THE LABRADOR TREATY OF 1765

SUMMARY

In August, 1765, Sir Hugh Palliser, Governor of Newfoundland, entered into a Treaty with the Inuit of south and central Labrador. Hundreds of Inuit gathered at Chateau Bay to meet with the Governor, responding to a request sent by the British a year before through a Moravian missionary. These Inuit met with Governor Palliser, assisted by Moravian translators, in Treaty Conference over a number of days.

The Treaty that was concluded brought the Inuit into a “peace and friendship” relationship with the British, protecting the British interests against interference from France or the American colonials. The British promised the Inuit that they would have the protection of the British Crown and would have Treaty rights, including those of self-government, harvest of wildlife and natural resources and a commercial right of trade.

The Labrador Inuit Treaty of 1765 was formally reported by the Lords of Trade to the Privy Council of the Britain in May 1769. The Treaty is now protected by section 35 of the Constitution Act, 1982. The member communities of NunatuKavut are the current holders and beneficiaries of this Treaty Right.

Background to The Treaty

Fierce competition between Inuit and Europeans for the abundant whale, seal and fish resources of south and central Labrador can be traced back into the mid-1500’s. The presence of Basque whalers in the area in the middle of the 16th century drew angry and aggressive resistance from the Inuit. After initial skirmishes, the Inuit attacks became so pervasive that in the period from 1575 through 1618, Basque whaling efforts became increasingly more difficult. The Inuit intent to protect their land and resources was undeniably clear.

Inuit were in constant conflict with the French in the Straits of Belle Isle from as early as 1610. St. Malo fishermen requested in that year the right to arm themselves to protect against Inuit attacks. Similarly, the Northern Company (Dutch) encountered hostilities with Inuit in the Straits area in 1616. Inuit attacked the Basque in the Straits in 1625 and Samuel Champlain refers to the continuation of this conflict in 1632. In 1635, a tax was levied against the St. Malo vessels to protect them against Inuit attacks, a tax system which continued until the 1670’s.

Significant Inuit populations lived all year round on the Quebec North Shore and in the Strait of Belle Isle area throughout the 1600’s. In 1652, Father Ragueneau reported Inuit residents on the Quebec North Shore. The Inuit were described by the Jesuit Jacques Fremin in 1659 as “the
people living at the extreme northeast of New France at 52 degrees latitude, 330 degrees longitude” (the Chateau Bay/Cape Charles area), living on caribou, otters, seals and cod.

By the early 1700’s, France had acquired international recognition of its claims to the area. Southern Labrador was of interest to France for its proximity to the magnificent fishing grounds off the coast. Central Labrador was itself of little interest to France. By 1763, there was still no French presence north of Cape Charles, on what the French described as the “Cote des Esquimeaux”.

The French explorer Fornel encountered many Inuit from Cape Charles to Hamilton Inlet in 1743. One of the Inuit groups was estimated to number approximately 100. Many were extended family groupings. Fornel described the Inuit as being widespread along the length of the Strait of Belle Isle.

During the decades preceding the 1760’s, the relationship between the French and the Inuit continued to be one of animosity and avoidance, combined with occasional (direct or indirect) trade and considerable conflict. The French living along the coast of what is now Quebec were insistent on seeking military protection from France. Due to the construction of forts and various military attacks, the Inuit had, by the 1730’s, retreated to a large extent to the Atlantic coast of Labrador. However, resistance to those French efforts continued, including the burning by Inuit of the French post at Cape Charles in 1741. By 1757, the French post at Chateau Bay had been abandoned altogether as a result of continued Inuit aggression.

Britain and France were themselves in conflict much of the early 1700’s, ending in the late 1750’s with the fall of New France and the claim by Britain to sovereignty as a matter of international law over territories that included Labrador. This was formalized between France and Great Britain in the Treaty of Paris (1763).

Labrador was assigned by Great Britain through the Royal Proclamation in October 1763 to be governed with Newfoundland, although it remained a jurisdiction separate from Newfoundland. Newfoundland was itself a mere fishing station administered by a Governor, with no House of Assembly. Sir Hugh Palliser was appointed as Governor of both Labrador and Newfoundland.

The Labrador coastal area, particularly the Strait of Belle Isle, was of immeasurable value to the British as a fishing area. The British had no interest in the area for settlement purposes. However, the history of the relationship between the Inuit and the Europeans in that area had long been marked by hostilities and bloodshed, presenting an impediment to resource procurement and trade for the British. Certainly, Inuit still inhabited the whole area on an ongoing basis. Governor Murray of Quebec, for example, described Inuit with their whole families fishing in the Straits area in 1762.

The historic record is replete with evidence of much hostility between the European and Inuit populations. Other than limited accords found between family or small groups (such as the Inuit family living with Basque traders), the evidence is that, from at least the murder of the Inuit chief by a French ship from St. Malo in 15881, contacts between Inuit and any European had the

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1 Edwin Bezzina, The Inuit of Southern Labrador and Northern Newfoundland, page 26 – Doc # 212
potential for violence. This led to the construction of forts by the French, petitions to the European powers for protection for merchants and fishers and armed vessels cruising the coast.\(^2\)

St. Malo fishermen requested in 1610 the right to arm themselves to protect against Inuit attacks. Similarly, the Northern Company (Dutch) encountered hostilities with Inuit in the Straits area in 1616. Inuit attacked the Basque in the Straits in 1625 and Samuel Champlain refers to the continuation of this conflict in 1632. In 1635, a tax was levied against the St. Malo vessels to protect them against Inuit attacks, a tax system which continued until the 1670's.

In 1741, the post at Cape Charles fired at the Inuit occupying the area. In retaliation, the Inuit returned and burned down the post.\(^3\) By 1757, the French post at Chateau Bay had been abandoned altogether as a result of continued Inuit aggression.

In response to these European incursions, the Inuit might, depending on the circumstances, either hide, attack or engage in trade.\(^4\) When hostilities escalated, the Inuit had the advantage of familiarity with the vast Labrador hinterland, to which they could retreat when necessity demanded.\(^5\) In the result, no significant non-material Inuit cultural changes occurred prior to at least 1765, and in many south/central Labrador areas much later.

By the time of the Treaty event in 1765, Inuit were more aware of the value and usage of European material goods but violence by Europeans against Inuit remained common.\(^6\) Peace and trade were core elements in the Treaty negotiations. By that stage, Inuit were using some European technologies in the same manner as the Europeans were, sailing shallops, for example. This does not mean that they had ceased to be Inuit; material cultural absorption was seen across Canada with every Aboriginal culture.

Although it helped,\(^7\) the Inuit Treaty did not cease European/Inuit hostilities altogether. British fishermen encounters with Inuit were not dissimilar to those of the French. In the period from 1763-1770, the English initiated a similar program of seeking expulsion of the Inuit from the Strait of Belle Isle.\(^8\) Despite this, British/Inuit encounters were not uncommon in that area. On August 14, 1765, Captain Hamilton received a letter outlining complaints from the Inuit of English fishermen stealing from them. Palliser’s writings from this time provide grisly details of atrocities committed on Inuit men, women and children by English, French and Americans.\(^9\)

In a letter to the Board of Trade and Plantations dated March 1766, Sir Hugh Palliser described some of these conflicts in Labrador by overwintering Newfoundlanders and traders from the Boston States:

\(^2\) Natalie Brewster, pages 32 – 37; Fornel diary of 1743; Edwin Bezzina, The Inuit of Southern Labrador and Northern Newfoundland, pages 22 - 25

\(^3\) Edwin Bezzina, The Inuit of Southern Labrador and Northern Newfoundland, page 27

\(^4\) James K. Hiller, Eighteenth Century Labrador; the European perspective, page 38 – In Doc # 213

\(^5\) Edwin Bezzina, The Inuit of Southern Labrador and Northern Newfoundland, page 10

\(^6\) Memoir of the Life of Br. Jens Haven diary, August 1764

\(^7\) James K. Hiller, Eighteenth Century Labrador; the European Perspective, page 45 – 46.


\(^9\) CO 194/16 Reel B-212
“In 1763, a brig named the Decoy, William Knight Master, belonging to New York, ...went to the coast of Labrador and met with a large tribe of [Esquimeaux]. After three days of traffic with them, they contrived to haul their ship close to shore where these poor creatures were encamped, who intending no harm...stumbled together to look at the ship, and several of them mixed with the English on board of her. [When] an appointed signal being given, they made a general discharge of guns, swivels and small arms amongst the [Esquimeaux], and of those on board, they stabbed and killed about eleven of them and took seven alive and put to sea. [Afterwards] reflecting on what they had done, and dreading a discovery, they made the seven who they had alive jump overboard with weights about them... .

Another time, "a winter’s crew caught a woman. [After] quarrelling and fighting about who should have her for their brutish purposes, they agreed to cut her into four quarters, and they did so."

Palliser was appalled at these atrocities and in the same letter he writes, “They are not worthy of that name (British subjects), they are a disgrace to Human Nature, they are a scandal to the country to which they belong.” In an effort to resolve these conflicts ‘and conciliate the affections of the savages’ Palliser implemented regulations demanding that British subjects treat the “Esquimeaux” fairly in trade, to be kind to them and to not quarrel with them or supply them with strong liquor.

None of this directed violence was sufficient to keep the Inuit from their own territory. Jens Haven recorded that in 1765 a large Inuit group comprising 100 kayaks, four boats, three umiaks and fifteen tents had crossed the Straits to Newfoundland to obtain wood for their darts. The continued presence of Inuit in southern Labrador is further substantiated by Governor Palliser’s concerted efforts to remedy British/Inuit relations, which he initiated during the 1765 Moravian expedition. The ability of the Inuit population to conceal themselves from European visitors for safety was experienced first-hand by Jens Haven on February 2, 1764, who saw Inuit on the shore, had them all disappear when he landed, only to re-appear as soon as he left shore. Haven himself narrowly prevented a massacre of Inuit by British at Quirpon in 1764.

If Britain was to have peace in the area, something clearly needed to be done to create a positive relationship with the Inuit. The Labrador area continued to be of intense interest for both France and the American colonies. Britain’s hold on the territory, and its vast economic potential, as against its European competitors was not secure. The country with the alliance with the Inuit would be the one with the ability to hold the territory against other non-Aboriginal claimants. Similarly, no European nation would be able to have reliable access to the territory without a peaceful relationship with the Inuit.

In the following years, the British encouraged trade activities for the large Inuit population around Charles Bay to be centralized at what came to be called Truck Island. This is the same Inuit group (some 400 to 500 men, women and children) which trades with Cartwright at Cape Charles six years later.

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11 Memoir of the Life of Br. Jens Haven diary, February 2, 1764
Similarly, in 1769, HMS Otter met peaceably with some 200 men, women and children at Henley Harbour. However, by 1772, the same vessel reports that she “fired a 6 pound shot at an (Inuit) shallop passing the Harbour”. In 1795, HM Sloop reports that she took on several families of Inuit at Temple Bay and by 1823, British vessels were relying on Inuit pilots to see them safely up and down the coast.

The Inuit Treaty of 1765

One of the central devices used by the English to seek peace and trade with Aboriginal peoples in North America was to enter into Treaty with them. This had been done with considerable success in Nova Scotia in 1760-61. The Lords of Trade were determined to try this same approach with the Inuit of Labrador.

In August, 1765, after a year of preparatory meetings, Sir Hugh Palliser, Governor of Newfoundland, entered into a Treaty with the Inuit of south and central Labrador. Hundreds of Inuit gathered at Chateau Bay to meet with the Governor, responding to a request sent by the British the year before through a Moravian missionary. These Inuit met with Governor Palliser, assisted by Moravian translators, in Treaty Conference over a number of days.

The Treaty that was concluded brought the Inuit into a “peace and friendship” relationship with the British, protecting the British interests against interference from France or the American colonials. The British promised the Inuit that they would have the protection of the British Crown and would have Treaty rights, including those of self-government, harvest of wildlife and natural resources and a commercial right of trade.

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GOVERNOR PALLISER

Sir Hugh Palliser was the ranking sea officer and the civil governor of Newfoundland and the coast of Labrador. He had the right to accept surrender and peace terms and he had the authority to administer the territory that fell within his jurisdiction.

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13 Examples include: HMS Grenville, 1772, Edward Tompkins, Review of British Admiralty Records, ADM 51/4206; HMS Guernsey, 1765, ADM 51/4210 and ADM 52/1266; HMS Otter, 1772, ADM 52/1387; HM Sloop Nautilus 1769, ADM 346/14/33; HM Sloop Pluto, 1797, ADM L/P 144.
14 Edward Tompkins, Review of British Admiralty Records, ADM 51/663 – Doc # 204
15 Edward Tompkins, Review of British Admiralty Records, ADM 51/1213
16 Edward Tompkins, Review of British Admiralty Records, ADM 51/3356
In 1763, Britain began to re-organize its North American territories and, as part of that process, placed the “coast of Labrador” under the government of Newfoundland. Britain wished to ensure that English fishermen were given every opportunity to participate in the northern fishery, and were not shut out by the French or kept away by fear of the Inuit. The new British Labrador policy was put into operation through the Instructions to Governor Palliser on his appointment in 1764.

Article 13 of Palliser’s Instructions of 10th April 1764 instructed him to report to the Commissioners for Trade and Plantations whether fortifications or other establishments should be erected to protect the fishery or to carry on trade with “Indians residing in or resorting to the said Islands or inhabiting the Coast of Labrador.”

Article 14 instructed Palliser to prohibit people from other countries from trading with the Eskimo and “to use your best endeavours to conciliate their Affections, and to induce them to Trade with our Subjects, reporting to Us, by our Commissioners for Trade and Plantations, the best Account you can Obtain of the Number of the said Indians, the places they frequent, the nature and extent of the Commerce that is or may be carried on with them, and how the same may, in Your Opinion, be further extended and improved.”

Palliser’s legal authority came from both these instructions and from his Commission. As Commander of the Convoy and as Governor, he had the right and the duty to ensure British law was enforced and policy implemented. He remained a career officer during his time in Newfoundland, being awarded for his successes by a promotion to Admiral.

**Events Leading up to the Treaty**

Governor Palliser had been instructed to make peace with the Inuit and bring them under the protection of the British Crown. On July 1, 1764, Governor Palliser issued a Proclamation to the residents of the Island of Newfoundland that they were to cause no harm to the Inuit and advising that he was seeking to induce them to enter into Treaty with Britain. He then engaged the help of the German Moravian sect who were fluent in the Inuktituit language, learned in Greenland, and who desired to establish settlements amongst the Inuit and convert them to Christianity. By letter of September, 1764, Palliser advised his superiors in London of his intention to rely upon the services of the Moravians for the purpose of seeking a Treaty with the Inuit.

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17 James K. Hiller, Eighteenth Century Labrador; the European Perspective, page 42. – In Doc # 213
One of the Moravian brethren, Jens Haven, travelled to northern Newfoundland and Chateau Bay in Labrador in 1764. During his time on the Labrador coast he was in constant conflict with the British fishermen who were accompanying him, who were shooting at Inuit before Haven could speak to them. He also spent some time in an effort to avert a conspiracy for these sailors to return to Labrador and kill Inuit. Conflicts notwithstanding, on that voyage, he met with Inuit at Quirpon (“Ikeraitsak”), Newfoundland, a traditional gathering place for Inuit who used the wood from the island (“Ikeramiklua”) for their darts. During that meeting, after he was able to calm the initial fright of the Inuit, Haven explained to them in Inuktitut that Governor Palliser, on behalf of the British King, wished to enter into peace and friendship with their Nation.

The Inuit had come to Ikeraitsak to meet the French captain and trader Galliot, and were surprised when Haven spoke to them in their own language. They responded to Haven in broken French. Haven told them he wanted to speak in their language, and proceeded to change into his Greenland Inuit clothing.

Haven conversed with them and exchanged presents. Haven offered to trade, but the Inuit had nothing to exchange. Haven took aside six of the Inuit and read to them a letter given to him by Governor Palliser that expressed “the good intent of the Government towards them and wished they would be partakers of such great Benefits.” Haven offered them the written document but they were afraid to take it because they thought it was alive.

On September 6th, 1764, more Inuit gathered and expressed a desire to show Haven to their families. They asked if it were true that he would return next year. Haven said he would, but that he feared they would kill him as they had done to the Moravian brethren at Nisbet Harbour years earlier. The Inuit promised to do Haven no harm.

Haven returned to St John’s on 27th September and reported to Governor Palliser on the productive nature of the encounter. The Moravians were encouraged on the prospects of establishing a trading mission in south/central Labrador. The British were similarly encouraged about the prospect of entering into Treaty with the Inuit. Each began to plan for the Treaty Conference for the following year.

**Preparations for the Treaty Conference**

In May of 1765, four Moravian brethren, Jens Haven, Christen Larsen Drachardt, Andreas Scholoezer and John Hill, left Spithead in England, bound for Newfoundland. They arrived in Croque Harbour in June. They then boarded the frigate Niger on July 16th and arrived at Pitt’s Harbour, Chateau Bay, the following day.

The original intention of the Moravians had been to explore the coast together to find a suitable settlement site. However, Governor Palliser gave orders that only two of the missionaries, one who was able to communicate in Inuktitut and the other in English, were to accompany the schooner Hope up the coast. Despite Moravian protests, the British intent prevailed and it was decided that Haven and Schloezer would travel in the Hope and examine the coast, while Drachardt and Hill would remain in Chateau Bay.
Haven and Schloezer embarked in the schooner Hope and went as far north as Davis Inlet. They did not encounter a single Inuit, or any evidence of Inuit occupation, in the Davis Inlet area, despite a six week effort.

Governor Palliser sent the remaining two Moravian brothers to Southern Labrador aboard the Brig Niger, with Sir Thomas Adams in command and a crew of 220 sailors. They arrived at Chateaux Bay and anchored in Pitt’s Arm on July 17th. On August 8th, Governor Palliser’s flagship brig, the Guernsey, joined them at Pitt’s Arm, flying colors, with a crew of 350 men.

This was an impressive array of military force in Chateau Bay. Two warships, with 570 men, demonstrated the respect that the British had for Inuit military capacity. It also portrays how seriously the British took this opportunity, sending the military Governor of the colony and such important vessels to give the proper sense of “pomp and ceremony” to the occasion. From the date of the arrival of the Niger, the British spent over a month in the effort.

The Inuit had themselves spent the time between the September 1764 meeting with Jens Haven and the July 1765 arrival of the British getting ready for this event. Although it was usual for many Inuit to be in the area each summer, this time there were more than 300 Inuit present and, instead of being aggressive and defensive, they were ready to negotiate.
This process tells us a number of things about Inuit social structure of the time:

- Inuit society was a relatively “flat” social structure, without standing or pre-designated officials;
- Inuit were sufficiently organized as a society to be able to receive the invitation to attend this event in 1764, spread it by word of mouth in their district, gather internally to decide what to do about it, and to show up in great numbers at the same place and time the following year with a single generalized (and peaceful) intent;
- Inuit saw themselves as organized by district;
- Inuit in south and central Labrador saw themselves as a single collectivity, with shared interests, language and goals;
- Inuit in south and central Labrador saw themselves as distinct from a collectivity of Inuit who inhabited northern Labrador and northwards into Greenland;
- Inuit lacked a tradition of using delegates nominated at assemblies held ahead of time to act as formal ambassadors;
- Inuit do not appear to have had a pre-existing treaty-making tradition, protocol or ceremonial;
- Prior to this event, the Inuit had sought to deal with relationships with ‘others’ through a combination of aggression and avoidance. This had been a successful strategy for hundreds of years but was not working anymore because Europeans were coming to the area more often, were sometimes staying year-round and had superior technology in warfare. The Inuit had decided that some other new strategy should be attempted to interact with Europeans;
- The treaty conference lasted over a number of days. The Inuit would have been gathering by themselves in between sessions with the British to talk through, incrementally, how to handle what the British were saying and doing;
- The Inuit present at the Treaty conference included individuals with high prestige and leadership skills and experience but decisions would have been arrived at through consensus;
- Inuit society was non-authoritarian, independent-minded but consensus-oriented.
- Spokesmen were selected from the internal Inuit gatherings to meet with and respond to the British. They would then report back to the next Inuit gathering held that day or shortly thereafter on what had transpired and what to do next;
The Inuit did not have a tradition of writing or experience with the writing by Europeans. The Inuit shamanistic belief led them to see the ability of the piece of paper to make a man “says what it says” as being the equivalent of a spirit taking possession of a shaman and speaking through him. This led them to be nervous of written documents;

Inuit had become interested in a more steady and predictable access to European trade goods and sought to stabilize that supply;

At the end of the treaty conference, the Inuit present would have gone back to their resource areas in south and central Labrador and engaged in the process of disseminating the results of the treaty with others, to explain what happened, and to decide what next to do about it.

Palliser's main intent was to have the Moravians serve as his interpreters and communicate for him with the Inuit. He arrived in Chateau Bay on 8 August and used the services of Drachardt as an interpreter.

The Moravian missionaries had their own agenda in these meetings. They wished to establish their credentials with, and usefulness to, Britain so as to be permitted to set up a trading mission in Labrador. At the same time, they did not wish to encounter the same unfortunate result as concluded the first (failed) mission post at Nisbet Harbour in 1752. In turn, Britain wished to find some way to keep the Inuit off the island of Newfoundland.

In conversations with John Hill, Palliser expressed the hope that a Moravian settlement north of Chateau Bay would become a reality and that the Moravians might help in persuading Inuit living in Newfoundland to join their fellow Inuit in Labrador. The location of the settlement, Palliser insisted, would have to be "between the borders of the Hudson's Company up to 30 leagues from here [Chateau Bay]." The Governor thought that the location of the first settlement of 1752, Nisbet Harbour, might be suitable.

When Palliser left on September 1st, he had hopes for the containment and pacification of the Inuit in Labrador with the help of the Moravians, whose missionary intentions he intended to support wholeheartedly in England.

From the beginning, Moravians intended that the 1765 trip would explore the viability of a settlement and determine the exact location where such could be established near a concentration of Inuit but at a sufficient distance from European activity. This desire of the Moravians was motivated by religious reasons but coincided with Governor Palliser's intent to establish a ship fishery in Labrador and engage in peaceful trading relations with the Inuit at a safe distance from them. In order to determine the exact places of Inuit habitation, the missionaries "spoke with them about their living places, in order to gain some certainty ..."

For the Moravians, it was important to establish where these Inuit were from. As a result, upon the return of Haven and Schloezer from their disappointing northern voyage, concentrated efforts were made by the brethren to ascertain the settlement locations of the Inuit. A detailed geographical map, with accompanying demographic data, was carefully obtained.
Details of these events can be found in the German journal, which differs significantly from its English translation in that it is considerably larger in content and reflects without self-censure the thoughts of the missionaries, which were at times quite critical of the English authorities. This procedure of having two versions of the journal, one publicly available and one private, was also the case with Jens Haven's 1764 trip, where he made available a version to Governor Palliser and kept a separate private journal. The Moravians completed an edited version of their larger journal for Governor Palliser and the British authorities, which can be found in the Colonial Office records under the title: "Account of the voyage of the four Missionaries sent by the Unitas Fratrum to the Esquimaux on the Coast of Labrador, and under the protection of his Britannic Majesty. From the month of May to November, 1765."

A shortened version of the diary was printed in A. M. Lysaght, Joseph Banks in Newfoundland Labrador, 1766: His Diary, Manuscripts, and Collections (Berkeley: University of California Press, 1971), 181-221. The English, abbreviated version of the separate diary of Jens Haven and Andreas Schloezer from their northern exploration journey was never published by Lysaght but can be found in the Colonial Office.

This geographical map is the result of detailed Moravian inquiries. The history of its data collection can be reconstructed from the German journal, which makes it clear that Drachardt obtained most of the data, with Haven helping him, while Schloezer seems to have been the cartographer behind the map and perhaps also the coastal profiles. John Hill, the native English-
speaker, had a supporting role and served as liaison with the governor and the English naval authorities.

On 18 August, Drachardt had gone on shore 11 leagues from Pitt's Harbour, where there were about 300 Inuit, 50 of which he eventually gathered around him to hear him preach. On the following day, he had encountered Inuit before rounding the cape near Charles Bay.

On 21 August, one of the main treaty conference events was held, with Governor Palliser expressing the British benevolence toward the Inuit, promising that the British would not take anything from them except what they desired to trade, offering them the protection of the British King and delivering them the “Articles”.

On 23 August, 26 kayaks were met and Drachardt communicated Palliser's request that the Inuit should trade only with the English and not with the French.

On 26 August, Drachardt met with 100 Inuit near Charles Bay and asked them where the Moravians should build their settlement. He was told that they should build it at Kikertak (Kikertet).

On 27 August, he posed a number of questions drawn up by Palliser to the Inuit and obtained the Inuit names for Quirpon, Ikeraitlsak, meaning "a small passage," and Newfoundland, Ikeramiklua.

Drachardt obtained at that time names and number of houses, namely 2 houses at Kikertak, 10 houses at Nuneinarmik, 2 houses at Aviktume, and 10 houses at Arbaktok. The English translation of the Journal offers the added information that Nuneingame was the regional Inuit name for Esquimaux Bay and Kikertet the Inuit name for Mille Isles and that the houses were situated "on the Islands of which there are a great number at both places”.

Some indication was provided as to the relative distance between the Inuit habitations and Chateau Bay. The German journal states that it took Inuit 20 days to travel, which, however, seems to have been a slow movement south "in short stages," since the journey could be accomplished with good wind and weather in 3 or 4 days. This distance is contained in a conversation of 5 September in response to the question of how long it would take for European ships to sail to the places of Inuit habitation. The answer was "2 or 3 days."

Further information as to the nature of the land where the Inuit reside divulged that it was an area of many barren islands, but with a large harbour on the mainland nearby, where also some trees could be found.

On 5 September, Segullia explained to the missionaries that his house was "in the mouth of a fjord" near a "great island," with three islands situated on one side and 6 on the other. The most substantive conversation regarding Inuit place names, which also sheds some light on the process of how the information was obtained, seems to have taken place after the return of Haven and Schloezer from their trip north and involved both Drachardt and Haven.
On 12 September, on an island eight miles from Chateau Bay, the Moravians had an opportunity to inquire about the area where Inuit resided. The information they gained led them to identify the fjord in the north with Esquimaux Bay. Here Inuit "went to hunt for reindeer, carried their kayaks across land, and then went again into a large fresh water" (presumably through Flatwater River to Lake Melville via the Backway). The fjord was bounded on the north side by Arbatok, where Sekullia (Segullia) lived.

The missionaries were quite certain that this fjord was the same that the French had already identified and mapped. "They [the Inuit] described for us everything so clearly," the journal notes, "that we seriously believe that it is the fjord that the French call Kessessakiou or Esquimaux-Bay, and [which] lies in ca. 54 degrees Northern Latitude], south of Nisbet Harbour." At the same meeting, they were also told that Nuneiiiguoak had 10 houses, with a passage north of it. On 16 September, Haven "received confirmation that the fjord in which they live is the one that lies south of Nisbet Harbour."

Having concluded that Esquimaux Bay was the location with the greatest Inuit demographic concentration in the south, Drachardt inquired on 18 September about its Inuuktut name and the names of the islands in its mouth. The answer was that the Inuit named this fjord Kangertlorsoak and the islands in its mouth Kisseksakut. The latter gave the Moravians renewed "reason to believe beyond any doubt" that the fjord was identical with the location that the French called Kisseksakiou.

On 19 September, when people from three kayaks came on board, Drachardt and Haven showed some of them the map they had. They confirmed for Drachardt what he had been told the previous day. One of them agreed with what Drachardt had noted the day before and supplied additional information about a small island, Attaniak, near the larger one in the mouth of Esquimaux Bay, where there were 10 houses.

At the same time Drachardt obtained yet more names for islands and additional information about subsistence and hunting, that "in the middle of the fjord there is always an opening because of the stream. The whales come up to the inside of the large island, also the cod and the Kassiake [seals]. On the mainland are large and small trees, like in Chateau Bay."

The following day, on 20 September, Haven entered into "a long conversation" with Inuit and "received a clear notion of their land and where their houses are" and recorded yet more "names of the islands and the mainland, where they live."

Drachardt supplemented his own journal on 21 September information about personal names, linguistic differences between Greenlandic and the Inuit language of Labrador as well as a number of "Inuit dwelling places" between 54N and 55N degrees, namely, Kikertak, with 2 houses, Nuneingnamik, with 10 houses, Aviktume, with 2 houses, and Arbaktok with 10 houses. Demographic data was also obtained by the missionaries. Drachardt was told on 27 August that 300 Inuit had come south to trade and a similar number remained at home. Drachardt expressed the assumption, based on this, that 600 Inuit lived south of Davis Inlet.
When the Moravians handed Palliser their map on 5 October in St. John's, they also discussed Labrador Inuit population figures. They told him "that the Indians [Inuit] south of Davis Inlet were ca. 600 strong, but in the north perhaps even more numerous, who, however, had no good relations with the others [in the south] "...

Haven estimated that in the area mapped between 54 and 55 degrees, 600 to 1,000 people lived. He computed from the 1765 observations an estimate of 30 - 50 houses in that area.

The statistics for Inuit houses in the German journal, Haven's map commentary and the map are as follows.

<table>
<thead>
<tr>
<th>No. of Houses</th>
<th>Journal</th>
<th>Commentary</th>
<th>Map</th>
<th>Pages</th>
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<td>Akuliartok</td>
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<td>Kikertak</td>
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<td>Nuneinar[gn ]mik</td>
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<td>Unaktorsoak</td>
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<td>islands, mouth</td>
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<td>unnamed island</td>
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C = "Kortzer ercklerung iiber die bey folgende Carte so wohl als die Reisse nach labrador 1765," [Short Explanation about the Enclosed Map as well as the Journey to Labrador 1765], Unity Archives, Hermhut.

The Journal shows the careful process the Moravians followed in obtaining the data. Drachardt's questions about Inuit locations north of Chateau Bay were sometimes asked in connection with the queries that Governor Palliser wanted to have answered by the Inuit. But the description of the conversational narrative shows that sometimes answers were obtained in response to a more direct inquiry, such as the query: "Where do you have your tents, whips, lamps, boxes and other furniture?" Upon which he received the answer: 'They are in the north with our houses."

Their inquiry about locations specifically sought information regarding "fjords and passages" and employed the use of maps in identifying and verifying locales.

On 18 September, after Drachardt had obtained the Inuit names for Esquimaux Bay and the islands in its mouth, the Moravians "drew this fjord roughly according to a French chart in order to test whether the Indians [Inuit] understand it.” Drachardt, Hill and Sir Thomas took this map to the tents of the Inuit and showed it to the assembled men who in turn verified it with their own mental maps.

According to the German journal, the Inuit "recognized immediately that the fjord is the one where they live. And one of them said: I live here, and another one: I live on this island." Drachardt "noted the names of all the islands" and visited other tents that were 15-30 minutes distant from the ones he had previously visited. The latter was a location where he and Haven had stayed overnight with Sekullia.

Drachardt reminded Sekullia of a conversation that he had with him previously and a map that the Inuit leader had drawn for him on stones:

\textit{When I slept with you, you showed me on these stones that in the mouth of the fjord where you live there is a large island, and on the one side of the same [are] 3, on the other [side] are 6 islands. Look, here I have sketched it, is that correct? He and the men said: Yes, yes, such is our land.}

Drachardt then "asked him to tell him slowly each island, one after the other." The diary notes that Sir Thomas's doctor, who was also present, "repeated for Br. Drachard what he could not hear himself". The result was that he obtained the names of 10 islands, one with 10 houses, another with 6, and others with 4 and 2 each. He also was shown on the map "where the ships have their harbour" as well as "the freshwater in the country, where salmon are; the oil, where they hunt for reindeer on the mainland." Glad about the additional information, the Moravians later "augmented their map and formulated questions so as to obtain on occasion even more information from them."
Drachardt was initially surprised that he could communicate with the Inuit at all, as were his conversation partners. The journal states that the Inuit "were surprised and glad that Brother Drachardt was able to speak with them, and Br. Drachardt rejoiced all the more about it when he later came to think that they have the same words as the Greenlanders, but as that nation are at least 500 years separated from them, there could have been such a great difference between their language that it might not have been possible for him to express himself clearly."

Despite this communicative success, there were also linguistic difficulties, which surface especially in connection with Palliser's questions that Drachardt was to ask of the Inuit. He expressed some caveats to the governor about his ability to communicate when he told him on 22 August that he was "not perfect" in the language and had only agreed to come along on the trip in a hurry when no other brothers could be found who were "perfect" in the language.

Although Drachardt had carried out active language studies with Hans Egede and used Inuktitut in Greenland for 14 years as his primary language of conversation, he had, by his own admission, now been "in Germany for 14 years and forgotten most of it." He also told the governor that the Greenlanders and Inuit of Labrador, having been separated for 400-500 years, had a considerably different vocabulary and pronunciation.

He had noticed "that the Esquimaux call many things differently than the Greenlanders. Their pronunciation and use of the tongue is entirely different." His strategy in communicating Palliser's wishes and queries had been to use the language in such a way that he could ascertain from the response whether it had been understood. He found it obviously difficult to express Palliser's thoughts and questions, but despite these difficulties and caveats, he was happy that it had gone as well as it had.

Throughout their encounter, Drachardt and the Inuit were quite conscious of the difference between Greenlandic and Labrador Inuktitut. Drachardt even listed some of these differences in a comparative word list that is included in the German journal. The Inuit were quite curious and wanted to know even minute differences in counting and also how a variety of words differed from their own language. Drachardt concluded that "with some words there is only a small difference, but others were entirely different."

Given these limitations in using the language, it is not surprising that some toponyms on the map would exhibit deficiencies in transcription and even linguistic interference with Greenlandic. But the journal's documentation of obtaining the place names demonstrates that the place names the missionaries obtained were authentic Inuit names, however deficient their transcription.

Haven remained somewhat in the background as far as communication with the Inuit was concerned, although he had originally established contact in 1764 because of his effective use of Greenlandic. He had a more recent exposure to the language but considerably less experience with speaking it. Haven had only used Greenlandic for five years and would never develop true fluency in Labrador Inuktitut. His greatest asset in relating and communicating with Inuit was his non-verbal communication, his ability to adopt Inuit demeanor and gestures when speaking.
Andreas Schloezer, the scientifically-trained Moravian on the trip, was likely the individual behind the drawing of the map. This appears in light of the response to Sir Thomas's query of 20 July 1765 whether there was any individual among the four Brethren who could draw. Haven answered that one of them had learned to draw but was without practice for many years. When Sir Thomas then lent the Moravians his map for practicing, it was Schloezer whom the journal on 22 July records as copying a map of Newfoundland. Thus it appears that the cartographer of the trip was Schloezer, although it was Haven that signed the two-toned manuscript map and wrote the commentary on it.

After their return to St. John's, the Moravians met with Palliser on 5 October and "gave him a map of the Bay, where the Inuit live, with the Indian [Inuit] names of the islands and the land." During the conversation Palliser "asked for the meaning of the names in English." To accommodate this request, they gave Palliser on 11 October an English translation of the Inuktut place names on the map. At the same time, John Hill also supplied him with a map of Davis Inlet. During yet another meeting, on 18 October, Palliser told the Moravians that for the sake of clarity he intended to have the map they gave him enlarged.

The map commentary answers some questions about the composition of the map and confirms what can be gleaned from the journal. Drachardt was, according to Haven, the key person who recorded the names.

The Moravians, according to the map commentary, based their confidence about settlements in and near Esquimaux Bay both on the experience of the brethren "that no one lived in Davis Inlet and thereabout, since we had already looked about everywhere" but also on the interviews they had conducted with Inuit and which are documented in their journal and discussed above.

Haven felt "reliably assured" that some lived in Kangertlurksuack [sic]. To explore the specifics about Esquimaux Bay as a prime concentration area of southern Inuit, they "undertook every imaginable effort to find it out." Even a control map of Davis Inlet was used in the process. Haven recounts his and Drachardt's stay with Segullia, where "I and Brother Drachart, we spent most of the same [night] by showing them a map of Davis Inlet, which I had in a writing tablet." But the Inuit denied that this was their land and when he drew the larger fjord in the south that was Esquimaux Bay, "they said, yes, this may be it, [and] started to draw on the stones how the fjord ran and how the islands were situated, and we were pretty well assured that it was this fjord."

Later, they had taken "a rough chart of this fjord, and as soon as the Indians [Inuit] saw this, they said, this is our land, and we succeeded gradually to find out the names as well as the nature of this place, which made us very happy." Haven then located the fjord "between 54 and 55 degrees," estimated that the entrance was "probably 6 German miles [45 km] wide and at least 14 [105 km] and perhaps 20 miles [150 km] deep." The populated area was a district of "perhaps 20 miles [150 km]." He felt that the spatial subdivision of the district could be compared with four European counties, which comprised:

- Nuneinguak, the pleasant lands, this includes all the islands at the mouth of Kangertlorsoak or the large fjord;
- Arbatok (place of whales), this is all the islands on the south side of the fjord as well as the mainland to Puktuallik;

- Auviktome or departure place is the bay before Igiak, including the islands up to Kikkertet as well as the mainland;

- Kikertet [sic] or the many islands, which all go by that name, just like Kikertarsolitziak in Greenland [where] the whole fishing fjords including rocks go by that name.

- At these four places, more than 600 reside, and I would say 1,000. Besides the four main names [of places], they have given almost each island and cape another name, and in order to establish several places for our future mission, if the savior wants it, we have made every effort to determine where they live as well as the situation of each individual place. I have thus marked in Red all the islands as well as the land where they live on shore and put a number on it how many houses are in each place. It amounts to 31, but if I had considered the houses [where] no one [is], it would have been 50.

The Inuit confirmed "that north of Nuneinguak (H on the map) there were no houses except in the far north." This he "took to be in 57 degrees," where a large population of Inuit lived, which according to the Southern Inuit whom Haven interviewed, had largely hostile relations with their southern kin. Murder was said to have been a common occurrence when the two populations met to obtain soapstone for the Southlanders. South of Kikkertet (M on the map), there were no longer any "Inuit houses".

There was some competition among the Inuit communities for the potential placement of a future Moravian mission-trading post. Some of the Inuit representatives argued in favor of a Moravian establishment at Kikkertet (Spotted Islands/Black Tickle area). Other Inuit representatives sought to convince the Moravians to settle in the Hamilton Inlet-Lake Melville area.

The Moravians complied with one further request by Sir Thomas, to seek to dissuade the Inuit families from traveling further south that summer and to return instead to their habitations beyond Chateau Bay. To this request, the Inuit reluctantly promised compliance.

The four Brethren left Pitt's Harbour on 30 September and returned to St. John's. At a subsequent meeting with Governor Palliser on October 5th, he was provided with a copy of the map and a description of the Inuit populations. Palliser recommended to the Moravians as a “good work” the establishment of good relations between the two hostile populations of Inuit. The Moravians concluded their trip by a return to London on 30 November.

In 1766, Governor Palliser ordered the construction of Fort Pitt at Chateau Bay, in an effort to dissuade the Inuit from continuing their occupation of the area. When this was not particularly successful, Governor Palliser called for a second treaty conference with the Inuit in July 1767, again in Chateau Bay. Some 4-500 Inuit, men, women and children, arrived and initially set up on Camp Island. On August 8th, they met again with the Governor and settled on Grenville Point.
and Whale Island to engage in trade and treaty renewal. The Governor did his best to again seek the concession of the Inuit to keep their distance from the British fishing operations.

Having established that Esquimeaux Bay had all of the features desired for the Moravian mission (a high concentration of Inuit and distance from competing Europeans), the Moravians were determined to establish their mission trading post in the Hamilton Inlet-Lake Melville area. By letter of February 11, 1769, the Moravians requested from Britain a land grant of a tract of land, constituting 100,000 acres, at Eskimo Bay.

In response, an Order in Council was issued on 3 May 1769 to James Hutton, Benjamin La Trobe, Charles Metcalf, John Edmonds, Holboum Brewer, Philip Hurlock, John Wollin, and Jens Haven and received in trust for the Unitas Fratrum and enabled the Moravians "to occupy and possess during his Majesty's Pleasure, one hundred thousand acres of Land in such part of Esquimeaux Bay on the Coast of Labrador as they shall find most suitable to that purpose in order to the Establishing a Mission and forming a Settlement there."

After receiving the land grant, another exploratory journey in the summer of 1770 and the input and personal preferences of Mikak and Tuglavina readjusted the settlement location from the Hamilton Inlet and Lake Melville area further north and resulted in so-called "purchases" of land from the Inuit near Cape Harrison and, subsequently, near Nain. This was quite satisfactory to the British, who wished to try to pull the Inuit as far north from their customary harvest areas as possible.

What do these exchanges tell us about the Inuit involved in the Treaty relationship?

- They considered the west coast of Newfoundland to be included in their territory;
- They wished to continue to inhabit Labrador in and below the Strait of Belle Isle;
- It would take the Inuit 2 – 3 days (if they did not stop regularly) to travel from their winter harvest areas to Chateau Bay;
- They had a deep and intimate knowledge of their territory;
- They were centered around the Hamilton Inlet/Lake Melville/Sandwich Bay area, but had a regular and wider resource utilization, including inland and other coastal and island areas;
- They knew where each other lived;
- They hunted fish, birds, sea mammals and inland mammals;
- They did not have good relations with the Inuit in the north. The two populations were distinct and hostile;
- They were very aware of, and interested in, dialect and language differences between themselves and the Greenland Inuktitut;
- The separation between the southern Labrador Inuit and the Inuit further north (in the vicinity of 57 N) was believed to have existed for centuries;
- The Inuit had toponyms continuously for places on the coast, exhibiting a holistic knowledge of the territory and an intention to control it, re-visit it and communicate to others about it;
The Inuit did not provide toponyms for the coastal area farther north, indicating a less-used buffer zone between the south/central Inuit population and the northern Inuit population;

The Inuit were familiar with the Davis Inlet area but were aware of no Inuit houses in that area, again indicating a less-used buffer zone area between hostile populations;

The southern nation had a total population in the vicinity of 600 – 1,000 people. Gatherings of 200, 300 and even 400 men, women and children at one place were not uncommon;

The Inuit territory in south/central Labrador was divided into four geographic subdivisions;

They were historically involved in trade up and down the Atlantic coast and to the island of Newfoundland.

The Treaty Event

In mid-August, 1765, in a significant legal and historic event, the Moravian Brother Drachart spoke to 300 of the Inuit in their own language and told them that the King of England was their friend. The Inuit were then invited to meet the Governor and carry on trade with the ships at anchor in Pitt’s Arm. The Inuit expressed a fear of being murdered by the British but were given assurances from the Brethren that they would come to no harm.

On August 21st, 20 kayaks, carrying Inuit representatives selected in internal assembly, traveled with Drachart to the Governor’s ship at Pitt’s Arm. The event was important enough to be recorded in a detailed artistic image and a close-up examination of the actual meeting with the Governor is likely depicted in this view of the treaty meeting;

Figure 5
Close up view from previous lithograph (Fig. 3) showing Inuit Kayaks approaching the Governor’s Vessel Guernsey at Antelope Harbour in Chateaux Bay as well as Inuit encampment during the Treaty conference.
The following extract is from a report written by the Moravian missionary at the event:

...As we came near Pitts Harbour we were met by the Governor, who returned with us into the Harbour surrounded by the [Inuit] Kaiaks. ... [Drachart] went on shore and called them to him, he formed a Circle round the Governor and then read to them the following Articles which the Governor had drawn up for the purpose:

I am glad to see you.
I observe you are suspicious of us & afraid to trust us.
You have reason to be so, I recommend it to you to continue to be on your guard till we are better acquainted; we will do the same.
Our King has heard that some Europeans coming to this Coast have treated some of you Ill & killed some of your people. He is exceeding angry at it.
He has therefore ordered that none of the people who did come here formerly shall ever come again.
He has sent me here to protect you & Mr Drachart to Instruct you.
For he loves you & will not let any Body do you harm.
I observe that you live together as Brethren & Friends as all good people do.
I desire you will observe that we do the same.
And we desire to be on the same footing with you as we become better acquainted.
For the same Great God that made you, made us & all things, and has commanded that we should all Love one another as Brethren, & not hurt each other, then we shall all be happy in this and the next World.
Tell me what Proof you wish to have of our sincerity?
I understand you have your Wives & Children with you.
I make you a present of a good Tent to shelter them from the Weather.
Our People have some things to Truck with you.
If you will let me know what things you want our people shall bring you every thing the next Year to truck for your things.
I will take care that our People take nothing from you but what you choose to exchange for something else.

I have only three things to desire of you:

That you do not come near our Houses & Ships in the Night.
That in the Day not more than 5. of you come at a time.
That you do not go to our Boats when afishing.

Upon this the Governor asks them many Questns the chief of which follows:

Will you now enter into friendship with us?
Will you Trade with us?
Shall there be an end to the stealing & killing?
Will you keep away from our Ship & Houses in the night?
Will no more than five of you come to our Ships in the Day?
Will you take care to do our Fishers no harm?
Will you come here with your Wives & Children?
Will you pitch your Tents some Miles off from the Ship?
Will you take Mr Drachart as sent by the King for your Teacher?

To every one of these questions they answered in the Affirmative, took Brother Drachart by the hand & said you are our Teacher.

Upon this the Present was distributed with which they were entirely pleased & upon his Excellency’s repeating the quest: If they would remain our good friends? Segullia, the Angikok, gave him his hand, call’d him Captain Chateau struck him on the Breast, kiss’d him & said we will remain your good friends. Thus, this to us weighty affair was happily concluded & hope that no imprudent conduct from the English for the future may induce the [Inuit] to look upon them otherwise than as their good Friends.”

The Moravian missionaries then proceeded to ask the Inuit the following predetermined questions provided by Governor Palliser.

“Questions proposed from time to time by the Missionaries to the Esquimaux Indians, with their answers:

1. What do they call themselves?

They call themselves as a People of Nation Caralit, they also by way of eminence in contradistinction to the Europeans Innuit (the Men) the Europeans they call Kaublunet. By this name they call themselves all along the Coast as far as 72 deg. North they know nothing of the name Esquimaux.

2. Are they numerous?

They were here this year about 300 & perhaps as many staid at home. By this we’d be understood to mean only those who live South of Davis’s Inlet, they tell us of Caralit who live to the northwd of the Inlet & its beyond all dispute that they are to be found in Hudson’s Bay, perhaps also in Baffins Bay, & we know certainly they are in Davis’s Straights & onwards along the Coast of Greenland to 72 degs.

3. From whence do they come?

Those who come here live at Esquimaux Bay which they call Nueingame [Hamilton Inlet area] & at Mille Isles they call it Kikkertet [Spotted Islands and area], their Houses are on the Islands of which there are great number at both places.

4. What is the nature of the Inland Country?

Inward in the Country are plenty of Trees but near the Shore its Barren, the Isles are also Barren. There are many Fresh Water Lakes.
5. **Of the Coast Harbours & Rivers near their Habitations?**

Please to look at the annexed Chart. [Plate 41 in Lysaght]

6. **On how many places do they live?**

These who come here have only the two above mentioned places.

7. **Do they know from whence they originally came?**

They don’t.

8. **How long were they in their passage hither?**

Twenty days, but they make short stages, one of them say’d if wind & weather favour’d him he could come here in 3 days.

9. **Have they seen any Europeans in their passage?**

They met one ship with which they traded but whether English or French they don’t know.

10. **What is the produce of the Country they frequent?**

The Sea abounds with Whales, Seals, small Cod, &c &c The Land – with Deer, Foxes, White & Black Bears, Wolves & doubtless other animals. In the fresh water they find plenty of Salmon.

11. **What is their employment in the different seasons of the year?**

In Winter & early in the spring the men are employed in catching Seals, Whales, Birds &c. In summer they hunt Deer, Fish for Cod & Salmon; they also catch Herrings with a small net. The men make the frames or wood-work for the Womens Boats & their own Kaiaks. They Women sew the skins to cover them with, they also make the Tents & cloaths, & does the Domestic Business.

12. **In what manner do they kill the Whales, Seals & Deer &c?**

They kill the Whales & Seals with Harpoons which stick fast in the fat; to the end is fastened a leather thong with a Seal skin blown full of wind; this tires the Creature to draw thro’ the water, as he comes up they repeat their strokes till the whale is quite spent. They then put on a dress of skins so boiant that they are from the middle upwards above the water; thus they surround him as he floats & cut & take away as much of the Whale as they think proper. Deer they wound with their Arrows and then hunt them down with their dogs. Fish they catch with Hooks & Lines as we do.

13. **How do they procure the Weapons they use?**
They truck Whalebone &c with the French or English for such things as they [need]. The Iron work they form themselves.

14. Can they preserve their Oil and Fish?

They have both, but only for their own use; the Oil they keep in Seal skins had they vessells they could procure large quantities. They split the Cod & dry it without salt.

15. How many generally come here?

Last year there came about 200 & this year 300, the same Indians don’t come every year.

16. How great may the whole number of them be?

We can’t learn anything certain with respect to their number.

17. Do they know of Indians inhabiting the interior part of the Country?

They speak of Caralit who live northward of them besides these they know of no Indians inland or on the Coast.

18. Do they trade with the Hudson’s Bay Company?

These who come here do not; but the Caralit north of Davis’s Inlet very likely do.

19. Have any French ships been off their coast?

They tell us a ship (we suppose French) frequently comes to Esquimaux Bay & trades with them.

20. Are there any Europeans among them?

None live among or near them. Our Brethren’s attempt in the year 1752 was the first & only one we hear of.

21. Do they seem fond of the Europeans being with them?

They do not. They are afraid of their irregularities with respect to their Women &c.

22. On what do they chiefly subsist?

Their chief food is cod, fresh and dry they also eat Seals, Whale, Salmon &c. They eat deer, Foxes & birds, we have seen them eat Dogs flesh, all these they boil when they’ve opportunity to do it if not they eat them raw.

23. How are they clothed?
Their clothing is chiefly Seal or Deer skins. The men wear a Jacket of seal skin close before like a shift it reaches to the middle of the thigh with a Hood like a Capuchin, they have Breeches of Dog or Bear Skin, they also wears Boots the hair side inwards. The women dress like the men except the Hood of the Jacket which is so large they carry their Children in it. Their Jacket has also a long flap which hangs down behind. Their boots are large beyond all proportion in which when they sit they place their child.

24. Have they any ore?

We have seen a kind of Marquisite among them which they use as a Flint, besides this, we believe they know of none.

25. What are the most proper things our Merchants should take to them to barter for their Whalebone, Furr &c?

Files, Rasps, Adzes, Saws, Chissells, Gouges, Gimlets, Draw-knives, Large Clasp-knives, Large Butcher like knives with sharp points, such half round knives as the shoemakers use to cut their upper leathers with, Augars, spike-nails, & other lesser Nails, needles square & round pointed taylers & womens thimbles scissars, hammers, Iron wire of different thickness Battoes or Shallops, Sail Cloth, Ropes, Cordage, Fish-lines and hooks, blocks, robes & everything thats necessary to rig a large boat with one sail, small sea chests, pewter plates, dishes, spoons, ladles, lead, large Iron or Brass kettles, small potts of Iron saucepans, coarse thick milled White Wollen Cloth with one side well raised. Their women are fond of beads of different colours, rings, combs (especially small teethed) Brass medals & counters. N.B. Strong Liquors they won’t as yet taste. Fire arms they would purchase at any Rate. May they never be seduced to like the first; nor our people so imprudent as to trust them with the latter.”

What Did the Treaty Mean?

The Treaty Conference between Palliser and the Inuit of south and central Labrador established a Treaty Relationship of Peace and Friendship with at least the following attributes:

- The Inuit promised to enter into “friendship” with the British and accept the British King as their Father. These terms were widely used in early British-Aboriginal treaty-making and have been accepted as formal treaty language. These terms seek to include the British into extended family relations with the Inuit.

- In turn, the British King took them under his protection and gave them the British flag as a sign of that protection and relationship. This brought the Inuit within an assertion of British sovereignty (although no effective Euro-Canadian sovereignty would exist for hundreds of years).

- The Inuit covenanted to bring to an end any stealing and killing.
The British promised that the Inuit would not be treated badly because the British King loved them and would not let anyone do them harm.

Each party agreed to live together as brethren and not hurt each other.

The Inuit were to have a right of trade with all the British subjects (rather than with the Crown or Governor himself), without danger of being hurt or ill treated. Palliser declined the gift from the Inuit to make it clear to both the Inuit and the British traders that the trade relationship would be direct between them, not with the Governor.

Each party agreed to bring things in the future to trade. The British promised that they would not take anything from the Inuit that the Inuit do not wish to trade voluntarily. This provides a Treaty right of commercial trade.

The British do not ask the Inuit to stay away from the area. In fact, they asked them to come, bringing their families with them. There was no surrender of the land and waters around the Strait of Belle Isle or elsewhere.

There was no discussion of land surrender by the Inuit. There was no discussion of British settlements to be made in Labrador.

There was no discussion of British regulation of the lives of the Inuit. The Inuit remained self-governing.

The Inuit accepted the Moravian Brother as a “Teacher”, to facilitate the growth and progress of this new relationship of peace and friendship.

The Inuit were to continue their way of life, with internal self-government. This implicitly promised continued access by the Inuit to those resources required for self-sustenance and the generation of economic surpluses for trade.

The Treaty protects and provides constitutional rights, including the right of self-government, the right of harvest of wildlife and other natural resources and a right of trade for commercial purposes.

After the Treaty was concluded, Palliser reported on the process to Britain and announced the achievement of the Treaty publicly. Governor Palliser proudly reported his Treaty with the Inuit to the Lords of Trade by his letter in March 19, 1766.

The Lords of Trade reported the Treaty to the British Privy Council on May 3rd, 1769, expressly confirming that the Moravians had been “deputed” by the British government and describing it as a “Treaty”.

Palliser returned to meet in Treaty conference with the Inuit again in 1767.
Britain acted on its Treaty covenants by instituting trading posts (including one intended for Eskimo Bay as a Moravian mission) for the Inuit on the coast of Labrador.

The Legal Status of the Labrador Treaty

In *James Matthew Simon v. R.* [1985] 2 S.C.R. 387, the Supreme Court of Canada held that the Mi’kmaq Treaty of 1752 was valid and binding on the Crown and protected Mr. Simon’s right to harvest for food, social and ceremonial purposes.

In *Donald John Marshall, Jr. v. R.* [1999] 3 S.C.R. 533, the Supreme Court of Canada held that the Treaties of 1760/61 were valid Treaties protected by section 35 of the Constitution Act, 1982 and contained a right of commercial trade to achieve a moderate livelihood. Mr. Marshall, an off-reserve Mi’kmaq from Sydney, Cape Breton, was acquitted for fishing eels with his non-native common-law spouse near Antigonish, on the mainland of Nova Scotia.

There are some similarities and some differences between the Nova Scotia Treaties and the Labrador Inuit Treaty. Firstly, the Inuit were not at war against the British as were the Mi’kmaq, so there would have been no need for the Lords of Trade to specifically instruct Palliser to sign a peace treaty. What was important in Labrador was to establish good relations with the Inuit – and Palliser would have had a free hand as to his method.

In the aftermath of the Seven Years War, the British hoped to establish a relationship with all of the Native peoples who had been French allies. Thus they continued the practice established through the early eighteenth century of “peace and friendship” treaties – which were not intended to cede land but to make those Natives allies and trading partners of the British and establish a peaceful relationship with them. Natives would thus be neutralized as a military threat.

In the Treaty of Paris (1763), France surrendered Cape Breton Island and Nova Scotia to the British. The Mi’kmaq met with the British to reiterate their commitment to peace in the Covenant Chain of Treaties and then took an oath of allegiance to the British Crown. They then negotiated terms of trade, etc. in the Treaty upheld by the Supreme Court of Canada in *Marshall*.

The French also surrendered certain, but not all, claims to Labrador in the Treaty of Paris (1763). Although the Inuit were not French allies in the way the Mi’kmaq had been, the Inuit had been trading with the French and for this reason the British would have worried about their being under French influence. Acts of theft and revenge had also made the coast of Labrador a dangerous place for an English fishery, and Palliser hoped to encourage an English-based migratory fishery on the coast of Labrador which would train Englishmen in seamanship and then make them available to be pressed into the Royal Navy in time of war. So it would have been to the advantage of the British to both discourage contact between the Inuit and the French and to put an end to the cycle of abuse and revenge between Europeans and Inuit.

As was the case in Nova Scotia, the Board of Trade did not provide detailed instructions to Palliser as to how he was to treat with the Inuit. General instructions were sufficient, leaving flexibility and freedom of action for the governor.
The test for determining whether an official had the capacity to treat with Aboriginal nations adopted by the Supreme Court of Canada in *Sioui v. Quebec (Attorney General)* embraces a contextual approach, the key inquiry being whether it was reasonable for the Aboriginal people to believe that the official had the authority to treat with them, not whether the official had actual authority to treat.

To arrive at a conclusion that a government official had the capacity to enter into a treaty with the Indians, he or she must therefore have represented the British Crown in important, authoritative functions. It is necessary to take the Aboriginal point of view and to ask whether it was reasonable for them to believe, in light of the circumstances and the position occupied by the party they were dealing with directly, that they had before them a person capable of binding the British Crown by treaty. 18

On this basis, the Court in *Sioui* concluded that it was reasonable for the Huron, whose traditional territory was found within the colony of Quebec, to believe that the treaty they concluded with General Murray, a brigadier general in the British Army, was binding on the British Crown. Similarly, it would have been reasonable for the Inuit of Labrador to believe that Governor Palliser had the authority to treat with them on the British Crown’s behalf (as in fact he did).

The case law is clear that what constitutes a section 35 “Treaty” is not restricted to formal bilaterally-signed treaty documents. Rather, the courts have adopted a flexible and nuanced interpretation of what can constitute a treaty. The leading authority on this principle is the British Columbia Court of Appeal in *R. v. White and Bob*, cited with approval by Supreme Court *R. v. Simon*:

...“Treaty” is not a word of art and in my respectful opinion, it embraces all such engagements made by persons in authority as may be brought within the term “the word of the white man” the sanctity of which was, at the time of British exploration and settlement, the most important means of obtaining the goodwill and co-operation of the native tribes and ensuring that the colonists would be protected from death and destruction. On such assurance the Indians relied.

This principle was applied by the Supreme Court in *Sioui*, supra, to find that a memorial signed by General Murray, evidencing the basic topics covered in a lengthy treaty conference, sent to his superiors, was sufficient to constitute a treaty.

The Inuit Treaty did not involve the bilateral execution of a document. Palliser would not have sought a signature on a Treaty document due to the very negative reaction that Haven had encountered with the Inuit the year before. Palliser had transcribed Jens Haven’s account from 1764 in which Haven had reported that the Inuit were fearful of taking a piece of paper with writing on it:

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I offer’d to give them that Writing given me by your excellency. They was afraid to take it they thought it was alive because of my reading it and I was not able to persuade them to take it from me.

The principle that an executed document is not required was further endorsed by the New Brunswick Court of Appeal in *R. v. Polchies*, in its decision that the verbal agreement reached between Superintendent Francklin and the Mi’kmaq at Miramichi on September 24, 1778, constituted a treaty:

*This court finds that the agreement of September 24th, 1778, was and is a treaty ...*

The treaty in question ended a war with the British and gave notice to the American rebels that war with them was imminent. As one of the considerations for joining the British, the Indians were provided with their own priest. In addition, they were each presented with a gift of one pound of gunpowder. The Indians in return returned certain other articles seized during the war (including three swivel guns) and entered into an oath of allegiance to the King. It is of vital import that this oath was drafted by the British and that they included the phrase “but that I will follow my hunting and fishing in a peaceable and quiet manner”.

The whole transaction can hardly be viewed other than as a treaty entered into to end a war, with both sides giving assurance one to the other, and both sides represented at the transaction by the top echelons of their respective commands. Surely the Indians in making their solemn oath of allegiance also had the subjective belief that their hunting and fishing rights (which had previously been interfered with by the American rebels) would be continued in the same peaceable and quiet manner as was the case before the war.  

All of the Treaty ceremonials with the Inuit took place in circumstances where officials, on behalf of British Crown, were seeking to secure peace with the Inuit, be it to assure Inuit friendship, or at least neutrality, in the face of invitations from the French or Americans, or to pacify unrest in the Inuit engendered by British incursions on their fishing territories. These were very serious circumstances and the solemnity with which the parties approached these agreements cannot be doubted.

The assurances, ceremonies, and gifts that were exchanged would have impressed upon the parties the consequence of the agreements reached. The treaty ceremonials constituted treaties from the perspective of the Inuit, as well from perspective of the British officials.

The Inuit Treaty was entered into with the King of Britain, through the office of the Governor. Newfoundland was part of the British Empire. Upon Confederation, jurisdiction over relations with Aboriginal people passed from the British Crown to Canada. As a result, Canada, and its provinces, inherited the Treaty relationship with the Inuit from the British. The Inuit Peace and Friendship Treaty is binding on the Dominion of Canada and on the Province of Newfoundland and Labrador.

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The Inuit Treaty of 1765 is a valid, binding and enforceable Treaty and it is constitutionally protected under section 35 of the Constitution Act, 1982.

**The Beneficiaries of the Labrador Treaty**

The current holders and beneficiaries of the Labrador Inuit Treaty are the Inuit descendant communities of the NunatuKavut Community Council Inc.

The Inuit of south/central Labrador entered into a Treaty relationship with the Crown that is now protected by section 35 of the Constitution. Our communities are the modern day holders and beneficiaries of that Treaty and the only claimant thereto. The Inuit of northern Labrador never entered into Treaty with the British.

The 1765 Treaty protects the rights of Inuit and their descendants to harvest wildlife and to utilize the natural resources of their territory. It recognized their Aboriginal Title to their land and their right to be self-governing within their territory. These rights are now held and possessed by the NunatuKavut communities as a gift of the Creator and their ancestors for their children’s children forever. The significance of this Treaty must now be recognized and accepted by government and processes instituted immediately to implement these Treaty rights.

The continued and unaltered occupation of this territory has persisted through time. By the late nineteenth century Inuit were still living at and harvesting the resources of Pitts Arm, the very site of the 1765 Labrador Treaty.

*Photo from the collection of Rupert Baxter taken at Pitts Arm (Chateaux Bay) in 1891 showing an 'Esquimaux Hut'. This sod house site is but several hundred meters of the 1765 Inuit Treaty site.*

*Picture from the collection of the Labrador Institute, Memorial University*
The depiction of the Inuit encampment at the 1765 Treaty event is less than two kilometers from the sod house pictured above from 1891. In 2010, members of NunatuKavut have properties at the site of the 1765 Inuit Treaty. The occupation of this land from 1765 to the present has been open and notorious.