

TREATIES 1
BETWEEN HER MAJESTY THE QUEEN AND THE CHIPPEWA AND CREE INDIANS OF
MANITOBA AND COUNTRY ADJACENT WITH ADHESIONS

Treaty No. 1

ARTICLES OF A TREATY made and concluded this third day of August in the year of Our Lord one thousand eight hundred and seventy-one, between Her Most Gracious Majesty the Queen of Great Britain and Ireland by Her Commissioner, Wemyss M. Simpson, Esquire, of the one part, and the Chippewa and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas all the Indians inhabiting the said country have pursuant to an appointment made by the said Commissioner, been convened at a meeting at the Stone Fort, otherwise called Lower Fort Garry, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and to the said Indians of the other, and whereas the said Indians have been notified and informed by Her Majesty's said Commissioner that it is the **desire of Her Majesty to open up to settlement and immigration a tract of country** bounded and described as hereinafter mentioned, and **to obtain the consent thereto of her Indian subjects** inhabiting the said tract, and to make a treaty and arrangements with them **so that there may be peace and good will** between them and Her Majesty, and that they may **know and be assured of what allowance they are to count upon and receive year by year** from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her **Majesty's said Commissioner to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as should be assumed by them, the said** Indians have thereupon named the following persons for that purpose, that is to say:

Mis-koo-kenew or Red Eagle (Henry Prince), Ka-ke-ka-penais, or Bird for ever, Na-sha-ke-penais, or Flying down bird, Na-na-wa-nanaw, or Centre of Bird's Tail, Ke-we-tayash, or Flying round, Wa-ko-wush, or Whip-poor-will, Oo-za-we-kwun, or Yellow Quill,—and thereupon in open council the different bands have presented their respective Chiefs to His Excellency the Lieutenant Governor of the Province of Manitoba and of the North-West Territory being present at such council, and to the said Commissioner, as the Chiefs and Headman for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described; and whereas the said Lieutenant Governor and the said Commissioner then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid; and whereas the said Commissioner has proceeded to negotiate a treaty with the said Indians, and the same has finally been agreed upon and concluded as follows, that is to say:

The Chippewa and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and **defined do hereby cede, release, surrender and yield up to Her Majesty the Queen and successors forever all the lands included within the following limits**, that is to say: Beginning at the international boundary line near its junction with the Lake of the Woods, at a point due north from the centre of Roseau Lake; thence to run due north to the centre of Roseau Lake; thence northward to the centre of White Mouth Lake, otherwise called White Mud Lake; thence by the middle of the lake and the middle of the river issuing there from to the mouth thereof in Winnipeg River; thence by the Winnipeg River to its mouth; thence westwardly, including all the islands near the south end of the lake, across the lake to the mouth of Drunken River; thence westwardly to a point on Lake Manitoba half way between Oak Point and the mouth of Swan Creek; thence across Lake Manitoba in a line due west to its western shore; thence in a straight line to the crossing of the rapids on the Assiniboine; thence due south to the international boundary line; and thence eastwardly by the said line to the place of beginning. **To have and to hold the same to Her said Majesty the Queen and Her successors for ever**; and Her Majesty the Queen hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians the following tracts of land, that is to say: For the use of the Indians belonging to the band of which Henry Prince, otherwise called Mis-koo-ke-new is the Chief, so **much of land on both sides of the Red River**, beginning at the south line of St. Peter's Parish, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families; and for the use of the Indians of whom Na-sha-ke-penais, Na-na-wa-nanaw, Ke-we-tayash and Wa-ko-wush are the Chiefs, so much land on the Roseau River as will furnish **one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families**, beginning from the mouth of the river; and for the use of the Indians of which Ka-ke-ka-penais is the Chief, so much land on the Winnipeg River above Fort Alexander as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, beginning at a distance of a mile or thereabout above the Fort; and for the use of the Indians of whom Oo-za-we-kwun is Chief, so much land on the south and east side of the Assiniboine, about twenty miles above the Portage, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, **reserving also a further tract enclosing said reserve to comprise an equivalent to twenty-five square miles of equal breadth, to be laid out round the reserve, it being understood, however, that if, at the date of the execution of this treaty, there are any settlers within the bounds of any lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just, so as not to diminish the extent of land allotted to the Indians.**

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians parties to this treaty, She hereby, through Her Commissioner, makes them a **present of three dollars for each Indian man, woman and child belonging to the bands here represented.**

And further, Her Majesty agrees to **maintain a school on each reserve** hereby made whenever the Indians of the reserve should desire it.

Within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, **no intoxicating liquor shall be allowed to be introduced or sold**, and all laws now in force or hereafter to be enacted to preserve Her Majesty's Indian subjects inhabiting the reserves or living elsewhere from the **evil influence of the use of intoxicating liquors shall be strictly enforced.**

Her Majesty's Commissioner shall, as soon as possible after the execution of this treaty, cause to be taken an **accurate census of all the Indians inhabiting the district above described**, distributing them in families, and shall in every year ensuing the date hereof, at some period during the month of July in each year, to be duly notified to the Indians and at or near their respective reserves, **pay to each Indian family of five persons the sum of fifteen dollars Canadian currency**, or in like proportion for a larger or smaller family, **such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cost price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interests of Her Indian people, in cash.**

And the **undersigned Chiefs do hereby bind and pledge themselves and their people** strictly to observe this treaty and to **maintain perpetual peace** between themselves and Her Majesty's white subjects, and **not to interfere with the property or in any way molest the persons of Her Majesty's white or other subjects.**

*Memorandum of **things outside of the Treaty which were promised at the Treaty at the Lower Fort**, signed the third day of August, A.D. 1871.*

- For each Chief who signed the treaty, a dress distinguishing him as Chief.
- For braves and for councillors of each Chief a dress; it being supposed that the braves and councillors will be two for each Chief.
- For each Chief, except Yellow Quill, a buggy.
- For the braves and councillors of each Chief, except Yellow Quill, a buggy.
- In lieu of a yoke of oxen for each reserve, a bull for each, and a cow for each Chief; a boar for each reserve and a sow for each Chief, and a male and female of each kind of animal raised by farmers, these when the Indians are prepared to receive them.
- A plough and a harrow for each settler cultivating the ground.
- These animals and their issue to be Government property, but to be allowed for the use of the Indians, under the superintendence and control of the Indian Commissioner.
- The buggies to be the property of the Indians to whom they are given.
- The above contains an inventory of the terms concluded with the Indians.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 30th April, 1875.

On a memorandum dated 27th April, 1875, from the Honourable the Minister of the Interior, bringing under **consideration the very unsatisfactory state of affairs arising out of the so-called "outside promises"** in connection with the Indian Treaties Nos. 1 and 2, Manitoba and North-west Territories, concluded, the former on the 3rd August, 1871, and the latter on 21st of the same month, and recommending for the reasons stated:

1st. That the written memorandum attached to Treaty No. 1 be considered as part of that Treaty and of Treaty No. 2, and that the Indian Commissioner **be instructed to carry out the promises therein**

contained, in so far as they have not yet been carried out, and that the Commissioner be advised to inform the Indians that he has been authorized so to do.

2nd. That the Indian Commissioner be instructed to inform the Indians, parties to Treaties Nos. 1 and 2, that, while **the Government cannot admit their claim to any thing which is not set forth in the treaty**, and in the memorandum attached thereto, which treaty is binding alike upon the Government and upon the Indians, yet, as there seems to have been some **misunderstanding** between the Indian Commissioner and the Indians in the matter of Treaties Nos. 1 and 2, the Government, out of **good feeling to the Indians** and as a matter of benevolence, is **willing to raise the annual payment** to each Indian under Treaties Nos. 1 and 2, from \$3 to \$5 per annum, and make payment over and above such sum of \$5, of **\$20 each and every year to each Chief**, and a suit of **clothing every three years to each Chief** and each Headman, allowing two Headmen to each band, on the express understanding, however, **that each Chief or other Indian who shall receive such increased annuity or annual payment shall be held to abandon all claim whatever against the Government in connection with the so-called "outside promises," other than those contained in the memorandum attached to the treaty.**