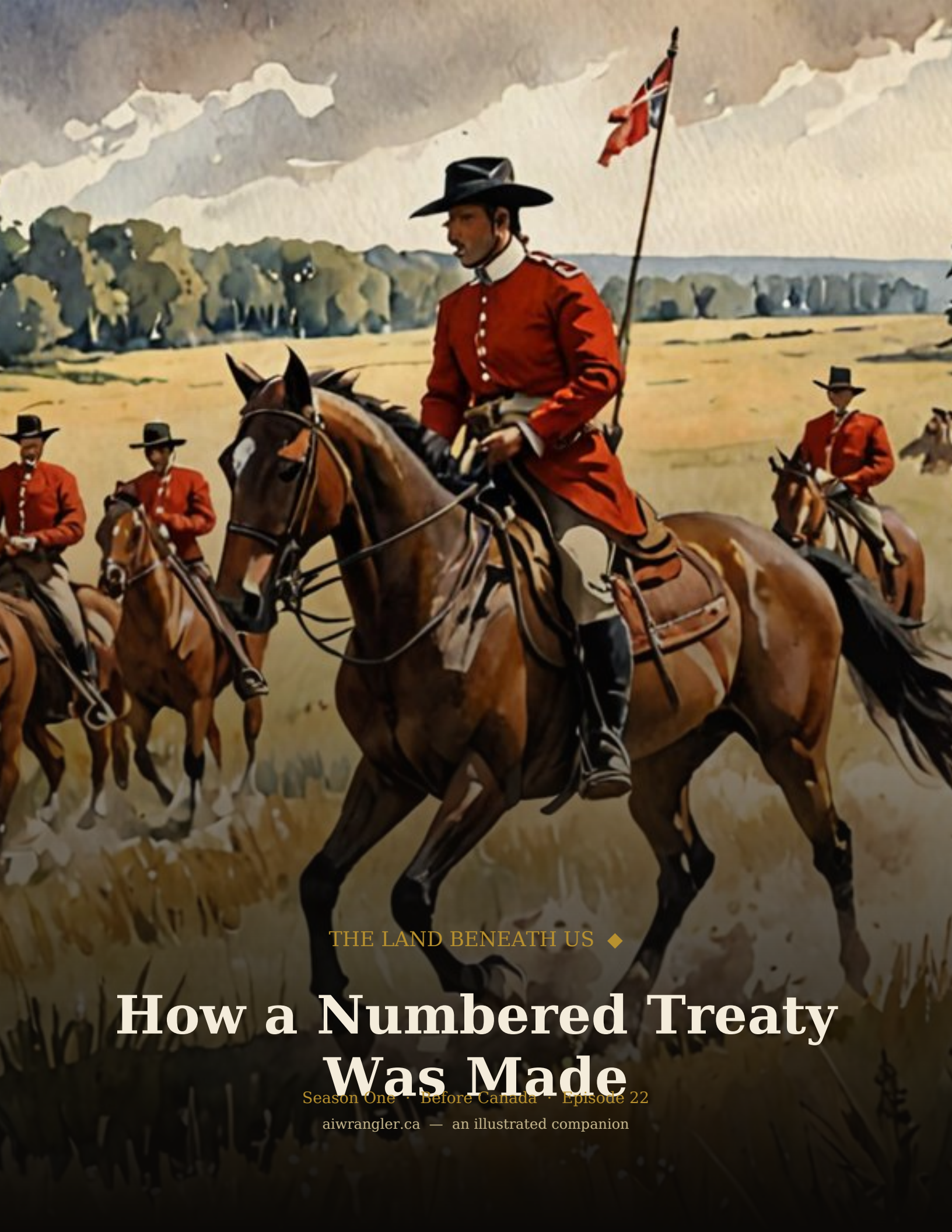




THE LAND BENEATH US ♦

How a Numbered Treaty Was Made

Season One · Before Canada · Episode 22

aiwrangler.ca — an illustrated companion

Every date, term, and quotation in this series is drawn from the historical record. This companion is the full episode narration, illustrated.



From the episode

WILLOW BORN WITH A TOOTH

I'm at Library and Archives Canada in Ottawa, and on the table in front of me is a photocopy of one of the printed treaty forms from the eighteen seventies — and the first thing that stops me is that it is not handwritten. It's pre-printed, with blanks left for the names and the numbers. Somebody made a template and carried it West.

SAM CARDINAL

That template is where I want us to start today, because the form tells you something important before a single word was spoken at any council fire. Canada had decided, well before its commissioners ever sat down across from any nation's leadership, what a numbered treaty would look like. The structure, the legal clauses, the surrender language — all of it was already set. What changed from treaty to treaty was what went into the blanks. And that order of operations — form first, negotiation second — shaped everything that followed.



SAM CARDINAL

The man who carried that form across the West more than any other was Alexander Morris, the Lieutenant-Governor of Manitoba and the North-West Territories. He was a Canadian lawyer and politician, and he believed sincerely that he was doing honorable work for both Canada and the nations he sat across from. He presided over treaty signings from Treaty Three through Treaty Six, from eighteen seventy-three to eighteen seventy-six. When it was done, he wrote a book: "The Treaties of Canada with the Indians," published in eighteen eighty. That book is one of our most valuable windows into what was actually said at the councils, because Morris included the speeches and the exchanges — the back-and-forth. He recorded things that never made it onto the printed page.

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And the gap between what his book records and what the document says — that is exactly where we're going today. But first: what did these signings actually look like?



SAM CARDINAL

They looked like pageants. I mean that literally — they were staged performances of Crown authority, carefully designed to impress. Morris and his fellow commissioners arrived with men in red coats, with flags flying, sometimes with cannon salutes. There was a formality to the arrival, a visual declaration of the reach and power of the Crown. And before the formal business began, gifts were distributed — and among the most significant were silver medals bearing the image of Queen Victoria, presented personally to the chiefs.

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Those medals are sitting in museum display cases right now. Heavy, stamped silver, the Queen's image on one face. What were they meant to say?



SAM CARDINAL

To the Crown, they said: you are a loyal subject of Her Majesty, and this is the mark of that loyalty. It was a tradition centuries old in British dealings with Indigenous leaders — the medal as a symbol of the bond between the Crown and its Indigenous allies. But hold that word: allies. Because to many of the chiefs who received those medals, that is precisely what they signified. Not subjection. Alliance. A bond between nations, sealed in silver, to be worn and shown and passed down as proof that the Crown had made its promises and acknowledged this relationship.

SAM CARDINAL

The leaders who accepted those medals were often men who had been pressing the Crown for years to come to the table. They accepted them not as concessions but as confirmations that the relationship they had sought was now recognized. The medal was the Crown saying: we see you, we acknowledge you, we have entered into a covenant with you. That is a very different thing from: you are now under our authority. And that difference is not a small one.



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Same object, two completely different understandings held in it at once. And alongside the medals and the red coats, the nations brought their own form of covenant-making to the council fire.

SAM CARDINAL

They did, and the commissioners sat inside it. Before negotiations began, the pipe was brought — and in Cree and Saulteaux and other Plains traditions, the pipe at a council is not decoration. It is a covenant act. To smoke together is to invoke the Creator as witness and to bind your words to truth. Morris's own account records him receiving the pipe with respect — he understood he was inside a sacred protocol, even if he did not share the same theology. And this is the part I want you to hold: once that pipe was lit and passed and the ceremony was complete, every word spoken in that council existed inside a sacred frame. A promise made after the pipe was a sacred promise. The nations present understood the entire negotiation that followed as a covenant made before the Creator, not as a business transaction made before a notary.



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And then they unfolded the printed form.

SAM CARDINAL

Then they unfolded the printed form. And standing between those two worlds — the sacred oral covenant on one side, the pre-printed legal instrument on the other — were the interpreters. Most of them were Métis men who had grown up between two languages and two ways of understanding the world, and their job was to carry every word across a gap that was not just linguistic but philosophical. The structural problem was this: the most important legal phrase in the Crown's text required the nations to, in the document's own words, "cede, release, surrender, and yield up" all rights and title to the land. That is a precise legal cluster describing the permanent alienation of land. And that concept — the permanent alienation of title — had no ready equivalent in Cree or in Saulteaux.



WILLOW BORN WITH A TOOTH

So what came out the other side, in Cree, at the council fire?

SAM CARDINAL

The oral records of the nations, and the later testimony of elders, and in some cases the accounts left by interpreters themselves, suggest that what was conveyed was something closer to: we are agreeing to share this land, to allow settlers to use the surface of it, while the nations retain their right to hunt and fish and live as they always have. That is not the same agreement as surrendering legal title. It is a fundamentally different understanding of what was being agreed to — a layering of uses, a shared relationship with the land, not an extinguishment of the original one. Both things were said in the same tent, in the same moment, and both sides believed they had heard an agreement. The gap between them was not visible to either party at the time.



WILLOW BORN WITH A TOOTH

What do Morris's own reports to Ottawa tell us about what he was promising at those councils?

SAM CARDINAL

They tell us he was making commitments that went well beyond what the printed form contained. He told the assembled nations, in recorded speech after recorded speech, that the Crown would help them learn to farm, that teachers would come to the reserves for their children, that in times of hardship and want the government would come to their aid and they would not be left to suffer. He said these things under the pipe, before witnesses, in a sacred council. They were heard and they were remembered. And then the standardized form was signed, and not all of those promises appeared in it.



SAM CARDINAL

What Morris spoke at the councils became what historians now call the "outside promises" — commitments made at the council fire that do not appear in the written treaty. Some were eventually added as separate agreements or adhesions when the nations pushed back. Many were not. And so we are left with three distinct records of what was agreed at any given signing: the printed text, which the courts treated as authoritative for most of a century; Morris's own reports to Ottawa, which show him making commitments the text does not contain; and the oral memory of the nations, which recorded what was said and heard as covenant. Three records. They do not agree.

WILLOW BORN WITH A TOOTH

When the signing was done and the commissioners rolled up the document and headed for the next council — how did the nations carry what had been said aloud?



SAM CARDINAL

Deliberately. The elders carried the memory of the council the way any important record is kept — carefully, intentionally, passed from one generation to the next. Who was there. What was promised. What the chief said when he pressed Morris on a particular point. What Morris answered. This was not informal recollection — it was a form of record-keeping, because the people who were there understood that someday they would need to say: this is what we agreed to, and this is not what we have received. The Crown's record went into a file in Ottawa. The nations' record lived in living memory. And for most of the period that followed, only the file was treated as evidence of anything real.

WILLOW BORN WITH A TOOTH

Was there anyone standing at that table who understood both sides of the gap they were crossing?

SAM CARDINAL

Peter Erasmus interpreted at Treaty Six, at Fort Carlton in eighteen seventy-six, and decades later he left an account that was eventually published as a memoir in the nineteen seventies. In it, you can feel the weight of what he carried in that council tent. He knew what the Cree chiefs understood they were agreeing to, and he knew what the printed form said, and he knew the distance between them. And there was no mechanism — no procedure, no protocol, no instruction from anyone — that would have allowed him to stop the proceedings and say: these two parties are not agreeing to the same thing. Nothing like that existed. He translated what was said, and the form was signed, and it was folded up and carried to the next council, where the whole process began again from the same template.

WILLOW BORN WITH A TOOTH

The same template. The same gap sealed into it. Every signing.

SAM CARDINAL

Every signing. And that is what I want us to sit with: the gap between what was said and what was written was not an accident in any one negotiation. It was structural. The form was pre-printed before anyone reached any council fire. The legal language of surrender was in the document before the pipe was ever lit. The interpreters were working inside a process that had not accounted for the distance between what it required and what could actually be conveyed across two languages and two entirely different understandings of what it means to have a relationship with land. When you look at the treaty cases being argued in Canadian courts today — nations presenting their oral histories and the testimony of elders as evidence of what was promised — you are looking at the direct consequence of that structural gap. It did not close when the signings ended. It opened wider.

WILLOW BORN WITH A TOOTH

The nations who brought the pipe to those councils understood they were entering a living relationship — a covenant meant to hold as long as the land does. They signed because the spoken promises were real to them.

SAM CARDINAL

They were stepping into an uncertain future, doing what any responsible leadership does — trying to secure their people's survival through the best agreement available to them in that moment, made in the most sacred frame their tradition had. What they got was a pre-printed form, and a spoken promise that outlasted the paper it was never written on, and a gap that has shaped the relationship between those nations and the Crown ever since. Understanding that the machinery itself produced the gap — not bad faith in any single moment, but the structure of the process — is where the real reckoning has to begin. I'm Sam Cardinal.

WILLOW BORN WITH A TOOTH

The medals are still in glass cases in museums. The printed forms are in the archives in Ottawa. And the oral memory — the third record, the one the courts are only now beginning to hear — is still being carried, still being spoken, still being taken into courtrooms across this country. The land beneath us was put in place by a process, and that process had a gap built into its center. Knowing where that gap came from is the first step toward honoring what was actually agreed. I'm Willow Born With A Tooth. We'll see you next time on The Land Beneath Us.

Sources & Notes

The Land Beneath Us is built on the historical and documentary record. Where that record is contested, we say so.

References & further reading