Research Report

Treaty No. 8 and
the Fort McKay First Nation

Patricia A. McCormack, Ph.D.
Professor Emerita
Faculty of Native Studies, University of Alberta

30 September 2012
# Table of Contents

1. Introduction and Terms of Reference ........................................... 1
2. Personal Qualifications and Areas of Expertise .............................. 3
3. Organization of the report .......................................................... 6
4. Terminology .............................................................................. 7
5. Principles Governing Treaty Interpretation .................................. 9
6. Summary Responses .................................................................. 10
7. The Questions .......................................................................... 15
   7.1 What were the overall purpose and intent of the treaty from the perspectives of the Government of Canada and the Aboriginal people within the region that was ceded under Treaty No. 8 in 1899? .................................................. 15
       The Evolving Treaty Process ................................................... 16
       The Post-Confederation Treaties, 1871-1877 .......................... 22
       Events Leading to Treaty No. 8 ............................................. 29
       Planning the New Treaty ....................................................... 40
       Negotiating the Treaty, 1899 ................................................. 54
   7.2 What were the livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation at the time of treaty? .............................................................. 67
       Fur Trade Mode of Production ............................................ 68
       The Aboriginal Way of Life .................................................. 77
       The Local Chipewyan Band at Little Red River ...................... 83
   7.3 What livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation (including the descendants of the people who entered into treaty) were envisioned by both parties to the treaty (Treaty Commission on behalf of the Government of Canada and representatives of the Aboriginal people) on off-reserve lands after the signing of treaty? .............................................................. 88
The Early Treaties and Treaty No. 8 89

Oral Traditions 93

Government Reports 95

7.4 What were the intentions by the parties (Treaty Commission for the Government of Canada and representatives of the Aboriginal people) with relation to the geographic scope of the off-reserve rights on Aboriginal traditional lands? 97

8. Conclusion 99

9. References 104

Figures

1. Treaties No. 1-11 102

2. Treaty No. 8 103

Tables

1. Major Faunal Resources in Northeastern Alberta 72

2. Indians at Little Red River, Athabasca River, 1899 84

3. Indian Families at Little Red River, Athabasca River, 1899 85

4. Expectations about the Treaty 91

Appendix. Curriculum vitae 146
1. **Introduction and Terms of Reference**

I was asked by Fort McKay First Nation to provide an opinion about what the historical record in northern Alberta reveals regarding the nature and scope of the treaty rights of the Fort McKay First Nation as they relate to their traditional territories and reserves and uses of those lands. The historical record includes a very wide range of textual materials related to Treaty No. 8, the histories and cultures of First Nations in this treaty region, and the interaction between the First Nations and agents of the federal, provincial, and territorial governments after the treaty was signed. It also includes oral traditions of First Nations people, many of which were recorded as written texts at various times in the past. This report draws on this extensive corpus of documents to address the following questions, with a geographical emphasis on northeast Alberta:

1. What were the overall purpose and intent of the treaty from the perspectives of the Government of Canada and the Aboriginal people within the region that was ceded under Treaty No. 8 in 1899?

2. What were the livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation at the time of treaty?

3. What livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation (including the descendants of the people who entered into treaty) were envisioned by both parties to the treaty (Treaty Commission on behalf of the Government of Canada and representatives of the Aboriginal people) on off-reserve lands after the signing of treaty?

4. What were the intentions by the parties (Treaty Commission for the Government of Canada and representatives of the Indian Bands) with relation to the geographic scope of the off-reserve rights; that is, the “traditional territory” of the Aboriginal people who became treaty signatories, especially the Aboriginal people who became treaty signatories on behalf of Fort McKay?

These topics are considered within the context of a series of criteria set by the Supreme Court of Canada for the interpretation of treaty rights.

I have been asked to provide ethnographic and historical information about the Fort
McKay people of northeastern Alberta, whose traditional lands lie within the Treaty No. 8 region, with particular reference to their cultural and economic practices and their traditional lands, as well as expectations of the different parties to the treaty about post-treaty uses of traditional lands and of reserve lands, once the First Nations took reserves. There is a growing literature about these topics, much of it delineated in judicial proceedings. This report draws extensively on my own research and publications as well as additional archival records and authoritative texts.

Despite the research that has been published and the testimony presented in public fora, it is still fair to say that the histories and cultures of northern Aboriginal people and the extensive cultural changes they have experienced over time, both before and after the treaty, are largely unknown to the general public and to public officials. Their general perceptions - often phrased as their “knowledge” - are typically governed by a set of entrenched stereotypes about the nature of the Aboriginal society and what happened to the structure of that society after those people became involved with Europeans, first through the fur trade and later through other forms of involvement with Euro-Canadian agents representing Canadian federal and provincial governments. An early report issued by the Fort McKay Tribal Administration made a similar point, when it stated: “Our system of using the land and our economy were not seen, understood, and least of all respected by the ‘outsiders’” (Fort McMurray Tribal Administration [FMTA] 1983:31). I will address these stereotypes and beliefs in the course of this report, because they are important to understanding the impacts on the First Nations of their history of contact with Europeans, especially in the 20th century and into the 21st century.

My experience and research have led me to concur with what Hugh Brody wrote in 1981
about the Indians of northeastern British Columbia in his book *Maps and Dreams*: “The Indians’ use of the land, like every other aspect of their way of life, is little known and less understood by outsiders” (1981:146). Further, “…the succession of frontiers [fur trade, agricultural, industrial] has not yet proved fatal to the life Indians regard as traditional. There is a strong Indian economy in the region, but it is hidden” (1981:211).

Because the Courts have directed that the nature and scope of treaty rights is determined, in part, by the social, political, and cultural circumstances both before and after a treaty was made, this report constructs a picture of the way of life, economy, and pattern of land uses that were part of the lives of the ancestors of the Aboriginal people of the Treaty No. 8 area at the time of treaty and that have persisted, though not unchanged, until today. It addresses the differential understandings about what both the treaty and reserves meant/would mean for Aboriginal land use after 1899, when the treaty was first negotiated in northern Alberta.

2. **Personal Qualifications and Areas of Expertise**

My background for addressing the issues of this report is long-term (45 years), extensive experience in northern and western Canada, with a professional focus on the histories and cultures of the northeastern Alberta region. I am also a Professor Emerita with the Faculty of Native Studies, University of Alberta.

My research has included field work in communities in northern Alberta, the Mackenzie Valley of the Northwest Territories (NWT), and the Yukon, and related research in archives, museums, and libraries. Northern Alberta and the Mackenzie Valley are covered by Treaties No.
8 and No. 11. I have also done research in regions encompassed by Treaties No. 6 and No. 7, working with both First Nations and Métis topics in the dual contexts of the European fur trade and the expansion of the Canadian nation-state into the Northwest. The formal products of this research are detailed in my curriculum vitae, attached as Appendix A.

Especially germane to this report is my lengthy history of research in Fort Chipewyan, a community in the Treaty No. 8 region that I first visited in 1968. I have spent much time on the land with various individuals and families, including two trips down the Athabasca River from Fort McMurray to Fort Chipewyan. The first of these trips was by canoe in 1975, at a time when some families were still living in small settlements along the river and the oil sands industries and related industrial activities were in the earliest stages of development. The second trip was in 1998, by which time the industrial footprint of oil sands projects was far more visible from the river. I have also conducted research in other Chipewyan/Dene communities in the areas of Treaty No. 6 and 8.

My research has always been conducted with respect for the oral and written traditions of both community members and other people who have left some record about the Treaty No. 8 region. My primary goal has been to conduct scholarship of the highest caliber, which means that my own interpretations and understandings are ultimately my own, not dictated by community members, other scholars, funders, or the people for whom I have undertaken related contracts. Con ducting ethno-historical research as an academic is a privileged position, and my personal philosophy is that I can best serve society’s interests by striving to achieve the highest possible standard of scholarship in the ways I document and interpret historical and ethnographic
information. Such interpretations may differ from community knowledge or the “conventional wisdom,” whatever its source.

The products of scholarship are not fixed, because the “business” of scholarship is an open-ended and on-going process. Scholars “discover” or produce new knowledge in the process of working with materials such as this report contains. The interpretations about the histories and cultures of northern Aboriginal people, including my own, have evolved and deepened over time as new information has become available. The content of this report relates directly not only to my earlier publications and reports about the north but also to two books. The first is a major study about Fort Chipewyan (ethno)history that was published in 2010 by UBC Press, entitled *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s* (McCormack 2010). A second book that continues this story is nearing completion; it considers the years from the end of World War I until the 1970s; much of its content derives from my 1984 Ph.D. thesis (McCormack 1984). This two-part case study contains information related to the questions I have been asked to address for this report.

In the past, anthropological research among northern Athapaskan and Algonquian peoples relied primarily on both short-term (survey) and long-term fieldwork in communities to learn about the cultures of Aboriginal peoples at or prior to contact and later. Anthropologists relied

---

1 Even today, projects such as traditional land use studies are done mostly as short-term surveys, and the researchers come from a variety of disciplines. Most are probably not anthropologists, which means they have not received the kind of training that is provided to anthropology graduate students, and their experience tends to be project-by-project, which lacks continuity and depth. It is beyond the scope of this report to address the difficulties that may arise in doing quality research in such circumstances.
on “participant-observation” - learning by living in the community being studied - and interviews. I am probably the first generation of anthropologist not only to use these time-honored approaches but also to make extensive use of archival documents, which has greatly expanded and transformed the field of historical analysis for Aboriginal people.

My approach to anthropology is broadly ethnohistorical. Ethnohistorians work in an interdisciplinary fashion, utilizing a wide range of resources and methodologies to produce ethnohistorical narratives, especially (but not exclusively) about groups of people who have been marginalized or excluded from the standard histories of nations.

The questions I have been asked to answer for this report also relate to subjects about which I teach at the University of Alberta, including: what were the cultural and economic structures of Aboriginal peoples prior to contact with Europeans, how did contact change those Aboriginal people (e.g., what transformed and what persisted), what was their relationship with fur traders and later with agents of the federal and provincial governments, why were treaties signed and what were their meanings, what do we mean when we talk about traditional societies and traditional lands, why do stereotypes about Aboriginal people still persist today, and what impacts did those stereotypes have/continue to have on policy development?

3. Organization of the Report

The report contains the following sections:

- A brief note on terminology.
- A series of nine principles set out by the Supreme Court of Canada that are intended to
Treaty No. 8 and Fort McKay First Nation

govern the contemporary interpretation of treaties between the Government of Canada and Aboriginal people.

- Summary responses for the five questions outlined above.
- Detailed discussions of the five questions.
- Conclusion

4. Terminology

The history of terminologies found in northern usages is complex. The preferred formal terms today in Canada - “First Nations” instead of “Indian” and “Métis” for “Half-breed” - often bear little correspondence with the plethora of terms that people living in Aboriginal communities use for themselves and others, and they often differ greatly from terms used in the past. They may also misrepresent formal ethnic identifications and cultural situations, an issue that will be addressed later in this report.

In this report, I utilize historically-rooted and often-ambiguous terminologies, endeavoring to respect historical usages in documentary sources, both written and oral. For example, the term “Indian” was the normal term used to refer to all Aboriginal people in Canada except Inuit and Métis until the late 20th century and was therefore the term used in the Constitution Act, 1982, for one major category of “the [three] aboriginal peoples of Canada.” Since that time, it has been virtually replaced in Canada by the term “First Nation(s)” in both popular and scholarly writing, although it still continues in everyday speech. At times, I use “Indian” as a collective noun when speaking about First Nations of the past and about more than
one group of First Nations, such as Chipewyans and Crees together, who remain distinctive culturally. Similarly, both “Half-breed” and “Métis” were common in the past, although the former has come to be seen as pejorative and has largely disappeared. “Metis” is used in the
Constitution Act, 1982.\textsuperscript{2} I prefer to use culturally specific terms when applicable, such as “Cree,” “Chipewyan,” or “French-Métis,” although using these terms historically can at times be misleading about past identities.

Terminology for so-called cultural groupings can also be problematic. “Athapaskans” has historically referred to First Nations/Indians of the western Subarctic who speak Athapaskan languages, including most of the Indians in northern Alberta and especially in the broader Treaty No. 8 region at the time of contact. In the late 20\textsuperscript{th} century, “Dene” became a common equivalent that has been replacing “Athapaskan” (including Chipewyan) in common parlance. These terms are not normally intended to include northern Métis, although most of those Métis also spoke/speak Athabaskan languages, which were often their first languages. They were also closely related by kinship and culture to First Nations, and in some contexts they may have thought of themselves as Dene or “Indian” persons. Similarly, “Algonquians” refers to First Nations, but not Métis, who speak Algonquian languages. In northeastern Alberta, these are Crees. Algonquian-speakers are associated more broadly with the eastern Subarctic, including its interface with the western Subarctic in northern Alberta, northeastern British Columbia, and southern portions of the Northwest Territories.

\textsuperscript{2}Although the term has been incorporated into Canadian English, its origin is French, so I spell it with the appropriate French accent: Métis. Many variations exist.
5. **Principles Governing Treaty Interpretation**

In 1999, Madame Justice McLachlin in *R. v Marshall* [1999] 3 S.C.R. 456 summarized the nine principles governing the interpretation of treaties. These indicate that the text of the formal written treaty is just the beginning point for ascertaining the rights guaranteed to Fort McKay First Nation and other Treaty No. 8 First Nations.

The principles are:

5.1 Aboriginal treaties constitute a unique type of agreement and attract special principles of interpretation.

5.2 Treaties should be liberally construed and ambiguities or doubtful expressions should be resolved in favor of the Aboriginal signatories.

5.3 The goal of treaty interpretation is to choose from among the various possible interpretations of common intention the one which best reconciles the interests of both parties at the time the treaty was signed.

5.4 In searching for the common intention of the parties, the integrity and “honour of the Crown” is presumed.

5.5 In determining the signatories’ respective understanding and intentions, the court must be sensitive to the unique cultural and linguistic differences between the parties.

5.6 The words of the treaty must be given the sense which they would naturally have held for the parties at the time.

5.7 A technical or contractual interpretation of treaty wording should be avoided.

5.8 While construing the language generously, courts cannot alter the terms of the treaty by exceeding what “is possible on the language” or realistic.

5.9 Treaty rights of Aboriginal people must not be interpreted in a static or rigid way. They are not frozen at the date of signature. The interpreting court must update treaty rights to provide for their modern exercise. This involves determining what modern practices are reasonably incidental to the core treaty right in its modern context.
6. **Summary Responses**

6.1 **What were the overall purpose and intent of the treaty from the perspectives of the Government of Canada and the Aboriginal people within the region that was ceded under Treaty No. 8 in 1899?**

Most broadly stated, from the perspective of the Government of Canada, the purpose and intent of Treaty No. 8 were the same as those of all the other numbered treaties and their predecessors (especially the Robinson Huron and Superior Treaties): to acquire land and resources from Aboriginal occupants and thereby make that land available for residence and economic uses by non-Aboriginal people. The treaties thereby intended to remove the Aboriginal ownership of the land, but through a legal and honorable process, today referred to as the “honour of the Crown.” The treaties were also part of the assimilation policy of the government since the 1830s, which was intended to assist and, at times to force, Aboriginal people to transform their ways of life to a Euro-Canadian pattern, which was predicated on a trio of traits: agriculture, sedentary residence, and Christianity.

From the Aboriginal point of view, Treaty No. 8 established a formal alliance between the Aboriginal people and the Queen, articulated in kinship terms. For their part, the Indians agreed to share their traditional lands with newcomers on the solemn understanding that they would not be forced to change their way of life, in order to guarantee that their preferred livelihood would continue in perpetuity. They also expected to receive health and education benefits and assistance in times of distress.
6.2 What were the livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation at the time of treaty?

When the ancestors of the Fort McKay First Nation entered into treaty, in 1899, they lived by means of a “fur trade mode of production,” which was a mixed economy with three economic sectors: subsistence production (for personal use), independent commodity production (for exchange), and wage labor. Their lives were based in their use of a wide range of traditional lands for hunting, fishing, trapping, and gathering. They might best be described at this time as semi-sedentary, in that they traveled across the land and by waterways to access a variety of resources, yet they also had settlements with log houses used especially during winter that provided a residential focus for their winter economic activities (trapping, hunting, and fishing) and social life. The shifting and variable pattern of resources that characterizes northern lands meant that while they might use only small areas at particular times, they required access to a much larger territory to be able to have the flexibility to relocate as needed.

Culturally, people lived in small local bands that were organized and governed by face-to-face kinship ties. Members of these bands were related to people in other areas through an extensive network of kinship ties across the entire region of northeastern Alberta and adjacent areas. By 1899 most if not all Aboriginal people had converted formally to Christianity, but they retained much - probably most - of their former spiritual beliefs and practices, which included beliefs about entities located in particular portions of the landscape and on-going relationships with spiritual beings who could manifest themselves in animal form. Local Oblate and Anglican missionaries recognized that the sedentary agricultural existence that they promoted to their
Aboriginal parishioners in southern Canada was not possible for Chipewyans, northern Crees, or other northern Indians.

6.3 What livelihood and cultural pursuits of the Fort McKay First Nation (including the descendants of the people who entered into treaty) were envisioned by both parties to the treaty (Treaty Commission on behalf of the Government of Canada and representatives of the Aboriginal people) on off-reserve lands after the signing of treaty?

In 1899, the Treaty Commissioners believed that the north was a wilderness that was unlikely to be settled by farmers or exploited for its mineral wealth for a very long time to come. While they promised reserves as part of the treaty, the Commissioners were very clear about the fact that Indians would not be forced to live on them if they chose not to do so and that they would be free to continue their traditional way of life, based on hunting, fishing, trapping, and gathering. The treaty also provided for land in severalty, which was a form of land holding that recognized the pattern of small group residence (the local bands) that characterized the region. Both reserves and lands in severalty were intended for personal settlement and/or agrarian activities (farming and stock rearing). They were not intended to provide the land base that was needed to support continued hunting, fishing, trapping, and gathering - the fur trade mode of production. The Commissioners believed that the lands of the north that had been ceded in the treaty would continue to provide into the future all the land base needed by the Indians for their traditional activities. The Commissioners considered the lands of the Lesser Slave Lake and Peace River areas to be the primary lands suitable for eventual agrarian activities for newcomers and for Indians who might one day choose to adopt this alternate or supplementary way of life.
However, all Indians were promised supplies of ammunition and fishing twine to help support their traditional bush-based activities of hunting and fishing. The Commissioners expected and encouraged the Indians to continue to support themselves from the resources of the land (hunting, fishing, gathering).

The Indians who entered into treaty were firm in their intention to do so only if they were assured that their traditional way of life would not be harmed by their willingness to do so. The oral traditions, including the recorded versions of these, speak with a single voice about how they were promised complete freedom to hunt, trap, and fish in the future, as freely as if they had never entered into treaty. Their fears at the time of treaty that the government would try to confine them to reserves, end their way of life, and jeopardize their livelihood were assuaged by the promise in the treaty to provide them with annual supplies of ammunition and fishing twine and by the promise that regulations governing hunting and trapping would be made only for conservation reasons, to protect the animal populations.

In terms of broader dimensions of Indian cultures, it is clear that the Chipewyans and other Indians who entered into Treaty No. 8 expected that their cultural practices would continue unimpeded. That is, they did not expect outside interference in their ways in which they raised their children, organized their societies and social gatherings, made political decisions for themselves, practiced their spirituality, or carried out other aspects of their cultural traditions. This array of cultural practices was critical to their traditional way of life and ability to continue to reproduce their culture over time.

However, the Commissioners believed and expected that the Indians would continue to
change their cultural traditions over time, in the same way that they believed that all Indians in Canada should assimilate to non-Indian cultural practices. They were impressed by the work of the missionaries, and they clearly saw the superficial practices of western clothing and other aspects of material culture as desirable signs of Indian “progress” toward a European-derived culture.

6.4 What were the intentions by the parties (Treaty Commission for the Government of Canada and representatives of the Aboriginal people) with relation to the geographic scope of the off-reserve rights on Aboriginal traditional lands; that is, the “traditional territory” of the Aboriginal people who became treaty signatories, especially those who became treaty signatories on behalf of Fort McKay?

As far as the Treaty Commissioners were concerned, when the Indians “ceded” the lands in the Treaty No. 8 region, the Government of Canada acquired complete unimpeded ownership and sovereignty over those lands. From that point on, outsiders were as free to establish themselves and their activities in the treaty region as in any region lying to the south. A facilitating regulatory structure would eventually be extended into the north (such as the homestead system and a mining recording system) or newly devised for unique northern circumstances, as required. Indians would inevitably be displaced from small portions of the northern lands. However, the Commissioners never anticipated that Indians could be displaced from most of the northern lands by the expansion of competing land use activities.

The newly-minted “treaty Indians” believed that they would continue to have access indefinitely to most of their traditional lands, which for the Fort McKay Indians included most of what is now northeastern Alberta as well as adjacent Saskatchewan and the North-West
Territories. They believed that only small areas would be taken up for other activities, and, like the Commissioners, they did not believe that in the future they would be displaced from the majority of those lands.

7. The Questions

7.1 What were the overall purpose and intent of the treaty from the perspectives of the Government of Canada and the Aboriginal people within the region that was ceded under Treaty No. 8 in 1899?

Treaty No. 8, along with all the other numbered treaties, must be considered within dual contexts, each of which is lengthy and complex. One context is the history of evolving legislation and policies directed at diverse Aboriginal peoples known collectively as “Indians” by European colonists along the Atlantic seaboard, by English and French colonists in eastern Canada before Confederation, and by Canadian politicians and government officials after Confederation. Treaty No. 8 was the culmination of that history as of 1899 in Canada. The second context is the history whereby Aboriginal people made treaties and alliances with one another before Europeans arrived in North America and then with Europeans during the era of the pre-Confederation fur trade. This experience influenced the agendas and expectations they brought to the negotiation of treaties with colonial officials and later with agents of the Government of Canada, acting on behalf of the British monarch, the head of state of Canada. In 1899, that was Queen Victoria. It should not be surprising that Aboriginal and European parties to treaties approached treaties with different understandings about what was appropriate and meaningful for the process, about expected outcomes, and about what actually took place at
treaty councils. The discussion in this section will present enough background information to understand the event of negotiating Treaty No. 8 in 1899 and then address the treaty itself.

The Evolving Treaty Process

In Canada, historians and legal scholars usually point to the Royal Proclamation of 1763 as the starting point for treaty-making, although this Proclamation built on earlier treaties, proclamations, and policies in the Atlantic colonies that over time led to the centralization of Indian affairs in the hands of agents of the British Crown and to the purchase rather than seizure of Aboriginal lands for colonial uses. J. R. Miller refers to the Royal Proclamation’s “formative influence on treaty-making policy” (2009:67). It established and mandated measures that were largely intended to reduce discontent by Aboriginal people, who were still a powerful military force and could and did engage in warfare to support their interests.

The Royal Proclamation of 1763, issued by a young King George III, is a basic Canadian constitutional document. One of its key goals was to provide for the government of New France, those lands newly acquired from France by Britain as part of the Treaty of Paris of 1763.

---

3 Discussions of some of these pre-1763 developments can be found in numerous sources, such as American Indian Policy in the Formative Years, by Francis Paul Prucha (1970:chp.1); Native Rights in Canada, by Cumming and Mickenberg (1972:Part II, chp. 4, and Part IV); Bounty and Benevolence: A History of Saskatchewan Treaties, by Arthur J. Ray, Jim Miller, and Frank Tough (2000:chp. 3); and Compact, Contract, Covenant; Aboriginal Treaty-Making in Canada, by J. R. Miller (2009:chps.1-2).

4 Ray et al. (2000:32) call a royal proclamation “an instrument of the royal prerogative, one of the three direct sources of law in the British system.” The other two sources of law were common law and the statutes.
More important for this report is that the Royal Proclamation articulated a high level policy for dealings with Indians and their lands. It tried to mitigate the problem of potential fraudulent purchases of Indian lands by Europeans, stating outright that “Great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the Great Prejudice of our Interests, and to the Great Dissatisfaction of the said Indians…” (Cumming and Mickenberg 1972:291; also, Miller 2009:69). Implicit in this statement is an early version of the “honour of the Crown”; that is, the Crown should not engage in fraud and abuse in its dealings with Indians.5 The Royal Proclamation also provided a mechanism to acquire Indian lands for European settlement and extinguish Indian title to those lands, through the following measures (e.g., Cumming and Mickenberg 1972:28-30; 291-2):

- Lands would be “reserved” to Indians for their exclusive use that lay beyond those lands granted to the Hudson’s Bay Company and under the domain of the established colonies. These colonies included Quebec (from which the provinces of Upper and Lower Canada were created in 1791) and the Atlantic colonies, whose western boundaries were defined by the western boundary of the eastern watershed, the height of land found in the Allegheny Mountains.
- Private purchases of Indian lands were prohibited.
- Provisions were made for the purchase of Indian lands within the established colonies and

---

5 As the Office of the Treaty Commissioner recently opined, “...the policy of the Royal Proclamation not only became part of the common law, but informed Imperial diplomacy and established high ideals for honourable dealings between the Crown and First Nations people” (2007:23).
within the reserved area, but only by the Crown, and in the name of the Crown, at a public meeting or assembly.

Although the lands originally governed by the Royal Proclamation were geographically limited in extent, its principles for fair dealings with Indians became government policy during the colonial era. As Ray et al. explained (2000:34), after the American Revolution, the terms of the Royal Proclamation “...were implemented so frequently in southern Ontario that the proclamation became a binding precedent covering acquisition of First Nations land.” After 1870, these terms would also be followed in dealings between Canada and the Indians in the Hudson’s Bay Company lands.

Cumming and Mickenberg (1972:107-116), Ray et al. (2000:chp. 3), and Miller (2009:chps. 3-4) review the instances in which agreements or treaties were made to acquire Indian lands in Upper Canada (now, southern Ontario), beginning in 1764 and culminating in the Manitoulin Island Treaty of 1862. The outcomes of these treaties validated and legitimated the Crown’s approach to dealings with Indians. Vast territories were acquired peacefully, without conflict or bloodshed (Miller 2009:90).

The Robinson Huron and Robinson Superior Treaties of 1850 were especially important, in that they were the direct forerunners of the numbered treaties that were made following Confederation. They were also the first Ontario treaties to acquire extensive amounts of land. For their part, the Indian negotiators used the treaty process as a vehicle to provide for their future livelihood and economic well-being, for their resource base had been depleted by hunting and trapping and was now being threatened by incoming prospectors. The process and structure
of these two treaties included the following features, which had become established procedures during the years 1764-1836 (Morris 1880:302-309; Surtees 1986:1-2; Cumming and Mickenberg 1972:115-6; Dickason 1992:254-5; Miller 2009:118-9):

- The negotiation of the treaties followed the requirement of the Royal Proclamation for “an open and public meeting” (Cumming and Mickenberg 1972:115).
- Lands were surrendered to the Crown.
- Each treaty included a schedule of reserves which were to be “held and occupied by the said Chiefs and their tribes in common for the purposes of residence and cultivation” (Morris 1880:303).  

- Control over reserves was held by the Crown in the person of a Commissioner. After 1870, an Indian Commissioner stationed in western Canada reported to the Superintendent General of Indian Affairs, who was located in Ottawa. This latter position would eventually become the Minister of Indian Affairs.
- A system of annuities was implemented, with chiefs and “principal men” or headmen receiving somewhat larger amounts than other people.
- Despite a general expectation that Indians would undertake farming, provision was made for the Indians to retain their former rights to hunt and fish, activities that were still

---

6 Although it is not clearly spelled out in the treaties, it appears that the “tribes” of the chiefs named in the treaties thereafter became the “bands,” the forerunner to the system of legal Indian Bands that were the key unit of administration by government bureaucrats under the Indian Act.
Treaty No. 8 and Fort McKay First Nation

fundamental to their livelihood. Specifically, they were to retain the

...full and free privilege to hunt over the territory now ceded by them, and to fish
in the waters thereof as they have heretofore been in the habit of doing, saving and
excepting only such portions of the said territory as may from time to time be sold
or leased to individuals or companies of individuals, and occupied by them with
the consent of the Provincial Government [Morris 1880::303; also 306].

Notably, Commissioner W. B. Robinson had informed the Indians that their lands were mostly
worthless, because they were unsuitable for agriculture, which explained why annuities they
would receive would be smaller than those paid in the United States to the south and in southern
Ontario. In the report he wrote about the two treaties, he described the lands as “...notoriously
barren and sterile, and will in all probability never be settled except in a few localities by mining
Companies...” (ibid.:17), an argument to convince the chiefs that there would be little
interference with their own uses of the land.

Ray et al. (2000:35-44) discuss the actual negotiations involved in these two treaties in
considerable detail, especially interim negotiations in 1849, which reveal additional dealings that
also became precedents for later treaty-making, though unwritten. It appears that the government
expected to acquire land for little compensation - a “‘trifle,’” as one negotiator claimed. There
was no discussion of what “‘fair compensation’” might entail (ibid.:41). Given the fact that
mining leases had been issued, government negotiators should have been possible to assign a
value to the land based on the cost of the leases and the anticipated or estimated value of the

7In much of western Canada, Indians themselves wanted to begin farming; it was not
solely a goal of the federal government. They saw that their traditional resource base was in
decline, strategized ways - old and new - to be able to continue to provide adequate livelihoods
for their families, and represented these desires to federal officials during treaty negotiations.
mining operations. The commissioners in 1849 claimed that the Indians had “‘unbounded expectations’” and wanted “substantial remuneration” (ibid.:39). They also claimed that the Indians were incompetent to decide the worth of their lands and that they were receiving bad advice. Therefore, “‘this incapacity on their part[,] while it renders it necessary for the government to fix the terms, entitles the Indians to the most liberal consideration and a scrupulous avoiding any encroachment upon their rights’” (ibid.:42). Ray et al. call this statement “...a self-serving interpretation. The land had no inherent value [i.e., monetary value]. It was worth whatever the government was prepared to offer for it, given that no one else had the legal right to purchase Aboriginal lands” (ibid.).

In the same year that the Robinson Huron and Superior treaties were made, the colonial assemblies of Upper and Lower Canada each passed an Indian Act to govern Indians within their respective jurisdictions. Each act consolidated earlier colonial legislation. According to John Tobias, these acts were intended both to protect the Indians and to foster their “civilization” on reserves (1976:13-14). Tobias described the new reserve system as a “social laboratory” (ibid.:15), but it might be better construed as what today would be called social engineering. In

---

8Lower Canada passed An Act for the better protection of the Lands and Property of the Indians in Lower Canada (P.S.C. 13 & 14 Victoriae,, c. XLII, 1850). This act was the first to define the term “Indian.” Although the definition was broadly inclusive, it was nevertheless developed without consultation with Aboriginal people (e.g., see Dickason 1992:250). Over time, the criteria for legal Indian-ness was greatly restricted. Upper Canada passed An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury (P.S.C. 13 & 14 Victoriae, c. LXXIV, 1850). According to Olive Dickason, both acts were “hurriedly passed because loggers had been invading reserved lands in the Temiskaming and Abitibi regions, as well as in the Ottawa Valley” (1992:250).
1857, the Province of Canada passed the *Gradual Civilization Act*, which introduced the concept of enfranchisement. What constituted civilization was defined by colonial officials as a European way of life, predicated on an agrarian economic base, sedentary living, ownership of individual property, and Christianity. Formal education was considered a vehicle to help Indians achieve this transformation from their former ways of life (*ibid.*:14-15).

In short, by the time of Confederation, there existed both a formal treaty process to acquire land from Indians and create reserves and a legal framework to administer Indians and their reserves. The reserves provided the locations where Indians were expected to become civilized by learning and adopting a new way of life. However, a substantial gap existed between the treaties and the legislation, in that the latter did not contain provisions to administer the former or to insure that treaty provisions were honored. That would not change in the legislation governing Indians passed after Confederation.

*The Post-Confederation Treaties, 1871-1877*

Two pieces of legislation informed the processes of treaty-making and government policy towards Indians after Confederation. The first was the *British North America Act*, 1867, now the *Constitution Act*, 1867, the British legislation that created the new Dominion of Canada. Section 91(24) reserved jurisdiction over “Indians and lands reserved for Indians” to the federal government. This section continued the policy of centralized control over Indians that had

---

9 An Act to Encourage the Gradual Civilization of Indian of Indian Tribes in this Province, and to Amend the Laws Respecting Indians (S.P.C. 20 Victoria, c. XXVI, 1857).
characterized the previous colonial period.

Second, in 1869, the Hudson’s Bay Company agreed to relinquish its jurisdiction over Rupert’s Land and the North-Western Territory through a Deed of Surrender, in exchange for a substantial compensation package from Canada. Rupert’s Land had been granted in 1670 by the British Crown to the Hudson’s Bay Company as an exclusive trading domain. Along with the North-Western Territory, Rupert’s Land was formally transferred to Canada in 1870. British Colonial Secretary Lord Granville did not insist on any specific policies vis-à-vis Indians in the complicated transfer negotiations, although he had recommended that there be continuity with Hudson’s Bay Company policies. In the end, he left the matter up to Canada, “...because it appeared to me wiser and more expedient to rely on the sense of duty and responsibility belonging to the Government and people of such a Country as Canada” (in Ray et al. 2000:52). Similarly, the address by Canada of 29 and 31 May 1869 stated: “...it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer” (ibid.). Both statements attest to the expected “honour of the Crown.” However, clause 14 of the Deed of Surrender required simply that: “Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian government in communication with the Imperial Government; and the [Hudson’s Bay’] Company shall be relieved of all responsibility in respect of them” (Schedule 3, Government of Britain 1870).10

10Ray et al. (2000:chp. 4) argue that clause 14 must be understood within the larger context of the transfer negotiations. There is little or no evidence to indicate that the Canadian Government engaged in “communication” with the British Government about land acquisitions
From the Aboriginal side, First Nations approached the treaties following precedents established between their own members and fur traders, including those working for the Hudson’s Bay Company. The Crees and Ojibwas living in the Red River area had already negotiated the Selkirk Treaty in 1817, which was one of their considerations when they negotiated Treaty No. 1 just a little over 50 years later. They were also well aware of, and in treaty discussions objected to, the fact that the Hudson’s Bay Company had benefitted financially from lands that Aboriginal people claimed belonged to them, not to the Company. In pointing to the differential benefit of treaty to Aboriginal and non-Aboriginal people, Ray et al. (2000:57) point out that the land grant to the Hudson’s Bay Company through the Deed of Surrender “...was significantly larger than the lands set aside for Indian reserves.” Some Aboriginal people also asked for compensation for resources on their lands that had been used by White settlers and traders (e.g., Ray et al. 2000: 70-72).

Between 1871 and 1877, the federal government negotiated seven treaties with the First Nations of the southern portions of Manitoba and the North-West Territories (now Saskatchewan and Alberta) (Figure 1). They were the first set of what today are called the numbered treaties. Alexander Morris, the treaty commissioner for many of these treaties, wrote a detailed and useful memoir about the negotiations for each one (1880). In the eyes of the Treaty Commissioners, Indians continued to make exorbitant demands for land and other benefits, which the commissioners refused to grant. While the treaty negotiators never explained why they from Indians either through the treaty process or through individual treaties, although the Deed of Surrender clearly required it to do so. And, there is evidence that the Canadian Government tried to compel the Hudson’s Bay Company to continue to shoulder responsibilities for Indian welfare.
considered Indian demands to be unrealistic, the obvious answer is that the negotiators were men who shared the common beliefs of their time and believed that Indians were basically primitive people who did not use the land in the best ways - that is, did not use it as Europeans would - and who would eventually disappear. As a result, they expected that the nation-state of Canada would be built by European immigrants and their descendants. They justified their actions to the Indians who queried the terms of the treaties by using a standardized rhetoric about how they had to follow the same terms as those of earlier treaties in order to be fair to all groups. They assured the Indians about the Crown’s good wishes and concern for the Indian well-being in the future and the overall “bounty and benevolence” of the Queen, all couched in terminology that described the relationship between Indians, the Queen, and government officials as those of kinship. “Ultimately, Morris was forced to limit the scope of the negotiations by placing the treaty on the basis of some kind of trust: a belief in the Queen’s good intentions” (Ray et al. 2000:75). Not surprisingly, Morris represented the treaty process as a highly honorable one.

Yet Ray et al. argue that the documentary record indicates “…that Indian chiefs were well informed about land and resource issues, both in terms of their own needs and of the values Whites placed on them” (2000:69-70). What the Indians were giving up by entering into treaty was never clearly stated by the Crown’s negotiators, in part because Ray et al. have construed the treaties as “…an unequal meeting of two property systems…” (ibid.:69). The Treaty Commissioners did not fully appreciate the close relationship between Aboriginal land and
livelihood, and Aboriginal systems of land tenure were not understood at all.\textsuperscript{11} Even today, such systems are poorly understood at best and continue to be disputed. As with the Robinson treaties of 1850, “The general impression was left that room was being made for White settlers and that Indians would not be dispossessed and that they could continue to hunt over much of the country as they always had” (2000:67, see also 66; also, Morris 1880). As Morris told the Indians at Fort Carlton in 1877 (Treaty No. 6), “What I have offered does not take away your living, you will have it then [after treaty] as you have now, and what I offer now is put on top of it” (1880:211; see Ray \textit{et al.} 2000:130). Such an impression is at clear odds with the formal text of the treaties themselves. But as Ray \textit{et al.} suggested (2000:84), one of the reasons for such discrepancies and later disputes about what the treaties promised “...was that the written terms of a given treaty could easily miss the points of agreement reached at the talks that led up to it.”\textsuperscript{12}

Harold Johnson (2007:42) drew from Morris’ own words - an oral account recorded in

\textsuperscript{11}For example, in negotiating Treaty No. 4, Morris made the following statement and claim, which seems to contradict the Canadian emphasis on private property: “Who made the earth, the grass, the stone, and the wood? The Great Spirit. He made them for all his children to use, and it is not stealing to use the gift of the Great Spirit. The lands are the Queen’s under the Great Spirit” (1880:102). The Indians, on the other hand, argued that the Hudson’s Bay Company had stolen their land, and they did not believe that outsiders had any right simply to enter their lands and use their resources. None of the treaty negotiators tried to map out the extent of traditional territory or lands used by specific groups, nor did they address issues of overlapping claims by different Aboriginal groups to the same land. That seems in part to have been addressed by the additional of a blanket extinguishment clause to the treaties beginning with Treaty No. 4.

\textsuperscript{12}That was especially the case when the treaties were planned by Indian Affairs officials before negotiations with the Indians occurred. The similarity of the numbered treaties indicates that there was a basic template for the numbered treaties that was followed by the commissioners for each individual treaty.
Morris’ account of negotiating the treaties - and the formal version of Treaty No. 6 to make this point. At Fort Pitt, Morris told the Indians:

I see the Queen’s Councillors taking the Indian by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man. All along that road I see Indians gathering, I see gardens growing and houses building; I see them receiving money from the Queen’s Commissioners to purchase clothing for their children; at the same time I see them enjoying their hunting as fishing as before, I see them retaining their old mode of living with the Queen’s gift in addition [Morris 1880:121].

In contrast, the formal text of Treaty No. 6 stated simply that:

...the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by her Government of her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof, duly authorized therefor, by the said Government [Morris 1880:353].

The contrast is striking. Many similar examples of differences between the words of government negotiators and the treaty texts can be found in Morris’ memoir. The existence of such a gap between non-Aboriginal accounts of the treaties and the documents themselves is rarely pointed out; usually it is only the First Nations’ oral traditions that are highlighted.

The Indian negotiators all strived to ensure that they would survive the extinction of the bison and the anticipated arrival of European settlers and a new pattern of agricultural settlement. They insisted that the government negotiators promise to provide them with agricultural tools and assistance, instruction and schooling, and health care assistance. The commissioners agreed to many of these requests, though not all of them found their way into the formal terms of the treaties. The tribes of the Plains and Parklands were negotiating from increasingly weak
positions, as the great bison herds dwindled and the fur trade declined, undermining the economy
and political systems of the Indians. Occasional famine and malnutrition made them even more
vulnerable to disease, and they had just endured the terrible smallpox epidemic of 1870. In the
end, it seems that they placed their trust in the honour of the Crown, as articulated in the words of
the Treaty Commissioners, the missionaries, and the Métis interpreters who all encouraged them
to agree to the treaties.

During the period of the first set of numbered treaties, the federal government continued
to legislate for status Indians, who were now more narrowly defined legally than they had been in
1850. In 1869, it passed An Act for the Gradual Enfranchisement of Indians, the Better
Management of Indian Affairs (S.C. 1869, c. 6). This legislation provided for involuntary
enfranchisement of women with legal Indian status if they married non-status men, along with
their children. It was replaced in 1876 by the first formally named Indian Act (S.C. 1876, c. 18).

John Tobias has pointed out that after Confederation, the goal of legislation for Indians
was to assimilate them into Euro-Canadian society. The government was determined “...to make
the Indians into imitation Europeans and to eradicate the old Indian values through education,
religion, new economic and political systems, and a new concept of property” (Tobias 1976:18).
The Indian Act gave an extraordinary power to the federal government “to encourage and direct”
- and even to coerce - the path toward civilization (ibid.:16 - 17?). The act was regularly
amended in the years that followed, often in ways that were in direct conflict to the impression
left by treaty negotiations that Aboriginal people would continue to be able to direct their own
destinies. In fact, it appears that the federal government never considered whether or not new
clauses were consistent with the promises contained within the treaties. The implementation of
the treaties was not a bilateral process between First Nations and the Crown. Instead, it was
directed by Indian Affairs bureaucrats and their interpretation of the treaty terms. Over time, it
proved to be a narrow-minded vision that was at odds with what has come to be called “the
spirit” of the treaties (e.g., Daniel 1979; Treaty 7 Elders et al. 1996).

The Supreme Court of Canada has recognized that there was more involved to treaty
agreements than what was set out in the written documents and as a result requires that
interpreting treaties today requires serious consideration of the agreements to which both parties
believed they were agreeing. Oral terms must be included in these assessments. As Madam
Justice McLachlin explained, “treaties should be liberally construed and ambiguities or doubtful
expressions should be resolved in favor of the Aboriginal signatories,” and “the words of the
treaty must be given the sense which they would naturally have held for the parties at the time”
(see p. 9, above).

Events Leading to Treaty No. 8

The timetable for post-Confederation treaty negotiations was not set by Aboriginal people
who wanted treaties but by government decisions about when land and other resources were
needed for Canada’s “nation-building projects” of the 1870s and later (e.g., Ray et al. 2000:148).
While the government was mostly concerned about securing land for agrarian settlement, it was

13 A more comprehensive discussion of this topic is found in McCormack 2010:chps. 4, 5, and 8.
also keenly aware of resource potentials and transport needs that might be important in the near future to foster “development” in Canada.\textsuperscript{14} The drive to acquire new lands halted for a time after Treaty No. 7 was negotiated in 1877, providing a period during which Canadian officials who were located in Ottawa focused on building the transcontinental railway and other infrastructure and institutions of the state that would encourage western settlement by Europeans and enable eventual expansion northward.

By the 1880s, interest was growing in what the northern woodlands had to offer, thanks to multiple events. First, the number of free traders grew steadily in the 1870s, offering serious competition to the Hudson’s Bay Company. To reduce its costs and improve its competitive position, the Company modernized its transport system, and by 1883, Fort Edmonton had become the primary gateway to northern Alberta and the lands beyond, thanks to the creation and steady improvement of a trail from Edmonton to Athabasca Landing. The Athabasca Landing trail was completed in 1876 and then regularly upgraded. As a result, Athabasca Landing emerged in the mid-1880s as an important transshipment point and trading post for all the

\textsuperscript{14}In the 1870s, it was Treaty No. 5 that reflected this alternate goal. This treaty covered portions of northern Manitoba and northern Saskatchewan. Alexander Morris thought that a treaty was not even needed, because the land was not suitable for agriculture. However, some Indians talked about wanting to become farmers instead of trappers, and Canada was interested in the economic potential of resources of the boreal forest and transport routes (Ray et al. 2000:121-3). At Grand Rapids, Morris would not establish a reserve where people wanted one, because he considered that particular location to be important for transport and an eventual town (\textit{ibid.}:126). That is, he would not allow control over a potentially valuable economic resource to be vested in Indian hands, even though he had already acknowledged that agriculture was not likely to be the economic mainstay in that region. Refusing to allow Indians to become owners of economically valuable resources was never formal government policy, but it appears to have been an implicit aspect of policies directed at Aboriginal people, who were not considered able to manage such resources as Euro-Canadians would do so.
northern traders going to northeastern Alberta and points farther north (McCormack 2010:chps. 4, 5). Fort McMurray and Fort Smith became secondary transshipment points, each situated at the down river end of a series of rapids. Improved transport enabled greater access to the Mackenzie Basin by a wide range of outsiders, including traders, White trappers, prospectors, government officials, and even tourists, though the number of these individuals was small compared to the influx of outsiders in the 20th century, after Treaty No. 8 was made.  

Second, northern animal populations, many of which have cyclical populations and are therefore inherently unstable, may have declined in some areas due to overhunting and the use of poison by White trappers (McCormack 2010:chp. 5). However, animal numbers seem to have recovered by the time of treaty.

A third set of events - mining exploration and production - triggered an increasing awareness of the potential mineral riches of the north. The gold mining that had begun in 1848 in California had steadily spread northward; by 1858 it had reached the Fraser River, and by 1872, the Cassiar district of northern British Columbia, just the west of the Fort Nelson River (Dawson 1888; Zaslow 1971:44). By 1874, the population of prospectors and miners in the Cassiar district “exclusive of Indians” was estimated at 1,500 people (Dawson 1888:84-85). Prospectors expanded from the Cassiar into lands in or adjacent to those of Treaty No. 8. George Dawson considered the northern region to be economically significant:

15White trappers were the only group of outsiders who posed a problem to Aboriginal people, who were angry and frightened when these newcomers used poison to kill animals. Aboriginal people welcomed the enforcement activities directed against White trappers by the North-West Mounted Police at the end of the century (McCormack 2010:chp. 5).
It appears meanwhile eminently desirable that we should encourage and facilitate, in so far as may be possible, the efforts of the miners and others who constitute our true pioneers in the region, and to whom, in conjunction with the fur companies and traders, the peaceful conquest of the whole of our Great West has been due [Dawson 1888:30-31].

But, the presence of these prospectors contributed to the unhappiness of Indians in the northwestern portion of the Treaty No. 8 region. According to the Treaty Commissioners, the Indians of Fort St. John “...were reported to be rather disturbed and ill-disposed on account of the actions of miners passing through their country...” (Govt. of Canada 1966:7-8).

Fourth, official, state-sponsored investigations in northern British Columbia and in the upper Mackenzie Basin followed (including northeastern Alberta), led by men with the Geological Survey of Canada and the Dominion Lands Survey, which already bore the responsibility for dividing up the lands in the areas ceded by treaty. They did not proceed unchallenged but continued their work nevertheless. Their collective actions both stimulated and anticipated later resource exploitation and settlement (McCormack 2010:84-6). For example, Geologist Robert Bell investigated the Athabasca River basin in 1882-1883 and brought to the public’s attention the existence of various forms of petroleum deposits (Fumoleau 1975:39). In 1884, surveyor William Ogilvie traveled the Peace and Athabasca Rivers and outlined some townships in “the prairie region [Peace River region], to give settlers who are in it now, and those who may come previous to sub-division surveys here, a chance to locate

\[16\]

For example, when W. T. Thompson was surveying in the Lesser Slave Lake region in February 1883, a local band of Indians “...informed him that they were perfectly aware that he was passing through the country to spy out the nakedness of the land, intending next summer to take this land to himself, and that he [the head man], as lawful possessor of the soil, forbade Mr. Thompson to proceed any farther” (Edmonton Bulletin [EB], “Slave Lake, 17 March 1883:3).
themselves with something like a certainty” (Dennis 1892.)

It was Hudson’s Bay Company factor Roderick Macfarlane who first proposed a northern treaty, in 1884. He anticipated the need to help the northern Indians “...when the usual years of scarcity come shortly round” (in Fumoleau 1975:32). Two years later, Macfarlane’s prediction came true, when the north was visited by famine and disease in the winters of 1886-87 and 1887-88 (e.g., Fumoleau 1975:37-38; Select Committee 1888:165, 195, Zaslow 1971:59). There were calls for government assistance, which the government was reluctant to provide, and proposals for a treaty. While Prime Minister John A. Macdonald and his cabinet were aware of this situation, they were unwilling to take action at this time, even though the Hudson’s Bay Company was no longer financially responsible for assisting Indians in distress.

In the early fall of 1887, two North-West Mounted Police officers were sent to Lesser Slave Lake to arrest a man alleged to have killed a wîhtikôw, a person who was believed to be dangerous because he (or she) had become hungry for human flesh. This case piqued the Euro-Canadian imagination and was reported by the Edmonton Bulletin. In a striking passage, “The prisoners...justify themselves on the grounds that they acted according to Indian law and that they knew no other” (EB, “Arrest at Slave Lake,” 1 Oct. 1887:4). There was much subsequent debate on all sides of the applicability of Canadian law in territory not yet ceded by a treaty. In Edmonton, Frank Oliver, territorial councillor and editor of the Edmonton Bulletin, wrote an article about “The North” that acknowledged the lack of Canadian sovereignty north of Treaty No. 6. He pushed the government to extend its full authority, which would require a treaty to be made (EB, “The North,” 29 Oct. 1887:2). Fifty-three Aboriginal families from Lesser Slave
Lake sent a letter to the Edmonton Bulletin stating that they “did not acknowledge the control of the government over them, and did not wish to make any treaty with the Canadian government” (EB, 22 Oct. 1887:1). On the other hand, a later meeting of Aboriginal people at Lesser Slave Lake was reported as indicating that they would prefer to receive scrip rather than make “an ordinary Indian treaty” (EB, “Slave Lake,” 21 Jan. 1888:4). In short, by at least 1887, only one decade after the last of the southern numbered treaties (No. 7), the issue of making a northern treaty had become a public issue in Edmonton and the non-treaty lands to the north. Making a northern treaty would be complicated not only by local northern issues, but also by the knowledge northern people had of the problems faced to the south in the Treaty No. 6 region, where Indians were confined to reserves, administered by Indian Agents under an increasingly restrictive Indian Act, faced increasing impoverishment and hunger and strict administration by Indian agents, and believed that the promises made to them at the time of treaty were being violated (e.g., EB, “Hungry Indians,” 10 March 1888:4).

In 1888, the Canadian Senate appointed a Select Committee chaired by Senator John C. Schultz to investigate the potential and value of the lands in the Mackenzie Basin (Select Committee 1988; McCormack 2010:89-90; Zaslow 1971:77-78). Among its many questions, the committee wanted to know “What effect would the opening up of the Mackenzie Basin to civilized men have upon the Indians of the region?” (Select Committee 1988:23). Zaslow (1971:78-9) and Fumoleau (1975:40-41) have both pointed to the importance of the Select Committee’s report for encouraging further northern investigations and laying the groundwork for a reassessment of the timing for making a treaty in the region.
In 1890, “the best equipped party of prospectors that ever came into this part of the country” left Edmonton bound for Peace River and possibly the Liard River (EB, “Local,” 24 May 1890:1). Later, a work party did some work to remove obstructions to navigation in the Slave River leading to Lesser Slave Lake (EB, “Local,” 22 Nov. 1890:1). Both were indications of serious interest and investment in the economic possibilities of northern resources. In the same year, there was a gathering of Aboriginal people, including local leader Kinosayoo, and traders at Lesser Slave Lake to discuss a treaty. Resident trader Dieudonne Desjarlais wrote a letter on their behalf asking for a treaty (in Ray et al. 2000:153), though Vankoughnet did not reply favorably (ibid.:153-4).

However, on 26 January 1891, the Privy Council of Canada recommended that a treaty be negotiated during the “ensuing season” (Order in Council, LAC, RG 10, v. 3848). The treaty did not go ahead at this time, due to the death of Prime Minister John A. Macdonald in June, 1891, and the subsequent lack of continuity in political leadership, as four prime ministers rapidly replaced one another between 1891 and 1896 (e.g., Lower 1966:140, 230). It was also affected by the economic depression of the 1890s and slower-than-anticipated commercial developments (see Fumoleau 1975:43). The depression ended in 1896, the same year that the country elected a new Liberal government and Wilfred Laurier as prime minister.

In 1892, the government agreed to provide assistance to Indians through the Hudson’s Bay Company in the Districts of Athabaska and Mackenzie River, but only if such aid were absolutely necessary to prevent starvation (letter from L. Vankoughnet to E. Dewdney, Supt. Gen. of Indian Affairs, 8 March 8, 1892; letter from Dewdney to Sir Donald A. Smith, 8 April
1892, both in RG 10 v. 1109). Despite the lack of a treaty, in the same year the North-West Mounted Police slowly began to extend its reach into the north, by establishing a seasonal detachment at Athabasca Landing in 1892 to intercept liquor headed for northern posts (Zaslow 1971:97; EB “Local,” May 1893:1; EB “Local,” 6 July 1893:1).

In 1894, the federal government enacted the *Unorganized Territories Game Preservation Act* (S.C. 1894 [57-58 Vict.], c. 31), to protect wildlife resources in the Northwest outside the provisional districts of Alberta, Assiniboia, and Saskatchewan. This part of the Northwest included the Athabasca District (the lands now in northeastern Alberta, much of it covered by Treaty No. 8). This legislation and accompanying regulations prohibited the use of poison and established closed seasons for several species. An important goal of the legislation was to protect the sole remaining population of wild bison in North America. The Mounted Police would thereafter be called upon to police miners and non-Aboriginal trappers using poison and to enforce the new legislation (McCormack 2010:93). In the fall of 1896, plans were made to send an officer on a winter trip from Edmonton to Lake Athabasca “to prepare the way for the extension northward of general Police supervision” (Comptroller to the Commissioner, NWMP, 18 Dec. 1896, LAC RG18 v. 128).

Gold in the Klondike tributaries of the Yukon River was discovered in August, 1896. It triggered the famous Klondike gold rush of 1897-98 and led the Government of Canada to decide

17 These bison were mostly found in the lands bounded by Peace River, Slave River, Great Slave Lake, and the Caribou Mountain, but there may have been small remnant herds distributed more widely. Knowledge today about bison distribution of the past is unfortunately mostly limited to reports by outsiders, who rarely entered the bison ranges situated in the bush beyond the riverways.
that it was finally time to make a treaty in the Athabasca District. Many hopeful prospectors used an overland route that traversed unceded northern lands. In December 1897, Commissioner Herchmer reported, “The country between the Peace River and Edmonton is now dotted with small parties of prospectors numbering in all several hundred souls, who are camped waiting for spring” (North-west Mounted Police (NWMP) 1898:3).

In January 1897, Inspector A. M. Jarvis and Sergeant Hetherington traveled from Fort Saskatchewan to Fort Resolution, returning by the Peace River to Lesser Slave Lake. Jarvis arrived at Little Red River, a settlement of nine families of “half-breeds, Chippewyans and Crees” located about 35 miles down the Athabasca River from Fort McMurray, now the location of Fort MacKay. According to Jarvis: “The Indians requested that a chief might be appointed, and named Chrysostom Pische for that position” (Jarvis 1898:160). This man would have been named because he was already a local leader. The incident suggests that these Indians were asking to formalize a relationship with the federal government in the absence of a treaty. Jarvis charged and fined several White trappers for using poison, enforcement actions that would have enhanced his status with the resident Indians, who “complained bitterly of the use of this poison

Note that I do not use the term “chief.” Northern Chipewyan and Cree societies were egalitarian, and leadership was not a fixed or inherited position. Typically, leaders were individuals who had exemplary bush skills and spiritual power. They led because other people chose to follow them, and they articulated the consensus of the group. While they enjoyed considerable influence and authority, they had no coercive power (see McCormack 2010:28). They also tended to be older, because it took many years for most leaders to develop the necessary qualities. The chiefs created by the treaty process constituted a different form of leader that resembled more closely the trading captain of a much earlier fur trade era. They did not replace the traditional leaders in daily life, nor did they acquire the power to direct the actions of others.
put out by white men and half-breed trappers with whom they are unable to complete, and think it hard that people who are not owners of the country are allowed to rob them of their living” (ibid.:170). Elsewhere, Jarvis reported that Chipewyans and Crees “are in mortal dread of the poison” (Jarvis at Fort Chipewyan to L. W. Herchmer, Commissioner, 31 Jan. 1897, LAC RG18 v. 128). Jarvis reported that the “half-breeds” at Little Jackfish Lake, between Lac La Biche and Fort McMurray, were “much pleased” with the police for “the suppression of laying out poison” (Jarvis 1898:158). However, he was challenged at Fort Chipewyan, where he received a letter from Alexandre Laviolette, who said: “I don’t want any of you people; to come a[nd] bother us in this Country” (for full quote, see McCormack 2010:95-6).

Also in 1897, Inspector Snyder patrolled a portion of the Peace River country. He reported having

...several long talks with natives who came to see me in bodies, and seemed greatly alarmed at the advent of the police and the prospect of a wagon road being opened through their country. They are also very jealous of white trappers trespassing upon their hunting grounds and wanted them forbidden to do so. Another thing they were particularly troubled about was that they should be compelled to take treaty and live on reserves [Snyder 1898:178-9].

The reports by Jarvis and Snyder indicate that northern Aboriginal people were seeking to engage representatives of the government in serious discussions about issues of concern. While they were satisfied to see them there when they were enforcing laws against White interlopers, they were aware of the coercive function of the police and were worried about what a treaty might mean for them. The Edmonton Bulletin editorialized: “This is a time when the upmost care is needed in establishing the authority of law in the vast new country of the north. Matters
have reached a pitch when the assertion of authority on the part of the government is absolutely necessary throughout the Mackenzie Basin” (EB, “Lesser Slave Lake,” 15 July 1897:1).

Meanwhile, in May the North-West Mounted police set out to establish four permanent outposts at Athabasca Landing, Lesser Slave Lake, Grand Rapids, and Fort Smith in order to introduce “a little law and order into the north land” (extract from Fort Saskatchewan weekly report, 31 May 1897, LAC RG18 v. 128; EB, “Local,” 3 June 1897:1). Aboriginal people at Lesser Slave Lake opposed this development, even signing petitions against it, because there was no treaty, which meant that “the Police have no right in the District” (from Staff Sergeant Hetherington to Officer Commanding, Fort Saskatchewan, 31 July 18997, LAC RG18 v. 128). Yet the Mounted Police persisted and by 1898 had a substantial northern presence (McCormack 2010:98).

The Mounted Police reports went up the chain of command. On 2 December 1897, L. W. Herchmer, the North-West Mounted Police Commissioner, wrote to Comptroller Fred White:

I have the honour to draw your attention to the advisability of the Government taking some immediate steps towards arranging with the Indians not under Treaty occupying the proposed line of route from Edmonton to Pelly River. These Indians although few in number are said to be very turbulent, and are liable to give very serious trouble when isolated parties of miners and travellers interfere with what they consider their vested rights.

At the present time the Half-breeds of Lesser Slave Lake are dissatisfied with the presence of the Police in that District, and the numerous parties of Americans and others between that point and Peace River will not improve the situation. The Beaver Indians of Peace River and the Nelson are said to be inclined to be troublesome at all times, and so also are the Sicanies and Nahaniews, and the Half-breeds are sure to influence them [LAC RG 10 v. 3848 file 75,236-1].

Herchmer’s statement is usually taken at face value, and the apparently aggressive resistance of northern Aboriginal people was in the past and is still today frequently reiterated as a reason for
making the treaty; even Mair wrote about an “outcry” by Indians against the Klondike trespassers (1908:160).\(^\text{19}\)

---

**Planning the New Treaty**

Herchmer’s letter seems to have set the government back on the path toward negotiating a treaty. On 12 January 1898, A. E. Forget, the Indian Commissioner in the Winnipeg office, wrote a letter to J. D. McLean, the Secretary of the Department of Indian Affairs in Ottawa, in which he addressed the difficulties of deciding which territory was to be included and what the terms should be, based on “the somewhat meagre information obtainable with regard to the condition of the tribes to be treated with...” (LAC RG10 v. 3848 file 75,236-1). It was the first time that a high-placed government official addressed the future treaty in concrete terms.

For the *lands* to be included, he proposed “...at least a portion of the territory to the north of that ceded to the Crown under Treaty No Six,” specifically “...those tracts which are already partially occupied by whites either miners or traders and over which the Government has for some years past exercised some measure of authority” (Forget to McLean, 12 Jan. 1898, LAC RG10 v. 3848 file 75,236-1). Such “tracts” would include the Lesser Slave Lake and Upper Peace River districts, where he had learned from Commissioner Herchmer that the Indians were unwilling to have government authority extended. He presumed the “same necessity” to

---

\(^{19}\)There is little concrete information to back up statements such as those by Herchmer and Mair. Mary Lawrence, who arrived in Fort Vermilion in the summer of 1898, had a contrary account. She recalled that along the trail from Grouard to Peace River, the Indians kept “a careful guard over that strange horde of adventurers,” whom they considered to be naive travellers (Fort Vermilion 2008:21-22).
extinguish “native title” in the lands of the Lower Peace and of the “Nahanni and Sicanie tribes.”

“Beyond these points however I do not consider that the Government would be justified in undertaking the negotiation of treaties which would involve very heavy outlay for comparatively inadequate returns in so far as the value of the territory to be ceded, or the rights of the Indian owners, are concerned” (ibid.). Therefore, the territory to be covered by treaty would be within the Provisional District of Athabasca and North Western British Columbia; however, from other descriptions it appears that he must have meant northeastern British Columbia. He did not think that it would be necessary to include the North West Territory district (i.e., not northeastern Alberta), anticipating that travelers to the gold fields would go north through the country south of the 60° latitude. He contended that travelers to the Klondike gold fields were “not likely to come into conflict with the native interests” when following an interior route through Edmonton, and therefore it would not be necessary to treat with Indians “of any portion of the McKenzie River Basin” (ibid.). It seems here that he means the region in the vicinity of the Mackenzie River itself, rather than the broader region known today as the Mackenzie Basin. He also excluded the Great Slave Lake district, believing that it was unlikely that the “gold movement” would extend far east of the Rocky Mountains. Considering that his information about Aboriginal people was meagre, and that his geographical knowledge seems badly flawed, he was nevertheless willing to base a treaty on far-fetched speculation that could have been more solidly based even at the time if more research had been done by government officials.

For the terms of the treaty or treaties, Forget made a number of “suggestions” (Forget to McLean, 12 Jan. 1898, LAC RG10 v. 3848 file 75,236-1). In the Athabasca district, he noted the
large native population in the Lesser Slave Lake and Fort Vermilion regions. “These districts are all admirably adapted for stock-raising and secondarily for agriculture and this Treaty should contain, in addition to the annuity clauses, some well-defined provisions for aiding the Indians in the matter of cattle, implements, seed, clothing and provisions while actually engaged in farming operations” *(ibid.)*. He also recommended providing netting twine and ammunition. However, where agriculture would not be suitable, including lands east of the 114° parallel and in “N.W.” (north-east) British Columbia, “...I do not think that anything more than a cash annuity and small annual issue of net twine and ammunition should be promised.” He also suggested that the size of the annuity might vary, based on “the comparative value of the country to be ceded and the cost of carrying out the Treaty obligations” *(ibid.)*. Specifically, “$5.00 per head” might be an appropriate amount for the Lesser Slave Lake and Peace River Indians, where agriculture was possible, while $4.00 might be enough for Indians at Fort McMurray and Fort Chipewyan. More remote Indians might be offered only $3.00. There should be no cash bonus and no arrears paid to Indians who did not appear until after the payments were made when the treaty was first signed. He expected that the northern Indians would want reserves, or “lands for their sole use and occupancy, and while for many reasons it would be well could the Reserve system be dispensed with and ownership in severalty be substituted in future Treaties, I fear that in consideration of the need of educational and religious facilities it will be necessary still to adhere to the plan of assembling the Indians upon Reserves.” There might also be “Fishing Reserves,” especially at Lesser Slave Lake *(ibid.)*.

He also addressed the issue of the “very considerable Halfbreed population” to be found
at several points: “...I think it would be well to consider whether it would not be advisable to take them into Treaty with the same privileges as the pure blooded Indians, rather than pursue the course hitherto adopted of extinguishing their title by the issue of scrip once for all and leaving them henceforth to their own resources” (Forget to McLean, 12 Jan. 1898, LAC RG10 v. 3848 file 75,236-1).

Following Forget’s letter, planning the treaty moved along in small, incremental steps. Forget wrote again to J. D. McLean on 23 April 1898 (LAC RG10 v. 3848 file 75,236-1). He had recently met with Bishop Grouard, who had evidently explained to him some northern realities. Therefore, “I [Forget] find that it will not be possible to assemble the Indians at the various points mentioned in my report this season on account of the difficulty of giving them sufficient notice of the intention of the Government to treat with them” (ibid.). The negotiations would have to be delayed until the summer of 1899. Forget estimated an Indian population of 2,700 people and $13,500 for annuities, based on $5.00 per person. Further, he estimated a Halfbreed population of 1,700 people who would need to be either included as Indians and receive annuities or apply for Half-breed scrip. He emphasized the necessity to treat with Halfbreeds “simultaneously with the Indians,” or else “it may be confidently expected that the former will use their powerful influence over the latter to retard negociations [sic] for the ceding of the territory.”

Numerous statements in government documents indicate that northern Half-breeds had acquired their own reputation as trouble-makers, largely because they were seen as interfering with government plans for Indians. This negative discourse is a striking change from the positive ways in which their roles had been represented by Alexander Morris for Treaties No. 1-6 and may reflect to some extent the downturn in the popular sentiment about Métis after the troubles.
population is not any too well disposed to view favourable any proposition involving the cession of their rights to the country” (*ibid.*). The treaty would extend as far north as Fort Smith on the Slave River and east to Fond du Lac at the east end of Lake Athabasca. Finally, he reversed his earlier recommendation about the cash gratuity or present of $7.00 per person upon entering treaty in addition to the $5.00 annuity. Such a payment was made in all the “Western Treaties...as a tangible expression of the goodwill of the Crown and as the Northern Indians are well aware of this having been done, it is more than probable that if the same course is not pursued in their case they may make it a ground for refusing to treat” (*ibid.*).

On 18 June 1898, Clifford Sifton, the Superintendent General of Indian Affairs, wrote to the Governor General in Council about the forthcoming treaty, reiterating points from earlier correspondence and summarizing what he expected to occur with respect to the new treaty (LAC RG10 v. 3848 file 75,236-1). He described the Indians as “few in number” but “turbulent and liable to give trouble should isolated parties of miners or traders interfere with what they considered their vested rights.” Moreover, “the Halfbreeds of Lesser Slave Lake showed dissatisfaction with the appearance of the Police in that District, with the situation made “…more difficult by the presence of the numerous parties who had come into the country and were scattered at various points between the lake and the Peace River.” Following Commissioner Herchmer, he wrote that the Beaver Indians of the Peace and Nelson Rivers and the Sicanie and

of 1885, even though northern Half-breeds were mostly a very different population. Some Half-breeds from the Lac Ste. Anne-St. Albert region had moved to the Lesser Slave Lake region in the latter part of the 19th century, but they had not been “rebels” in the Northwest Rebellion (also, Riel’s War) but had been ready to defend Fort Edmonton.
Nihanie Indians “were inclined to be troublesome, and...the Halfbreeds were likely to influence them in that direction.” He recommended that the Treaty Commissioners be given discretionary power over the geographic extent of the treaty,

for its extent will depend upon the conditions which are found to exist as a consequence of the inroads of white population: but he is of opinion that the territory to be treated for may in a general way be restricted to the Provisional District of Athabaska, and such of the country adjacent thereto as the Commissioners may deem it expedient to include within the treaty” [ibid.].

Sifton’s memo was followed by Order in Council No. 1703, dated 27 June 1898, which authorized the treaty. The memo focused on making a treaty with “the Indians occupying the proposed line of route from Edmonton to Pelly River” - an overland route from to the Yukon gold fields - and referred to “the numerous parties who had come into the country and were scattered at various points between [Lesser Slave] Lake and the Peace River.”\(^{21}\) In the words of this Order in Council, the country was now “partially occupied by whites either as miners or traders,” a particularly interesting remark in that miners were highly mobile and many traders were only temporary occupants. It contrasts with the historic notion in Canada that nomadic Aboriginal people did not truly “occupy” the country. The only Indian groups named in the

\(^{21}\)The reference to this specific route may have been the result of investigations in the fall of 1897 by T. W. Chalmers of the Dominion Land Survey, who had been tasked with locating a wagon road from Lesser Slave Lake to Peace River (Chalmers 1898; various reports in the Edmonton Bulletin 1898). After, the Northwest Territories government sent workers under Chalmer’s direction to construct a “sleigh road” or winter road from the Athabasca River at Fort Assiniboia to Lesser Slave Lake (EB, “Peace River Trail,” 11 Nov. 1897:4; see other entries in EB 1898).
Order in Council were Beaver, Sicannie, and Nihanni Indians. It remarked on the Half-breeds of the “Lesser Slave Lake District” in terms of the influence they had on the Indians, implying that they could be troublemakers. At the same time, the document noted that the Commissioners could not be instructed “to draw a hard and fast line between the Halfbreeds and the Indians, as some of them [Halfbreeds] are so closely allied in manners and customs to the latter that they will desire to be treated as Indians,” and those Halfbreeds should be allowed into treaty. The Order in Council provided for Commissioners to meet both the Indians and Halfbreeds in 1899. It reiterated Sifton’s advice that the Commissioners should enjoy some discretion over the terms of the treaty, given that the Department of Indian Affairs “…possesses so limited a knowledge of the conditions of the country, and of the nature and extent of the claims likely to be put forward by its Indian inhabitants.” However, it imposed the restriction that “…no greater obligations will, on the whole, be assumed in either respects than were incurred in securing the cession of the territory covered by the treaties which were made with the Indians of the other portions of the North West” (i.e., Treaties Nos. 1-7).

The Edmonton Bulletin referred to the forthcoming treaty on 2 May 1898 (EB, “New Indian Treaty,” 2 May 1898:2). In August 1898, after the Order in Council was signed, the

---

22 The Beaver Indians were named as occupying the Peace and Nelson Rivers, while in fact it was Slave Indians who occupied the Nelson River, and there were also Crees and some Chipewyans on the Peace River. The misinformation and lack of solid information contained in this and other documents leading up to the treaty is alarming, given the significance of the treaty.

23 It named two men as commissioners: A. E. Forget, the Indian Commissioner for Manitoba and the North West Territories, and J. A. J. McKenna, of the Department of Indian Affairs. A third commissioner was to be named later.
federal government sent “verbal communications” about the treaty to “Hudson’s Bay officers, missionaries, and others” (EB, “Athabasca Treaty,” 29 Aug. 1898: 2). Heated debate ensued in the north. On 9 October 1898, a correspondent for the Bulletin at Lesser Slave reported:

Treaty is all you hear of nowadays; and no two natives tell the same story and no two seem to understand what treaty means. The different traders here try to enlighten them, but it is not in their line exactly they do not succeed any too well. I don’t know much about this treaty business myself, but my own opinion is that the Indian department might send up a good man at treaty time to explain the matter, and they would profit by it [EB, “Lesser Slave Lake,” 27 Oct. 1898:4].

The Northwest Mounted Police corporal at Fort Smith, on the Slave River, reported on issues among the local population on 31 October 1898; an excerpt from his report was forwarded to the Department of Indian Affairs. He pointed out that

The Indians in this locality are very jealous of Whitemen, Trappers and Miners [all outsiders] coming in their country and wanted them forbidden to do so. Another thing they are very much troubled about is that they should be compelled to take treaty and live on Reserves. They do not seem to understand the nature of the treaty at all.... Whitemen and Halfbreed Traders are, I believe, importuning them not to do so [to accept a treaty], by telling them that they will be put on a Reserve and kept there and not be allowed to go off it nor to hunt, and that if they have to depend on the amount of provisions that they get from the Government that they will die from hunger [extract from report in LAC RG10 v. 3848 file 75,236-1].

In reality, it seems that they understood the nature of the treaty very well, based on the way treaties had been implemented in the south. On 26 December 1898, probably after he had met with local Aboriginal people for Christmas services, Charles Weaver of St. John’s Mission at Wapiskow (now, Wabasca) wrote to Clifford Sifton about questions being raised about the treaty 

---

24 The Bulletin recommended that a “printed circular” would be preferable (ibid.), which was sent north by October. The corporal at Fort Smith referred to a notice that a local priest had tried to give to an Indian, who had refused to take it, fearing that by doing so he would be bound to the treaty itself (extract from report in LAC RG10 v. 3848 file 75,236-1).
there, questions he could not himself answer. He wanted to know, “for instance,”

I Will there be a headman chosen by the people there?
II Will Game and Fishery laws be enforced here as in Alberta?
III Will they be free after taking treaty money to roam about the country hunting or will they have a reserve allotted [sic] to them?

Discussions about treaty continued in Ottawa among Indian Affairs officials. On 3 December 1898, J. A. Macrae wrote to J. A. J. McKenna, one of the commissioners. While Macrae had no personal northern experience, he had been an Indian Agent in the Treaty No. 6 region. From the wording, it appears that McKenna had asked Macrae to put his views in writing (letter from Macrae to McKenna, 3 Dec. 1898; letter from McKenna to Laird, 5 Dec. 1898; both in LAC RG10 v. 3848 file 75,236-1). Macrae offered his opinion that he doubted that there would be any difficulty in dealing with “the Luchus” (Loucheux, today known as Gwitch’in, located in the vicinity of Fort Macpherson, and not to be taken into this treaty), “who are a people likely to attach much value to any consideration offered and much under Hudson Bay Company influence” (LAC RG10 v. 3848 file 75,236-1). It was his opinion that the “Wood Crees and halfbreeds about Lesser Slave Lake who are closely connected with some of the Edmonton Indians may be found imbued with an intention to demand all those things which the Crees from the South always claim they were promised, and blame the Government for not embodying in the written Treaty, asserting that they were amongst the terms.” Macrae recommended that fixed, permanent annuities not be provided under the terms of the new treaty, both because he thought they would be costly and because he thought that they did not truly benefit the Indians. Macrae contended that Indians would be willing to settle for a lesser sum. Although his advice was not
followed, this letter is an important glimpse into the beliefs of the man who in 1900 would be appointed the Treaty Commissioner for the extension of Treaty No. 8.

Shortly after receiving this letter, McKenna wrote to David Laird, who by December 1898 had replaced an ailing Forget as the Indian Commissioner in Winnipeg and would be the head commissioner for the new treaty. McKenna pointed out that the extent of the treaty to the north and east had still not been decided. It also seemed “doubtful” that it would be possible to meet the Indians as intended in the schedule drafted in June, 1898. He raised the issue of annuities that Macrae had addressed (McKenna to Laird, 5 Dec. 1898, LAC RG10 v. 3848 file 75,236-1).

On 7 January 1899, David Laird wrote a memorandum in which he proposed that the treaty boundary extend as far north as Great Slave Lake because of the mining interests there, even though it might not be possible to travel that far in the 1899 season. He supported the issuance of annuities. He expected that there would be fifteen chiefs, each with four head men, who would all need to be paid a special gratuity (LAC RG10 v. 3848 file 75,236-1).

He also attempted to do some advance damage control by sending a circular letter dated 3 February 1899 to L. W. Herchmer, the North West Mounted Police Commissioner. He asked that the letter be forwarded to northern posts. The circular stated that “the Indians will be allowed to hunt and fish all over the country as they do now, subject to such laws as may be made for the protection of game and fish in the breeding season.” Moreover, “…White men, Halfbreeds and Indians who do not take Treaty, will not be allowed by the Great Mother [the Queen] to disturb or hurt any of her children whatever their colour” (letter from Laird to
By 10 February 1899, James H. Ross of the North West Territories Government had agreed to be the third commissioner. Clifford Sifton pointed out that Ross had been in the country the previous year, which afforded him some first hand experience. He also worried that the Indians “...will not be disposed to surrender their title for the considerations accepted by the Indians in the organized territories (letter from Sifton to Laird, 10 Feb. 1899, LAC RG10 v. 3848 file 75,236-1).

In April, McKenna had further thoughts about the Halfbreeds that he sent by letter to Sifton. He argued that the section of the Dominion Land Act that related to Halfbreeds was too restrictive, in that “an arbitrary line was drawn at the 15th July, 1870, and privileges accorded to halfbreeds born before that date and denied to those born after it” (17 April 1899, LAC RG10 v. 3848 file 75,236-1). He explained that Halfbreeds had rights through their “Indian blood” to a settlement as required by the Deed of Surrender, and that Halfbreed and Indian rights “should properly be extinguished at the same time.”

Sifton replied the same day, reminding him that the Order in Council of 27 June 1898 had given the Commissioners the power to include Halfbreeds in the treaty. However, he proposed that “It might be desirable to give the Commissioners a freer hand. We can scarcely rely on the experience of the past in dealing with the Indians now to be treated with” (letter from Sifton to McKenna, 17 April 1899, LAC RG10 v. 3848 file 75,236-1). He also raised the matter of reserves, which in his opinion only made “...it easier for the Government to control and feed the
Indians in a country where it was necessary to do so. Experience does not favour the view that the system makes for the advancement of the Indians. We should not be anxious to extend it for its own sake....” He noted Indian fears of being “grouped on reserves,” which he agreed was reasonable, given the lack of good agricultural potential in most of the northern lands. “The most Indians are likely to require in the way of reserves are small fishing stations at certain points which they might desire to have secured to them” (ibid.).

Nor did he support annuities, or at least not annuities in the same amount as those paid in the south, given the lack of value of the land for agricultural purposes. In his opinion, “There may be mineral development and some consequent settlement in spots, but this will not bring sudden or great changes likely to interfere to any marked degree with the Indian mode of life and means of livelihood [sic].” Moreover, “...as the making of the treaty will not be the forerunner of changes that will to any great extent alter existing conditions in the country, and as the Indians will continue to have the same means of livelihood as they have at present, it may fairly be laid down that the object of the Commissioners should simply be to secure the relinquishment of the Indian title at as small a cost as possible” (ibid.). He was so sure of the accuracy of his prediction about the future that it

---

25 The basis for this statement about what Aboriginal people would or would not want or require is not provided, as with many other similar statements by government officials. One has to wonder what an official such as Sifton knew about the north and its people, other than what the Schultz’s Select Committee report contained - if he had read it - and the contents of the range of correspondence that crossed his desk. He had no northern experience of his own. In that he was hardly alone. The testimony provided to the Select Committee only a decade earlier made it clear that government was willing to accept limited first-hand as well as second-hand evidence as authoritative, as long as it came from Europeans and Euro-Canadians. Aboriginal knowledge was suspect by comparison (see McCormack 2010:89-90). These same government officials were often remarkably sure about their ability to predict the future for regions they had never even visited.
appears that other possibilities were never even considered. Treaty-planning and negotiation of the treaty were based on the supposition that little change would occur in the future, and the change that was anticipated was never expected to harm the ability of the Indians to support themselves from land-based resources.\textsuperscript{26}

The proposal for two commissions - one for Indians, one for Halfbreeds - is found in a memorandum from the Minister of the Interior to the Governor General in Council on 29 April 1899, as a new development precariously close to the time that the treaty party would be leaving for the north. Following McKenna’s reasoning, the minister pointed out that the 1870 date used for Halfbreed scrip in the \textit{Dominion Lands Act} did not apply to the Halfbreeds in the Athabasca country, who “were not affected by the transfer. Whatever rights they have, they have in virtue of their Indian blood; and the first interference with such rights will be when a surrender is effected of the territorial claims of the Indians. It is obvious that while differing in degree, Indian and Halfbreed rights in an unceded territory must be co-existent, and should properly be extinguished at the same time” (LAC RG2 v. 3329 file part of file 1999-2002, 3-10 May 1899).\textsuperscript{27}

An independent commission for Halfbreeds was recommended, with James Walker and Joseph

\textsuperscript{26}Debates about the meaning or implementation of the terms of the treaty have never taken into consideration the fundamental premises of the government framers. If those premises proved to be wrong, how should the terms of the treaty be constructed or interpreted? It is problematic to insist that the Indians who entered into treaty in good faith should have to suffer from the mistaken notions of the government about the futures of their regions.

\textsuperscript{27}The minister evidently did not appreciate how closely intertwined the local Indian and Halfbreed populations were genetically or that many people identified as Indians had European ancestry. One of the difficulties in addressing issues related to “Halfbreeds” in the past is that European/Euro-Canadian commentators typically called anyone known to have mixed ancestry “Halfbreed” (or sometimes, “Métis”). That is, they presumed that biology determined identity.
Arthur Cote as commissioners but subordinate to David Laird “on all important questions.”

Two new Orders in Council related to the treaty were signed in early May. On 3 May 1899, Order in Council 892 recommended that the highly respected Oblate priest Father Lacombe be invited to join the treaty commission as to enhance the possibility of a successful outcome (LAC RG10 v. 3848 file 75,236-1). The government was evidently more nervous about this treaty than it had been about the treaties of the 1870s. On 6 May 1899, Order in Council 918 provided for the independent Halfbreed Commission (LAC RG2 v. 778 file 2000C v. 526).

There was one additional step that anticipated the treaty. In January, 1899, Inspector Routledge made a winter patrol to Fort Chipewyan and points beyond. One of his duties was to prepare a detailed census of Indians and Half-breeds of the region to help the government with its planning (copy of report from Insp. Routledge, Fort Chipewyan, 8 Feb. 1899, LAC RG18 B1 v. 1445 no. 185; W. Routledge to Officer Commanding “G” Division, Ft. Sask., 5 April 1899, LAC RG18 v. 1435 no. 76 pt.2). He listed 29 people at Little Red River on the Athabasca River, the community visited the year before by Inspector Jarvis, members of the Piche and Boucher families. The detailed list and what it indicates about the composition of this community are discussed the section later in this report that portrays the livelihood and culture of the local people at the time of the treaty.

---

28 On 13 April 1899, a memorandum sent by Constable Charles Phillips at Lesser Slave Lake to his Fort Saskatchewan superior talked about the “meetings” being held there about the treaty. The local sentiment was that the treaty should be refused, for “…should treaty be accepted the Settlement of the country would surely follow” (LAC RG18 v. 1435 file RCMP 1899 no. 76 pt. 1).
Negotiating the Treaty, 1899

My recent book about Fort Chipewyan contains a lengthy chapter about the making of Treaty No. 8 and the issuance of Halfbreed scrip in 1899 and 1900 (McCormack 2010:chp. 8). Rather than re-examining here all the existing literature that is available, this section mainly follows the discussion in that chapter, and it focuses on the treaty rather than scrip. It reviews the two major reasons why Aboriginal people were so reluctant to enter into treaty. First, they were familiar with the conditions of the Indians in the Treaty No. 6 area to the south stemming from the poor treatment they received, related especially to enforced residence on reserves, prevention of their religious ceremonies, and poverty, despite having a treaty. Northern Aboriginal people were fearful that they would suffer in the same ways if they entered treaty. Many outsiders and even some local non-Aboriginal people represented those concerns incorrectly as Aboriginal ignorance and trouble-making.

Second, although they had experienced some difficult winters, their economy was basically stable and even so prosperous that the treaty and scrip negotiators commented on their way of life. Northern Aboriginal people were not looking for new forms of livelihood, as those to the south had been in the 1870s, because of the dwindling bison herds of the prairies. For example, a letter written by H. H. Lawrence, who lived at Fort Vermilion, to the Edmonton Bulletin on 2 May 1895, described the comfort he had experienced while visiting Keg River, a settlement about 80-100 miles up the Peace River from Fort Vermilion.

At Keg River...it is quite a settlement of Indians, owning horses and other stock but having no cultivated lands as yet. Here were a happy and contented people We were in several of their houses and saw evidences of prosperity and plenty for man and beast. ...
Treaty No. 8 and Fort McKay First Nation

[For New Year’s dinner they ate] moose meat, bannock and tea. For enjoyment these people went in for it. Perhaps not quite the same style we would see in some other places. The same could be said of the way that the Indians were living along the line, at times more of one thing and less of another. Some places rabbits were secured for the dogs. Most of the people would have some of the white man’s food and we saw them in places using bacon and lard with their flour, and many were the little potato patches scattered, and there looked to be a veritable Indian’s paradise. Fish and potatoes, plenty of food and but little work. Is it any wonder that we see so many white men turn Indian by practice and yearn for the flesh pots of Egypt and a life of ease and indolence” [EB, “Correspondence, Peace River,” 2 May 1895:2].

Such comfort was puzzling in 1899 to Charles Mair, a member of the Half-breed Scrip Commission, who pointed to the apparent contradiction between what appeared to him to be a modern community at Lesser Slave Lake and its fur trade economy:

The place, in fact, surprised one - no end of buggies, buckboards and saddles, and brightly dressed women, after a not altogether antique fashion; the men, too, orderly, civil, and obliging. ... One lost, indeed, all sense of remoteness, there was such a well-to-do, familiar air about the scene, and such a bustle of clean-looking people. How all this could be supported by fur it was difficult to see, but it must have been so, for there was, as yet, little or no farming amongst the old “Lakers” [Mair 1908:73].

Similarly, he wrote that Fort Chipewyan had “the quaint appearance of some secluded fishing village on the Gulf of St. Lawrence” (ibid.:105-6; see also chp. 7). As he had explained earlier in his narrative, “One felt disappointed, almost defrauded. It was not what was expected, what we believed we had a right to expect” (ibid.:54-55). What they had expected was a primitive and colorful Indian. However, what they found did not derail the treaty-making process, which was undertaken as if the northern Aboriginal people were the primitive Indians they had thought to find. The government policy for treaty-making and the template for the treaty itself were virtually unchanged from those of the south.

Chapter 8 of my Fort Chipewyan book also reviews the major sources and analyses about
the treaty negotiations (especially McCormack 2010:164-166). It points out that considerable differences exist in understandings about what was promised at the time of the treaty. The Euro-Canadian participants wrote copiously and the Aboriginal participants not at all, which has imbued the written accounts with an authority they do not deserve. However, even the written accounts disagreed in some points about what was promised, just as they did for the earlier numbered treaties.\footnote{For example, the treaty did not promise to provide doctors or medical aid, although the Commissioners assured the Indians that medical supplies would be provided and some other medical assistance when it was possible to do so. The treaty promised to pay the salaries of teachers, but it did not explain how schools would be provided. However, a correspondent accompanying the treaty party reported that “The terms of the treaty [at Fort Vermilion] were exactly the same as at Lesser Slave lake and Peace River Crossing. A doctor and teachers were promised to them as soon as the bands would settle on reserves” (EB, “Treaty Commissioners at Fort Chipewyan,” 17 Aug. 1899:3). That suggests that the discussions left the impression with the English-speaking correspondent that such promises were part of the treaty. If even the English-speaking onlookers misunderstood the treaty terms, it should hardly be a surprise that there were still far greater gaps in communication with the Aboriginal negotiators and communities.} As well, the Commissioners’ report that described the treaty experience of 1899 contains assurances related to a number of points that did not find their way into the formal text of the treaty.

The formal text of Treaty No. 8 is remarkably similar to that of the earlier treaties, despite earlier discussions among government employees in Ottawa about how considerable discretion - what J. A. J. McKenna had called a “freer hand” - should be extended to the Commissioners on the grounds that Indian Affairs officials had only a limited knowledge of northern lands and peoples, and what they did know suggested strongly that the earlier ways of dealing with Indians in Treaties Nos. 1-7 were not appropriate for the north. But in fact only small changes resulted in
the process of treaty-making and in the terms. As Robert Irwin (1999-2000) has argued, the federal government wanted to ensure that the new treaty was in accord with its civilization policy, even though agriculture was not an envisioned future for most of the Treaty No. 8 region. None of the planning or negotiations addressed this contradiction. The clauses of the treaties of the 1870s provided precedents that amounted to a prescriptive formula for Treaty No. 8.

The treaty party included Chief Commissioner David Laird, James H. Ross, and J. A. J. McKenna. Father Lacombe was a special advisor and occasional interpreter. There was a North-West Mounted Police escort, a medical officer, and assorted administrative personnel. Although the party had been given permission to employ interpreters, it is perplexing that only one interpreter, Pierre Deschambeault, was hired to travel with the team, probably for his ability to speak Chipewyan, and the only community where he seems to have acted as an interpreter was Fond du Lac (near the east end of Lake Athabasca). At other points, the commission relied on local interpreters, not all of whom were named formally in the treaty. Virtually nothing is known about the quality of interpretation, and with so many different interpreters involved, it was impossible that interpretation would have been consistent from one location to the next, even if each interpreter were fluently bilingual (which itself was doubtful). Add to this problem the fact that people at different meetings raised different questions, and it is clear that treaty discussions varied considerably from place to place. Unfortunately, little is known about the specific content of these local discussions; at best, some comments exist in the Commissioners’ Report and

---

30 H. A. Conroy, an accountant with the treaty party, would serve for many years as the Indian Commissioner for the Athabasca River portion of the Treaty No. 8 region, beginning in 1901.
missionary accounts, but no written transcripts were made. None of these community
discussions had any impact on the written text of the treaty, which was finalized at Lesser Slave
Lake “...after the first meeting with the Indians...” (Govt. of Canada 1966:6).

The first meetings and negotiations occurred at Lesser Slave Lake. The Treaty
Commissioners then split up in order to visit as many communities as possible. Commissioner
Laird went to Peace River Landing, Fort Vermilion, Little Red River, and Fond du Lac, leaving
Commissioners Ross and McKenna, in the company of Inspector Snyder, to go to Dunvegan,
Fort Chipewyan, and Smith Landing. McKenna met with the Chipewyans and Crees at Fort
McMurray, while Ross went to Wapiscow Lake. They visited nine communities in all in 1899
(see Table 8.1, McCormack 2010:175).

The most detailed reporting occurred at the first meetings at Lesser Slave Lake. Much of
the public discussion was reported in Charles Mair’s book (1908), considered an important
primary source, but it is impossible to know which remarks were recorded verbatim and which
were Mair’s paraphrase. Nor was Mair able to record remarks made in Cree at that location; he
relied on interpretation provided at the time. It was at this first negotiation that the terms of
Treaty No. 8 were written; all other negotiations were considered by the Treaty Commissioners
to be adhesions to the treaty, although that was not the way they were regarded by the Aboriginal
people, who engaged in their own negotiations at the eight additional locations visited by various
members of the treaty party (Peace River Landing, Dunvegan, Fort Vermilion, Fort Chipewyan,
Smith’s Landing, Fond du Lac, Fort McMurray, and Wapiscow Lake). The seriousness with
which they entered into negotiations suggests that they believed that the terms of the treaty would
reflect the discussions surrounding the local issues they raised, not that the treaty was a fixed, unchangeable document. These negotiations were also complicated by the fact that the Treaty Commissioners divided into two and three parties in order to meet with the people at these different locations, and little detail exists about these events. For example, while only a single copy of the original treaty exists today, the Nativity Mission journal from Fort Chipewyan recorded that “the Treaty was read” (in Fumoleau 1975:77), an entry that suggests that the commissioners who visited that community brought either a second copy of the treaty or written notes with them, though these have not survived. Doubt exists about the wording of the text that was/may have been read at Fort Chipewyan, and by extension, other locations. Pierre Mercredi, a long-time and respected Hudson’s Bay Company officer who interpreted Chipewyan for the treaty discussions at Fort Chipewyan in 1899, later said that he did not interpret any clause “‘which said they [Indians] might have to obey regulations about hunting’” (ACFN 2003:59). He claimed that it was added subsequent to the negotiations in Fort Chipewyan. “‘It was not there before. I never read it to the Chipewyans or explained it to them’” (ibid.).

Treaty No. 8 used a formulaic passage from earlier treaties whereby the Indians agreed to “CEDE, RELEASE, SURRENDER AND YIELD UP to the Government” lands that were described using the “metes and bounds” system of land description (Govt. of Canada 1966:12, capitals in the original). No attempt was made to determine the actual boundaries or extent of lands used or claimed by individual Native groups or to identify any overlaps in land uses with groups not included in this treaty. The possibility that the Indians who signed the treaty might use lands not included within the geographic boundaries of the treaty was considered to be dealt
with by the clause: “...And ALSO the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Northwest Territories, British Columbia, or in any other portion of the Dominion of Canada” (ibid.).

What the Indians received or would receive in the future was laid out in a series of terms. First, and of utmost importance to the Indians, the treaty promised that

...they shall have right to pursue their usual vocations of hunting, trapping and fishing 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, lumbering, trading or other purposes [Govt. of Canada 1966:12].

The Commissioners’ report provides clues to the meaning of this clause. In the Commissioners’ own words, they had “assured” the Indians “...that the treaty would not lead to any forced interference with their mode of life.” More specifically, “...we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it” [ibid.:6].

The treaty provided for two types of reserved land. One was the standard communal

\[31\] The report was a five page document dated 22 September 1899 and written or finalized in Winnipeg, Manitoba, after the Commissioners had returned from the north following the end of the summer’s treaty negotiations (Govt. of Canada 1966:5-9). It was addressed to the Superintendent General of Indian Affairs Clifford Sifton and accompanied the text of the written treaty with its Indian signatures. The goal of the Commissioners in preparing this report was presumably to provide Sifton was a broad overview of the treaty experience and alert him to issues of special importance.
reserve, which in Treaty No. 8 was to be based on the formula of one square mile for every family of five, or 640 acres. The other was “land in severalty,” to be provided for individual families apart from reserves. It was based on the homestead model of 160 acres per person and amounted to a larger amount of land on a per capita basis than provided for in the communal reserves. The treaty did not spell out how lands in severalty were to be administered, other than that they could not be alienated without the consent of the Governor General in Council (Govt. of Canada 1966:12-13). Neither form of land-holding would have met the livelihood needs of Indian people who relied on resources of the northern bush and required large amounts of land to sustain them through their fur trade mode of production, which was a mixed economy based primarily on hunting, fishing, trapping, gathering, and sometimes wage labor (see McCormack 2010:chp. 3). Nor does it appear that the Treaty Commissioners expected the Indians who accepted either land in severalty or reserves to support themselves from such a limited land base; they expected all Indians in northeastern Alberta to continue their traditional livelihoods.

However, because the Indians had been promised - “assured” - that their ability to use their entire land base - their “traditional lands” - would not be impaired or restricted, and because they were not required to take up reserves until they were ready, it is far from clear how the Indians would have understand the intended uses of these lands. In fact, it is not clear what the Treaty Commissioners themselves understood about the intended future uses of those lands either, because they perceived that for most of these groups, agriculture was an unlikely economic strategy. The Commissioners reported that “We had to very clearly explain to them that the provision for reserves and allotments of land were made for their protection, and to secure to
them in perpetuity a fair portion of the land ceded, in the event of settlement advancing” *(ibid.*:7).

What would constitute “a fair portion of the land ceded” and how the Commissioners could know that this amount of land would provide “a fair portion” is a curious point. The overall intent was to indicate that Aboriginal people believed they would be treated with “fairness” as Euro-Canadian settlement “advanced” into their region.

The treaty specified the cash gratuities or presents that Indians would receive when they entered into the treaty: $32.00 for each Chief, $22.00 for each Headman, and $12.00 for each other Indian. Each Chief would also receive a silver commemorative medal and a flag. Every third year, each Chief and Headman would receive a suit of clothing. The treaty provided for perpetual annuities “annually afterwards for ever” of $25.00 for each Chief, $15.00 for each Headman, and $5.00 to everyone else *(Govt. of Canada 1966:13).*

The treaty promised “to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty’s Government of Canada may seem advisable” *(Govt. of Canada 1966:13).* The Commissioners’ report stated that “there was no need of any special stipulation” for education, “as it was the policy of the Government to provide in every part of the country, as far as circumstances would permit, for the education of Indian children” *(ibid.*:6).

Finally, the treaty promised for economic benefits in line with those provided in the earlier treaties. There were to be some tools such as axes and a grindstone for bands that chose reserves. Bands that took reserves for agricultural purposes, including stock-raising, would receive some agricultural assistance that included tools, animals, and seed. Lastly, bands that continued to hunt and fish would receive some ammunition and netting twine *(Govt. of Canada*
1966:13-14). The kinds of assistance to be provided for agriculture indicate that the Commissioners believed that even some northern Indians would eventually follow the southern model and gather together onto large reserves, where they would have relative easy access to supplies provided on their behalf to the chiefs.

However, the Commissioners did not anticipate that the Indians would require agricultural aid at most places for a very long time: “...it is not likely that for many years there will be a call for any considerable expenditure under these heads” (Govt. of Canada 1966:7). Even in the regions where some agrarian pursuits were considered to be possible - Lesser Slave Lake and the Peace River country - “...it is not probable that the Indians will, while present conditions obtain, engage in farming further than the raising of roots [e.g., potatoes] in a small way, as is now done to some extent. ... It does not appear likely that the conditions of the country on either side of the Athabasca and Slave Rivers or about Athabasca Lake will be so changed as to affect hunting or trapping, and it is safe to say that so long as the fur-bearing animals remain, the great bulk of the Indians will continue to hunt and to trap” (ibid.). The Commissioners do not seem to have given any thought to the possibility that the fur-bearing animals could disappear in the future.

Several other “assurances” appear in the Commissioners’ report but not in the treaty itself. First, the Government promised it would always “...give relief in cases of actual destitution, and that in seasons of distress they would without any special stipulation in the treaty receive such assistance as it was usual to give in order to prevent starvation among Indians in any part of Canada” (Govt. of Canada 1966:6). Second, it promised that “supplies of medicines
would be put in the charge of persons selected by the Government at different points, and would be distributed free to those of the Indians who might require them.” Further, “the Government would always be ready to avail itself of any opportunity of affording medical service,” as the opportunity arose. Last, there was a comprehensive statement that “...the treaty would not lead to any forced interference with their mode of life, that it did not open the way to the imposition of any tax, and that there was no fear of enforced military service” (ibid.).

Whether these “assurances” should be considered additional or “outside” treaty promises has been a disputed issue. Bishop Breynat, who observed the treaty discussions at both Lesser Slave Lake and Fort Chipewyan, distinguished between the “definite terms of the treaty” (the formal text) and the “indefinite clauses” (the assurances), but he considered them all to be binding promises (Fumoleau 1975:382). James Kennedy Cornwall, who was present at Lesser Slave Lake and Peace River Crossing, stated in a formal affidavit in 1937 that the Commissioners had agreed “that what the Indians suggested was only fair and right but that they had not authority to write it into the Treaty, but felt sure the Government on behalf of the Crown and the Great White Mother would include their request and they made the following promises to the Indians” (Breynat 1937). The federal government’s position has been to restrict the promises to the formal terms of the treaty.32

The treaty negotiations for the ancestors of the Fort McKay First Nation occurred at Fort McMurray on 4 August 1899, when Commissioner McKenna met with both Chipewyan and Cree

32The Benoit case about Treaty No. 8 taxation was the first time that a court was asked to adjudicate this question for this treaty. In the end, the various court rulings did not resolve the issue.
Indians (Govt. of Canada 1966:11, 18; also, EB, “Athabasca Treaty,” 31 Aug. 1899:2). The interpreters listed were Father Lacombe and T. M. Clarke. Adam Boucher signed as the Chipewyan Headman, and Seapotakimum, the Cree Headman. After the two Headmen had signed the treaty, the other Chipewyans and Crees present added their names (that is, the names of the “heads of household”) to the new band list, thereby being added to the Indian Registry and becoming status Indians legally. The witnesses to the treaty at Fort McMurray were Father Lacombe, Anglican Minister Arthur Warwick, T. M. Clarke, J. W. Martin, F. J. Fitzgerald, and M. H. H. Vernon. Because no man was listed as a chief, what was intended for the structure of these two “bands” is unclear from the treaty. They were more than the local on-the-ground bands that were the reality of Aboriginal life, but they were less than the government bands, each of which had its own chief assigned based on a government formula about number of people. Perhaps McKenna thought that they would come under the large Chipewyan and Cree bands at Fort Chipewyan, where Alexandre Laviolette and Justin Martin had signed as Chipewyan and Cree chiefs, respectively. Chipewyans and Crees from the two regions were related, often closely.

Fort McMurray gets short shrift in the documents available, probably due to both the small size of the Indian population and the eagerness of the treaty party to get their mail and head for home at that point (see Mair 1908:120). However, a tradition about the treaty process at

---

33All Mair had to say about the Athabasca River was that they passed Burnt Point (Point Brûlé), Poplar Point, and Little Red River. He made no mention of seeing any features or people at those locations. At Fort McMurray, his party left the steamboat and embarked on other boats to continue heading up the river (1908:120).
Fort McMurray was shared in 1974 by William McDonald, who was born in 1898. He had been interviewed by “TARR,” or Treaty and Aboriginal Research, which was an Indian Association of Alberta program to record oral traditions about treaties from elders. As Mr. McDonald remembered (in translation):

“The old man who was made Chief [Adam Boucher] had told me about it. ... The Indians weren’t willing [to take treaty]. They were afraid because during that there, there were no white people in this part of the country. The only non-Indians [at the negotiations] were from the Hudson’s Bay. ... They talked there all day long. The Indians were going to get paid. They were going to be treated properly. When you accept the treaty money, it will never end. ... There will be no harm done to you. Now will you take it?

“But the Indians still would not go along with that idea. They were afraid and suspicious. The Indians thought they would lose their land or get killed and wiped out. That is the reason whey there were not willing” [in FMTA 1983:25].

The tradition of the Fort McKay First Nation is that:

At the signing of the Treaty at Fort McMurray in June 1899, there was no indication in the discussions that our way of living and economy would be interfered with. On the contrary, we were constantly reassured by the Queen’s representatives that these needs and rights were being affirmed by the Treaty and were symbolized by making provisions for the ammunition and other goods we used for hunting, trapping and fishing. There was no indication that our territories would be interfered with [FMTA 1983:141].

As the Treaty Commissioners’ report had explained in 1899, “The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to

---

34 The treaty was signed at Fort McMurray on 4 August 1899, not in June (Govt. of Canada 1966:18). The date of the original signing appears to have been conflated with the typical date for most of the 20th century treaty days, which is June. Oral traditions do not normally involve detailed chronologies, which is a Euro-centric approach to historical information; the difference in dates is not significant.
render it impossible to make a livelihood by such pursuits” (Govt. of Canada 1966:6).

In the years that followed the treaty, additional persons and families continued to enter into treaty at all points, including Fort McMurray. Some of them had been absent in 1899, others may have chosen not to sign in that year, and there were a few who had taken scrip but then decided to enter treaty instead.

7.2 What were the livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation at the time of treaty?

This discussion relates to a central question about the way of life at the time of treaty, both as it was practiced by Aboriginal people in northeastern Alberta, especially the ancestors of the Fort McKay First Nation, and as it was understood by the Treaty Commissioners as they negotiated Treaty No. 8 in 1899. It is my opinion that the way of life was based primarily on a land-based set of economic or livelihood practices which included hunting, fishing, trapping, and gathering and that production was for both personal and family (local band) consumption and use and for sale (commercial exchange). While some occasional wage labor occurred, in 1899 it was sporadic and occurred at times when people were able to take time out from the critical activities of hunting, fishing, trapping, and gathering. Further, it is my opinion that the Treaty Commissioners not only understood that these land-based practices were the basis of the Indian way of life in northeastern Alberta, but also that they expected them to continue indefinitely. Further, the Commissioners tried to reassure the Indians that the treaty would enhance their way of life, not interfere with it.
This section approaches this question from three directions. First, I describe the “fur trade mode of production,” an analytical structure that characterized the Aboriginal people of northeastern Alberta, including the Chipewyan and Cree ancestors of the Fort McKay First Nation, from the first half of the 19th century to the post World War II years and even persists to some degree until today for those persons and families who still use the resources of the “bush,” or the lands that surround the settlements. Second, I describe the way of life in this region of the Chipewyans and Crees living by means of a fur trade mode of production. I do not explore other aspects of culture. Finally, I use the 1899 census data collected by Inspector Routledge at Little Red River, now the location of Fort MacKay, to talk about the organization of a specific Chipewyan local band that was ancestral to the Fort McKay First Nation, which provides a glimpse into the social organization of Chipewyans at the time of treaty.

*Fur Trade Mode of Production*

Elsewhere, I have described the distinctive “fur trade mode of production” that characterized Aboriginal people of northeastern Alberta, including the Chipewyan and Cree ancestors of the Fort McKay First Nation (McCormack 2010:chp. 3; 2012a). Michael Asch has defined “mode of production” as “a structure of material reproduction [that] incorporates both technical and social components” (1979:88-89). It is an analytical approach that allows us to consider the various components that of any human society that allow and enable the members of that society to produce and acquire the things they need for livelihood and survival, which in turn allows them to reproduce themselves biologically and as societies. The elements of a mode of
production are the raw materials and technology necessary for production (jointly termed the “means of production”), the organization of labor in the production process itself, and the control over production and relations of appropriation that operate within the society. Each society also manifests institutions and values that are collectively termed its “superstructure,” which legitimate and normalize the different aspects of the system and contribute to how the system as a whole is reproduced over time rather than challenged by its members (McCormack 2010:26-27).

Two modes of production became conjoined as a result of the European-initiated fur trade that reached the Athabasca region directly in 1788 and developed in the early 19th century into an important system of exchanges and other forms of engagement between Aboriginal and European peoples. Before contact, Aboriginal people had been characterized by their “domestic mode of production,” which was what they brought to the new, enlarged plural society that now included Europeans. The goal of the domestic mode of production was personal and societal survival, and members of the society produced items solely for their own use. It was fundamentally egalitarian in nature, in that all members of the society had equal access to all the necessities of production, including physical resources, technology, and knowledge. Europeans arrived in the Athabasca with a “capitalist mode of production,” in which the goal of their economic strategy was to generate profits and wealth, or capital. Those who controlled the wealth could re-invest their profits in order to generate more wealth, or they could siphon off a percentage to purchase items that served as indicators of their personal social status. Typically, both occurred. It was not an egalitarian mode of production but involved true social classes, in which there were structural differences in access to the means of production. In such a system, some people owned and
controlled the means of production, while other people (often called the “workers”) lacked direct access to critical resources (raw materials, technology, knowledge) and had only their labor to sell to the owners in order to support themselves and to survive.

For a fur trade to become established and flourish, some way had to be found to build bridges between these very different modes of production. Aboriginal people had to be willing to produce surplus furs and foods - i.e., commodities - to sell to European traders and occasionally to sell their labor as well, such as when they became “post hunters.” For their part, Europeans had to be willing to enter into a wide range of social relationships that went beyond what they might consider strictly economic ones, in order to engage successfully with Aboriginal people who enjoyed both economic and political control. The biggest and most important bridge was that European men began to marry local Aboriginal women, which transformed people who were strangers to one another into relatives with culturally defined roles and responsibilities toward one another. The result was a new mode of production - the “fur trade mode of production” - which for Aboriginal people meant that they added two new components to their pre-existing subsistence economy: independent commodity production, or the production of items specifically for sale rather than personal use, and wage labor. The antiquity and extent of Aboriginal wage labor has not been well appreciated because it was reimbursed by exchange credits, not actual cash payments until the 20th century.  

Thus, the new mode of production was a mixed economy with three different sectors: domestic production, independent commodity production, and wage labor.

---

35Wage labor began when Chipewyans and Crees first worked for fur traders and in northeastern Alberta dates to at least the early 18th century.
production, and wage labor.\textsuperscript{36} While it was oriented in many ways to capitalist exchanges, there is little or no evidence that it was dominated by them.

Ironically, the fact that European traders needed to produce virtually all of their own food from local resources and that they often sent out their employees to live with their Indian allies led to a reversal of the trend in Europe toward a fully socialized labor force; that is, people who were completely separated from the means of production and so had to sell their labor. Europeans who worked in the fur trade had much greater access to critical resources than did their relatives and friends back in England or the eastern Canadian colonies. To the extent to which they affiliated with or assimilated into Indian societies, they freed themselves from many aspects of the European class system. In fact, the workers who stayed with their families in the fur trade country once their contracts had expired were called “freemen.”

The raw materials or resources used by local Aboriginal people, as well as by local Europeans working for the fur trade, were mostly unchanged from those of the pre-contact era. They relied on a rich faunal inventory of large and small game, carnivores, upland birds and migratory waterfowl, and fish (see Table 1, below). However, they now emphasized some fur and game resources that previously would have been little used or used differently, thereby affecting regional ecosystems in often significant ways. Fur-bearers were hunted in greater numbers, although there were limits to what northern people were willing to produce, which was something that Europeans found hard to understand. Provisions were important trade items,

\textsuperscript{36}In the 20\textsuperscript{th} century, government transfer payments such as Family Allowances and Old Age Pensions would constitute a fourth sector of the mixed economy.
especially fresh and dried meat. The northern bison were hunted so extensively to provision the
posts that by the 1840s they were in serious decline (Ferguson 1993). Aboriginal people relied as
before on vegetation resources for fire wood, for raw materials for manufactures (e.g., bark
canoes, sleighs), for some foods (especially berries but also lichen as a winter survival food), and
for medicines.

Table 1. Major Faunal Resources in Northeastern Alberta (McCormack 2010:19)

<table>
<thead>
<tr>
<th>Large game</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Moose</td>
<td>Alces alces</td>
</tr>
<tr>
<td>Woodland caribou</td>
<td>Rangifer tarandus caribou</td>
</tr>
<tr>
<td>Barren ground caribou</td>
<td>Rangifer tarandus groenlandicus</td>
</tr>
<tr>
<td>Bison</td>
<td>Bison bison</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Small game</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Snowshoe hare</td>
<td>Lepus americanus</td>
</tr>
<tr>
<td>Red squirrel</td>
<td>Tamiasciurus hudsonicus</td>
</tr>
<tr>
<td>Beaver</td>
<td>Castor canadensis</td>
</tr>
<tr>
<td>Muskrat</td>
<td>Ondatra zibethicus</td>
</tr>
<tr>
<td>Porcupine</td>
<td>Erethizon dorsatum</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Carnivores</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Grey wolf</td>
<td>Canis lupus</td>
</tr>
<tr>
<td>Coyote</td>
<td>Canis latrans</td>
</tr>
<tr>
<td>Red fox</td>
<td>Vulpes vulpes</td>
</tr>
<tr>
<td>Black bear</td>
<td>Ursus americanus</td>
</tr>
<tr>
<td>Pine marten</td>
<td>Martes americana</td>
</tr>
<tr>
<td>Fisher</td>
<td>Martes pennanti</td>
</tr>
<tr>
<td>Ermine</td>
<td>Mustela erminea</td>
</tr>
<tr>
<td>Least weasel</td>
<td>Mustela nivalis</td>
</tr>
<tr>
<td>Mink</td>
<td>Neovison vison</td>
</tr>
<tr>
<td>Wolverine</td>
<td>Gulo gulo</td>
</tr>
<tr>
<td>Skunk</td>
<td>Mephitis mephitis</td>
</tr>
<tr>
<td>Otter</td>
<td>Lontra canadensis</td>
</tr>
<tr>
<td>Lynx</td>
<td>Felis lynx</td>
</tr>
</tbody>
</table>
### Upland birds
- **Spruce grouse**  \( Falcipennis canadensis \)
- **Ruffed grouse**  \( Bonasa umbellus \)
- **Sharp-tailed grouse**  \( Tympanuchus phasianellus \)
- **Willow ptarmigan**  \( Lagopus lagopus \)
- **Rock ptarmigan**  \( Lagopus mutus rupestris \)

### Migratory waterfowl
- **Canada goose**  \( Branta canadensis \)
- **Greater white-fronted goose (grey wavey)**  \( Anser albiwrons \)
- **Lesser snow goose (white wavey)**  \( Chen caerulescens caerulescens \)
- **Trumpeter swan**  \( Cygnus buccinator \)
- **Sandhill crane**  \( Grus canadensis \)
- **Whooping crane**  \( Grus americana \)
- **Ducks, multiple species**

### Fish
- **Lake whitefish**  \( Coregonus clupeaformis \)
- **Lake trout**  \( Salvelinus namaycush \)
- **Northern pike (jackfish)**  \( Esox lucius \)
- **Goldeye**  \( Hiodon alosoides \)
- **Walleye (pickerel)**  \( Sander vitreus \)

In the centuries prior to contact with Europeans, Aboriginal people had relied extensively on stone, bone, antler, and wood as materials for tools. In northeastern Alberta, bitumen was also used. The most striking feature of the fur trade mode of production and the one most obvious to European commentators was that by the mid 19th century, an increasingly large portion of Aboriginal technology was now obtained through trade. Guns and ammunition, metal goods, textiles, and decorative items were in great demand. The trade in these items has led many
commentators to write about Aboriginal “dependence” on the fur trade. Less well understood, however, is that Aboriginal people did not replace and continued to have full access to all the knowledge (also, “traditional knowledge”) they needed to continue to provide for their livelihood in their traditional lands and allow them to be independent of Europeans. Such knowledge was a component of their technology. They had extensive knowledge of the land and its features, including spiritual aspects. They understood local ecosystems and animal behavior and how to use controlled burning to manage landscapes. Finally, they had rich spiritual beliefs and practices that assisted them in hunting successfully and negotiating other aspects of northern bush life, such as accidents and illness (McCormack 2010:40-42).

The labor allocation of the fur trade mode of production was also little changed from that of the domestic mode of production, in that men and women continued to undertake different and complementary fur trade and subsistence activities. However, both men and women spent much more of their time in trapping furred animals and preparing animal skins for exchange. They also manufactured items of technology that were not just well-suited to the northern regions, but of fundamental importance to winter activities, including snowshoes, sleighs, moccasins, and other items of clothing made from animal skins. European fur traders acquired most of what they needed from their Aboriginal wives and relatives. Jennifer S. H. Brown has described much of this work as “a woman’s industrial revolution” (1993:83). Both Brown (1980) and Sylvia Van

37For their part, Europeans were highly dependent on Aboriginal people, who exercised economic control over the resource base and political control because of the sovereignty they enjoyed over their lands. Europeans relied on Aboriginal people to produce furs, food provisions, and many items of technology they required to operate a trading post.
Kirk (1980) have written extensively about European reliance on the labor and knowledge of Aboriginal women.

At the same time, a new regional division of labor began to develop, as some Aboriginal people focused more on trapping and subsistence pursuits, while others were more involved in the labor force of the fur posts. While they constituted a single regional population, the result of extensive intermarriage since the earliest days of the fur trade, the former have often been characterized as “Indians,” including the Chipewyans and Crees of northeastern Alberta, and the latter as Half-breeds and Métis. In turn, these identities were influenced by occupational choices and the social communities to which people belonged. Such specialization was rarely exclusive (McCormack 2010:42-43).

The social relations of production of Aboriginal people remained oriented to survival. Trapping and wage labor were still undertaken only to provide enough exchange-value to purchase items that people needed, not to create profit for themselves or to generate capital. People lived in small local bands, co-residential units that were also units of collective production and consumption. Members of the local bands defined themselves as kinsmen to one another, following a form of kinship that extended beyond strictly biological relationships and that made it easy to incorporate new individuals into the universe of kinsmen. Being in a kinship relationship meant that every member had culturally-defined obligations toward every other member. It was these kinship-mediated, face-to-face relationships that provided the basic rules for behavior in this egalitarian society, what today is often deemed “traditional law.” As Europeans entered into marriage with Aboriginal women and acquired their own kinsmen in the
local bands, they gained some limited ability to intervene in these relations of production. These relationships also led many Europeans to remain with their families in the fur trade country; their descendants can be found today within the ranks of both Métis and First Nations (McCormack 2010:43-44). There is no evidence that either Chipewyans or Crees abandoned or changed their fundamental value systems in any significant way, or that they came to accept the legitimacy of lineal authority, whether it was exercised by outsiders or by their own members (ibid.:44).

The fur trade mode of production was remarkably stable, resilient, and long-lasting. In northeastern Alberta, it began in the first half of the 19th century (perhaps by the second quarter). It was the basis for the way of life at the time of Treaty No. 8. It persisted virtually unchallenged until the end of World War I, and despite facing serious challenges thereafter, it continued to the years that followed World War II. When members of the Fort McKay First Nation spoke about “our Indian system of land use and our Indian economy” for the report that was issued in 1983, they were talking about their own persistent fur trade mode of production (FMTA 1983:chp. 6):

As that report stated, “One of the main misunderstandings that the non-Fort McKay people have about the people of Fort McKay is their assumption that we do not depend upon the land and what that land provides to us in the fullest sense” (ibid.:40). Even today, after several decades of a competing economy in the region, there are still many Aboriginal people in northeastern Alberta who continue to live by means of a fur trade mode of production, albeit one that emphasizes wage labor in a way that was not possible and probably not desired in an earlier time.

38 For additional discussion of fur trade marriages, see McCormack 2011a and 2012b.
The Aboriginal Way of Life

The discussion at this point will put some meat on the bones of the fur trade mode of production by talking about how Chipewyan and Cree people in this region actually lived during the late 19th century (see McCormack 2010:144-157). Elsewhere, I have argued that they became committed to trapping as part of their economy and way of life in the first half of the 19th century (McCormack 1984a). They lived mostly by means of a bush-based way of life, which surprised many commentators at the time of treaty, who thought that their personal appearance and way of life was remarkably “modern.” As an Edmonton Bulletin correspondent wrote about Fort Vermilion:

The Cree head-man and his brother are both...the finest samples of healthy and strong men that I have seen and no one would, without being told, take them for Indians. They are well dressed and have mou[stach]es and slight whiskers well combed. The H. B. Co’s agent, Mr. Wilson, told me they were good hunters and had as high as 800 skins worth of fur each year. A skin here is worth 33¢ so they derive quite an income, higher than many a white man round Edmonton [EB, “Treaty Commissioners at Fort Chipewyan,” 17 Aug. 1899:3].

While Aboriginal people continued to live in tipis during seasons when they traveled through the bush hunting, fishing, and gathering, during the winter they lived in permanent residences, often grouped into small communities of closely related relatives, which have sometimes been called all-Native hamlets or settlements (Helm and Damas 1963; Helm 1981; Parker 1980:27). These bush settlements were the territorial embodiment of the traditional local bands and were situated in areas of traditional land use. Each band constituted a kinship cluster of interrelated families, with one or more good hunters leading the band and sometimes referred to as its “chief” or “headman.” Where traders were plentiful and access to the settlements was
easy, such as along the Athabasca River, it was not uncommon for the traders to establish small posts at some of these settlements as well, which afforded them easy access to their clientele and the furs they produced.

In 1897, Inspector Jarvis recorded his observations from a visit to Little Red River, a fur trade and Aboriginal settlement 35 miles down river from Fort McMurray. It was this settlement that would later be renamed Fort MacKay; it should not be confused with Little Red River on the Peace River. According to Jarvis (1898:160), “There is a settlement of nine families, consisting of half-breeds, Chippewyans and Crees. The Hudson’s Bay Company, Colin Fraser and the McClelland Bros., have trading posts there, the other inhabitants are hunters and trappers.” He reported that the Indians there asked if Chrysostom Pische could be appointed a chief, and Pische himself asked Jarvis “...if nothing could be done towards preventing the trade in liquor and extracts, as there was too much of it” (ibid.).

Jarvis next visited Poplar Point, where he reported meeting five families and 72-year old Andrew Pische, “a well-known hunter” (1898:160). Andrew was probably Andre, an older brother to Chrysostome, which suggests that the local bands at Little Red River and Poplar Point were closely affiliated. At Poplar Point, Jarvis heard about a nearby fishing lake “...where the Indians get a good supply of whitefish.” There was a trading post kept by a man named Gully, 39

---

39 Jarvis’ comments about ethnicity cannot be taken at face value, and unfortunately he did not explain how he assessed identity. It was typical for commentators to describe anyone with known mixed ancestry as “Half-breed,” but that did not necessarily reflect their personal identity or, sometimes, identities. Many Chipewyans in this area had European ancestors, but they self-identified nevertheless as Chipewyan. Treaty No. 8 was a major point of departure for the division of the local population into more formal “Indian” and “Half-breed” statuses.
presumably a variant of Guilette, whom Routledge met the following year and described as a “half-breed” (Routledge did not provide a description of Poplar Point and may not have stopped there; perhaps Guilette told him that all the residents were away) [1899:86]).

Jarvis then visited Point Brûlé, further down river, and reported that there were six families who “...live by hunting, amongst them Pierre Deroche, who was their spokesman” (ibid.).

In 1898, Inspector Routledge provided a more detailed description of this settlement:

At this place there is a small settlement of Chippewyan Indians, seven families, 52 persons in all, living in well built, comfortable log cabins much superior to any I have yet see occupied by Indians, each house being provided with stools, chairs and bedsteads, and all very clean [1899:86].

Local Aboriginal people were free to use land and resources that were not already being used by other Aboriginal people, within the overall extent of their traditional lands and cultural constraints. While they were sometimes described as “owning” hunting territories and trapping areas, and they sometimes used such language themselves, it was not ownership in a European sense, conferring an exclusive right to resources that could then be alienated or sold. One man born in 1904 recalled that wherever a trapper “built” his “track,” it would be respected by the other trappers (Parker 1979), but that did not preclude others from hunting, fishing, and gathering on those lands or even from killing a fur-bearing animal if it were needed for food. Father Jean Marie Pénard, who had learned something about Chipewyan customs in the Île-à-la Crosse region, wrote about the connection between band leadership and territorial control. According to

\[\text{40}\] I have not confirmed the identity of this man. His name, as reported by Jarvis, suggests that he may have been Roger Ulthimare dit Déranger, but if so he seems young to have been a leader, and there is a difference in his given name from information in my genealogical records (McCormack n.d.).
Pénard (1929:21-22), local bands formed around good hunters who had established themselves in specific use areas.

When some one proved that he was a good hunter, others made requests of him to join him and to hunt with him in his territory. Thus small bands were formed, and the owner of the territory obtained the position of chief, indicating to each one where he was to hunt. The furs taken by trap or rifle or arrow, as well as the pelts of moose and caribou, belonged to the one who had taken or killed the animal. The meat, however, belonged to the whole band and the chief made distribution of it.

Individuals and families were free to re-affiliate with other bands, or to establish new bands, where the resources of the bush would support it. Band membership was a matter of personal and family decision making. The success of this strategy was predicated in part on having a large territory available for use, for animals changed their ranges and their numbers might decline. As well, there were cultural reasons that led family members to move to other places, such as customs relating to behavior after family members had died.

Fort McKay First Nation members speak about a yearly round of activities comprising five seasons: the dry-meat hunt of late summer and early fall, early winter hunting and trapping, late winter hunting and trapping, the spring beaver hunt, and the summer slack (a season of reduced urgency in the food quest) (FMTA 1983:79-80). People liked to be at the bush settlements with their fall outfits - the items they would need for fall and winter hunting and trapping - by the time the lakes and rivers began to freeze. They harvested the potatoes from their small gardens and netted fish for winter food for themselves and their sled dogs. They killed migratory waterfowl, also important for winter provisions. They made the items they would need for winter, such as new snowshoes and winter garments, and they put up a store of
firewood. During the winter, they hunted, fished, and trapped for their own food and to produce commodities for sale. Many men and some families visited a fur trade post at Christmas to attend religious services, sell some fur, and acquire a few trade goods. Some men visited again at Easter, for the same reasons. They hunted migratory waterfowl when they returned in the spring, which was also the time to hunt beaver and muskrat, which were important for food as well as for their marketable hides.

After spring break-up, families would visit the fur trade post they used, such as Fort Chipewyan or Fort McMurray, to sell the rest of their fur and to visit with friends and relatives they may not have seen since the previous summer. It was a festive time, accompanied by tea dances and hand games. People would engage in political discussions, and it was also the occasion to make plans for the coming summer and fall. After people had entered into treaty, the annual treaty days occurred at this time as well. “Treaty Days” developed in the 20th century as a major annual event. The families of the local bands then spent the summer again in the bush, hunting, fishing, and picking berries. Any surplus meat or fish was dried for later use.

41 Most Aboriginal people in this region became formally Christian in the late 19th century, before the treaty, the result of the arrival of Roman Catholic and Anglican missionaries (McCormack 2010:chp. 6). However, many, and perhaps most, of their traditional spiritual values and beliefs persisted, which included spiritual ties to the land and the animals that it contained. Many people continued to have spiritual encounters with beings that took the form of animals.

42 Fort Chipewyan was far more important than Fort McMurray as a center for gathering together. Inspector Routledge described Fort McMurray as comprising “five small log shacks” erected in 1885 under the direction of Hudson’s Bay Company clerk R. Flett (Routledge 1899:85). While this post was usefully located as an Athabasca River transshipment point, it was a less substantial settlement than even Little Red River (now, Fort MacKay) or Point Brûlé.
Winter travel, when the land was frozen and especially when it was covered by snow, was by dog team or by foot, sometimes with the help of a few dogs that might be pulling sleighs or carrying packs. After break-up, people traveled by canoe or by foot with their dogs, setting up temporary camps as they went. It was much easier to move the people to a location where a moose had been killed, for example, than to move the moose. Cross-country travel was common, using the trails or “roads” that traversed all of northeastern Alberta. Some of these trails were maintained through the use of controlled burning (Lewis 1982:39-40; McCormack 2007). Many of these historic trails are poorly known today, for two reasons. First, most descriptions of travel were written by outsiders, who typically traveled by boat in summer rather than by foot in the bush. Second, Aboriginal land use changed considerably in the second half of the 20th C., when people no longer lived in the bush year-round or maintained the trails as they once had done. Both the trails themselves and local knowledge about them are disappearing, partly because in recent decades, they have been increasingly supplanted by trails cut for industrial purposes, such as seismic lines.

The close connection between the local bands and their land-use areas suggests the intimacy of the relationship that the local Aboriginal people enjoyed with their homeland. To them it was not a “wilderness,” which is a European concept, but their backyard and pantry (see McCormack 1998). They did not simply exploit the local bush resources but actively managed the landscapes they occupied, using controlled burning as an apparently simple but highly effective tool to propagate grasses and other early succession plants and thereby increase the number of animals in their hunting and trapping territories (McCormack 2010:155; see FMTA
Treaty No. 8 and Fort McKay First Nation

1983:39, 105). If animal and plant resources declined in one area, the local bands would move their operations to another part of their broader territory (e.g., FMTA 1983:45-47). Hence, to be successful in supporting themselves year after year required a large land base.

When the fur yield was poor, or fur prices were low, trappers faced economic difficulties, but they could “get by” as long as there were adequate game resources available. The overall picture of Aboriginal life in the bush at the time of treaty reveals that, with the exception of some particularly difficult winters, the bush-based way of life was highly successful. While the people I knew who had lived that way of life often said that it was a hard life, they also remembered it as being satisfying and spoke with regret of having left the bush. In fact, most Aboriginal people who moved into towns such as Fort MacKay and Fort Chipewyan after World War II did not do so because they wanted to abandon the bush and live in town. Few people saw town life as better or desirable (see McCormack 1984b:chp. 8; FMTA 1983:40). However, after they entered into Treaty No. 8 in 1899, they would face new stresses as a result of increasingly restrictive federal and provincial regulatory regimes they impeded their access to their traditional resource base and the incursion of outsiders.

The Local Chipewyan Band at Little Red River, Athabasca River

When Inspector W. H. Routledge made his winter patrol between December 1897 and March 1898, part of his duties were to prepare a census for the region to assist with the preparations for the treaty in 1899. The census included a detailed list of the families living at the settlement at Little Red River on the Athabasca River (Table 2), comprising 59 Chipewyan
men, women, and children, though unfortunately he did not make a similar list of the seven families at Point Brûlé. While Routledge noted that there were two trading posts at Little Red River, a small Hudson’s Bay Company post operated by T. Clarke and a second post run by McClelland, he did not include these non-Aboriginal persons in his census, which listed only Indians and Half-breeds. He noted, further, that “several” Chipewyan Indians had houses there, one of whom was named “Audum,” probably Adam Boucher (see discussion below), but they were “nearly all absent hunting, and generally were in fair circumstances. This Indian [Adam] had a very comfortable house” (Routledge 1899:86). Because few people were in residence when he was there, he probably collected the names from Adam Boucher and the two traders rather than by doing a door-to-door census. The census list from Little Red River is a remarkable glimpse of a typical local band, one that is rarely available to us today. Its members are ancestral to the modern Fort McKay First Nation.

Table 2. Indians at Little Red River, Athabasca River, 1899

(Inspector Routledge, LAC RG18 v. 1435 no. 76 pt. 2)

<table>
<thead>
<tr>
<th>Names</th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlot Piche</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Widow Piche (Therese)</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Widow Madeleine Piche</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Louis Boucher</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>
Table 3 supplements the information provided by Routledge with additional genealogical information (McCormack n.d.).

**Table 3. Indian Families at Little Red River, Athabasca River, 1899**

<table>
<thead>
<tr>
<th>Men</th>
<th>Women</th>
<th>Children</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlot Piche</td>
<td>Claire Est’e</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>(Joseph Boucher dit Grand Jose, deceased)</td>
<td>(Widow) Therese Piche</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Louison Boucher</td>
<td>Marie Martin</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Michel Boucher</td>
<td>Eleonore Est’e</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Joseph (Jose) Boucher</td>
<td>Catherine or Clemence Denebaze</td>
<td>9 ?</td>
<td>11</td>
</tr>
<tr>
<td>Adam Boucher</td>
<td>Hélène</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Louis Boucher dit Petit Louis</td>
<td>Sophie Dzenk’a/Ratfat or Julie Martin</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Maurice Boucher</td>
<td>Angelique Kokkan</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>(François Piche, deceased?)</td>
<td>C. Piche’s Da-in-L - Angelique Tsiyek’e?</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>L. Boucher’s Da-in-La (Esther Egu?)</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>8</td>
<td>13</td>
<td>38</td>
<td>59</td>
</tr>
</tbody>
</table>

Based on this list and what can be discovered about the families, it is evident that Charlot Piche was the leader of a traditional local band that was affiliated with this location. It was his younger brother Chrysostome who had been proposed as a chief to Inspector Janvier the previous winter, and his older brother Andre who was living at Poplar Point. The fact that Chrysostome was not listed at the site in January, 1898, probably meant that he was spending the winter at another Chipewyan location, possibly Poplar Point or Point Brûlé. The woman listed as the “Widow Madeleine Piche” had been married to Joseph Boucher, *dit* Grand Jose, who had been born c. 1828, and she was almost certainly a sister to Charlot and Chrysostome. That suggests that this local band had been organized very traditionally around a pair of brothers-in-law, Charlot Piche and Joseph Boucher *dit* Grand Jose. The fathers of both men had been *voyageurs* who had married into the local Chipewyan community and remained in the region with their families. Despite this mixed ancestry, their children were all considered to be Chipewyans, and they may have been the second generation or more to occupy the Athabasca River and Delta.
Charlot was born c. 1837-42, making him 57 to 62 years of age when treaty was signed in 1899, a typical age for a respected leader. His first marriage was highly strategic, in that he had been married to the daughter (Josette Martin) of an important Cree leader; they had many children together. This marriage also speaks to Charlot’s own status and family connections at the time of his marriage. Those Crees were probably the descendants of the Athapascow Crees, who were known to have occupied the lands from Lake Athabasca to Great Slave Lake prior to the arrival of European fur traders; their antiquity in this specific region is great. Marriages between Chipewyans and Crees expanded the traditional territory of each group to include the lands of the other group. Such intermarriage had the effect of creating a regional band that was ethnically plural. As the older man in the brother-in-law dyad at Little Red River, Joseph Boucher had probably been the principal leader at an earlier time, and then leadership passed to Charlot Piche after Joseph Boucher’s death.44

Charlot’s first wife probably died in 1888, and by 1889 he had remarried, to Claire Est’e, the widow of (Jean?) Baptiste Laviolette. There were many marriages between the Piche and Laviolette families. Charlot’s daughter-in-law at Little Red River was probably Angelique

43Chipewyans expanded their traditional lands into this region in the late 18th century in connection with the expansion of the fur trade by the Northwest Company and the Hudson’s Bay Company (Gillespie 1975; see McCormack 2011b).

44Leadership was not hereditary within families, although it sometimes appears as if it were, as leadership would be assumed by younger family members over time. If Charlot Piche became a leader, it was because he manifested all the qualities of a proper leader. Otherwise, the members of the local band would have re-organized themselves, with the local band taking on a different composition.
Tsiyek’e, who had married François Piche in 1889. My genealogical records, which are mainly from Fort Chipewyan, show that they had one son, who was baptized in 1895.45

Joseph Boucher and his wife Madeleine Piche had had many children, who continued to be part of this local band. They included Louison (married to Marie Martin), Michel (married to Annie and later to Eleonore Est’e, presumably a relative of Charlot Piche’s second wife), Joseph/Jose (married to Catherine or Clemence Deneba aze), Adam (married to Helène, with two possible surnames; in 1899 the signatory on behalf of the Chipewyans at Fort McMurray), and Louis dit Petit Louis (to distinguish him from his older brother Louison) (married first to Julie Martin and secondly to Sophie Dzenk’a or Ratfat; he remarried in the church in 1900 but she might have already been living with him as his wife), and Michel (married to Angelique Kokkan, from the Kokkan or Cris family). L. Boucher’s daughter-in-law may have been Esther Egu, the widow of Louison’s son Raphael or Theophile Boucher (she is the only one where the dates and names seem to fit). These Piche and Boucher families can be traced to multiple Chipewyan and Cree families occupying northeastern Alberta today.

7.3 What livelihood and cultural pursuits of the ancestors of the Fort McKay First Nation (including the descendants of the people who entered into treaty) were envisioned by both parties to the treaty (Treaty Commission on behalf of the Government of Canada and representatives of the Aboriginal people) on off-reserve lands after the signing of treaty?

There are three sources for information about expectations for future livelihood and

45The genealogical records I use list mainly baptismal dates, not birth dates; they are typically but not necessarily in the same year.
cultural pursuits by federal officials and Aboriginal people, respectively. One source are the
documents surrounding the earlier treaties and the negotiation of Treaty No. 8 itself, which have
already been discussed. The oral traditions are a second source; some of these have been
recorded in affidavits. A third source are the documents indicating the reactions by Aboriginal
people in the treaty region throughout the 20th century to new government initiatives and related
remarks by government officials. These are found in a variety of sources, especially discussions
they had with the Treaty Inspector at the annual Treaty Days, when annuities were paid, normally
held in June after break-up, when the Indians gathered at the trading posts to sell their furs and to
await the arrival of the Inspector, usually on the first boat of the season. Reports by government
officials, especially the Treaty Inspector, constitute a sometimes direct but also indirect form of
evidence about the oral traditions, in that Indian protests typically reflected what they believed
they had been promised as part of the treaty.

The Early Treaties and Treaty No. 8

In my recent Fort Chipewyan book, I described the written and oral traditions about
Treaty No. 8 and the expectations they revealed for the future of the region as “founding stories”
used by government officials in one way and by Aboriginal people in another (2010:208-9). That
is, they provided ideological infrastructures that were the unquestioned and taken-for-granted
justification for subsequent actions on the part of each set of actors.

From the point of view of Canadian and later provincial officials, the treaty opened the
door to what it deemed “development” of the lands ceded under the treaty, the “opening of the
north” to parallel an earlier “opening of the west.” Both historically and today, development in Canada has meant expanding the exploitation of natural resources or raw materials. Curiously, while the use of the land for agrarian activities (farming and ranching) have been considered part of the development in Canada, Euro-Canadians have never considered the use of the same land and its resources by Aboriginal people for hunting, fishing, trapping, and gathering as a comparable form of development. Instead, such activities have been considered little more than a place-holder until such time as genuine development might occur (e.g., see Asch and Smith 1993).

To First Nations, the treaty was their primary source of rights and obligations vis-à-vis Canada and any other external jurisdiction (the provinces, territories, and their internal administrative divisions, such as municipal districts). They looked to and expected government officials, as the representatives of the Queen, to protect their interests. I call these “mismatched readings of the treaty” (McCormack 2010:209). They embody conflicts of the past as well as contemporary conflicts between governments and the development industries they support and the First Nations which may oppose them in part or in total. The expectations for the future at the time of Treaty No. 8 is presented below as a comparative table (Table 4) that summarizes key points discussed earlier in this report in connection with the first question.
Table 4. Expectations about Treaty No. 8 in 1899

<table>
<thead>
<tr>
<th>Expectations by Government Officials</th>
<th>Expectations by Indians (Treaty No. 8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The treaty would be negotiated fairly and honestly, because legal precedents would be followed.</td>
<td>Indians could trust to the Queen’s good intentions (the “honour of the Crown”).</td>
</tr>
<tr>
<td>Status (treaty) Indians would be administered under the terms of the Indian Act. The treaties would be administered by government officials at multiple levels.</td>
<td>There would be an on-going relationship among the Indians, government officials, and the Queen, modeled on kinship ties.</td>
</tr>
<tr>
<td>The Indian Act was not designed to administer the treaties (nor was there any clear policy to do so).</td>
<td>The Indians were unfamiliar with the Indian Act and expected their relationship with the government (“governance”) to follow the terms of the treaty.</td>
</tr>
<tr>
<td>The treaty would remove Indians from the land in a peaceful manner. The land would then be available for other purposes by non-Indians.</td>
<td>Indians were willing to share the land with outsiders.</td>
</tr>
<tr>
<td>It was not expected that most of the land in the Treaty No. 8 region would be needed for other purposes for a very long time, if ever.</td>
<td>Indians did not expect that many outsiders would move onto their traditional lands.</td>
</tr>
<tr>
<td>The lands that were expected to see settlement by outsiders were those suitable for agriculture. In the Treaty No. 8 region, these were the prairies of the Lesser Slave Lake and Peace River areas.</td>
<td>Indians did not expect that many outsiders would move onto their traditional lands.</td>
</tr>
<tr>
<td>Other lands in the Treaty No. 8 region, including those of northeastern Alberta were considered to be mostly worthless, except for possible future uses for forestry and mining.</td>
<td>Indians did not expect that much of their traditional land base - the lands they were willing to share - would be used for other purposes.</td>
</tr>
<tr>
<td>Indians in areas not taken up for agricultural settlement (the “worthless” areas) were expected to continue to pursue their traditional livelihood (hunting, fishing, trapping, gathering) for a very long time. It was unlikely that they would ask for reserves for a very long time, if ever.</td>
<td>Indians expected to continue living their cultures and ways of life indefinitely. They did not expect to ask for or to settle on reserves.</td>
</tr>
<tr>
<td>Indians were entitled to communal reserves or to land in severalty, which was an innovation in Treaty No. 8 to accommodate the perceived individualistic way of life of northern Indians.</td>
<td>Indians believed that they would not have to live on reserves, although they knew that reserves were promised to them.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>The amount of land provided for reserves was even less than the amount provided for homesteads. The formula for land-in-severalty resembled that for homesteads.</td>
<td>Indians did not understand how small the promised reserve land base would be.</td>
</tr>
<tr>
<td>Indians were not eligible for homesteads, which were reserved for European immigrants.</td>
<td>Indians did not expect or want to give up their traditional livelihood and become farmers or ranchers.</td>
</tr>
<tr>
<td>Indians in areas to be taken up for settlement by agriculture were expected to take up a settled, agrarian way of life themselves. That would normally happen on reserves.</td>
<td>Indians did not expect or want to give up their traditional livelihood and become farmers or ranchers. They did not expect to ask for or to settle on reserves.</td>
</tr>
<tr>
<td>Indians in settled areas were expected to assimilate to Euro-Canadian culture and way of life. As they did so, they were expected to acquire a share of their reserves through the location ticket system, and gradually the reserves would disappear.</td>
<td>Indians did not expect or want to change their cultures or ways of life.</td>
</tr>
<tr>
<td>Government would make hunting and fishing regulations that would govern everyone.</td>
<td>Indians would have unrestricted access to their traditional resource base. The only regulations that government would make would be in the interest of preserving the animals (i.e., the basis of the Indian livelihood).</td>
</tr>
<tr>
<td>New industries would be operated by outsiders (Euro-Canadians), not Indians.</td>
<td>The treaty ensured future livelihood and overall economic well-being of northern Indians.</td>
</tr>
<tr>
<td>Government would contribute in a marginal way toward social relief, health care, and education. It would try to keep its costs low and continue to rely on the services of the missionaries.</td>
<td>Government would be there to help when needed. It would provide some health care. It would provide education for their children.</td>
</tr>
</tbody>
</table>
Oral Traditions

This section provides evidence about oral traditions recorded from earlier periods. At Fort Chipewyan, the diary kept at the Nativity Mission by the Oblate missionaries named a set of key issues that have persisted in all later traditions. Chief Justin Martin for the Cree Band and Chief Alexandre Laviolette for the Chipewyan Band both agreed to accept the treaty as long as they were promised “complete freedom” to fish, hunt, and trap (in Fumoleau 1965:77).

In 1937, Bishop Breynat collected affidavits from people who had been at the treaty negotiations. The affidavits reiterated the promises made by the Treaty Commissioners as they were remembered by the signatories and observers:

The following promises were made to the Indians by the Royal Commissioner, in the name of the Crown:

1. They were promised that nothing would be done or allowed to interfere with their way of making a living as they were accustomed to and as their antecedents had done.

2. The old and destitute would always be taken care of, their future existence would be carefully studied and provided for, every effort would be made to improve their living conditions.

3. They were guaranteed that they would be protected in their way of living as hunters and trappers from White competition, they would not be prevented from hunting and fishing, as they had always done, so as to enable them to earn their own living and maintain their existence [Breynat 1037; see also Fumoleau 1975:340].

Although the affidavits were signed individually, the text was standardized and therefore lacks community-based distinctions. However, it accords with both the earlier missionary report and the oral traditions recorded in the 1970s by the Treaty and Aboriginal Rights Research,
commonly known as TARR, a program of interviews about the treaties undertaken by the Indian Association of Alberta. According to Chipewyan elder Salomon Sepp, the Treaty Commissioner “pointed to the sun, the river and the hills looking west, that you can see from the Hudson Bay Point [at Fort Chipewyan]...that we will never have any laws, that will prevent you from your way of life, like hunting, fishing, trapping” (in TARR 1974; see also Magloire Vermilion and Francis Bruno in TARR 1974). In elder Louis Boucher’s account, Queen Victoria had wanted “to care for us like we were her children” (in TARR 1974). The account discussed earlier in this report by William McDonald from Fort McKay had explained the fears of the Indians about losing their land or being “wiped out” if they signed, but they must have received the assurances they required, because in the end two leaders each signed on behalf of their respective Chipewyan and Cree communities. Finally, an elder named Adam Boucher remembered: As long as the sun shines and river flows and the hills don’t move, that no curtailment of any game regulations would be imposed, you will be free to hunt, trap and fish as you wish” (in FMTA 1983:24). This man was probably the nephew of the Adam Boucher who signed the treaty, the son of Adam’s younger brother Louis Boucher, a close relationship.

Pierre Mercredi, the long-time Hudson’s Bay Company officer who interpreted Chipewyan for the treaty discussions at Fort Chipewyan in 1899, had provided one of the affidavits in 1937. It was later that he insisted that not only had he not interpreted the treaty clause that provided for Indians to obey hunting regulations but that it was not there in the treaty (ACFN 2003:59).
Government Reports

There are a number of government documents involving post-treaty conduct that indicate the intentions of the government and Indian parties to the treaty in 1899. Questions about the meaning of Treaty No. 8 arose in 1900. As Treaty Commissioner J. A. Macrae wrote in his report: “At nearly all the important points the chiefs and more intelligent men who were present at the making of treaty last year, asked for extended explanations of its terms...” (Govt. of Canada 1966:21). In particular, they asked about game regulations (see McCormack 2010:197).

Henry A. Conroy was appointed the pay officer for Treaty No. 8 in 1901, and from 1902 until 1922 he was the Inspector for the treaty (McCormack 2010:225). For the next two decades, he was the primary Indian Affairs official operating in the northeastern portion of the Treaty No. 8 region. Most of the reports during that period were ones that he made or that were made by Royal North-west Mounted Police officers who accompanied him on his annual summer treaty tours.

The issue of treaty promises was complicated by the creation of the Province of Alberta in 1905. The new province received jurisdiction over its wildlife resources, though not over its other resources. In 1907, the province instituted its own Game Act, to replace the federal Game Ordinance. From the first, provincial officials planned to regulate hunting by status Indians, with no exemptions related to Indian treaties (Alberta Dept. of Agriculture 1908:100). The

---

46 A Dominion Government Agent who also served as an Indian Agent was placed in Fort Smith in 1911, but his reports were more localized (see McCormack 2010:226-7). Inspector Conroy continued to meet with Indians annually to pay annuities and engage in discussions with them.
Department of Indian Affairs seemed to support this position. Yet Section 66 of the 1906 Indian Act, which had been amended as a result of the creation of the Provinces of Alberta and Saskatchewan, allowed the Superintendent General of Indian Affairs to make provincial game laws apply to status Indians at his discretion. It was a grey area between Alberta and the Dominion for a very long time. It was not clear to either government whether or not status Indians had to comply with provincial game regulations. What followed was a protracted set of negotiations between the two jurisdictions that was only partially resolved when the federal government finally gave public notice in 1919 that as of 1 July, the provincial game laws would apply to all Indians, in the provinces, except in Treaty No. 8 areas (10 March 1919, LAC RG10 v. 6731 file 420-1; see McCormack 2010:chp. 9).

Nevertheless, beginning in 1907 the Alberta Game Act prohibited the killing of beaver and several other species. Alberta officials expected all Indians, including those in northern Alberta, to abide by this regulation. While Inspector Conroy told Indians they could kill beaver for food if necessary, it was not clear whether they could do so legally. Deaths from starvation were reported. With treaty discussions and starvation fresh in their memories, Indians in the Treaty No. 8 region challenged the province’s right to impose its Game Act. For example, Whitefish Lake Chief James Sennum wrote to Minister of the Interior Frank Oliver, demanding to know “if the Provincial Government has the power to pass laws which would annul this treaty right” (3 May 1909, LAC RG10 v. 6732 file 420-2A). The issue arose at treaty meetings, even after circumstances eased in 1910 (e.g., report from Supt. Sanders, to the RNWMP Commissioner, 6 Aug. 1910, RG18 v. 1643 file 125 pt. 2). In 1912, Chief Alexandre Laviolette
of the Chipewyan Band in the Fort Chipewyan region deliberately broke the Alberta *Game Act* as an assertion of his treaty right. Royal North-west Mounted Police officer Mellor reported: “I may say that the Indians are very angry about the whole business, as they claim that at the time they took treaty they were distinctly informed by the Treaty Commissioners that they would not be interfered with in any way regarding their killing food or fur animals, and the beaver of course is used for both” (Mellor to the Officer Commanding, “N” Division, 31 Dec. 1912, LAC RG18 v. 444 file 310; see McCormack 2010:253).

Chief Laviolette later wrote a letter to the Superintendent General of Indian Affairs in which he raised the issue of the treaty right. He asserted the position that having to pay a fine for killing a few beavers was “...altogether contrary to our agreement [sic] with the treaty Commissioners [sic] when we signed the treaty at this place” (2 Jan. 1913, LAC RG109 v. 6732 file 420-2A).

In 1910, Conroy had taken an adhesion to the treaty from the Slaves who had gathered at Fort Nelson. Sergeant R. Field filed his own report about the event, in which he stated that the Slaves were willing to enter into treaty only after Conroy had explained that they “...could go on making their living by hunting and trapping, as they always did” (in RNWMP 1911:172). Getting to that point required “a considerable amount of explaining and talking,” though the details were not recorded by either Field (*ibid.*) or Conroy.

7.4 **What were the intentions by the parties (Treaty Commission for the Government of Canada and representatives of the Aboriginal people) with relation to the geographic scope of the off-reserve rights on Aboriginal traditional lands?**
This question concerns those portions of the “traditional territory” or lands of the Aboriginal people who became treaty signatories, especially those in the Fort Mackay region, that did not become part of reserves. The intentions of the Indians were clear: they needed and expected to have continued access to virtually all of their traditional lands, except for whatever small portions might be needed by outsiders. Their traditional territory contained all the resources they required, the graves of their relatives, and a variety of sacred places related to their oral traditions and their visions. The idea that they could be displaced from those lands was unthinkable on multiple levels. It was unthinkable because they had no other way of making a living; if they were displaced, they would starve. But it was also unthinkable for more than economic reasons. Their oral traditions and personal identities were implicated in the landscape. They had constructed the landscape they inhabited by their conceptions of the land and by their active processes of land management.

The intentions of the Treaty Commissioners were also clear. The circular letter that David Laird had sent to the northern posts had stated unequivocally: “the Indians will be allowed to hunt and fish all over the country as they do now, subject to such laws as may be made for the protection of game and fish in the breeding season” (circular letter, 3 Feb. 1899, LAC RG18 v. 1435 f. $CM{ 1899 no. 76 pt. 1). Given that this document laid out formal terms that were to be part of the treaty, it is my opinion that it should be considered as an appendix to the treaty itself, helping to extend the meaning of the formal treaty made later during the summer of 1899.

The discussions at the time of the treaty confirm the promises made in the circular letter.
The Treaty Commissioners promised the Indians that they would not be displaced from the lands they were using prior to the treaty. They promised that the government’s game policy would be strictly in the interest of protecting the very game upon which the Indians relied. At the same time, as Euro-Canadians, they accepted the legitimacy of a system of private ownership of land and expected to see Indians removed from lands as they were “needed” by non-Indians for completing activities, which is what had happened in every other part of Canada experiencing outsider settlement and industry. However, they expected very little of the land to be taken up for new uses, because they considered the land to be of low value because it was not suitable for agriculture. These opposing approaches to Indian traditional lands can only be reconciled by the Commissioners’ confidence in their beliefs and statements that it was unlikely that the northern lands would be taken up by anyone for a very long time (if ever), and by their belief that the northern forests or “wilderness” were a virtually unlimited source of animals, enough to the Indians and more.

8. Conclusion

The goal of this report was to provide an opinion to the Fort McKay First Nation about what the historical record in northern Alberta reveals about the nature and scope of the treaty rights of the Fort McKay First Nation as these rights relate to their traditional territories and reserves and uses of those lands. The summary remarks of this section contain my opinions about the scope of their traditional lands as well as the understanding of the Treaty Commissioners about these traditional lands and their uses.
It is important to note that the extent of the traditional lands of any of the First Nations who negotiated Treaty No. 8 was not addressed directly by the Treaty Commissioners, who did not appear to have known much about the specific lands used by Aboriginal people at the time of the treaty in 1899. Instead, the Commissioners sought to obtain Aboriginal title for all lands that the Chipewyans and other Indians of the Treaty No. 8 region used or might claim to use by setting forth a description of a very large region bounded by known geographical landmarks as well as a general clause for “all other lands wherever situated in the Northwest Territories, British Columbia, or in any other portion of the Dominion of Canada” where those Indians might have “rights, titles and privileges” (Govt. of Canada 1966:12). The Commissioners recognized that the country used by the Indians was so extensive that it was “…impossible to define reserves or holdings,” and they understood that “…the Indians moved across the land in order to hunt “…individually or in family groups” (ibid.:7, 8). They heard from the Indians that reserves were incompatible with the forms of land use that were essential to their livelihood. They not only understood that the Indians wanted to continue practicing their land-based way of life, but they also expected the Indians to do so into the far future, with no end date. The Treaty Commissioners also understood that the Indians required resources that were distributed over the landscape. They referred to a different type of hunting in the north than on the plains to the south, the result of hunting in “a wooded country” that did not permit large social groups (Govt. of Canada 1966:8). In their discussions with Indians at different locations, they reassured them that nothing would interfere with the resource base except for laws to protect the animals in the interests of the Indians.
From the perspective of the First Nations, the assurances made by the Treaty Commissioners were made within the context of the establishment of a traditional alliance made between leaders that was modeled along kinship lines. The Crown (federal government) would provide assistance to First Nations when needed (e.g., times of starvation and illness) and protect the diverse animals and other resources that were crucial to a successful way of life (the fur trade mode of production), much as an older sibling would care for a younger sibling or a parent for a child. In exchange, they were willing to share small portions of their land with newcomers. They did not expect that over time, they would be expected to relinquish virtually all their land or that the animal resources would be decimated.

The livelihood of the ancestors of the Fort McKay First Nation at the time of the treaty was encompassed by the fur trade mode of production. It involved an annual round of hunting, fishing, trapping, and gathering, with some occasional wage labor, and it required access to an extensive land base over which people could travel as needed for both livelihood and cultural reasons. These Aboriginal anticipated that their livelihood, culture, and way of life would not change as a result of entering into treaty. They understood that they would not have to live on reserves, and they believed that their future freedom to live as they pleased on their traditional lands had been promised to them by the Treaty Commissioners. In short, it seems that both the Treaty Commissioners and the First Nations of northeastern Alberta agreed that little would change in the future for the First Nations.
Figure 1. **Treaties No. 1-11** (McCormack 2010:67)
Figure 2. **Treaty No. 8** (McCormack 2010:171)
References

Asch, Michael I.

Asch, Michael I., and Shirleen Smith

Athabasca Chipewyan First Nation

Berger, Thomas R.

Chalmers
1898  NWMP report, Canadian Sessional Reports.  Ottawa:  Queen’s Printer.

Cumming, Peter A., and Neil H. Mickenberg

Daniel, Richard

Dawson, George M.

Dennis, J. S.

Department of Indian Affairs (DIA)

1914 Annual Report for the year ended March 31, 1914. Sessional Paper No. 27. 5 George V. A. 1915. Ottawa; King’s Printer.


Dickason, Olive Patricia

Ferguson, Theresa A.

Fort McKay Tribal Administration (FMTA)

Fort Vermilion Agricultural Society and Marilee Cranna Toews, eds.

Fumoleau, René
1975 As Long as This Land Shall Last. Toronto: McClelland and Stewart.

Gillespie, Beryl C.

Government of Britain

Government of Canada
Irwin, Robert

Jarvis, A. M.

Johnson, Harold

Laird, David

Library and Archives Canada
RG 2 V. 778
V. 3329

RG10 V. 1109
V. 3848
V. 6731
V. 6732

RG18 V. 128
V. 1435
V. 1445
V. 1643

Lower, J. A.

Mair, Charles

McCormack, Patricia A.


2012b Transatlantic rhythms: to the far Nor’Wast and back again. Submitted for publication.


Commissioner.

North-West Mounted Police (NWMP)

Parker, James M.
1979 Interview with Fort Chipewyan resident. St. Albert, Alberta.

Prucha, Francis Paul

Ray, Arthur J., Jim Miller, and Frank Tough

Royal Northwest Mounted Police (RNWMP)


Scott, Duncan Cameron
1914 Indian Affairs, 1867-1912. In A. Shortt and A. G. Doughty, eds., Canada and its Provinces. To.: Glasgow Brook and Company.

Select Committee of the Senate

Snyder, A. E.

Surtees, Robert J.
Tobias, John L.

Treaty and Aboriginal Rights Research (TARR)

Treaty 7 Elders and Tribal Council, with Walter Hildebrandt, Sarah Carter, and Dorothy First Rider

Zaslow, Morris
Appendix. Curriculum vitae: Patricia A. McCormack, Ph.D.

Professor Emerita
Faculty of Native Studies
2-31 Pembina Hall
University of Alberta
Edmonton, Alberta, T6G 2H8 Canada

Phone 780 492-7690 (university office)
       780 992-9792 (home office)
Fax 780 492-0527 (university)
E-mail pat.mccormack@albertacom.com

Current Adjunct Positions

Adjunct Professor, Comparative Literature Program, Office of Interdisciplinary Studies, Faculty of Arts, University of Alberta
Adjunct Professor, Dept. of Human Ecology, Faculty of Agricultural, Life, and Environmental Sciences, University of Alberta
Adjunct Associate Professor, Canadian Circumpolar Institute, University of Alberta
Adjunct Researcher, Royal Alberta Museum

Education

1984 Ph.D. Department of Anthropology, University of Alberta
      Thesis: "How the (North) West Was Won: Development and Underdevelopment in the Fort Chipewyan Region"

1975 M.A. Department of Anthropology, University of Alberta
      Thesis: "A Model to Determine Possible Adaptive Strategies for the Aboriginal Treeline Dene"

1969 B.A. (Honors) Department of Anthropology, University of Alberta
      Thesis: "A Colonial Factory: Fort Chipewyan"
Skills Overview

1. **Subject interests**
   - North American Aboriginal peoples: Aboriginal and traditional cultures and identities, cultural suppression and racism, cultural transformation/renewal, modern cultures
   - Subarctic and Canadian North, northwestern Plains
   - The Canadian fur trade and Scottish workers; cultures and histories of Orkney and Lewis
   - Canadian history: expansion of the state and internal colonialism; political economy
   - Ethnohistory
   - Oral traditions and indigenous knowledge
   - Genealogy and kinship, social structure
   - Material culture, museology, repatriation
   - Discourse and representation
   - Gender relations

2. **Research process and outcomes**
   - Community-based research and partnership projects
   - Archival and museum-based research
   - Expert reports and courtroom testimony
   - Research ethics

3. **Education**
   - Adult education; course design and instruction
   - Evaluation of students

4. **Administration**
   - Participation on university, government, and interagency committees
   - Budget preparation and management
   - Hiring, management, and evaluation of personnel
   - Volunteer recruitment and management
   - Conference planning

5. **Heritage and museums programs**
   - Heritage preservation and interpretation; cultural resource management
   - Material culture research and collecting; collections management and conservation
   - Exhibit development
   - Public programming

6. **Media and public relations**
• Radio and T.V. experience
• Public speaking to diverse audiences

Awards

Scholarly Awards

2012 Recollecting: Lives of Aboriginal Women of the Canadian Northwest and Borderlands (AU Press, 2011) was awarded the following awards: Canadian Historical Association prize for the best Aboriginal book in 2011; 2011 Best Scholarly and Academic Book of the Year by the Book Publishers Association of Alberta; 2011 Armitage-Jameson Prize (Western Historical Association and the Coalition for Western Women’s History); 2012 WILLA Literary Award for Scholarly Nonfiction (Women Writing the West).

1993 Fellow of the American Anthropological Association

1969 Woodrow Wilson Fellowship

Public Awards

1993 Fort Chipewyan Historical Society, Lifetime Membership

1983 Yukon Historical and Museums Association, Honorary Life Membership

Grants

Research Grants


Alberta Historical Resources Foundation, for “The Making of Modern Fort Chipewyan, a Contemporary Native Community,” $8,000.00. 18 December 1998.

1996 University of Alberta: Central Research Fund Operating Grant for "Blackfoot Traditions Project," $4,755.00.

1989 Wenner-Gren Grant-in-Aid for "The Orcadian/Scottish Roots of Canadian Native
Cultures: An Ethnohistorical Study," $8,000.00 US.

1987 Canadian Museums Association Short-Term Study Grant for "Fort Chipewyan Bicentennial Project: Research in British Collections," $1,000.00.

1985 Boreal Institute Research Grant for "The Fort Chipewyan Fur Trade - Fort Chipewyan, Alberta," $4,552.50

1975 Boreal Institute Research Grant for "Native Uses of Fire in the Lake Athabasca Region"

1970, 1974-1977 University of Alberta Summer Bursaries

Travel Grants

2006 EFF Support for the Advancement of Scholarship, Travel Grant, to present a paper at the 9th North American Fur Trade Conference and 12th Rupert’s Land Colloquium, St. Louis, Mo., 24-28, 2006. Grant #A026663 for $2,000.00 awarded 9 May 2006.

2004 EFF Support for the Advancement of Scholarship (Small Faculties), Travel Grant, to present a paper at the 11th Rupert’s Land Colloquium 2004, 24-31 May 2004, Kenora, Ontario. Grant #A017639 for $1,404.00 awarded 27 April 2004.

2003 HFASSR Humanities, Fine Arts and Social Sciences Research Travel Grant, to present a paper at the American Society for Ethnohistory Annual Meeting, 5-9 Nov. 2003, Riverside, California. Grant #A014704 for $800.00 awarded 22 Sept. 2003.


2000 SSR Conference Travel Fund grant to present a paper at “Nation Building,” British Association for Canadian Studies 25th Annual Conference, 11-14 April 2000, University of Edinburgh, Scotland. Grant #G124120312 for $1,200.00 awarded 12 April 2000.


1995  CRF travel grant to present a paper at the Rupert's Land Research Centre Colloquium, 1-4 June 1996, Whitehorse, Yukon.


**Employment & Research**

2012-2015  Part-time appointment at the Faculty of Native Studies, University of Alberta

2011-2012  Professor, Faculty of Native Studies, University of Alberta, awarded 17 Feb. 2011 (retired 30 June 2012)

1998-2011  Associate Professor; tenure and promotion to Associate Professor awarded December 1997

1994-98  Assistant Professor, School of Native Studies, University of Alberta

Position involves research into Aboriginal cultures, histories, and identities and dissemination of scholarship through publications of various kinds (especially peer-reviewed); development of courses with an emphasis on Aboriginal perspectives and instruction to Aboriginal and non-Aboriginal students; professional contributions; university and community service.

*Current research:* A primary focus is a broad research program designed to study the transformation of the cultures, identities, social structures, lifeways, and material cultures of the Aboriginal peoples of northwestern Canada, with particular reference to Chipewyans, Crees, Scots-Métis, and French-Métis. Major projects underway include: “Fort Chipewyan and the Shaping of Canadian History,” with one book in press and a second in revision; a book about Thanadelthur and the early fur trade on the west coast of Hudson Bay; Chipewyan and Cree occupations of the western Lake Athabasca region, and a transatlantic study of Orcadian/Lewis connections to Canadian Native peoples and cultures.

A secondary focus is research into traditional Blackfoot culture and history (northwestern Plains) and contemporary cultural revitalization/redefinition, its material aspects and representation in museum collections and interpretation, and the meanings of repatriation. The "Blackfoot Traditions Research Program" includes two major components: the history of Blackfoot ranching and the revitalization of Blackfoot religious traditions. The continued importance of horses is a thread that connects both projects and also relates to my personal life.
Artifact collection: I have developed and continue to build a personal collection of artifacts with two dimensions: stereotypes about Aboriginal people and contemporary Aboriginal iconography.

Adjunct Positions

2010-2013 Adjunct Professor, Comparative Literature Program, Office of Interdisciplinary Studies, Faculty of Arts, University of Alberta. 1 Jan. 2010-31 Dec. 2014.


1995-present Research Associate, Royal Alberta Museum (formerly, Provincial Museum of Alberta)

1990-present Adjunct Associate Professor, Canadian Circumpolar Institute, University of Alberta

Adjunct Professor, Department of Human Ecology, Faculty of Agricultural, Life, and Environmental Sciences, University of Alberta

1992-98 Adjunct Professor, Dept. of Anthropology

1991-95 Associate Curator of Ethnology, Glenbow Museum

1988-90 Adjunct Researcher, Boreal Institute for Northern Studies, University of Alberta

Other Professional Employment


2011 For Athabasca Chipewyan First Nation, represented by Jay Nelson and Sean Nixon (Woodward & Company Lawyers): an expert report relating to ethnohistorical issues for submission to the hearing for Shell’s proposed Jackpine Mine Expansion and new Pierre
River Mine, two oil sands projects (183 pp.).

For North Slave Métis Alliance, represented by Christopher G. Devlin (Devlin Gailus, Victoria): an expert report about the ethnogenesis of the northern Métis of the Great Slave Lake area (58 pp.).

2010 For Mikisew Cree First Nation, represented by Janes Freedman Kyle Law Corporation (Vancouver & Victoria: an expert report relating to ethnohistorical issues with special reference to Treaty No. 8 and traditional territory, for a submission to the Joslyn North Mine Project Hearing, a tar sands project (88 pp.).

For a Fort Nelson First Nation family, represented by Karey M. Brooks (Janes Freedman Kyle Law Corporation, Vancouver): an expert report relating to ethnohistorical and Treaty No. 8 issues (135 pp.), along with an annotated bibliography.


2005 For Siksika Nation, represented by Clayton Leonard (MacPherson Leslie & Tyerman, Calgary): a report about historic Blackfoot territories (52 pp.).

2004 For Mikisew Cree First Nation, represented by Peter C. Graburn (Rath & Company, Calgary): an economic history of the First Nation in connection with a Treaty Eight claim (124 pp.).

2003-2006 For Big Island Lake Cree Nation, Saskatchewan, represented by James Jodouin (Woloshyn & Company, Saskatoon): research in connection with a Treaty Six claim.


1999-present Appraisals of Native artifacts for various clients (e.g., University of Alberta,
Treaty No. 8 and Fort McKay First Nation

Royal Alberta Museum, Northern Cultural Arts Museum, Motor Association Insurance Company, private individuals)


1997 For the Métis Heritage Association of the Northwest Territories: a chapter about the history of northern Métis in relation to Treaties No. 8 and No. 11 and scrip for a book on Métis of the Mackenzie Basin.

For the Provincial Museum of Alberta: wrote the script for two units of the new Gallery of Aboriginal Peoples dealing with contemporary economic ventures and political activities.

1996-98 For Little Red River Cree Nation and Tallcree First Nation: Project Director, Cultural Resource Inventory Project. Designed project, provided training to members of four research teams (1996) and one research team (1997), and supervised the teams as they researched places of cultural significance in the traditional lands of these two First Nations. Prepared regular reports for Chiefs and Councils. Contributed to development of project software (LightHouse) and user manual and coordinated with a parallel Biophysical Inventory Project. Participated as requested in meetings with the two First Nations.

1996 For Treaty Land Entitlement, Indian and Northern Affairs Canada: a confidential report on a northern claim that consisted of an historical analysis (57 pp.) and an annotated bibliography.

1984-94 Curator of Ethnology at the Provincial Museum of Alberta (now the Royal Alberta Museum)

Administered the Ethnology Program, a sub-unit of the museum, which involved program and policy development, budget planning and management, and personnel recruitment and management. Program activities focused on the curation of a large collection of material culture of the Aboriginal peoples of Alberta and other regions (First Nations, Métis, Inuit), documentation of Aboriginal cultures and lifeways through field and archival investigations and collection of additional artifacts, interpretation through publications, exhibits, and public programs, and cooperation with a wide range of client groups. Program responsibility was for the entire province and related regions (primarily the western Subarctic, northern Plains, and Canadian Arctic). Collecting activities emphasized contemporary materials with good documentation, although older artifacts were also acquired.
Research: Conducted research at Fort Chipewyan, Janvier, Sucker Creek, Saddle Lake, Kehewin, Blood Reserve, Peigan Reserve, Poorman Reserve, and in Scotland, especially the Orkney Islands and the Outer Hebrides. Museum and archival collections were studied in the United States, Canada, and Britain.

Major project: Initiated, coordinated, and conducted research for a special project to commemorate the Fort Chipewyan Bicentennial with a major in-house exhibit, travelling exhibit, exhibit catalogue, conference, and public programming. Served on two committees, one to plan the conference and publish proceedings and a book of refereed papers, and the second to administer a special research fund for scholarly research in the Fort Chipewyan and Fort Vermilion regions. Participated in extensive fund-raising and coordinated activities with Fort Chipewyan residents. Co-edited conference proceedings (1990) and a book of refereed papers (1993). In 1993 was awarded a lifetime membership in the Fort Chipewyan Historical Society in recognition of work researching and promoting the heritage of the community.

1984 For the Friends of Jezebel, a society organized to promote tolerance and understanding of prostitutes in Edmonton: developed a research proposal on the "sex industry" in Edmonton.

1983 For the Yukon Native Languages Project: prepared community study kits for Pelly Crossing, Carmacks, Burwash Landing, Destruction Bay.

1980-83 For CBC: commentaries for national and regional programs on Native and northern affairs.


1982 For Athabasca University: developed a draft correspondence course, "Contemporary Native Issues."

1981-82 For the Yukon Educational Television Society: prepared briefs on three Yukon historical figures (Leroy Napoleon "Jack" McQuesten, William Ogilvie, and Skookum Jim, or Keish) as background information for three episodes of The Yukoners, a series of videotaped interviews between CBC broadcaster Neil Ford and the historical figure, played by a local actor.

1979-80 For the Yukon Native Brotherhood and the University of British Columbia: developed a "Yukon Studies" course outline, which entailed a survey of literature related to all aspects of the Yukon's history and socioeconomic development. The commentary provides an overview of Yukon social, economic, political, and constitutional history, with an annotated bibliography of nearly 500 sources.

1975-76 For the Department of Anthropology, University of Alberta: General Editor of *The Western Canadian Journal of Anthropology*, a quarterly professional journal. Solicited manuscripts, edited and published several special issues as well as general issues.

1971 For Keith Crowe, DIAND: research to support a history of northern Native Canadians. Included library research and fieldwork in communities in the Great Slave Lake and upper MacKenzie regions.

**Expert Witness**

On-going advice provided to lawyers in Alberta and Saskatchewan regarding Native cultures, lifeways, and histories related to the First Nations and Métis peoples of the Treaties No. 6, 7, 8, and 11 regions, and to alleged offenses under fisheries and wildlife legislation.

Qualified as an expert witness in the following trials and hearings:

1986 Expert witness by way of Affidavit, in *The Queen and John Piche*.


8 Feb. 1995  

16 Sept. 1996  

Summer 1997  
Appeared in Edmonton, before Judge Meuwissen, with the U.S. Department of the Interior, in connection with the U.S. White Earth Lands Settlement Act.

23 May 2001  

12 May 2005  
*Brett Janvier v. the Queen* (Cold Lake First Nation). Fishing regulations violation. Judge Wheatley.

29 Sept. 2009  

**Early Research and Other Activities**

1978  
Archival investigations in Edmonton (Provincial Archives), Ottawa (Public Archives of Canada), and Fort Smith (Archives of the Oblates of Mary Immaculate; Archives of the Bishop)

1977-78  
Community research in Fort Chipewyan, Alberta

1975-76  
Fieldwork on Native uses of fire as an habitat management tool in the Lake Athabasca region (Fort Chipewyan and Black Lake).

1970  
Research in the Hudson's Bay Company archival collection in the Public Archives of Canada, Ottawa

1968  
Alberta Service Corps, Fort Chipewyan, Alberta: conducted community service projects.

1967  
Ward Aide, Charles Camsell Hospital, Edmonton, Alberta.

1966  
Nurse Aide, Delaware General Hospital, Wilmington, Delaware.
University Administration and Service

University Committees

2012 Member of the University Writing Committee

2011-13 Member of the Panel of Chairs of the University Appeal Board (1 July 2011-30 June 2013)

2009-12 General Faculties Council representative for the Faculty of Native Studies (24 Nov. 2009-30 June 2012)

2009 Association for Academic Staff, University of Alberta representative for faculty members at the Faculty of Native Studies

2005-11 Faculty member on GFC Academic Appeals Committee

2001-09 University Committee on Human Research Ethics (UCHRE)

2003-present Council for the Interdisciplinary Program in Religious Studies (formerly, Religious Studies Advisory Council), University of Alberta

1997-present Multi MIMSY Users' Group (University curators)

2003-04 General Faculties Council representative for the School of Native Studies

2003-04 Henry Marshall Tory Selection Committee

2002-03, 1997 Selection Committees, Director of the School of Native Studies

2003-06, 1997-2000 Association for Academic Staff, University of Alberta, for faculty members at the School of Native Studies

1995-98 General Faculties Council Special Sessions Committee, Univ. of Alberta, 1 July 1995 - 30 June 1998

Faculty of Native Studies

2011-12 Member, Faculty Evaluation Committee

2009-12 AASUA representative
2009-12  Member, Academic Affairs Committee
2010  Member, Budget Benchmarks Working Group
2006-09  Chair, Faculty Evaluation Committee
2007-09  Ad hoc Curriculum Review Committee
2007-08  Ad hoc committee to coordinate NS210 and NS211
2006-present  Research Methods and Theory Undergraduate Curriculum Working Group
2003-2007  Acting Dean in the Dean’s absence, upon request (originally appointed 3 Dec. 2003), until Associate Deans appointed
1994-present  Faculty of Native Studies Council
1999-2006, 2007-09  Chair, Research Ethics Board
2007  Member, Research Ethics Board
1996-2000  School of Native Studies Executive Committee
1997-99  Committee on Retention and Support

Other University Involvement
1990  Department of Textiles and Clothing, University of Alberta: participated in developing new departmental material cultural focus

Teaching Positions

University of Alberta
2012-2015  Part-time appointment, Faculty of Native Studies, University of Alberta
2011-2012  Professor, Faculty of Native Studies, University of Alberta
1998-2011  Associate Professor, Faculty of Native Studies, University of Alberta
1994-1997  Assistant Professor, School of Native Studies, University of Alberta
Sessional Lecturer/Instructor: other institutions
1993 University of Idaho
1984 Grant MacEwan Community College at Alexis Reserve
1979-83 Yukon Campus, Whitehorse, for the University of British Columbia (from 1979-81, Yukon Teacher Education Program)
1979, 1983 Athabasca University at Blue Quills Native Education Centre, St. Paul, Alberta

Graduate Teaching Assistantships
1970-71, 1973-75 Department of Anthropology, University of Alberta

For Parks Canada

For the Alberta Government

Understanding Contemporary Aboriginal Issues and Working with Aboriginal Cultures and Communities. Developed with Art Sciorra for instruction to senior managers, Department of Environmental Protection, Lands and Wildlife Division, 13-14 May 1993.

Courses Offered
An asterisk [*] denotes the development of a new course.

University of Alberta

*Faculty of Native Studies*
100 Introduction to Native Studies
110 Historical Perspectives in Native Studies
210 Native Issues and Insights I (Issues in Native History)
300* Traditional Cultural Foundations I
330* Native Economic Development
335* Native People and the Fur Trade
355* Oral Traditions and Indigenous Knowledge
361* Challenging Racism and Stereotypes
376* Native Demography and Disease
380* Selected Topics in Native Studies
• Oral Traditions and Indigenous Knowledge (became NS355)
• Traditional Cultural Foundations (became NS300 and paved the way for NS361)
• Native Material Culture
• Challenging Racism and Stereotypes (became NS361)

390 Community Research Methods
390* Research Methods in Native Studies (new course in 2008)
400* Traditional Cultural Foundations II
403* Selected Topics in Native Studies
• Aboriginal Origins; Traditional Cultural Foundations II (became NS400)
• Native Demography and Disease (became NS376)
• Alternative Voices: Reading Narratives of Contact (also offered as NS503)
490* Community-Based Research
499* Research Project
503 Directed Readings in Native Studies
520* Honors Seminar

Anthropology
202 Man and Culture
210* Sex, Society, and the Individual
282* Canadian Issues in Ethnographic Perspective
306 Introduction to Prehistory
346 Circumpolar Peoples
350 North American Indians
355 Contemporary Canadian Indians
410* Sex and Status in Comparative Perspective

Canadian Studies
402* Canada's North: The Human Dimension
302* Canada’s North: The Human Dimension

Geography
446 Northern Human Geography

Human Ecology
238 Material Culture

University of Idaho
History 404-504 Anthropologist on teaching team for a course about Chief Joseph and the Nez Perce War

University of British Columbia (in Whitehorse, at Yukon College)
Anthro/Soc 100* Elementary Problems in Anthropological and Sociological Analysis
200* Introduction to Social Organization
201* Ethnic Relations
329* Indians and Eskimos of Canada

Athabasca University
Anthro 207 Introductory Anthropology
326* Contemporary Native Issues

Graduate and Honours Supervision

Graduate Supervision

University of Alberta: The Faculty of Native Studies has just begun a M.A. program, with the first students accepted for fall 2012. However, I have been formally involved with 18 graduate students at the University of Alberta, 8 at the Ph.D. level and 10 at the Master's level, serving on supervisory committees and as an external examiner for candidacy exams and dissertation defenses in the following faculties (departments in parentheses): Agriculture, Forestry, and Home Economics (Human Ecology), Arts (Anthropology, Comparative Literature, English, History, Human Geography, Political Science), Education (Educational Policy Studies), Physical Education and Recreation (Recreation, Sport, and Tourism), Science (Biology), and Business.

External committee member for: M.A. in Design at the University of Calgary

External examiner for:
• M.A. defense in Anthropology at the University of Lethbridge
• Ph.D. defense in History at Carleton University
• Ph.D. defense in History at the University of Manitoba

Honours Supervision

1998-99 The School of Native Studies initiated an Honours Program and accepted its first honors students - a class of four - in September 1998. I supervised the first year of this program and developed a draft Honours Program guide.

1998-2010 NS Honours student supervision (11 in total)

2002-03 Supervised one honours student for the Department of Anthropology

Publications, Exhibits, Papers, Conference Development
Refereed Publications


2010 Fort Chipewyan and the Shaping of Canadian History, 1788-1920s: We like to be free in this country. Vancouver: UBC Press.


Circumpolar Institute, University of Alberta.


Editor: *Prairie Forum.* Vol. 17, no. 2. Special issue on Aboriginal peoples.


**Accepted (refereed)**

Evolving accommodations: the sled dog in the Canadian fur trade. For publication at the Université de Valenciennes, France. In press.

**In Preparation (will be refereed)**

Deconstructing Canadian subarctic grasslands.

Transatlantic rhythms: To the far Nor’Wast and back again. Submitted for a book to be published by McGill-Queen’s Press.

**Other Publications (non-refereed)**


Studies, University of Winnipeg.


1995 Revision of the entry on "Chipewyan" for the Canadian Encyclopedia, originally written by James G. E. Smith (deceased); revised version carries both names as co-authors.


1981-82 Newsletters of the Yukon Historical and Museums Association, nos. 8-11.


Book and Film Reviews


1986 *The Great Buffalo Saga*. The Canadian Field-Naturalist. 100(3):398-399. [Film review]


**Exhibits**

Treaty No. 8 and the Northern Collecting of Dr. O. C. Edwards
500 square foot centennial commemoration exhibit developed in cooperation with NS480 students. Designed by Bernd Hildebrandt. School of Native Studies and Museums and Collections Services, University of Alberta.

Script for portions of The Syncrude Gallery of Aboriginal Culture, Provincial Museum of Alberta: "For Every Three Families, One Plow and One Harrow" (Native farming and ranching, with Rhonda Delorme) and units on Economic Ventures and Political Activity.

Storyline for the ethnology portion of The Syncrude Gallery of Aboriginal Culture: a new permanent gallery (9,500 square feet). Developed with Ruth McConnell, Assistant Curator of Ethnology, in consultation with other museum staff and a Native Advisory Committee.

"In All their Finery": A Legacy from the Past
1,000 square foot exhibit featuring aesthetically distinctive, older items made by Aboriginal peoples of the northwestern Plains and western Subarctic; the first phase of a new permanent gallery. Designed by Bryan McMullen.

Aboriginal Peoples of Alberta
Large traveling exhibit and catalogue developed for the Historical Museum of Hokkaido. Designed by Virginia Penny.

Gateway from the North: The Charles Camsell Hospital Collection
One case display featuring "arts and crafts" from the Camsell Collection (with catalogue); circulated to other venues in Edmonton 1992-93. Designed by Bill Gordon.

Kayasayawina Ka Wapahtihitohk: To Show the Old Things
500 square foot exhibit of artifacts showing the diversity of the collection and of the Aboriginal peoples of Alberta. Designed by Paul Beier. (The exhibit became part of the Royal Alberta Museum Syncrude Gallery of Aboriginal Culture)

Clothing of the Northern Plains
Three-case display for Head-Smashed-In Historic Site. Designed by Bill Gordon.

Northwind Dreaming: Fort Chipewyan 1788-1988
500 square foot traveling exhibit, for venues in Alberta, NWT, Yukon, B.C., Sask., and Manitoba, 1990-94. Designed by Vic Clapp.
1989  
**Dr. Robert Bell: Geologist and Collection**  
One case display.

1989  
**Douglas Light Collection**  
Temporary display prepared for the Alberta Historical Resources Foundation.

1988  
**Northwind Dreaming: Fort Chipewyan 1788-1988**  
3,000 square feet feature exhibit commemorating the bicentennial of the founding of Fort Chipewyan, Alberta's oldest, permanently occupied community, and celebrating the lives of the Indian, Métis, and non-Native peoples who have made their homes there for 200 years and longer. Developed in collaboration with community residents. Contained over 400 artifacts, many borrowed from collections in Canada, U.S., and Scotland. Designed by Vic Clapp.

1987  
**Indian Tipis**  
One case traveling display, for the library case circuit. Designed by Julian West.

1986  
**Trapping in Transition: Native Trapping in Northern Alberta**  
1,000 square feet exhibit depicting the roles of trapping in Aboriginal economies in northern Alberta in the years before World War II and in the present. Designed by Shelby Craigen.

1985  
**Rigging the Chiefs**  
500 square feet exhibit depicting historical relations between Indians and non-Indians mediated through the giving of gifts. Cases show the fur trade, treaty, and modern eras. Designed by Julian West.

**Métis Artifacts**  
Temporary display.

**Native Games**  
One case traveling display, for the library case circuit.

**Indian Dolls**  
One case display.

**Papers**

2011  
The invisible parkland: rethinking the plains and subarctic culture areas. Updated paper with PowerPoint slides presented at the Native American and Indigenous Studies Association, 19 - 21 May 2011, Sacramento, California.

Lewismen and Aboriginal people of the Canadian Northwest - the *Talamh Fuar*.


Popularizing contact: Thanadelthur, the Sacagawea of the north. Revised and presented in “Performances and Representations,” at the 2010 Rupert’s Land Colloquium, 19-22 May 2010, Winnipeg.

Transatlantic rhythms: to the far Nor’Wast and back again. Invited keynote talk for an international conference sponsored by the University of Aberdeen, University of Guelph, and St. Michael’s College. Held at the University of Toronto and University of Guelph, 10-12 June 2010.


The racialization of traditional knowledge. Invited for the Cumulative Environmental Management Association (CEMA) TEK 2009 Coaching Workshop, “Perspectives into Practice.” 28 October 2009, Fort McMurray, AB.


The invisible parkland: rethinking the Plains and Subarctic culture areas. Presented at

2007 Tipi dweller: all the comforts of home. Invited paper prepared for Domestic Space, Domestic Practice: Exploring the Materiality of Home, the inaugural symposium of the Material Culture Institute, University of Alberta, 20 April 2007.

“A world we have lost”: the plural society of Fort Chipewyan. Presented as part of “Many Tender Ties: A Forum in Honour of Sylvia Van Kirk,” for Canadian Historic Association, 28-30 May 2007, Saskatoon, SK.

Deconstructing Canadian subarctic grasslands. Presented as part of “Grassland Construction, Deconstruction, and Reconstruction: Global Perspectives,” a session at the European Environmental History Conference, Amsterdam, 5-9 June 2007.


Lost women: Native wives in Orkney and Lewis. Presented as part of “Negotiating Identities: Aboriginal Women’s Stories of Northwestern America,” a session for the American Society for Ethnohistory annual conference, Tulsa, Oklahoma, 7-10 Nov. 2007.


Popularizing contact: Thanadelthur, the Sacagawea of the North. American Society for Ethnohistory Annual Meeting, Riverside, California, 5-9 Nov. 2003.


Competing Narratives: Barriers between Indigenous Peoples and the Canadian State. Indigenous Peoples and the Modern State, Claremont Graduate University, California, 5-7 April 2002. This paper was revised for a conference proceedings. A revised version was presented as an invited keynote address at Re-Visioning Canada Workshop: Integrating the History of Aboriginal/Non-Aboriginal Relations, University of Toronto, 27-28 Sept. 2002.


Presentation as part of a panel, “Representing Aboriginal Histories and Cultures at Historic Sites and Museums.” Canadian Indigenous/Native Studies Association Annual Meeting and Conference, 28-31 May 2000, Edmonton. Co-presenters were Flora Beardy, Robert Coutts, and Michael Payne.


1999 Overcoming the differences between treaty and scrip. For the 1899 Centennial Conference, a conference in commemoration of the initial signing of Treaty No. 8 and the distribution of scrip in 1899, Grouard, Alberta, 17-19 June 1999.


Northern Métis, Treaties No. 8 and No. 11, and the issuance of scrip. For the Rupert's Land Colloquium 1998, Winnipeg, 4-7 June 1998.

The communities: after European contact. Description of the human communities of the Wood Buffalo National Park region, for a handbook about the park, edited by Ross Wein. (Accepted for the handbook, which was never completed.)


1996 Orkneymen and Lewismen: distinctive cultures and identities in the Canadian fur trade. For Scots and Aboriginal Culture, a Scottish Studies Colloquium, University of Guelph, 22-24 March 1996. A revised version was given at the Rupert's Land Research Centre Colloquium, Whitehorse, 1-4 June 1996.

Native homelands as cultural landscapes: decentering the wilderness paradigm. For the


Native peoples and cultural renewal. For Managing Change: Drawing on the Dynamics of Cultural Traditions, a session developed by Anne M. Lambert and Patricia A. McCormack as part of the Canadian Home Economics Conference, Beyond Tradition, Edmonton, 9-11 July 1995.


The smokescreen of technology: the mixed economy of Fort Chipewyan and the persistence of Aboriginal cultures. For the School of Native Studies, 21 Jan. 1994.

The invisible parkland: ethnohistoric considerations. For Diversity on your Doorstep, a program presented by the Beaver Hills Ecological Network, as part of the Beaverhills Lake-Fall Migration Celebration, Tofield, Alberta, 24 Sept. 1994.


The expansion of the state into the Fort Chipewyan region. For a Department of Geography Colloquium, University of Alberta, 31 Jan. 1992 and a Department of History Graduate Seminar, University of Winnipeg, 5 Feb. 1992.


Indian cowboys: mythologies of the west and museum collecting. For a Department of Textiles and Clothing class in the History of Native Clothing, University of Alberta, 18 Feb. 1992.


Native trapping in northern Alberta. For a seminar at the Glenbow Museum in conjunction with the exhibit *Trapline Lifeline*, Calgary, 13 June 1992.


Expanding state regulatory systems and their impacts on northern and Native peoples. For *Symposium on Contemporary and Historical Issues in Legal Pluralism: Prairie and Northern Canada*, organized by the Canadian Institute for Advanced Research, Law in Society Program, Winnipeg, 7-8 Nov. 1992.


Working with Native communities. Seminar prepared for Parks Canada research staff, Winnipeg.

Evolving Blackfoot dress styles and their representation in museum collections. For _It's a Material World_, an Interdisciplinary Material Culture Lecture Series at the University of Alberta.

The Canadian fur trade: the Orkney connection. For _Focus on the Forks_, a conference on the historical significance of the forks region, Winnipeg, April, 1991.


The Orkney Islands and the Canadian fur trade and Native communities. For _Partnerships: Museums and Native Living Cultures_, Alberta Museums Association Professional Development Series, Edmonton, 3-4 Dec. 1990.

1989 From their labor: a material slant to ethnohistorical research. For the American Society for Ethnohistory Conference, Chicago, 2-5 Nov. 1989.


1988 Surrounded by Crees: Chipewyan persistence in Fort Chipewyan, Alberta. For an


1986 Rooted in the past: the modern community of Fort Chipewyan. For the Boreal Institute for Northern Studies 25th anniversary conference, *Knowing the North*.

1982 Fur trade society to class society: the development of ethnic stratification at Fort Chipewyan, Alberta. For the Canadian Ethnology Society meetings, Vancouver, B.C.

Skookum Jim (Keish); an historical brief. For the Yukon Educational Television Society, Whitehorse.

1981 Leroy Napoleon "Jack" McQuesten; an historical brief. For the Yukon Educational Television Society, Whitehorse.

William Ogilvie; an historical brief. For the Yukon Educational Television Society, Whitehorse.

1979 The Cree Band land entitlement in Wood Buffalo National Park: history and issues. For the Edmonton Chapter of the National and Provincial Parks Association of Canada.

**Conference/Session Development**


2006-8 Organizing committee, Centre for Rupert’s Land Studies 2008 Colloquium, Rocky
Mountain House.


2005-6 Member of the Scientific Committee for the 12th Qualitative Health Research Conference, 2-5 April 2006.


1997-9 Member of the organizing committee for the 1899 Centennial Conference, A Conference in Commemoration of the Initial Signing of Treaty #8 & the Distribution of Scrip in 1899; serving also on the program and publicity subcommittees.

1997-99 Member of the organizing committee for Traditions for Today: Building on Cultural Traditions, an International Indigenous Research Institute organized by the School of Native Studies, University of Alberta, and held at the University May 26-28, 1998. Proposed the Institute's theme and planned the session, “How can we talk about indigenous Christianity.”

1995-99 Member of the organizing committee for an international conference, Securing Northern Futures: Developing Research Partnerships, sponsored by the Canadian Circumpolar Institute, held in Edmonton 1-4 May 1997. Special responsibility for organizing the sessions on "Reconfiguring the North," with Michael Payne. Co-edited proceedings with Michael Payne.
1995 On behalf of Native Studies, chaired a campus working group that assisted in planning a Parks Canada workshop on cooperative management of protected areas. Developed the final program jointly with a Parks Canada staff member, attended the workshop on March 4-5, chaired one day’s proceedings, and acted as a rapporteur the second day. Co-edited proceedings with Richard Stuart (proceedings never published).


1993 With Joseph Tiffany, organized a session on museums and Plains archaeology for the 1993 Plains Anthropology annual meetings, Saskatoon, Saskatchewan.


1985-88 With R. G. Ironside, organized a major conference to commemorate the 200th anniversary of Fort Chipewyan and Fort Vermilion, in northern Alberta. Served as liaison with Fort Chipewyan residents and conference participants.

Professional Activities

Referee

Grant applications Canadian Circumpolar Institute, the Boreal Institute for Northern Studies, Social Sciences and Humanities Research Council (SSHRC), and other institutions as requested.

Publications


*External faculty referee*
Promotion from Assistant to Associate Professor, University of Winnipeg, 2004

**Management/Supervision Courses (Govt. of Alberta)**
- Supervision
- Managing the Difficult Employee

**Professional Development Courses**


**Committees and Advisory Boards**

2011-2012 Treasurer and Director, Alberta Equestrian Federation. Chair of the Finance Committee and responsible for a budget of approximately $175,000.

2009-2011 Director, Alberta Equestrian Federation. Member of the Finance Committee.

2007-10 Advisory Council, The Centre for Rupert’s Land Studies at the University of Winnipeg

2003-present Advisory Board of Material History Review

2003-06 Member of the Aid to Scholarly Publications (ASP) Committee, on behalf of the Canadian Federation for the Humanities and Social Sciences.

1997-99 Treaty 8/Scrip Conference Steering Committee, Program Committee, Publicity Committee

1992-93 Steering Committee and Research Sub-committee, Frog Lake Historic Site
Project

1991 Erminie Wheeler-Voegelin Prize Committee for the American Society for Ethnohistory

1985-91 Fort Chipewyan-Fort Vermilion Bicentennial Conference Committee and Research Grant Committee

1987-98 Prairie Forum Editorial Board

1988-89 Alberta Museums Association Standards Committee

1985-89 Canadian Studies Committee

Societies

1986-90 President, Boreal Circle Society

1983 Board member, MacBride Museum Society

1980-82 President, Yukon Historical and Museums Association

• Ex-officio board member 1982-84, Vice-president 1979-80

• Honorary Life Membership awarded 1983

Miscellaneous

On-going:

• Guest lectures, colloquia, and workshops for University of Alberta staff and students.

• Responses to numerous requests for information and assistance from University staff and students, lawyers, and the general public.

Academic consultant:


For Wood Buffalo National Park: participated in Cultural Resource Management Workshops

For Teacher and Teacher Aid Conventions (Edmonton and Bonneville): presentations about stereotypes of “Indian-ness” and Canadian history.


**Professional Memberships**

American Anthropological Association  
American Ethnology Society  
American Society for Environmental History  
American Society for Ethnohistory  
Canadian Historical Association  
Council for Museum Anthropology  
International Association for Impact Assessment  
Rupert's Land Research Centre  
Yukon Historical and Museums Association