Allies or Subjects? Shifting Canada-Indigenous Political Relations from Treaty Six to the Electoral Franchise Act

by

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Abstract

This thesis considers the differences in the political relationship between Canada and Indigenous peoples as established in Treaty Six (1876) by Alexander Morris and that of the Indian Act (1876) as driven by David Laird and Electoral Franchise Act (1885) by John A. Macdonald. Through using historical and contemporary sources related to Treaty Six, and House of Commons debates related to the two Acts, this thesis argues that the relationship as established in Canadian policy and conceived of by Canadian politicians of Treaty Six was akin to a "nation-to-nation" relationship, and that the Indian Act and Electoral Franchise Act represent a turning away from this toward a less equitable relationship that placed Canada above Indigenous polities. This thesis also shows that within the Canadian political mainstream there was considerable dissent to this turning away from more equitable relationships, as shown by the continued opposition by politicians less well-known today such as William Paterson.

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Acknowledgments

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Introduction

In this year 2017, Canada is celebrating its 150th birthday. When we speak of a birthday for a country, we tend to be speaking metaphorically. To call the 150th anniversary of a country's existence a "birthday" humanizes what may seem otherwise remote and inaccessible: namely, politics and history. We want to make what is abstract concrete, and give it a human face, so that we may relate to it. Canada is a country, but Canada is also like a person, is like us. We are told that 150 years is young for a country, though it seems old for a person.

Canada can only be considered 150 years old from the perspective of the Canadian state. Ask someone in Italy what year their country was born, and they may give you this answer: 1861. However, they would be referring only to the formation of the contemporary Italian state; it would be foolish to think that the roots of the country– social, cultural, historical– went only that deep. In Canada, we are frequently this foolish. By "we", I mean "we settlers". Unlike Italy, the social, cultural, and historical roots of Canada are different than those which comprise its contemporary state. The Canadian state's roots are different from those which precede it on the territories it rests upon. As Asch illustrates (2014) its legitimacy to exist is granted only by those Indigenous societies which precede it on those territories, and in that respect Canada has often not lived up to its side of the relationship. As Dene leader and National Chief of the Assembly of First Nations noted Georges Erasmus about Canada's 125th birthday, there is not a "solitary thing we should be celebrating unless we do something different in the future" to make right the relationship with

Indigenous peoples (http://www.cbc.ca/archives/entry/georges-erasmus-nothing-to-celebrate).

The celebration of a birthday is typically a time for reflection over one's life. If Canada is so young as we hear it is, perhaps it has not had time for adequate reflection. I have heard the adage: regret is the convocation of adulthood. Canada's regrets are numerous: the turning away of Indian people aboard the *Komagata Maru* in 1914, the internment of Japanese citizens during the Second World War, the infamous "head tax" and associated discriminatory immigration policies toward Chinese people, to name only a very few.

Perhaps in having to confront these wrongdoings, having to face and to confront what it has tried to turn away, Canada may undergo a process of maturation. There is another adage, one so commonly told as to become cliché: those who do not know history are doomed to repeat it. Or, to put it another way, if you do not learn from the mistakes of the past, you will continue to make them. If Canada is like a person, then perhaps its history books are like part of its memory.

What may be the most common impression of Canada's history, to students and non-students alike, is that it is "boring". A close runner-up, and probably closely entangled with the notion of Canada being young, is that when it comes to history, Canada doesn't have any. Either of these two impressions is enough to rebuff only a slight interest in the past of this country. When taken together, they form an invisible but seemingly impenetrable force: Canada has no history, but if it does, it's not interesting enough to think about.

Of course, both of these impressions are false. If Canada is 150 years old, it must have a history; and for the descendants of any of those people affected by the aforementioned historical events, about which Canada is now beginning to feel regret, this history is not boring, but as vital to remember as it is painful. For everyone, it is as vital to remember these events as they are shameful and regrettable, and through remembering them, we are better equipped to not make these mistakes again.

If this year is Canada's 150th birthday, then it must have been born. The question of how Canada began is thus raised. This question is naturally integral to the possibility of its own history, its own present, and future. It is also, like Canadian history in general, not widely known or understood, or considered important. What position could have less reverence than that which says the story of the very beginning is unimportant, the story that made and makes all the other stories possible?

This too is undergoing a change. Whether or not the change amounts to anything substantial is as yet undecided-- it is up to us. Canada is, on the edge of its 150th year, interested now in its own beginning. Canada is attempting to, in some way, undergo a process of reconciliation with the peoples of this country who have come to be known collectively as Indigenous. Indigenous as opposed to settler; as opposed to those who have come after that beginning. In the story of Canada as it is typically told, settlers are the essential character, and anything before their arrival is relegated to “pre-history”. The term "Indigenous" refers to hundreds of different peoples, whose territories stretch between two oceans of a country so vast that you could live an entire life on one side and never have seen the other. The beginning of Canada is the beginning of a relationship with each of

these peoples, which is different for any given one of these Indigenous peoples. In truth it makes more sense to think of a series of reconciliations, a number equal to the number of Indigenous peoples in this country now known as Canada. If we call Canada a young country, we exclude the Indigenous peoples from that equation. If we call Canada a country as old as Indigenous people's polities, as old as 'time immemorial', we risk co-opting Indigenous peoples' histories as settlers' histories.

Reconciliation is usually defined as a return to previously amicable relations. In this case, it may not make sense to speak of reconciliation specifically in some of these relationships, as some may have not been amicable to begin with. In some cases, though hopefully few, it may be the case that the relationship began badly— with empty promises, or agreements that the Crown did not intend to fulfill, or in some cases, even open hostility and violence. In other cases, hopefully the majority, the relationship may have begun in an honourable way, which we can keep in mind as we attempt to improve things in the present. This thesis explores Treaty Six as a possible amicable beginning of relations, and then considers how the relationship was dishonoured in the years after that treaty's negotiation. This thesis asserts that one path of reconciliation can be achieved through honouring treaty relationships.

Treaty Days

I don't know exactly where to pinpoint the beginning of my own interest in Canada-Indigenous relations. I grew up near the town of Duncan, BC. Half of that town is a reserve. I

recall learning this when I was about 8 years old, and asking one of my parents whether the Cowichan people were allowed to leave the reserve if they wanted. The response was yes, they could if they wanted. I didn't find out until my twenties about a policy that took place throughout much of Canada, beginning in the late 1800s and continuing until some time in the early twentieth century, that was at the time illegal even under colonial law and disallowed Indigenous people from leaving their reserves without special permission, effectively making them into prisoners though they had committed no crime. This is called generally the "pass system", a simple and innocuous name that obscures the deeply wrong and shameful practice. (Miller 1990:389) Although the pass system in particular did not apply to BC, people were denied the freedom to leave their reserves by Indian agents who misinterpreted legislation such as the Vagrancy Act beyond how it was supposed to function (Smith 2009).

Also in my mid-twenties, I was fortunate enough to be employed by a small consulting firm in Victoria BC that worked for a number of First Nations in western Canada. One of these was Fort McKay First Nation, who invited me and my colleagues to attend an event on their main reserve, about an hour's drive north of Fort McMurray, Alberta, called Treaty Days. I had never heard of such an event before. Canada had no treaty with the Cowichan people, on whose land I grew up.

I soon found out that for Fort McKay, Treaty Days was one of the biggest events of the year. Whole families would take time off work to be together for a few days in the summer, and Fort McKay's government treated their own people and their guests alike to a huge celebration with, food, live music, and even a parade. The chief made a speech about the

importance of their treaty— Treaty Eight. There were also a few members of the RCMP there, themselves in full regalia, to perform as official representatives of the Crown. Some of these RCMP had set up a table to give out treaty annuity money. The annuity amount had remained unchanged since Treaty Eight was signed in 1899: it was five dollars. Yet there was a huge line of people from Fort McKay to receive their single $5 bill each. Fort McKay was, at the time, one of the wealthiest First Nations in the whole of Canada, and though not each individual member had equally been the beneficiary of this wealth, for the vast majority of the people in that line, five dollars was not a lot of money. But for them, it was not simply five dollars; it had a symbolic value that could never be reduced to a mere monetary transaction.

The whole experience of Treaty Days was a joy and a surprise to me. I had a very dim and dusty idea of what treaties were. I had a very typical settler notion of what treaties were: I assumed for all my life that treaties were essentially nothing other than 'land grabs', and that any promises Canada made within them it didn't possibly intend to fulfil. I had assumed that treaties were, in a word, dishonourable. When I saw how Fort McKay celebrated their treaty, how they honoured it, I realized I must have had a lot to learn.

Treaties as a Beginning

I wish that my lack of understanding had been only my own. However, I believe my understanding, better termed a lack of understanding, of treaties was and is typical for a settler in Canada. I hope that one day it will this will no longer be the case. If we are to take

reconciliation seriously, understanding of treaties is vitally important, as treaties between the Crown and Indigenous peoples form the basis on which Canada may justifiably exist. If we do not honour them, we risk losing a just claim for Canada's continued existence.

This thesis considers how Canadian politicians at the beginning of some of the relationships between Canada and Indigenous peoples conceived of those relationships. It traces fundamental changes in the ways that these relationships were conceived from the 1876 negotiations of Treaty Six to two debates in the House of Commons: one for the 1876 Indian Act and one for the 1885 Franchise Act.

Treaty Six, negotiated between several Cree peoples and the Crown in 1876, is the subject of the first chapter of this thesis. This treaty is remarkable in Crown understandings of treaty relations because it represents the culmination of understanding of treaty-making of Crown treaty negotiator Alexander Morris. Morris had re-negotiated on behalf of the Crown treaties One and Two, and negotiated treaties Three through Six. He published a book on the treaties (Morris 1880) in which he made clear his intentions for these treaties: that before any settlers could go to live on lands which were new to them, honourable treaties with the Indigenous peoples there had to be made; and that these treaties had to be made not simply for this purpose, but also had to be genuinely beneficial for the Indigenous peoples as well. The preface of his book is dedicated to these two points. Chapter one of this thesis shows that, at least in the case of Treaty Six, the relationship between the Indigenous peoples and the Crown began honourably. Any later changes to this relationship, or lack of honour shown by the Crown toward the treaty and the relationship with Indigenous peoples that it represents, should be judged in this light. The remainder of

this thesis is concerned with tracing the downfall of this relationship through successive House of Commons debates. This occurred through the Crown not living up to the terms of this treaty, and in doing so, not living up to the kind of relationship its own representative intended the treaty to represent.

The second chapter of this thesis focuses on debate in the House of Commons over the 1876 Indian Act. These debates show that there was considerable dissent from Canadian politicians over the Indian Act. The Indian Act has had a terrible and destructive legacy upon Indigenous peoples. However, in the debate over the Act, nearly all of the voices for and against the Act justified their position on the grounds that their own policy would show Indigenous peoples the most kindness. This chapter also shows that, amongst mainstream Canadian politicians sitting in the House of Commons in 1876, there was the expressed collective intention of having policy that was to benefit Indigenous peoples. However, unlike the negotiation of Treaty Six, no Indigenous leaders were invited to negotiate this policy. The collective intention that policy should benefit Indigenous peoples was to change fundamentally by the proposal of the 1885 Electoral Franchise Act. However, even with treaty negotiations, agency of both parties was limited. Treaty represented one of a number of paths possible. The shift away from treaty, and toward the imposed legislation of the Indian Act and Electoral Franchise Act, was a shift that prioritized a nation-to-subject relationship over a nation-to-nation relationship.

The third and final chapter of this thesis examines the House of Commons debate around the 1885 Franchise Act. This debate took place at a pivotal and most shameful moment in Canadian history, and shows the change that took place from politicians justifying their

own position on the grounds they showed the most kindness to Indigenous peoples, to taking the view that Indigenous peoples were not friends of Canada to be treated kindly, but enemies. The debate itself took place at the same time that news was of the uprisings at Frog Lake was arriving in the House of Commons.

This thesis leans heavily upon written (primary) historical sources: namely, for the first chapter, two transcriptions of the negotiations of Treaty Six, and for the remaining two chapters, the transcriptions of House of Commons debates. My intent is to use these sources to give more dimension and depth to a critical period in history, when Canada and Indigenous peoples were first determining how to build a political relationship with each other. I believe that in these sources, I have found a great deal of evidence that this period in history was not simple or uncomplicated: there were a great many voices with differing positions regarding what exactly this relationship was to look like. Some of these positions won out, and we today live in a world that has come to be dominated in many ways by these positions. However, to read and understand this history shows that the way things turned out was in no way natural or inevitable. Canada turned its back on its treaty commitments to Indigenous peoples, and on the treaty relationships from which these came. However, this was not the position of all Canadian politicians at the time, and things could very well have turned out differently.

This discussion will highlight the ways in which we in the present may be able to re-think this relationship so that Canada may once again honour its treaty commitments, and treaty relationships, with Indigenous peoples. As Canada turns 150, let us turn our attention seriously to how it began. Its – and our – right to be here depends on it.

A Test of Ideas

This thesis is a test of ideas that came to me through Michael Asch, many of which are expressed in his book *On Being Here to Stay* (2014). These ideas are summarised as follows:

In the 1870s, there were at least two competing conceptions in mainstream Canadian politics as to what kind of relationship Canada ought to have with Indigenous peoples. This plurality of positions has been often overlooked by settler historians, who have generally considered colonial politicians to be uniform in their position on this relationship. The one position most often presumed was that policy was to disregard the interests of Indigenous peoples in order to dispossess them of their lands. This is an assumption that may not be true. Asch's work in *On Being Here to Stay* contends that some who occupied the highest political positions in the newly-founded country of Canada held dissenting views, and that these views were not only personal, but actually were integral in forming the policy they expressed through their official duties. Alexander Morris was one such example. In contrast to some other Canadian politicians of the 1870s, Morris believed that treaties had to be freely agreed to by Indigenous peoples, who also could negotiate clauses within them, and that the Crown had to use treaties not only as a way to allow settlement on Indigenous lands but also that they had to be of real benefit to Indigenous peoples. This thesis is in part a test of this hypothesis. In the first chapter, I will consider whether the Treaty Six negotiations, and particularly those around the Famine Clause, are in keeping with the understanding of Alexander Morris' position as expressed above. The second and third

chapters will continue to test this hypothesis through looking at other settler politician expressions of the relationship between the Crown and Indigenous peoples, particularly the process of enfranchisement. These chapters will examine the concept and process of enfranchisement as expressed by the politicians taking part in debates regarding two acts in the House of Commons: those of the 1876 Indian Act and the 1885 Franchise Act. I have examined the statements made by politicians within these debates for any resemblance to the position held by Morris. I have found that there was considerable dissent expressed in these debates, and that some politicians appear to have beliefs, like Morris, that are in support of Indigenous political rights.

In this book, Asch considers how treaties between the Crown and Indigenous peoples can provide a foundation for settlers to justifiably be "here to stay" in what is now Canada (Asch 2014). The treaties to which Asch looks for this are those negotiated on behalf of the Crown by Alexander Morris. In order to understand the meaning of those treaties, and of the kind of relationship they are an enactment of, Asch looks to Claude Lévi-Strauss' writings on kinship, which allows for such a cross-cultural understanding. Asch considers that the kind of relationship enacted by these treaties is akin to that of marriage, which provides a way for two families to live together on a single territory, while still allowing each family autonomy within the relationship. In conceiving of treaties in this way, Asch is reasoning in a way fundamentally different to the dominant contemporary conception of treaty amongst settlers, which considers treaties to be little more than land grabs.

This thesis is a test of certain ideas and ways of thinking- namely, that Morris and the Indigenous leaders with whom he negotiated treaties did understand each other, and in

light of this, there may have been others within the Canadian establishment who held similar views. In this way, the late nineteenth century was a time within which there may have been a much greater variance of position regarding the relationship between Indigenous people and Canada than is commonly thought. I have found this through looking closely at the Treaty Six negotiations, particularly around the Famine Clause, as well as debates in the House of Commons regarding legislation directed toward Indigenous peoples, with the hypothesis that these would show the fundamental change in attitude that settlers held toward Indigenous peoples. Asch provided me a path and showed me a way to walk it. I hope that I narrate this part of the journey well, with proper recognition of those who began walking it before me, and hope for those who may come after.

A Word About "We"

I have used, throughout this thesis, the words "I" and "we". The meaning of the former should be obvious; however, the use of the first-person singular is uncommon in many forms of academic writing, so it bears mentioning that this was an intentional decision which emphasizes my voice in and relationship to this project.

The use of the word "we" in this thesis is a bit more complicated. I am a settler here in Canada, and for this reason, in this thesis, I am speaking as a settler. Generally, when I have written "we", it is "we settlers" to whom I am referring. This is a political category, but also an identity, which will be lived out differently by different people. If there is a certain amount of ambiguity about my use of the word "we", I do not believe that this is a problem, for the reader, or "you" (hello), may feel somewhat ambiguous about how you fit into this

category. As Asch reminds me, leaning into this ambiguity and getting to know it may prove to be a productive exercise.

Chapter One: Treaty Six

Contemporary Métis scholar Adam Gaudry summarizes typical settler-government and Indigenous views regarding the numbered treaties, and highlights the importance of settlers developing a fuller understanding the treaties:

> While the Numbered Treaties are still viewed as cession documents by the federal and provincial governments, Indigenous intellectuals take a different (and nearly unanimous) view that these agreements established an enduring relationship that recognizes Indigenous rights and title, rather than extinguishing them. As Canadians are beginning to think more critically of these agreements, **developing a better framework from which to approach Indigenous-Canada and Indigenous-Crown relations is paramount**. (Gaudry 2017; emphasis added)

This thesis, and particularly this chapter, attempts to begin to understand Treaty Six more fully, and in doing so, move toward developing such a framework.

This chapter will summarize the recent changes that have taken place in academic and popular writings regarding historic Treaties between Canada and Indigenous peoples. In light of this, I will then consider Treaty Six as a 'case study' of such a Treaty, with particular attention paid to the negotiation of the Famine Clause.

The typical settler understanding of treaties between Canada and Indigenous peoples is that they were "land grabs". In other words, their primary function was to allow settlers to settle on what is now known as Canada. In order to do this, the story goes, the Crown's representatives — chiefly Alexander Morris in the case of Treaty Six— said whatever was

needed to get Indigenous people to agree to giving away all of their land. Settlers may feel shameful about this, but there is nothing they can do. This understanding of Treaty has been commonplace amongst settler historians: Talbot refers to this as the story that the treaties were "tragedies of history" (Talbot 2009:10), because they were forced upon Indigenous peoples, not negotiated in any real or honourable sense.

However common and ingrained this particular view, so prevalent amongst settlers, is today, it was not the view of Alexander Morris himself. Milloy considers that Morris' saw treaties as securing "a firm grip over the area [of the treaty] in the worrisome light of American pretensions and the post-buffalo days of economic and social crisis that faced the powerful Plains tribes" (Milloy 1983:56). Talbot considered that the treaties fit into Canada's overarching goals of Canada's Indian policy, characterized as "protection, civilization, and assimilation" (Talbot 2011:127). Morris wrote a book detailing the treaties he had helped to negotiate. The full title of the book was *The Treaties of Canada with the Indians of Manitoba and The North-West Territories, Including the Negotiations on Which they are based and other Information Relating Thereto.* As this title indicates, his book details not only the written part of the treaty, but the negotiations as well, transcriptions of which are included in the book. Morris presented the reasoning behind his book thusly:

> It is the design of the present work to tell the story of these treaties, to **preserve, as far as practicable, a record of the negotiations on which they were based**, and to present to the many in the Dominion and elsewhere, who take a deep interest in these sons of the forest and the plain, a view of their habits of thought and speech, as thereby presented, and **to suggest the possibility, nay the certainty, of a hopeful future with them**. (Morris 1880:11; emphasis added)

A "hopeful future" was tragically not a certainty when Morris wrote these words. At the time the treaties were being negotiated, the bison, which had been an important food of the Cree, Nakota (Assiniboine, Stoney) and other peoples of the plains, was all but running out. Indigenous leaders recognized this and naturally sought a way to protect their communities from the threat of famine.

But this was not the only reason the Indigenous signatories to Treaty Six had sought treaty. They were also well-aware of the encroachments of settlers into their lands and had desired to discuss this with the crown. Treaty was, for both the Indigenous representatives as well as representatives of the crown, the only way in which to legitimate the presence of settlers on Indigenous lands.

This view of treaty was not held by all politicians within the government of Canada. Both Alexander Morris and the Earl of Dufferin, did, however, hold this position. Morris thought highly enough of Lord Dufferin to dedicate his 1880 book to him, on behalf of "the earnest interest, your Lordship had evinced, in the work of obtaining the alliance and promoting the welfare of the Indian tribes in the North-West of Canada" (Morris 1880:i). Morris describes his desire for the treaties in the preface to his 1880 book:

> The question of the relations of the Dominion of Canada to the Indians of the North-West, is one of great practical importance. The work, of obtaining their good will, by entering into treaties of alliance with them, has now been completed in all the region from Lake Superior to the foot of the Rocky Mountains. As an aid to the other and **equally important duty—that of carrying out, in their integrity, the obligations of these treaties**, and devising means whereby the Indian population of the Fertile Belt can be rescued from the hard fate which otherwise awaits them, owing to the **speedy destruction of the buffalo, hitherto the principal food supply of the Plain**

> **Indians**, and that they may be induced to become, by the adoption of agricultural and pastoral pursuits, a self supporting community— I have prepared this collection of the treaties made with them, and of information, relating to the negotiations, on which these treaties were based, in the hope that I may thereby contribute to the completion of a work, in which I had considerable part, that, of, by treaties, securing the good will of the Indian tribes, and by the helpful hand of the Dominion, opening up to them, a future of promise, based upon the foundations of instruction and the many other advantages of civilized life. (Morris 1880:n.p.; emphasis added)

This preface also begins to describe some of the circumstances surrounding the negotiation of the treaties. Morris had, during his role as treaty negotiator for the crown, held the title of Lieutenant Governor of Manitoba and the North-West Territories. Through his negotiation of previous treaties, he had established to his colleagues and superiors that he was the right choice to negotiate Treaty Six, and allowed him significant authority" (Talbot 2009:66) in regard to how he could conduct his part of the negotiations for this treaty. At the same time, Morris knew that he would have to justify and potentially defend any agreements he made during the treaty negotiations when he was back in Ottawa.

Government policy in B.C. evinced an opposing view of the importance of treaty. In B.C., relatively few treaties had been negotiated. B.C.'s governor James Douglas had made several treaties, now known usually as the "Douglas Treaties", with Indigenous peoples near Victoria beginning in the 1850s, but any policy of treaty-making in B.C. ended with his retirement in 1854, a full ten years before his retirement (Madill:1981).

This change did not go unnoticed by Lord Dufferin. Two speeches he made, in 1874 and 1876, reveal his thoughts on the matter[1]. In 1874, Lord Dufferin boasts to a crowd about the good record that the crown had in its relations to Indigenous peoples:

> the Indian in his forest, or on his reserve, would marshal forth his picturesque symbols of fidelity in grateful recognition of a Government that never broke a treaty or falsified its plighted word to the red man—(great applause)—or failed to evince for the ancient children of the soil a wise and conscientious attitude (Milton 1882: 61)

Although his assertion that the government never broke a treaty is called into question by, for instance, the need for re-negotiation of Treaties One and Two, it is clear from his words that to have broken a treaty or made a treaty by false promises would have been a great dishonour.

A speech made in 1876 further clarifies his views on treaties and the relationship of Canada to Indigenous peoples, and particularly his disapproval of the lack of importance given to treaties in B.C. since James Douglas' retirement:

> From my first arrival in Canada I have been very much preoccupied with the condition of the Indian population in this Province [BC]. You must remember that the Indian population are not represented in Parliament, and, consequently, that the Governor-General is bound to watch over their welfare with especial solicitude. Now, we must all admit that the condition of the Indian question in British Columbia is not satisfactory. Most unfortunately, as I think, there has been an initial error ever since Sir James Douglass (sic) quitted office, in the Government of British Columbia neglecting to recognize what is known as [t]he Indian title. In Canada this has always been done: no Government, whether Provincial or Central, has failed to acknowledge that the original title to the land existed in the Indian tribes and communities that hunted or wandered over

1Thanks to Michael Asch for bringing these speeches to my attention.

> them. Before we touch an acre we make a treaty with the chiefs representing the bands we are dealing with, and having agreed upon and paid the stipulated price, oftentimes arrived at after a great deal of haggling and difficulty, we enter into possession, but not until then do we consider that we are entitled to deal with an acre. The result has been that in Canada our Indians are contented, well affected to the white man, and amendable to the laws and Government. At this very moment the Lieut.-Governor of Manitoba has gone on a distant expedition in order to make a treaty with the tribes to the northward of the Saskatchewan [river]. (Milton 1882:85)

Lord Dufferin here outlines several important government policies: the special relationship of the crown, through the Governor-General, to Indigenous peoples, the longstanding policy of the crown to acknowledge the pre-existence of Indigenous title, and the negotiation of treaties as the way that any settlement on Indigenous lands may be allowed. His admonishment that B.C. has been wrong to touch "one acre" of land without permission from Indigenous peoples may be better understood as a figure of speech in the sense that an acre, in 1876 may have stood in to mean a 'very small amount' of land; whereas in 2017, when an acre to many (especially city-dwelling) people sounds like a great deal of land, a contemporary Lord Dufferin may have said 'we need a treaty before we touch one square inch'. Lord Dufferin's reference to the present "distant expedition" of the Lieutenant Governor of Manitoba "to make a treaty with the tribes to the northward of the Saskatchewan" referred to Alexander Morris' contemporaneous journey to negotiate Treaty Six.

Morris notes that the government had known the Cree, whose territory includes what is now covered under Treaty Six, had wanted to discuss a treaty as early as 1871. Morris

related in his book the contents of an 1871 letter from the Indian Commissioner to the Secretary of State:

> I desire also to call the attention of His Excellency to the state of affairs in the Indian country on the Saskatchewan. The intelligence that Her Majesty is treating with the Chippewa Indians has already reached the ears of the Cree and Blackfeet tribes. In the neighbourhood of Fort Edmonton, on the Saskatchewan, there is a rapidly increasing population of miners and other white people, and it is the opinion of Mr. W. J. Christie, the officer in charge of the Saskatchewan District, that a treaty with the Indians of that country, or at least an assurance during the coming year that a treaty will shortly be made, is essential to the peace, if not the actual retention, of the country. (Morris 1880:168)

Treaties were a way to both legitimate the presence of settlers on Indigenous lands, as well as safeguard Indigenous communities from the threat of starvation in the 1870s. The Indigenous peoples of the plains—and for that matter, all across what's now known as North America—maintained a long tradition of treaty-making in order to facilitate good relationships between multiple peoples (Stark 2010).

Given this, it is not surprising to note that the typical settler understanding of treaties—as "land grabs"—is not how the treaties are remembered by many Indigenous scholars. Cree political leader and author Harold Cardinal noted that "[t]he treaties were the way in which the white people legitimized in the eyes of the world their presence in our country. It was an attempt to settle the terms of occupancy on a just basis…" (Cardinal 1969:29).[2]

2Cardinal was writing in response to the Pierre Trudeau government's infamous 'white paper' which proposed that Canada would no longer recognize Indigenous peoples. He referred here to the treaties to underline the importance of the treaties in establishing a political relationship in which the Crown recognized Indigenous polities.

This understanding is in line with how Morris saw the treaties. Only very recently has his understanding of Treaty has been taken up again by settler scholars, such as Asch (2014) and Talbot (2009). Cardinal notes that the problem was not in the making of the treaties, but in the breaking of them. He wrote that the process by which this originated was the passing of the Indian Act:

> The *Indian Act* was passed with the intention of implementing the terms of the treaties and of establishing the status of Indians. It was made from the main body of law from which the legal rights of Indians flow. This was one of the first major steps taken by the government of Canada to weaken the treaties signed with our people, for now it is from the *Indian Act* that the legal position of the Indian primarily stems, rather from the treaties themselves. (Cardinal 1969:43-44)

Additionally, Anishinaabe legal scholar John Borrows writes that treaties between Indigenous peoples and Canada give the potential for Canada to be founded on "principles of cooperation and consent" as opposed to "questionable ideas of discovery, occupation, adverse possession and conquest" (Borrows 2006:188). Borrows also makes the case that this potential is possible if we are to consider the treaties as law– which could displace the position the Indian Act holds as defining the legal position of Indigenous peoples.

Treaty Historiography

Many historians have argued that treaty negotiations were not grounded in mutually understood terms; the parties held disparate conceptions of the meaning and significance of the treaties and the long-term relationship (Talbot 2009:10).

Talbot, in his recent biography of crown Treaty Commissioner Alexander Morris (2009), describes three tendencies within treaty historiography, each corresponding roughly to a different time. The earliest of these considered treaties to be “tragedies of history" (Talbot 2009:10) -- land surrenders orchestrated by the crown with little or no Indigenous understanding or agency in the situation. This had changed by the mid-1980s, which saw a number of works that did consider Indigenous peoples as having agency within the treaty-making process, and awareness of the meaning of the treaties, however these works accepted without evidence that none of the representatives of the crown had any idea of the significance or meaning of the treaties. This view, however, assumes that there was no difference between crown officials in terms of their understanding and motivations: as Talbot notes, it "tends to reduce government officials to the category of 'classic imperialist'" (2009:11).

Talbot considers that in the past 20 years, there has been a new way of understanding treaty that has emerged. This new approach considers that both the Indigenous and crown representatives may have understood the meaning and importance of the historical treaties. Talbot's own book falls into this category. Talbot attempts to establish, through a detailed consideration of Alexander Morris' writings and associated sources, that, although he was an imperialist, he also had a view of treaty very much in line with what the Indigenous negotiators held. Taking the long view of history, recent settler academics' understanding of the treaties in fact comes full circle to the way in which Morris appears to have understood them.

The matter of whether Indigenous peoples and the representatives of the crown understood each other when it came to the historical treaties is not merely something of idle curiosity or mere historical intrigue. It is vitally important for its ability to inform the relationship between Canada and Indigenous peoples today. If the beginning of the relationship was, as those earlier historians had believed it to be, one wherein neither party understood each other, but the crown "succeeded" in swindling Indigenous peoples, who themselves had little or no agency in the situation, and all crown representatives were uniform in their lack of understanding or care, this is indeed then a very grim picture.

It would mean that the beginning of this relationship was, certainly in the eyes of us now in the present, a dismal failure. This would set the bar very low for what kind of positive relationship we could have in the present or future. Against this backdrop of such a catastrophe, or "tragedy of history", anything better would have to be a kind of a success. This would allow today's politicians to easily "succeed" in their promises for a better relationship, as the relationship they consider as the starting point was so very bad to begin with. The idea that the relationship started off as a tragedy is represented in every politician's call for a "new relationship" with Indigenous peoples: it assumes there is nothing in the old or existing relationship worth salvaging.

Given how Canada has treated Indigenous peoples, it is not an unreasonable assumption to make that the relationship was intended to be this way. Canada's policies—from residential schools, to the "pass system" that held people prisoner on their reserves, to contemporary lack of adequate funding for education, health, and even the most basic necessities such as clean water and safe housing—have historically, and continue today, to discriminate

against Indigenous people. Given this current and historical relationship, it seems only likely that that was what all representatives of the crown had intended.

If it were in fact the case that the relationship started off so badly, that would be one thing. Even if we now wish that things could have started off better, we would have no other option but to accept the truth of this history, even if we didn't like it. However, we settlers today owe it to our Indigenous partners to consider this history seriously, especially in light of Indigenous calls to honour the treaties.

In order to understand how the treaties may be honoured, there must first be an understanding of what they meant to the parties involved in their creation. Within both sides of the treaty negotiations, there were multiple streams of thought about what kind of relationship there should be between Indigenous peoples and the Crown. The way that Morris framed his understanding of treaties is in line with that expressed by some Indigenous political leaders, such as those held by Wihkasko-kiseyin (McLeod 1999:79). The historian Robert Talbot describes Alexander Morris as having enough of an understanding of Indigenous views of treaty in order to enter into such an agreement in an honourable and knowledgeable way (Talbot 2009). Cardinal describes how the concept of treaty integrates with a Cree system of beliefs and institutions:

> When we talk about treaty, for example, from a Cree perspective, we are talking about a fundamental Cree doctrine of law called Wa-koo-towin, the laws governing relationships. These laws establish the principles that govern the conduct and behaviour of individuals within their family environment, within their communities, and with others outside their communities. **Wa-koo-towin provided the framework within which the treaty relationships with the Europeans were to function**. It is one of the most comprehensive

> doctrines of law among the Cree people and contains a whole myriad of subsets of laws defining the individual and collective relationships of Cree people. **We have to be able to understand where the doctrine of Wa-koo-towin comes from and what role it played in the treaty-making exercise**. Because when our Elders lifted the pipe, when our Elders used the sweet grass, when our Elders used the ceremonies to go into a treaty-making session, they weren't putting on an anthropological show to impress Europeans newly arriving into their territory. They were doing that for a very specific reason. **That was their way of moving, their way of giving life, their way of giving physical expression to the doctrine of Wa-koo-towin, the kind of relationship that they were under an obligation to extend to and enter into with other peoples** (Cardinal 2011:74-75; emphasis added)

During the Treaty Six negotiations, Morris took part in the pipe ceremony that the Cree leaders there initiated. Morris later wrote that he was pleased that this ceremony had taken place (Morris 1880:96), as it may have not during the earlier Treaty Four negotiations (Taylor 1985:20)

Talbot argues that Morris understood a significant amount about what treaty meant to the Indigenous peoples he negotiated treaty with (2009). There are a number of sources that can be used to ascertain what the treaty negotiator Alexander Morris thought about the meaning and significance of the treaties he helped to establish. In total, Morris negotiated treaties 3, 4, 5, and 6, and re-negotiated treaties 1 and 2 on behalf of the crown.

Morris makes clear his position regarding treaty in the preface to the book he published on the treaty negotiations (Morris 1880), in which he states that the reason for the treaties is twofold. The treaties were made as an answer to "the question of the relations of the Dominion of Canada to the Indians of the North-West", and for the purpose of "obtaining their good will" as well as another "equally important duty—that of carrying out, in their

integrity, the obligations of these treaties" and finding a way for them to adopt agriculture so as to not starve as a result of the loss of the bison (Morris 1880:np). Although Morris was not alone in publishing such a book—for instance, David Laird published a book entitled “Our Indian Treaties” in 1905—Morris’ book does give an insight into how he conceptualized treaties and their importance, as well as how he thought this ought to be presented to the wider Canadian public.

Although Morris had good intentions for Treaty Six, not all Indigenous leaders were keen to sign on. One Cree leader, Mistahi Maskwa (Big Bear) was skeptical of the terms of Treaty Six (McLeod 1999:76). He instead attempted for several years after other Indigenous leaders signed the treaty in 1876 to renegotiate a better treaty, though eventually in 1882 he signed on to Treaty Six after much of his followers had deserted due to starvation (McLeod 1999:83). At this same time, there was a movement amongst a number of Cree leaders to establish a homeland in the Cypress Hills. Edgar Dewdney, who had been appointed to the newly-created role of Indian commissioner in 1879 by John A. Macdonald, withheld food rations from the bands taking part in this movement (McLeod 1999:83).

Cree legal scholar Sharon Venne describes three things requested by the crown treaty commissioner: “use of the land to the depth of the plow for the Queen’s subjects to farm, trees to construct houses, and grass for the animals brought by the settlers” (Venne 1998:193) and contrasts this to the “surrender clause” in the written treaty, which has been taken by successive governments of Canada to mean that Canada may now act unilaterally with the lands described in Treaty Six.[3] This raises the question of whether

3Although court cases and the 1982 Constitution Act have meant that Canada must consult with First Nations to some degree on matters regarding Indigenous territories.

Morris had intended to deceive the Indigenous negotiators of Treaty Six, through making requests in the oral negotiation of Treaty Six that were far narrower in scope to what was included in the written version. My own reading of the situation is that Morris appears to have been genuinely interested in Treaty Six being beneficial for the Indigenous peoples who agreed to it, that does not mean that he was in any way perfect, free of fault, or an ideal model for contemporary settlers seeking to better the relationship of Canada and Indigenous peoples. Morris was acting within a particular mandate, within which he, in my reading of the sources, attempted to act honourably. By the standards of many of his contemporaries, who cared less about whether Indigenous peoples were to benefit from a treaty with them, he acted honourably. However, the difference that Venne notes between the written and oral versions of the treaty complicate this story. Morris, to his credit, did much more to build a good relationship with Indigenous peoples than was required to him by his position and contemporaries.

Circumstances leading up to Treaty Six

The circumstances leading up to Treaty Six set the stage for the treaty to be negotiated in a spirit of good faith between the crown and the Indigenous signatories. The treaty was not forced upon Indigenous peoples, and nor were they powerless in the context of the negotiations, or coerced into signing treaty by false promises that the crown's representative did not intend to deliver. Both the Indigenous signatories and the government of Canada had interest in negotiating Treaty Six. Not every Canadian politician, however, had a good understanding of the importance of treaties and the protocol surrounding them. One example where this was shown was in the original negotiations and

failure by the crown to implement promises of Treaties 1 and 2. The original crown negotiator for those treaties had made promises during the negotiations that had not been put into the written versions of the treaties, and Ottawa officials had been reluctant to honour these promises for this reason (Talbot 2009:121). The Royal Proclamation of 1763 had, however, established more than a hundred years prior that treaties were to be the proper way to achieve political relationships with the Indigenous peoples of the Americas. The newly formed Dominion of Canada in 1867 had inherited this tradition from the British. The Royal Proclamation states: "the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, **not having been ceded to or purchased by Us**, are reserved to them, or any of them, as their Hunting Grounds" (Royal Proclamation of 1763, emphasis added).

The Royal Proclamation, however, was not passed unilaterally by the Crown. Legal scholar John Borrows has shown that the Royal Proclamation was one part of a treaty which had been actively negotiated by Indigenous peoples (Borrows 1997). The other half of the treaty was ratified in 1764 and is known as the Treaty of Niagara. (Borrows 1997:169) Just as Treaty Six was negotiated jointly, so was the Royal Proclamation / Treaty of Niagara which came before.

In 1867, at the Dominion Parliament's first session, several politicians had called for the acquisition of Rupert's Land, which was then claimed by the Hudson's Bay Company (Aboriginal Affairs and Northern Development Canada 2013). Only a year later, the Rupert's Land Act was enacted, which transferred all control over this territory from the

Hudson's Bay Company to Canada — a territory that included land which was to be discussed in Treaty Six. The Indigenous peoples of that land "heard that their country had been ‘sold’ to Canada by the Hudson’s Bay Company and they were puzzled and disturbed by the potential implications of this action” (Taylor 1985). A year earlier, in 1875, a geological survey party, as well as a telegraph construction crew had already intruded into the area (Taylor 1985).

The scarcity of the bison was another reason Indigenous leaders wished to meet with representatives of the crown. Historian Sarah Carter notes that the bison were "the foundation of the Plains economy, providing people with not only a crucial source of protein and vitamins, but many other necessities, including shelter, clothing, bedding, containers, tools and fuel. To rely on one staple resource alone, however, was risky in the plains environment, as there were periodic shortages" (Carter 1999: 25). This, as well as other factors such as smallpox, had led to the beginnings of famine already in the 1870s (Carter 1999).

One letter sent to Alexander Morris, who would later be crown negotiator for Treaty Six, “made the point that the pressure was on the buffalo with the number of hunters increasing every year. He pointed out that the big danger was Indian starvation” (PAC, MG27 ID10, Laird Papers, Charlie N. Bell to Morris, March 23, 1874 as cited in Taylor 1985). Bison had been dwindling in the region since at least 1858, when the Crees had reported to one geology expedition that bison were "very scarce" (Hornaday 1887). The expedition saw only a single bison from Winnipeg to the head of the Qu'Appelle river, where finally a herd was encountered (Hornaday 1887).

Alexander Morris was a Canadian politician and lawyer who articled under John A. Macdonald, and later served in his cabinet, as well as being the second Lieutenant Governor of Manitoba and first Lieutenant Governor of the District of Keewatin (Talbot 2009). He was also to re-negotiate treaties 1 and 2, and negotiate treaties 3, 4, 5, and 6 (Talbot 2009). Alexander Morris had a great personal stake in the negotiation of the treaties. Although in one sense this was self-serving, as Morris had profited greatly through the land speculation that treaties in the past had allowed, he also genuinely desired that treaty was to fairly serve Indigenous interests; there is ample evidence to show that Alexander Morris wanted the treaty to serve the interests of the Indigenous signatories, and not only settlers and the crown (Talbot 2009). One of Morris' last actions as Lieutenant Governor of Manitoba was to publish his *The Treaties of Canada with the Indians of Manitoba and the North-West*, which led to his criticism by then Minister of the interior, David Mills that the new treaty terms were "too onerous" (Christenson 2000: 304). Morris sent Mills a 16-page letter in reply, describing in detail the circumstances in which the treaty was signed, and explaining his reasons for including the terms as they were (Christenson 2000: 304).

As well as the larger context of treaty prior to 1876 that informed settler and Indigenous perspectives, it also bears acknowledging the military situation within which Treaty Six was negotiated and signed. The Indigenous peoples who were to sign Treaty Six could have used their might to start a war when intruders started coming to their land if they wanted to. W.J. Christie, who worked for the Hudson's Bay Company, reported in a letter to Morris that a number of Indigenous leaders had approached him to let him know that there had to be a treaty signed with Canada if they were to continue to allow settlers into their territories.

Mr. Christie, the Chief Factor of the Hudson's Bay Company, who was later to be a Treaty Commissioner himself, was visited on April 13, 1871 by a group of Cree Chiefs, who had heard their land had been sold. He wrote that "the object of their visit was to ascertain whether their lands had been sold or not, and what was the intention of the Canadian Government in relation to them. They referred to the epidemic that had raged throughout the past summer, and the subsequent starvation, the poverty of their country, the visible diminution of the buffalo, their sole support" (Morris 1880: 169). Christie answered the "Canadian Government had as yet made no application for their lands or hunting grounds and when anything was required of them, most likely Commissioners would be sent beforehand to treat with them" (Morris 1880: 169).

Christie assured them that a representative of the crown would meet with them in the coming year. He wrote to Morris that he had "no doubt" that had he not "complied with the demands of the Indians", they would have turned to violence, which would have become "the beginning of an Indian war, which it is difficult to say when it would have ended" (Morris 1880: 170). Canada had no military ability to repel these attacks, which would leave the settlers there "against such fearful odds that will leave no hope for their side" (Morris 1880: 170). Additionally, when the bison were to run out and cause further famine, Christie believed that the Indigenous peoples who relied on them would have no other choice but to turn to the storehouses of the Hudson's Bay Forts and settlements to sustain themselves.

Although the Indigenous peoples knew that the bison were running out, they had the power to pose a significant military threat to the settlements in their territory. Each side, therefore, could only continue to exist if they chose to exist together in peace and

friendship. It was in this environment of mutual need that the negotiations for Treaty Six took place. Both sides were aware of the rapid changes that would come as a result of this.

Canadian politicians in the 1870s had a variety of opinions on what treaty was to mean. Some, such believed treaty to be important only for allowing settlement of the land. However, there is ample evidence that suggests Morris having a more nuanced view of treaty (Talbot 2009). Since the early days of his political career, Alexander Morris believed that Indigenous peoples should benefit from treaties made with the crown, and through his role as treaty negotiator, "Morris came to view [the treaties] as the basis for a positive, reciprocal relationship between the crown and the First Nations" (Talbot 2009: 57).

Negotiation of the Famine Clause

> By understanding Alexander Morris, we may discern how he and others of his position might have viewed the treaties. Morris's personal development may shed light on the degree of intellectual flexibility that others of his social formation might have been capable of. Morris's example can also serve as a reminder of the reciprocal intellectual relationship that existed at various levels of Native-Newcomer relations. Newcomers to the North West no doubt projected their values and perceptions on others, but in some cases they may have been equally informed by the world views of the individuals they encountered. (Talbot 2009: 12)

The negotiations of Treaty Six began at about 10 in the morning, August 18th, 1876, as requested by the "Carlton Indians" (Morris 1880: 182), in an open area near Fort Carlton. Nearly 2000 Indigenous people were in attendance (Christenson 2000: 222). When Morris arrived, "the Union Jack was hoisted, and the Indians at once began to assemble, beating

drums, discharging fire-arms, singing and dancing" (Morris 1880: 182-183). They then held a pipe ceremony. Morris was well-aware of the significance of this ceremony (Talbot 2009).

The Indigenous people present were also knowledgeable of the significance of Alexander Morris' position, and of the meaning the words Morris spoke during the negotiations. Peter Erasmus, a Métis man who spoke a number of Indigenous languages, as well as English, was initially hired by Chiefs Ahtakakoop and Mistawasis. When Morris heard him speak, and realized how competent he was with both translation and the oration skills necessary to address such a large group of people as were present for the negotiations, Morris himself hired him as well (Erasmus 1999). Additionally, a number of the Indigenous people present at the negotiations

> could speak and read some English. These men included William Badger, John Badger (an Anglican missionary), and James Bear, who were headmen in John Smith's band, and Bernard Constant, a headman in James Smith's band. Able to understand both Cree and English, the four headmen no doubt were able to add to the discussions and verify—and perhaps clarify—Erasmus's interpretations of the proceedings. (Christenson 2000: 258)

Once the Treaty negotiations began, it became apparent to Morris that the Indigenous people present initially were very apprehensive about the idea of signing a treaty with the crown, because they feared the crown would attempt to limit their freedom to live their lives as formerly. Morris wrote that when negotiations began, the Indigenous people "dreaded the treaty; they had been made to believe that they would be compelled to live on the reserves wholly, and abandon their hunting, and that in time of war, they would be placed in the front and made to fight" and that he "accordingly shaped [his] address, so as

to give them confidence in the intentions of the Government" (Morris 1880: 183). The Indigenous peoples present "listened with great attention" to this address, and afterwards requested an adjournment to meet and discuss this amongst themselves, to which Morris agreed (Morris 1880:183).

When the negotiations turned to the topic of reserves, Pîhtokahanapiwiyin, whose English name Poundmaker referred to his great skill at hunting buffalo, and who would later be a Plains Cree chief (Taylor 1985), spoke out to say that:

The Government mentions how much land is to be given us. He says 640 acres one mile square for each band. He will give us, he says,' and in a loud voice, he shouted 'This is our land, it isn't a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want'. (Erasmus 1999)

Alexander Morris was visibly shaken by this comment, and feared that if the other Indigenous negotiators felt the same way, he would be unable to successfully negotiate a treaty (Erasmus 1999). The subject of land cession was not brought up again for the rest of the Treaty negotiations, though it remained in the written Treaty (Taylor 1985).

Throughout the negotiations, a number of Chiefs raised concerns about the bison's continued existence, and that hunting would not be inhibited. Morris himself considered that the issue of the dwindling supply of bison was "constantly pressed to [his] attention" (Morris 1880: 195). Kahmeeyistoowaysit and Say-sway-kus were among the Indigenous negotiators who noted that bison were scarce, and requested that this be addressed in the treaty. Kahmeeyistoowaysit said that:

> I want that all these things should be preserved in a manner that might be useful to us all; it is in the power of men to help each other. We should not act foolishly with the things that are given us to live by. I think some things are too little, they will not be sufficient for our wants. I do not want very much more than what has been promised, only a little thing. I will be glad if you will help me by writing my request down; **on account of the buffalo I am getting anxious. I wish that each one should have an equal share**, if that could be managed; in this I think we would be doing good." (Morris 1880: 226-7, emphasis added)

Say-sway-kus concurred:

> "What my brother [Kahmeeyistoowaysit] has said, I say the same, but I want to tell him and our mother the Queen, that although we understand the help they offer us, I am getting alarmed when I look at the buffalo, it appears to me as if there was only one. **I trust to the Queen and to the Governor, it is only through their aid we can manage to preserve them**. I want to hear from the Governor himself an answer to what I have said, so I may thoroughly understand". (Morris 1880: 227, emphasis added)

Morris responded to these concerns in saying that "in a national famine or general sickness, not what happens in everyday life, but if a great blow comes on the Indians, they would not be allowed to die like dogs" (Morris 1880: 228). Morris codified this response in the Famine Clause in the text Treaty Six, which reads:

> That in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence, or by a general famine, the Queen, on being satisfied and certified thereof by Her Indian Agent or Agents, will grant to the Indians assistance of such character and to such extent as Her Chief Superintendent of Indian Affairs shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them. (Treaty Six: 4)

Additionally, Morris responded by stating that what was being offered by Treaty being offered in addition to their present way of life, and not merely instead of it, and thus that hunting would be allowed to continue as before. As to the preservation of the bison, he "promised that the matter would be considered by the North-West Council", which had previously been engaged in making a law for such a purpose, and recommended the council to take up the issue again as a matter of "urgent importance" (Morris 1880: 195).

Several of the Indigenous leaders present at the negotiations had already begun farming in their communities and were well-aware of the challenges that were involved. A number of the chiefs and headmen

> knew from experience that there was no time to hunt for food during planting and harvesting, and they had some realization of the time and effort that would be required in making the transition to farming. They also knew first-hand that crops were not always successful. Ahtahkakoop's band had worked hard to plant grain and vegetables that very spring, only to see heavy frost on June 13 cut the young plants to the ground. Frost struck again in July and August, destroying the potatoes and reducing the wheat and barley to fodder. They knew farming would not be easy. (Christensen 2000: 260)

Morris stressed during the negotiations that agricultural skills would be taught, and implements provided, so that the Indigenous peoples would have an alternate source of food and other necessities of life. He also added an additional clause to the written treaty, which read:

> That during the next three years, after two or more of the reserves hereby agreed to be set apart to the Indians shall have been agreed upon and surveyed, there shall be granted to the Indians included under the Chiefs adhering to the treaty at Carlton, each spring, the sum of one thousand dollars, to be

> expended for them by Her Majesty's Indian Agents, in the purchase of provisions for the use of such of the Band as are actually settled on the reserves and are engaged in cultivating the soil, to assist them in such cultivation. (Treaty Six: 4)

Had Morris not been personally concerned that Treaty Six would be beneficial for its Indigenous signatories, he could have just as easily not included in the written version the Famine Clause as well as this additional clause provisioning agricultural equipment. The inclusion of these two clauses in the written version of the treaty would make them more likely to be respected by other crown representatives, as Morris had learned through his re-negotiations of Treaties 1 and 2, the original versions of which had had clauses agreed to verbally during negotiations but omitted from the written versions (Talbot 2009:66). Had Morris intended Treaty Six to be simply a 'land grab', or for food to be withheld from Indigenous peoples in order to force them to agree to a treaty, he could have left these clauses out of the written treaty. Morris' inclusion of their negotiation in his book shows both their specific importance to the geopolitical situation of 1876 on the plains as well as the more general relationship from which they sprang: that of Indigenous peoples and the crown coming together to help each other.

This was to undergo a fundamental shift in the coming years as Morris lost most of his influence and others, such as John A. Macdonald, acted in direct violation of Treaty Six's Famine Clause and of the spirit of the treaty more generally. As Daschuk explains in his *Clearing the Plains*, Macdonald would use starvation as a tactic to force people onto reserve lands (2013:115,127,132-146). As Daschuk notes, Macdonald twisted Morris' promise of food relief into a means of coercion (2013:114).

Conclusion

The circumstances leading up to the creation of Treaty Six, as well as the Famine Clause in the treaty itself, suggest that the Treaty was negotiated and signed in good faith by all parties. The book that Alexander Morris wrote about the treaties and their negotiations implies that he was concerned that others in the government of Canada, either his contemporaries or successors, may not properly understand the significance of the treaties, or may understand, but wish to turn their back on them.

Morris is clear in his book that the treaties are of twofold importance: only through them can Canadians have any right to settle on Indigenous lands, and through the treaties, Indigenous peoples themselves are also to be aided in a transition to an agricultural way of life to replace what was formerly provided by the bison, which is no longer in numbers abundant enough to provide for the Cree and other Indigenous peoples.

It is also clear through the transcriptions of the treaty negotiations that the Cree negotiators were not powerless in the negotiations. This is shown through the successful negotiation of the famine clause. Morris did not have it in his mind to include any such clause when he set out to represent the crown in these negotiations. He only included this clause, as well as another clause containing additional provisions for agricultural supplies, at the concerted and continued insistence of Kahmeeyistoowaysit and Say-sway-kus.

There are many ways of interpreting the meaning of particular treaty clauses, such as the famine clause, for what they could mean today; there are on the one hand the clauses of the treaty, and on the other hand the spirit and intent of the clauses. There is also the spirit and

intent of the treaty itself. The situation in which the treaty was signed, including that which led up to the negations, is key to beginning to understand this. If one side had a clear military advantage over the other, this could indicate that the negotiations were not made in good faith. Similarly, if the representatives of the crown attempted to hide their true motives, or not take into account what the Indigenous leaders wanted out of treaty, this too of course would mean the crown may not been honourable in making treaty. However, the spirit and intent of Treaty Six appears to have been, for Morris, ultimately in line with the two aims for treaty that he indicated he had in mind in the preface of his book: of making possible lawful settlement upon Indigenous lands, and of securing a good and prosperous future for Indigenous peoples.

For settlers today to understand that, at least in the case of Treaty Six, the initial relationship between Indigenous peoples and the crown had been intended to be one of mutual benefit, understanding, and respect, it "raises the bar" in terms of what kind of relationship Canadian politicians ought to be establishing between Canada and Indigenous peoples today. If we are able to properly understand and honour the treaties through giving them the central place in Canadian law, and their central place in the story of the origination of the country, we may free ourselves of the assumption that Canada's shameful treatment of Indigenous peoples was or is in any way inevitable. The shame and disgrace that is Canada's treatment of Indigenous peoples is itself a breach of the treaties, and a break from what was, as established in Treaty Six, an honourable beginning.

The question then comes to mind that if the spirit and intent of Treaty Six was as such, how did the relationship come to be one so unequal, in which the crown did not treat

Indigenous peoples as friends, whose lands could not be rightfully lived upon without their consent, and who must be given appropriate and thoughtful aid when it is requested? Treaty Six was negotiated in the year 1876. I believe that the transformation took place in roughly the decade after. The next chapter of this thesis will consider "negotiations" of a different nature: those between multiple Canadian politicians in the House of Commons over the 1876 Indian Act, and particularly the concept of enfranchisement in the act.

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Chapter Two: the 1876 Indian Act Debate

As shown in the preceding chapter, and in recent works by Asch (2014) and Talbot (2009), in the 1870s, the policy of the Crown as expressed through Morris' treaty-making was to 'build something together' with Indigenous peoples as equal partners, although, importantly, not everyone in the Canadian government held these views. If, however, the beginnings of the political relationship between Indigenous peoples and the crown were of such a nature, it becomes important to ask when and how the nature of this relationship change to what we see today: a relationship wherein the crown does not see Indigenous peoples as equal partners, but rather as inferior?

I believe that looking seriously at these questions may help settlers such as myself to better understand the history of Canada's relationship to Indigenous peoples. In doing so, I hope that we can avoid making the same mistakes of the past. In highlighting dissenting views from settler politicians, I hope to also be highlighting a desire and possibility of nation-to-nation relationships.

The remaining chapters of this thesis are concerned with showing the changes in Canadian policy toward Indigenous peoples after the negotiation of Treaty Six, up until 1885. This period was a tumultuous time during which relations between Canada and some Indigenous peoples degraded to the point where Canadian politicians were portraying Indigenous peoples as enemies of Canada. I will trace the history of this change primarily through looking at two debates in the House of Commons. These debates are good source materials to use in tracing such a history because they are illustrations of what mainstream

Canadian politicians at the time were thinking, and also because their nature- as debates- reveal tensions and disagreements behind government policy.

The first debate I will consider, which will be the focus of this chapter, is the debate that took place in 1876 regarding the Indian Act. The second debate I will consider (in the chapter following) is the 1885 debate regarding the Electoral Franchise Act. At the centre of both of these debates is the concept of enfranchisement as it pertained to Indigenous peoples. Treaty Six, like the Peace and Friendship Treaties negotiated earlier, established goodwill between Canada and Indigenous peoples, and was intended to begin to 'build something together' between these multiple polities. The question then, for Canadian politicians, was what exactly would be built together. The notion of enfranchisement is central to this question because it is concerned with the relationship of Indigenous peoples and settler Canada.

When I told a fellow graduate student that I was writing my thesis in part on a House of Commons debate of the Indian Act, they responded: what was the debate about? How to be the most horrible to Indigenous people?

I was not surprised by my peer's comment; I think it is representative of what many students in the social sciences would assume about any such debate. The Indian Act was—and is—horrible to Indigenous people. I was surprised, however, when I read the debate. It would have been much simpler, and probably much easier on me as a settler (more on this later) if the debate was about who could be more horrible. However, the debate was in fact framed in the opposite way my peer and I had assumed.

There was considerable, vociferous, extended debate regarding the 1876 Indian Act. But it was not debate over who could be more horrible. It was debate over who could be the most kind. This was shocking to me. The Indian Act has not been kind. Why then would its proponents portray it in this light?

The Indian Act's Continuing Legacy

The Indian Act has been in place for 140 years. Although successive governments have made changes to the act during this time– and despite Pierre Trudeau's government's 1969 proposal to remove the act altogether (Weaver 1981)– the act itself has remained. The effect that the Indian Act has had during its duration has been massive.

Harold Cardinal wrote that

> …the *Indian Act,* that piece of colonial legislation, enslaved and bound the Indian to a life under a tyranny often as cruel and harsh as that of any totalitarian state. The only recourse allowed victims of the act is enfranchisement, whereby the Indian is expected to deny his birthright, declare himself no longer an Indian and leave the reserve, divesting himself of all his interest in his land and people. This course of action is one that any human being would hesitate to take. To the Indian it means that he must leave his home, the community of his family, to which neither he nor his wife nor his children may ever return. All this to enter a society which he generally finds prejudiced against him. (Cardinal 1969:45).

The anthropologist Bonita Lawrence describes the Indian Act as

> much more than a body of laws that for over a century have controlled every aspect of Indian life. As a regulatory regime, the Indian Act provides ways of understanding Native identity, organizing a conceptual framework that has shaped contemporary Native life in ways that are now so familiar as to almost seem 'natural.' (Lawrence 2003:2 in Hansen 2003)

As 'natural' as the Indian Act may seem now, the act was controversial in its day, even amongst mainstream Canadian politicians. When the Act was introduced to the House of Commons, it was the subject of heated debate, taking place over six days.

That this debate took place at all may today come as a shock. It is tempting for settlers such as myself to believe that our society has become more and more equitable over time. In some ways, it has. The lesson usually taken from this revelation is that today we are more equitable in our views than we ever have been before, and that the further one goes backwards in time, the more 'backwards' are the views of our predecessors.

This is a very tempting assumption to make. It places ourselves at the precipice of history, at the front of an ever-expanding wave of social improvement. However, there is no reason that this must necessarily be true. Just as we progress in some ways, we may regress in others. It is easy to point to the enshrining of Aboriginal rights in the Canadian constitution in 1982 as real progress in this country; and this is true. But it is also possible that what progress we made in 1982—and have since made in some court judgements—may be progress towards views held more commonly in the past and since forgotten. When our Indigenous partners call on us to "honour the treaties", we owe it to them to take their call seriously. Their call suggests to us that our forbearers may in fact have meant for the treaties to be honourable. To study our own history can alert us to this possibility. My reading of Asch (2014) and Talbot (2009) are evidence that, in some ways, this was the case. The 1876 debate that took place in the House of Commons regarding the Indian Act is another such point in history. If we can understand why they abandoned the idea of honouring the treaties, we will be better able to place ourselves in our own history. If we

are able to throw out the erroneous idea that we must, as if by some hidden natural law, be uniformly more equitable in our thinking than those who came before, we will be able to start to more accurately place our own era and our own thinking.

The impacts of the Indian Act over the last century and a half have been monumental. It's beyond the scope of this chapter (and thesis) to begin to describe these in detail. My intent instead is twofold: to characterize the *different* positions expressed during the debate, especially those pertaining to the concept of enfranchisement; and, to find the *similarities* between the viewpoints of otherwise opposed speakers.

Where I thought it was possible to summarize statements of those in the House of Commons without losing valuable context to help interpret their words, I have done so. In other cases, long block quotes remain. There are also parts of the debate that I have omitted entirely, mostly because I could not see how they could apply to the topics under consideration in this thesis, but in some cases also for brevity. There is doubtless additional material from this debate that may be worthwhile to interpret.

The Indian Act Debate

The Indian Act was brought up in the House of Commons on six different days in the spring of 1876. During four of these days, the Act was debated. (Although there were technically five days of debate, the first day is only concerned with road allowances, and so for the purposes of this paper, I'm considering that day not part of the debate.)

At the centre of the debate was the concept of Indigenous enfranchisement into Canada. Although there may have been differences of understanding amongst Canadian politicians

of what exactly this was to mean, in the most basic sense, it was about the incorporation of Indigenous peoples into the Canadian polity, and the related questions of whether, how, and why this ought to be done. This debate is a key moment in history because, through their discussion of this question, politicians of the time reveal their beliefs about Indigenous peoples, and about the proper relationship between Indigenous peoples and Canada.

One contemporary scholar notes that

> Enfranchisement is a legal process for terminating a person's Indian status and conferring full Canadian citizenship. Enfranchisement was a key feature of the Canadian federal government's assimilation policies regarding Aboriginal peoples. Voluntary enfranchisement was introduced in the *Gradual Civilization Act of 1857* and was based on the assumption that Aboriginal people would be willing to surrender their legal and ancestral identities for the "privilege" of gaining full Canadian citizenship and assimilating into Canadian society. Individuals or entire bands could enfranchise. In the case where a man with a family enfranchised, his wife and children would automatically be enfranchised. However, very few Aboriginal people or groups were willing to abandon their cultural and legal identities, as anticipated by the colonial authorities. (Crey 2009)

What Crey notes above regarding enfranchisement was on debate in 1876. Specifically, there were multiple notions of what exactly enfranchisement was to mean. Some politicians believed, as Crey notes above, that enfranchisement would mean Indigenous people would have to "surrender their legal and ancestral identities". These were, unfortunately, the voices that won out. However, there was some possibility in 1876 that this wouldn't have to be the case; there were dissenting voices in the House of Commons about this. In 1885, those voices sadly became harder and harder to hear over the din of

politicians who viewed Indigenous peoples not as friends, but as enemies– more on this in the next chapter.

The shift in policy away from negotiating treaties and toward enfranchisement was a shift away from a nation-to-nation relationship and toward a relationship in which Canada saw itself as superior to Indigenous peoples. Whereas treaties were negotiated with each Indigenous people, the Indian Act was passed with little reference to any negotiation from any Indigenous people.[4] In this way, whereas treaty negotiations recognized the authority of each Indigenous people over their own affairs, the Indian Act sought, through the process of enfranchisement, to remove Indigenous people from their Indigenous polities.

What was meant by *franchise*

John A. Macdonald attempted to pass the Electoral Franchise Act in 1885. Although the act was not solely regarding Indigenous peoples—it also included provisions regarding women, and other people who did not have the vote—it did have weighty implications for the relationship of Canada and Indigenous peoples. As the Act's name would suggest, its implications for this relationship revolved around the concept of enfranchisement. However, there was much confusion and disagreement amongst Canadian politicians as to what exactly was meant by enfranchisement in the act. This is evident from the considerable and lengthy debate at the time given to the act in the House of Commons.

4: David Laird at one point in the debate does justify part of the act as being worthwhile of inclusion because an Indigenous nation requested it, but this is not the norm within the debates.

To confer upon a person the *franchise* is called ‘enfranchisement’. The Oxford English Dictionary has provides three definitions of the word 'enfranchisement'. The first meaning is akin to that of suffrage: giving the right to vote in elections to a person or class of persons whom previously did not have such a right. The second meaning is the act of freeing someone–for instance, a slave or a prisoner– from their being held in such a captive state. The third meaning refers to someone receiving a plot of land which they have in 'freehold', or fee-simple title. (https://en.oxforddictionaries.com/definition/enfranchisement) There was some degree of confusion in the House of Commons over which of these definitions was applicable to the enfranchisement referred to in the Indian Act. Reading the debate transcriptions, it gradually becomes clear that the debate was muddied by this lack of understanding or consistency of interpretation of the word. The debate of the Electoral Franchise Act, where it is centered around Indigenous peoples, shows the degree of tension between these multiple definitions; and in some cases shows misunderstanding over which term the act intends to use, as at some parts of the debate politicians are in disagreement about what exactly the act is about.

The year of this debate is no less important. The year 1876 saw the negotiation of Treaty Six. The position that British people and Indigenous people were equals to each other– implied by the equitable position given each in the treaty– existed not only in the mind of crown treaty negotiator Alexander Morris, but was also held by other Canadian politicians of the time. This is evident through their opposition to the Indian Act.

To better understand the debate, it helps to have an idea of the people involved. In my reading of the debate transcripts, it seems to me the foremost dispute is between two people: David Laird and William Paterson.

David Laird was the main proponent of the act and the person who actually introduced it to the House of Commons. Laird was a lifelong politician who had a number of roles within the Canadian government over the course of his career. Laird was born in Prince Edward Island in 1833 (Robb 2003). His father and brother were also politicians. On that day in the spring of 1876 when he introduced the act, in addition to being member of Parliament for the PEI electoral district of Queen's County (abolished in 1892), Laird was also Superintendent-General of Indian Affairs, as well as Minister of the Interior. Laird would retain these posts until October 7 of that year, when he would succeed Alexander Morris as Lieutenant Governor of the North-West Territories. Laird had some familiarity with the Indigenous peoples about whom the act was directed, because he had been present for the negotiations of Treaties 4, 5, and 6.

William Paterson, who offered the most substantial and extended criticism of the act, is considerably less well-known to history than David Laird. Paterson sat in the House of Commons as the liberal representative for Brant South, a now-defunct riding about 100 km southwest of Toronto. Paterson was born in 1839 in nearby Hamilton, where he had been raised by a reverend who had adopted him after his parents had both died of cholera when he was only ten years old. In his adult life, he established himself as a manufacturer of biscuits and confections in Brantford, the largest town in Brant County. He was elected to for that riding a total of five times between 1872 and 1891. That riding and the town of

Brantford are both named for Joseph Brant (Thayendanegea), the Haudenosaunee leader who in 1784 secured a land grant from the governor of Quebec. Part of that grant remains as the Six Nations reserve next to Brantford, which is today the most populous reserve in Canada. Paterson was familiar with the Six Nations there and took it upon himself to represent their interests in the House of Commons, as they had no other representation.

William Paterson's familiarity with the Six Nations government, people, and history gave him a different point of view from other settler politicians in the House of Commons. Whereas David Laird's views were highly paternalistic, Paterson was, in my reading of the debates, more open to the Six Nations and the newly-created country of Canada to having an equal relationship, as will be shown later in this chapter through discussion of the actual debate.

I feel that I must be careful in describing why it is I am writing this. I am not writing this in attempt to valorize the person of William Paterson. I have not had the time that a historian would need in order to fully appreciate the positions taken by a politician over years of their professional life. Although I have done my best to understand his words in the political debates I have read, it may be that across the expanse of time I have misunderstood. As for the intentions behind his words, I only wish that I had time enough to give the subject the full treatment it would take. I can only take his words at face value, attempting of course to interpret them to my own time and position. While some of Paterson's positions I think are surprisingly agreeable to the notion of Indigenous rights, and he does make it very clear that he thinks Indigenous people are just as capable and important as any other people; other views he holds are questionable to say the least, for

instance his apparent subscription to the view that Indigenous peoples of Ontario are "more advanced" than those elsewhere.

Other politicians who speak during the debate will be briefly introduced when they are first mentioned. The following section of chapter is divided into each of the six days, with my comment and analysis.

The Introduction of the Indian Act to the House of Commons

Day 1: March 2, 1876. David Laird introduced the Act to the house on this day.

The full name of the Indian Act was "An Act to amend and consolidate the Laws respecting Indians" (HOC 1876: 749). As the name implies, this act was not entirely new. In fact, it intended to consolidate laws going back as far as to "Old Canada"- that is, Canada before confederation. "It is advisable to have these consolidated in the interests of the Indian population throughout the Dominion, and have it applied to all the Provinces" explained Laird to the House (HOC 1876:342). It was, however, not the consolidations of existing laws that were debated. The point of contention was the amendments to these laws regarding enfranchisement. Laird continued,

> Several amendments of various kinds are introduced. The principal amendment relates to the enfranchisement of Indians. Under the present law an Indian who becomes enfranchised only obtains a life interest in the land set apart for him, and his children have no control over it after his death. The present Act proposes that his children can control the land after his death by will from him. **The operation of this it is considered will be an inducement for the Indians to ask for enfranchisement**. **Hitherto the inducement has been so small that very few of the Indians have asked for the privilege**. This Bill proposes to go further; any Indian who is

> sober and industrious can go to one of the agents appointed for the purpose, to see whether he is qualified for the franchise or not; if qualified he receives a ticket for land, and after three years he is entitled to receive a patent for it which will give him absolute control of the portion allotted to him for his own use during his lifetime, and after that it will be controlled by whoever it is willed to. It is thought that this will encourage them to improve their land, and have a tendency to train them for a more civilized life. It is also intended that after they have obtained the patent for their land, if they wish to go on further and get possession of their share of the invested funds of the land, they can make application accordingly, and after three years further they will be entitled to a distribution of the funds; thus after six years of good behaviour they will receive their land and their share of the moneys in the hands of the Government, and will cease in every respect to be Indians according to the acceptation of the laws of Canada relating to Indians. We will then have nothing more to do with their affairs, except as ordinary subjects of Her Majesty. (HOC 1876:342-343; emphasis added)

Laird's description of enfranchisement above would, in the coming debates, encapsulate his most basic position. His goal is to modify the Indian Act in order to make enfranchisement more appealing to Indigenous people. He believed that the existent legal apparatus for such Indigenous enfranchisement was underutilized because the "inducement has been so small" (HOC 1876:342); that is to say, Laird believed that Indigenous people were not applying to be enfranchised simply because they didn't see it as a good enough deal. An individual who wished to be enfranchised would, under present law, be given individual title to a portion of his (only men could apply for enfranchisement) reserve. However, when that person died, he could not leave that plot of land to his children. Laird believed that this was the reason so few Indigenous people applied for enfranchisement.

Laird also made clear his ultimate reasoning for enfranchisement: that Indians would cease to be Indians, and become citizens of Canada in the same way as a settler: after

enfranchisement, Canada "will then have nothing more to do with their affairs, except as ordinary subjects of Her Majesty" (HOC 1876:343). This aim was to be shared 93 years later in the "white paper" put forward by Pierre Elliot Trudeau's liberal government, which sought to remove the Indian Act, but in doing so, fulfil the assimilatory goal of the act itself, by making all Indigenous people simply citizens of Canada with the same rights as any settler. This goal of assimilation is markedly different than the nation-to-nation relationship expressed through treaty negotiation because assimilation is the nullification of Indigenous peoples comprising polities separate from the Canadian state, whereas the nation-to-nation relationship evoked in Treaty Six affirms Canada's recognition of distinct Indigenous polities.

Debate that day was cut short by John A. MacDonald, who, immediately after Laird introduced the Act, made the following statement:

> The Bill is a very important one. It affects the interests of the Indians who are especially under the guardianship of the Crown and of Parliament. From the statement of the hon. gentleman, I have a great deal of doubt whether it would be well to give every Indian, when he becomes 21 years of age, the right of absolute disposal of his lands. I am afraid it would introduce into this country a system by which land-sharks could get hold of their estates. However, we will have a better opportunity of discussing the question on the second reading.
>
> I may take this occasion to say, I think it is hardly fair for the Government to take up other days besides their own to introduce their Bills. I did not object to it before, but as the paper is now so full of measures in the hands of private members, it is only fair that we should have a little time. (HOC 1876: 343)

This ended the discussion of the Act on that day.

Day 2: March 10. The Act is brought up again, followed by a discussion of what is the proper width that roads should have. As this does not seem to be related to the paper topic at hand I have not included this day in this paper.

Day 3: March 21. The second reading of the Act.

David Laird introduces the Act to the House of Commons once again. He begins by explaining the terms used in the act, then describing

In the first clause, the word "band" meant any tribe or body of Indians who had an interest in a reserve, of which the legal title was vested in the Crown; an "irregular band" signified any tribe which held no such interest. The term "Indian" meant any person holding land, the title of which the Government possessed, and with whom treaties existed. The term "Non-Treaty Indian" denoted any person of Indian blood who was reported to belong to an irregular band, or who follows the Indian mode of life, even though only a temporary resident of Canada. The word "reserve" was defined to mean any tract of land set apart for the benefit of a particular band of Indians. A special reserve meant any tract of land set apart for the use of Indian, the title of which was vested in a corporation or community legally established. It was also provided that any Indian who had resided five years in a foreign country, and not associated with his band, might sever that connection. It also provided that that connection might be resumed with the consent of the Government. (HOC 1876: 749) This legislation, decreeing on what grounds a person could lose or regain their membership to an Indigenous polity was not present in any form in the Treaty Six negotiations and served to undermine the autonomy of Indigenous polities. To put it

another way, there was nothing in the Treaty Six negotiations that represented such an attempt by the Canadian government to define First Nations membership.

Laird then describes how the bill would affect Indian status of Indigenous women who married white men, as well as a few other details regarding the selling of liquor and some other items. Laird then turns to the concept of enfranchisement:

> With regard to the enfranchisement of Indians, it had been deemed advisable to obtain the consent of the band, and unless this was done it was considered that there would be a great deal of trouble, and discontent would result.
>
> With an Indian who had borne a good character for intelligence and sobriety would receive a location ticket for the portion of land designated, he would enter upon a probationary period for three years. If at the end of that time he was found to have continued sober and industrious he received a patent for his land and became enfranchised, still retaining his right to share the annuity moneys. If they wished to separate from the Indian band altogether, they could enter upon another term of probation of three years. If they still continued in the paths of sobriety, they could take their share of annuity money, and be struck off the Indian list.
>
> The consent of the band must be obtained for the distribution of the capital funds. This Bill would give the Indians some motive to be industrious and sober, and educate their children. (HOC 1876: 749-50)

Thus concluded Laird's re-introduction of the act on that day. The above outlines conditions for which Indigenous people could be granted property, but the underlying assumption is that, in Laird's words, the goal is to "be struck off the Indian list", and have the same relation to the British Crown as any other citizen. Additionally, Laird's view of Indigenous people was paternalistic in that, unlike immigrants, who could show up and be given land regardless of any assessment of their sobriety or industriousness, Laird establishes this extra burden of legal proof upon Indigenous people.

The first note of dissent of from the House of Commons regarding enfranchisement came from John Christian Schultz, member for the riding of Lisgar (now defunct), who remarked that the new aspects regarding enfranchisement should not be included, because these would be make it "impracticable to make this Bill operative in the North West. Anyone having an intimate knowledge of the tribal relations of the Indians of the West would see this." (HOC 1876:749)

At that time, the "North West" referred to almost all of the territory claimed by the Crown that was anywhere north, west (excluding British Columbia), and even some parts east of Ontario. This included all what are now referred to as the Yukon, Alberta, Saskatchewan, and of course the modern North-West Territories, as well as almost all of present-day Manitoba, which was tiny in comparison to its present extent. The North West of April 1876 also included most of present Ontario, Nunavut, and Quebec. In short, it was a huge territory, within which were many different Indigenous nations, whose languages, societies, politics, cultures, ways of life, and relationships to the Crown were also immensely diverse.

Schultz's apprehension about whether the part of the bill regarding enfranchisement could be practicable in the North West was the first comment in many that distinguishes the peoples of those immense territories. Several times more throughout the debates, politicians refer to the strength of the "tribal relations" in the North West.

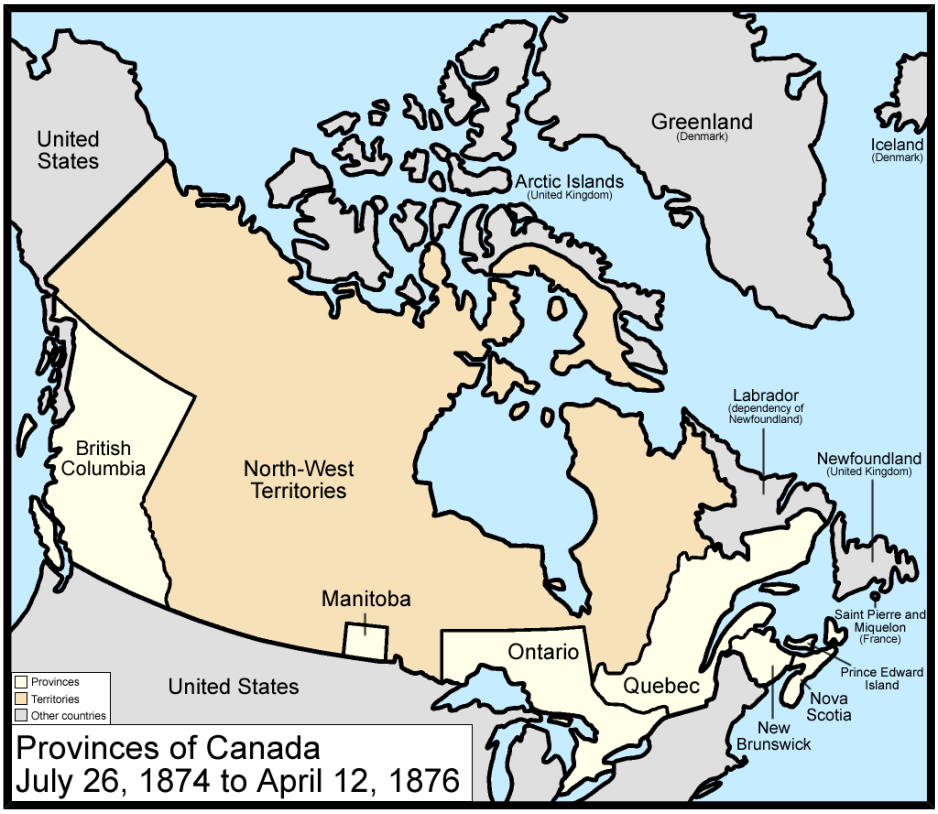

Figure 1: Provinces and Territories of Canada during 1876 Indian Act debate Created by user: Golbez assumed (based on copyright claims). Own work assumed (based on copyright claims)., CC BY 2.5, https://commons.wikimedia.org/w/index.php?curid=575314

After Schultz had made his comments, William Paterson then spoke at great length.

Paterson began by saying that he

> considered this measure a step in the right direction. There were 90,000 or more Indians in Canada, 30,000 of whom were in Ontario, having $9,000,000 vested in the hands of the Government. The matter was therefore one of importance. While this Act might not be applicable to the Indians of the North- West or the tribes of other parts of Canada, there were bands in Ontario that should be given facilities to raise themselves in the social scale. (HOC 1876:752)

Paterson then quickly turns the subject to the Six Nations in Ontario:

> In Brant there is a reservation comprising a whole township, in which there are fourteen schools, eleven of which are taught by Indians. There is also an institution for teaching the young men farming, and the young women housekeeping. For some 48 years missionaries have been preaching to those Indians, and if, after all these advantages they are not fit for enfranchisement, it is the strongest possible argument against the system that has hitherto prevailed, and in favour of enfranchising the tribe. (HOC 1876:752)

By "system that has hitherto prevailed", Paterson means the system by which individual Indigenous people could apply for enfranchisement. Paterson then continued to mount evidence for enfranchising all of the Six Nations as a group, by reflecting on the failure of the present system:

> The hon. member for Charlevoix (Hector-Louis Langevin), in 1860, passed a Bill providing that the Indians desiring to be enfranchised might have a certain portion of the reservation set aside for them on their applying for it and on producing proofs they were fit to be granted the rights of freemen, but they could not hold such land in fee simple. **Only one Indian was enfranchised under that Act, and when the Government had granted him his share of the principal money, and desired to allot him his portion of land they found they could not lay it off** (author's note: meaning the reserve could not be subdivided). He was in the position of being neither Indian nor a white man. He applied as a last resource to the Department to make him an Indian again, but they found although **they had the power to make an Indian a white man, they had no power to make him an Indian again**. (HOC 1876:752; emphasis added)

Paterson then continues to describe other faults with how the law treated Indigenous people.

> Among the objections to the Bill before the House was one that the Indians were unable to manage their own lands. **There was no proof of that; it was mere assertion**. There were Indians in this Province who occupied professional positions and were as intelligent as any member in this House. What could be done with some could be done with all. In the reservation in Brant there are some 3,000 children, of whom 1,600 attend school regularly, and in ten years more it will be an exception to find an Indian child unable to read or write.
>
> Did any one say that a person capable of receiving an education and being trained in the arts and practices of British civilization should be prevented from assuming this position? If so, it was a mistaken idea, and the time had come to test the matter. He did not believe that it was entirely possible to wipe out in this country all national distinctions; but every resident of Canada should make it his proudest boast that he was a Canadian. The endeavour to perpetuate the Indian in the Canadian nation was an anomaly. (HOC 1876:752)

I read that last statement from Paterson to mean it is anomalous to keep Indigenous people from having the same freedoms as any other person in the country– Paterson's comments in the coming days of the debate make it clear that he was not fully assimilationist. He does, however, like Laird, distinguish between the Indigenous peoples of Ontario and those of the North West. Paterson focuses most of his comments around the unfair treatment of the Indigenous peoples of Ontario, and speaks about other Indigenous peoples mostly in reference to the Six Nations. Paterson continued his speech:

> Where the Indian had not forgotten his national habits, and still lived by the chase and fishing, it would not be desirable to ask him at once to take upon himself the duties of a free man; but regarding the reserves of Ontario, consisting of 52,000 acres, it was different, and immediate steps should be taken to place these Indians in a better position. Hunting and fishing has long since ceased, and they supported themselves by agriculture and various handicrafts, in which they should be encouraged to the greatest possible extent. This question must

> soon be dealt with; they were not dying out on these reserves, but increasing at the rate of one per cent. per annum. Nothing would resound more to the credit of the Minister of the Interior than to show the possibility of raising the Indian to the place of manhood; he believed that this could be done. He trusted that the Government would act wisely and liberally in this relation. (HOC 1876:752)

Paterson then speaks about marriages between Indigenous people and white people. He uses a term that is now a racial slur to indicate an Indigenous woman. I have not edited it out of the quotation, because I don't want to misrepresent the words that were used by Paterson or anyone else, but I want to note here that the language may be hurtful. Surprisingly, at a later point in the debates, one member of the House of Commons asks that the language in the bill be changed from "heathen Indians" to "non-Christian Indians", because the word "heathen" is offensive (HOC 1876:935). Paterson continues:

> National distinctions should not be perpetuated in this country, and no legislative obstacles should be placed in the way of the union of whites and Indians. Under the Act of 1868, if a squaw [sic] married a white man she ceased to be an Indian within the meaning of the Act, and consequently lost her previous rights and privileges; this was, in other words, a penalty for doing so, and it was a restriction which should no longer exist. The children of the issue of such marriages should also be entitled to these rights and privileges. Under this Bill she did not forfeit under these circumstances her right to a share of the principal of the money, but this did not go far enough. She should be entitled to it as her dower, and the children of the first generation should also share in the principal funds of the tribe. (HOC 1876:752)

Paterson insists several times throughout the debates that there should be no attempt to stop Indigenous and white people from marrying, and says at a later point that "it would be a benefit to the country to encourage such intermarriages" (HOC 1876:871). I think it is

also significant that he states the children of such a marriage should not lose but be allowed to retain their aboriginal and treaty rights. Unfortunately, this view was not listened to, and Canadian government policy was for many years Indigenous children with one non-Indigenous parent would lose their rights. Paterson then describes how Indigenous people should have the same right to free movement as anyone else, as well as be able to rent their farms and take out mortgages:

> Under the present law an Indian absent five years from his reservation lost his interest in it. **This was a mistake, being a restriction on his liberty**. Indians should be encouraged to mingle with their white brethren and learn their occupations without pains and penalties being imposed for so doing. They should also be allowed to rent their farms to whites, who would improve them in the art of agriculture.
>
> He called the particular attention of the Minister of the Interior to clauses 66 and 69. The former was too sweeping, enacting that no mortgage or lien of any kind could be taken on any personal property belonging to Indians, who, lacking a superabundance of cash, would in consequence be debarred from the purchase of agricultural implements, seed, grain, &c. Again, Indians could not be sued for debt.
>
> These restrictions should be removed, and power should be permitted them to give chattel mortgages. Clause 66 would have a most injurious effect in their regard. Then as to the amount of land to be set apart for an enfranchised Indian, this was left for decision to the Indians in Council; and it might happen that while many on a reservation were sufficiently intelligent to desire enfranchisement, the majority would impede them in accomplishing their object, and allot them too meagre a share of their lands. (HOC 1876:752; emphasis added)

This concluded Paterson's first speech in the Indian Act debate. He would make several more in the coming days. I believe his initial comment, that he "considered this measure a step in the right direction" (HOC 1876:752) becomes almost ironic by the end of his speech,

in which he lists many grievances with the way Indigenous peoples are treated by the law. Paterson thought that Indigenous people (at least those of Ontario—he withholds remarks regarding elsewhere) were just as deserving of all the rights and privileges that anyone else should have. However, this view may still be assimilationist if it believes that in order to have the same rights as other people, Indigenous people must give up their existing aboriginal and treaty rights. My reading of Paterson's comments is that he does not believe this to be the case.

Shortly after Paterson's speech on the obligations of Canada toward Indigenous peoples, he made a much shorter speech regarding "the duty that belonged to the Indian" (HOC 1876:752), specifically regarding paying taxes toward administration of the legal system, which they were exempt from doing and so the full amount was due from the county that Paterson represented. Paterson

> was bound to say on behalf of the Indians that they asked no favours of white man. **The land they lived on was their own, the money in the hands of the Government was their own**, and he believed they were willing to pay their share of the taxes. (HOC 1876:752; emphasis added).

This comment was debated by Hector-Louis Langevin, who was at the time the member for the (since defunct) riding of Charlevoix. Langevin is now known for being the "social architect" of residential schools (CBC 2015)

Langevin stated that

> it must be considered that Indians were not in the same position as white men. As a rule they had no education, and they were like children to a very great extent. They, therefore,

> required a great deal more protection that white men. He could not see the force of the remarks of the hon. member for South Brant, in which he asked for certain restrictions to be removed. (HOC 1876:752)

Langevin at many points throughout the debate compares Indigenous people to children, and justifies his position on laws regarding them in such a way. Not too much later, he defends the existing law regarding enfranchisement, particularly how enfranchised people would only have legal title to the reserve land split off for them for their lifetime, after which it would revert to being held in common.

David Laird responds that in this respect, the bill "was framed to meet the views of the Indians expressed at their grand council in Sarnia, the summer before last" (HOC 1876:753), to which Langevin in turn replied that "it might apply to the Indians of Ontario, but it would not suit the tribes of Quebec. Some general plan would have to be adopted to educate the Indians and fit them for enfranchisement, just as a white boy would be prepared for manhood." (HOC 1876:753)

Three members of the house who had previously been silent then spoke up in turn. The first offered a 'back-handed compliment' to Indigenous people by way of an anecdote: the first said that he

> thought that the Bill was a step in the right direction, as **Indians should have it within their power to obtain the full privileges of white men**. The Leader of the Opposition had had the honour of attending at a banquet given to an Indian residing in the County of Peel. The latter's brother, if in the House, would hardly be supposed to be an Indian, and indeed, many hon. members would sooner be so considered than this person. … He regretted that the term of probation (to be enfranchised) was not shorter, as three-quarters of the Indians

> in his county might very properly be enfranchised at once. (HOC 1876:753)

Another member of the house, George Snider, liberal MP for the now-defunct riding of Grey North spoke up to say that he

> had had a great deal to do with Indian Reserves and with Indians, who he knew were very grateful to the Minister of the Interior for the interest the hon. gentleman had taken in their welfare. He had with great pleasure shown educated Indians around the Parliament Buildings, and these **he could say would do the House no discredit if they occupied seats on this floor, being more intelligent than the great majority of white men**. This was a great improvement on former similar Bills, and the Indians were perfectly satisfied with its provisions. He did not think that Indians could be so easily tempted with bribes as whites; and he hoped that the Bill would be made as perfect as possible. (HOC 1876:753).

Not long after these comments, the house took recess, and discussion of the bill was adjourned for that day.

The debate during the first day sets the tone for the days coming. It is clear from this debate that some politicians of the time had a favourable view of Indigenous people. Snider's comments above are the first instance in which a member of the house seems to have a more favourable view of Indigenous people than white people.

However, no politicians, with the possible exception of William Paterson, made any remarks that suggest to my reading that Indigenous people would have any reason to not desire enfranchisement. In the coming days, Paterson would begin to express to the house that he did understand that the Six Nations had political agency that did not stem from their relationship to Canada.

Day 4: March 28*:* debate over marriage laws, right to travel, use of money, and land titles.

Although this day of debate does not explicitly deal with the concept of enfranchisement, it does contend with some concepts that are related in that they are regarding the relationship between Indigenous polities and Canada. Several politicians on this day stood up against Laird's attempt to limit the rights of Indigenous people.

This began when Laird was reading the act, and came to a clause regarding marriage between Indigenous women and white men.

William Paterson interjected to oppose the clause. He said that he "doubted if it was wise to impose a penalty on an Indian woman for marrying a white man", and that "it would be a benefit to the country to encourage such intermarriages" (HOC 1876:869). Paterson's statement was apparently somewhat controversial, because Laird noted in response that "there was a great deal of force" in his words (HOC 1876:869). Laird further explained that such marriages were allotted for within the act, and that Indigenous women marrying white men would continue to receive their annuity money. Laird added that there was an option in such cases to, instead of continuing to receive annuity money for their lifetimes, receive a ten year lump sum instead, after which the woman "and her husband would then cease to have any connection with the band, and their children would not be considered" (HOC 1876:869). This appears to show that Laird seems to believe that people's connection with their band can be reduced to a simple monetary or legal relationship.

The next item which members of the House of Commons took exception to was the Indian Act's proposed restrictions on free movement of Indigenous people. One clause of the

Indian Act sought to remove Indian Status from anyone having lived for five years in another country. Five politicians objected to this, including even John A. MacDonald, who said that he

> quite understood that it would be convenient for the department to have such an arrangement as this; and that the Indians would approve of it, because the fewer there were in a band the more its members would receive; still, it was their birth-right, and they should not be deprived of it. (HOC 1876 : 871)

These comments followed on the heel of an objection from another member of the house, who had

> contended that it would be an arbitrary exercise of power to deprive Indians of their birth-right because they spent a portion of their time in another country, where, perhaps, they found it most convenient and profitable to reside and work. (HOC 1876 :871)

There ensued a debate regarding whether Indigenous people should be allowed to move freely across the US/Canada border. One member

> reminded the House that many of our Indians were adopted into United States tribes, while Indians from that country were adopted into bands in this country. There was a sort of reciprocity among the tribes in this respect. (HOC 1876 :871)

Paterson added to this comment that

> our Indians had a perfect right to adopt any number of outsiders they pleased. Their money was their own, and they could do what they pleased with it. Every inducement should

> be offered to the Indians to leave their reserves and mix with the whites. (HOC 1876 :871)

Laird responded that there were some people who crossed the border and could have possibly entered into treaties with the USA as well as the Crown, and should not be able to in so doing receive two different annuity moneys. Paterson countered that

> it was not a question of dealing with our money. If it did, there might be some reason for directing that if an Indian went into a foreign country he should not share in it; but on the contrary, this legislation would deprive such Indians of the enjoyment of their own money. This money, at all events, belonged to the Indians in his own county [Brant County], who had never received a cent from us. Their affairs were administered by the Government, and he could not really see the justice, under the circumstances, of taking from them their own money. (HOC 1876 :871)

Laird did finally acknowledge that there was something more to bands than simply money, as he soon commented that

> After an absence of five years an Indian is not reputed to belong to a band, but in our experience, when an Indian returns and really wishes to live with the band again, he is generally received with open arms. (HOC 1876: 871)

The discussion then turned to the subject of some titles that had been sold by Indigenous peoples to settlers. Laird objected to this on the grounds that

> this would be opening up a wide field. If they admitted the right of giving titles to the Indians, they would probably find the whole North-West in the hands of other persons. He found in an old proclamation of the British Government that purchases of lands from Indians were strictly forbidden. It was understood that Indians could not dispose of land except by treaty to the Crown, If an Indian occupied a piece of land outside a reserve, although he was allowed to enjoy the results

> of his improvements he had no right to sell the property. (HOC 1876:872)

There was no opposition voiced to Laird's objection. There followed a short discussion regarding Indigenous people buying and selling land from each other, and some other related notes.

Although enfranchisement was not brought up on this day of debate, the discussion does elaborate on the differences between Laird and Paterson's views of the relationship between Canada and Indigenous peoples. Paterson continues to express that Canada has no right to interfere with money that belonged to Indigenous peoples, or their ability to travel freely, and their adoption of outsiders into their communities. My reading of this last point in particular is that Paterson seems to believe that a person, whether Indigenous or not, may have as much reason to wish to join an Indigenous polity as the newly established country of Canada. Laird, in contrast, consistently holds the position that the aim of the Indian Act—and perhaps, by extension, Canada as a whole—ought to be the eventual assimilation of Indigenous peoples. Even on this point, Laird opposes other members of the House of Commons, who say that if that is the policy of the country, Indigenous people are perfectly ready to join Canada, as they are just as intelligent as anyone else. Laird opposes this due to his belief that Indigenous people are not 'ready' to join Canada, because they are somehow 'lower' than British people. This aspect of the debate was to become more intense over the days to come.

Final Day of the Indian Act Debate

Day 5: March 30. The debate for that day began with a reading of a clause of the Indian Act that made it illegal for any settler to live upon a reserve—whether or not they were accepted by the Indigenous nation—as well as disallowed Indigenous people from getting mortgages, or entering into other types of contracts.

William Paterson began the debate by objecting to this on the grounds that it was "very desirable in the interest of Indians that power should be given them under certain circumstances to lease their lands for cultivation to whites" (HOC 1876: 926). Paterson was quickly rebuffed by Alexander Mackenzie, who would later be Prime Minister, and Langevin, who said that it was the

> object of this Bill was to protect the Indians and prevent their lands being tampered with by white men. If white men were allowed to settle on the Reserves, the Indians--who, as a rule, did not like to cultivate land-would lease their lots for a trifle. He did not think it would be for the benefit of the Indians at all to admit white men among them (HOC 1876:926).

Paterson countered that any Indigenous person should be able to enter into a contract—such as the leasing of land—to anyone they chose, providing the Superintendent General approved: "there could be no exception taken to that", he said. (HOC 1876:926). He continued to say that "[t]he meaning of this Bill was that the time had come when the system of tutelage should be broken in upon in the interests of the Indians themselves and of the community generally" (HOC 1876:926).

Here is Paterson's most basic position regarding the Indian Act, and regarding the relationship between Indigenous peoples and the Crown in general. The "system of tutelage" he is referring to would eventually only become expanded in the coming years as the residential school system came into full force. Laird would soon challenge him on this point.

Paterson made his next objection to how Indigenous people were not allowed to handle their own finances. He "complained that interest on lots sold for the Indians had been added to the capital account, and that they received only interest thereon" and that he "could not understand why men in such a condition should not be allowed to use their own money when they were unanimous in asking for it" and that "said the Indians were merely asking for money that belonged to them. All the money and property they enjoyed was their own, and it would be an injustice not to make this concession (HOC 1876:929). Unfortunately, other members from the House of Commons did not agree with Paterson, and responded that it was the duty of the government to decide what was in the best interest of the band.

Paterson responded that such reasoning was

> entirely fallacious. It was an unjust reflection on the Indians, whose cause he was advocating, to say that they were incapable of judging for themselves and required the Government to do so for them. He had no doubt that the Government thought they were acting in the interest of the Indians; and he would give them credit for that, but at the same time he would tell them that they were making a great mistake. (HOC 1876:930; emphasis added)

Paterson continued to try to reason with his peers, but he was ultimately unsuccessful, and the clause of the Indian Act under debate was passed into law.

Paterson soon after attacked another clause of the Act, which prevented Indigenous people from taking out chattel mortgages (that is, mortgages not on land but on pieces of property, such as farm equipment). On this point, two of his peers agreed with him. One, Gavin Fleming, member for North Brant, stated that

> this clause was unfair to the Indians, and the system of tutelage in which they were kept deprived them of the spirit of self-reliance and independence. An Indian might go to a manufacturer of agricultural implements to purchase a plough but could not get it on credit. **He would be obliged to wait until his neighbour was done ploughing, which being past the proper season, the result would be failure**. The suggestion to allow chattel mortgages to be taken on articles purchased in that way was only fair and right. (HOC 1876:931)

Fleming's statement is eerily prescient of the tragedy of starvation that took place on the plains in the years following (Daschuk 2013). When Laird responded that "the Indians could purchase all the implements they needed with their annuity money", Paterson rebuffed him by saying that

> it was all nonsense to suppose that the annuity money was sufficient to purchase implements. **This clause would inflict serious injury on the Indians**. Instead of this Bill being in advance in this respect of previous legislation, it was retrogressive. He could not change it, of course, but he protested against this clause. (HOC 1876:931)

Fleming echoed Paterson's statements in saying that

> many of the early white settlers of Canada would have been in a very unfortunate position if they had not been furnished

> implements and stock on credit, and he thought it was unfair to leave the Indians in a worse condition. (HOC 1876:931-932)

Regardless of these warnings, the clause barring Indigenous people from taking out mortgages was passed.

The next clause to be read was one which barred Indigenous people from selling items which they had purchased using their annuity money. Anyone who had bought such an item would be punished by fines and imprisonment. Paterson immediately "declared that it was all wrong, for how was any one under such circumstances to know that annuity money had been used" (HOC 1876:932).

Although there were numerous other objections to this clause, it was eventually passed. Amidst assertions that it was unfair to treat Indigenous people in this way, Laird reflected that

> the Indians must either be treated as minors or as white men. If they should be found intelligent enough to exercise the rights of white men they could become enfranchised. (HOC 1876:932).

These clauses, and Laird's assertion that Indigenous people were to be treated as minors represent a fundamental paternalism that was not present in the nation-to-nation relationship of the Treaty Six negotiations. Putting conditions on the spending of annuity moneys in this way treated Indigenous people like minors who were incapable of self-determination. The Treaty Six negotiations make clear that the Indigenous negotiators were on equal footing to their counterparts on the side of the crown. To now be treated as children in the eyes of the law was a violation of this relationship.

The next clause to be read was one which barred Indigenous people who were imprisoned from receiving their share of annuity money during their imprisonment. Paterson again was first to object. He said that

> **he could see no reason why an Indian who is subject to the same laws as white men should be punished with greater severity** for infractions of the law. A white man when convicted and imprisoned for the perpetration of a crime does not forfeit his income; but the Indian for a similar offence, not only undergoes the same punishment, but loses his income while his term of imprisonment lasts. **He considered this unjust**. (HOC 1876:932-933).

Paterson then turned to the related issue of how criminal prosecution is paid for. In this case, Indigenous nations did not pay for criminal prosecution of their own as did settlers. Paterson

> complained that the Indians of Brant were not only exempted from municipal burdens, but they did not pay their share of criminal prosecution. Now, he contended this should be remedied by making the Indians pay the legal costs incurred in the prosecution of any of their number or in carrying out any sentence which might result therefrom (HOC 1876:932-933).

Mackenzie objected to Paterson's complaint. He explained that

> this would be punishing all the innocent members of the band for the offences of the guilty. While it was true they contributed nothing towards the expenses of administrating justice, it must be remembered there was very little crime among them. There were some 400 Indians on a reservation in his own county, and they were almost a model to the whites. (HOC 1876:933).

A few more clauses were then passed, one which increased criminal punishment for anyone who sold alcohol to Indigenous people. Thus concluded the second to last day of debate.

Day 6: April 4. The final debate on enfranchisement

On this day, the clause in the Act specifically dealing with enfranchisement was read and debated. The clause stated that any Indigenous person of 21 years of age or over, who applied to be enfranchised, and who received consent from their band, would be considered according to the

> degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety which he or she bears, appears to he qualified to become a proprietor of land in fee simple; and upon the favorable report of such person, the Superintendent-General may grant such Indian a location ticket as a probationary Indian, for the land allotted to him or her by the Band (HOC 1876:1036)

After the clause was read, there were several short speeches given by each of Langevin, Laird, and Paterson, and Schultz.

Langevin began by expressing his concern that, by giving Indigenous people full title to portions of their reserves, the government was allowing such portions to be sold to white men, and therefor

> The consent of the band to enfranchisement would not be obtained for this reason: it would introduce whites on the reserves, and bring about all the evils which followed the mingling of the two races. (HOC 1876:1037).

Laird responded that the possibility of white men buying portions of land which had been previously reserves was unavoidable. He remarked that

> If this were done regardless of the consent of the band, confusion, want of harmony, and dissatisfaction would be produced. They knew from experience, and from the deliberations of the Council hold the other year at Sarnia, that the Indians generally in these Provinces, were willing to accord enfranchisement to intelligent members of these Bands. (HOC 1876:1037)

Laird continued to explain to the House that

> [t]he hon. Member [Langevin] remarked that white men might settle on the reserves if these provisions were enforced; but if the great privilege in question was not accorded they would run counter to the whole policy of the Government regarding the surrenders which had existed for years. **It was our boast that we did not take an acre of land from the Indians without their consent**; and if this privilege were denied them, they would have a right to complain. (HOC 1876:1037; emphasis added)

Paterson spoke next, to express his concern that there may be some cases in which the majority of the band would stop an individual Indigenous person from being able to become enfranchised, and asked that a provision be made which allowed "appeal to the General Superintendent; without such a remedy the Bill would, he feared, be defective" (HOC 1876:1038).

Laird countered that the bill was written to reflect "the wishes of the Indians themselves" (HOC 1876:1038), and that such an amendment could be added in future if necessary.

Fleming also objected to the clause, on the grounds that the

> Indians of the Six Nations were too shrewd and intelligent to accept of the enfranchisement offered under the Acts of 1857 and 1869. If we would enfranchise the Indians we must offer them such inducements as would make it worth their while to ask for. (HOC 1876:1038)

Schultz then spoke at length in opposition to the clause on the grounds that

> [th]ey are merely a repetition in a modified form of existing rules which have been found to be so utterly inapplicable, and are so complicated and cumbersome that it would be impossible for an Indian, however well qualified otherwise, to become enfranchised under them; and this is proven by the fact that although the law has been long in existence, no Indian, as far as he knew, has ever availed or attempted to avail himself of its provisions. Again, these clauses would make enfranchisement contingent, not only on the breaking up of the reserves into separate freehold allotments, but also on the Indians ceasing to be Indians under the meaning of the Statutes. It would, therefore follow that Indians, no matter how wealthy, intelligent or well educated, must continue to be without civil rights, unless they comply with rules which, even if they could be complied with, would have the effect of breaking up the whole system of Indian management, thus depriving the Indians of the protection they have hitherto enjoyed, and it is well known, or at least, generally supposed that these rules were adopted in the first instance, with a view to breaking up the tribal system and enabling the white man to get possession of the lands of the Indians. Again-these causes being, as proved by practical experience of similar ones, inapplicable, will continue to be inoperative, in fact a dead letter, except in so far as that they will, as heretofore, deprive a large number of very deserving people in Ontario at least, of civil rights, and a well-to-do Indian will still have the mortification of seeing his white labourers voting at elections, while he, the son of the soil, finds himself in an inferior position, branded in fact as an outlaw, and unfit to share in the common privileges of a white man. The Act will thus have the very opposite effect to that which was no doubt intended. Instead of imbuing the Indians with a sense of self-respect, and leading them to feel that when they [end of page 1038] have advanced in civilization they are to stand on an equal footing with the white man, it will have a tendency to degrade them in their own eyes and in the estimation of those around them. The

> Indians are everywhere so attached to their tribal system that they will not abandon it, and some way should be found of leading them to civilization and independence without trenching on this, their most cherished institution. In Ontario the Indians have, in many cases, passed the probationary period and are in a position to exercise the franchise as judiciously as the majority of white men. The interpretation of the word enfranchisement," section 3, subsection 5, does not make the matter any better, but the clause might be relieved to some extent of its objectionable features by using the words "freehold" and "freeholder" for "enfranchised" and "enfranchisement;" and it should be left entirely to the Provinces to say who shall, or who shall not vote at elections, which is the spirit at least, of the present election law. (HOC 1876:1038-1039)

Schultz, in his considerable speech, comes very close to expressing understanding regarding why Indigenous people may not desire to seek enfranchisement: because it would involve a breaking up of “their most cherished institution”.

Schultz argument appears to have possibly begun to even sway Langevin, who suggests that instead of a system of individual enfranchisement, it may better to “fix a time-say a period of fifteen years-at the expiration of which all the members of a band should be enfranchised.” (HOC 1876:1039)

Laird replied simply: “They would not be all fit”. (HOC 1876:1039)

Langevin countered that

> there were many white men who were not fit for enfranchisement, yet they enjoyed all the rights of freemen. By being educated all the members of a band would become fit for taking their places in Society. The object of this Bill was to keep the Indians, with the exception of a few, in a state of tutelage. Looking to the future of the race, he believed the true policy should be to do away with that system, by the gradual

> emancipation of all the Indians who lived in villages and were settled on lands. (HOC 1876:1039)

Laird again responded that to enfranchise all Indigenous people at once "would offer no inducement to them to become fit for enfranchisement. Under this Bill they were given some aim to better themselves, and he believed that was the true policy" (HOC 1876:1039).

Paterson rebuffed Laird: "at the same time it struck a blow at the very root of the tribal relation. The very fact of an Indian seeking enfranchisement implied that he no longer wished to be recognized as an Indian" (HOC 1876:1039).

Responded Laird: "An Indian is not cut off from his band by enfranchisement. He belongs to the tribe as much as ever he did." (HOC 1876:1039)

Paterson then had the last word on the act. He said that

> **it was impossible at the same time to preserve the tribal relations and facilitate the enfranchisement of the Indians**. If the Government were prepared to take the position that the tribal relations must continue for all time to come, then it was a mistake to do any thing in the way of enfranchisement at all. It was evident the proposition of the hon. member for Charlevoix [Langevin] would have to be adopted ere long--a time must be fixed when all Indians living in the midst of civilized communities and refusing to move to the North West, must be enfranchised. Take the Brant reserve for instance. The Indians there are increasing rapidly, and something must be done to meet their case**.** They would not remove to a larger reserve, and there remained only the alternative of enfranchising the whole band at a certain time. (HOC 1876:1039; emphasis added)

The clause passed, and with it, the Indian Act was passed into law.

This final day of debate provides the most clarity as to the different positions held by those in the House of Commons regarding Indigenous-Canada relations at that time. Paterson seems to come nearly full circle from his initial statement on the first day, that this act "is a step in the right direction". In my reading of these debates, he seems to slowly realize that Laird's intention with the Act wasn't to do away with the "system of tutelage" oppressing Indigenous peoples; it was instead to make it more perfect.

Conclusion

The clauses of the 1876 Indian Act reflect that Laird was successful in his attempt to pass the act. The clause of the act pertaining to enfranchisement is as follows:

> Whenever any Indian man, or married woman, of the full age of twenty-one years, obtains the consent of the band of which he or she is a member to become enfranchised, and whenever such Indian has been assigned by the band a suitable allotment of land for that purpose, the local agent shall report such action of the band, and the name of the applicant to the Superintendent-General; whereupon the said Superintendent-General, if satisfied that the proposed allotment of land is equitable, shall authorize some competent person to report whether the applicant is an Indian who, from the degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety which he or she bears, appears to be qualified to become a proprietor of land in fee simple; and upon the favourable [sic] report of such person, the Superintendent-General may grant such Indian a location ticket as a probationary Indian, for the land allotted to him or her by the band. (An Act Respecting Indians 1876: 26-27)

It is decidedly eerie to read these debates. For one thing, they are a record of, as Crey has pointed out, "a key feature of the Canadian federal government's assimilation policies

regarding Aboriginal peoples" (Crey 2003). Their legacy has, over the intervening 140 years, caused unimaginable (at least, unimaginable for settlers such as myself) hardship to Indigenous people, and continues to do so today. So immense was the historical moment where this act was formulated, that some politicians seem to even be aware that this would be the case. Such is my feeling when reading Paterson's assertion, made after much heated argument that fell mostly on deaf ears, that in passing the act, the government was "making a great mistake" (HOC 1876:930).

Also unsettling is the continued assertion by all many members in the House of Commons that what they are doing is what is best for Indigenous people. It would be easier to believe, as a settler, that all the harm done by our forebears to Indigenous peoples was done with ill intent; it is far worse to think that it was done regardless of good intent. It is possible of course that some members of the House did not care what happened to Indigenous people, and merely thought they had to represent their cases with the justification that it was done with good intent; however, even this shows that in such an atmosphere of "good intentions", terrible things can still be done. These debates show that he the Indian Act was formulated and justified through recourse to proper consultation: Laird, and others, say several times that particular clauses have been put in in a certain way because that is the desire of Indigenous nations they have consulted with.

I find some hope in Schultz's words on that last day of debate, where he expresses that some way must be found of giving Indigenous peoples the same rights and freedoms as others, without forcing them to assimilate and lose "their most cherished institution". I interpret this to be the closest to the position that Canada must not infringe on Indigenous

peoples right to peoplehood, including political traditions. I am reminded of Audra Simpson's *Mohawk Interruptus* (2014), in which she describes how the policies of Canada have sought to turn the Haudenosaunee from a people into a population. If only Schultz's words could have been heeded—if only the words of however many Indigenous leaders, not represented that day in the House of Commons—could have been heeded, so much hardship that continues today could have been avoided.

Historical documents such as the above House of Commons debates provide much to reflect upon for settlers who wish for Canada act with more equitable relationship to Indigenous peoples. As I read through the voices of those who came before, I'm struck in some ways by how little has changed, and how history seems to be repeating itself. There are even traces of what today is known as liberal identity politics, in the way in which the House of Commons changes heathen Indians" to "non-Christian Indians", due to the offense taken by the word "heathen" (HOC 1876:935), yet can debate for days about enfranchisement with barely the simplest understanding of why an Indigenous person wouldn't want to leave their people or break up their reserve.

Though the subject of the debate, the Indian Act, has caused so much hardship, the tone of the debate is of people competing over who can treat Indigenous people most like friends —though, for many of those in the House of Commons, in the most paternalizing kind of friendship one could imagine. As the following chapter will show, this was to have changed in the coming decade, as in the 1885 Electoral Franchise Act debate shows the growth of the position that Indigenous people are not friends to be welcomed, but enemies to be contained, tragically comes to the forefront.

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Chapter Three: The 1885 Electoral Franchise Act Debate

The preceding chapter showed that the Indian Act of 1876 was passed amongst considerable debate in the House of Commons, but that during that debate, the common thread through nearly all politicians was that they attempted to justify their positions on the basis that they showed the most kindness toward Indigenous peoples. This is in keeping with the spirit and intent of Treaty Six, as intended by Crown negotiator Alexander Morris, as shown in Chapter 1.

This topic of this chapter is another House of Commons debate. This debate was over the Electoral Franchise Act of 1885. The Electoral Franchise Act was wide-ranging and included clauses related not only to Indigenous peoples but also to women, Chinese people, and others. However, the Act was also concerned greatly with Indigenous peoples. Specifically, it sought to give the vote to Indigenous people. Because of this, a considerable debate ensued in the House of Commons.

The 1885 debate discussed in this chapter took place at a pivotal turning point in the relationship between Canada and Indigenous peoples. This was a turning away from the notion that policy toward Indigenous peoples ought to treat them as friends, and a turning toward policy that treated Indigenous peoples as enemies of Canada.

This debate, in some ways, has much in common with the 1876 debate that came before it. For one thing, there are several members who participated in both debates, including William Paterson. Additionally, both debates are at their centres debates over the concept of enfranchisement of Indigenous people and peoples into Canada. For this reason, both

debates necessitate a discussion of what is the proper relation between Indigenous peoples and Canada. These debates are in this way very similar in subject matter; however, they are fundamentally different as to the range of expressions within them of the proper relationship between Canada and Indigenous peoples.

Throughout the 1885 debate, there is a considerable range of positions expressed as to what is the relationship between Canada and Indigenous peoples. In this chapter, I will primarily consider the positions expressed over a very lengthy debate over the word "Indian", which took place during the debates at the House of Commons, as well as questioning of the government by William Paterson over what is the true nature of the treaty relationship between the Six Nations and Canada.

The themes I have identified in this debate regarding Indigenous peoples are as follows: Indigenous peoples of the North-West are characterised as enemies of Canada due to their involvement in the "disturbance in the North-West"; there is fear, hatred, and mockery directed toward the possibility of Indigenous people being elected to positions within the colonial government; Indigenous people and white people are 'played off' each other regarding the vote; there is awareness of the dictatorial position that the Indian Act gives the colonial government over Indigenous peoples, but this is considered to be proper; some politicians justify their racist views toward Indigenous peoples by recourse to science, i.e., scientific racism is used to support discriminatory policies toward Indigenous peoples; and, treaty annuities are misconstrued by some politicians as a form of relief or pension. There is also some opposition voiced to most of the above positions; however, these voices of opposition are much less numerous than those who hold the above listed positions.

Eventually, the debate resulted in the Act being changed so as to exclude any Indigenous peoples in Manitoba, British Columbia, Keewatin, and the North-West from voting.

Whereas the 1876 Indian Act debate is a debate over how best to treat kindly Indigenous peoples-- although both positions were steeped in paternalism, and the notion of anything like a nation-to-nation relationship was barely present– the 1885 debate was over whether Canada ought to treat Indigenous people with kindness at all. While the 1876 debate took place during the same year as the negotiation of Treaty Six, by 1885, Canada was already turning its back on its treaty commitments of Treaty Six and others.

As described in Chapter 1, one instance of Canada turning its back on treaty commitments was the refusal to live up to the promise of the Famine Clause of Treaty Six. The Famine Clause was intended to provide food relief to Indigenous peoples in the event that that famine fell upon them. It was put forth by several Indigenous negotiators during the Treaty Six talks, and agreed to by Alexander Morris, who added it as a specific clause to the written version of Treaty Six.

The failure of the Canadian government to live up to that clause meant mass starvation of Indigenous peoples of the North-West. Settler scholarship has recently become aware of this tragedy. The historian James Daschuk has documented this story using settler sources, as he was informed of it by Indigenous people whose family several generations back experienced it. Daschuk's work (2013) shows that the government was aware of this famine and aware that the supplies that they did send were not enough to prevent it.

The 1885 debate was incredibly lengthy and protracted– much longer than the 1876 Indian Act debate. Because of this, there is much too much within the debate to consider the 1885 debate in the same chronological way that I considered the 1876 debate in the last chapter. For this reason, this chapter will be organized thematically. The two themes to be considered with with particular emphasis are the 36-hour long—in one sitting—debate over the meaning of the word "Indian", and a speech made by William Paterson, in which he questions the colonial government regarding what is the nature of the treaty relationship between that government and the Six Nations.

It may be surprising to hear that John A. Macdonald, prime minister at the time, was attempting to pass into law in 1885 an act that would allow Indigenous peoples to vote. Macdonald is not remembered widely for his attempts to advance the cause of non-European people within Canada; rather, he is remembered for advocating for anti-Chinese legislation such as the infamous "head-tax", and a horrific policy of purposefully permitting and furthering mass starvation of Indigenous peoples of the plains (Daschuk 2013). (During the 1885 debate, Macdonald in fact spoke out against Chinese people becoming citizens of Canada.) However, Macdonald desired to use the Act to enfranchise Indigenous people through the Act in the sense only of having the vote, and not in the sense of being given status as Canadian citizens. This made for some confusing terminological aspects of the 1885 debate, as the word "enfranchisement" is often used for either meaning. However, after some questioning, members of the house were able to determine that while this Act intended to give the vote to Indigenous peoples—providing they met the property qualification that settlers also had to meet—it did not intend to make them citizens of Canada.

Most of the opposition to the act took one of two positions. One position argued that it was inconsistent, or perhaps nefarious, to give the vote to a group of people without fully enfranchising them; i.e., without making them full citizens. The other position was that the vote should not be given to Indigenous peoples, especially those of the North-West, because they were considered, in one form or another, enemies of Canada.

Several members of the House of Commons opposed the bill because it was inconsistent. in giving Indigenous people the vote while keeping them also not citizens of Canada as any settler was, the government would place Indigenous people in a very unusual situation. This was very unusual because on the one hand, government policy toward Indigenous people was incredibly paternalistic and controlling, and restricted their ability to manage their own lives in even some of the most basic ways. This policy was 'justified', in the minds of some in the government, on the grounds that Indigenous people were 'like children', who could not take care of themselves. For government policy to, on the one hand, treat Indigenous peoples in such a way, but on the other, give them the vote, seemed contradictory to many members of the House of Commons. It would allow them to affect legislation that would not have any effect on them.

William Paterson, who had been outspoken against the 1876 Indian Act, was again outspoken against the Electoral Franchise Act of 1885. His main argument against the Act was that the government ought to enfranchise Indigenous peoples fully instead of just giving them the vote. In light of how this Act would only allow them to vote, but not free them of the subordinate position the government held them to, Paterson contended that the real intention of the government for with Indigenous suffrage was to manufacture votes

in favour of the Conservative party. Paterson argued that as long as Indigenous people were kept in their subordinate position to the government, their votes could not be made freely: they would be compelled to vote in favour of the government. At the time, this was John A. Macdonald's Conservative government. Several other politicians argued that the real aim of this Act was to "manufacture voters" (Casgrain: HOC 1885b:1518). One argued that that the Indian Act gives "power the Government will have in compelling the Indians to vote for them under the provisions of the Act" (Landerkin: HOC 1885b:1520).

Paterson also questioned the government regarding the status of the political relationship between Canada and the Six Nations. He brought it to the House that representatives from the Six Nations told him that the Six Nations were not subjects of the Crown, but were allies to the Crown, and that this alliance was the nature of their treaty.

The 1885 Electoral Franchise Act debate is much different from the 1876 Indian Act debate. The 1876 debate was steeped in paternalism toward Indigenous peoples, but almost nobody expressed the position that Canada ought not to treat Indigenous peoples with kindness. Of course, the actual policies of the Indian Act were, and continue to be, incredibly violent and destructive, but neither Laird nor anyone else at the debate presented them as such. This is not to take away from the importance of knowing how destructive this legislation has been and continues to be-- I emphasize that Laird did not present the Indian Act as antagonistic toward Indigenous peoples because this shows that, for him to justify changes in legislation toward Indigenous peoples, he had to make the case to others in the House of Commons that such legislation would be beneficial to Indigenous peoples. The 1885 debate tells a considerably different story: although there are still voices

that argue that the Crown ought to treat Indigenous peoples kindly and form policies that enact this, these voices are placed against a multitude of voices that portray Indigenous peoples as ‘murderous’ and 'savage'; not friends but enemies.

By kindness, I mean a relation between peoples that treats each other in a familial way, as multiple peoples who are like "kin" to each other, another expression of which is in Morris' understanding of treaty, which was to be like a marriage between polities (Asch 2014). This is not to say that the way this relation was expressed by Canadian politicians on both sides of the 1876 debate would have necessarily been "kind" to Indigenous peoples in the sense that we think of "kindness" as an emotion, although my reading of the debate is that some politicians did appear to desire such a thing to be the result of their policy. This policy was still highly paternalistic, though it was a paternalism that offered encouragement toward what most parties agreed was a necessary change of economy and way of life from reliance upon the bison to reliance upon farming. How each party viewed this change may have been quite different: while Canadian politicians on the whole saw farming as a more desirable way of life because it was more "civilized", and ultimately more "British", Indigenous leaders who desired this change were more likely to see it as a pragmatic move that guaranteed the continued existence of their peoples, who were not made "more civilized" or "more British" by this change, but rather, who continued to be Indigenous in both culture and political organization, while making the necessary changes in way of life to continue in a changing world. The 1885 debate, however, was frequently openly hostile and antagonistic to the notion that Canada-Indigenous relations could be based in any sense on kindness.

The change in the treatment of Indigenous peoples by the colonial government was summed up by one politician during the 1885 debate, Henry Fairbank, MP for East Lambton, who spoke out against the rise in mistreatment of Indigenous peoples. He contrasted a previous policy of good treatment of Indigenous peoples with a change taking place at the time, and blamed the government of Canada for the 'disturbance in the North-West': "This treatment marked the intercourse of the Canadian government with the Indian, for a long period, but it became most unfortunately changed, and the result of the change is seen to-day in the disturbance in the North-West. **We have turned over a new page in our history, and that page is already stained with blood**." (Fairbanks HOC 1885:1532; emphasis added)

A Debate Over the Word "Indian"

The 1885 Electoral Franchise Act's lengthy debate over the word "Indian" was framed initially around terminology--what the definition of the word "Indian" was. However, this became a debate around whether "Indians" were "persons". This began with a question from David Mills— the same politician who had complained to Alexander Morris that his treaty terms were "too onerous" (Christenson 2000:304). He asked of John A. Macdonald, who had put the bill forward, "how we are to understand the word Indian" (HOC 1885a:1484), of the two definitions put forth in the Indian Act-- that of "Indian enfranchised under the Indian Act, or in the sense of Indians who are not enfranchised?" (HOC 1885a:1484)

In asking this question, Mills was attempting to understand whether those Indigenous people would be given the vote who had undergone the process of enfranchisement into

being a British subject as laid out in the Indian Act. This process entailed that an Indigenous person must apply for enfranchisement to the Canadian government and get the application accepted. As detailed in the previous chapter, this process was incredibly flawed and onerous, and was based upon the overwhelmingly erroneous assumption that any more than a tiny minority of Indigenous people would want to become enfranchised into British subjecthood-- especially when it meant no longer being members of their Indigenous polities. It was a process that very few people had desired or went through. In Mills asking whether the Electoral Franchise Act was going to give the vote to Indigenous peoples who were unenfranchised as well as those who were enfranchised, he was asking whether Indigenous people who were still members of their own Indigenous polities were going to be able to vote in Canadian elections.

John. A Macdonald responded that "an Indian who is qualified would have a vote if he is a British subject. If an Indian had an income of $300 a year, he will have a vote the same as any other person." (HOC 1885a:1484). My reading of this statement is that the vote was to be given only to those Indigenous people who were enfranchised— i.e., British subjects, as Macdonald says. However, the debate proceeds in such a way as to call this interpretation into question. Mills asks again for clarification regarding who exactly will get the vote.

Mills asked if this would apply to "Indians residing on a reservation" (HOC 1885a:1484). Macdonald responded, that yes, they would be included. Mills continued to question: "An Indian who cannot make a contract for himself, who can neither buy nor sell anything without the consent of the Superintendent General--an Indian who is not enfranchised?" (HOC 1885a:1484). Macdonald responded, "Whether he is enfranchised or not." (HOC

1885a:1484) Mills continued to press Macdonald about whether this would this apply to people from Manitoba and British Columbia? Would it include Poundmaker and Big Bear? Macdonald responded "yes" to both of these questions. Mills responded, "So that they can go from a scalping party to the polls." (HOC 1885a:1484).

This comment from Mills would come to typify a position that would run through the whole of the remainder of the Electoral Franchise Act debates. Indigenous peoples, especially those from the North West, were represented as enemies of Canada.

The above exchange between Macdonald and Mills was to begin a debate over the word "Indian" and whether Indians were "persons" that took place for 36 continuous hours. Many members of the House of Commons were to get up and make speeches in which they represented Indigenous peoples as murderers and criminals at war with Canada. This is in complete contrast to the 1876 Indian Act debate. Although the 1876 debate was dominated by paternalizing positions that for the most part could barely comprehend that Indigenous people would not be interested in losing their connections to their own polities and societies through enfranchisement, almost all positions expressed during that debate were explicitly justified to the House of Commons in terms of how they would be best for Indigenous peoples.

In short, the 1876 debate was a debate over which policy was the most kind. In the 1885 Electoral Franchise Act debate, politicians who wanted to treat Indigenous peoples with kindness had to defend their positions against an onslaught of positions, which saw Indigenous peoples as enemies. By 1885, the tone of the conversation of Canadian

politicians of what is the proper relationship between Canada and Indigenous peoples had changed fundamentally.

This fundamental change took place at the same time as Canadian politicians became aware of what was titled in the House of Commons debates as "the disturbance in the North-West" (HOC 1885a:1474), and what successive historians have termed the Riel Rebellion. Some of the same chiefs who had been present for the Treaty Six negotiations, such as Poundmaker, were now being spoken of in the House of Commons as if they were enemies of Canada.

The 1885 Electoral Franchise Act debate took place at a turning point Canadian policy toward Indigenous peoples: the very same time that news was reaching the House of Commons regarding the 'disturbance in the North-West'. At some points, the debate over the word "Indian" was actually interrupted by pressing news from the North-West: news which, to many members of the House of Commons, was seen as evidence that and equitable relationship with Indigenous peoples was not possible because Indigenous peoples were in some way inherently 'warlike'– a quality that some politicians connected to their supposed 'primitiveness'. In reality, the uprisings in the North-West were part of reasoned political movements that arose in response to Canada's unfulfilled treaty promises. For these treaty promises to go unfulfilled was not merely symbolic: they resulted in Indigenous peoples' starvation and virtual imprisonment on their reserves.

Representatives of the Crown had been fully aware of the impending possibility of famine and starvation on the plains (Daschuk 2013). As shown in chapter 1, this was a considerable part of the Treaty Six negotiations in 1876, and Crown treaty commissioner

Alexander Morris had understood the importance of this enough to enshrine the Crown's response to these concerns in the Famine Clause of that treaty. However, as Daschuck (2013) has shown, other Crown officials did not realize the importance of such promises, or care to fulfill them, and the consequences were dire, tragic, and could have been prevented.

Another important part of Treaty Six had been neglected in the intervening years. As detailed in Chapter 1, Poundmaker had made it clear in no uncertain terms that the Crown ought not to restrict the movement of Indigenous peoples. Morris had assured him that this was not the intention of the Crown, and that no such restrictions would be made (Morris 1880: 183). However, in 1884, amendments had been made to the Indian Act that restricted people to their reserves-- effectively holding them prisoners. This imprisonment, on its own abhorrent even to some Canadian politicians at the time, when combined with the virtual extinction of the bison, as well as the difficulties in raising farm crops in the northern prairie climate, made staying on reserve a death sentence, and leaving reserve, even simply for the purpose of feeding one's community, a crime. In short, the Canadian politicians who did not desire to treat Indigenous peoples with kindness, and who justified their views by recourse to the supposed 'warlike' 'primitiveness' of Indigenous peoples, could use the unrest of 1885– which was a particular political response to a particular political situation at that time-- as evidence that Indigenous peoples were too 'primitive' to have an equal relationship with.

"The Disturbance in the North-West"

During the 36-hour debate over the word "Indian", numerous politicians got up and spoke about the Indigenous peoples of the North-West. Sometimes they differentiated these

peoples from the Indigenous peoples of Ontario, which is a theme continued from the 1876 debates. Other times they did not. What differentiates on a whole the 1876 and 1885 debates regarding Indigenous peoples is that in 1885, many politicians got up and spoke of Indigenous peoples, especially those of the North-West, with fear and hatred. This was often connected to the ongoing "disturbance in the North-West", as it was termed in the debates. These speeches show a drastic change in the average conception of the relationship between Canada and Indigenous peoples between the two debates.

A number of these speeches express fear over the possibility that Indigenous suffrage would result eventually in Indigenous people being elected to the House of Commons, particularly chiefs they believe to be involved in the uprisings of Frog Lake and Batoche, news of which arrived during the debates (Schneiderman 2017:21).

> [H]ow would the hon. Minister of Public Works, for instance, like to have seated among his colleagues or near him Pi-a-pot, or Big Bear, or Strike-him-on-the-back, or any of the other Indian chiefs, about whom we hear so much about these days. (Cameron: HOC 1885a:1503)

The above quote is one of many that deride Indigenous leaders of the North-West as enemies. Another politician spoke with fear and hatred of several Indigenous leaders, including Poundmaker, who was one of the Cree negotiators for Treaty Six.

> The right to vote will imply the right to be elected; and when that time comes, how many Indian representatives will we have in this House, and how many of them will be members of this Government? Is it not possible that Pie-a-pot or Big Bear or Poundmaker, will be the successors of the hon. gentlemen on the Treasury benches, or that Blackhead will lead the Conservative party of this country? (Platt: HOC 1885b:1526)

Other speeches are more hateful and fearful, and paint all Indigenous peoples of the plains as murderers, or worse.

> I ask if it reasonable or proper to give the franchise to a wild Indian of the plains, who is now **flourishing the scalping knife and the tomahawk**, and **ravaging our settlements** in the North-West. Has he the love of country, and the pride in British institutions, which and man should have who exercises the right of suffrage? Is that man fitted to exercise the functions of a voter? Does he possess the intelligence which would qualify him to exercise the franchise? Does the Indian possess that degree of independence that will fit him for the discharge of the franchise? No; he cannot discharge the functions of an elector, because he is not an independent man, but is a **ward of the Government**; he is **under the complete control** of the Superintendent General of Indian Affairs. (Charlton: HOC:1885a:1503; emphasis added)

> Where are the Indian electors who are about to be invested with the sacred functions of the franchise? They are making the night-sky of the North-West lurid to-night with the conflagurations of the dwellings of the settlers; **they are murdering the settlers, and subjecting their wives and daughters to a fate worse than death**. These are the **bloody, vindictive barbarians** that are to be invested by this Bill with the power of controlling the elections of the North-West Territories, when they are accorded representation in this House. I say **there is nothing in the whole history of Canada or in the whole history of America so monstrous, so indefensible**, as this proposition of the Government, to give these barbarians the right of citizenship. (Charlton: HOC 1885b:1523; emphasis added)

The excerpts above are some of the most extreme statements made in the debates, but they are in line with much of the other speeches. A consistent thread through many of the speeches, is that the proposal is to give the vote to "the robbers and murderers of the North-West" (Mullock: HOC 1885b:1521). The same politician who above expressed such fear and hatred also connected this to concern over against Indigenous suffrage because

Indigenous people were considered wards of the Government and therefore could not vote freely.

> When this measure becomes law and the elections are held again, will it be a source of triumph to this country to find this hall occupied by men chosen by such an electorate as you propose to enfranchise? Who would like to sit here as the representative of Poundmaker or Big Bear, or Pie-a-pot or any of the other murderers there? **You need not send pen and ink to these people to write their ballots with; they will write them with the blood of the people who have been murdered in that country** if this measure is carried through." (Mullock: HOC 1885b:1521; emphasis added)

Another politician made the case that because many Indigenous people were not Christian, that they were engaged in unrest, and connected this to their "ancient habits" in an extremely racist way:

> [W]hat is [the Indians'] social condition? We find, by the Indian Report, that a majority of them are still pagans; not only are they pagans, but we find from recent events that they still have in them the savage and ferocious dispositions of ordinary barbarians. They are ready, on the slightest pretext, to return to their **ancient habits of rapine, pillage and murder**; and yet the right hon. gentleman proposes to give the franchise to these Indians, the most of whom are in rebellion against the Government. (Fisher: HOC: 1885a:1505; emphasis added)

Another theme in the speeches of the 1885 debate is playing white people against Indigenous people regarding suffrage. Several politicians explicitly compare their view of Indigenous people of the North-West to white people who did not have the right to vote, especially those who were sent to “restore order” in the North-West:

> [The country is under] a condition of things which renders a police force necessary to prevent the Indians from **taking up arms**, in which white people are being driven from their

> homes and some of them massacred by the Indians, the hon. gentleman proposes to give these Indians the power of voting under this law—he proposes to give to such men as **Poundmaker and his band and Pie-a-pot** and his band, the power of electing representatives to seats on the floor of this House. … The hon. gentleman proposes to **take the franchise from a large number of those who shouldered their arms and went to the North-West to restore order, and to give it to the men who are massacring women and children in the North-West**. (Mills: HOC 1885b:1485; emphasis added)

Another politician described it in this way:

> We do not believe in that sort of justice which enfranchises Indians when they do not ask it, and neglects to enfranchise our soldiers who are now fighting the battles of the country in the North-West. (Wilson: HOC 1885b:1515-1516)

All of the above quotations are evocative of a new position expressed in the 1885 debate: that Indigenous peoples were not friends of the crown, but enemies. It is also evident from a number of speeches that some politicians knew colonial policy toward Indigenous peoples, such as the Indian Act, to be hurtful. However, some of these politicians who know and acknowledge such a thing express their favour for such hurtful policy.

Consider the following two quotes from two different politicians during the 1885 debate:

> [Indigenous suffrage is] "a proposition no less absurd than it would have been to have conferred the franchise on the **slaves** of the South, while they were still in a state of slavery." (Mills: HOC 1885b:1519)

> There is hardly an act that an Indian can perform in his lifetime without the authority and permission of the Indian Superintendant General who is, in fact, the **dictator** over all his proceedings, whether individually or in council. **I dare say our Indian act is a wise law** (Charlton: HOC 1885b:1523).

These two quotations are of two politicians attempting to make sense of the colonial policy toward Indigenous peoples by metaphor to two different widely-understood and widely detested political arrangements: slavery (specifically in the USA), and dictatorship. These particular politicians, however, did not make such comparisons in order to argue to the House that Canada's policies should change. They were in fact in favour of such policy, and justified their positions by recourse to the ongoing North-West 'disturbance'.

Another politician expressed his disapproval of the behavior of some of the other members of the House by comparing their attitude toward the House to colonial policy regarding reserves:

> "I dare say it would be satisfactory to some people to consider this House an Indian reserve, and put a law in force to eject persons from here at their will, and if these persons attempted to return, to put them in prison" (Mullock: HOC 1885b:1521)

Again, however, this politician was in favour of such policy. This quotation shows that not only was this politician not afraid to express his favour of dictatorial colonial policy toward Indigenous peoples to the House of Commons; he also thought that his views would be widely accepted and understood enough so that they would be a good metaphor to use when chastising other members of the House.

One politician expressed ideas connected to scientific racism to support his position on colonial policy toward Indigenous peoples:

> Now, if we examine the position of the Indian race in Canada, and even in the whole of British North America, it is easy to see that it is not a race which is capable of being civilised…[a]nd

> we are asked to legislate for a race which is gradually disappearing from the country. (Casgrain: HOC 1885b:1516).

> North America was formerly inhabited by numerous Indian races. These races, since that time, have decreased, not only in point of number but also in point of intelligence and physical vigour. … Their natural instincts, propagated from race to race, and which, in medical term, is called *atavism*, are maintained within them in a peculiar manner and renders them unfit to become an element in any kind of civilisation. …The Indian race is destined to disappear (Casgrain: HOC 1885b:1518).

This is also a departure from the 1876 debate. There was a rise in the 1880s of scientific racism being used in support of colonialism more widely and this may be such an instance. Politicians also misrepresented treaty annuities as pensions or aid money, as the following two quotes show.

> "the government think they will succeed by the votes of those who are their pensioners, and who are liable to be intimidated by them and their officials." (Landerkin: HOC 1885b:1520)

> "When the Indian prizes a vote above the $8 a year he can get it." (Platt: HOC 1885b:1525)

This misconstruing of treaty annuities as pensions or aid is a complete reversal of how they were represented in the 1876 debate. In the 1876 debate, annuities were represented as a treaty commitment from the Crown, which Indigenous peoples had every right to receive. This is much more in line with the understanding that crown treaty negotiator Alexander Morris held.

One MP from Manitoba spoke out at some length during the debate, the Liberal Robert Watson (representing Marquette). Watson, like some other members of the House,

conflated the relatively small number of Indigenous people involved in the uprising with the majority of the Indigenous population of the country, and argued against giving the vote to Indigenous people because of the uprising, "they being the very people in regard to whom the settlers are calling for arms to defend themselves" (HOC 1885b:1542). He also spoke out against giving Indigenous people the vote because he was worried about their leaders being elected to Parliament: "when the Territories have representation in the House, Poundmaker or Pi-a-pot might become members of Parliament" (HOC 1886b:1523). During a later point in the debate, he again spoke out again against giving Indigenous people the vote because they were, in his mind,

> "not such people as we would desire to be enfranchised. We see them at the present time making use of ammunition furnished them by the Government, as means of procuring sustenance, to slaughter our young men in the far west. Especially is it undesirable at this particular time when trouble is prevailing in the North-West and when thousands of our young men are there for the purpose of suppressing rebellion, that we should enfranchise the Indians" (HOC 1885b:1566-7).

During discussions of such uprisings in the House of Commons he enquired as to whether arms had yet been supplied to fight against the uprisings (HOC 1885b:816). He also at one point recommended a particular company to be sent to fight the rebellion. This was rebuffed by the Minister of Militia and Defence, who thought it was not proper that such a recommendation be given (HOC 1885b:1468-9).

Indigenous Allies or Indigenous Subjects?

At two points during these debates, William Paterson brought up a different relation of Canada and Indigenous peoples than any other politician had raised. This was the question

of whether the Six Nations were in fact subjects of the Queen, or rather were not subjects in the way that Canadian citizens were, but instead were allies to the Queen.

Paterson asked of the government whether the government's push for giving the vote to Indigenous people was the result of Indigenous people asking for the vote, but no answer was given (HOC 1880a:1490). Paterson goes on to say that he asks this question for a personal reason: "[l]ast year we passed what is called the Indian Advancement Act, designed, the First Minister told us, to encourage the Indians to adopt municipal institutions, **instead of having their affairs legislated upon by their chiefs**." (HOC 1880a:1490; emphasis added). Paterson then read out loud the entire Act in question to the House of Commons. He explained that he had read this act to bring attention to the First Minister, who he acknowledged was unfortunately not present in the House for this part of the debate, to a "report of a meeting of the Six Nation Indians in my own constituency on the 17th of April, 1875, when they decided against availing themselves of the Municipal Advancement Act, as they call it…this is proof positive, to my mind, that not only have these Indians not asked for this vote, but that they do not desire it." (HOC 1880a:1490).

Paterson then continued to say that another

> reason the Government should hesitate before doing anything like forcing something on the Indians that they have not asked for is the peculiar manner in which some of them view their rights. **There are chiefs and warriors among the Six Nations who take the position that they are not subjects of the Crown, but are allies**; and that is the reason I should like to have the First Minister present, **tell me what position the Six Nation Indians occupy with reference to the Crown, and what was the nature of their treaty.**"(HOC 1880a: 1490; emphasis added).

Paterson continued to question the government regarding the treaty relation of the Six Nations to the Crown by asking whether the government had the power to order the chiefs and warriors of the Six Nations for military duty. "I ask it with the view of ascertaining in what position the Indians really do stand with reference to the Crown? I want an answer to that question." (HOC 1880a: 1490-1491)

The Minister of Marine and Fisheries, filling in for prime minister John A. Macdonald's absence at that time from the House of Commons, still was unable to provide an answer. Paterson then explained that he needed this information in order to make up his mind about the Electoral Franchise Act: "The question I ask", he said, "concerns the Indians in my county, and I desire to have it answered, to enable me to make up my mind on this matter. It is a question which ought to be considered by the Government, but which evidently has not been considered by the Government." (HOC 1880a:1491)

Immediately following this discussion is a very telling exchange regarding the way in which enfranchisement and suffrage were confused by a number of the members of the House of Commons. Another member immediately responded to Paterson's continued speech-making and questioning of the government: "We have been listening for several hours to the hon. member for South Brant (Paterson), arguing against the proposal to enfranchise the Indians. Well, the hon. member has a peculiar elasticity of conscience" (HOC 1880a:1491). This remark was made in reference to Paterson arguing against the Electoral Franchise Act as it related to Indigenous peoples. To which Paterson replied, "I protested against giving them [Indigenous people] votes, and withholding enfranchisement from them"-- this is what the act would have done (HOC 1880a:1491). He continued to explain

that his position was that "the same right, liberties and responsibilities to Indians [should be given] as others; that would be the solution to the whole question, while the Act proposes to keep them in the same condition of tutelage that they are at present" (HOC 1885a:1491).

Paterson brought up this conception of some Indigenous peoples not being subjects of the Crown, but instead allies of it, again on the debate of the Electoral Franchise Act as it continued on June 8 of 1885. In this speech, he sums up the position of "many members, if not the whole" (HOC 1885b:2368) of the Six Nations:

> Some of the more advanced tribes of Indians, who were not original proprietors of the soil of Canada, who came here under treaty with Great Britain and had certain lands given to them**, many members if not the whole of the nation desire to maintain their tribal relations, their semi-independence and their position, as they view it, as allies rather than as subjects of the Crown**. The First Minister has himself given us to understand that one of the main reasons why the enfranchising clauses of the Indian Act are not more availed of, the strong feeling among the Indians in favor of maintaining their **tribal relations–their distinct nationality.** I have declared more than once during this discussion that nothing would be more unwise on the part of the Government than to attempt anything in the direction of force. The Indians should be led, and in my view they should assume the responsibilities as well as the privileges of citizenship. They have their rights under treaty, rights which have been secured to them by the Crown, and they are jealous of those rights. The fact that they have not availed themselves of the principle of enfranchisement shows that **they value those rights**, and I think they would resent anything which would look like this Parliament putting upon them unasked, and by the mere force of will of this Parliament, something they have not asked for or desired." (HOC 1885b:2368; emphasis added)

Paterson's bringing to the House of Commons the question of the Six Nations proper relationship is a stark contrast from the many other politician's tirades against Indigenous peoples. Although Paterson states to believe that enfranchisement is the best path for the Six Nations and other Indigenous peoples, the fact that he would bring the position of the Six Nations to the House of Commons suggests to me that he is willing to consider Indigenous peoples' positions on their proper relationship with Canada. His speech also gives one possible definition for the recurring term, "tribal relations", which he explains to be the Six Nations "distinct nationality" (HOC 1885b:2368). Paterson's urging Canada not to do try to force the Six Nations into a different relationship than they themselves desire is representative of an earlier form of colonial relations that was in effect through Alexander Morris' treaty negotiations, and fundamentally different from those in the 1885 debate that described Indigenous peoples as enemies of Canada.

Conclusion

The 1885 Electoral Franchise Act debate show a fundamental change in Canadian politician's rhetoric and positions when compared to the 1876 Indian Act debate. Each debate is evocative of the way in which Canadian politicians conceptualized the relationship between Canada and Indigenous peoples. Although both debates show opposition and dissent, for a number of reasons and from a number of positions, the fundamental change or difference between the two debates is in the way Canadian politicians seek to justify their positions.

In 1876, members of the House of Commons sought to justify their positions by recourse to the idea that their position would show the most kindness to Indigenous peoples. In 1885,

although there were still those who justified their positions in such a way, the tone of the debate had changed. In the 1885 Electoral Franchise Act debate, speaker after speaker sought to justify their positions regarding Canada's relationship to Indigenous peoples not on the grounds that their policies were that which showed the most kindness, but on the grounds that Indigenous peoples were enemies of the Crown.

There were, of course, those within the House of Commons that dissented from this antagonistic portrayal of Canada-Indigenous relations. The differences between the underlying principles which informed Canadian politicians in the Treaty Six negotiations, the 1876 Indian Act debates, and the 1885 Franchise Act debates show that Canada's past and ongoing colonialism was not and is not inevitable.

At every step of the way at the very beginning of the relationship between Canada and Indigenous peoples, there was not a uniform principle from which Canada's representatives acted, but rather a range of principles that informed a spectrum of positions that varied between people and at times, in the mind of one person at different times in their life. As the past instantiations of the relationship between Canada and Indigenous peoples was not inevitable, neither is its present nor its future. I hope that this story has shown this possibility.

In the end, the Electoral Franchise Act was passed, and with it some Indigenous people were allowed to vote. Excluded were the "Indians in Manitoba, British Columbia, Keewatin and the North-West Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one

hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act." (Electoral Franchise Act 1885: 109-111). The protestations of those such as Paterson who argued that it was not right that people should be given the vote while they are denied status as citizens were not heard by the government of John A. Macdonald. However, in the year 1886, the Liberal party won the federal election and this law was repealed. (Schneiderman 2017:21)

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Conclusion

The relationship between Canada and Indigenous peoples is integral to Canada's justification for being here. At least in some cases, as it was with Treaty Six, this was the official position of the Crown's representatives from the beginning. The high regard for the treaties that some Indigenous peoples hold should serve to the rest of us as evidence of this. This year 2017, as Canada celebrates its 150th birthday, is a good time to reflect back over Canada's birth and first few years. In keeping with the metaphor of Canada as a person that was 'born', the first few years of life are crucial to the development of a person, as most child psychologists will attest.

This thesis has considered how Crown policies regarding the proper relationship between Canada and Indigenous peoples evolved and changed over the period 1876 to 1885. This time period was crucially important, as it built the foundations for how such a relationship is conceptualized today. It was also a period of great plurality of positions. Although some positions won out and became reflected more predominantly in both official policy and in the minds of those making such policy, it was not inevitable things happened in the way they did.

Through a close reading of historical sources, this thesis has attempted to show how this process was not inevitable. It is my hope that such investigation will help to show that the present relationship between Canada and Indigenous peoples can be improved, and that if we as settlers show less concern for the wellbeing of our Indigenous partners, and for what

they have to say than Alexander Morris did during the Treaty Six negotiations, then we have less legitimacy to be here than we did 150 years ago.

The first chapter of this thesis examined the negotiation of Treaty Six in 1876 and the circumstances leading up to such negotiations. Treaty Six is entirely unlike a typical settler's understanding of a treaty between a colonial government and Indigenous peoples, beginning with the circumstances leading up to the treaty. Both the Indigenous signatories and the Crown had long histories of treaty-making. The Indigenous signatories to Treaty Six had, since time immemorial, made treaties as a way to allow for multiple polities to exist on a single territory. On the side of the Crown, Treaty negotiator Alexander Morris was acting within a long tradition with roots at least back to the Royal Proclamation of 1763, which indicated that making treaties with Indigenous peoples was the only way in which settlers may justly live on Indigenous lands. The ever-increasing scarcity of bison on the plains also meant that the Indigenous peoples there would have to find a new way to support themselves, which led to their interest in learning agricultural skills.

Before and during the negotiation of Treaty Six, it was also clear that the Crown did not have a military presence that they could have used to force Indigenous peoples to sign treaty, and members of the colonial government including Morris were aware that any violent disputes would likely start a long war with devastating consequences for both sides. During the negotiations, Indigenous leaders stressed that there had been no blood shed between them and the few settlers, traders, and others who were encroaching into their territory. Indeed, the incursion of telegraph and geological survey crews through Indigenous territory had been cause for Indigenous leaders to request a treaty with the

Crown several years earlier, as treaties were the established way of creating a legal basis for outsiders to enter Indigenous territory.

Treaty Six represented the height of Alexander Morris' understanding of treaty. He had, by that time, re-negotiated treaties One and Two, and negotiated treaties Three, Four, and Five on behalf of the Crown. After the Treaty Six was negotiated and agreed to, he wrote a book about the treaties which clearly outlined that the only way for settlers to justifiably settle upon Indigenous lands was the agreement of the Indigenous peoples whose lands those were, which was half the aim of treaty-making. The other half was genuine benefit for those Indigenous peoples.

A few months prior to the negotiation of Treaty Six, David Laird, who was minister of the Interior at the time, brought forward the 1876 Indian Act to the House of Commons. Although it was not the first time that the colonial government had passed laws related to Indigenous peoples, it was a considerable body of legislation that is often considered today to be the first Indian Act. Laird's intentions with the Act were twofold: to consolidate existing legislation related to Indigenous peoples, and to make changes to Indigenous enfranchisement, which was a process by which Indigenous people could become part of, or 'enfranchise', into Canadian society.

The discussion of the process of enfranchisement entailed a long debate in the House of Commons. There were several politicians who objected to the changes, and to the process of enfranchisement altogether. The most vociferous and sustained opposition came from William Paterson, who represented the riding of Brant South, which was very close to a large Six Nations reserve, which remains today the most populous in Canada. Paterson

opposed the process of enfranchisement on the grounds that it was too complicated and difficult, and that it effectively meant that Indigenous people were no longer members of their Indigenous group if they went through this process. Laird would not back down, and insisted that the real goal of the enfranchisement process was to 'improve' Indigenous people. Paterson, and several other members of the House of Commons, objected to this on the grounds that Indigenous peoples were no more in need of 'improvement' than anyone else. After much debate the act was passed.

The Indian Act is today widely recognized as a racist and dictatorial piece of legislation that treats Indigenous peoples as if they were somehow 'lower' than other peoples. The 1876 Indian Act debate is important because it shows how there were dissenting views even amongst mainstream government officials about the Indian Act at the time of its creation, and about the process of enfranchisement. Additionally, and vitally, it is important to note that nearly all of the politicians who engaged in the Indian Act debate in 1876 justified their own positions on the grounds that they showed the most kindness to Indigenous peoples. It would be inaccurate and offensive to conclude, looking back from our 21st century vantage point, that the Indian Act has showed kindness. And yet its proponents in 1876 seemed to think the Indian Act would be the basis for kind relations. It is also reasonable to infer that its proponents may have come to this conclusion in order to convince their peers it was the right way forward. This would change by 1885, as the third chapter of this thesis shows.

In the third chapter of this thesis considered another House of Commons debate about legislation concerning Indigenous peoples. This chapter was about the 1885 Franchise Act debate. Like the 1876 debate, the 1885 Franchise Act debate concerned the process of

enfranchisement of Indigenous people and peoples into Canadian society. However, unlike the 1876 debate, its participants did not on the whole put forward their positions on the grounds that they would show the most kindness to Indigenous peoples. By 1885, a new position was emerging in mainstream Canadian politics. This position saw Indigenous peoples not as friends, but as enemies.

The Electoral Franchise Act debate of 1885, as it pertained to Indigenous peoples, included an incredibly lengthy debate on the definition of one word. That word was "Indian". Members of the House of Commons debated for 36 hours straight-right through the night- on the definition of this word, and with it, the question of who was Indigenous, and what was the relation of Indigenous peoples to Canada. Throughout this debate, many politicians got up and made impassioned speeches, not in favour of a policy that would treat Indigenous peoples more kindly, but merely to denigrate Indigenous peoples as "murderers", "savages", and worse. These politicians were particularly fearful that an attempt to incorporate Indigenous peoples into Canada would result in chiefs from the North-West holding positions in the colonial government, or sitting next to them in the House of Commons.

The events taking place concurrently with the 1885 debate also provides a clue as to why the tone in the House of Commons had so drastically changed. While the House was sitting to debate the Franchise Act, news was coming in from the North-West about violent conflict there between Indigenous peoples and settlers. The conflict was rooted in a topic discussed during the Treaty Six debates: the scarcity of the bison. Alexander Morris had heeded the concerns of the Indigenous negotiators of Treaty Six, and agreed that the Crown

would provide relief in times of famine, as well as would provide additional agricultural equipment and training. He had also enshrined these agreements as two additional written clauses to the treaty. However, in the intervening years, other government officials did not heed the importance of these clauses, and there was a widespread famine on the plains.

When Indigenous peoples of the North-West took up arms as a result, who were relatively few in number and may have been acting outside of the sanction of any chiefs, they were described as murderers and traitors in the House of Commons. There were still some members who came to their defense, but a huge shift in the general air of how those in the House of Commons thought about Indigenous peoples had begun to take place.

In this hostile atmosphere, William Paterson, who had been outspoken against the 1876 Indian Act, questioned the government about the true relationship between the Six Nations and the Crown. He brought it to the House that chiefs and warriors of the Six Nations had informed him that their treaty relationship with the Crown made them the Crown's allies, and not its subjects. He demanded an answer from the government of John A. Macdonald as to the true nature of this relationship. No adequate answer was given.

A number of conclusions can be drawn from a comparison of Treaty Six and the 1876 Indian Act and 1885 Indian Act debates. These sources all give an intimate picture of how different mainstream Canadian politicians at these times conceived of the relationship between Indigenous peoples and Canada. Treaty Six was the only one of the three that involved Indigenous peoples in this discussion. Indigenous peoples had no official representation in the House of Commons. William Paterson brought up issues as the Six Nations had asked him to, though this was outside the official scope of his duties as an MP.

However, during the 1876 Indian Act debate, David Laird justified aspects of the Act on the basis that they were what was requested by Indigenous peoples. This shows that some attempt at consultation was considered important, even in the House of Commons at that time, though obviously much less so than there was for the terms of Treaty Six. Additionally, even up to 1885, some politicians such as Paterson were open to discussion regarding the exact type of the relationship between Canada and Indigenous peoples, and were open to hearing from Indigenous peoples themselves for information as to what this relationship was to be.

Most simply, I hope that in this thesis I have done enough to complicate the understanding of the beginning of the relationship between Canada and Indigenous peoples that other settlers such as myself will realize that the process of colonization was not inevitable. At each step of the way, there were choices made by individual people, and these choices have had repercussions that have far outlasted their lives. At many steps of the way, where there was the possibility for it, there was also debate over and dissent from these choices.

There is much further research that could be done to uncover how much more dissent there has been to the mistreatment of Indigenous peoples from settler politicians. This type of work is on the one hand very important, but on the other hand, there is a kind of inherent risk to it. It is important because, for any contemporary settler who recognizes that how Canada treats Indigenous peoples is wrong, they feel that the floor of history has opened up from under them: believing in the uniformity of colonialism in the past, they think they– or they and only a few others– must be the first settler(s) to have somehow realized something is wrong. If they are in fact the first, they are faced with a debilitating

question: if no one has realized this before, how can the process of colonialism not be inevitable? It can be both hated, yet inevitable, and if this were the case, a kind of paralysis of action and depression of spirit could seem to be almost a reasonable response. If settlers were more aware of some kind of a history of settler dissent from colonialism, all of this could be averted, and they could think of themselves as building upon some kind of an established history.

It is a risky thing though, to tell these stories, for at least two reasons. First, it can be tempting to see greater dissent than there was– as a kind of historical hyperbole– in order to try to rescue one's own settler past and dis-implicate a settler, their family, or history from their colonial context. This could very well occur, even on a sub-conscious level, for upward mobility in more radical political circles and or as a way to assuage settler guilt or discomfort. Second, undertaking this kind of research could displace Indigenous voices of dissent as opposed to sitting beside them, as a treaty partner. This kind of research must consider how it is situated in a broader conversation of dissent and contestation; its confidence in this pursuit must not become arrogance or righteousness. In deciding how exactly to portray these stories in this thesis, I felt a bit at times like I was walking a tightrope between these two pitfalls. I hope the reader doesn't feel I have fallen too often or too far.

Through this thesis, I hope to have complicated the history of colonialism in Canada. I hope to have complicated it as much as the present is complicated. In the future, 150 years from now, our present circumstances may be looked back upon by whoever is waiting for us,

whoever it is we become. Will our positions seem uniform to them? Will the next 150 years seem as inevitable?