comments that he came on behalf of the Queen to establish a relationship with the Cree and Saulteaux. On the first day he had explained that the previous year at the North West Angle “I took her children there by the hand, and the white man and the red man made friends for ever.”⁵⁹ On the second day Morris had said, “What I want, is for you to take the Queen’s hand, through mine, and shake hands with her for ever.”⁶⁰ On the third day the message continued: “The Queen cares for you and for your children, and she cares for the children that are yet to be born. She would like to take you by the hand and do as I did for her at the Lake of the Woods last year.”⁶¹ On the fourth day Morris said, “The Queen has to think of what will come long after to-day. Therefore, the promises we have to make to you are not for to-day only but for tomorrow, not only for you but for your children born and unborn, and the promises we make will be carried out as long as the sun shines above and the water

flows in the ocean⁶² ... In our hands they feel the Queen's, and if they take them the hands of the white and red man will never unclasp."⁶³

During the fifth day's discussions, the relationship with the Queen was linked more explicitly to promises of protection and equal justice:

In this country, now, no man need be afraid. If a white man does wrong to an Indian, the Queen will punish them. The other day at Fort Ellice, a white man, it is said, stole some furs from an Indian. The Queen's policemen took him at once; sent him down to Red River, and he is lying in jail now; and if the Indians prove that he did wrong, he will be punished. You see then that if the white man does wrong to the Indian he will be punished; and it will be the same if the Indian does wrong to the white man. The red and white man must live together, and be good friends, and the Indians must live together like brothers with each other and the white man.⁶⁴

Probably because of the importance of relationship in treaty-making, the commissioner found it necessary as discussions drew to a close on the sixth day to explain why the chief's flag that was promised would not be forthcoming immediately: "each Chief on signing the treaty will receive a medal and the promise of a flag. We cannot give you the flag now, as there were none to be bought at Red River, but we have the medals here."⁶⁵ The government text of Treaty 4 embodied the notion of relationship in its statement of purpose in the opening paragraph: "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 be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence."⁶⁶ Though imperfectly, the government's text captured the treaty relationship that Commissioner Morris had repeatedly held out, a link that *Saulteaux* and *Cree* negotiators obviously considered important.

The other relationship that First Nations negotiators at Fort Qu'Appelle clearly considered significant was their tie to the *Métis*. On two occasions during the six days of talks, First Nations leaders asked for consideration for their mixed-blood kin. On the fourth day, the Gambler complained that the commissioner had slighted a *Métis* who was presented to him. All that Morris said in response was, "you may leave the Half-breeds in the hands of the Queen who will deal generously and justly with them."⁶⁷ And near the end of talks on the sixth day, Kamooses said to Morris, "we ask that the Half-breeds may have the right of hunting." To this Morris responded, "As to the Half-breeds, you need not be afraid; the Queen will deal justly, fairly and generously with all her children."⁶⁸ The First Nations negotiators did not succeed in obtaining any explicit commitment to their mixed-blood friends.⁶⁹ A few days later, a group calling themselves the "half-breeds of Lake Qu'Appelle" petitioned Morris formally, asking that their customary land holdings be recognized by the government, that they retain

their fishing and hunting rights, and that the Roman Catholic mission in their midst retain its possessions.⁷⁰ After consulting the minister of the Interior, David Laird, who was a member of the treaty party, Morris provided reassuring responses without committing the government to any specific course of action.⁷¹

Finally, Morris' account demonstrates a strong concern among First Nations leaders that they receive a copy of the treaty agreement. For example, at the end of the fourth day's meeting Morris assured the Gambler, Pasqua, and others that "Mr. Pratt [the interpreter] will tell you so that there may be no mistake as to what we have promised. He has it written down so that it may not be rubbed out."⁷² On the next day Morris explained how the previous year he had given the Ojibwa signatories of Treaty 3 a copy of the agreement, "and I told him when I went home to Red River I would have it all written out, a true copy made on skin, that could not be rubbed out, that I would send a copy to his people so that when we were dead and gone the letter would be there to speak for itself, to show everything that was promised; and that was the right way to do. I did so, and sent a copy of the treaty written in letters of blue, gold, and black to the Chief 'Maw-do-pe-nais,' whom the people had told to keep it for them."⁷³ And on the final day at Fort Qu'Appelle Morris made a similar commitment to the Plains Cree and Saulteaux:

Since we went away we have had the treaty written out, and we are ready to have it signed, and we will leave a copy with any Chief you may select and after we leave we will have a copy written out on skin that cannot be rubbed out and put up in a tin box, so that it cannot be wet, so that you can keep it among yourselves so that when we are dead our children will know what was written.

Kamooses – Yes, we want each Chief to have a copy of the treaty.⁷⁴

TREATY 4 ADHESIONS

Six days after the conclusion of talks at Fort Qu'Appelle, Morris and Laird met at Fort Ellice with Chief Waywasecapow (the Man Proud of Standing Upright) and headman Otamakoewin (the Man Who Stands on the Earth), also identified as Shaponetung's first son, representing "thirty tents who were not at Qu'Appelle, and ten who were there." Morris offered this group the same terms as had been accepted a week earlier, explaining, "What we offer will be for your good, as it will help you, and not prevent you from hunting." Chief Long Claws responded, "My father – I shake hands with you, I shake hands with the Queen." Shaponetung's son asked of the proffered agreement, "does it take in all my children?" Morris responded, "Yes," requested the names of chiefs and headmen, and asked, "Now I want to know will you take my hand and what is in it." At this, the leaders "came up and shook hands." After further explanations of the terms, the treaty adhesion was signed.⁷⁵ (For data on these and other adhesions to Treaty 4, see table A5).

The last phase of treaty-making in Treaty 4 during the 1870s concerned adhesions of further Plains Cree, Assiniboine, and Saulteaux groups. On 8 September 1875 Cheecuck signed at Qu'Appelle for an unspecified number of Saulteaux and Assiniboine; and the next day at the same location Wahpeemakwa (White Bear), Okanese, Piapot (He Who Knows the Secrets of the Sioux), Le Crou de Pheasant (Pheasant Rump), and Kitchikahmewin (Ocean Man) adhered to the same terms as negotiated in 1874.⁷⁶ White Bear, Pheasant Rump, and Ocean Man all led groups who resided in the area covered by the earlier Treaty 2. On 24 September 1875 at Swan Lake, Owtahpeekakaw and Kiishikouse signed for Cree and Saulteaux communities at Shoal River, while the next day at Fort Walsh, Teepee Hoska (Long Lodge) and Wichawostaka (The One that Fetched the Coat) adhered on behalf of Assiniboine groups. And with that, the nineteenth-century phase of negotiating Treaty 4 concluded (see table A4).

The negotiations over Treaty 4 in 1874 illustrate a number of important points, while hinting at others whose meanings are less clear. First, the talks at Fort Qu'Appelle illustrate yet again what an important formative influence the HBC had been in the experience of the Western First Nations. The symbolism of the location on which the parleys were to take place – on HBC land or away from the post? – obviously was considered important by the Saulteaux representatives in particular. Furthermore, the resentment of Plains Nations over the terms of the Rupertsland transfer obviously still was strong. Again, it was Saulteaux negotiators who held up talks in 1874 for several days as they sought to secure some benefit from the dealings with the HBC, the United Kingdom, and Canada.

The same HBC relationship also provides tantalizing hints of issues or forces that might have been at work. As noted, Commissioner Morris complained at the negotiations that the First Nations representatives refused him the honour of traditional pipe ceremonialism, although the anonymous author of “Memories of the Treaty of 1874” described at some length the equestrian ceremonialism that took place.⁷⁷ Furthermore, Morris later asserted that the Portage band of Saulteaux “twice sent messengers with Tobacco [the usual Indian credentials for such messengers] to Qu'Appelle to prevent the making of the treaty there,” because of their unhappiness with Canadian reluctance to implement the promises in Treaty 1 that had been given orally but omitted from the government text of the treaty. After the dispute over “outside promises” was resolved in 1875, Morris observed that satisfying the aggrieved group was important for government relations with other First Nations: “You are aware of their intimate relations with the ‘Plains Indians,’ and the difficulty their message to Qu'Appelle ‘that the white man had not kept his promises,’ caused us then.”⁷⁸ Morris and

others also contended that Saulteaux unhappiness over the transfer issue was so much greater than the unhappiness of the Plains Cree that there was a split between the two nations at Qu'Appelle in 1874, a split that might have been reflected in who spoke and who did not during the first few days of oral fencing.