The Arbitration Provision in the Great Peace of Montreal (August 4, 1701)

In the 17th century, New France was often embroiled in conflicts between her Aboriginal allies. Even more threatening were the wars with her Iroquois and Anglo-American neighbours. After France and England signed the Peace of Ryswick in 1697, Governor Frontenac and his successor Louis-Hector Chevalier de Callières (1698-1703) drew up a general agreement between France, her Amerindian allies from the Great Lakes and the Iroquois Five Nations, allies of the English. The Treaty was intended to secure the neutrality of the Iroquois Five Nations in the event of war with New England and to allow the inhabitants of New France to envisage a more peaceful future. Long negotiations, which began in the winter of 1697, culminated in the signing of the Great Peace of Montreal in the summer of 1701. The Treaty did in fact in part determine the diplomatic history of north-eastern North America in the eighteenth century.

Like his brother, François de Callières, Louis-Hector de Callières was a proponent of peaceful means of dispute settlement through negotiations and other means of alternative dispute resolution. As François stated in his famous book, published in 1716 "De la manière de négocier avec les souverains" (Chapter 1, p. 2, 3):

« Tout Prince Chrétien doit avoir pour maxime principale de n'employer les armes pour soutenir et faire valoir ses droits, qu'après avoir tenté et épuisé celle de la raison et de la persuasion, et il est de son intérêt d'y joindre encore celle des biens-faits qui est le plus sûr de tous les moyens pour affermir et pour augmenter sa puissance ; mais il faut qu'il se serve de bons ouvriers qui sachent les mettre en œuvre pour lui gagner les cœurs et les volontez des hommes, et c'est en cela principalement que consiste la science de la négociation. »

"Every Christian Prince should have for a principal maxim not to employ arms to maintain and make proof of his rights, but after having tried and exhausted the route of Reason and of persuasion, and it is in his interest to join thereto as well those of benevolence, which is the surest of all ways to affirm and augment his power; but he must make use of good workers who know how to put good deeds in practice to gain him the hearts and minds of men, and it is in that principally in which consists the science of negotiation."

In line with that general attitude, Louis-Hector de Callières had proposed during the negotiations of a preliminary Peace Treaty between the French and the Iroquois at a preparatory conference which took place in Montreal between September 3 and 9, 1700 that he act as arbitrator/mediator in all future disputes between Great Lakes tribes. That proposal resembled a modern arbitration or mediation clause. It was then reflected in the oral statement by Callières to the 1300 representatives of 38 or 39 aboriginal nations assembled for the signing of the Great Peace Treaty in Montreal on August 4, 1701. This oral statement, like those of the aboriginal representatives, was included in the final text (scanned facsimile text [higher quality pdf] which is a copy of the original text, which has disappeared, produced by a scribe of the French governor; see also Dorlot, Louis-Hector de Callières, gouverneur et lieutenant general de la Nouvelle-France, Master Thesis, University of Ottawa, School of Graduate Studies, 1968, page 120; text of the Treaty in modern French available here) of the Treaty which constitutes an official record of the oral proposals and commitments put forth in the speeches by the representatives of the native Nations - in line with their oral tradition - and of Callières on behalf of New France during the conference in Montreal:
« …pour que cette paix ne puisse estre troublée, je repete ce que j’ay desja dit dans le traité que nous avons fait, que s’il arrivoit que quelqu’un de mes enfants en frapast un autre, celuy qui auroit esté frapé ne se vangera point, ny par luy ni par aucun de sa part, mais il viendra me trouver pour que je luy en fasse faire raison, vous declarant que si l’offençant refusoit d’en faire une satifaction raisonnable, je me joindrois avec mes autres alliez a l’offensé pour l’y contraindre ce que je ne croit pas qui puisse arriver, par l’obéissance que me doivent mes enfans qui se ressouviendront de ce que je vais donner a chacune de vos nations affin que les anciens les fassent executer par leurs jeunes gens, je vous invite tous a fumer dans ce calumet de paix ou je commence le premier, et a manger de la viande et du bouillon que je vous fais preparer pour que j’aye comme un bon père la satisfaction de voir tous mes enfans reunis. »

“...so that this peace will not be disrupted, I repeat what I have already said in the treaty we have concluded, that if it happened that one of my children struck another, the one who was attacked should not take revenge, neither he nor any of his people, but he should come to find me so that I can have justice done for him, declaring to you that if the offending party refused to make reasonable satisfaction, I and my other allies will join with the offended party to compel him, which I do not believe would happen, because of the obedience owed to me by my children, who will remember again what we are deciding now together, and so that they will not be able to forget it, I attach my words to the collars I will give to each one of your nations so that the elders may have them carried out by their young people, I invite you all to smoke this calumet which I will be the first to smoke, and to eat meat and broth that I have had prepared for you so that I have like a good father the satisfaction of seeing all my children united.” (English translation by Gilles Havard, The Great Peace of Montreal of 1701: French-Native Diplomacy in the Seventeenth Century, 2001, page 211)

The arbitration clause contained in the preliminary Peace Treaty of September 1700 was in fact used in March 1701 when two ambassadors from the Onondaga nation went to the town of Quebec and through Massias, a La Montagne Iroquois, complained to Callières – whom they called “Onnontio”, their “father” – that the Odawas had violated the cease-fire. The Onondaga had every reason to make use of the clause in the Treaty, given that they were unable to counter-attack. Callières reassured them and promised to try to have the Seneca chief, who was captured by the Odawas, returned to them. (Havard, The Great Peace of Montreal of 1701, id., page 105)

The Great Peace of Montreal of 1701 is an impressive sign of continuity as the Treaty is still valid and in effect today, and it is still recognized by the First Nations tribes involved.

For further details see here.

Havard, The Great Peace of Montreal of 1701, French-Native Diplomacy in the Seventeenth Century, Montreal & Kingston, London, Ithaca, 2001, with a list of the 28 Nations that can be identified by the signatures under the Treaty or in the speech of Callières at pages 120 et seq, an explanation of the Amerindian Pictographs (totemisms or symbols of a sociological nature) under the Treaty at pages 185 et seq, a cast of characters in the negotiations of the Great Peace of Montreal at pages 190 et seq and a Glossary of the names of the Native Peoples in English, French and Aboriginal at pages 277 et seq.