General

History 859.3 (08) T2 is a one-term seminar that meets Wednesday mornings at 9:30 in Arts 710 for three hours of discussion of prescribed topics (below). The intent of the course is to explore the origins, evolution, and significance of treaty-making between First Nations and a succession of governments – colonial and then national – throughout post-contact Canadian history. At the end of the course students should have a better appreciation of the dynamics of treaty-making throughout Canadian history, of the historical significance of treaties both to First Nations and non-Natives, and of the implications and importance of treaties and treaty-making today.

Weekly meetings will examine the emergence of a treaty-making tradition in the early fur trade and French colonial wars, consider the significance of the Royal Proclamation of 1763 for treaty-making from that date onward, survey treaty-making in Upper Canada, consider in depth the numbered treaties of the West and North, examine the reasons for the absence of formal treaties from 1921 until 1975, and conclude with evaluation of both recent treaties and comprehensive claims settlements as the culmination of the Canadian treaty-making tradition. Throughout the course, the focus of reading, discussion, and research will be on both First Nations and non-Native governments that made treaties.

Members of the seminar are expected to prepare for each meeting of the class by reading as much as their schedules permit from the list of recommended readings (below). All members of the seminar are responsible for preparing for and participating in discussion at the weekly class.

Course requirements

In addition to careful preparation for weekly discussions, students are required to make one brief oral presentation to the seminar on one of the weekly topics, submit a brief historiographical essay on the literature about a treaty of their choosing (9 February), prepare a longer research paper on a topic worked out in discussion with the instructor (30 March), and write a final examination. Term marks are assigned for weekly oral contributions to the seminar, the oral presentation, and written work.

The historiographical paper, which is due 9 February 2011, should be approximately 2000-2500 words (8-10 double-spaced pages), and must deal with the literature on a treaty that is not
covered by your research paper.

The research paper, which is due 30 March 2011, should be approximately 5000-6000 words (20-25 double-spaced pages). The topic is to be developed in consultation with the instructor.

The final requirement of the course is a final examination, which will be written during the regular examination period, 11-30 April. Examples of prior examinations in this course will be distributed in advance so that you will be familiar with the format. At the examination itself no books, notes, reading lists, electronic equipment, or other forms of assistance are to be used.

The breakdown of marks is:

Term work:

weekly participation 20%
oral presentation 10%
historiographical paper 15%
research paper 25%

Final examination 30%

Required texts

The Bookstore has been asked to stock copies of the following works:


Schedule of meetings

5 January Introduction and organization
12 January Treaty-making in New France (to 1701)
19 January Eighteenth-century colonial Maritime treaties
26 January The Royal Proclamation of 1763 and Upper Canadian Treaties (to 1812)
2 February Upper Canadian Treaties (to 1862)
9 February  The numbered treaties of the West, 1871-77: motives and expectations  

historiographical papers due

16 February  The numbered treaties of the West, 1871-77: contents and implications

2 March  The northern numbered treaties: motives, contents, and implications

9 March  The resumption of ‘treaty’-making: the James Bay and Northern Quebec Agreement, 1975

16 March  Comprehensive claims settlements as modern-day treaties

23 March  Treaty-making in the 1990s: Nunavut and Nisga’a

30 March  Treaty interpretation and treaty-making in the twenty-first century  

research papers due

6 April  Wrap up

Recommended readings

Websites

www.inac.gc.ca  Indian and Northern Affairs Canada (Treaty Reports on agreements from 1850 onward)

www.otc.ca  Office of the Treaty Commissioner for Saskatchewan

www.sicc.sk.ca  Saskatchewan Indian Cultural Centre

12 January  Treaty-making in New France (to 1701)

Primary sources for discussion

R.G. Thwaites, ed., The Jesuit Relations and Allied Documents, vol. 27, Relation of 1644-45, 147-61 and 267

James H. Merrell, ed., The Lancaster Treaty of 1744 with Related Documents, 43-51
Miller, J.R., *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* [Compact, Contract, Covenant], chaps 1 and 2


Brandão, Jose and William A. Starna, “The Treaties of 1701: A Triumph of Iroquois Diplomacy,” *Ethnohistory* 43, no. 2, spring 1996, 209-44. For the background to this, see J.A. Brandão, *‘Your fyre shall burn no more’: Iroquois Policy toward New France and Its Native Allies to 1701*.

Havard, Gilles, *The Great Peace of Montreal of 1701: French-Native Diplomacy in the Seventeenth Century*


Williams, Robert A. *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600-1800*

Time permitting, sample the first two volumes of the ‘Covenant Chain Trilogy’ by Francis Jennings: *The Invasion of America: Indians, Colonialism, and the Cant of Conquest; The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes with English Colonies from Its Beginnings to the Lancaster Treaty of 1744*; and *Empire of Fortune: Crowns, Colonies, and Tribes in the Seven Years’ War*.


Jennings, Francis, ed., *The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and Their League*

19 January

**Eighteenth-century colonial Maritime Treaties**

<table>
<thead>
<tr>
<th>Primary Sources for Discussion</th>
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Henderson, James Youngblood Sakéj, *The Mikmaq Concordat*


Wicken, William C., *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior*

Reid, John G. “*Pax Britannica* or *Pax Indigena*? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification,” *Canadian Historical Review*, 85, 4, Dec. 2004, 669-92

Cumming, Peter A. and Neil H. Mickenberg, eds., *Native Rights in Canada* 2nd ed., 300-2, Treaty of Boston (1725); and 302-4, Mascarene’s Treaty

Vaugeois, Denis, *The Last French and Indian War* [Murray Treaty]

RCAP, *Looking Forward, Looking Back*, chap. 5, espec. 119-32

26 January Royal Proclamation of 1763 and the Upper Canadian Treaties (to 1812)

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**Primary source for discussion**


*Compact, Contract, Covenant*, chap. 3

Brigham, Charles S. *British Royal Proclamations Relating to America*. *Transactions and Collections of the American Antiquarian Society*, 212-18; or
http://www.johnco.com/native1/pro1763.html full text of Royal Proclamation


2 February Upper Canadian Treaties (to 1862)

<table>
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<th>Primary source for discussion</th>
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<tr>
<td>Shingwaukonse’s petition, 1846; LAC, RG 10, vol. 612, 115-19</td>
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Compact, Contract, Covenant, chap. 4

Morris, Alexander, The Treaties of Canada with the Indians, chaps 2-3


Looking Forward, Looking Back, chap. 5

[For all the major treaties from Robinson on, specialized research reports are available, either as studies done for Indian and Northern Affairs Canada, or as]
RCAP studies. Citations for these specialized works are to be found in the endnotes of *Looking Forward, Looking Back*, and in the Bibliography of A.J. Ray, Jim Miller, and Frank Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties*. They are also on INAC’s website.

9 February

The numbered treaties of the West, 1871-77: motives and expectations

[historiographical papers due]

**Primary sources for discussion**

- Sweet Grass et al petition, Morris, *Treaties of Canada*, 170-1
- Peter Erasmus, *Buffalo Days and Nights*, 241-50

*Compact, Contract, Covenant*, chaps 5 and 6


Erasmus, Peter, *Buffalo Days and Nights*, espec. 241-50


Milloy, John, “‘Our Country’: The Significance of the Buffalo Resource for a Plains Cree Sense of Territory,” Kerry Abel and Jean Friesen, eds., *Aboriginal Resource Use in Canada: Historical and Legal Aspects*, 51-70


Morris, *The Treaties of Canada with the Indians*, chaps 4-10

Treaty 7 Elders and Tribal Council, with Walter Hildebrandt, Dorothy First Rider, and Sarah Carter, *The True Spirit and Original Intent of Treaty 7*

16 February

**Primary source for discussion**

| Morris, *Treaties of Canada*, 77-125 |

Morris, *The Treaties of Canada with the Indians*, chaps 4-12


[For the situation in British Columbia, see:

Fisher, Robin A., *Contact and Conflict*, pp 66-8 and chaps 7-8

Foster, Hamar, “‘We want a strong promise’: The Opposition to Indian


2 March  The northern numbered treaties: motives, contents, and implications

**Primary source for discussion**


*Compact, Contract, Covenant*, chap. 7

Fumoleau, René, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939*

Abel, Kerry, *Drum Songs: Glimpses of Dene History*, chap. 8


Titley, E. Brian, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada*, chap. 4 [Treaty 9]


-----  *Treaty No. 9: The Indian Petitions*

-----  *Treaty No. 9: The Negotiations*

Chief William Apesis, Peter Dodson, and the Elders of Birch Narrows, Buffalo River, Canoe Lake, and English River, In *Their Own Land: Treaty Ten and the Canoe Lake, Clear Lake, and English River Bands*

9 March  
Resumption of ‘treaty’-making: the James Bay and Northern Quebec Agreement, 1975

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<tr>
<th>Primary source for discussion</th>
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*Compact, Contract, Covenant*, chaps 8 and 9

Richardson, Boyce, *Strangers Devour the Land*


16 March  
Comprehensive claims settlements as modern-day treaties

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<th>Primary source for discussion</th>
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<tr>
<td><strong>Living Treaties: Lasting Agreements</strong>[^1] [Coolican Report], i-vii and 1-22</td>
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www.inac.gc.ca

*Compact, Contract, Covenant*, chap. 9

Daniel, R.C., *A History of Indian Claims Processes in Canada, 1867-1979*


----- *Comprehensive Land Claims Policy* (1987)

23 March  
Treaty-making in the 1990s: Nunavut and Nisga’a

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<tr>
<td>Thomas Molloy, <em>The World Is Our Witness</em>, chaps1-5</td>
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[^1]: [Coolican Report]
11

Duffy, R. Quinn, *The Road to Nunavut: The Progress of the Eastern Arctic Inuit Since the Second World War*


Molloy, Thomas, *The World Is Our Witness: The Historic Journey of the Nisga’a Into Canada*

Foster, Hamar, “‘Honouring the Queen’s Flag’: A Legal and Historical Perspective on the Nisga’a Treaty,” *BC Studies*, no. 120, winter 1998-9, 11-35


30 March Treaty interpretation and treaty-making in the twenty-first century

[research papers due]

<table>
<thead>
<tr>
<th>Primary source for discussion</th>
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</table>
| Office of the Treaty Commissioner,  
*Treaty Implementation: Fulfilling the Covenant*  |

*Compact, Contract, Covenant*, chap. 10

Coates, Ken, *The Marshall Decision*, chaps 1 and 8

Office of the Treaty Commissioner, Saskatchewan, *Treaties as a Bridge to the Future*


Brown, George and Ron Maguire, *Indian Treaties in Historical Perspective*

6 April Wrap up
Please be aware that I am required to provide the following information in the syllabus as the result of a *diktat* of the office of the Associate Dean, College of Graduate Studies and Research

“This course will conform to the academic requirements and standards for graduate courses, including the rules of *Student Appeals in Academic Matters*:


and academic honesty:

See [http://www.usask.ca/honesty/](http://www.usask.ca/honesty/)

Finally, the following information sheet, “Writing it Right” must be included with the syllabus.