

Documents of 1873 Relevant to the Treaty 3 Right to Wild Rice

1. On or about 3 October 1873, representatives of Anishinaabe First Nations at Northwest Angle on Lake of the Woods entered into an agreement with Commissioners representing Her Majesty the Queen, including the Lieutenant-Governor of Manitoba and the Northwest Territories, Alexander Morris. The agreement is commonly known as "Treaty 3."¹
2. According to the document published by Canada as Treaty 3, Her Majesty the Queen promised that the Anishinaabe would have the right to hunt and fish throughout the territory, and would receive an annual supply of twine for nets and ammunition:

Her Majesty further agrees with Her said Indians, that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may, from time to time, be required or taken up for settlement, mining, lumbering or other purposes, by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefore by the said Government. ...

It is further agreed between Her Majesty and Her said Indians that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.²

3. Following the conclusion of Treaty 3, Lieutenant Governor Morris submitted his report to the Minister of the Interior, dated 14 October 1873. The report is retained at *Library and Archives Canada*. Lieutenant Governor Morris did not mention in this report the promise of hunting and fishing rights, but did note that prior to the final day of negotiations, "the Commissioners had had a conference, and agreed previously to offer a small sum for ammunition and twine for nets, yearly ..."³

1 Alexander Morris, *The Treaties Of Canada With The Indians Of Manitoba And The North-West Territories, Including The Negotiations On Which They Were Based, And Other Information Relating Thereto* (Fifth House: Saskatoon, 1991 [facsimile reprint from 1880 Belfords, Clarke edition]), pp. 44 - 76 . Canada, *Treaty No. 3 Between Her Majesty The Queen And The Saulteaux Tribe Of Ojibbeway Indians At The Northwest Angle On The Lake Of The Woods With Adhesions* (Ottawa: Queen's Printer, 1966 [1871-4]), pp. 3-7.

2 Canada, *Treaty No. 3*, p. 5.

3 Morris, *The Treaties Of Canada*, pp. 47 - 52, 14 Oct. 1873, Lieutenant-Governor Morris / Min. Of Interior A. Campbell (printed as published). The handwritten original is from *Library and Archives Canada* [LAC], RG 10 v. 1918 f. 2790B.

4. Attached as Enclosure A to the 14 October 1873 report of Lieutenant Governor Morris to the Minister of the Interior is a document entitled *"The following are the terms of the Treaty held at North West Angle the Third day of October, Eighteen Hundred, and Seventy Three, viz."* This document is an English translation of a document authored by Joseph Nolin, an employee of the Anishinaabe Chiefs, and is hereinafter referred to as the *Nolin Notes*. The *Nolin Notes* were submitted to the Minister of the Interior by Lieutenant Governor Morris as an enclosure to his report of 14 October 1873, with the remark that the author of the notes, Joseph Nolin, an employee of the Chiefs, had recorded the negotiations:

*They [the Chiefs] had also secured the services of M. Joseph Nolin, of Pointe du Chene, to take notes in French of the negotiations, a copy of which notes I obtained from him and herewith enclose.*⁴

The Nolin Notes recorded, among other things, that the treaty agreement included a proviso that the Anishinaabe right to wild rice, or manomin, would be "free as by the past." They also referred to the annual payment for ammunition and twine:

*The Government will give when Indians will be settled Fifteen Hundred dollars every year in Twine and ammunition The Indians will be free as by the past for their hunting & rice harvest. ...*⁵

5. The *Paypom Treaty* is an original set of notes made at the signing of Treaty 3. It was retained by Chief Powassan, one of the Anishinaabe spokespersons in 1873, and eventually came into the possession of Chief A. Paypom, now deceased. The text was recorded by an employee of Grand Council Treaty 3 in or about 1982. The *Paypom Treaty* contains nearly identical wording to the *Nolin Notes*. The *Paypom Treaty* contains the following reference to the annual payment for ammunition and twine, and the right to wild rice, as follows:

*The Government will give when Indians will be settled Fifteen hundred dollars every year in twine and munitions The Indians will be free as by the past for their hunting & rice harvest. ...*⁶

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- 4 Morris, *The Treaties of Canada*, pp. 47 - 52, 14 Oct. 1873, Lieutenant-Governor Morris / Min. Of Interior A. Campbell (printed as published). The handwritten original is on LAC, RG 10 v. 1918 f. 2790B; note list of enclosures above Morris' signature on final page of original: "List of Enclosures - A Notes taken by Mr. J. Nolin -"
- 5 LAC, RG 10, v. 1918, f. 2790B, Joseph Nolin, "The following are the Terms of the Treaty held at Northwest Angle the Third day of October, Eighteen Hundred and Seventy Three, viz.", Enclosure A, Morris/Minister of Interior, 14 Oct. 1873.
- 6 *The Paypom Treaty* (Kenora: Grand Council Treaty #3), pamphlet, "The following are the Terms of the Treaty held at North West Angle the Third day of October, Eighteen Hundred and seventy three, viz."

6. Upon receipt in Ottawa of Lieutenant-Governor Morris' 14 October 1873 report, including its Enclosure A, the *Nolin Notes*, the Minister of the Interior reported to the Governor General in Council on 30 October 1873, recommending approval of Treaty 3. The Committee of the Governor in Council concurred in the report of the Minister of the Interior, with its "accompanying Despatch from the Lieutenant Governor ... under date of the 14th October 1873." The recommendation of Council, signed by Prime Minister John A. Macdonald, was submitted for his Excellency's approval. Approval was indicated by the signature of the Governor General Lord Dufferin on 31 October 1873:

On a report dated 30th October 1873, from the Hon. The Minister of the Interior submitting a Despatch from the Lieutenant Governor of the North west Territories under date of the 14th October 1873, covering a copy of the Treaty made by him and the other Indian Commissioners with the Saulteux Tribe of the Ojibbewa Indians at the North West Angle of the Lake of the Woods on the 3^d October 1873, and recommending it be approved by Your Excellency in Council.

The Minister submits that the satisfactory result of the negotiations is in his opinion due in a great measure to the patience, firmness and tact, displayed by the Lieutenant Governor and the other Commissioners in the conduct of the treaty.

The Committee concur in the above report and submit the same for Your Excellency's approval.⁷

7 LAC, RG 2, Series A-1-a, v. 316, reel C-3306, 31 Oct. 1873, PCOC 483C, with attachments 483C(a), (b), and (c). LAC, RG 2, Series A-1-a, v. 316, reel C-3306, 30 Oct. 1873, PCOC 483C(a), Campbell/Governor-General in Council, with attached appendices 483C(b) and 483C(c).

List of Documents Originating in 1873 Relevant to the Treaty 3 Right to Wild Rice

No.	Date	Description/Author	Reference
1	1991	Excerpt re Treaty 3 from book by Alexander Morris, originally published 1880; contains copy of 14 Oct. 1873 report by Morris & a newspaper account of the negotiations	Alexander Morris, <i>The Treaties Of Canada With The Indians Of Manitoba And The North-West Territories, Including The Negotiations On Which They Were Based, And Other Information Relating Thereto</i> (Fifth House: Saskatoon, 1991 [facsimile reprint from 1880 Belfords, Clarke edition]), pp. 44 - 76.
2	1966	Canada, excerpt from pamphlet; printed version of 1871-74 documents relevant to Treaty 3	Canada, <i>Treaty No. 3 Between Her Majesty The Queen And The Saulteaux Tribe Of Ojibbeway Indians At The Northwest Angle On The Lake Of The Woods With Adhesions</i> (Ottawa: Queen's Printer, 1966 [1871-4]), pp. 3-7.
3	14 Oct. 1873	Dispatch by Morris reporting Treaty 3 (printed as published in 1880).	Morris, <i>The Treaties Of Canada</i> , pp. 47 - 52, 14 Oct. 1873, Lieutenant-Governor Morris / Min. Of Interior A. Campbell.
4	14 Oct. 1873	Despatch by Morris reporting Treaty 3 (handwritten original), including Enclosure A	<i>Library and Archives Canada</i> [LAC], RG 10 v. 1918 f. 2790B, Lieutenant-Governor Morris / Min. Of Interior A. Campbell, handwritten.
5	3 Oct. 1873	<i>Nolin Notes</i> , handwritten, separate copy of Enclosure A (from item 4)	LAC, RG 10, v. 1918, f. 2790B, 14 Oct. 1873, Lieutenant-Governor Morris / Min. Of Interior A. Campbell, Enclosure A, Joseph Nolin, "The following are the Terms of the Treaty held at Northwest Angle the Third day of October, Eighteen Hundred, and Seventy Three, viz."
6	3 Oct. 1873	<i>The Paypom Treaty</i> (Kenora: Grand Council Treaty #3), pamphlet	<i>The Paypom Treaty</i> (Kenora: Grand Council Treaty #3), ms., "The following are the Terms of the Treaty held at North West Angle the Third day of October, Eighteen Hundred and seventy three, viz."
7	30 Oct. 1873	Canada, Order in Council PC 1873-483C(a), Report of Minister of Interior to G-G in Council	LAC, RG 2, Series A-1-a, v. 316, reel C-3306, 30 Oct. 1873, PCOC 483C(a), Campbell/Governor-General in Council, with attached appendices 483C(b) and 483C(c).
8	31 Oct. 1873	Canada, Order in Council PC 1873-483C, Approval by G-G	LAC, RG 2, Series A-1-a, v. 316, reel C-3306, 31 Oct. 1873, PCOC 483C.