



THE LAND BENEATH US ◆

# The Promises the Later Treaties Carried

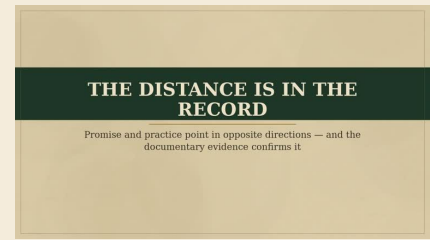
Season One • Before Canada • Episode 31

[aiwrangler.ca](http://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



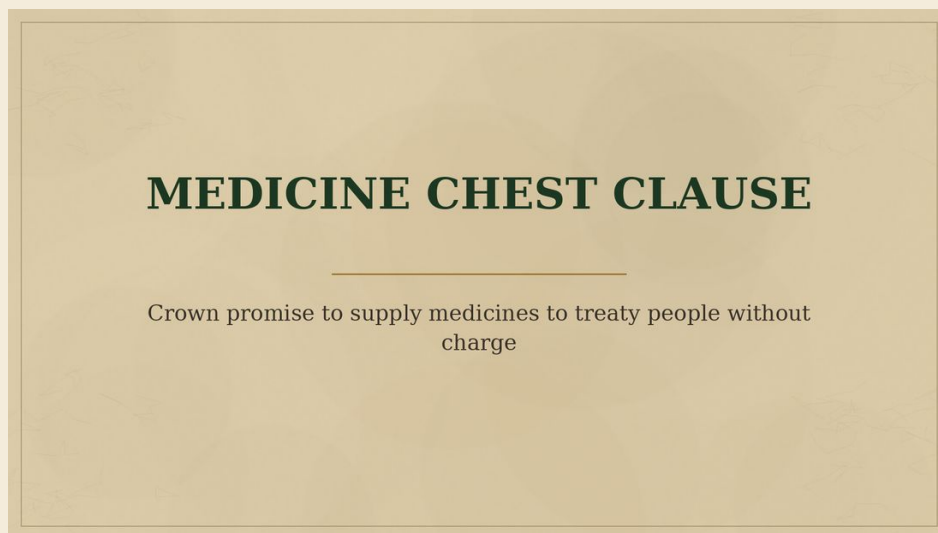
### WILLOW BORN WITH A TOOTH

I'm at the Battleford National Historic Site in Saskatchewan — the grounds of the old North-West Mounted Police fort, deep in Treaty Six territory, and not far from where the Indian agent's house once stood. I want to talk about that house, because the Crown once promised to keep something inside it. A medicine chest. That single promise, written into the later numbered treaties, is still being argued in Canadian courts today.



### **SAM CARDINAL**

The treaties signed across the plains and into the northern forests from the late eighteen seventies onward carried something the earlier treaties did not. Woven into the written text alongside the annuities and the reserve land were promises of a different kind — promises about what the Crown would provide to help the nations survive the enormous change that was already underway. A medicine chest. Relief in times of famine and pestilence. Schools. Cattle, oxen, seed grain, and farm implements. The Crown arrived with its standard printed form, but the nations who gathered at those councils shaped what was added to it. These provisions were not the Crown's generosity — they were the product of hard negotiation.



### **WILLOW BORN WITH A TOOTH**

So the nations asked for these things specifically. What were they protecting against?



### **SAM CARDINAL**

They were protecting against what they could already see. The buffalo herds that had sustained the plains nations for generations were collapsing, and the boreal nations watched miners, settlers, and the railway push northward. These were peoples negotiating from a clear-eyed understanding that their world was about to change beyond recognition, and they wanted specific guarantees on the other side. They asked for medicine, for food in crisis, for tools that would let their children build a new livelihood. And in each case, somebody at a Crown table wrote those words down.

## **THREE PROMISES, THREE GAPS**

### **MEDICINE**

Chest kept at Indian agent's house — supplies chronically underfunded, access controlled by one appointed man

### **FAMINE RELIEF**

Relief in times of famine — Crown correspondence shows hunger deliberately withheld as a tool of coercion

### **SCHOOLS**

Schools on reserve, close to families — replaced by residential system designed for assimilation, not treaty education

### WILLOW BORN WITH A TOOTH

The medicine chest clause — let me stay with this one for a moment. What does it actually say?



### SAM CARDINAL

In its written form, the clause is brief. The Crown promises to keep a medicine chest at the house of each Indian agent for the use and benefit of the treaty people. That is, in essence, the language — spare, practical, a single sentence. But a single sentence can carry an enormous legal weight. The question courts have wrestled with for the better part of a century is what that sentence means: does it mean a literal box of remedies at one man's house, or does it mean something much larger — a living promise of health care in whatever form health care takes in the century you are living in?

## KEY DATES

Late 1870s-1880s: Buffalo collapse, catastrophic starvation on the plains

1876: Treaty Six signed, medicine chest clause committed to writing

1935: Chief Dreaver wins Exchequer Court ruling — medicines owed without charge

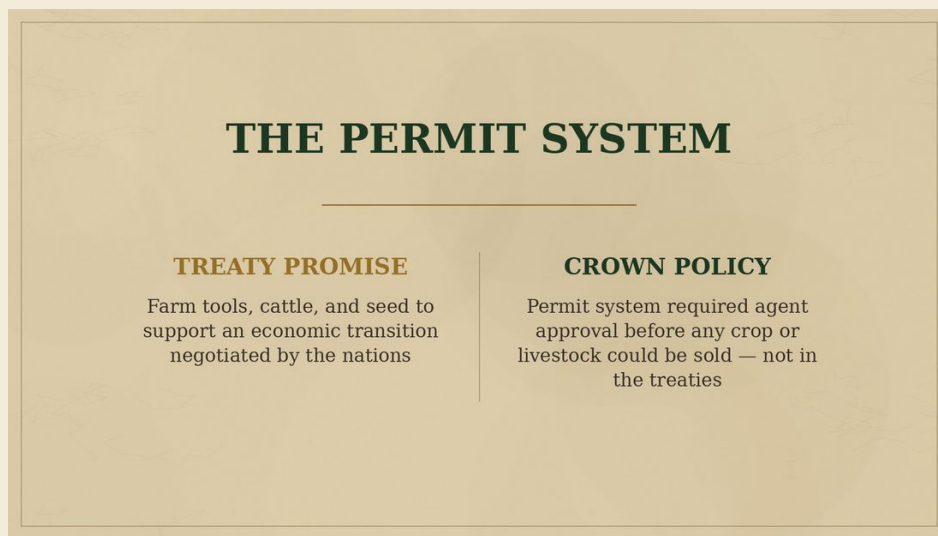
### WILLOW BORN WITH A TOOTH

And this has actually gone before courts. It is not a philosophical debate. What have they said?



### **SAM CARDINAL**

In nineteen thirty-five, Chief Joseph Dreaver of Mistawasis brought a case before the Exchequer Court of Canada, challenging the government's practice of charging treaty people for medicines. The court ruled in his favour. The medicine chest clause, the court held, meant the Crown had a duty to supply medicines to treaty people without charge. That decision has been built upon ever since, and the argument that has grown from it runs like this: a treaty is a living document, not frozen at the moment of its signing. What the Crown promised in eighteen seventy-six was the best medicine available at the time. To honour that promise today means providing the best medicine available today — and all that comes with it.



### **WILLOW BORN WITH A TOOTH**

One sentence from the eighteen seventies, one court case from the nineteen thirties, and you have a legal foundation that First Nations-operated health authorities point to across Treaty territory today. That is a long distance for a medicine chest to travel.



#### **SAM CARDINAL**

It is. And the distance between the written promise and the delivered reality, in those early decades, was just as long — only in the opposite direction. Medical supplies were chronically underfunded. Physicians were scarce across the vast territories the treaties covered. And the agent who was supposed to hold that chest was the only figure standing between the promise and the community it had been made to. Whether the promise was kept in any given year, at any given agency, came down almost entirely to the resources, the character, and the priorities of one appointed man.

## **THE DISTANCE IS IN THE RECORD**

Promise and practice point in opposite directions — and the  
documentary evidence confirms it

### WILLOW BORN WITH A TOOTH

The agent keeps coming up in this story. He is the hinge — every one of these promises passes through him.



### SAM CARDINAL

Every single one. The treaty promised medicine. The agent held the key to the dispensary. The treaty promised famine relief. The agent decided whether the hunger was severe enough to qualify. The treaty promised farm tools and seed. The agent controlled the storehouse where they were kept. This was not incidental to the system — it was the system. The entire gap between what the treaty said and what the people on the reserve experienced was mediated through a single Crown official. Some of those men worked hard and honestly for the people in their charge. Many did not. But the deeper problem was structural: concentrating that much power over daily life — over food, medicine, schooling, the ability to sell a crop or leave the reserve — in one appointed hand was itself a departure from any reasonable understanding of what a partnership between nations looks like.



#### **WILLOW BORN WITH A TOOTH**

And the famine relief clause — the timing of when it was actually needed is brutal. The buffalo were gone almost immediately after these treaties were signed. What happened when famine came?



### **SAM CARDINAL**

What happened is documented, and it is among the most difficult material in the treaty record. The plains nations faced catastrophic starvation in the late eighteen seventies and through the eighteen eighties as the last of the buffalo herds disappeared. The Crown's response was rations — but rations that were systematically inadequate, frequently delayed, and, in the evidence of government correspondence from that period, sometimes deliberately withheld as a lever of control. Officials wrote to one another about how hunger might be used to compel compliance with policies the nations had not agreed to. The treaty had promised relief against famine. What the Crown deployed in those years was, in documented cases, hunger as a tool of coercion.



### **WILLOW BORN WITH A TOOTH**

The written treaty said relief in times of famine. The Crown's own internal letters said — use the famine.

### **SAM CARDINAL**

That is a fair accounting of what some of those letters contain. It is not true of every official, and not every community experienced this in the same way or to the same degree. But the pattern is in the federal record, and it is not seriously disputed by historians. The promise and the practice of those years belong to the same treaty relationship, and they point in opposite directions. That distance is what the nations' testimony has always insisted upon — and what the documentary record, read honestly, confirms.

### **WILLOW BORN WITH A TOOTH**

The schooling promise. I want to be careful here, because that word — schools — carries a weight every Canadian already knows. What was actually promised in the treaty?

### **SAM CARDINAL**

What was promised was schools on reserve — teachers, instruction, the means for children to navigate the new world being built around them, while remaining within reach of their families and their communities. That was the treaty commitment: practical education, close to home. What the Crown built in the decades following was a residential and industrial school system that removed children from their families, punished the use of their languages, and operated under conditions that caused documented, profound, and generational harm. That system was not what the treaty promised. It was a substitution — one that served the Crown's policy of assimilation rather than the nations' request for education that would help their children thrive as who they were.

### **WILLOW BORN WITH A TOOTH**

And the farm tools, the cattle — the economic transition the treaties were supposed to support. Was any of that actually delivered?

### **SAM CARDINAL**

Some of it was delivered. Some arrived late, in poor condition, or in quantities below what the treaties specified. But the more consequential obstacle was what came alongside the tools: the permit system. Under Department of Indian Affairs policy, Indigenous farmers were required to obtain the written permission of the Indian agent before they could sell any produce or livestock. If a family grew a successful crop and wanted to sell it at the nearest market, the agent had to approve the transaction first. That policy was not in the treaties — it was imposed by administrative order, and it effectively capped reserve agriculture at the very moment the Crown claimed to be encouraging it. The nations had negotiated for an economic foundation. The permit system ensured that foundation could never grow beyond what the agent allowed.

### **WILLOW BORN WITH A TOOTH**

This is the moment where I want to hold all three records side by side. What does the written treaty say, what did the Crown's commissioners report, and what did the nations understand had been agreed?

### **SAM CARDINAL**

The written treaties say the Crown will provide a medicine chest, relief in times of famine and pestilence, schools, and the tools to build a new livelihood. The commissioners' reports say the terms were explained fully, that the nations understood and were grateful, and that the agreements were made freely. And the record of what the nations understood — preserved in the testimony of their leaders, in declarations made in the years immediately following the treaties, and in the oral history carried forward to today — says these promises were not discretionary benefits. They were guarantees. The Crown had committed to be a partner in survival, not a gatekeeper who would decide, year by year, whether the starvation was real enough, the sickness serious enough, or the harvest good enough to justify honouring what had been written down. The gap between the commissioners' confident reports and the nations' living memory of the same agreements is the gap this whole series has been tracing.

### **WILLOW BORN WITH A TOOTH**

And that gap is not only history. People are in court over it today.

### **SAM CARDINAL**

The medicine chest clause is still being argued. Across the prairies, treaty land entitlements — where the Crown promised reserve land based on population counts and never fully set it aside — are still being negotiated, with some agreements reached only in the last thirty years and some still outstanding. The right of treaty nations to control their own education systems is active in legal and political forums right now. These promises are alive because treaties are alive — because the nations who made them understood them to be lasting relationships, not one-time transactions. And the courts, over the last half-century, have agreed. The honour of the Crown, as the judges have framed it, requires Canada to keep the spirit as well as the letter of what was promised. The work of keeping those promises is still underway. I'm Sam Cardinal.

### **WILLOW BORN WITH A TOOTH**

And I'm Willow Born With a Tooth. The medicine chest that was supposed to sit at the agent's house, the schools that were supposed to stay within reach of families, the tools that were supposed to support a new livelihood — those were not vague reassurances. They were written down, and the people who asked for them knew exactly what they were asking for. In some measure, the distance between those words and what was delivered is still being closed — in courtrooms, at negotiating tables, and in communities running their own health authorities and their own schools on their own terms. That is the treaty relationship pressing forward. We will 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.

### A note on the record

The medicine chest clause and the pestilence/famine relief clause are specific to Treaty Six (1876), not shared across all the later numbered treaties. Treaty Seven (1877) and subsequent treaties (8-11) contain different provisions and do not include a medicine chest clause, so the script's framing that 'the treaties signed across the plains and into the northern forests from the late eighteen seventies onward' broadly carried these promises overstates the geographic scope of these particular provisions.

The script presents the 'living document' interpretation of *Dreaver v. The King* (1935) — that the medicine chest clause obliges the Crown to provide comprehensive modern healthcare — as an established legal trajectory. In fact, this extension remains actively contested litigation; no appellate court has definitively adopted it, and the Supreme Court of Canada has never ruled on it.

### References & further reading

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