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**Peguis First Nation  
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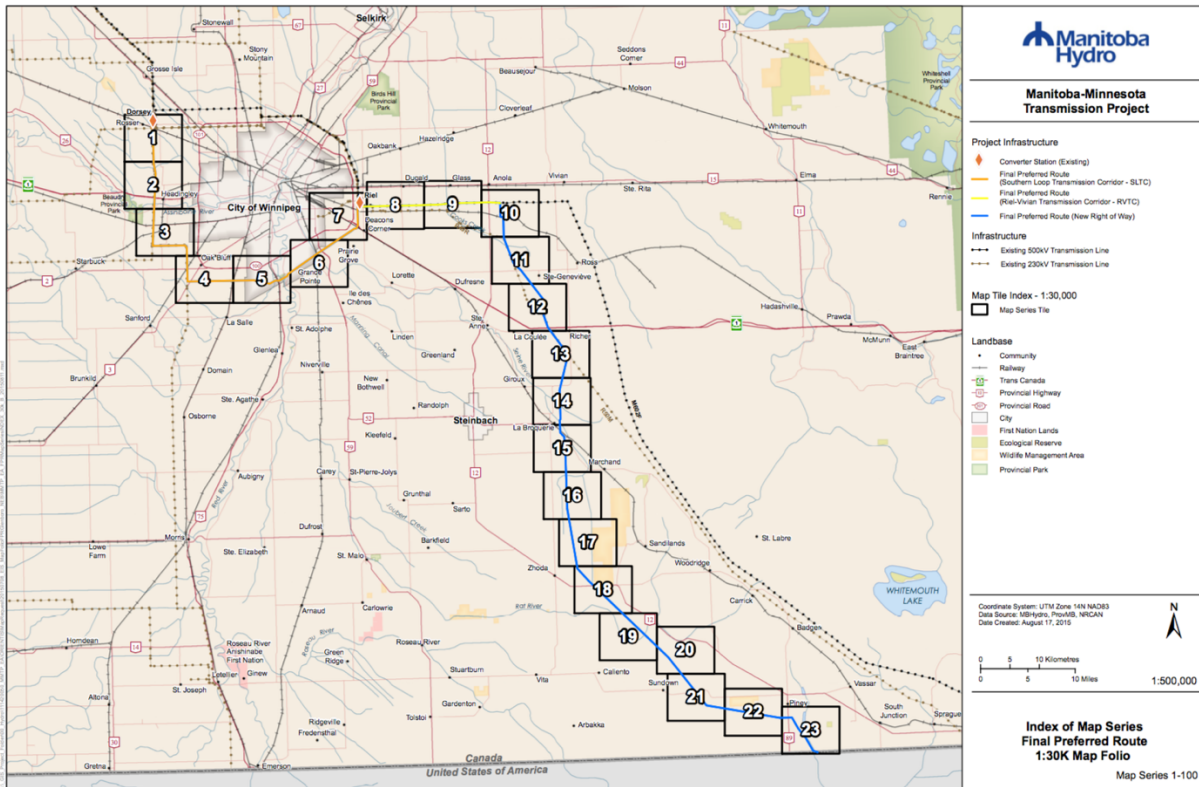
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**Impact of the MMTP on First Nations  
in Treaty One and Treaty Three**

**May 2017**

This report is prepared for the Clean Environment Commission (CEC) hearings on the Manitoba-Minnesota Transmission Project (MMTP) by Dr. Niigaanwewidam Sinclair, Associate Professor of Native Studies at the University of Manitoba.

This documents reports on the impact of the MMTP on First Nations in Treaty One and Treaty Three regarding their historical use and occupancy of lands related to the MMTP project area (see following).



This study encapsulates the following First Nations impacted by the MMTP project:

- Baaskaandibewi-ziibiing, Brokenhead First Nation (Treaty One)
- Gaa-ginooshkodeyaag, Long Plain First Nation (Treaty One)
- Dakota Tipi First Nation (Treaty One)
- Mah' piya hdes' ka, Dakota Plains First Nation (Treaty One)
- Peguis First Nation (Treaty One)
- Bigwan Shkoo Zibi, Roseau River First Nation (Treaty One)
- Sagkeeng First Nation (Treaty One)
- Gaa-wiikwedaawangaag, Sandy Bay First Nation (Treaty One)
- Gaa-biskigamaag, Swan Lake First Nation (Treaty One)
- Neyaashing, Buffalo Point First Nation (Treaty Three)
- Lac Seul First Nation (Treaty Three)
- Shoal Lake First Nation (Treaty Three)

Communities, with traditional names, are located on the following map:



The homelands of four Indigenous Nations reside in the MMTP project area. These are the Métis, the Anishinaabeg (also known as Ojibway, Chippewa, Bungi, or Saulteaux), the Cree, and the Dakota peoples. The Métis Nation is outside the parameters of this report. In each and every case of the three First Nations, however, each Nation's Creation narrative refers to their home being in south-eastern Manitoba and specifically territories in the MMTP project area.

**Dakota (primarily Long Plain First Nation, Dakota Tipi First Nation, and Dakota Plains First Nation)**

According to the *Dakota Plains Wahpeton Nation Traditional Knowledge Study* by Golder Associates filed with the MMTP in September 2016:

There are several misconceptions about Dakota history in Canada, primarily due to the numerous ways in which the Dakota people have been described in the literature (Omani 2010; Towagh et al. 2012). The term used the most frequently to describe them is “Sioux”, which was imposed by the Europeans in the seventeenth century and derives from the Ojibwa *na-towe-ssiwa*, which means “people of an alien tribe; the French spelled it Naudoweissious, and the English and Americans subsequently shortened it to Sioux (Gibbon 2003). Several other terms have been used to describe the numerous Dakota groups by non-Dakota authors, which further complicates our understanding of the Dakota as a unified “*cultural-linguistic group with a shared territory*” (DeMallie 2001; Towagh et al. 2012).

The Dakota *Oyate*, an ancient Dakota term that can be understood today as “nation”, has been used to refer to all Dakota people, including the Dakota, Nakota and Lakota peoples (Towagh et al.2012). The Dakota are an alliance of tribes that share common language, history, social organization and culture (DeMallie 2001). By the early nineteenth century, three social divisions were recognized-the Santee, Yankton and Teton, reflecting differences in geography, linguistics and culture. These social divisions were further divided into seven primary subdivisions-the Mdewakanton, Wahpekute, Sisseton, Wahpeton, Yankton, Yanktonia and Lakota, which are recognized as ancestral political units, or Seven Council Fires (DeMallie 2001; Gibbon 2003). Collectively, they are known as the Dakota *Oyate*, or Dakota people, which recognizes the common roots of all divisions (DeMallie 2001; Towagh et al. 2012; Elias 1988). (8)

Dakota Creation stories directly reference lands in southern Manitoba as well as references found in other First Nations creation stories in Manitoba. In his 1911 book *The Soul of the Indian*, Charles Alexander Eastman (who spent his boyhood in southern Manitoba) cites the Dakota creation story as follows:

In the Sioux story of creation, the great Mysterious One is not brought directly upon the scene or conceived in anthropomorphic fashion, but remains sublimely in the background. The Sun and the Earth, representing the male and female principles, are the main elements in his creation, the other planets being subsidiary. The enkindling warmth of the Sun entered into the bosom of our mother, the Earth, and forthwith she conceived and brought forth life, both vegetable and animal.

Finally there appeared mysteriously Ish-na-e-cha-ge, the “First-Born,” a being in the likeness of man, yet more than man, who roamed solitary among the animal people and understood their ways and their language. They beheld him with wonder and awe, for they could do nothing without his knowledge. He had pitched his tent in the centre of the land, and there was no spot impossible

for him to penetrate.

At last, like Adam, the "First-Born" of the Sioux became weary of living alone, and formed for himself a companion—not a mate, but a brother—not out of a rib from his side, but from a splinter which he drew from his great toe! This was the Little Boy Man, who was not created full-grown, but as an innocent child, trusting and helpless. His Elder Brother was his teacher throughout every stage of human progress from infancy to manhood, and it is to the rules which he laid down, and his counsels to the Little Boy Man, that we trace many of our most deep-rooted beliefs and most sacred customs.

Foremost among the animal people was Unk-to-mee, the Spider, the original trouble-maker, who noted keenly the growth of the boy in wit and ingenuity, and presently advised the animals to make an end of him; "for," said he, "if you do not, some day he will be the master of us all!" But they all loved the Little Boy Man because he was so friendly and so playful. Only the monsters of the deep sea listened, and presently took his life, hiding his body in the bottom of the sea. Nevertheless, by the magic power of the First-Born, the body was recovered and was given life again in the sacred vapor-bath, as described in a former chapter.

Once more our first ancestor roamed happily among the animal people, who were in those days a powerful nation. He learned their ways and their language—for they had a common tongue in those days; learned to sing like the birds, to swim like the fishes, and to climb sure-footed over rocks like the mountain sheep. Notwithstanding that he was their good comrade and did them no harm, Unk-to-mee once more sowed dissension among the animals, and messages were sent into all quarters of the earth, sea, and air, that all the tribes might unite to declare war upon the solitary man who was destined to become their master.

After a time the young man discovered the plot, and came home very sorrowful. He loved his animal friends, and was grieved that they should combine against him. Besides, he was naked and unarmed. But his Elder Brother armed him with a bow and flint-headed arrows, a stone war-club and a spear. He likewise tossed a pebble four times into the air, and each time it became a cliff or wall of rock about the teepee.

"Now," said he, "it is time to fight and to assert your supremacy, for it is they who have brought the trouble upon you, and not you upon them!"

Night and day the Little Boy Man remained upon the watch for his enemies from the top of the wall, and at last he beheld the prairies black with buffalo herds, and the elk gathering upon the edges of the forest. Bears and wolves were closing in from all directions, and now from the sky the Thunder gave his fearful war-whoop, answered by the wolf's long howl.

The badgers and other burrowers began at once to undermine his rocky fortress, while the climbers undertook to scale its perpendicular walls.

Then for the first time on earth the bow was strung, and hundreds of flint-headed arrows found their mark in the bodies of the animals, while each

time that the Boy Man swung his stone war-club, his enemies fell in countless numbers.

Finally the insects, the little people of the air, attacked him in a body, filling his eyes and ears, and tormenting him with their poisoned spears, so that he was in despair. He called for help upon his Elder Brother, who ordered him to strike the rocks with his stone war-club. As soon as he had done so, sparks of fire flew upon the dry grass of the prairie and it burst into flame. A mighty smoke ascended, which drove away the teasing swarms of the insect people, while the flames terrified and scattered the others.

This was the first dividing of the trail between man and the animal people, and when the animals had sued for peace, the treaty provided that they must ever after furnish man with flesh for his food and skins for clothing, though not without effort and danger on his part. The little insects refused to make any concession, and have ever since been the tormentors of man; however, the birds of the air declared that they would punish them for their obstinacy, and this they continue to do unto this day.

Our people have always claimed that the stone arrows which are found so generally throughout the country are the ones that the first man used in his battle with the animals. It is not recorded in our traditions, much less is it within the memory of our old men, that we have ever made or used similar arrow-heads. Some have tried to make use of them for shooting fish under water, but with little success, and they are absolutely useless with the Indian bow which was in use when America was discovered. It is possible that they were made by some pre-historic race who used much longer and stronger bows, and who were workers in stone, which our people were not. Their stone implements were merely natural boulders or flint chips, fitted with handles of raw-hide or wood, except the pipes, which were carved from a species of stone which is soft when first quarried, and therefore easily worked with the most primitive tools. Practically all the flint arrow-heads that we see in museums and elsewhere were picked up or ploughed up, while some have been dishonestly sold by trafficking Indians and others, embedded in trees and bones.

We had neither devil nor hell in our religion until the white man brought them to us, yet Unk-to-mee, the Spider, was doubtless akin to that old Serpent who tempted mother Eve. He is always characterized as tricky, treacherous, and at the same time affable and charming, being not without the gifts of wit, prophecy, and eloquence. He is an adroit magician, able to assume almost any form at will, and impervious to any amount of ridicule and insult. Here we have, it appears, the elements of the story in Genesis; the primal Eden, the tempter in animal form, and the bringing of sorrow and death upon earth through the elemental sins of envy and jealousy.

The warning conveyed in the story of Unk-to-mee was ever used with success by Indian parents, and especially grandparents, in the instruction of their children. Ish-na-e-cha-ge, on the other hand, was a demigod and mysterious teacher, whose function it was to initiate the first man into his tasks and

pleasures here on earth.

After the battle with the animals, there followed a battle with the elements, which in some measure parallels the Old Testament story of the flood. In this case, the purpose seems to have been to destroy the wicked animal people, who were too many and too strong for the lone man.

The legend tells us that when fall came, the First-Born advised his younger brother to make for himself a warm tent of buffalo skins, and to store up much food. No sooner had he done this than it began to snow, and the snow fell steadily during many moons. The Little Boy Man made for himself snowshoes, and was thus enabled to hunt easily, while the animals fled from him with difficulty. Finally wolves, foxes, and ravens came to his door to beg for food, and he helped them, but many of the fiercer wild animals died of cold and starvation.

One day, when the hungry ones appeared, the snow was higher than the tops of the teepee poles, but the Little Boy Man's fire kept a hole open and clear. Down this hole they peered, and lo! the man had rubbed ashes on his face by the advice of his Elder Brother, and they both lay silent and motionless on either side of the fire.

Then the fox barked and the raven cawed his signal to the wandering tribes, and they all rejoiced and said: "Now they are both dying or dead, and we shall have no more trouble!" But the sun appeared, and a warm wind melted the snow-banks, so that the land was full of water. The young man and his Teacher made a birch-bark canoe, which floated upon the surface of the flood, while of the animals there were saved only a few, who had found a foothold upon the highest peaks.

The youth had now passed triumphantly through the various ordeals of his manhood. One day his Elder Brother spoke to him and said: "You have now conquered the animal people, and withstood the force of the elements. You have subdued the earth to your will, and still you are alone! It is time to go forth and find a woman whom you can love, and by whose help you may reproduce your kind."

"But how am I to do this?" replied the first man, who was only an inexperienced boy. "I am here alone, as you say, and I know not where to find a woman or a mate!"

"Go forth and seek her," replied the Great Teacher; and forthwith the youth set out on his wanderings in search of a wife. He had no idea how to make love, so that the first courtship was done by the pretty and coquettish maidens of the Bird, Beaver, and Bear tribes. There are some touching and whimsical love stories which the rich imagination of the Indian has woven into this old legend.

It is said, for example, that at his first camp he had built for himself a lodge of green boughs in the midst of the forest, and that there his reverie was interrupted by a voice from the wilderness—a voice that was irresistibly and profoundly sweet. In some mysterious way, the soul of the young man was touched as it had never been before, for this call of exquisite tenderness and allurements was the voice of the eternal woman!

Presently a charming little girl stood timidly at the door of his pine-bough wigwam. She was modestly dressed in gray, with a touch of jet about her pretty face, and she carried a basket of wild cherries which she shyly offered to the young man. So the rover was subdued, and love turned loose upon the world to upbuild and to destroy! When at last she left him, he peeped through the door after her, but saw only a robin, with head turned archly to one side, fluttering away among the trees.

His next camp was beside a clear, running stream, where a plump and industrious maid was busily at work chopping wood. He fell promptly in love with her also, and for some time they lived together in her cosy house by the waterside. After their boy was born, the wanderer wished very much to go back to his Elder Brother and to show him his wife and child. But the beaver-woman refused to go, so at last he went alone for a short visit. When he returned, there was only a trickle of water beside the broken dam, the beautiful home was left desolate, and wife and child were gone forever!

The deserted husband sat alone upon the bank, sleepless and faint with grief, until he was consoled by a comely young woman in glossy black, who took compassion upon his distress and soothed him with food and loving attentions. This was the bear-woman, from whom again he was afterward separated by some mishap. The story goes that he had children by each of his many wives, some of whom resembled their father, and these became the ancestors of the human race, while those who bore the characteristics of their mother returned to her clan. It is also said that such as were abnormal or monstrous in form were forbidden to reproduce their kind, and all love and mating between man and the animal creation was from that time forth strictly prohibited. There are some curious traditions of young men and maidens who transgressed this law unknowingly, being seduced and deceived by a magnificent buck deer, perhaps, or a graceful doe, and whose fall was punished with death.

The animal totems so general among the tribes were said to have descended to them from their great-grandmother's clan, and the legend was often quoted in support of our close friendship with the animal people. I have sometimes wondered why the scientific doctrine of man's descent has not in the same way apparently increased the white man's respect for these our humbler kin.

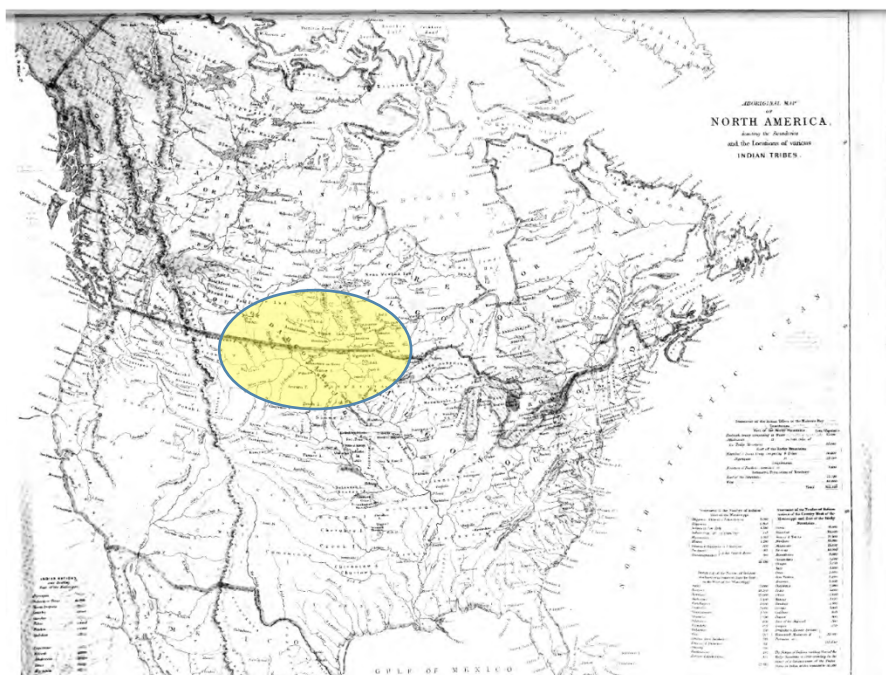
Of the many later heroes or Hiawathas who appear in this voluminous unwritten book of ours, each introduced an epoch in the long story of man and his environment. There is, for example, the Avenger of the Innocent, who sprang from a clot of blood; the ragged little boy who won fame and a wife by shooting the Red Eagle of fateful omen; and the Star Boy, who was the off-spring of a mortal maiden and a Star.

It was this last who fought for man against his strongest enemies, such as Wazeeyah, the Cold or North-Wind. There was a desperate battle between these two, in which first one had the advantage and then the other, until both were exhausted and declared a truce. While he rested, Star Boy continued to fan



himself with his great fan of eagle feathers, and the snow melted so fast that North-Wind was forced to arrange a treaty of peace, by which he was only to control one half the year. So it was that the orderly march of the seasons was established, and every year Star Boy with his fan of eagle feathers sets in motion the warm winds that usher in the spring. (78-81)

Scientific evidence indicates that the Dakota (Sioux) occupied what is now southern Manitoba prior to 900 AD. Traditional Dakota territory is expansive and expressed approximately by the highlighted area on the following map reproduced from the British Parliamentary Select Committee Hearings of Hudson Bay Company of 1857:



Dakota communities lived primarily in the drainage basins of the Red, Mississippi and Rainy rivers, where they were located when first contacted by Pierre Radisson in 1659. By then the Siouan-speaking Dakota population had divided into three groups:

- 1) Farthest east, along the Mississippi River and its tributaries, dwelt the **Dakota** (Santee Sioux), who practised horticulture, occupied semi-permanent villages, harvested wild rice as a food staple and hunted buffalo. After acquiring horses in the early 1700s, the Dakota expanded their territory from the Mississippi River to the Yellowstone River, and from the Platte River to the Qu'Appelle River. Hudson's Bay Company records from Fort Qu'Appelle to Rainy Lake House commonly mention the Dakota occupying that territory from the late 1700s.
- 2) Between the Mississippi and the lower Missouri River were the **Nakota** (Yanktonai Sioux), speakers of a similar dialect to the Dakota as spoken by the Assiniboine and

Stoney of Canada. This population wintered along the wooded tributaries of the Mississippi and summered on the plains, hunting big game.

- 3) Farthest west along the Missouri River lived the **Lakota** (Teton Sioux), who were wholly mobile and largely dependent upon the buffalo.

Dakota and Lakota are dialects of the Sioux languages spoken on the prairies. Even though different in many respects, all three groups were politically united and referred to themselves collectively as Dakota (Nakota, Lakota) or “the allies.”

South-eastern Manitoba was a traditional hunting territory of the Dakota and they followed food and lived seasonally following these animals. According to the *Dakota Plains Wahpeton Nation Traditional Knowledge Study*:

Large game, including elk, deer and especially bison, formed the main part of their diet and contributed greatly to the village’s food supply (Lowie 1954). The Dakota used bison extensively for food, clothing, tools and other materials; their dependence on bison for subsistence was so great that the Dakota were required to follow the bison’s seasonal movements and distribution closely (DeMallie 2001). According to Dakota Elders, the Dakota were referred to as the buffalo people since their territory overlapped with the historic range of the North American bison, also known as the Great Bison belt, which encompassed an area extending from the Yukon and North West Territories in the north, the provinces of Alberta, Saskatchewan, and Manitoba, and south near the Gulf of Mexico (Pettipas 1996, as cited in Towagh et al. 2012).

In addition to hunting game, berries, nuts and roots were gathered, sugar maple was tapped, wild rice was harvested, and other crops may have been planted, including maize (corn) (Gibbon 2003). Their largest settlements were semi-permanent villages made of large bark-and-pole wigwams, and while travelling, the Dakota used small conical woodland tipis covered with skins or bark mats (Hoover 1988, as cited in Gibbon 2003). (9)

Dakota also travelled extensively throughout waterways and river basins, pursuing trade relationships in what would later be Manitoba along the Assiniboine, Souris, and Qu’Appelle Rivers. According to the *Dakota Plains Wahpeton Nation Traditional Knowledge Study*: “Several rivers and waterbodies in Manitoba were given local Dakota names which reflects their deep rooted cultural ties to the land and their historical knowledge of the area (Omani 2010; Towagh et al. 2012).” (10)

Dakota were present at many alliance and land negotiations throughout Canadian history – and particularly with the French. Chief Darcy Bear of Whitecap Dakota First Nation, in a 2014 presentation to the Treaty Relations Commission of Manitoba, cites documentation that proves that Dakota met with Governor Frontenac in Montreal in 1695 to secure French protection and safeguards for trade. He also cites documentation and oral history claiming travels to Red Lake in 1700, Lake of the Woods and Rainy Lake in

1717, Sioux Lookout and Sioux River in 1725, and Stoney Mountain in 1797 (all indicated by red dots on right). Each of these traditional territorial citations cross or reside in the MMTP area.

During the War of 1812 the British entered into alliance treaties with the Dakota promising them a homeland state. Upon defeat of the British and the signing of the Treaty of Ghent in 1814, the British signed away Dakota lands to the Americans without their consent or acknowledgement and many Dakota suddenly found their lands claimed by the emerging United States of America. During United States western expansion, the US military pursued wars with the Dakota Nation over control of their territories. After the “Dakota Wars of 1862” the US military drove many Dakota into Canada where they took up reserve lands in Manitoba and Saskatchewan. These Dakota nations became commercial farmers, producers of specialty crops, woodworkers, cattle ranchers, small-scale resource exploiters and labourers, traditions that are carried on today.

Due to their recent arrival in Manitoba as well as other factors, Dakota were denied taking part in negotiations for Treaty One in 1870 and 1871. Indigenous nations such as the Anishinaabeg did offer to represent them at negotiations. Chief Bear states that officials such as Commissioner French still recognized their claims both during and after negotiations in as late as 1874.

Still, Dakota had been occupying and utilizing lands in south-eastern Manitoba for years before Treaty One and afterwards. As the *Dakota Plains Wahpeton Nation Traditional Knowledge Study* cites:

In addition to oral history, archaeological evidence indicates that the Dakota occupied a large region including western Ontario and eastern Manitoba, prior to 1200 AD, and western Manitoba and eastern Saskatchewan prior to 1200 AD (Elias 1988, 2010). Historical accounts also support the extent of Dakota occupied lands dating back to the 1700s when European fur traders came into contact with North America’s Indigenous peoples for the first time. Maps dating from 1650 to 1750, including a map prepared by the Cree in 1728, described the Dakota as occupying the area from Heron Bay on Lake Superior in the east, to the west of Lake Winnipeg and the Red River, and south to the Minnesota River



(Elias 1988). Records of the fur trade also indicate the extent of Dakota occupancy in Ontario, Manitoba and Saskatchewan including evidence of a history of long war expeditions with the Cree and Assiniboine as far north as Churchill River, Saskatchewan (Ray 1974, as cited in Elias 1988; Neufeld 2010).

From as early as the mid-seventeenth century, the Dakota were migrating further west for a variety of reasons, including for greater game resources and fewer people, competition for furs among different tribes, and the benefits of the French trade (Gibbon 2003). Dakota territory had expanded from the Mississippi River to the Yellowstone River, and from Platte River to the Qu' Appelle River, corroborated by records from Hudson's Bay Company Fort Qu' Appelle to Rainy Lake House indicating their occupation in the region from the late 1700s (Fort Frances, Ontario) (Elias 2010). With access to abundant bison populations and hunting facilitated by horse use, the Dakota flourished and their numbers grew.

By the mid-1870s, there were about 1780 Dakota in Western Canada, including near Portage La Prairie, the Assiniboine River, Oak Lake, Fort Ellice, Turtle Mountain, Fort Qu-Appelle and the North Saskatchewan River (Elias 1988). Several of these bands maintained a lifestyle of hunting, fishing, trapping and gathering, supplemented by trade and occasional wage employment, but the bands near the Assiniboine intended to farm in which a secure and productive land base was required (Elias 1988). In the 1870s, settlers began to immigrate from the east seeking farmland, making it necessary for the new governments to settle Aboriginal land claims to the land. A number of treaties were made with Aboriginal groups across western Canada, in which they relinquished claim to their former homelands and the Reserve system was established; however the Dakota were not consulted with and they did not sign treaties with the Canadian government (DPWO 2016). The government was quick to discourage the Dakota from living so close to town, and in 1893, several families (21 people total) purchased 25 acres of land on River Lot 99, in the parish of Portage La Prairie. (10)

This resulted in hunting and trapping, ceremonies, berry and plant harvesting, the collecting of medicines, and several culturally important sites crossing over or inside the MMTP project area. There were also many traditional trade routes, such as these referenced in the *Dakota Plains Wahpeton Nation Traditional Knowledge Study*:

Several traditional travel routes were noted to be used by Dakota ancestors in the past as trade routes between communities. A historic route linked Forks (just south of Winnipeg) to Red Lake, Minnesota, and passed through Roseau and Emerson, and which was specifically used for trading tobacco. Other historic routes that were identified include the Rat River which was used as a traditional medicine route, and the old Yellow Quill Trail. The Yellow Quill Trail began as a trade route used by First Nations communities in the late 1700s, and eventually by also used by European explorers, fur traders and buffalo hunters from the Red River Settlement during the 1800s (Turtle Mountain-Souris Plains Heritage

Association, n.d.). The trail branched off of the Carleton Trail at present day Portage La Prairie and ran southwest, connecting with the Boundary Commission Trail close to the Saskatchewan border. It was a major travel route used by or settlers leaving Fort Garry to find places to live in the Brandon hills or along the Assiniboine River. (15)

Many of these traditions continue into today.

Dakota have been practicing their traditions and occupying and utilizing land in south-eastern Manitoba for 1000 years or “since time immemorial.” There are many concerns about the impact of the MMTP project on wildlife, hunting activities, ecological devastation of traditional plants and harvesting, fish, and activities where Dakota continue to travel today in the project area. More traditional use and occupancy data must be investigated to inform MMTP project planning, proactively deal with section 35 claims in regards to this territory, and be implemented into project design.

**Anishinaabe (specifically Brokenhead Ojibway Nation, Long Plain First Nation, Peguis First Nation, Roseau River Anishinabe Nation, Sagkeeng First Nation, Sandy Bay First Nation, Swan Lake First Nation, Buffalo Point First Nation, Lac Seul First Nation, and Shoal Lake First Nation)**

Victoria Brehm in her edited collection *Star Songs and Water Spirits: A Great Lakes Reader* states there are “at least” eight meanings of Anishinaabe (17). A quick scan of the body of historical work surrounding Anishinaabe culture and tradition shows this to be a slight underestimation. Working in the early nineteenth century with communities in what is now northern Michigan, ethnologist Henry Rowe Schoolcraft claimed that “Anishinaba” means “the common people” (*Onéota* 171). A few decades later and in a similar region, Bishop Frederic Baraga defined “Anishinabe” as “Man (human being, man, woman, or child)” or “Indian” (38). In what is now western Ontario and in the latter half of the nineteenth century, the Reverend Edward F. Wilson wrote that “uhnishénábha” translates into “Indian” (15). In more recent times, Algonquian linguist Carl Masthay translates the word as “Indian” or “ordinary person” (qtd. in Brehm 17). A collective of forty-one elders and language speakers who contributed to *A Saulteaux (Ojibwe) Phrase Book Based on the Dialects of Manitoba* state that “anissinapé” means “an Indian person, a Saulteaux Indian” (Voorhis 51). Michi Saagig scholar Leanne Simpson, in her 2011 text *Dancing on Turtle’s Back: Stories of Nishinaabeg Re-Creation, Resurgence and a New Emergence*, states it means “the people” (25 n1). There are many more inter-related meanings. As Nicholas Deleary states: “Today’s usage of the term ‘Ani-shin-a-bek’ conjures many interpretations and closely linked meanings. For example this term is used to make reference to a very ancient past, the beginnings of time and creation itself. In other usage, Anishinabek refers to one or many of the ancestral related and confederated tribal groups. In today’s political arena, ‘Anishinabek’ designates a Native lobby group. In another contemporary sphere, it could mean all aboriginal people of North and South America, a ‘pan’-Indian usage” (12). Anishinaabe represents a spectrum of definitions and none are authoritative.

Breaking the word down continues to illustrate its complexity. In *Ojibway Heritage*, Basil Johnston claimed that “Anishinaubae” means “I am a person of good intent, a person of worth,” and is made up of “Onishishih” (meaning “good, fine, beautiful, excellent”) and

“naubae” (meaning “being, male, human species”) (57). John D. Nichols and Earl Nyholm in their *A Concise Dictionary of Minnesota Ojibwe* (published in 1995) claim that: “anishaa” is a particle meaning “just for nothing, without purpose, just for fun, not really” and “naabe” is a lexical stem meaning “male” (10, 94). Lac Seul linguist and teacher Patricia M. Ningewance in her 2004 manual *Talking Gookom’s Language: Learning Ojibwe*, defines “anishaa” as meaning “for nothing, in vain” and “naabe” as male (227, 269). Leech Lake historian Anton Treuer writes there are several “morphological possibilities”:

Dennis Jones says that one explanation of anishinaabe is that it is derived from anishaa (for nothing) and naabe (mankind), meaning that the Indian is nothing without a spiritual life. . . . According to Moses Tom, anishinaabe originated from the first word elders say when they begin a ceremony, anishinaa, which was also the first word the Indian spoke when he was created. . . . According to Louis Councillor, anishinaabe is derived from anishin (a short form of onizhishi, meaning “he is good”) and aabe (human being). He interpreted this to mean that Indians were expected to lead a good, spiritual life. . . . Peter Kelly, former grand chief of Treaty Council Three in Canada, said that anishinaabe means one who is humble before the creator. The oral history of Manitoulin Island postulates that it is derived from niizh (second, or the number two) and naabe (man or mankind), in reference to the second creation of man (in keeping with the traditional story of Wenabozho and the Flood, where the earth is cleansed with water and humankind starts anew). At Turtle Mountain, North Dakota, oral history provides the explanation that anishinaabe means a void that is filled. The most common explanation is that anishinaabe means original man. (*The Assassination of Hole in the Day* 219)

Besides pronunciation, definition, and translation, there are many other ways these words are related. For example, they are names designated and used by localities to refer to their collective, what are known in social science circles as *endonymic ethnonyms*. These different incarnations of Anishinaabe are the proper names used by communities also known as Ojibwe, Chippewa, Sauk, and Potawatomi, Michi Saagig (Mississauga), Nipissing, Potawatomi, Omamiwinini (Algonquin), Odawa, and others when describing themselves. They refer to a shared origin, ancestry, and tradition stretching from ancient times and into today. As scholar Gerald Vizenor writes: “In the language of the tribal past, the families of the woodland spoke of themselves as the Anishinaabeg until the colonists named the Ojibway and the Chippewa” (*The People Named the Chippewa* 13). In this way these different forms of Anishinaabe describe localities but also how they live in relationship to one another.

There are also linguistic ties. These incarnations of Anishinaabe emerge from languages within a language family often called “Algonquian,” what Henry Rowe Schoolcraft called “Algic languages” in 1839 – referring to geographical ties to the Alleghany and Atlantic regions in eastern North America (*Algic Researches* 12). Algonquian language branches include not only the above communities but also the languages of tribes like the Menominee, Sauk, Fox, Kickapoo, Cree, Miami, Illinois, and Shawnee. Anishinaabe is a term still used within this family, one of many Randy Valentine identifies in *Nishnaabemwin Reference Grammar* that include a range of terms, grammar, and lexicon that, while vary in sound and form, are inter-recognizable

(1-22). In other words, these are different and separate languages but exist in an enduring relationship to one another. Amongst Anishinaabeg, these are often considered forms of Anishinaabemowin, the Anishinaabe ancestral language, which contains webs of communicative threads connecting linguistic specificities and dialects. As Anishinaabemowin linguist Pat Ningewance notes of her many travels and discussions with speakers: “Each one is a true Anishinaabe people’s language. . . . You can try to be an Anishinaabe chameleon and try to blend in with the people you’re with, but you can just relax and use your own dialect. It will not cause a big war” (xx). Strands of Anishinaabemowin echo the many cultural, social and political connections Anishinaabe communities share. While each have distinct ideological structures, ceremonies, histories and experiences, scholars have noted deep similarities, especially when used in narrative structures.

Anishinaabe communities generally are distant from one another but are connected through a myriad of means including water, land, and story. As Turtle Mountain scholar Heidi Kwiitenpinesiik Stark notes:

The Anishinaabe . . . comprise distinct, separate bands that span a vast geographic region from the Plains to the Great Lakes. Within Canada, the Anishinaabe homeland stretches from western Saskatchewan to Southern Ontario. Within the United States, they were spread from Montana to Michigan. The Plains Anishinaabe are primarily found in Montana, North Dakota, Saskatchewan, and western Manitoba. The northern Anishinaabe live between Hudson Bay and the Great Lakes and the Southwestern Anishinaabe reside in Minnesota, Wisconsin, and Upper Michigan. Historically, the Southeastern Anishinaabe often formed strong social, political, and kin ties with the Ottawa and Pottawatomie, some forming a confederacy known as The Three Fires, and primarily live in Michigan. (11)

This is better illustrated on a map, showing the location of most Anishinaabeg communities and those in major urban centres (particularly Minneapolis, Toronto, and Winnipeg). As one can see, these communities cover a land mass spanning almost one-eighth of North America. This is not to forget Anishinaabeg who, for a host of reasons, live with and within other communities throughout the United States and Canada.



Anishinaabeg settlement around the Great Lakes is the result of millennia of trade, travel, and migration from homelands in the east. Anishinaabeg oral tradition tell of a time when the people lived on the shores of the Great Salt Water in the east (The Atlantic Ocean). A great westward migration took place moving the Ojibwe slowly down the St. Lawrence River. There were seven major stops along the way, the last being what is now known as Madeline Island in Wisconsin. These stops lasted for many years and villages were created to meet the needs of the people for that period of time. At some of the stopping places, groups of people decided to end their journey and set up permanent homes. The journey may have begun nearly eleven hundred years ago and taken over five hundred years to complete. The most complete version of this narrative is told by Edward Benton-Benai in *The Mishomis Book : the Voice of the Ojibway*:

Seven prophets came to the Anishinabe. They came at a time when the people were living a full and peaceful life on the North Eastern coast of North America. These prophets left the people with seven predictions of what the future would bring. Each of the prophecies was called a fire and each fire referred to a particular era of time that would come in the future. Thus, the teachings of the seven prophets are now called the "Seven Fires".

The first prophet said to the people, "In the time of the First Fire, the Anishinabe nation will rise up and follow the sacred shell of the Midewiwin Lodge. The Midewiwin Lodge will serve as a rallying point for the people and its traditional ways will be the source of much strength. The Sacred Megis will lead the way to the chosen ground of the Anishinabe. You are to look for a turtle shaped island that is linked to the purification of the earth. You will find such an island at the beginning and end of your journey. There will be seven stopping places along the way. You will know the chosen ground has been reached when you come to a land where food grows on water. If you do not move you will be destroyed."



The second prophet told the people, "You will know the Second Fire because at this time the nation will be camped by a large body of water. In this time the direction of the Sacred Shell will be lost. The Midewiwin will diminish in strength. A boy will be born to point the way back to the traditional ways. He will show the direction to the stepping stones to the future of the Anishinabe people."

The third prophet said to the people, "In the Third Fire the Anishinabe will find the path to their chosen ground, a land in the west to which they must move their families. This will be the land where food grows on water."

The Fourth Fire was originally given to the people by two prophets. They come as one. They told of the coming of the light skinned race.

One of the prophets said, "You will know the future of our people by the face of the light skinned race wears. If they come wearing the face of brotherhood then there will come a time of wonderful change for generations to come. They will bring new knowledge and articles that can be joined with the knowledge of this country. In this way, two nations will join to make a mighty nation. This new nation will be joined by two more so that four will form the mightiest nation of all. You will know the face of the brotherhood if the light skinned race comes carrying no weapons, if they come bearing only their knowledge and a hand shake."

The other prophet said, "Beware if the light skinned race comes wearing the face of death. You must be careful because the face of brotherhood and the face of death look very much alike. If they come carrying a weapon ... beware. If they come in suffering ... They could fool you. Their hearts may be filled with greed for the riches of this land. If they are indeed your brothers, let them prove it. Do not accept them in total trust. You shall know that the face they wear is one of death if the rivers run with poison and fish become unfit to eat. You shall know them by these many things."

The fifth prophet said, "In the time of the Fifth Fire there will come a time of great struggle that will grip the lives of all native people. At the warning of this Fire there will come among the people one who holds a promise of great joy and salvation. If the people accept this promise of a new way and abandon the old teachings, then the struggle of the Fifth Fire will be with the people for many generations. The promise that comes will prove to be a false promise. All those who accept this promise will cause the near destruction of the people." The prophet of the Sixth Fire said, "In the time of the Sixth Fire it will be evident that the promise of the First Fire came in a false way. Those deceived by this promise will take their children away from the teachings of the Elders. Grandsons and granddaughters will turn against the Elders. In this way the Elders will lose their reason for living ... they will lose their purpose in life. At this time a new sickness will come among the people. The balance of many people will be disturbed. The cup of life will almost become the cup of grief."

At the time of these predictions, many people scoffed at the prophets. They then had medicines to keep away sickness. They were then healthy and

happy as a people. These were the people who chose to stay behind in the great migration of the Anishinabe. These people were the first to have contact with the light skinned race. They would suffer most.

When the Fifth Fire came to pass, a great struggle did indeed grip the lives of all native people. The light skinned race launched a military attack on the Indian people throughout the country aimed at taking away their land and their independence as a free and sovereign people. It is now felt that the false promise that came at the end of the Fifth Fire was the materials and riches embodied in the way of life of the light skinned race. Those who abandoned the ancient ways and accepted this new promise were a big factor in causing the near destruction of the native people of this land.

When the Sixth Fire came to be, the words of the prophet rang true as children were taken away from the teachings of the Elders. The boarding school era of "civilizing" Indian children had begun. The Indian language and religion were taken from the children. The people started dying at a early age ... they had lost their will to live and their purpose in living.

In the confusing times of the Sixth Fire, it is said that a group of visionaries came among the Anishinabe. They gathered all the priests of the Midewiwin Lodge. They told the priests of the Midewiwin Way was in danger of being destroyed. They gathered all the sacred bundles. They gathered all the scrolls that recorded the ceremonies. All these things were placed in a hollowed out log from the Ironwood tree. Men were lowered over a cliff by long ropes. They dug a hole in the cliff and buried the log where no one could find it. Thus the teachings of the Elders were hidden out of sight but not out of memory. It is said that when the time came that the Indian people could practice their religion without fear a line boy would dream where the Ironwood log, full of sacred bundles and scrolls, was buried. He would lead his people to the place.

The seventh prophet that came to the people long ago said to be different from the other prophets. He was young and had a strange light in his eyes. He said,

"In the time of the Seventh Fire New People will emerge. They will retrace their steps to find what was left by the trail. Their steps will take them to the Elders who they will ask to guide them on their journey. But many of the Elders will have fallen asleep. They will awaken to this new time with nothing to offer. Some of the Elders will be silent because no one will ask anything of them. The New People will have to be careful in how they approach the Elders. The task of the New People will not be easy.

"If the New People will remain strong in their quest the Water Drum of the Midewiwin Lodge will again sound its voice. There will be a rebirth of the Anishinabe Nation and a rekindling of old flames. The Sacred Fire will again be lit.

"It is this time that the light skinned race will be given a choice between two roads. If they choose the right road, then the Seventh Fire will light the Eighth and final Fire, an eternal fire of peace, love brotherhood and sisterhood. If the light skinned race makes the wrong choice of the roads, then the destruction

which they brought with them in coming to this country will come back at them and cause much suffering and death to all the Earth's people."

Traditional Mide people of Ojibway and people from other nations have interpreted the "two roads" that face the light skinned race as the road to technology and the other road to spiritualism. They feel that the road to technology represents a continuation of headlong rush to technological development. This is the road that has led to modern society, to a damaged and seared Earth. Could it be that the road to technology represents a rush to destruction? The road to spirituality represents the slower path that traditional native people have traveled and are now seeking again. This Earth is not scorched on this trail. The grass is still growing there.

The prophet of the Fourth Fire spoke of a time when "two nations will join to make a mighty nation."

He was speaking of the coming of the light skinned race and the face of brotherhood that the light skinned Brother could be wearing. It is obvious from the history of this country that this was not the face worn by the light skinned race as a whole. That might nation spoken of in the Fourth Fire has never been formed.

If the Natural people of the Earth could just wear the face of brotherhood, we might be able to deliver our society from the road to destruction. Could we make the two roads that today represent two clashing world views come together to form a mighty nation? Could a Nation be formed that is guided by respect for all living things? Are we the people of the Seventh Fire?

When the seven prophets came to the Ojibwe with instructions about life from Creator, the People were living in the east on the shores of the Great Salt Water. There were so many people that these words have been told through generations, "The people were so many and powerful that if one was to climb the highest mountain and look in all directions, they would not be able to see the end of the Ojibwe nation." Life was full and there was ample food from the land and sea. Because life was so full, some amongst the People doubted the migration predictions of the prophets and there was much discussion about the migration and the prophecies of the Seven Fires. Huge gatherings were held to discuss the plans. Many didn't want to leave, many did and there was one group who supported the migration but agreed to stay behind and guard the eastern doorway and care for the eastern fire of the people. They were called the Daybreak People.

So, those believing in the migration started off, traveling first to the island shaped like a turtle, as the first prophet instructed. (This area is probably somewhere on the St. Lawrence River around present day Montreal.) There were many ceremonies held there as the people sought instructions. After some time the People began their journey west again. Along the way some clans and families stopped and set up permanent camps. It is now believed that the People continuing moved along the southern shore of the St. Lawrence River and that

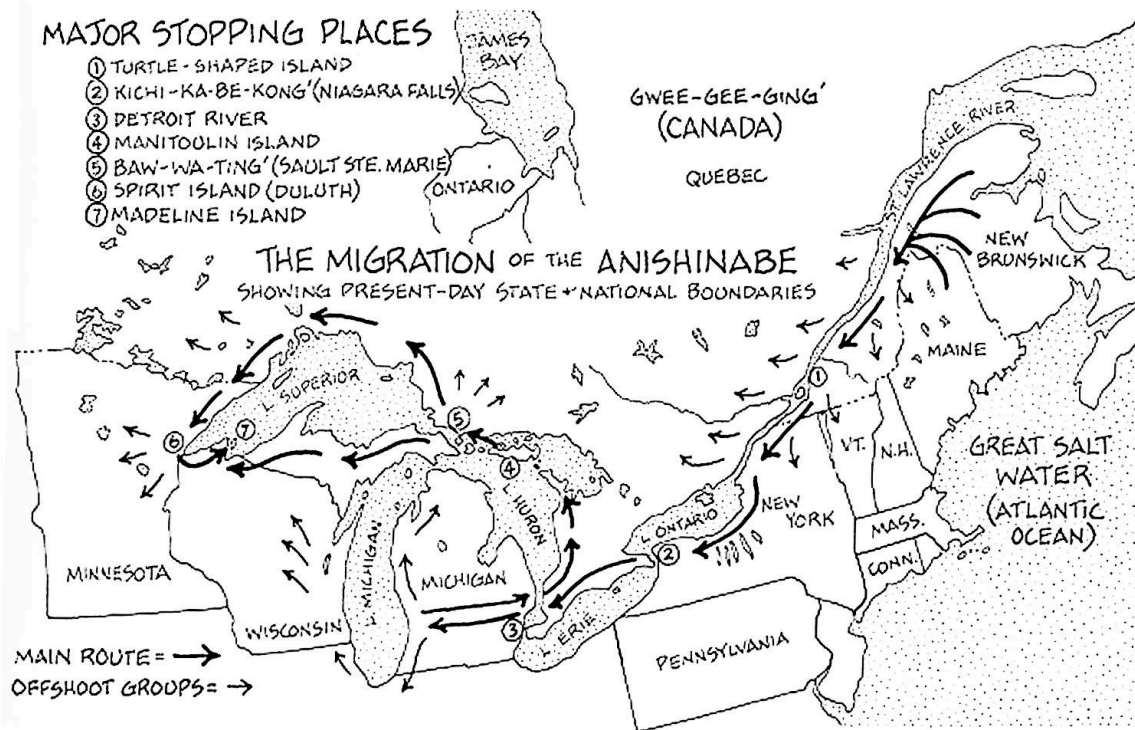
their second major stop was around what is known today as Niagra Falls.

From here they traveled to what is today Lakes Huron and Erie. It is here that the Ojibwe and Iroquois confronted each other. The dispute was later settled when the Iroquois gave the Ojibwe a Wampum Belt made of a special shell. The Pipe was shared and a peace was sealed. The People began moving westward again and stopped when they came to a large body of fresh water as explained in the prophecy. (This was probably along the eastern shore of Lake Michigan.) At this point many went off in search of a way across the water. There were other tribes that had joined the Ojibwe in this migration; the Odawa, and Potawatomi. They split off and travelled into what is called Michigan. Some went south and others settled down to wait for more instructions. Generations passed until the People were instructed to travel north. Eventually they stopped at the place where "food grows on water," as told in another prophecy. More and more Ojibwe came to the largest island in this area (now known as Manitoulin Island) until this area became known as the capital of the Ojibwe nation.

For some time the People stayed on this island, but then many set off to what is now the Sault Ste. Marie area. Because of the large abundance of food in the area many people settled here also and this became the fifth stopping place of the migration. From here the People split into two large groups - one group following the northern shore of (Lake Superior) another large body of water and another followed the southern shore.

The northern group settled on an island (today known as Spirit Island) at the west end of the big lake. Some of the southern group also settled here where they found "the food that grows on water," (wild rice) believed to be a sacred gift from Creator. This became the sixth major stopping place of the Ojibwe people. But, something was still missing. One of the prophets had spoken of a turtle-shaped island at the end of their journey. The southern group had seen such an island on their journey. The People returned and settled on the island known today as Madeline Island), calling it Mo-ning-wun-a-dawn-ing or "the place that was dug".

Benton-Benai's map therefore is as follows:



Over the past few centuries the Anishinaabeg migration has continued due predominantly to political, social, and cultural reasons. On this last point, the settlement of Europeans and the formation of the United States of America and Canada have impacted many Anishinaabeg deeply, resulting not only in the theft of homelands but also the loss of community resources, restrictions on movement and trade, the creation of “reserves,” and the imposition of borders that have divided Anishinaabeg families and communities. Today, these and other colonial policies and practices continue to radically influence the cultural, social, and political interactions between Anishinaabeg. Remarkably, and regardless of these issues, Anishinaabeg of the past and present consider themselves for the most part an interconnected community. As Stark claims, Anishinaabeg maintain “a collective identity” (11). Or, as Vizenor writes: “The Anishinaabeg have been divided by colonial, national, territorial and state claims . . . but in spite of these divisions, there exists a sense of common tribal consciousness” (*People Named* 32).

There are many Anishinaabeg Creation narratives. A primary one is the well-known Anishinaabeg story of the re-creation of the earth, the “great flood,” or sometimes: “the deluge.” It is a narrative told in many spaces and places, both inside and outside of Anishinaabeg communities and a significant part of a very extensive and expansive Anishinaabeg narrative of creation. With many versions available (specific to community and time) I will produce a summary here using other versions.

In most stories, the great flood occurs after human beings had been on Earth for a long time. As described previously in this project, Benton-Benai narrates:

I regret to say that this harmonious way of life on Earth did not last forever. Men and women did not continue to give each other the respect

needed to keep the Sacred Hoop of marriage strong. Families began quarreling with each other. Finally villages began arguing back and forth. People began to fight over hunting grounds. Brother turned against brother and began killing each other. (29)

Or, as Andrew Keewatin remarks: “anihsinapek sikwa awehswak ki-anikihkantiwak sikwa ki-animikatiwak (the people and animals began to argue and fight)” (25). These first human beings, it appears, were unable to ethically and responsibly handle the gifts of the breath of Gizhe Manido – which gave them the ability to dream, communicate clearly with all beings, and imagine, learn, and create. Instead, they destroyed, fought, and killed, forcing Gizhe Manido to see that the world needed to be re-made. As Basil Johnston explains:

Disaster fell upon the world. Great clouds formed in the sky and spilled water upon the earth, until the mountain tops were covered. All that was left was one vast sea. All men died. All the land creatures perished. All the plants were covered by the sea. Only the water animals and birds and fishes lived on. What was once earth was a huge unbroken stretch of water whipped into foam by the ferocious winds. (*Ojibway Heritage* 13)

In many versions of the Great Flood story, it is not only the actions of human beings that leads to the flood but those of *Nanabush*, the primary half-Manido/human being of Anishinaabe narratives (who also goes by names such as *Naanaboozhoo*, *Wenabozhoo*, or sometimes vaguely: “Trickster”). While often referred to by many storytellers as a “he,” Nanabush is genderless and a shape-shifter (often a Rabbit) who can communicate with all beings in Creation.

Calling together all of the surviving animals to join her on a raft she makes, a large log, or the top of a tree, Nanabush receives spiritual direction (often from Gizhe-Manidou or Giizhigo-kwe, Sky-Woman) that she requires a grain of sand or earth to create land. Nanabush, unable to do this task herself, asks her animal relatives for help. As The version by Chamberlain attests:

After some time N. called to him the best divers to see which of them could find bottom. After the beaver, the otter, and the loon had gone down, and after a long time risen up to the surface dead (Nanabozhoo breathed life into them again), the muskrat tried, and after a long time came up dead. But N., upon examining him, found that his fore-paws were clasped together, and in them he discovered a little bit of mud. (198)

Placing this on the back of a turtle, Nanabush blows into the soil and creates land for all to live on. Although employing Giizhigo-kwe instead of Nanabush, Basil Johnston narrates a version in *Ojibway Heritage* that sums up this final part of the story well:

the spirit woman painted the rim of the turtle’s back with the small amount of soil that had been brought to her. She breathed upon it and into it the breath of life. Immediately the soil grew, covered the turtle’s back, and formed an island. The turtle had given his service, which was no longer required and he swam away. The island formed in this way was called Mishee Mackinakong, the place of the Great Turtle’s back, now known as Michilimackinac. (14)

Johnston writes that the animal beings brought grasses, flowers, trees, and food-bearing plants to the sky-woman” and “[i]nto each she infused her life-giving breath” (15). Gifting the “breath of life” into all four directions and the land in these directions, the world is re-created. In some versions, Nanabush rides Mikinaak and recreates all land throughout the world, in others animals like Ma’ingan and Migizii are sent to explore them and let Nanabush know if it is large enough. Regardless, it is here, on “Mishee Mackinakong” or “the place of the Great Turtle’s back,” that life for human kind and Anishinaabeg – re-created with new hope and possibility – continues.

In the summer of 1671, leaders from fourteen Indigenous communities (including the Miamis, Sacs, Winnebagoes, Menomonees, and their hosts, the Anishinaabeg) met with *Wemitigoozhiwag* (French) representatives of King Louis XIV at Bawaating (what is now known as Sault Ste. Marie). Recounting the meeting, eighteenth-century historian Bacquerville de la Potherie (Claude Charles le Roy) discusses that after distributing customary presents to the leaders in attendance and staking a cedar cross in front of them, French governor Daumont de Saint-Lusson asked interpreter Nicholas Perrot to read aloud a document appropriating the territory on behalf of the King. Perrot then asked the Indigenous leadership “if they would acknowledge as his subjects, the great Onontio of the French, our sovereign and our kind, who offered them his protection” (346-47). La Potherie describes that the assembled Indigenous leadership responded with gifts, agreeing to the alliance by stating that it would “maintain life” for them (347). This happened next:

Sieur Perot, at the same time causing the soil to be dug into three times, said to them: “I take possession of this country in the name of him who we call our king; this land is his, and all these peoples who hear me are his subjects, whom he will protect as his own children; he desires that they live in peace, and he will take in hand their affairs. If any enemies rise up against them, he will destroy them; if his children have any disputes among themselves, he desires to be the judge in these.”

The [governor’s] delegate then attached to the stake an iron plate on which the arms of the king were painted; he drew up an official report of the transaction, which he made all the people sign [by their chiefs], who for their signatures depict the insignia of their families; some of them drew a beaver, others an otter, a sturgeon, a deer, or an elk. Other reports were drawn up, which were signed only by the Frenchmen who took part in the act. One of these were dexterously slipped between the wood and the iron plate, which remained there but a short time; for hardly had the crowd separated when they drew out the nails from the plate, flung the document into the fire, and again fastened up the arms of the king – fearing that the written paper was a spell, which would cause the deaths of all those who dwelt or should visit that district. (347)

La Potherie adds that this “irregular” action resulted in this nameless delegate being removed from further dealings in the area and eventually being sent back to France (348).

The “Pageant of 1671” (as the French called it) provided the *Wemitigoozhiwag* an entryway north, south, and west of the Great Lakes. It also gave Anishinaabeg a powerful and influential trading and military partner they would draw upon for decades and set the tone for

future European-Anishinaabeg agreements such as the 1701 Great Peace of Montreal and later, in 1764 at Niagara where the Covenant Chain was forged with Zhaaganaashag (the British). I will focus for a few moments on how the Anishinaabeg signed the treaty, however, for they used markings of *Anishinaabeg Nindoodemag*, the Anishinaabeg Totemic System (sometimes called the Clan System). These identified the relationships these leaders shared with those in their homes and served to introduce Wemitigoozhiwag to the ties of which they were now a part. In other words, they were signing not only on behalf of those they represented but those they shared ties with and were explaining the responsibilities these relationships carried to their new partners. This suggests that Anishinaabeg knew about the power of writing, signification, and the affirmation of an agreement through “marking” (the fixing of it to a stake is certainly an argument for “publication” if ever there was one). Anishinaabeg appear to know that writing creates communities, sets the parameters of a collective path, and carries great responsibilities – that words on paper create a binding relationship.

Historians and scholars have debated the different discourses present at treaty and land negotiations and suggest the notion that these agreements inherently meant different things for each community. These usually fall along two lines: for Indigenous people they often were signs of an ongoing and mutually beneficial relationship, for Europeans they often represent a temporary or one-time sale or partnership. This agreement, evidenced by the words of Perrot, appears to be more in the realm of the former, especially via the offer that the French King “will protect as his own children; he desires that they live in peace, and he will take in hand their affairs. If any enemies rise up against them, he will destroy them; if his children have any disputes among themselves, he desires to be the judge in these.” Admittedly, Indigenous people aren’t characterized as equals but they are still framed as *family*. They are not, for instance, friends (a different and distanced kind of relationship). You simply do not need to protect, share peace, and “take in hand their affairs” unless one intends to continue a relationship with a people – just ignore them and carry on your business. Just as Anishinaabeg are introducing Wemitigoozhiwag to an ongoing and complex relationship (more like set of relationships) the French were doing so as well. Recognizing that not all are the same, I would argue that most early treaty agreements operated similarly along these lines and Anishinaabeg and Europeans had ongoing relationships, not one-time deals, in mind. Treaty-making processes, particularly in early times and with Anishinaabeg around the Great Lakes – were as much about the creation of families than anything else.

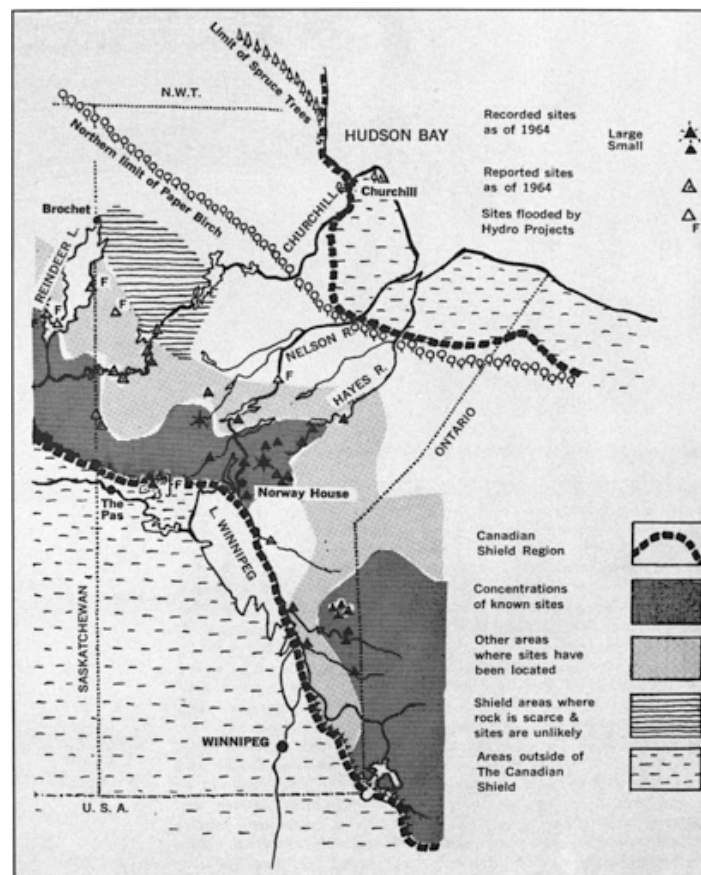
The images on this 1671 agreement therefore show distinct signs of communities committing to a long-term relationship, with a shared set of rights and responsibilities. These may not have all been fully understood but there were beliefs, commitments, and principles within these forms of writing and these were agreed upon, regardless of how complex or misrecognized they were. Let me make this clear: I am arguing that there were visions of a relationship within these signatures (in actuality, relationships) and both sides were in some way committing to the signs of the other. The long history of court decisions in North America regarding treaties have reiterated time and time again how Indians have been bound to the discourses they signed. Europeans, I argue, are bound by their signatures too. The French certainly believed that their new partners were bound to share a set of responsibilities in



relation to them; Anishinaabeg did as well.

What Anishinaabeg were presenting to Wemitigoozhiwag in 1671 at Bawaating were bagijiganan, gifts of relationship. They were making remarkable statements about the worlds they inhabited, introducing Wemitigoozhiwag to the relationships existent in a region, and inviting them to join them in various ways. In other words, they were signing a treaty using treaties. By accepting these gifts, the French were bound to the parameters of these pre-existing ties and were expected to find their place within them, not vice versa. In Nindoodemag markings were beliefs, commitments, and principles as well as subjectivities, ideas, and dreams. Wemitigoozhiwag had entered into a relationship with a complex community and their many ties with a host of entities in the universe. These were what these Anishinaabeg signatures signified.

The images on this 1671 document however were not new whatsoever and these legal principles would continue into the future. Dating back hundreds and thousands of years, they exist in what James Dumont has called a “corridor of successive rock paintings, rock carvings, petroglyphs and petroforms stretching east to the Atlantic seaboard and west to the Rocky Mountains” (“Manitoba Petroforms” 56). See some of the research by Selwyn Dewdney on where these can be found in south-eastern Manitoba:



Historian Heidi Bohaker states that she has found similar archival images on “a range of media including birch bark, paper, wood, cloth, hides, and stone” (“Nindoodemag” 30-31). In her report to the Ipperwash Inquiry, Darlene Johnston writes that they once covered “trees, canoes, houses, and clothing” throughout the Great Lakes (6-10). Anishinaabeg signed using

Nindoodemag all the time and in a host of locations.

In a study of Anishinaabeg-European legal documents throughout the Great Lakes, Bohaker documents over twenty-five different and repeated “pictographs” that “predominantly represent the region’s fauna . . . including birds (eagle, crane, heron), mammals (woodland caribou, bear, wood bison, otter, beaver, marten), reptiles (Mizhiike, snakes), and fish (pike, sturgeon, whitefish, channel catfish, and bullhead)” (“Reading Anishinaabe” 13). She also comments that in some cases trees (“birch, oak, white pine”) “and a half-fish/half-man merman” are used (13). Research uncovers several easily-found documents including the 1701 Great Peace of Montreal, where Anishinaabeg leaders used images of mukwag (bears), aijjaakag (cranes), amik (beaver), migizi/binesi (eagle/thunderbird), and maanameg (catfish), to represent themselves (see next image). Amongst these were “les Sauteurs” – Anishinaabeg leaders from Bawaating. Another example can be found in the five animals sketched on the “Selkirk Treaty” along the Red and Assiniboine Rivers on July 18, 1817. Another is found on an 1849 petition carried by Chief Buffalo to Washington, D.C., connecting a bullhead, merman, crane and three martens. Citing over one- hundred and fifty examples from her research, Bohaker comments that, “in nearly every case where Anishinaabe leaders were asked to sign such documents, from the seventeenth century through the nineteenth, each chose to inscribe a pictographic image. . . . the practice also continued into the twentieth century on petitions and other political documents authored by Anishinaabe leaders” (“Reading Anishinaabe” 12-13).

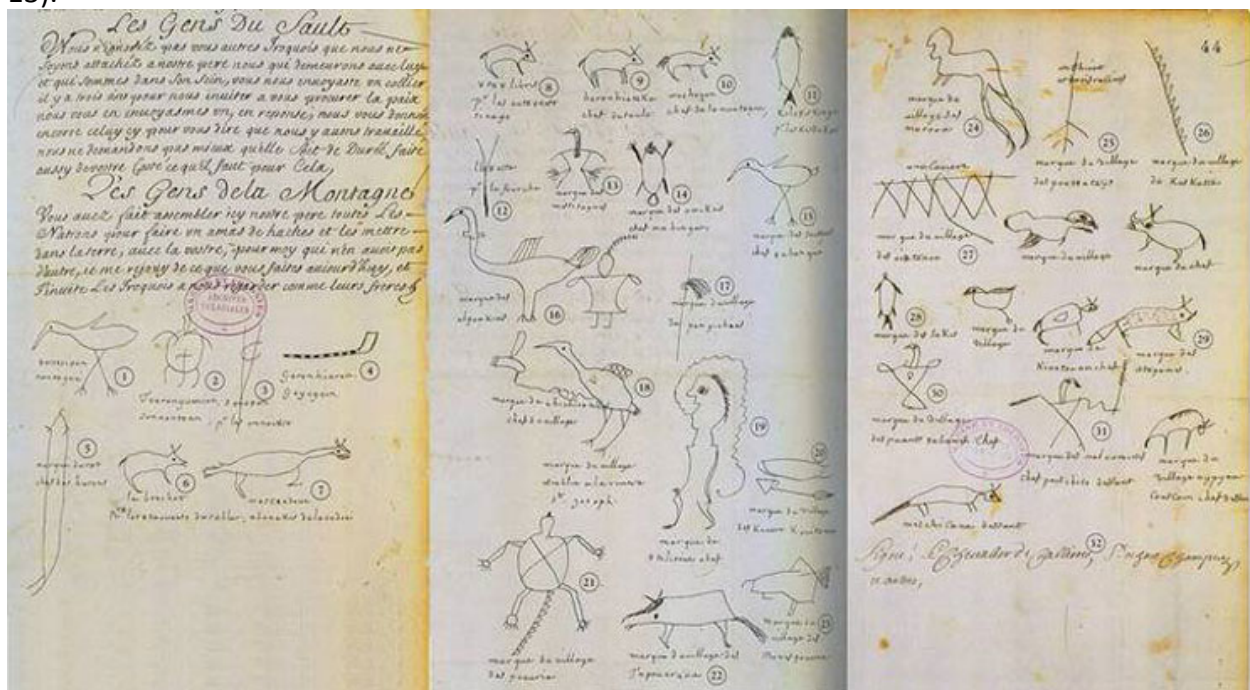


image credit: The Great Peace of Montreal (1701). According to Bohaker, Anishinaabeg clans from Bawaating are #8-10.

signatures “include three bears, one catfish, one eagle in the form of a thunderbird, one beaver and two cranes” on the top of the middle page.

Treaties and land agreements are also not the only place one can find markings of Anishinaabeg Nindoodemag. Many exist today. Midéwiwin lodges re-create markings of Nindoodemag to teach and learn from in and on mediums like sand and earth. Many Anishinaabeg draw and paint them on wood, rock and ceremonial items. Some forge them into beadwork or etch them into temporary and permanent images on skin. Leaders cite them in speeches, youth use them in graffiti, carvers forge them into wood, jewelers shape them out of metal and stone. Anishinaabeg authors like Richard Wagamese and Heid Erdrich or visual artists like Norval Morrisseau or Andrea Carlson use them throughout their writings and paintings. They exist in many more mediums. Ranging from tens of thousands of years old to the present, markings of Anishinaabeg Nindoodemag reside alongside texts like Mayan codices and wampum belts, constituting some of the earliest writing in the Americas.

La Potherie says that the “insignias” on the 1671 agreement represent families, but this is only part of what markings of Anishinaabeg Nindoodemag represent. Like other Anishinaabeg words and stories I have cited thus far, these images are synechdochal, gesturing to larger systems and processes at work. To begin with, the word doodem according to linguist Anton Treuer, “comes from the morpheme de, meaning ‘heart’ or ‘center’” (*Assassination* 15). Some draw out the stem “doodoo” – the word in Anishinaabemowin for breastmilk – referring to it in terms of how it represents the formative and sustaining fluid that develops and fortifies Anishinaabeg as a whole (Johnston, *Ojibway Heritage* 59). Simply put then, Nindoodemag is at the physically and ideologically center of all things Anishinaabeg. Johnston calls it “the most important social unit taking precedence over the tribe, community, and the immediate family” (*Ojibway Heritage* 59) and Dumont remarks that “[t]he Clan System [provides] the cultural, education, family, spiritual, political, and social ordering of Anishinaabe society” (“Anishinaabe Izhichigaywin” 25). Some simply call Nindoodemag one of the “Great Laws” of Anishinaabeg community, culture, and life. With such grand definitions, the role of Anishinaabeg Nindoodemag cannot be understated. It forms a foundation for how Anishinaabeg families, communities, and societies can form and operate. It provides a way in which Anishinaabeg identify individually, recognize others, and understand themselves within a network of relationships across the physical and spiritual plane. It represents an intellectual process in which Anishinaabeg can conceive of the complex roles and responsibilities they carry as well as demonstrates how these provide an ongoing and whole sense of Anishinaabeg. These, I suggest, are embodied through narrative and suggest a reading lens for understanding relationships and relationship-making practices Anishinaabeg partake in through creative and critical expressions.

While the system is ancient and wide-ranging, Nindoodemag exists in diverse incarnations throughout many communities. No two versions are exactly the same, varying in detail, structure, and context. There are also debates regarding the the origin of the system. Most argue that Nindoodemag is very old, such as Warren – who claims in *History of the Ojibway People* that it is the “first and principal division [of the people], and certainly the most ancient” (34). Cary Miller agrees with Warren, arguing that evidence is found throughout “Ojibwe oral tradition” (*Ogimaag*, 243 n51). Some anthropologists and historians however debate these claims, arguing that Anishinaabeg totems emerged after European contact and migration to the Great Lakes. Considering the use of totemic images on thousand year old petroglyphs and the sorts of totemic relationships Anishinaabeg share with tribes on the

eastern coast, it would appear that the former is closer to truth than the latter.

Virtually all incarnations of Anishinaabeg Nindoodemag however share features that bring them into relationship, constituting one of the most long-standing and active expressions of Anishinaabeg culture operating today. The intricacies of Anishinaabeg Nindoodemag therefore are difficult to explain. Elders have spent their entire lives trying to articulate it while learners like myself spend careers trying to learn it. I will overview it to the best of my ability utilizing not only intellectuals on the subject but my own knowledge and experience from ceremonies and community life. Anishinaabeg Nindoodemag is a system premised on the centrality of relationships and relationship-making as complex methodologies for life. Recall the claim by Treuer that it comes from *ode*, heart – an organ that rhythmically pumps blood throughout the body. Sending blood to other organs, blood is then returned to the heart via multiple entry and departure points – in an ongoing and reciprocal system. If one organ gets sick, or fails, the body is deeply impacted, and may even die. Anishinaabeg Nindoodemag is principled similarly, made up of *odoodeman*, living entities who travel the natural and spiritual worlds while instructing Anishinaabeg on how to live within the universe. Carrying multiple and unique relationships with Anishinaabeg, these beings communicate by demonstrating tools, methods, and behaviours that gesture to laws, principles, and responsibilities in which to live by. They are allies with Anishinaabeg, beings who visit bearing gifts like knowledge, names, and information about the world. In return, Anishinaabeg are expected to receive these offerings in the best way possible, treating them with honour and respect while using them to guide a path through life. Anishinaabeg Nindoodemag is therefore premised on the notion that everything necessary for Anishinaabeg to live and thrive can be found in the universe – and particularly in the environment around them.

Odoodeman and Anishinaabeg share a very old and complex relationship constantly renewed through interactions. These most often take place through stories and songs. An example of a manifestation has been written down in a publication called *Gdodemonaanik Do Kinoomaagewinawaan (Clan System Teachings)*, one of the *Kinoomaagewin Mzinigas* (Little Teaching Books) available from the Ziibiwing Center of Anishinaabe Culture and Lifeways. Another part of the Anishinaabeg Creation Story, it states that before Anishinaabeg came to the earth the Creator held a great meeting to inform the world that “humans were coming and they would not be able to provide for themselves.” In response, the animals generously accepted the responsibility of caring for Anishinaabeg and showing them how to live on earth. These beings stated that they would give Anishinaabeg everything they would need: sacrificing themselves for food and clothing, teaching them about medicine, and demonstrating ceremonies and practices that would “show them how to love in harmony with all of Creation.” As written in *Gdodemonaanik Do Kinoomaagewinawaan*:

It was just as the animals had said when the Anishinabek arrived. The animals kept their word and provided the people with all they needed to survive. The Anishinabek were very thankful for the animals and their generosity. The animals were teachers and the Anishinabek watched closely. Our ancestors saw that each animal species had an important role to play and that together the animals achieved an incredible balance between each other. Through these observations, the Anishinabek organized their communities based on the relationships they saw between the animals around them. This social structure is

our clan system.

In this story, animals are characterized as independent and active participants in an ongoing Creation, beings that choose to forge ties with Anishinaabeg and enable their entry into and continuation in the world. They gave us gifts of life, knowledge, and experience, and Anishinaabeg have accepted these and carry relationships with these animal relations forever. As carriers of Nindoodemag, Anishinaabeg carry responsibilities to acknowledge these offerings, continue to learn from them, and renew relationship with odoodeman. The relationship odoodeman and Anishinaabeg share are signified by totemic markers Anishinaabeg carry – often animals, but sometimes plants and mythical beings exist too. These are most often gained genealogically and patrilineally, but can also occasionally be inherited through other means such as adoption, direction from an elder, or a vision or dream (depending on community). In some cases a vision quest is utilized: an experience where an Anishinaabe lives and fasts for four days, listening, watching, and communicating with all of the beings who interact and visit with him/her in both the physical and spiritual world until one unveils itself as a relation. In special cases, as with inter-tribal individuals, who affiliate with people like the Cree (whose clan system is traditionally matrilineal), Anishinaabeg can carry more than one doodem. For those with a non-Anishinaabeg parent, a doodem is usually obtained through one or more of these methods.

In essence, an Anishinaabeg carrying a doodem *is effectively* that doodem. They are a member of that doodemag family. Given the gift of a totemic marker, Anishinaabeg carry the responsibility to form a lifelong relationship with this being in a variety of ways and incorporate what they learn into their lives. While there are certainly spiritual ways this is performed, it is perhaps easiest to see how this is done in the natural world. Watching, listening to, or engaging with an odoodeman one gets a sense of the specialized abilities, roles, and perspectives that constitute its uniqueness. One can see the way it acts and reacts to its environment, participates within communities and ecosystems, and forms ties in an ecosystem. Aspects like the shell of a turtle, the eyesight of the loon, the call of a crane, or the way a bear hibernates all demonstrate interactions with an environment and the relationships necessary to survive and thrive within it – alongside actions like territorial behaviours, seasonal migrations, and nesting patterns. By observing odoodeman one quickly notices that they do not operate in opposition to forces they encounter but rather within them, creating and devising relationships and lives in a constant cycle of creation and re-creation. Few flora and fauna are selfish and exploitative for instance, killing for purposes of safety, sustenance, and necessity. Hardly perfect, these beings can also certainly be harsh, unfair, and unforgiving too. Bears, for instance, have been known to eat the young of other bears. The many complex relationships a doodem relative carries however demonstrates the complex and intricate ways in which it lives within the world. Anishinaabeg carrying a particular doodem have the responsibility to learn from these and form a relationship with this knowledge, experiencing life through this physiological and ideological lens. In essence, a doodem carrier must incorporate what their doodem teaches them in whatever way possible. This method of learning behavior and gaining knowledge offers the learner a perspective outside of themselves and a different way to see the world that is both known and unknown to them, directing character, thoughts, and actions. This shapes the path one walks.

At the same time, while Nindoodemag begins with the complexities of the individual, the work of any doodem exists in relation to a diverse community of odoodeman. This begins in the family, which includes two parental odoodeman (mating within the same doodem is a taboo). The system relies on an inherent sense of complexity (and one might recall that sameness is what resulted in the end of the first Creation of humanity). After the family, odoodeman groupings are formed through doodem who share a set of similar behaviours and characteristics – such as the deer and caribou as part of a “hoof” odoodeman. These groups are often represented by a “leader” doodem, such as Mikinik (Turtle), head of Giigon (Fish) and other water creatures, or Migizi (Eagle), head of Benais (Bird) and certain land and air animals. These leaders often are also there to ensure functionality and communicate with other odoodeman groupings. In fact, in older times, odoodeman groupings lived collectively as a separate community. Describing Anishinaabeg communities in 1847 for example, George Copway referred to these as separate “tribes” whose totemic “sign or mark is the same” and “recognize each other as relatives” (*The Life* 91). While this practice no longer exists, many continue to practice protocols, songs, and stories – particularly in ceremonial work. In these ways, odoodeman remain fairly autonomous bodies today.

Next, the work of any odoodeman group is shared within an entire network of Nindoodemag, operating at the community and inter-community level. At the local, each doodem carries jobs that must be performed and depends on others to fulfill their responsibilities. These interdependent tasks and duties are not only critical to the existence of the community but often life itself. For instance, if one doodem was in charge of maintaining the histories and stories of a community another had to be in charge of protecting them and another to find them food. These kinds of shared tasks reflect values of sharing, community, and interdependence – the same sort of relationships odoodeman embody during their constant cycle of creation and re-creation in the universe. And, like the unforgiving harshness that resides in this universe, a doodem or doodemag grouping could be reprimanded for not fulfilling responsibilities. When disputes inevitably arose, the system would be re-examined and re-invented if needed. In some extreme cases, odoodeman went to war to settle disputes and some even disappeared or abandoned a relationship with Anishinaabeg altogether. In most cases though, Nindoodemag mediated conflict.

While the village historically was the most important “social, political, and economic entity” in traditional Anishinaabeg existence, it was Nindoodemag that communicated identity and “served a variety of important functions within the village and, through ties of kinship, bound villages together” (Miller 38-40). Nindoodemag formed the basis for a localized community identity within several interrelated collectives and together these formed an ever-widening and overall sense of Anishinaabeg collectivity. Another word for this: a nation. As Copway says, “different tribes” combined to form “the same nation” (*The Life* 91). A leader, representing his/her own clan, would be speaking within a network. Decisions and actions would always impact those who that clan shared a relationship with and had to be considered. In other words, the expressions of one doodem could – and often did – represent many signs of Anishinaabeg collectivity. This found itself in not only single doodem families and totemic groupings but in instances that required the entire Nindoodemag. In these cases leadership and the responsibilities of leadership was often a shared task, crossing odoodeman lines. In an interview, M’Chigeeng historian Alan Corbiere describes how this operated:

The Anishinaabeg always believed we all belong to a clan. And those clans, they always said, had specific attributes or characteristics. Now, in this modern sense, what people are saying instead of characteristics or inclinations, they say they have responsibilities. And that is what is supposed to be governing us. . . . But if you look at the historical record, all the chiefs were not necessarily Crane clan chiefs or Loon clan chiefs; or the speakers who got up and spoke were not always just the Loon clan.

Mind you, they would say that is a clan chief, not the chief of the nation. Well, we didn't really have – nobody got up and pretended to speak for all the Ojibwe nation back then because there was too many bands. You could say, in this area, the Michigan area, all these chiefs would get together and form a confederacy and select a speaker or chief speaker for all of them. That was for that particular council, it didn't last for that chief's lifetime. They had these confederacies and they would select who would be the speaker for each time. (qtd. in Pitawanakwat, *Anishinaabemodaa* 223)

In other words, a doodem leader could act for one or more doodeman, or perhaps the entire Nindoodemag, depending on the context. An expression of doodem therefore could represent not only the integrity of a single clan and an individual but a family, a community, and a group of Anishinaabeg within a specific place and time. Returning to the description by Copway, a doodem leader could be speaking on behalf of the Anishinaabeg “nation” (which, as Corbiere claims, could be a fluid confederacy). Nindoodemag declarations are thus a sign of individuality and collectivity often operating *at the same time*.

In her study of Nindoodemag images on treaties, Bohaker notes that:

In some cases it appears that the same hand drew all or some of the images. As well, there was not always a one-to-one correspondence between pictograph and individual. Particularly in the seventeenth and eighteenth centuries, Anishinaabe pictographs were as likely to represent a father and sons, or brothers, or an entire extended family ‘clan segment,’ as a single individual. (“Reading Anishinaabe” 16)

A totemic marking made by Anishinaabeg hands could be made by anyone within the Nindoodemag but signified the many relationships of which it was a part. They are markings of community multiplicity within a vibrant sense of shared collectivity. In other words, one did not even have to be from a particular doodem to “sign” on behalf of others but one could be tasked with representing several in certain times and places (16). The responsibility of representing the many layers of community within a system remained a part of using a sign.

Bohaker also identifies that markings of Nindoodemag on treaties and land agreements *changed* in image and scope throughout time, often from two-dimensional to three-dimensional and in shape, angle, and perspective – sometimes only including a paw print (“Reading Anishinaabe” 16). None of this is surprising. Not only do leaders, communities, and their motivations and alliances change, but so do the make-up and purpose of their collectivities. And, at the same time, gifts and offerings change as the needs and demands of any Anishinaabeg community shift and move. It might be important, for example, to consider what a paw teaches that is different than the entire body of a doodem. Or, how one learns differently about an animal depending on whether one is looking from above or from the side.

In essence, details embody not only different signers and their subjectivities but suggest that there is a multi-dimensionality with signs of Anishinaabeg Nindoodemag itself, different ways of expressing the same relationship.

While drawing from ancient traditions, Nindoodemag represents the ongoing formation of relationships and transformation of a people. It provides a forum for Anishinaabe to represent themselves, their community, and their relationships within the world and these are embodied within a series of fluid, interconnected, and representative images found on early treaties. Looking at these early treaties, it could be said that each and every expression of Nindoodemag represents another transformative act of an eternally moving and creating people. This is not a historical, progressivist arch of image-making, it is more a multi-directional and contextual system of writing found in certain spaces and places. What is important to underline about all of these versions is that the Anishinaabeg Nindoodemag is innovation at work: a reflection of the processes, experiences, and knowledges within the people expressing them.

In *History of the Ojibway People*, Warren argues that totemic signs are much like a European “coats of arms” (35). Bohaker adds to Warren, arguing that they were demonstrating a shared perspective that “embodied relationships and kin connection,” something closer to the “equivalent of [European] seals” than individual signatures (“Nindoodemag” 16-17). These two comparisons identify well how heraldic seals represent symbols of community and relationships, but the connotations European seals share with armorial achievement, gender/racial binaries, and certain hierarchies do not quite fit. I prefer to think of signs of Anishinaabeg Nindoodemag as an idea Miller suggests in *Ogimaag* where he states that markings of Nindoodemag could be considered as geographic and cultural “maps” to indicate “where persons of certain clans needed to locate themselves” during ceremony and in stories (162). I’d add that markings of Nindoodemag are indications along a path of experience, history, and life – a long struggle to uncover mino- bimaadiziwin – and illustrate where Anishinaabeg have travelled, relationships Anishinaabeg have forged along the way and gesture to where Anishinaabeg might travel in the future. Markings of Nindoodemag embody information, references to spaces, times, and entities, and descriptions of territories and the networks within them.

What Anishinaabeg were doing by making Nindoodemag markings on treaties, rocks, and themselves were sharing their experiences, ideas, and stories. In terms of treaties, they were not just adapting to European ways but expressing who they were, what they knew, and expressing their way of life. Markings of Nindoodemag were bagijiganan of welcome, entryways into Anishinaabeg territory and the relational strands within their families, their communities, and the ties they shared with all of these (and more). Signing using Nindoodemag meant that Anishinaabeg were not just “agreeing” to a set of legal arrangements over territory (and sometimes even that is questionable, considering certain barriers of language and political interests), but were also introducing Europeans to Anishinaabeg ways and introducing newcomers to the world they were entering – one full of relationships and agreements in the interests of sharing and reciprocity. Markings of Nindoodemag were not only statements of power and collectivity but narratives given to Europeans from dynamic, innovative, and political communities intended to teach them about the relationships they were joining. This will become important and evident how this relates with the MMTP research project in the next



section entitled “Cree.”

Anishinaabe consider their work to be stewards of Mother Earth. It is part of Anishinaabe role as a people to ensure that we embody the principles of *ogichidaa* (protector) in relation to the earth. These were the principles Anishinaabeg used to take lead positions in negotiating the 1817 Selkirk Treaty and in 1871 at Treaty One negotiations. This is further discussed in the next section.

Anishinaabeg have been practicing their traditions and occupying and utilizing land in south-eastern Manitoba for thousands of years or “since time immemorial.” There are many concerns about the impact of the MMTP project on wildlife, hunting activities, ecological devastation of traditional plants and harvesting, fish, and activities where Anishinaabeg continue to travel today in the project area. More traditional use and occupancy data must be investigated to inform MMTP project planning, proactively deal with section 35 claims in regards to this territory, and be implemented into project design.

### **Cree (specifically Peguis First Nation)**

The Cree refer to themselves collectively as *Nēhilawē* (which means “those who speak our language”). They call themselves Cree only when speaking English or French. Examine and explore the eight predominant cultural and political sub-groups that make up most of the Cree Nation:

- The *Naskapi* (Innu inhabitants of the *Nitassinan* – in eastern Quebec and Labrador)
- The *Montagnais* (Innu inhabitants of the *Nitassinan* – in eastern Quebec and Labrador)
- The *Attikamekw* (inhabitants of the *Nitaskinan* – in the upper St. Maurice valley of Quebec)
- The Grand Council of the Crees or James Bay Cree (inhabitants of the James Bay and *Nunavik* regions of northern Quebec)
- The Moose Factory Cree (inhabitants of the southern end of James Bay)
- The *Nēhinawak* or Swampy Cree (inhabitants of northern Manitoba along the Hudson Bay coast and in Ontario along the coast of Hudson Bay and James Bay)
- The *Nēhithawak* or Woodland Cree (inhabitants of what is now known as Alberta)
- The *Nēhiyawak* or Plains Cree (inhabitants of what are now known as Manitoba, Saskatchewan, Alberta, and Montana)

Many simply use the term Cree to both refer to their specificity and their inter-relationships with other Cree.

Cree Creation narratives directly reference territories in what is now Manitoba as their homeland. There are many Cree Creation narratives but here is one recorded by the explorer-geographer David Thompson and interpreted by the Saskatchewan Indigenous Cultural Centre:

After the Creator had made all the animals and had made the first people, he said to Wisakedjak, "Take good of my people, and teach them how to live. Show them all the bad roots, all the roots that will hurt them and kill them. Do not let the people or the animals quarrel with each other."

But Wisakedjak did not obey the Creator. He let the creatures do whatever they wished to do. Soon they were quarrelling and fighting and shedding much blood. The Creator, greatly displeased, warned Wisakedjak. "If you do not keep the ground clean, I will take everything away from you, and you will be miserable." But Wisakedjak did not believe the Creator, and did not obey. Becoming more and more careless and disobedient, he tricked the animals and the people and made them angry with each other. They quarreled and fought so much that the earth became red with blood.

This time the creator became very angry. "I will take everything away from you and wash the ground clean." He said.

Still Wisakedjak did not believe the Creator. He did not believe until the rains came and the streams began to swell. Day after day, and night after night, the rains continued. The water in the rivers and the lakes rose higher and higher. At last they overflowed their banks and washed the ground clean. The sea came up on the land, and everything was drowned except one Otter, one Beaver and one Muskrat.

Wisakedjak tried to stop the sea, but it was too strong for him. He sat down on the water and wept. Otter, Beaver and Muskrat sat beside him and rested their heads on one of his thighs.

In time the rain stopped and the sea left the land. Wisakedjak took courage, but he did not dare to speak to the Creator. After long and sad thoughts about his misery, he said to himself, "If I could get a bit of the old earth beneath the water, I could make a little island for us to live on."

He did not have the power to create anything, but he did have the power to expand what had already been created. As he could not dive and did not know how far it was to the old earth, he did not know what to do. Taking pity on him, the Creator said, "I will give you the power to re-make everything if you will use the old materials buried under the water."

Still floating on the flood, Wisakedjak said to the three animals beside him, "We shall starve unless one of you can bring me a bit of the old ground beneath the water. If you will get it for me, I will make an island for us."

Then he turned to the Otter. "You are brave and strong and active. If you will dive into the water and bring me a bit of earth, I will see that you will have plenty of fish to eat."

So the Otter dived, but he came up again without having reached the ground. A second time and a third time Wisakedjak praised Otter and persuaded him to go down once more. When he returned the third time, he was so weary that he could not dive again.

"You are a coward!" exclaimed Wisakedjak. "I am surprised by your weak heart. Beaver, I know, can dive to the bottom of the flood. He will put you to shame." Then he turned to Beaver. "You are brave and strong and wise. If you will dive into the water and bring me a bit of the old earth, I will make a good house for you on the new island I shall make. There you will be warm in the winter. Dive straight down as a brave Beaver does."

Twice Beaver dived, and twice he came back without any earth. The second time he was so tired that Wisakedjak had to let him rest for a long time.

"Dive once more," begged Wisakedjak when Beaver had recovered. "If you will bring me a bit of earth, I will make a wife for you."

To obtain a wife Beaver went down a third time. He stayed so long that he came back almost lifeless, still with no earth in his paws.

Wisakedjak was now very sad. If Otter and Beaver could not reach the bottom of the water, surely Muskrat also would fail. But he must try. He was their only chance.

"You are brave and strong and quick, Muskrat, even if you are small. If you will dive into the water and bring me a bit of the old earth at the bottom, I will make plenty of roots for you to eat. I will create rushes, so that you can make a nice house with rushes and dirt.

"Otter and Beaver are fools," continued Wisakedjak. "They got lost. You will find the ground if you will dive straight down."

So Muskrat jumped head first into the water, down and down he went, he brought back nothing. A second time he dived stayed a long time. When he returned Wisakedjak looked at his forepaws and sniffed.

"I smell the smell of earth," he said. "Go again. If you bring me even a small piece, I will make a wife for you, Muskrat. She will bear you a great many children. Have a strong heart now. Go straight down, as far as you can go." This time Muskrat stayed down so long that Wisakedjak feared he had drowned. At last they saw some bubbles coming up through the water. Wisakedjak reached down his long arm, seized Muskrat, and pulled him up beside them. The little creature was almost dead, but against his breast his forepaws held a piece of the old earth.

Joyously, Wisakedjak seized it, and in a short time he had expanded the bit of earth into an island. There he, Muskrat, Otter and Beaver rested and rejoiced that they had not drowned in the flood.

Some people say that Wisakedjak obtained a bit of wood, from which he made the trees; that he obtained some bones, from which he made the second race of animals.

Others say that the Creator made all things again. He commanded the rivers to take the salt water back to the sea. Then he created mankind, the animals of today, and the trees. He took from Wisakedjak all power over people and animals and left him only the power to flatter and to deceive. After that Wisakedjak played tricks upon the animals and let them into much mischief. That is why the Indians tell many stories about him, to amuse themselves during the long winter evenings. "A Cree Creation"

Archeologist Leo Pettipas cites that linguistic research illustrates that Cree have utilized Manitoba as traditional territory for thousands of years. In his article "The First Crees," Pettipas states:

Language experts (linguists) tell us that Cree belongs to a large family of languages known as “Algonquian.” Blackfoot, Cree and Cheyenne, to name a few, belong to the Algonquian family by virtue of their having descended from a common ancestral language that was spoken thousands of years ago. The experts call that ancient tongue “Proto-Algonquian,” the prefix “Proto” meaning the earliest stage of the language.

According to one theory, a series of events got underway around 3,800 years ago far to the southwest that would have important implications for the Aboriginal history of northern Manitoba. Drawing upon traditional Ojibwa and Delaware migration stories (the Delawares and Ojibwas are speakers of Algonquian languages) and studies of contemporary Native languages, historians have proposed that the high country of present-day Idaho – the Columbian Plateau -- was the birthplace of the Algonquian language family.

Professor Peter Denny of the University of Western Ontario has hypothesized that 3,800 or so years ago a large and well-organized group of Proto-Algonquians moved in an easterly direction off the Plateau. Over the course of several generations, they made their way across the grassy plains and prairies, perhaps via the Missouri River, to the forested country south of the Great Lakes. Their journey took many generations and some 400 years to complete, but in the end they arrived in their new home still as a single nation.

Between 3,000 and 2,500 years ago, the Proto-Algonquian language became widespread as the indigenous peoples of the Great Lakes region and beyond adopted it in place of their own. Following that, the original language gave rise to a number of separate “daughter” languages before it became extinct. One of the earliest of these new languages was the original version of Cree.

Cree speech itself (“Proto-Cree”) is believed to have originated some 2,500 years ago somewhere between Lake Michigan and Lake Superior. A few centuries later it was being spoken within an area extending from the Boundary Waters area of the Ontario- Minnesota border eastward along the south shore and hinterlands of Lake Superior. From this southern homeland it was carried northwards in several directions across the Canadian Shield, as shown on the map below. Note that it spread to the northwestward around Lake Winnipeg, all the way to the Churchill River drainage west of Hudson Bay. Actually, it is likely to have become very widespread in two ways: (1) through the actual migration of Cree-speakers themselves, and (2) through the adoption of the Cree language by indigenous peoples of northern Ontario and Manitoba with whom the immigrant Crees came into contact.

Citing archeological proof via findings of pottery and land settlement, Pettipas states that Cree migration came to Manitoba via a path looking like this:



This illustrates that, while Cree may inhabit northern Manitoba today, the Cree Nation certainly has a history of traditional use and occupancy of southern Manitoba.

For the purposes of this study Cree are understood to interact with the MMTP project area via Peguis First Nation. Members of what would later become Peguis First Nation occupied a territory north of what is now Selkirk, MB for time immemorial. The community was primarily made up of collection of community members from the northern Norway House First Nation (who referred to the area in Cree as “The Landing Place”), northeastern communities like Brokenhead First Nation and Manigotogan First Nation, and the southern Roseau River First Nation. In the late 17<sup>th</sup> century an Anishinaabe leader from Bawaating (Sault Ste. Marie) named Peguis (also known as Be-gou-ais/ Be-gwa-is/ Pegeois/ Pegouisse/ Pegowis/ Pegqas/ Pigewis/ Pigwys/ Picöis) migrated to the area and established a collective and permanent community at the area now known as Netley Creek (approximately in 1792). In modern day terms, the area that became the St. Peter’s “Indian settlement” was an area broadly construed from the area of Lockport and Lower Fort Garry in the south to Netley Creek and the southern edge of Lake Winnipeg.

According to the nineteenth-century Ojibway historian William Warren in his book *History of the Ojibway Nation*, a “great Ke-nis-te-no [Cree] town” at what is now called Netley Creek was completely wiped out in 1781-82, leading to this important tributary of the Red River

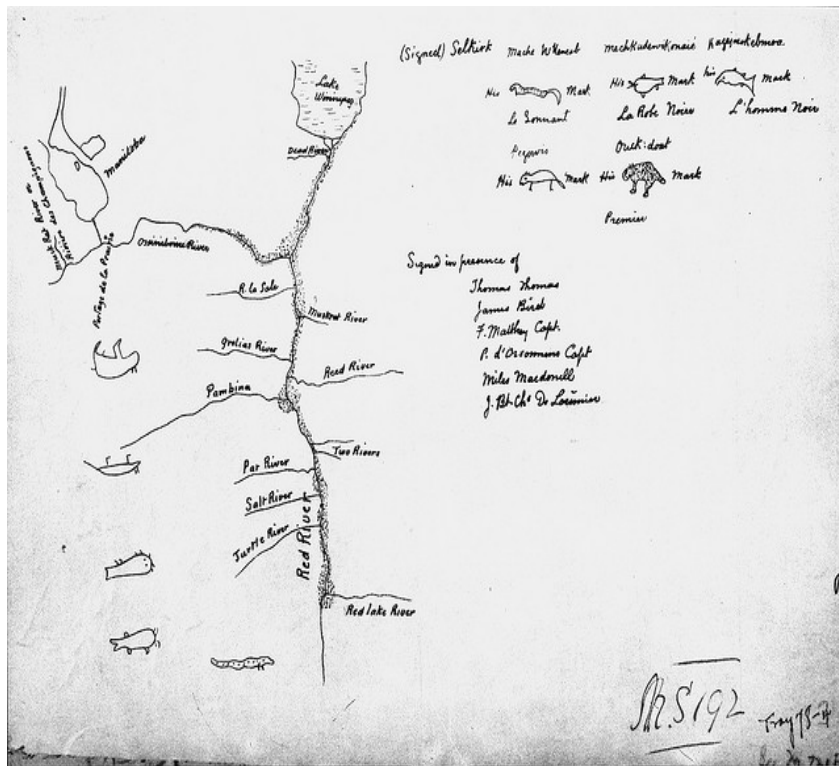
being re-named *Ne-bo-se-be* (the Dead River). Chief Peguis and other Ojibway had been utilizing this territory for years beforehand though, trading with Cree and other communities in the area for centuries. According to Liz Bryan's 2005 book *The Buffalo People: Pre-Contact Archaeology on the Canadian Plains* (Surrey, BC: Heritage House Publishing) and D.W. Moodie & Barry Kaye's 1969 article in *Geographical Review* 59 "The Northern Limit of Indian Agriculture in North America," the area had been a site of indigenous agriculture for at least 400 years *before* the arrival of the Selkirk settlers of 1812. Chief Peguis and his allies were already familiar with the cultivation of crops such as corn, potatoes, and pumpkins. Not only was it a territory close to key rivers and waterways for regional travel, but it was also rich in game, marshlands for waterfowl, close to major fishing sites (for the abundant whitefish and sturgeon), and had some of the best soil and agricultural potential. Upon establishing the community in the late 18<sup>th</sup> century, the borders of this community was recognized by other First Nations and was evident to early settlers (see below map).



In 1817, five chiefs led by Chief Peguis signed with Lord Selkirk and his allies the "Selkirk Treaty" (see next image), which Selkirk understood as a land purchase "extending two miles on each side of the two rivers from Lake Winnipeg to Muskrat River above Portage des Prairies and up the Red River to the mouth of the river going to Red Lake" in exchange for an annuity of 100 lbs of tobacco. This agreement however meant far more than that.

Peguis and his allies signed using their doodemag, representing that Selkirk and his allies were not simply being permitted to settle on lands but had become family members, relatives amongst a network of humans, animals, water, and land along the Red River. As family members, they now carried responsibilities; to be a good relations along the Red River and participate in a series of reciprocal, mutually beneficial, and equal partnerships in a system of

creating mino-bimaadiziwin, or the “good life.” This area clearly crosses the proposed MMTP project planned route.



(image credit: 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.* Toronto : Belfords, Clarke, 1880.

Two important aspects of this treaty are raised by Laura Peers in her book *The Ojibwa of Western Canada* (Winnipeg: U of Manitoba P, 1994). The first is that the two parties almost certainly did not understand completely what the treaty fully meant from each perspective and the second is that Chief Peguis and his allies used this agreement to protect their access to the plains and the valuable buffalo herds that roamed there (92-94). This illustrates that, according to the people in Chief Peguis’ community, there was an understanding that the historical use and occupancy in the southern Manitoba region was dependent on the movement of people during migrations of animals and seasons. Peers lists the following seasonal harvests as central to life in the St. Peter’s settlement:

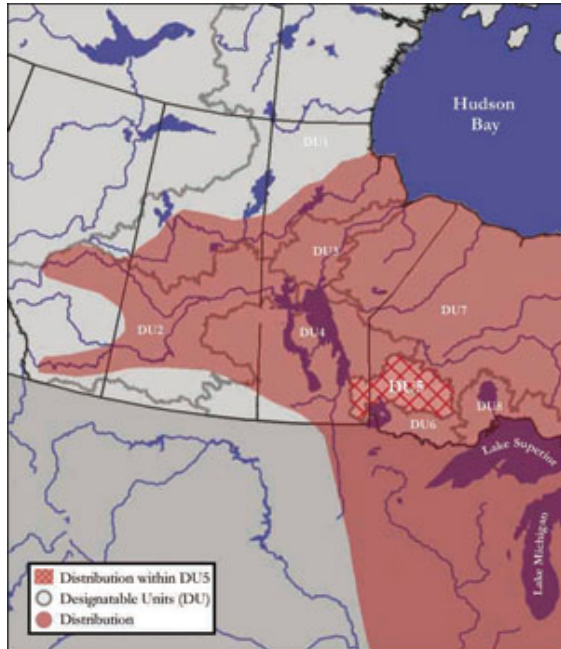
- Sugar from Sugar Bush (160)
- Eggs (160)
- Wild rice (88)

And the following seasonal game as central to life at the St. Peter’s settlement:

- Ducks (160)
- Sturgeon (160)
- Bison (160)
- Moose (82)

- Deer (82)

This illustrates how crucial the surrounding area around the original St. Peter's settlement was and how deeply access to food and resources were to life there. For instance, see the original map showing the availability of sturgeon in North America (see next map):



(image credit: <http://www.dfo-mpo.gc.ca/species-especes/species-especes/sturgeon5-esturgeon-eng.htm>)

In other words, access to aquatic areas as far south as the Mississippi River was crucial to the cultural livelihood of Peguis, areas that clearly cross the proposed MMTP planned route.

Chief Peguis and his community have been critical political and economical players along the Red River and active contributors in the early history of Winnipeg and Manitoba – particularly in their role as agricultural pioneers, their pivotal assistance to the early Selkirk settlers, and their decision to ally themselves to the HBC and Britain. Had Peguis and the Saulteaux allied themselves with the Métis of Cuthbert Grant, or later Louis Riel, instead of the HBC and British colonial interests, the history of the region would have been fundamentally different.

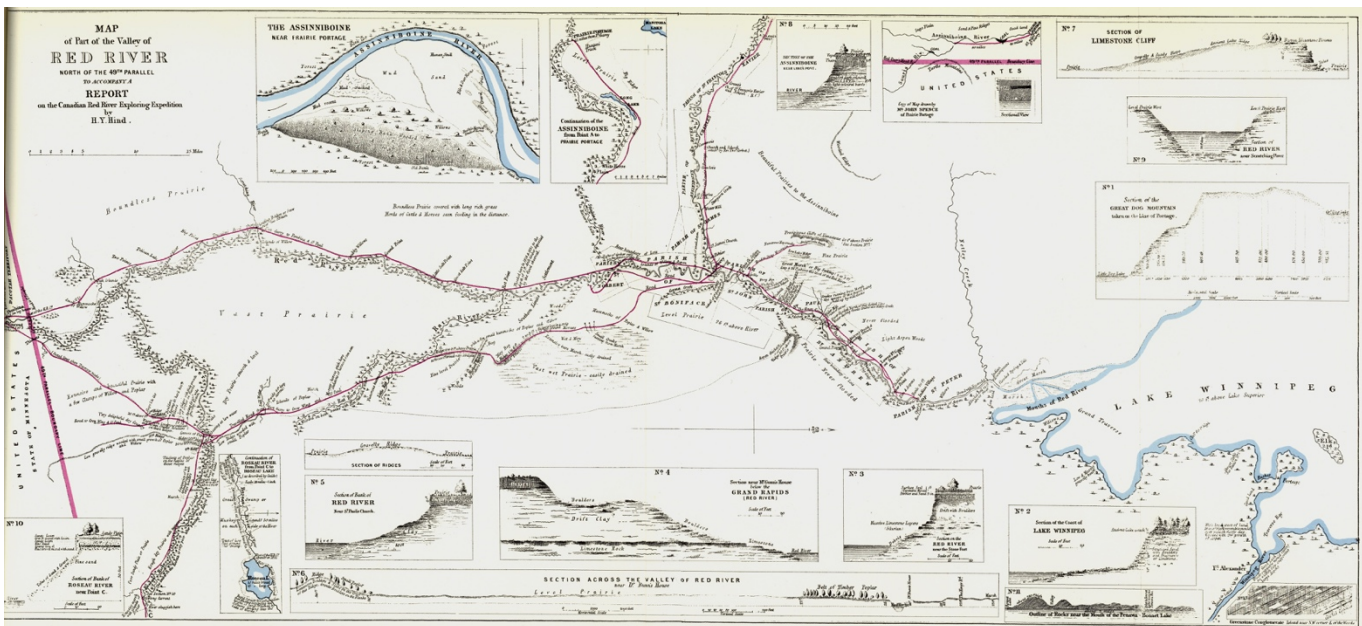
Furthermore, Chief Peguis and his community played a central role in the treaties of 1817 and 1871, which were the earliest formal negotiations on the prairies between Europeans and native peoples over how to share the land (and critical to the formation of the proposed MMTP project). These treaties were, among other things, pre-requisites for the growth and stability of European settler-colonialism in the Canadian west. They were critical participants and contributors to the economic development of the “fur trade” and later as independent producers or wage-labourers in diverse industries such as freighting and steamboats, fishing and hunting, agriculture, stock-raising, berry and sugar harvesting, railways, and logging and lumber mills.

In addition, Peguis regularly travelled for diplomatic and political reasons across southern Manitoba and evidence of this exists throughout the historical record. One of the best



resources is the life writings of John Tanner found in *A Narrative of the Captivity and Adventures of John Tanner* (originally G. & C. & H. Carvill, 1830).

Peguis was a frequent traveler to Ft. Pembina throughout his life. One such event was John Tanner's first encounter with Peguis in 1807 (150-155), where Peguis lost part of his nose in an altercation with the Sioux. For this journey, and subsequent ones, Peguis would have travelled one of three paths. One, he would have canoed down the Red River from the St. Peter's settlement (likely for diplomatic and political trips). Two, he would have travelled by foot (or later horse) on the southeastern trail (see next map image). Three, he would have travelled the southwestern trail. All cross the proposed MMTP project line.



(image credit: *Papers Relative to the Exploration of the Country Between Lake Superior and the Red Rivers Settlement*. London: George Edward Eyre and William Spottiswoode, 1859)

In 1813 the Hudson's Bay Company (HBC) opened a post nearby, just north of the junction of Netley Creek and the Red River, and led by Lord Selkirk. This resulted in an increased demand for land for settlement and – during two poor farming years between 1816-18 – a need to solidify land claims in the area. Early on the members of the St. Peter's community made a choice: to ally with the HBC rather than resist their settlement. This led to some contention with First Nations in the area – and particularly the Métis led by Cuthbert Grant – but was done for political, social, and economical purposes. This resulted in a fairly positive representation of Chief Peguis in many of the historical record and him being called frequently a “noble friend.” In other words, the members of Chief Peguis' community were often represented favourably. Cree and Anishinaabeg leadership were lead Indigenous representatives during the negotiations at Treaty One. Treaty One was negotiated in 1871 between representatives of the Crown and of “Chippewa and Cree peoples” in the area around modern day Winnipeg with boundaries based on the initial boundaries for Manitoba. It is one of the seven treaties negotiated in the period between 1871 and 1877, which followed the 1869 purchase of Rupertsland from the Hudsons Bay Company by the Dominion of Canada. These seven treaties,

the southern numbered treaties, were characterized by meaningful, on the spot, negotiations that sometimes changed the terms of the treaty, unlike the later northern numbered treaties (eight to eleven, 1899 to 1921) in which no substantive changes to the treaty were negotiated. In 1763, through a Royal Proclamation of that year, Aboriginal land ownership to all lands 'to the west of the headwaters of rivers that flow into the Atlantic ocean' was recognized. The Proclamation, which has never been revoked and is named and reaffirmed in the Canada Constitution Act of 1982 (section 25), specified that if a First Nation (the term Indians was used at that time) wanted to surrender its land ownership, it could only do so to the Crown (not private parties) through a fair process in front of the assembled indigenous people. The Royal Proclamation of 1763 can be called the 'treaty of treaties' as it established the legal necessity of negotiating First Nations land rights. Following the Royal Proclamation, a number of land transactions in southern Ontario were engaged in, using something like a 'real estate' purchase process. Finding this unsatisfactory, when it came time to negotiate large land surrenders in the Lake Huron and northern Lake Superior areas, William Robinson and the Anishinabwe he negotiated with established a different model, which included promises of reserve land and annual annuity payments. These colonial Robinson treaties served as the template for the later, Canadian, numbered treaties including Treaty One.

My colleague in the Department of Native Studies at the University of Manitoba, Dr. Peter Kulchyski, argues that not only do Anishinabeg and Cree from Peguis First Nation have claims to territory but to water under Canada's constitution. In a report to Peguis First Nation he states:

Aboriginal and treaty rights have evolved dramatically in the period following the Supreme Court of Canada's first major modern decision around questions of land ownership of Nisga'a peoples in the Calder case (1973). After the last numbered treaty (Treaty Eleven, 1921) and the Williams treaty (1923) there was a hiatus in treaty negotiations. This reached the point where in 1969 then Prime Minister Trudeau could muse about the possibility that 'in one society people should not be making treaties with each other'. After the Calder case determined that Aboriginal title was a concept with legal force in Canada, new treaties began to be negotiated and older treaties began to be viewed in a different light: rather than as outdated, esoteric documents, an effort to turn them into the basis of renewed nation to nation agreements emerged. And questions of how the treaties were being interpreted became central to this.

Aboriginal rights are now defined as the 'cultures, practices and traditions that are integral to the distinctive culture of the people claiming the right'. While Aboriginal rights had been thought to flow from Aboriginal land ownership, since Aboriginal people were prior occupants, in more recent decades it has been understood as a cultural fact. In brief, while Ukrainians or Jamaicans or Germans or Vietnamese Canadians may lose their cultures, those cultures will thrive in their countries of origin. It becomes a global tragedy if a First Nations group loses its culture because Canada may likely be its only homeland. Treaty rights can be said to be an exchange of general Aboriginal rights, often specifically land ownership, for specific treaty commitments. It should be borne in mind that much of Canada's wealth has been land based, and

Canada is globally a wealthy nation. Fairness would imply that First Nations should be adequately compensated for their contribution.

After the Calder decision the federal government developed policies to negotiate new treaties (called Comprehensive Land Claims) and to deal with complaints arising from broken or unfulfilled promises related to existing treaties. In 1982 the 'existing aboriginal and treaty rights of the aboriginal peoples of Canada' were 'recognized and affirmed'. Four attempts were made (1983 to 1987) to identify and define those rights in the constitution, but these ultimately failed. Since 1990 the Supreme Court of Canada began a series of decisions, from Sparrow (1990) to Tshilhqot'in (2014) which codified more far reaching ways of seeing Aboriginal rights, understanding Aboriginal title, and interpreting treaties.

In terms of treaties, the general federal approach had been to take a narrow and literal reading or interpretation of the treaty. It would absolutely honour every written commitment that appeared in the treaty document; anything else it provided to Treaty First Nations, for example around education or health care in most cases, it provided on the basis of what it perceived as the 'needs' of individual First Nations citizens, rather than treaty or aboriginal 'rights'.

This overall approach was never significantly challenged until the Sioui case of 1990 (although there has been a significant case load pertaining to specific treaty rights, especially around hunting, fishing and trapping issues). In that case, a few Huron individuals from Quebec asserted that a particular document from 1862 was in fact a treaty that continued to operate so as to protect specific spiritual/religious rights. The Supreme Court decided in their favour, saying in this and subsequent decisions that a treaty should be interpreted 'liberally and generously', that the 'honour of the Crown' was at stake in implementing treaties, that oral understandings of the history of the treaty should have equal weight in interpreting it, oral testimony to this effect would not be excluded as hearsay, ambiguities in the written text were not needed as a precondition to seeking oral history or external contextual facts.

The latter set of interpretive protocols has now set the standard for how a treaty is to be understood. So in trying to determine the nature of the promises made in Treaty One, a 'liberal and generous' approach should be applied that involves looking carefully at oral history and promises made that do not appear in the treaty document. Craft's book begins to outline what such a reading would look like.

The main source text for understanding Treaty One was written by Alexander Morris, and published in 1880. It is called *The Treaties of Canada with The Indians of Manitoba and the North-West Territories including The Negotiations on which they were based*. It could be seen as a primary text, something like an archive, rather than a study of the treaties. Older historical secondary sources, such as George Stanley's *The Birth of Western Canada* (1936) are generally considered to be outdated. Newer studies including Ray, Miller and Tough's *Bounty and Benevolence* (2000), which contains material on Treaty One,

were written with an eye to contemporary interpretive approaches. A 1983 report sponsored by the federal Department of Aboriginal Affairs and Northern Development Canada, by Wayne Daugherty (*Treaty Research Report – Treaty One and Treaty Two (1871)*), is also a widely used and generally respected, relatively recent study. The major other work of relevance is Aimee Craft's very recent book on Treaty One (*Breathing Life Into The Stone Fort Treaty (2013)*).

The main Treaty One negotiations took place between July 27 and August 3, 1871. The lead negotiators were Adams Archibald, then the Lieutenant-Governor of Manitoba and the Northwest Territories and Indian Commissioner Wemyss Simpson. The treaty party included David Laird, at that time the Minister of the Interior and Superintendent General of Indian Affairs. The plains Cree and Saulteaux peoples of the Qu'Appelle valley were the key First Nations involved, represented primarily by Kakushiway for the Cree and Meemay and Otahaoman for the Saulteaux. Subsequent adhesions to the Treaty, agreements that effectively signed different First Nations on to the main treaty, were negotiated in the following days and in the next year.

The meetings were held at Fort Garry. Mis Koo Keen New, or Red Eagle, was a representative from St Peter's. After explaining the purpose of the treaty from the government's perspective, the Chippewa and Cree spent a two days selecting leaders and perhaps discussing their demands. It is worth noting that, among those demands and frustrating for the government officials, "in defining the limits of their reserves, so far as we could see, they wished to have about two-thirds of the Province". It took some time, and eventually an ultimatum, to get the indigenous signatories to agree instead to reserves of 160 acres per family of five.

It is worth noting that in his opening speech, explaining the concept of reserve, Archibald said that

When you have made your treaty you will still be free to hunt over much of the land included in the treaty. Much of it is rocky and unfit for cultivation, much of it that is wooded is beyond the places where the white man will require to go at all even for some time to come. Till these lands are needed for use you will be free to hunt over them, and make all the use of them which you have made in the past. But when lands are needed to be tilled or occupied, you must not go on them any more. There will still be plenty of land that is neither tilled nor occupied where you can go and roam and hunt as you have always done, and if you wish to farm you will go to your own reserve where you will find a place ready for you to live on and cultivate.

The treaty itself does not include general language found in other numbered treaties that promises the "hunting way of life" would be permitted to continue, though the statement above, taken as a treaty promise, would have roughly the same effect.

The treaty was signed on August 3, 1871. By February of 1872, indigenous signatories were expressing concern that the treaty was not being

respected because at the negotiation they had been promised farming supplies which were not being given. This eventually led to a memorandum, attached to the treaties, giving the chief and councilors clothing and farm animals and supplies for those who wished to practice agriculture.

As noted above, Treaty One as a document is modeled on the Robinson Treaties of 1850 signed in the Great Lakes area. The First Nations are enumerated in the treaty, and a specific very large land area is described; the treaty purports in very strong language to accept the surrender of Aboriginal ownership of that land. In exchange for this, the First Nations signatories are granted reserve lands (160 acres for each family of five), cash payments upon signing the treaty, annual cash payments (three dollars per person), maintenance of a schoolhouse, support for banning alcohol sales. The First Nations also promise to act as law abiding and loyal subjects of the Crown.

This set of mutual commitments was for many years entirely how the treaty was interpreted, based on what above was referred to as a literal interpretation of the treaty. Anything provided by governments for health care, education or social assistance beyond the things enumerated above by the federal government was considered to be support on the basis of need, rather than on the basis of treaty rights. However, with the new interpretive standard established by the Supreme Court of Canada, the treaty document does not stand alone in determining particular and specific treaty rights. The oral understanding and the 'outside promises' made orally have all now clearly come to be seen as intrinsic elements of the treaties and need to be recognized, acknowledged and understood. This would be particularly important in the case of Treaty One, where it is known that outside promises were made and some concession to those was already acknowledged through a formal memorandum attached to the treaty.

As well, it should be noted that the 'land surrender' clause reads as follows: "The Chippewa and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined do hereby cede, release, surrender and yield up to Her Majesty the Queen and successors forever all the lands included within the following limits...". This was the kind of language used in all treaties at the time, though it may now be considered 'imperfect' in several aspects. First, the treaty only mentions "all the lands" included within its limits, and make no mention of waters. Contemporary treaty documents make reference to 'lands and waters', so this could be of some significance and indicates outstanding Aboriginal title to all waters within the treaty area. Secondly, the treaty defines a specific area of land, roughly central and southern Manitoba, and does not surrender lands or waters outside of the area. This means that, for example, if Peguis and former St Peter's members used and occupied areas of land outside of the treaty area, they would still have unceded Aboriginal title to those tracts of land. The impact of this will be discussed in the section on Aboriginal title issues.

In 1907 the St Peter's reserve was illegally taken from the First Nation,

and they were relocated to the present site of Peguis. The valuable agricultural lands and strategic location of the reserve in present day Selkirk made it too desirable for settlers, who pressured to have the lands put into general circulation. A deeply flawed consultation and local vote lead to a purported surrender and to the relocation of the reserve. This has been acknowledged by the federal government, which negotiated a compensation agreement with the First Nation more than one hundred years later, amounting to nearly one hundred and twenty million dollars.

What may be of some significance here is that the Peguis reserve is not within the Treaty One area. This would support a contention that the traditional lands of the Peguis First Nation are not confined to the surrendered portions enumerated in Treaty One, but range substantially further afield. It should also be noted that the First Nation represents a particularly egregious example of non compliance with the Treaty and is therefore deserving of special efforts towards 'reconciliation' above and beyond even the existing compensation agreement.

Aboriginal Title can be defined as indigenous lands that have not been surrendered or ceded. The *Tshilhqot'in* (2014) case at the Supreme Court of Canada is the latest and most relevant legal determination of Aboriginal title. That case has now determined that such title does not merely involve specific sites of land, but pertains to large territories including hunting grounds. The case also determined that First Nations with outstanding Aboriginal title have the right to be consulted about and benefit from uses of that land. Three quotes from the case are relevant here, first:

Aboriginal title flows from occupation in the sense of regular and exclusive use of land. To ground Aboriginal title "occupation" must be sufficient, continuous (where present occupation is relied on) and exclusive. In determining what constitutes sufficient occupation, which lies at the heart of this appeal, one looks to the Aboriginal culture and practices, and compares them in a culturally sensitive way with what was required at common law to establish title on the basis of occupation.

This is the test for whether Aboriginal title can be asserted by a First Nation. Secondly, the nature of Aboriginal title is that it confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by future generations.

This shows that where unceded title exists the First Nation has an 'exclusive right to decide how the land is used and the right to benefit from those uses', a far reaching definition of the ownership rights of First Nations. Thirdly,

Where Aboriginal title has been established, the Crown must not only comply with its procedural duties, but must also justify any incursions on Aboriginal title lands by ensuring that the proposed government action is substantively consistent with the requirements of s. 35 of the *Constitution Act*,

1982 . This requires demonstrating both a compelling and substantial governmental objective and that the government action is consistent with the fiduciary duty owed by the Crown to the Aboriginal group. This means the government must act in a way that respects the fact that Aboriginal title is a group interest that inheres in present and future generations, and the duty infuses an obligation of proportionality into the justification process: the incursion must be necessary to achieve the government's goal (rational connection); the government must go no further than necessary to achieve it (minimal impairment); and the benefits that may be expected to flow from that goal must not be outweighed by adverse effects on the Aboriginal interest (proportionality of impact). Allegations of infringement or failure to adequately consult can be avoided by obtaining the consent of the interested Aboriginal group.

This speaks to consultation, both the necessity and degree of consultation that is required in order to engage in a development on unceded lands.

In effect, if Aboriginal title remains vested by Peguis in territories outside of the Treaty One area (and in waterways inside the area) it is in a very strong position to demand consultation and possible regimes of compensation for use of portions of that land. There are at least two possible claims of Aboriginal title, one concerning waters within the Treaty One area and the other concerning possible lands used and occupied by Peguis/St Peter's members outside of the Treaty One area. The latter claim would need research support, but if supported by the First Nation would mean a much stronger regime of consultation and possible compensation needs to be undertaken with the First Nation.

Cree have been practicing their traditions and occupying and utilizing land in south-eastern Manitoba for thousands of years or "since time immemorial." There are many concerns about the impact of the MMTP project on wildlife, hunting activities, ecological devastation of traditional plants and harvesting, fish, and activities where Cree continue to travel today in the project area. More traditional use and occupancy data must be investigated to inform MMTP project planning, proactively deal with section 35 claims in regards to this territory, and be implemented into project design.

This brief report highlights some of the many ways the First Nations in southern Manitoba have claims to historical use and occupancy of the proposed MMTP project area in multiple ways and at multiple sites. For further information please contact the researcher of this report, Dr. Niigaanwewidam Sinclair, Associate Professor, Department of Native Studies, University of Manitoba at (204) 474-7026 or [niigaan.sinclair@umanitoba.ca](mailto:niigaan.sinclair@umanitoba.ca).

### **First Nations Information**

#### **Dakota Plains First Nation:**

PO Box 1246, Portage La Prairie, MB, R1N 3J9

Dakota Tipi First Nation is located approximately 5 kilometres south of Portage la Prairie. The community language is Dakota.

Population:

On Reserve: 168

Off Reserve: 71

Total Registered Population: 239

Website: [www.dakotatipi.ca](http://www.dakotatipi.ca)

#### **Roseau River First Nation**

Most of the Roseau River band settled at The Rapids, or 'See-bos-qui-tan' as it was known to the Ojibwa. Others settled at the junction of the Roseau and Red. A third major campsite was near the junction of Jordan Creek and Roseau River, halfway between the Rapids and Roseau River camps. At the time of the first European settlement of the area, around 1870, there were an estimated 600 Ojibwa living at various points along Roseau River.

Population:

On-reserve: 1173

Off-reserve: 1461

Total Registered Population: 2634

#### **Brokenhead First Ojibway Nation:**

General Delivery, Scanterbury, MB, R0E 1W0

The Brokenhead Ojibway Nation (BON) is a Treaty 1 Nation located northeast of the Winnipeg, Manitoba on Hwy. 59. Brokenhead Ojibway Nation is an Anishinaabe (Saulteaux/Ojibwa) First Nation. The main reserve of Brokenhead 4 is surrounded by the Rural Municipality of St. Clements, except for a small lakeshore on Lake Winnipeg.

Population:

On Reserve: 789

Off Reserve: 1,267

Total Registered Population: 2,056

Website: <http://www.brokenheadojibwaynation.net/>

#### **Swan Lake First Nation**

**Round Plain** is an historic site where the Portage Band separated into three bands (Sandy Bay, Long Plain and Swan Lake) during the 1876 revision of Treaty One. This site is also an historic and contemporary location for traditional ceremonies for many peoples, including SLFN.

Registered Population:

On-reserve: 642

Off-reserve: 771

Total Registered Population: 1413



**Long Plains First Nation:**

PO Box 430, Portage La Prairie, MB, R1N 3B7

Long Plains First Nation is Treaty No.1 Nation located within 50 Km of the nearest service centre to which it has year-round road access.

Population:

On Reserve: 2,278

Off Reserve: 2,126

Total Registered Population: 4,404

Website: <http://www.longplainfirstnation.ca/>

[www.longplainfirstnation.ca/styled/Land%20Code/files/Land%20Code%20Final.docx](http://www.longplainfirstnation.ca/styled/Land%20Code/files/Land%20Code%20Final.docx)

**Peguis First Nation (former St. Peter's Band)**

Peguis First Nation is the largest First Nations community in Manitoba, Canada, with a population of approximately 10000 people. It is located approximately 145 kilometres north of Winnipeg. The citizens of Peguis are of Anishinaabeg and Cree descent

Registered Population:

On-reserve: 3433

Off-reserve: 6666

Total Registered Population: 10099

Website: <http://www.peguisfirstnation.ca>

**Sagkeeng First Nation**

The Sagkeeng First Nation is an Anishinaabe First Nation which holds territory east of Lake Winnipeg in Manitoba. In 1807, the Hudson Bay Company built Fort Alexander to further facilitate trade with the natives in the area. The Fort was named after Alexander Mackay a Northwest Company partner. This then became the site of Fort Alexander when the North West Company and the Hudson Bay Company merged.

Registered Population: 7851

On-reserve: 3470

Off-reserve: 4381

Total Registered Population: 7851

**Buffalo Point First Nation:**

Buffalo Point First Nation is located between 50 and 350 Km from the nearest service centre to which it has year-round road access. Buffalo Point is located on Treaty No. 3 Territory.

PO Box 1037, Buffalo Point, MB, R0A 2W0

Population:

On Reserve: 56

Off Reserve: 76

Total Registered Population: 132

Website: <http://www.buffalopoint-firstnation.ca/welcome.html>

**Lac Seul First Nation:**

The Lac Seul Ojibway First Nation and in Treaty 3 Territory in Ontario. It is comprised of three pockets of reserve. Frenchmen's Head is accessible by road and is approximately 40 km from Sioux Lookout. Kejick Bay and Whitefish Bay are approximately 60 km northwest of Sioux Lookout and is accessible by water and air. The population status of Lac Seul First Nation is 939. The breakdown of the settlements is as follows: Kejick Bay - 416; Whitefish Bay - 98; Frenchmen's Head - 425.

PO Box 100, Hudson, ON, P0V 1X0

Population:

On Reserve: 789

Off Reserve: 2,232

Total Registered Population: 3,450

Website: <http://www.ifna.ca/article/lac-seul-118.asp>

**Shoal Lake 40 First Nation:**

Shoal Lake 40 First Nation is an Ojibwa or Ontario Saulteaux First Nation located in the Eastman Region of Manitoba and the Kenora District of Ontario. The first Nation is a member of the Grand Council of Treaty 3. In 1919, the aqueduct to carry clean lake water directly into Winnipeg was finished. It is built over an old native burial ground. Between 1912-1919, the original Ojibwa village, located at the mouth of the Falcon River at Shoal Lake, was displaced and moved to a man-made island. A parcel of the band's traditional land, 3,000 acres, became City of Winnipeg property and split the reserve into three separate parcels. No road access and consequentially higher transportation costs are associated with this community/reservation. Ottawa selected a peninsula across the lake from the old village as the site of the Shoal Lake 40 reserve.

Population:

On Reserve 259:

Off Reserve: 294

Total Registered Population: 553

Website: <http://www.sl40.ca/>

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A Note on Works Cited: To date, there have only been a small handful of works devoted exclusively to the St. Peter's Indian Settlement and later Peguis First Nation, and many of these remain unpublished reports or theses. These include: Michael P. Czuboka's 1960 University of Manitoba MA thesis "St. Peter's: A Historical Study With Anthropological Observations on the Christian Aborigines of Red River (1811-1876)"; Angela D. Jeske's 1990 University of Alberta MA thesis "St. Peter's Indian Settlement: A House Indian Community at Red River, 1833-1856"; Carolyn Podruchny's 1992 University of Toronto MA thesis "Indians and Missionaries in Encounter: The Peguis Band and the Church Missionary Society at the Red River, 1820-1838"; Benita E. Cohen 1994 University of Manitoba MSc thesis "The Development of Health Services in Peguis First Nation"; George Van Der Goes Ladd's 1986 book *Shall We Gather at the River?* (Toronto: The United Church of Canada); Donna Sutherland's 2003 book *Peguis: A Noble Friend* (St. Andrew's, Manitoba: Chief Peguis Heritage Park); Chief Albert Edward Thompson's 1973 book *Chief Peguis and His Descendents* (Winnipeg: Peguis Publishers Limited); Laura Peers' 1994 book *The Ojibwa of Western Canada, 1780 to 1870* (Winnipeg: University of Manitoba, 1994); Sarah Carter's article in *Manitoba History* No. 18 (Autumn 1989) "St. Peter's and the Interpretation of the Agriculture of Manitoba's Aboriginal People"; and Tyler, Wright & Daniel Limited 1979 and 1983 pamphlets "The Illegal Surrender of the St. Peter's Reserve" (Winnipeg: T.A.R.R. Centre of Manitoba). The bulk of this writing has focused on the life and times of Peguis himself, or otherwise primarily confined itself to a pre-twentieth-century periodization.

**Bio of the Researcher**

Dr. Niigaanwewidam Sinclair is a widely known expert on Indigenous histories, cultures, and traditions in Manitoba. Dr. Sinclair is Anishinaabe (St. Peter's/Little Peguis), an Associate Professor and Acting Head of the Department of Native Studies at the University of Manitoba. He is an award-winning writer, editor and activist who was named one of Monocle Magazine's "Canada's Top 20 Most Influential People" and one of the CBC Manitoba's "Top Forty Under Forty." He is a regular commentator on Indigenous issues on CTV, CBC, and APTN, and his written work can be found in the pages of newspapers like The Guardian and online with CBC Books: Canada Writes. Dr. Sinclair is the co-editor of the award-winning *Manitowapow: Aboriginal Writings from the Land of Water* (Highwater Press, 2011) and *Centering Anishinaabeg Studies: Understanding the World Through Stories* (Michigan State University Press, 2013), and is the Editorial Director of *The Debwe Series* with Portage and Main Press. Dr. Sinclair obtained his BA in Education at the University of Winnipeg, before completing an MA in Native- and African-American literatures at the University of Oklahoma, and a PhD in First Nations and American Literatures from the University of British Columbia. His first book on Anishinaabeg literary traditions will be coming out with the University of Minnesota Press in 2017.