

**Peace, Order and Good Government:
Indian Treaties and Canadian Nation Building**

**Jean-Pierre Morin
Treaty Historian
Treaty Policy Directorate
Indian and Northern Affairs Canada**

**Paper presented to the “First Nations, First Thoughts”
Conference, May 5-6, 2005,
Centre for Canadian Studies,
University of Edinburgh, Scotland**

The views expressed in this communication are those of the author’s and not necessarily those of the Government of Canada.

Peace, Order and Good Government: Indian Treaties and Canadian Nation Building¹

Pick up just about any Canadian History textbook and you are likely to find at least one reference to “Peace, Order and Good Government”. This phrase is as much Canada’s national motto as is “From Sea to Sea”. “Peace, Order and Good Government” is one of the central themes that we have used to explain the geographic evolution of Canada. It embodies the idea that our development was largely peaceful, that our institutions, such as the Mounties, brought justice and law to the wilderness and that Government has our best interests at heart. This sentiment has become an important part of the way we identify and define ourselves as Canadians. This identification has evolved because of the way that Canada has grown and expanded geographically. Like our American cousins, we see the evolution of our country as a great and steady expansion westward. An expansion, however, undertaken through planning and in an orderly fashion that managed to avoid the chaos and violence that took place South of the border.

In our narrative of continental expansion, Aboriginal people are minor players: a group of people who occupied the land before us and who melted into the background of our national consciousness only rising to attention at a few key moments. This perception of the role of Aboriginal people in the development of Canada is one that shortchanges their importance. Their role and the way that Canadian colonial society dealt with them has shaped the very nature of our national identity as a peaceful, accepting people who cherish “Peace, Order and Good Government” over the American motto of “Life, Liberty and the Pursuit of Happiness”.

Canada’s geographic evolution had as much to do with Indian Policy as it did with the National Policy. Canada’s largely peaceful and organised expansion rested almost entirely on a process of treaty-making that sought to acquire Aboriginal title to the land. Based on the principles established by the Royal Proclamation of 1763, the Crown began nearly all of its territorial expansion by signing treaties with Aboriginal people so as to clear title to the land and open up this land to settlement. The development of regions such as Southern Ontario, Manitoba, and the Northwest Territories were all facilitated by some 70 treaties that surrendered Aboriginal title to the land in exchange for goods, money and long lasting benefits. Coupled with this treaty-making process, the Crown sought to bring Aboriginal people into the fold of colonial and Canadian society. New policies were intended to make Indians into “proper” Christian agriculturalists and therefore removing them as a separate entity within Canada. To fully understand the role of treaty-making in the Canadian Nation Building exercise, it is necessary to examine early diplomatic process and pressures with regards to treaty -making, to compare Canadian and American western expansion experiences and, finally, to review Canada’s Indian Policy initiatives.

¹The views expressed in this communication are those of the author’s and not necessarily those of the Government of Canada.

Early Diplomatic Relations

The origins of Canada's treaty-making process can be traced back to European colonisation of North America. During the 17th and 18th centuries, both France and Great Britain expanded their colonial territories in North America, to encompass huge areas of the continent. As the colonial homeland rivalry between the two European powers grew, it often spilled over into open military conflicts in North America. Aboriginal peoples of these territories became direct actors in the conflicts as allies of either the British or the French in colonial warfare, as well as using Europeans to assist them in their own internal conflicts against other Aboriginal groups. These competing networks of diplomatic alliances occupied a great deal of the time, attention of both Aboriginal and European political and military leaders.

The diplomatic protocols on which the early relationship between Europeans and Aboriginal peoples was based developed into the treaty-making process. This process adopted and adapted aspects of each culture. The degree of this achievement is apparent when one considers the disparate world views of each group and the continuously shifting middle ground, rife with competing interests, where diplomatic discussions took place. The European society was centralized, hierarchical and secular. The Aboriginal counterpart, on the other hand, maintained elements of the sacred, allowed everyone a voice in negotiations, and incorporated reciprocal, and highly formalized procedures. Both cultures recognised the role of symbolism and protocol in negotiations which despite the language and showmanship were intense and different bargaining sessions.

These fundamental differences forced the two groups to adapt and modify their practices and protocols into a single process that they both understood and accepted because it incorporated aspects from their respective systems. This framework, which continued to evolve over the next 300 years as relations developed and changed, enabled Aboriginals and Europeans to push forward on goals of mutual interest. Both groups adopted practices and protocols from each other in order to facilitate the process. Dorothy V. Jones described "this new diplomacy [as] ... neither Indian or European. It was a complex mix that changed over time according to changing power relationships."² Aboriginal peoples were quick to recognize some of the protocols that Europeans expected from diplomatic negotiations. For example, they noted the importance that Europeans attached to Christianity. The significance of ritual participation and sacredness of the negotiations encouraged their belief that participating in the rituals of Christianity would improve and strengthen alliances with the Europeans.³ This diplomatic process had two main goals. For the Europeans, the

²Dorothy V. Jones, "British Colonial Indian Treaties" in *Handbook of North American Indians, vol 4, Indian-White Relations*, Washington: Smithsonian Institution, 1988, p. 185.

³Olive Patricia Dickason, *The Myth of the Savage*, Edmonton: University of Alberta Press, 1984, p. 253.

purpose was at first mainly economic, but as colonial conflicts evolved, military alliances took precedence. For Aboriginal peoples, on the other hand, the process was largely a military relationship.⁴

Economically, the European establishment of trade alliances with North America's Aboriginal population made some commercial success possible for expensive European colonial projects. With the assistance of Aboriginal hunters, exports of furs to Europe generated huge profits for relatively small expenditure. As colonial expansion continued and European conflicts spread to North America, both French and British colonial and military authorities began to depend heavily upon their new Aboriginal allies to defend their colonies. From the very first diplomatic meetings, Aboriginal peoples had regarded these alliances as military agreements, rather than economic ones. Through these treaties, the various Aboriginal groups gained strong military allies with powerful technologies that could be used in campaigns against their traditional enemies.

The most famous of these alliances was based on the Covenant Chain, originally established between the Iroquois Confederacy and the Dutch, later assumed by the British of the colony of New York. In her work on colonial Indian treaties, Jones explains that the Covenant Chain was the result of "a unique set of diplomatic relationships" and a blend of European and Aboriginal practices.⁵ This alliance was one that was in constant negotiation between the two powers and established the various "rules of behaviour" between Aboriginals and settlers in matters of trade and military concerns. The Covenant Chain later became the basis for the larger alliances and treaties between Britain and its other Aboriginal allies.

The growing conflict with France ultimately led to a consolidation of Aboriginal affairs in the colonies. In 1755, Commander of the British Forces, General Braddock, appointed William Johnson and Edmund Atkins to be superintendents for Indian affairs, Johnson in the northern colonies and Atkins in the south.⁶ Both were confirmed in their positions by the Board of Trade in 1756 when the superintendencies were officially created. The superintendencies were distinctive administrative units under the umbrella of the British Military. At its inception, these administrative units, called the Indian Department, had a largely military purpose: to secure Aboriginal allies against the French in New France. In the Northern Department, Sir William Johnson, an influential Irish entrepreneur of the Mohawk Valley in New York and someone closely associated with the Iroquois Confederacy, was responsible for the Confederacy and all Aboriginal

⁴*Ibid.*, p. 197.

⁵Dorothy V. Jones, "British Colonial Indian Treaties", *Handbook of North American Indians: Indian-White Relations*, vol 4, . p. 188.

⁶Robert C. Allen, "The British Indian Department and the Frontier in North America, 1755-1830", *Canadian Historic Sites: Occasional Papers in Archaeology and History*, no. 14. Ottawa: Thorne Press Limited, 1975. p. 11.

groups of the Ohio Valley.⁷ Johnson's role, as well as that of the Indian Department, would soon surpass this early responsibility for defence and would focus on assuring good relations between Aboriginal people and settlers.

Subsequent to the signing of the 1763 Treaty of Paris, which formally transferred the colony of New France to Great Britain after the Seven Years War, a British Royal Proclamation was issued officially announcing Great Britain's authority over the French colony. In this proclamation, the British authority formally recognized Aboriginal peoples' title to the land they occupied and established an "Indian Territory" to the west of the existing colonies.⁸ With respect to the specific clauses dealing with Aboriginal affairs, the ultimate purpose was to protect Aboriginal interests to land in order to assure peaceful relations between Aboriginal people and settlers. Such peaceful relations would necessarily lead to greater commercial prosperity throughout the colonies. Britain acknowledged that it was in its best interest to be "just and reasonable" with Aboriginal claims to land because this would lead to greater security and prosperity. The Proclamation has two parts. The first defines the land west of the Allegheny Mountains and all Indian lands within the colonies as "reserve lands". It states that all lands beyond the "Head of any of the Rivers which fall into the Atlantick Ocean from the West and North-West, or upon any Lands whatever, which, not having been ceded to, or purchased by Us...are reserved to the said Indians...." The Proclamation also recognises that it is "essential to Our Interests and the Security of our Colonies" that the various Aboriginal peoples are under the Crown's protection and "should not be molested or disturbed".⁹ This declaration created a separate territory, outside the jurisdiction of colonial administrators, where the Indian Department could operate without interference. Under the new administrative structure, the Indian Department reported directly to the Home Government. It also reduced the size of the colonies setting a fixed boundary along the Allegheny divide. This effectively prevented colonial governors from issuing grants as the territory in question was outside of their jurisdiction.

The clauses dealing with Aboriginal affairs also addressed the issue of land grants and purchases. The Crown officially recognised that "great Frauds and Abuses" had been made through past land purchase practices. In order to prevent such abuse in the future, the Proclamation echoed the 1761 Instructions to Governors by restating the prohibition of making any grants or taking any cessions from Aboriginal people. It also reiterated that individuals were prohibited from purchasing lands and/or squatting on Aboriginal lands. As the Crown did recognise that land might be required in the future for settlement or military purposes, the Proclamation established a set of

⁷Robert S. Allen, *His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1774-1815*, Toronto: Dundrun Press, 1992. p. 25.

⁸S. Barry Cottam, *Aboriginal People and Archives: A Brief History of European Relations in Canada*, Ottawa: National Archives of Canada, 1997, p. 8.

⁹Clarence S. Brigham, ed., *British Royal Proclamations Relating to America. Transactions and Collections for the American Antiquarian Society*, vol 12, Worcester, 1911, p. 215.

protocols and procedures for the purchasing of Aboriginal land. In order to prevent cessions by those who did not represent the Aboriginal group, purchases could only be undertaken during a public meeting of the group. Also, only an official representative of the Crown could negotiate the land cession.¹⁰ These new regulations and protocols served two purposes. First, it isolated Aboriginal people from the European settler population as squatters were evicted from Aboriginal lands and individuals were forbidden from making any acquisitions of Aboriginal lands. A second purpose was concentration of authority. By restricting authority for land acquisitions to the Commander in Chief of the Colonies, one single body would decide on the future expansions of the colonies. In addition, the Indian Department emerged from these new instructions as the sole administrative body for Aboriginal affairs.

While guaranteeing Aboriginal land interests in North America, the Royal Proclamation of 1763 also created a mechanism to allow the future expansion of the colonies. As has been pointed out by several historians, it is difficult to conceive that Britain would have wanted to create a permanent and unalterable border between Aboriginal people and European settlers. It was hoped that settlement could be slowed so that it would not disrupt relations with Aboriginal groups. Most importantly, the Royal Proclamation created the system of treaty-making that would extend to today's Comprehensive Land Claims process. By recognising some type of right to land and creating a process for alienation through negotiation and proper compensation, Britain assured itself access to the interior of North America at some point in the future.¹¹

The authority of the Johnson family and the Indian Department grew to a point where all matters related to Aboriginal people were to be handled by them. After the death of Sir William Johnson in 1774, the position of Superintendent General remained in the Johnson family until 1828, first through Sir William's nephew, Guy Johnson and later, his son, Sir John Johnson. The Johnson family became synonymous with the Department and the growing treaty-making process. The Johnsons and the Indian Department played vital roles in the defence of the colonies and their expansion through treaties. From the American War of Independence to the War of 1812, the Indian Department worked to secure alliances with Aboriginal people throughout the interior through issuance of presents, supplies, and in some cases, military assistance. Up to the War of 1812, the Indian Department's main goal was to maintain and strengthen these military alliances. Because of the nature of these alliances, the Indian Department was controlled by the British military authority. As the importance of the alliances diminished and costs increased, the military control of the Indian Department came into question. This issue was finally resolved by the Department's transfer to civil authority in 1795, although after the War of 1812, it reverted back to military control until 1830.

¹⁰*Ibid*, p. 217.

¹¹*Ibid.*, p. 6.

Treaty-Making in Colonial Canada

Through the protocols in the Proclamation, the Indian Department was able to make selective land purchases, sometimes in advance of settlement, sometimes to secure land already occupied by European settlers. Just a few years after the Royal Proclamation, British officials in North America prepared to start the land acquisition process. During his first administration, Governor General Carleton recommended that the Indian Department investigate the possibility of Aboriginal land cessions.¹² These directives to recommence the process of settlement were largely due to the increased desire of the British government and settlers to create farming settlements in the interior near their military posts, but also in response to the Aboriginal people's willingness to surrender their land.

These purchases were small and for very specific purposes. For example, the Niagara Treaty of 1764 surrendered 2 miles of land on the east bank of the Niagara River to be used as a communications route between Lakes Erie and Ontario. Expansion of settlement only began in earnest after the War of Independence (1776). With more than 30,000 United Empire Loyalists fleeing the Thirteen Colonies by the end of the war, colonial administrators in Québec attempted to settle them in the Maritimes and in the Eastern Townships of Québec.¹³ The lands in the Townships were insufficient for the number of refugees and many coveted the western lands in Indian Country. Québec's new Governor General, Frederick Haldimand, was concerned with maintaining the integrity of Britain's North American holdings. He surmised that in order to secure the Great Lakes from American hostilities, it was important to develop settlement around the military posts such as Cataraqui (Kingston) and Niagara. After appealing to the Home Government for approval of his settlement plan, Haldimand instructed the Indian Department to negotiate the surrenders at Niagara in 1781.¹⁴ Haldimand was mindful of the fears and concerns of Aboriginal people that led to the Pontiac Rebellion in 1762-63. He wanted to minimise any Aboriginal concerns of squatting and land grabs through upfront land purchases in advance of the arrival of settlers.

Britain's obligations and duties towards its Aboriginal allies were also the factor in a new phase of settlement. As demonstrated by Aboriginal contribution during the War of Independence, it was in Britain's best interests to maintain this long standing relationship with its military allies now that the United States of America remained a threat to British interests in North America. British troops remained in the posts throughout the Old North-West after the signing of the Treaty of Paris in 1783, although clearly in American territory, so as to maintain links with their allies. Not all of Britain's Aboriginal allies were able to keep their traditional territories. Britain's oldest allies, the

¹²Lillian Gates, *Land Policies in Upper Canada*, Toronto, University of Toronto Press, 1968, p. 15.

¹³*Ibid.*, p. 11.

¹⁴*Ibid.*, p. 14.

Six Nations of the Iroquois Confederacy, were mostly dispossessed because of their support for the British, and as so many other Loyalists, they were now refugees at Montréal. Through a series of treaties with the Mississauga at Niagara and in the Bay of Quinte, land was set aside for two settlements, Grand River and Tyandinaga.¹⁵ The creation of these reserve lands were part of larger purchases in Niagara and the Bay of Quinte in preparation for the arrival of Loyalists waiting at Montréal. These purchases worked towards two larger goals: honouring the remains of the alliance with the Iroquois Confederacy; and the acquisition of land for the settlement of thousands of Loyalists. Ultimately, the signing of these treaties secured Aboriginal, as well as British, interests in North America.

As had occurred in the American Colonies prior to the Royal Proclamation, colonial interests began to take precedent over the Indian Policy's protection of Aboriginal interests after the signing of the Treaty of Paris in 1783. Colonial administrators and local land speculators began to push the Indian Department into making treaties for lands that could then be used for settlement. In his study of the Land Board's dealing in the District of Hess, John Clark showed that members of the Land Board called upon the Indian Department's representatives to secure the title of Aboriginal lands well before these lands were needed for settlement.¹⁶ These board members, who were also major land speculators, were in position to benefit from the newly acquired lands. The Land Board in Hess attempted to displace several Aboriginal communities, especially near Sandwich (Windsor) and Walpole Island. In many cases, land purchases made by the Indian Department followed the recommendations of the Land Boards, as was the case for the 1790 McKee Purchase. On the whole, the treaties made between 1783 and 1815 corresponded with Upper Canada's military and settlement needs such as the London Purchase in 1796, Penetanguishene Harbour Purchase in 1798 and the Head of the Lake and Toronto Purchases of 1805-06.¹⁷

As their military importance disappeared, new opinions of Aboriginal people took hold. Aboriginal people were increasingly seen as an impediment to the colony's prosperity; people who needed to be bought out so that "proper" settlement could take place. Available lands for Aboriginal people grew increasingly sparse after a new series of treaties was made after 1815. By the 1830s, Aboriginal groups who had held the totality of the land rights for Upper Canada were completely destitute, with little or no lands for themselves. The increasing rate of European settlement led to a rapid decline in available game and the loss of traditional cultivation grounds of Aboriginal

¹⁵Robert Surtees, *Indian Land Surrenders in Ontario*, Treaties and Historical Research Centre, INAC, 1984, pp. 12-16.

¹⁶*Ibid.*, p. 114.

¹⁷For more detail on these purchases, please consult Robert Surtees, *Indian Land Surrenders in Ontario* and Joan Holmes and Associates, *The Taking of Land Cessions and Surrenders in Pre-Confederation Ontario*.

communities. In the span of 70 years, Aboriginal people in what became Upper Canada went from masters of the land to a destitute and landless people.

The British relationship with their Aboriginal allies completely changed. After the War of 1812 and the establishment of a stable peace with the United States, the British administration was no longer concerned with maintaining a high level of isolation between Aboriginal people and European settlers. The rate of treaty-making increased in this post-war period to accommodate the growing number of settlers, a population that now outnumbered the Aboriginal population. As the Aboriginal land base continued to shrink, Aboriginal people were increasingly left landless and destitute. Once seen as vital to the protection of the colonies, Aboriginal people were seen as an impediment to colonial growth and wealth. Largely because of fiscal retrenchment, colonial and Indian Department officials implemented a new policy to encourage Aboriginal people adapt to their new circumstances by becoming agriculturalists.

In 1830, as the Indian Department was returned to civil authority, it underwent major changes, both in its structure and its policies. Influenced by the growing humanitarian and evangelical movements in Great Britain, the Department's policies shifted towards the promotion of "Civilization and Christianisation" of Aboriginal peoples. These policies envisioned a transformation of Aboriginal peoples into a sedentary and Christian agricultural people.¹⁸ The attainment of this goal dominated Indian policy for the next century. Civilisation was generally seen, at the time, as the process by which Aboriginal people would be encouraged to adopt the beliefs, attitudes and practices of British or European society. In a period of fiscal retrenchment, the idea of "civilising" Aboriginal people so that they would become "productive" members of colonial society gained popularity. At its base, this civilisation policy meant that Aboriginal people would be educated, trained in European agriculture, and Christianised by placing them in controlled communities. This would therefore, further open the colony to settlement and reduce their financial burden on the Crown by making these communities self-sufficient and proper colonial inhabitants.

The appointment of Sir Francis Bond Head as Lieutenant-Governor of Upper Canada brought a new dimension to both the Treaty-making and Civilisation policies. Bond Head held a very different view of Aboriginal people than his predecessors. He believed that Aboriginal people were a "dying race" and that nothing could be done to fully integrate them into colonial society.¹⁹ Bond Head stressed that it was contact with settler society that was causing the rapid destruction of Aboriginal people. The only way to allow them a gradual and "noble" end was to place them in a location that was

¹⁸Leslie and Maguire, *op. cit.*, p. 16.

¹⁹For a complete account of Bond Head's views of Aboriginal people in Upper Canada, please see Bond Head to Glenelg, no. 32, 20 November, 1836, *Parliamentary Papers : Copies of Extracts of Correspondence Since 1st April 1835, between the Secretary of State for the Colonies and the Governors of the British North American Provinces, respecting the Indies in those provinces*, House of Commons, 1839, vol, 34.

far removed from contact with settlers.²⁰ Manitoulin Island seemed to be an excellent location. During the annual distribution of presents on Manitoulin Island in 1836, Bond Head used his authority as representative of the Crown to propose, negotiate and finalise two treaties in the Georgian Bay region, one for Manitoulin and another for the Saugeen peninsula. He proposed that the lands around the Bay be ceded and that Aboriginal people relocate to the Island where they could continue to live in their traditional lifestyle and slowly adapt to colonial society unmolested by settlers.²¹ In reality, he wanted a location where they would disappear without disrupting colonial affairs.

The Manitoulin Island Treaty of 1836 is an interesting event in both the development of Indian Policy and treaty-making. Through Bond Head's rather unorthodox treaty, he forcefully and unwittingly, blended the practices of treaty-making in Upper Canada with the new and growing interest in protecting Aboriginal people from eventual extinction. Reactions in the colony and in London to his treaty pushed both colonial and Home Government officials to fully adopting an Indian Policy where Aboriginal people were to be assisted in the transformation towards colonial society. Previously, treaty-making and other Aboriginal related policies never intersected. Each followed their own course. Treaties were being made to secure land interests for the Crown, while Indian policy shifted from maintaining peace and military alliances with Aboriginal people to assuring colonial prosperity by addressing the new burden of dispossessed and destitute Aboriginal groups. Unwittingly, Bond Head used the principles for securing Aboriginal land interests to create an Aboriginal reserve to assist Aboriginal people to adapt to the new settler reality of the Great Lakes region. This practice did not, however, continue and the Upper Canada Land Surrenders were largely devoid of references to any civilisation programs.

Settlement had been the driving impetus for land surrenders in Upper Canada. By the mid-1800s, however, new reasons were emerging for pushing land surrenders and treaties further north. The discovery of rich deposits of minerals and metals in the lands along the northern shores of Lake Superior and Lake Huron led to the creation of a new kind of treaty. In 1850, responding to Aboriginal demands, William B. Robinson negotiated two treaties with the Aboriginal inhabitants of the area: the Robinson-Superior and Robinson-Huron treaties.²² These treaties differed remarkably from the simple land surrenders in the south. While the early land surrenders with their one-time payments created few lasting obligations for the government, the Robinson Treaties established permanent government obligations to the Aboriginal signatories. Supplemental to a one-time lump sum payment, Aboriginal people also received an annuity of £2 per person and reserve lands in return for the surrender of their traditional

²⁰Robert Surtees, *Manitoulin...*, *op. cit.*, p. 6.

²¹Bond Head to Glenelg, no. 32, 20 November, 1836, *Parliamentary Papers : Copies of Extracts ...*, *op. cit.*

²²Robert Surtees, *Treaty Research Report: The Robinson Treaties*, Ottawa: Department of Indian Affairs and Northern Development, 1986, p. 24.

lands. In addition, they maintained their right to hunt and fish on unoccupied land. These two treaties would become of a model for the Numbered Treaties of the Prairies in the late 19th century.

On North America's West Coast, quite a different relationship developed between European settlers and the region's Aboriginal inhabitants from that developed in the Great Lakes basin. For nearly 50 years, settlement had been overshadowed by commercial aspirations of the Hudson's Bay Company (HBC). Holding a trade monopoly for the entire British half of the Oregon territory, the HBC was content to keep its diplomatic dealings with the West Coast Aboriginal peoples strictly to commercial matters relating to the fur trade. Following the relocation of the HBC primary post to Vancouver Island and a new mandate to establish a colony, the HBC's Chief Factor, and colonial Governor after 1854, James Douglas undertook the signing of 14 treaties with various Coast Salish communities on Vancouver Island between 1850 and 1854.²³ These treaties surrendered land required for settlement around various HBC posts, in exchange for lump sum cash payments and goods, and the continued right to hunt and fish. Treaty making was curtailed in the 1860s due to British Columbia's reluctance to recognize Aboriginal peoples' land title, contrary to other British colonial jurisdictions. This denial of Aboriginal land title persisted even after British Columbia joined Confederation, and contrary to the Dominion's recognition of this title in other parts of Canada.

As has been indicated, the Home Government had been reconsidering its role in Indian Affairs in North America. Since the end of the War of 1812, calls had been made to shutdown the Indian Department, or at very least, to transfer it over the colonial legislatures. After several different commissions of inquiry into the Indian affairs, most notably the Bagot Commission, the Colonial Secretary handed the Indian Department to the colonies in 1860. The act that officially transferred authority of Aboriginal affairs to the colonies, the *Indian Land Act*, also formalised the surrendering of Aboriginal lands to the colonial Crown.²⁴ The *Indian Land Act* also brought another element of the Royal Proclamation to a close. By this transfer to the colonial administration, the Imperial Crown dispensed with its responsibility towards its former allies. Where the Colonial Office's role in the development of Indian Policy had been to balance between the needs of the colony and the Empire, the Act placed this role in the hands of the colonial government. Only the procedures and protocols regarding the acquisition of Aboriginal lands were maintained from the larger list established by the Royal Proclamation.

²³Dennis Madill, *British Columbia Indian Treaties in Historical Perspective*. Ottawa, Department of Indian Affairs and Northern Development. 1981, p. 31.

²⁴*An Act respecting the Management of the Indian Lands and Property*, s.p.c.1860, chapter 151, section 1 (33 Victoria).

American Indian Treaties

While Canadian Indian Policy was largely dictated by a systematic and organised central administration, the Indian Department, the situation in the United States of America was not the same. Canada's western expansion and development, as well as its relations with Aboriginal people, have long been key points of comparison between Canada and its neighbour. The development of the American West is seen as chaotic, marked by violent clashes not only with Aboriginal people but also between the settlers themselves. Both views compounded by countless Cowboy movies.

After 1776, relations between the new Republic and Aboriginal people living within its borders were far from peaceful. Long standing alliances with the British led to severe splits amongst the different Aboriginal groups, some siding with the British, others with the Revolutionaries. After Independence, American Indian policy focussed largely on signing peace treaties in the northern states and other treaties to clear access to Indian lands west of the Allegheny Mountains. Conflicts were numerous and culminated during the War of 1812 with the alliance of numerous American Indians fighting along side British troops in Upper Canada and independently in the Old Northwest. The early 19th century Jeffersonian ideas towards Aboriginal people encouraged them integrating into American society through Christiansation and agriculturalism.

By the 1830s, a change in political ideology brought about a new direction in American Indian policy. American politicians and administrators began to believe that the "admission that the speedy acculturation and absorption of the Indians into white society that was the goal of the Jeffersonians had not been attained and was perhaps unattainable."²⁵ At the base of a new policy was the notion that Aboriginal people as a group could not be integrated into American society, and were a hindrance to American advancement. From this attitude came a policy whereby Aboriginal people would be removed from the lands they occupied and moved across the Mississippi where they would not hinder agricultural and resource development. Historian Francis Prucher summarised this attitude: "Advocates of removal justified the policy on the grounds that emigrations to the West would benefit the Indians. Out of the reach of established states and territories, the Indian tribes could continue their national existence unmolested by encroaching whites and jurisdictional controversies."²⁶

Relocation was not a new idea and some half-hearted attempts had been made in the Old Northwest prior to the 1820s. The election of Andrew Jackson brought this new policy to the forefront of his administration's agenda. Jackson rejected the position that Aboriginal people were sovereign and independent nations in North America. The

²⁵Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, Lincoln: University of Nebraska Press, 1986. p. 64.

²⁶*Ibid*, p. 94.

sovereignty of the United States was preeminent and nothing should stand in the way of its growth.²⁷ This new policy was bolstered by the growth of the United State's military power in North America. With a strong military force, there was no longer any need to fear Aboriginal opposition to settlement.²⁸ The situation of the Five Civilised Tribes in the Southern States of Alabama, Georgia, Florida and Carolina became one of the focal points of the Removal Policy. As the states flexed their constitutional muscle over Indians, a federal jurisdiction, the Cherokee, Creek, Chickasaw, Seminole and the Choctaw, became the targets of this struggle. The most famous example is that of Cherokee Nation's fight against the state of Georgia. Fighting Georgia's unilateral application of its jurisdiction to their untreated lands, the Cherokee appealed to the Supreme Court. In his 1831 ruling, Justice Marshall refuted the independence of the Cherokee and stated that Indians were domestic dependent nations in the US and subject to its authority. A severe blow to their efforts, the Cherokee became increasingly fractionalised, and were eventually forced west, either through treaty or by force in the mid 1830s.²⁹

By the 1840s, the United States was on the verge of a new phase of expansion. With an increasing population in the original Thirteen Colonies and strong economic growth, settlers, developers and industrialists began to look across the Mississippi as an area that offered wealth and freedom. Even though there was no lack of available land, expansionists believed that westward expansion was necessary to maintain economic, political and social growth in the Republic. The term "Manifest Destiny" was coined and used as the motto for western expansion. Manifest Destiny was the embodiment of the idea that continentalism would lead to unlimited economic opportunities, land for any who wanted it, and the aggrandisement of American society. This ideal also responded to different internal pressures, such as a push by Southern States for more land, increased urban density in the Northeast and increased immigration. Manifest Destiny was also a response to British claims to the Oregon Territory and the continued presence of the Hudson's Bay Company in the Northern Prairies. Expansionists were fearful of being surrounded by British territory to the North and the newly independent Mexico to the south.

The addition of New Mexico, California and Texas after the Mexican War, and the southern half of the Oregon territory to the Union in the 1840s again changed the nature of land needs in the west. These new states and territories led to a settler and development boom in areas where Aboriginal people previously had little interference from settlers. The rapid increase in the white population in these areas and constant travel through untreated Indian lands brought increased conflict and irritated the Indian.³⁰ Settlers were quick to call upon the military to "control Indians that stood in

²⁷*Ibid*, p. 68.

²⁸Edward H. Spicer, *A Short History of the Indians of the United States*. New York: Van Nostrand Reinhold Company, 1969. p. 66.

²⁹*Ibid*, p. 71.

³⁰Prucha, *The Great Father*, *op. cit.*, p. 109.

their way,” and further enforced the principle of settlers’ rights over the rights of the local Aboriginal population.³¹ By the mid-1850s, Indian administrators in Washington realised that the removal policy would no longer work. Western expansion meant that there was no place for Aboriginal people to go. George W. Manypenny, Commissioner of Indian Affairs in 1853, proposed a system of “colonies” or groupings of Indians onto large parcels of land for isolation and assimilation.³² It was believed that “Indians” needed to be made into “Americans”. Manypenny secured a number of treaties surrendering land and creating these “colonies” in the Mid-West.

This new system did little to alleviate the growing tension in the West as more and more settlers crossed through the plains, disrupting the buffalo on route to Oregon, the Colorado mines and California. Since the 1850s, there had been sporadic flare-ups of violence between settlers, the Army and Aboriginal warriors. These conflicts escalated into major military campaigns by the Army. A major flashpoint was in the central plains as the Cheyenne and Arapaho, who experienced increased irritation and pressure from prospectors for Colorado mines and survey teams for the projected Transcontinental Railway through their hunting grounds, the Smoky Hills, reacted violently to the newcomers. The Sandy Creek Massacre in November 1864 by Colorado militiamen against the Cheyenne led to a national outcry against these military campaigns. Calls were made to ratify peace treaties and to deal fairly with Indians, but with only moderate success. Some local governors did make peace treaties in 1865-66, such as Dakota and Kansas, but this only postponed the conflicts for a few years. The cost of these military campaigns were also of much concern, costing nearly \$20 million in 1865.

In 1867, the Great Peace Commission was created to head west, and bring lasting peace to the Plains and solve the “Indian Problem”.³³ The goal of the Commission was to sign a general treaty, or series of treaties, that would bring lasting peace in the region.³⁴ The Peace Commission was harshly criticised by Congress and the Military as a “bribe” for temporary peace and many believed that violence would resume when the incentives and terms of the treaties signed in 1868 would expire. The treaty process as a whole was widely criticised in the United States, especially since the 1831 Marshall Decision determined the dependent status of Aboriginal people. The treaties were largely seen as useless and often broken and ignored by the Federal Government, States and settlers. To further complicate the issue, the constitutional nature of treaties made with Indians was questioned by Congress. As treaty-making was technically an executive power which required the approval of the President and Senate, there was little actual interest from the Presidency or the Senate, while the House of Representatives challenged the process.³⁵ The Lower House stated that the

³¹Spicer, *A Short History...*, *op. cit.*, p. 66.

³²Prucha, *The Great Father*, *op. cit.*, p. 113.

³³Jill St. Germain, *Indian Treaty-Making Policy...*, p. 48.

³⁴Prucha, *The Great Father*, *op. cit.*, p. 157.

³⁵Jill St. Germain, *Indian Treaty-Making Policy...*, p. 15.

treaties with Indians were not international treaties and therefore not the exclusive jurisdiction of the executive powers. In 1870, the process of Indian treaty-making was removed from the executive powers and treaties would no longer be made with Aboriginal people. However, “the old treaty process could not be completely abandoned. Whether or not a group of Indians was recognized as ‘an independent nations, tribe or power,’ dealings between the United States called for a formal agreement by which Indian consent was obtained.”³⁶ Instead of treaties, agreements would be made that surrendered land and established reservations. The 1870s marks not only the end of Indian treaties in the United States, but also a period of increased military conflict on the plains with various tribes, such as the Sioux, the Apache, the Utes, Indians in Oregon, in Colorado, Idaho, Nevada. Lasting nearly fifteen years, the Indian Wars finally ended in the early 1880s after Aboriginal resistance had exhausted itself.

Canadian Western Expansion

In comparison to the United States example of Western expansion, there were different concerns throughout the new Dominion as to its own continental development. American continentalism, as expressed by the policy of Manifest Destiny, became the driving force behind Canada’s own western expansion. Historian Gerald Friesen stated that: “the main purpose of Canada was to achieve a separate political existence on the North American continent.”³⁷ Much like the United States, the new Dominion believed that its future lay in its own expansion across North America. While the unification of the British colonies of Canada, New Brunswick and Nova Scotia created a single block under the banner of the new Dominion of Canada in 1867, both of the major political parties had expansionist views. The Liberal, or True Grit, Party had long called for the annexation of Rupert’s Land, the huge territory covering the Hudson Bay watershed. Upon the retirement of George Brown, William McDougall became the champion of western expansion, along with some Tory politicians, such as Alexander Morris. During the first session of the first Dominion Parliament, McDougall called for the acquisition of Rupert’s Land during the first month.

The rapid expansion of the United States across the West Alarmed many Canadian politicians and citizens who feared that the United States would attempt to take Rupert’s land as well. Member of Parliament J. McMillan stated in the House that: “to allow this territory [Rupert’s Land] to pass away from us would be to suffer ourselves to be surrounded by the only power from which we have any danger to dread. On this continent there was no balance of power, and we could expect no outside interference in our favour except from the mother country.”³⁸ The fears of American expansionism

³⁶Prucha, *The Great Father*, *op. cit.*, p. 165.

³⁷Gerald Friesen, *The Canadian Prairies: A History.*, Toronto: University of Toronto Press, 2002. p. 171.

³⁸Morton, *op. cit.*, p. 225.

were real and an important factor in the Dominion's plans for Rupert's land. Several different groups throughout the American territories openly called for the annexation of the Hudson Bay Company lands and believed that any expansion by Canada across the Prairies was detrimental to US interests. In St. Paul, Minnesota, annexationists openly called upon the Congress to annex Rupert's Land before Canada finished its negotiations with the HBC. These calls were ignored by Congress.³⁹ In the early years of the new Dominion of Canada, Canadian policy was largely reactionary to the ongoing expansion of the United States to the south. In his study of the early years of Confederation, W.L. Morton stated:

no one supposed that the confederation of 1867 could endure as it was, a mere enclave of British territory in a continent dominated by the United States...Both the plains of the Northwest and the ports of the Pacific coast were necessary. Because the United States was continental, Canada too had to be continental. If the United States were to add the Alaska purchased in 1867 a Northwest at whatever date or price, the Dominion would disintegrate, and the fragments of the Canadian union would join the American union as best they might. The acquisition of the Northwest and British Columbia were therefore necessary to the completion of confederation and the creation of a Canadian nationality.⁴⁰

Western expansion was seen as a vital part of Canada's economic future. Without Rupert's Land, Canada would be hemmed into the North-East corner of the continent, unable to tap into the resources and riches of the Prairie, limited to the narrow strip of arable land between the Great Lakes and unable to attract new immigrants to boost the population and drive commerce. The West was a necessary part of both the Conservative and Liberal Parties platforms; platforms that called for western settlement and also for the expansion of a working railway network allowing for access to greater markets and resources. Settlement and railways became vital elements of the National Policy, were prominent in both the 1878 Conservative and 1896 Liberal platforms.

Immediately following the proclamation of Confederation, the Dominion began negotiations with Britain and the Hudson's Bay Company for the acquisition of the Company's Charter to Rupert's Land. The charter was secured and full control transferred by the British under the *Rupert's Land Act* of 1868 and the *Northwest Territories Transfer Act* in 1870. After the creation of Manitoba in 1870, the Macdonald Government proceeded to establish the administrative structure of the Northwest Territories. The *Northwest Territories Act* extended Canada's legal jurisdiction over the Territories outside of Manitoba and made provisions for an administrative structure and application of Canadian law throughout the Territories.⁴¹ In an effort to induce more

³⁹Morton, *op. cit.*, p. 228.

⁴⁰W. L. Morton, *The Critical Years: The Union of British North America, 1857-1873*, Toronto: McClelland and Stewart Ltd., 1964. p. 224.

⁴¹*An Act to make further provision for the government of the Northwest Territories*, 1871, Chapter 16, (34 Victoria).

immigrants to the Northwest, the 1872 *Dominion Lands Act*, also known as the Homestead Act, was introduced. The Act emulated a US initiative, and provided settlers with “one-quarter section, or 160 acres, of free Government land for a 10 dollar registration fee with title conditional upon three years residency.”⁴²

Regardless of the legal status of the Northwest Territories being as a part of Canada, the fact remained that the Territories were devoid of any Canadian authority and was still the domain of Aboriginal people and the buffalo. Although the Dominion had purchased the title for Rupert’s Land, it had no way of exerting its influence or jurisdiction over an area described as “900 miles of wilderness with little supplies or fuel.”⁴³ Just as overt calls for American annexation of the Territories concerned the Government, so did the presence of American traders entering the area and the ensuing whiskey trade with Aboriginal peoples. Sir John A. Macdonald had suggested as early as 1869 that a police force may be the best way to express Canadian sovereignty in the Northwest and would also maintain good relations with the area’s Aboriginal people. Such ideas were, however, invariably labelled too expensive to maintain and likely ineffective. The massacre of an Assiniboinne band by American hunters in the Cypress Hills in 1873 became the *cause célèbre* for the creation of the North-West Mounted Police. Police posts, such as Fort MacLeod on the Bow River and Fort Walsh in the Cypress Hills, were established throughout the territory to deal with illegal activities in trade, and to assist in settlement throughout the region. One of the NWMP’s most important tasks was to explain Canadian law to Aboriginal peoples. It had to persuade them to voluntarily replace their traditional laws and customs with Canadian laws. This was a necessary task in order to permit the implementation of the Government’s policy on the Northwest: the conversion of the Indians from nomadic hunters to sedentary farmers. The North-West Mounted Police became an essential part of the National Policy. The Force managed to ensure peaceful contact with Aboriginal people and settlers in an area that could have been extremely violent. The NWMP constituted the most important institution in the territory and at relatively little cost. As the Americans spent \$20 million a year on the Indian Wars, the annual budget of the NWMP was only \$400,000 per year.⁴⁴

Constantly comparing their western expansion to the American experience, Canadians have developed a view that our policies and our experience were the more human ones. Canadians in the 1870s, as they do today: “were both more confident of the appeal of British policy as a pacifying force and less able to recognise a threat that did not come in the direct form Americans experienced.”⁴⁵ The Canadian experience in the west was different for the important reason that Canada learnt from American mistakes. Also, the very nature of the Canadian system led to a pattern of establishing

⁴²P.B. Waite, *Canada 1874-1896: Arduous Destiny*, Toronto: McClelland & Stewart, 1977. p. 63.

⁴³P.B. Waite, *Canada 1874-1896: op. cit.*, p. 11.

⁴⁴Gerald Friesen, *The Canadian Prairies: op. cit.*, p. 166.

⁴⁵Jill St. Germain, *Indian Treaty-Making Policy...*, p. 50

authority and jurisdiction prior to major settlement. The establishment of this authority was derived not only by the presence of the North-West Mounted Police, but also by the negotiation and signing of treaties with Aboriginal people.

The Numbered Treaties and Indian Legislation

As part of the obligations created by the transfer of the HBC charter, Canada was responsible for addressing any and all Aboriginal claims to land.⁴⁶ Taking the form established by the 1850 Robinson Treaties, the Crown negotiated seven treaties between 1871 and 1877. These treaties covered the area between the Lake of the Woods and the Rocky Mountains. Similar to the Robinson Treaties, the so-called Numbered Treaties promised reserve lands, annuities, and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title. However, these treaties also held clauses that were very similar to many of the civilisation programs undertaken in central Canada. All treaties had clauses for schools to educate children, and agricultural implements were promised to assist Aboriginal signatories in their transition towards an agricultural lifestyle.⁴⁷ Throughout the negotiations and in the treaty texts, the wording and language used to describe the various clauses were those commonly used in the civilisation programs. Aboriginal signatories were encouraged to settle on reserve lands in sedentary communities, learn agriculture and receive an education. The Treaty Commissioners explained that the reserves were to assist Aboriginal people to adapt to a life without the buffalo hunt and that the Government would assist them in the transition to agriculture by providing tools and other farming implements.

At their base, the treaties were land surrenders on a huge scale. A total of 11 Numbered Treaties were negotiated during this period culminating with Treaty 11 in 1921. Furthermore, in the eyes of the Federal Government, the act of signing treaty brought Aboriginal people of the Northwest under the jurisdiction of the Dominion of Canada and its laws. Morris, himself, remarked that this was a point that needed to be reinforced by stressing that chiefs and councillors were to be recognised as “Officers of the Crown” and urged to obey the laws of Canada.⁴⁸ The early Numbered Treaties - Treaties 1 through 7 - became the vehicle by which the Department of Indian Affairs implemented existing and future assimilation policies in the North West.

Not all Aboriginal leaders in the Northwest Territories were comfortable or satisfied with the treaty terms being offered by the Crown’s representatives. The Department, wanting to settle all outstanding claims in the Territory, adopted coercive

⁴⁶ *Rupert's Land Act*, 1868, Chapter 105 (31-32 Victoria).

⁴⁷ See Treaties 1 through 5. In his article “A Serene Atmosphere? Treaty 1 Revisited”, in the *Canadian Journal of Native Studies* (IV, 2 1984 pp. 321-358), D.J. Hall examines the role of Aboriginal signatories in the inclusion of the agricultural benefits clauses and credits Aboriginal negotiators, such as Chief Henry Prince, for keeping these benefits in the treaty.

⁴⁸ *Ibid.*, p. 286.

measures such as bribery and starvation to entice non-treaty bands to adhere to the treaties. One such example was that of the influential Cree Chief, Big Bear. Having arrived late to the 1876 Fort Pitt negotiations of Treaty 6 because of an increasingly rare buffalo hunt, Big Bear was displeased with the agreed terms of the treaty and did not adhere to it. Refusing to sign the treaty for another seven years, Big Bear and his followers moved freely across the Plains, often crossing the line into the United States in search of the dwindling buffalo. As game became increasingly scarce, Big Bear relied on the rations issued by the Department and the North-West Mounted Police at Fort Walsh in the Cypress Hills. In the 1882 annual report, it was reported that the Government was using every and all efforts to induce Big Bear to adhere to Treaty 6. Edgar Dewdney, Indian Commissioner in the Northwest, following the orders he had to remove the Aboriginals south of the C.P.R. line, ordered that no rations be given to any non-treaty Indian and recommended that Fort Walsh be closed in the Cypress Hills.⁴⁹ This tactic appears to have been successful as large number of Crees headed north when rations stopped being issued. To cause further stress upon Big Bear, Dewdney announced that any adult male Cree would be recognised as a chief of a new band if he could convince 100 people or more to accept him as leader and leave Big Bear.⁵⁰ They would then receive a reserve farther north and government rations. Nearly half of Big Bear followers left to follow these new chiefs or go to other reserves; Little Pine left with 272 followers while 200 more went to Lucky Man and Thunder Child's reserves.⁵¹ His numbers dwindling and his people starving, Big Bear finally agreed to sign an adhesion to Treaty Six in August 1883, to leave the Cypress Hills and head north towards the Frog Lake area. Big Bear and his followers were one of the last major non-treaty Aboriginals groups in the Prairies

While these treaties were being negotiated, the Department of Indian Affairs continued consolidating its policies. David Laird, Minister of the Interior and Superintendent General of Indian Affairs, and Treaty Commissioner for Treaty 4 in 1874, introduced a new piece of legislation in 1876. The *Indian Act* proposed a consolidation of regulations that impacted on Aboriginal people living throughout the Dominion. Like previous legislation, this gave greater authority to the Department of Indian Affairs allowing it to intervene in a wide variety of internal band issues and to make sweeping policy decisions across the board such as determining who was an Indian, managing Indian lands, resources and moneys, controlling the access to intoxicants and promoting "civilisation".⁵² On the whole, the 1876 *Indian Act* reflected the belief that Aboriginal people were unable to manage their own affairs. The only way for them to regain control of their lands and money was through "civilisation" and enfranchisement. As the minister sponsoring the bill, David Laird, stated that "the Indians must either be treated as minors or as white men."⁵³ The act largely

⁴⁹ *Annual Report of the Department of Indian Affairs*, Ottawa, 1882, p. xi.

⁵⁰ Sarah Carter, *Aboriginal People...*, p. 142.

⁵¹ Hugh A. Dempsey, *Big Bear...*, p. 91.

⁵² *Indian Act, 1876*, s.c. 1876, Chapter 18, (39 Victoria), paragraphs 3, 9, 29-44, 58-63, 86-94.

⁵³ House of Commons Debates, 3rd Session, 3rd Parliament, 1876, p. 933.

consolidated the principles of the 1868 *Department of Secretary of State of Canada Act* and the 1869 *Enfranchisement Act*. Aboriginal people were unable to manage their own affairs and it was the Crown's responsibility to care for and protect their interests by acting as their "guardians" until such time as they could reach a level of sophistication that allowed them to fully integrate into Canadian society. It is also worthy of mention that there was no real distinction between the Indian policies proposed by this first Liberal government and its Conservative predecessor. Laird's comments are an excellent demonstration of the dominant view of Victorian society of the period. It was largely believed that British Victorian society was the height of civilisation and a model to be emulated in the colonies. Building upon the perceptions that originated in the 1830s, Aboriginal people around the world were seen as unfit to manage their affairs, uncivilised and doomed to hardship without direct intervention. In short, the *Indian Act* and its policy of assimilation placed Aboriginal people in a position of dependency.⁵⁴ As dependants, they would be forced to transform themselves into productive members of Victorian society.

While the 1876 *Indian Act* does reiterate the long held procedures for taking lands cessions from Aboriginal groups, it has no substantial references to the treaties made prior to Confederation or those being negotiated at the time in the North-West Territories. There are, however, a few references to treaties in the legislation, most importantly in the definition of a band and of an Indian.⁵⁵ A band or an Indian is considered "irregular" until they sign a treaty. The act does, however, make allowances for all bands that have a long standing relationship with the Crown or long held reserves, such as the various bands in Québec as being "regular" bands. This confirms statements made by officials such as Morris who saw the treaties as a vehicle of extending jurisdiction. The Act was largely derived from the ongoing practices and civilisation programs already in place in the more settled areas of Canada such as Ontario and Québec. The North-West Territories were initially excluded from the Act until they took reserves, although this exclusion was mostly ignored by the Department of Indian Affairs. The fundamental principle of the consolidation of the 1876 *Indian Act* was its applicability. The act was made to apply to all Aboriginal people regardless of their adherence to a treaty, their geography or their historical relationship with the Crown. Aboriginal people everywhere were the same in the eyes of the Crown. This universal application is the primary reason for the absence of references to treaties in the act. The treaties were seen as a tool which brought Aboriginal people under the jurisdiction of the Crown and allow the application of the Act. This also helps explain the absence of references to the *Indian Act* during the negotiations of Treaty 6 in September 1876 and Treaty 7 in 1877. As the treaties state that the Treaty signatories would observe all Canadian laws, and therefore the *Indian Act*, there was no need to single them out.

⁵⁴Peggy Martin-Maguire, *First Nations Land Surrenders on the Prairies 1896-1911*, Ottawa, Indian Claims Commission, 1993, p. xvii.

⁵⁵*Indian Act, 1876, op. cit.*, para. 3.

Canada's national identity, whether we wish to admit it or not, has been, to a varying degree, based upon a comparison with the United States. Frederick Jackson Turner revolutionised American thinking through his Frontier Thesis. The Frontier thesis, an analysis of the closing of the western frontier which traced the social development of the American west from a state of savagery to industry, became a key contributor to American Identity. In Turner's thesis, Aboriginal people were part of this savage backdrop and a hurdle that needed to be surpassed as well as the model of the "savage" way of life. While this historical model has long been debated, the image it creates is one that persists even today in American society: the lone settler heading west to make his fortune in a vast and dangerous land.

In Canada, there has never been a Frontier Thesis attempting to explain our societal development. The reason for this is simple. With a few exceptions, Canada never really had a wild west, or massive military conflicts with our Aboriginal people. Canadians did not race across the prairie in an attempt to stake out the best plot of land. They were assigned land at the Dominion Land office in Winnipeg. Canada's development has been marked by the concerted effort to assure that an authority of some form, be it an Indian Agent, a military post, or a patrol of Mounted Police, was already in place prior to aggressive settlement. This orderly process was only possible because of the long-standing practice of treaty-making between the Crown and Aboriginal people. Treaty-making meant, at least in the opinion of the Crown, that Aboriginal interest to land were cleared and compensated. Contrary to the American example, these treaties were never renegotiated, never changed by the Crown. It has always stated that the terms of the treaties had been followed to the letter. The exact nature and extent of these terms is another matter for another time. These treaties allowed for the relatively peaceful development of Upper Canada and after 1867, the Dominion of Canada. Without these treaties, it is possible that the outcomes could have been very different and more similar to the United States experience. In Canada, "peace, order and good government" was not only a goal to achieve but a process put into practice.