

**“WE HAVE ONE MIND AND ONE MOUTH.
IT IS THE DECISION OF ALL OF US”**

**TRADITIONAL ANISHINAABE
GOVERNANCE OF TREATY #3**



Prepared for

**Grand Council Treaty #3
by**

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EXECUTIVE SUMMARY

- # The territory included in Treaty #3 in 1873 was governed by a Grand Council of Anishinaabe Chiefs
 - # The Grand Council exercised sovereignty over this territory prior to 1873
 - # This sovereignty derived its economic basis from the resources of the Treaty #3 territory
- # Anishinaabe leadership included both ranked civil and war chiefs
 - # The civil leadership was composed of both hereditary Grand Chiefs and other ranking chiefs who rose to prominence through ability and election
 - # By 1873 the office of hereditary Grand Chief had lost much of its influence; 3 regional civil chiefs exercised considerable authority and functioned as spokesmen for the Grand Council during treaty negotiations
 - # Other ranked leaders included first and second rank soldiers, war chiefs, pipe bearers, and messengers
 - # Officials of the Midewiwin, a religious organization of ranked members, were influential in Anishinaabe leadership and provided many members of the Grand Council
- # Decision making was by consensual democracy and leadership was ultimately responsible to the heads of families
 - # Councils were held to reconcile different interest groups and were continued until agreement had been reached or the matter abandoned
 - # Consensual decision-making was a prerequisite for such national efforts as the negotiation of Treaty 3
 - # During Treaty 3 negotiations, the preliminary consensus as to the Grand Council's negotiating position broke down during the talks, and a new accord on a revised position was formed after internal all-night talks
- # After 1873, Canada, through its Department of Indian Affairs, undermined traditional governance, outlawed traditional religion and substituted the authority of its Indian Agent
- # After 1873, Ontario appropriated control and administration of off-reserve resources on which traditional Anishinaabe governance had been based

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Introduction

The territory included in Treaty #3 in 1873 was governed by a Grand Council of Anishinaabe Chiefs. By tradition the Grand Council met annually in spring or early summer on Rainy River near Couchiching Falls. This civil leadership was responsible to other political ranks and ultimately to the constituent families. Decision making was by consensual democracy and acquisition of excessive power by individuals was discouraged.

This paper is a brief outline of the structure of Anishinaabe government west of Lake Superior, based on historical documents. Sources given in the footnotes provide further details.

Restrictions and Limitations

This report is prepared for the purpose of an internal review by the Grand Council Treaty #3. This study provides the historical information available on Anishinaabe traditional governance of the Treaty #3 territory. This study is prepared with the understanding that no other person will rely upon it for any other purpose. Any and all liability to such third parties is expressly denied by the authors of this study.

Alternative Explanations of Traditional Anishinaabe Social Organization

Our opinions are based on our own research and literature review. There exists an extensive volume of historical and ethnographic data, some of it conflicting. Other interpretations are possible and have been drawn. Scholars such as Edward Rogers, Charles Bishop and Ruth Landes have advanced contrary interpretations which emphasize the limited unity binding the collective society, choosing to focus upon an alleged complete autonomy of bands, families and individuals.

At its most extreme, in the work of Landes, the Anishinaabe are "atomistic" individuals living in small bands having no aboriginal political organization, driven by need to disperse widely in a meager country. Landes depicted Ojibwa social life as different "orders of hostility." The Ojibwa personality structure was typified by severe anxiety neuroses caused by a shortage of food which manifested as "melancholia, violence and obsessive cannibalism," culturally represented by the Windigo. Landes characterized the Ojibwa as hunters of big game and fur animals which were "scarce," forcing complete isolation of family households during the winter season. According to Landes, "politically and economically the Ojibwa are an atomistic society ... the individual person is the unit." The Ojibwa were described as placing a high value on "ruthless individualism." She concluded that "the Canadian Ojibwa have only a feeble development of the characteristic American forms of hospitality and gift exchanges. There are no such obligations even between parents and children."¹

In our view, Landes' interpretation is grossly mistaken. She erred through her failure to use historical evidence correctly and by failing to apply rigorous research and field work standards.

¹ Ruth Landes, *The Personality Of The Ojibwa* *Character and Personality* 6 (1937):51-60.; "The Abnormal Among the Ojibwa Indians" *Journal of Abnormal and Social Psychology* 33 (1938):14-33; "The Ojibwa of Canada" *Cooperation and Competition Among Primitive Peoples* ed. by Margaret Mead (New York: McGraw-Hill 1966 [1937]); *Ojibwa Sociology* (New York: AMS Press 1969 [1937]); *The Ojibwa Woman* (New York: W.W. Norton & Company 1971 [1938]); *Ojibwa Religion and the Midewiwin* (Madison: University of Wisconsin Press 1968).

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Nevertheless, this “atomistic” notion of Anishinaabe society does exist in the literature and can be employed by those who wish to advance the idea that traditional political organization was non-existent. That sort of argument is also used to deny legitimacy to First Nations and mirrors many of the biases and prejudices of Canadian resource administrators.

A more correct view, in our opinion, will focus upon the historical data giving specific insights into the nature, quality and characteristics of Anishinaabe life prior to Treaty #3. We have researched the European and colonial documents over the span of several decades and have published the results in numerous papers. Our view recognizes that the complexity of social and economic forces affecting the Anishinaabe prior to 1873 promoted both atomistic and collective action, and that this balance constituted the core element of traditional Anishinaabe social relations. Historically, “atomistic” behaviour was present during the very era when bands formed large confederations and engaged in assorted communal activities. For Anishinaabe political life, the dilemma has been to balance the welfare of the individual or small cooperative kin group with the needs of the larger groups of the band, the village, the reserve or the nation.

The Economic Bases of Anishinaabe Political Organization

The economic base of Anishinaabe society was a critical factor in its political development. It is the richness of the traditional territory close to the Minnesota border, compared to the more northerly lands beyond Lac Seul and Albany River, and the nature of the resources, that led to large communal organizations.

Abundant natural resources were the foundation for Anishinaabe government. During the 18th and 19th centuries, large groups gathered during harvest seasons, at maple sugar groves, fishing stations, berry patches, garden sites, and rice fields. The sturgeon during spring spawning season supported the assembly of up to 1,500 people at fishing stations on Rainy River. At Couchiching Falls (present-day Fort Frances), the Anishinaabe national government met each spring, relying upon abundant spawning runs of sturgeon and stored supplies of manomin, maple sugar and Indian corn. The generally reliable food supply allowed a substantial degree of independence and made Anishinaabe, according to one official, “sufficiently organized, numerous and warlike, to be dangerous if disposed to hostility.”²

Government Structure

Formerly, small hunting groups (2 or more resident families) linked by marriage, kinship and totemic membership formed independent local bands. Such family based groups remained important in tribal government. According to Simon Dawson, in 1870:

² Frances Densmore, *Chippewa Customs* (Minneapolis: Minnesota Historical Society, 1979 [1929]); Tim Holzkamm, Victor Lytwyn and Leo Waisberg, “Rainy River Sturgeon: An Ojibway Resource in the Fur Trade Economy,” in *The Canadian Geographer* 32(3):194-205 (1988); Leo G. Waisberg and Tim E. Holzkamm, “‘A Tendency to Discourage Them From Cultivating’: Ojibwa Agriculture and Indian Administration in Northwestern Ontario,” *Ethnohistory* 40, no. 2 (1993), 175-211; 1995. Tim E. Holzkamm, Leo G. Waisberg & Joan A. Lovisek, “‘Stout Athletic Fellows’: The Ojibwa During the ‘Big Game Collapse in Northwestern Ontario 1821-71’” *Papers of the Twenty-Sixth Algonquian Conference* (Winnipeg: University of Manitoba Press 1995); *National Archives Canada* [NAC] MG11 C.O.42 vol.698, pp.126-148, “Memorandum in reference to the Indians on the line of route between Lake Superior and the Red River Settlement,” 19 December 1870.

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The tribal Government . . . is of patriarchal character and, notwithstanding that the Chiefs have the principal authority, every head of a family has more or less to say in affairs bearing on the general interests of the community.

Over time development of inter-band and inter-village cooperation necessitated more political coordination, often established through the formation of marriage alliances among interest groups. Small band chiefs were gradually superseded by civil chiefs, each representing several local bands and speaking for large numbers. Women sometimes became chiefs, or "held positions as medicine women, seers, chiefs, warriors and mediators." War chiefs and warriors were theoretically subordinate to the civil leadership, but their interests occasionally were in conflict with those of the civil chiefs. War chiefs were usually younger men who sometimes succeeded to civil chief as they became older. The warriors or soldiers constituted an important interest group and war leaders sometimes assumed great authority.³

During the 18th and 19th centuries, Anishinaabe First Nations organized through a Grand Council asserted sovereignty over their territory. Unlike the situation in northern Ontario, where local band leaders took on many different roles, Anishinaabe of Lake of the Woods and Rainy Lake had many different types of leaders, including Grand Chief, first and second rank civil chiefs, first and second rank soldiers, war chiefs, pipe bearers and messengers. Leaders participated in councils, where all heads of families had a say. Task group leaders, selected because of their experience and knowledge, had authority over harvest tasks such as ricing or communal bison hunting:

*At the time of the rice harvest the authority and patience of the Chiefs are put to the test, in deciding disputed claims and meeting out justice to all, which however, they manage to do, to the general satisfaction.*⁴

The complexity of Anishinaabe leadership was related to increasing population density and village size, the demands of warfare with the Sioux and intensifying trade relations with Europeans. The Midewiwin or Grand Medicine Society, a ranked curing society, operated in conjunction with the Grand Council, and many of its healers were also powerful chiefs such as Powawassin and Mawintopinesse. The annual spring Grand Council on Rainy River was also the occasion of Mide ceremonial activity.⁵

Political Authority

Leaders lacked the power to coerce obedience in a society in which decisions were traditionally

³ Priscilla Buffalohead, "Farmers, Warriors, Traders: A Fresh Look at Ojibway Women," *Minnesota History* 49 (1983) 236-44; Densmore, *Chippewa Customs*, *passim*, particularly the testimony of the woman Elder, Nodinens, 119-23; James G. E. Smith, *Leadership Among the Southwestern Ojibwa* (Ottawa: National Museum of Man 1973), pp.13-21.

⁴ Joan Lovisek, "The Political Evolution of the Boundary Waters Ojibwa," in *Papers of the Twenty-Fourth Algonquian Conference* (Ottawa: Carleton University, 1993), 280-305; NAC MG11 C.O.42 vol.698, pp.126-148, "Memorandum in reference to the Indians on the line of route between Lake Superior and the Red River Settlement," 19 December 1870..

⁵ E. S. Rogers, "Leadership Among the Indians of Eastern Sub-arctic Canada," *Anthropologica*, v.7, p. 275; NAC RG10 v.3825, f.60,511-2, R.S. McKenzie, Indian Agent / J.D. McLean, Secretary DIA.

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reached by consensus. Every head of family had a say in the affairs of the community as a whole. As noted in 1804 at Rainy Lake by the fur trader Peter Grant:

There are no established laws to enforce obedience; all is voluntary, and yet, such is their confidence and respect for their chiefs, that instances of mutiny or disobedience to orders are very rare among them ... the Chiefs never act as judges or legislators without the general consent of their young men or vassals ... their province is to preside at their public assemblies, to advise the young men and regulate matters respecting the war.

A Chief had commented in the late 17th century to Count Frontenac, the Governor of New France: "When you command, all the French obey and go to war. But I shall not be heeded and obeyed by my nation in like manner. Therefore I cannot answer, except for myself, and for those immediately allied or related to me." Chiefly status did not entail coercive power.⁶

Traditional values featured a distrust of excessive power and an emphasis upon consensual, rather than representative, democracy. Such traditional values were evident during the negotiation of Treaty #3. Alexander Morris, the Lieutenant-Governor of Manitoba, noted the existence of Anishinaabeg factions observing that:

The principal cause of the delay was divisions and jealousies among themselves. The nation had not met for many years, and some of them had never before been assembled together. They were very jealous of each other, and dreaded any of the Chiefs having individual communications with me, to prevent which they had guards on the approaches to my house and Mr. Dawson's tent.

As a consequence the decision-making process took the form of a council at which extensive debate took place until a general consensus was reached. Chiefs could not commit themselves in council without extensive discussion. Negotiations for Treaty #3 were delayed until all of the chiefs could assemble and deliberate. Treaty Commissioner Simon Dawson recorded that "the Chiefs neither reply to a proposition, nor make one themselves, until it is fully discussed and deliberated upon in Council by all the Chiefs." For the most part, differences between interest groups were reconciled during such deliberation so that the civil chiefs could speak for all with one voice. During the negotiation of Treaty #3 such consensus was emphasized by the Chiefs:

You see all our chiefs before you here as one mind; we have one mind and one mouth. It is the decision of all of us; if you grant us our demands you will not go back sorrowful; we would not refuse to make a treaty if you would grant us our demands.

In spite of the Grand Council Chiefs' display of a united front, there remained internal dissension which was exploited by Canada's treaty commissioners. On the next to the last day of negotiations in 1873 Lieutenant-Governor Morris peremptorily dismissed the Anishinaabe demands and threatened to make treaty with whomever he could, thus provoking a crisis. Morris reported that the Lac Seul Chief broke with the other Chiefs and came forward to argue for the treaty. Morris then agreed to stay for another day to allow the Council additional time to

⁶ Peter Grant, "The Sauteux Indians about 1804," in L. R. Masson (ed.) *Les Bourgeois de la Compagnie du Nord-Ouest* (New York: Antiquarian Press 1890); Leo Waisberg, "An Ethnographic and Historical Outline of the Rainy River Ojibway," in William C. Noble, ed. *An Historical Synthesis of the Manitou Mounds Site on the Rainy River, Ontario* (Parks Canada: Ontario Regional Office), ms., pp. 200-21.

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deliberate. The next morning the Chiefs reported that “the determination to adhere to their demands had been so strong a bond that they did not think it could be broken” and that they wished to see what else the Commissioners would offer. In the meantime the Commissioners had met and had agreed to offer additional terms. This appears to have been the turning point of the treaty negotiations and, although the Chiefs had remaining questions, a settlement was quickly reached.⁷

Although leadership was considered to be hereditary and often associated with particular clans, in practice the right to succession depended upon successful performance. High chieftainship was sometimes achieved by those with no hereditary claim to the office, and then inherited through the father’s line. Effective leadership required validation through performance. Warren, speaking of ‘Sharpened Stone,’ hereditary chief of the Cranes, claimed that “Keesh-ke’mun was not only chief by hereditary descent, but he made himself truly such, through the wisdom and firmness of his conduct.”⁸ The Leech Lake Chief Yellow Hair owed his rise to prominence to knowledge of medicine rather than hereditary right. His son, Flat Mouth, Eshki-bog–ecoshe, was a prominent chief during the mid-19th century, with marriage connections to Lake of the Woods Chief Powawassin’s family and also kin connections to the Grand Chief Premier. Yellow Hair’s grandson, Flatmouth II, was also civil chief at Leech Lake and helped Powawassin burn the American fishing station at Oak Island, and played a prominent role in ending conflict with the American army at the Bear Island War.⁹

Political Ranks and the Grand Council in Treaty #3

Anishinaabe traditional organization had a clear notion of ranking, with different duties and privileges. An 1869 paper drafted by the Grand Council for treaty negotiations noted different gifts “from the 1st Chief to the last Indian and according to their rank.” Other non-kinship-based organizations exhibited ranking, either as “degrees” for the Midewiwin, “first and second rank” grades for soldiers, or as named functions such as “fourth drum beater” for Drum Societies. In these cases, leadership within a task group or society was linked to knowledge and experience rather than hereditary principles.

For four generations prior to Treaty, the principal leader, Grand Chief of the Council, was known as “Nittum” or “the Premier,” of the Bear dodem or clan. The dynasty was started by an Odawa who emigrated from Lake Michigan to Grand Portage and Rainy Lake, the latter of which became the headquarters of his family for generations:

Nittum was an uncommon man ... great was his sagacity and conduct ... he attained a reputation for bravery, activity and prudence in council, as well as for the decision of character evinced in all the vicissitudes of a busy and perilous career, which extended beyond the region of Rainy Lake, and elevated him above the surrounding warriors and politicians. So great was the veneration in which he was held ... that the agents of the

⁷ Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories Including the Negotiations on Which They were Based* (Saskatoon: Fifth House Publishers 1991) pp.44-76.

⁸ William W. Warren, *History of the Ojibway Nation* (Minneapolis: Ross and Haines, 1974), p. 318.

⁹ See Rebecca Kugel, *To Be The Main Leaders of Our People: A History of Minnesota Ojibwe Politics* (East Lansing: Univ. of Michigan Press, 1998).

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Northwest Company took especial pains to conciliate his favour while living, and to honour his remains after death. The scaffold upon which ... his body was deposited, was conspicuously elevated, near the trading house at the Grand Portage ... a British flag floating in the breeze over the respected relics of their deceased chief. When these politic traffickers ... removed ... to Fort William, they carried with them the bones of Nittum, which were again honoured ... Nittum was succeeded in the chieftainship by his son Kakakummig, the Everlasting, who was also much respected.

The Premier's grandson signed the Selkirk treaty in 1817, but family influence lessened after 1850. Several years before Treaty #3 was signed Dawson noted a shift to the sharing of power by a number of Chiefs:

Like other Indian tribes they are governed by Chiefs and, of those at present in power, the principal one is looked upon as the hereditary descendant of the line which ruled over the tribe in by gone times, but the elective system has been introduced and this hereditary lord has to share his authority with a number of lesser Chiefs who have been elected.

By 1873, three regional chiefs were prominent: Blackstone east of Rainy Lake, Mawintopinesse on Rainy River, and Powawassin at Lake of the Woods. Treaty #3 was however signed first by "Kee-ta-kay-pi-nais," a "very aged hereditary Chief."¹⁰

At treaty, band or local chiefs were attended by "first" and "second" rank soldiers, messengers or pipe-bearers, and councillors. Until 1895, the annuity lists maintained by Canada recorded, for each local band, the names of three officials: Soldier, Councillor, and Messenger. These were the "subordinate officers" noted in Treaty #3 who were to receive \$15 dollars every year and a suit of clothing every third year.

Traditional Method in Choosing or Validating Leadership Claims

Hereditary principles were important, as was a preference for age. Anishinaabe ideals ascribe great value to age and identified age with wisdom. However, they were not most important. Political power was based upon "prudence, sagacity", and the ability to effectively speak in council. Heredity and seniority had to be validated by performance:

Curly Head died without sons to succeed him, and on his deathbed appointed his pipe bearers, the brothers Strong Ground and Hole-in-the-Day (Pagoona-kejick), his joint successors as Chiefs of the (Upper) Mississippi Bands. Hole-in-the-Day, the younger brother, by his 'ambition and cunning' overstepped his older brother, who by seniority should have had preeminence, and became head chief.¹¹

Specific historical sources which describe an election of a grand chief are rare. The process of

¹⁰ T. L. McKenney and J. Hall, *The Indian Tribes of North America* (Edinburgh: John Grant Co., 1933), pp. 344-45. The name 'Premier' is a French translation of the Anishinaabe title Nittum, "First." The French word has also entered into English to designate an elected leader.; NAC MG11 C.O.42 vol.698, pp.126-148, "Memorandum in reference to the Indians on the line of route between Lake Superior and the Red River Settlement," 19 December 1870.

¹¹ Smith, *Leadership among the Southwestern Ojibwa*, p.18.

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choosing a leader is described at length by James Redsky in his narrative of Mis-quona-queb's election to the position of head chief. Leaders of all the local bands on Lake of the Woods met in council and determined to select Mis-quona-queb, "their bravest warrior," if he could pass their tests, which involved a shaking tent ceremony, a cure, and a naming dream. This was followed by a confirmation ceremony, which involved a dance to the song "Ki-ma-ka-kon kesik [the Heavens Have Found You, the Thunderbirds Have Found You]," a feast, and an affirmation oath administered with a migration scroll of the Midewiwin.¹²

Hudson's Bay Company records report on councils of chiefs assembling to deliberate, but provide no specifics. According to Chief Trader William Sinclair at Fort Frances in 1849:

*The general assembly of the Indians has not yet taken place - Coup Crouch and his Chieftainship is not yet settled. I find he is aiming at to be Chief over all the other Chiefs, to have the same dominion over all the country from Fort William to Fort Alexander and to have the same power as his deceased father the Premier - this is quite ridiculous. The times are not the same now as they were fifty years ago, during the lifetime of the Old Premier ... all the other Indians besides Coup Crouch's own band are quite independent of him.*¹³

The James Redsky narrative emphasizes the importance of the Midewiwin in confirming a leader, which is consistent with the role played by that society in the political structure. After a decade of discussion with Catholic and Methodist missionaries, the Grand Council prohibited Christianity in 1849, forbidding a planned mission station on the Rainy River; a warning was issued that any attempt to build would be met by soldiers. A further attempt to establish a mission in 1854 also ended in failure.¹⁴

Grand Council Sovereignty Over Territory

The Anishinaabeg Grand Council regularly asserted sovereignty over the territory included within Treaty #3. This point was forcefully made by one of the Chiefs during negotiations for the Treaty when he informed Morris: "What was said about the trees and rivers was quite true, but it was the Indian's country, not the white man's." Earlier, during the British and Canadian Red River exploring expeditions, the Grand Council had driven this point home. Dawson recalled that:

When the Red River Expedition first came in contact with them, they manifested some displeasure, and were not slow to express it, at parties being sent through their county, to explore and examine it, without their consent being first asked and obtained.

What Dawson probably had in mind was an incident that occurred at Garden Island in 1857 when the Canadian party was invited to a council when their unauthorized presence was discovered there by a war party returning from the Sioux country. The Chief informed the party that:

¹² James Redsky, *Great Leader of the Ojibway: Mis-quona-queb* (Toronto: McClelland and Stewart 1972), ed. James R. Stevens, pp. 37-42.

¹³ Hudson's Bay Company Archives (Provincial Archives of Manitoba) [HBCA], D. 5/26, fo. 194-95.

¹⁴ HBCA, D. 5/26, fo. 194-95, 660; D. 5/28, fo. 217-18; A.12/5, fo. 156-56d.

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The reason why we stop you is because we think you do not tell us why you want to go that way, and what you want to do with those paths. You say that all the white men we have seen belong to one party, and yet they go by three different roads, why is that? Do they want to see the Indian's land? Remember, if the white man comes to the Indian's house, he must walk through the door, and not steal in by the window. That way, the old road, is the door, and by that way you must go. . . . You must go by the way the white man has hitherto gone.

In 1870, Dawson noted that the Anishinaabeg were sufficiently powerful to close the route of communication between Lake Superior and Fort Garry, if they chose to do so.¹⁵

Governance During the Negotiation of a Treaty With Canada 1869-1873

The negotiation of Treaty 3 was a lengthy process, taking four years to complete. Only the 1873 negotiations have yielded a wide variety of documentary written sources. A full consideration of the many issues arising from all the records of the four years of negotiations is beyond the scope of this paper, which deals with the evidence for traditional governance and the assumptions or conclusions that can be made based on that evidence.¹⁶

As noted earlier, Treaty Commissioner Dawson, who had interacted with Anishinaabe since 1857, had observed a sharing of power by a number of Chiefs, including elected Chiefs and a hereditary Chief, “descendant of the line which ruled over the tribe in by gone times.” He also wrote that the hereditary Chief “has to share his authority with a number of lesser Chiefs who have been elected.” Tribal population had increased markedly throughout the 19th century, and as this occurred new types of leaders appeared.

When gathered at Northwest Angle, the Chiefs were, according to head Treaty Commissioner Morris in 1873, “very jealous of each other, and dreaded any of the Chiefs having individual communications with me, to prevent which they had guards on the approaches to my house and Mr. Dawson's tent.” Chiefs were unwilling to commence these negotiations in 1873 until they had selected spokesmen, had ratified the negotiating position, and through discussion reached a unity of decision. A guard had also been noticed during the prior 1872 negotiations: “the fort [Frances] has been surrounded night and day with sentinels and not a word can be spoken to an

¹⁵ Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories Including the Negotiations on Which They were Based* (Saskatoon: Fifth House Publishers 1991) pp.44-76; CSP A.1868 #81, p.27; Henry Youle Hind, *Narrative of the Canadian Red River Exploring Expedition of 1857 and of the Assiniboine and Saskatchewan Exploring Expedition of 1858* (Rutland: Charles E. Tuttle Co. 1971) V.I p.99; NAC MG11 C.O.42 vol.698, pp.126-148, “Memorandum in reference to the Indians on the line of route between Lake Superior and the Red River Settlement,” 19 December 1870.

¹⁶ TARR has considered much of this evidence in previous papers and pamphlets on reserve extent and location, land entitlement, control and use of natural resources, education rights under treaty. The 1873 negotiations left, in addition to both Native and White oral testimony only part of which was recorded at various times after 1873, a newspaper account, personal notes of Commissioner Dawson, the notes of the “consultant” to the Grand Council (the Paypom Document & the Nolin Notes), the report of Commissioner Morris plus the official government version of Treaty 3. The primary evidence for the 1872 negotiations are only newspaper accounts and the Commissioners' official report, while the 1871 negotiations left only the Commissioners' report.

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Indian without 3 or 4 of his fellows surrounding him.” While “the smallest matters were considered in lengthy councils,” the spokesman was “instructed in what he is to say and watched and followed when dealing with the white man.”¹⁷ It is apparent that for the Anishinaabe, a major undertaking like a treaty required the assembly of as many chiefs as possible followed by (a) a consensus as to the course and direction of the tribal negotiating position, and (b) an appointment or election of spokespersons to articulate the general will of the Grand Council.

At Northwest Angle in 1873, after delays prior to the start of negotiations to permit the Grand Council to arrange its position on the opening money and other demands, “they had selected three spokesmen, and had also an Indian reporter, whose duty was to commit to memory all that was said.”¹⁸ These spokesmen were the three prominent regional chiefs in 1873: Blackstone from Lac la Croix east of Rainy Lake, Mawintopinesse from Long Sault on Rainy River, and Powawassin from Northwest Angle on Lake of the Woods. These three men were the primary negotiators for the Anishinaabe, the voices of the Grand Council. Each was the most prominent Chief of a geographic area within the traditional territory, but in their role as spokespersons, they repeated the consensus that had been reached by the whole council. This requirement for consensus was referred to by one of these spokesmen of the Grand Council during the negotiations:

I want to talk about the rules that we have laid down before. It is four years back since we have made these rules. The rules laid down are the rules that they wish to follow - a council that has been agreed upon by all the Indians.

After reiteration of the money demands first articulated by the Grand Council in 1869, another spokesman stated:

Our councillors have in council come to this conclusion ... we have now laid down the conclusion of our councils by our decisions. We tell you our wishes are not divided. We are all of one mind.

A further Chief then stated:

*We have decided in council for the benefit of those that will be born hereafter.*¹⁹

As it turned out, the Anishinaabe were unable to sustain their initial negotiating position, and their unanimity about that position, throughout the 1873 negotiations. When Commissioner Morris threatened to leave the negotiations after an impasse on the money demands, a crack appeared in the united front maintained by the Council. A new chief spoke, not one of the primary spokespersons: Sakatcheway of English River and Lac Seul. He was anxious for the treaty to conclude, as he hoped to acquire assistance for his band’s farms along the English River. Despite the Grand Council sentinels, Chief Sakatcheway had spoken to Morris privately on 1 October, near the start of the negotiations. Morris, by threatening to end the negotiations, used this knowledge to drive a wedge into the consensus claimed by the Grand Council

¹⁷ NAC, RG 10, v.1868, f. 577.

¹⁸ Morris, *The Treaties of Canada*, pp. 47-48. They had also secured the services of Joseph Nolin to take notes in French of the negotiations.

¹⁹ Morris, *The Treaties of Canada*, pp. 59-60.

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spokespersons. This caused a recess during which the Council held an emergency all-night session to hammer out a new consensus. As a result, by the final day of the negotiations, the Grand Council's opening position on the money demands was abandoned, but a new consensus was formed, "the decision of all," as Mawintopinesse stated, to see if Commissioner Morris would be more liberal in his terms. As Morris then increased his offer in several areas, including the initial money payment, the treaty was accepted.²⁰

On conclusion of the treaty negotiations the first signature on the English language document was that of the hereditary Grand Chief from Little Fork, possibly the descendant of Nittum or the Premier, "Kee-ta-kay-pi-nais," a "very aged hereditary Chief." The signature of every other Chief followed, a further articulation of unity of position about the treaty, and to prevent accusations of independent dealing by any one band. There was great attachment to the principle of tribal solidarity for such a major decision as Treaty 3. As noted by Mawintopinesse in his concluding speech on the final day of negotiations:

I stand before the face of the Nation and of the Commissioner. I trust there will be no grumbling. The words I have said are the words of the Nation and have not been said in secret but openly so that all could hear and I trust that those who are not present will not find fault with what we are about to do today. And, I trust, what we are about to do today is for the benefit of our Nation as well as for our white brothers - that nothing but friendship may reign between the Nation and our white brothers. And now I take off my glove to give you my hand and sign the Treaty. And now before you all, Indians and whites, let it never be said that this has been done in secret. It is done openly and in the light of day.²¹

After Treaty #3: Canada's *Indian Act* Administration & the Suppression of Traditional Governance

Following the making of Treaty 3, Canada imposed its own administration over the territory, followed by provincial and municipal governments.²² Canada's *Indian Act* placed restrictions upon the powers of the traditional chiefs. All women were disenfranchised. Soldiers and messengers, traditional ranks reflected in the early annuity lists, were done away with by 1895. Councillors and chiefs were threatened with deposition for not heeding "advice" from their agents. Vacancies in political offices were not filled.²³ Some bands were reduced below their treaty-authorized level of a chief and three officers. Canada also struck at the connection to the Midewiwin. *Indian Act* legislation after 1895 made any religious celebration involving an exchange of "money, goods or articles of any sort" an offence punishable by 2 to 6 months in

²⁰ Morris, *The Treaties of Canada*, pp. 63-67.

²¹ NAC, MG 29, C67, 35, Simon J. Dawson, "Notes Taken at Indian Treaty Northwest Angle, Lake of the Woods, from 30th Sept. 1873 to close of Treaty".

²² Ontario eventually secured control and administration over Crown land and resources, including those covered by Treaty rights. The historical events after 1873 by which that occurred, and the federal and Anishinaabe responses to that, have been dealt with elsewhere by the authors and by TARR.

²³ NAC RG 10 v.7938, f.32-124; RG 10 v.7119 f.485/3-5, pt.1.

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prison.²⁴ Chiefs who participated in 1911 near Kenora were arrested. An attack on the Midewiwin was meant to weaken connections among bands in the Grand Council.²⁵

After the signing of Treaty #3, Canada's *Indian Act* of 1876 provided under section 61 that band electors entitled to vote were "the male members of the band of the full age of twenty-one years." Section 62 stated that "the Governor in Council [i.e. the Cabinet] may order that the Chiefs of any band of Indians shall be elected ... for three years, unless deposed by the Governor for dishonesty, intemperance, immorality or incompetency ... in the proportion of one head chief and two second chiefs or councillors for every two hundred Indians ... provided always that all life chiefs now living shall continue as such until death or resignation, or until their removal by the Governor." These sections, and their amendments in later *Indian Acts*, determined how *Indian Act* elections were conducted in the Treaty #3 region for local bands. The elective system was not introduced in Ontario until after 1899. Although Chiefs who had signed Treaty #3 were termed 'life chiefs' and did not have to run in elections, Canada's officials preferred the elective system. According to one Department of Indian Affairs inspector, the life chiefs, such as Blackstone, Mawintopinesse, Natawecomiskung, Kezickokai, exerted a "baneful influence over their deluded followers in preventing them from adopting the enlightened habits of civilization."²⁶

Canada did not conduct or regulate elections for the regional bands or Grand Chief, as it was Canada's objective to destroy tribal cohesion of local bands in a Grand Council. In the Treaty #3 region, this was attempted initially by enforcing payment of annuities on-reserve, and later by pass laws and prohibitions on religious ceremonies.

²⁴ *Statutes of Canada, [S.C.] 1895, c. 35, s. 6; S.C. 1906, c. 81, s. 149: "Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence and is liable to imprisonment for a term not exceeding six months and not less than two months:"*

²⁵ NAC RG 10, v.3942, f.121698-24 - the elections files for the different agencies contain information on the names of chiefs and councillors for many bands.; NAC RG 10 v.7938, f.32-124; RG 10 v.7119 f.485/3-5, pt.1; *Statutes of Canada, [S.C.] 1895, c. 35, s. 6; S.C. 1906, c. 81, s. 149: "Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of an indictable offence and is liable to imprisonment for a term not exceeding six months and not less than two months"; S.C. 1914, c. 35, s. 8; NAC, RG 10, v.3286, f.60511-3; NAC RG 10 v.3286 f.60511-2.*

²⁶ S.C. 1876, c. 18, ss. 61-62. Powers of the council under the *Indian Act* are listed in section 63. In 1884 Canada granted to itself the power to set aside elections for fraud or gross irregularity (S.C., 1884, c. 27, s. 9). In 1936 Canada granted the Indian Agent chairmanship of the Band Council meeting and the voting ability to break ties in elections (S.C. 1936, c. 20, ss. 4-5). In 1951 Canada changed the electoral term to two years (S.C. 1951, c. 29, s. 77).

Conclusion

For the Anishinaabe, the historical evidence indicates an emphasis on collective decision-making, typically through council discussions, at all levels from the local band through to the Grand Council. Membership on a council was attained through inheritance and performance, upon nomination by sitting members. Tribal leadership was reflected through a ranking system within a Grand Council, at the top of which stood the *Nittum* or Grand Chief, followed by regional chiefs, band chiefs, soldiers, councillors, messengers. The Grand Council was linked with the Midewiwin, and many of the chiefs on the Grand Council were Mide priests and war leaders. Smaller unit or task group leaders, such as for rice camps and family groups, were drawn from knowledgeable and elder individuals. The civil leadership was responsible to the political ranks and ultimately to the constituent families. Coercive authority was generally lacking, but decisions which had the support of the community could be enforced by the soldiers, who functioned both as a traditional police force and as a military society against external enemies.

Following the making of Treaty 3 in 1873, Canada asserted complete governance over all aspects of Anishinaabe social, religious and political life. The Indian Act regime was enforced by its agents, missionaries and police officials. Grand Councils were prohibited. Many of the reserves were taken for non-Indian settlement or use, or adversely impacted by flooding. A significant drop of population affected many First Nations. Some, such as the seven Rainy River First Nations, declined by over 50% by 1915. Outbreaks of smallpox, syphilis, measles, whooping cough, tuberculosis, influenza and other infectious diseases, coupled with poor medical care provided by Canada, played a role in the loss of people. Increased rates of disease occurred simultaneously with dietary changes resulting from the damage to resources such as sturgeon and rice or the imposition of provincial control over natural resources.