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Commissions of Inquiry into Indian affairs in the Canadas, 1828-1858

Canada

Commissions of Inquiry into Indian affairs in the Canadas, 1828-1858:

Evolving a corporate memory for the Indian department

by

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EXECUTIVE SUMMARY

Following the War of 1812, the traditional strategic value of Indian warriors to British regular forces and Canadian militia declined immediately. Concurrent with this development, British Imperial officials sought ways to reduce the annual costs of Indian administration in the Canadas. The search for an ameliorative, yet economical, Indian policy prompted six formal government inquiries into Indian administration and social conditions between 1828 and 1858. The successive reports, evolving in content, sophistication, and scope, created a corporate memory for the Indian department and were the main instruments of an early Indian policy review process which saw a programme for Indian civilization and advancement devised, evaluated, modified, and reiterated in the four decades prior to Confederation. The philosophical principles and practices enunciated by these six inquiries were adopted by the new Dominion government and applied to Native peoples in other regions of Canada. The legacy of these reports for Canadian Indian policy has been so enduring that, only recently, has the Federal government attempted to break from the long-standing view of Native peoples and society established before Confederation.

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INTRODUCTION

From the founding of the British Indian department in 1755 until 1828, reports on Indian conditions and administration were prepared by military officials or local Indian superintendents. The scope of their reports was limited, tending to deal only with issues of concern to the tribes under their immediate supervision. This simple approach was quite appropriate for a period when Indian people were needed primarily as military allies and the amelioration of their social condition was not a priority.

However, following the War of 1812, the strategic importance of Indian warriors to British regular forces declined and by the early 1820s the warrior image had been replaced by that of an expensive social nuisance. Since Indian people no longer fulfilled their traditional military role in colonial society, Imperial authorities, particularly those at the Treasury and Colonial Office, began to question whether the Indian department should continue to exist. Concurrently, other interested persons and parties called not for the abolition of the department, but rather for a change in approach which would encourage the department to cease exploiting Indian people and begin assisting them to achieve a degree of social and economic advancement comparable to the non-Native population.

The search for an ameliorative yet economical Indian policy prompted a series of six major investigations of Indian affairs in the Canadas[1] between 1828 and 1858, which provided both Colonial and Imperial officials with an overview of contemporary Indian conditions, advice on policy issues, and suggestions to improve departmental administration. Beginning in 1828, each subsequent inquiry by a special Crown appointee or legislative committee contributed to the findings of the previous investigation, which resulted in

modifications to the Indian civilization programme. At the same time, and without conscious design, a corporate memory evolved gradually for the Indian department: this was a documented record of previous policies, an assessment of current Indian conditions, and a philosophy and rationale for future action. This corporate memory, with the reserve system at its heart, effectively locked successive governments into dealing with Indian peoples and issues within a particular policy framework, which over the years proved impervious to substantive change.

This essay explores these six commissions of inquiry and will focus on, and assess, their historical significance and progressive impact on Indian conditions and departmental administration in the Canadas prior to Confederation. The study is divided into two sections. The first part examines each inquiry: its historical context, raison d'être, participants, research methodology, policy recommendations, and findings. The second part comprises a series of charts which present the social, demographic, and economic statistics contained in each Indian conditions report. In these charts, data will be found on such diverse matters as the Indian population, agricultural advancement, religious conversion, temperance, claims and disputes, education, and significantly, recognition of an emerging mixed-blood population.

The first rudimentary Indian conditions report was prepared in July 1828 by Major General Henry Charles Darling, Military Secretary to the Governor General, Lord Dalhousie. This document, based on the reports of local officials and the earlier civilization experiments of Major John Norton and Sir Peregrine Maitland,[2] recommended the reserve system,

which was formally adopted in 1830 by Imperial authorities as the central feature of their new Indian civilization programme. Subsequent investigations modified,and elaborated upon, Darling's proposals.

By the mid-1830s, the viability of the civilization programme was questioned by British Treasury officials concerned with escalating costs and by a report submitted to a Select House of Commons Committee in 1836 by the Aborigines Protection Society. Sceptical Imperial authorities became impatient and demanded status reports from the governments of Upper and Lower Canada. In 1837, the Executive Council of Lower Canada submitted its report,which basically reaffirmed Darling's suggestions. This was followed within two years by one on Upper Canada prepared by Justice James Buchanan Macaulay, in response to the furor over Sir Francis Bond Head's Indian removal programme. Macaulay's recommendations paralleled those of the Executive Council of Lower Canada and suggested only minor tinkering with the administrative machinery of the Indian department. Following closely on Macaulay's inconclusive study was yet another report, submitted in 1840, by a legislative committee of the Upper Canada Assembly, prepared in response to the demand for public service reform following Lord Durham's report. The committee largely went over the same ground as Macaulay.

Within two years both the Indian department and Indian conditions were once again scrutinized. This inquiry, commissioned by Sir Charles Bagot, Governor General, can be linked to the ongoing process of public service reorganization, as well as to renewed Imperial concern with the slow progress of Indian advancement. Bagot's study of the Indian department and Native peoples of the Canadas was the most comprehensive

and sophisticated piece of social research to date and, drawing upon information on indigenous peoples of foreign countries, proffered numerous policy recommendations in respect to Indian education, gift giving, Indian land titles, and departmental organization. Some proposals, requiring only government action were successfully implemented; while others, requiring compliance and cooperation from Native peoples, foundered.

By the mid-nineteenth century, the Canadas, particularly Canada West, were undergoing industrial development, urbanization, and rapid settlement of the hinterland. In the face of new social and economic forces, the Indian people and reserve enclaves were left relatively unprotected. Compounding the volatile colonial situation, Canadian politicians and administrators had to come to terms with an Imperial Indian policy which demanded greater economy at the expense of humanitarian considerations. Imperial financial retrenchment and an early form of "devolution" were the imperatives of the "Little Englanders", who demanded an end to Indian presents and termination of the annual Parliamentary Grant for Indian affairs.

The crisis occasioned by this Imperial policy resulted in a major investigation by Richard Pennefather, Civil Secretary to Sir Edmund Walker Head, the Governor General. Pennefather's study drew heavily upon the recommendations of the Bagot commission and on two short, interim reports prepared by previous Civil Secretaries, Lawrence Oliphant and Lord Bury. Pennefather's report provided the most thorough assessment of Indian conditions and departmental administration in pre-Confederation times and prepared the Province of Canada to assume total responsibility for Indian affairs in 1860.

The attitudes, assumptions, and policies towards Native peoples which developed in the Canadas in the first half of the nineteenth century were consolidated and given expression in these six Indian conditions reports. Evolving in sophistication, scope,and content, they formed a corporate memory for the Indian department and were the central instruments of an early Indian policy review process which saw the Indian civilization programme devised, evaluated, modified, and reiterated in the four decades prior to Confederation.

Endnotes, Introduction

1. In the 1840s, in New Brunswick and Nova Scotia, there were several inquiries into Indian affairs but these were never of the scale of those in the Canadas, nor did they have any impact on the evolution of Canadian Indian policy. In both provinces the scattered Indian population was small and there was no Indian department; instead each province used a system of local, unpaid commissioners, or leading citizens, to distribute relief supplies. Only in Nova Scotia was there a position designated, Chief Superintendent of Indian affairs; however, this position was frequently allowed to lapse. The most noteworthy Indian conditions report for New Brunswick was prepared by Moses Perley in 1841, while Joseph Howe submitted two similar studies for Nova Scotia in 1843 and 1844. Abraham Gesner did two short follow-up reports in 1847 and 1849. However, the urgency for further investigations before Confederation was lessened when epidemics between 1846-1848 ravaged the Micmac people. This prompted William Chearnley, Indian Commissioner of Nova Scotia (1853 to 1862), to observe that the Micmacs were "fast passing away." In contrast, successive commissions of inquiry in the Canadas remarked on an increasing Indian population. See L.F.S. Upton, Micmacs and Colonists. Indian-White Relations in the Maritimes, 1713-1867. pp. 81-112.

2. In August 1808, Major John Norton, who succeeded Joseph Brant as Chief of the Six Nations, wrote to the Rev. John Owen, Secretary of the British and Foreign Bible Society, proposing an Indian civilization programme comprising agricultural settlement, religious conversion, individual Indian land titles, and incentives to encourage local Indian enterprises (PAC, RG10, Vol. 27, J. Norton to J. Owen, 10 August 1808). Norton's scheme was never implemented; however, the basic thrust of his programme was later copied by Lt.-Gov. Maitland for his experimental Indian settlement at the Credit River in 1821. Of particular interest here is that an early plan for Indian civilization, managed by Crown officials, was broached by Gen. John Bradstreet in 1764 as an economical way to maintain the allegiance of the Indians of the Northern District. See John Bradstreet to Charles Gould, Attorney General (1764). Box 128/450, John Bradstreet Papers. Tredegar Park Muniments, National Library of Wales (Aberystwyth). See also, W.E. Godfrey, Pursuit of Profit and Preferment in Colonial North America: John Bradstreet's Quest. Waterloo: Wilfrid Laurier University Press, 1982.

CHAPTER ONE

Forging a new partnership, 1815-1830

Following the War of 1812, the importance of Indian peoples as military allies to British regulars and Canadian militia declined abruptly.[1] Concurrently, the British government adopted two measures that would have significant impact on its Upper Canadian Indian policy. First, the Indian department was transferred from civil to military control. From 1796 to 1815 the branch had been administered by the civil authorities, mainly because Lieutenant Governor Simcoe had wanted to control the direction of the department's activities and, of course, the disbursement of its patronage.

During the war this arrangement had caused internal dissension among departmental officials and controversy regarding military deployment and defensive strategy. The arguments used by Simcoe in 1794-95, in favour of civil control, seemed no longer applicable. The debate regarding responsibility for Indians was therefore renewed, the principal protagonists being Sir Gordon Drummond, Commander-in-chief of the forces, and Francis Gore, the recently returned Lieutenant Governor of Upper Canada. Relying largely on advice from the half-breed war chief, John Norton, the Colonial Secretary, Lord Bathurst, declared in favour of military control.[2]

The decline in the Indians' military status was clearly not obvious to Lord Bathurst - nor to most contemporary observers - when he ordered this transfer, and officially at least the warrior image would continue to dominate for another decade. Nor could Bathurst anticipate the restrictions he thus placed on the Lieutenant Governor as the realities of social change dictated an alteration in the management of Indian affairs in that same decade. His purpose, rather, was to keep

1. Two Ottawa Chiefs ... from Michilimackinac, Upper Lakes, by Joshua Jebb, c. 1818 (PAC-C114384)

Indian affairs out of the hands of the local legislatures which might be inclined to ignore Indian interests and arbitrarily expropriate their lands.[3]

The second measure was the Imperial government's goal of financial retrenchment. The move from a wartime to peacetime economy invariably involved such retrenchment; in the case of Upper Canada's Indians this restraint in spending inadvertently embarked the British on an entirely new policy, since it called for Indian warriors to become farmers.

This change in emphasis was reflected in two speeches delivered in 1817 and 1818 by William McKay, Indian Superintendent at Drummond Island. In July 1817, he cautioned the gathered tribes to "Be on good terms with our Neighbours the Big Knives [be happy] cultivate land and hunt for the support of your families. Be attentive to your trades and learn them well for they are your chief support...."[4] A year later, the Ottawa, Chippewa, Sauk, and Winnebago complained to McKay that the British had made peace and left Michilimackimac "without consulting us" and complained that, "They (the Americans) treat us worse than dogs." In reply, McKay urged that "all his Red Children should bury the hatchet," plant corn and be content.[5] Afterwards, the Sauk Chief, Black Hawk, commented on McKay's counsel: "I rubbed my eyes and cleared my ears, before I could believe what I saw or heard."[6] This shocked response would wane as the 1820s unfolded, gradually revealing the cold realities of a declining military role for Indians and the necessity of their accommodating themselves to changed circumstances and a changing programme.

No major administrative changes resulted from this alteration in policy, however, and the Indian department continued to perform its usual duties: issuing annual presents, paying annuities, collecting rents, and acquiring Indian lands in an orderly fashion through the treaty process.[7] In fact, the Imperial government's approach restored some calm and a mutually satisfactory post-war status quo to British-Indian relations at the beginning of what turned out to be a period of transition.

The formal beginning of Imperial financial retrenchment, a recurring theme of Imperial history, had a profound impact on British Indian policy in the Canadas.[8] Now, both the Colonial Office and the Indian department had to come up with new measures to reduce the degree of Imperial financial commitment to Indian affairs. Above all the other policy issues connected with Indian peoples during the 1820s, this was the dominant concern, the main reason for Darling's policy review of 1827-28, and the rationale behind the new Imperial Indian civilization programme of 1830.[9]

Expressions of Imperial financial restraint appeared shortly after the cessation of hostilities. On 14 March 1816, Lord Bathurst wrote to Sir Gordon Drummond, Commander-in-chief, ordering an immediate reduction in "the Indian Establishment to the footing upon which it stood in the Year 1811."[10] The cost of the annual Indian presents was also to be reduced, their distribution controlled, and more practical items substituted for the usual gun powder, shot, hatchets, blankets, knives, etc. Unwittingly, Lord Bathurst had touched upon a matter of extreme sensitivity.

The Indian people attached great symbolic value to the receipt of annual presents as a tangible expression of the "King's Bounty," a commitment of continued Crown support and formal recognition of their Indian status. As well, the presents had actually become an early form of government welfare. With the decline of the Québec fur trade in the 1760s, gifts of clothing, household goods, and hunting equipment had become indispensable items for daily existence. Their eventual termination, reduction, or commutation would not be readily accepted by the tribes.

On 13 August 1818, Sir Peregrine Maitland, who had commanded the First Brigade of the First Division at Waterloo, was appointed Lieutenant Governor of Upper Canada, a post which he held for ten years until 1828. Maitland was an austere man, narrow in his views, and autocratic. Nowhere in his previous appointments or experience had he had any dealings with indigenous peoples, nor were there any outward signs of compassion or a social conscience, which might be associated to contacts with humanitarian groups.[11] Indeed Maitland's only recorded contact with a "dedicated civilizer" was with the Reverend Dr. C. Stuart, a visiting Anglican missionary in the Diocese of Québec.[12] Yet, in December 1820, Dr. Stuart reported to the Incorporated Society for the Propagation of the Gospel in Foreign Parts, that he found Maitland "...anxious to cooperate to the extent of his power with every measure, which may enduce to the civilization of the Indians."[13] Maitland's brief interaction with Stuart could only have served to reinforce Maitland's earlier convictions, for he had already presented to Bathurst, on 11 June 1820, a preliminary proposal for Indian civilization and advancement.[14]

Maitland's interest in Indian improvement may actually have been stimulated by Lord Bathurst himself. Shortly after the War, Bathurst had begun to show a concern for the conditions of the tribes, which had declined noticeably in recent years. In 1815, he consulted with Major John Norton, Chief of the Six Nations, who, in view of his experience in Upper Canada[15] and extensive travels in the United States from 1809 to 1810,[16] was in a position to contribute valuable advice on aspects of Indian policy and departmental organization.[17]

In the face of tribal decay and Imperial financial retrenchment, Maitland turned his considerable planning and organizational abilities to devising a programme which would arrest the disintegration of Native society, make the tribes self-reliant, and at the same time save money for the British Treasury. As a result, and without formal guidance from humanitarians,

> Maitland became a primitive and highly systematic civilizer, fashioning not only a major part of the platform upon which Murray's policy change in 1830 would take place, but almost every technique that would be employed over the next forty years in the quest to civilize the Indian and to finance a process of civilization.[18]

In response to Maitland's proposal of 1820, Bathurst replied on 31 May 1821 that the Lords of the Treasury, to whom his ideas had been referred, "will not withhold their sanction to the arrangement ... provided it can be carried into execution without entailing any expense upon this country and ... creating disatisfaction among the Indians by depriving them of too large a portion of their lands."[19] Encouraged by this decision, on 29 November Maitland forwarded a more detailed and comprehensive plan to Bathurst, which he anticipated would be effective in converting

the Indian people to Christianity and to attaining a lifestyle comparable to non-Natives.[20]

Initially, the objects of Maitland's efforts were the Six Nations on the Grand River and the Mississaugas near York, who were under the Superintendency of Col. James Givins. The Six Nations were predominantly Church of England and had a strong agricultural tradition upon which to build.[21] In contrast, the Mississaugas were pagan and hunters, but, as Maitland observed, "... their paganism is of a mildest character. They believe in a future state though debased with corporal association, and they retain among them the good principle of expiation for Sin, and knowledge of a superintending Providence."[22] More importantly, the Mississaugas, with Givins's encouragement, were enthusiastic about the plan.

Maitland's scheme was based on several major initiatives. Each Indian family would receive a parcel of land "... secured by the King's Patent (under such restrictions as shall be judged necessary for the uses of himself and dependents)...."[23] Each Native community of farmers would have built for them a church, mission house, and "school houses for instruction and industry." Teachers would be supplied and the entire education process would be supervised by missionaries. The schools of industry would be designed to prepare Indian youth for life within a Native community; however, this community would be remodelled to approximate a reputable, industrious, white settlement. Heavy emphasis would be placed on teaching mechanical trades, animal husbandry, and domestic skills. The pupils would all be boarders, to remove them from the pernicious influence of their parents.[24]

Financing the plan was another matter. This would be accomplished by vesting Indian lands "no longer useful as a hunting ground" in a Board of Trustees for disposal by lease or sale. The resulting capital fund, properly invested in provincial bonds and works, would produce sufficient annual revenue to offset the cost of missionaries, buildings, and supplies, and even the cost of annual presents and annuities.[25]

Unfortunately, there would be several pit-falls between planning and implementation, between devising a rational approach and giving the theory concrete expression. In fact, Maitland misjudged the degree of cooperation which might be forthcoming from the Six Nations. Chiefs John Brant and Robert Kerr charged the provincial government with illegally acquiring a portion of the Grand River lands with the assistance of the Indian department.[26] As well, Brant and Kerr pressed the longstanding Six Nations' claim, originating with Joseph Brant, to fee simple ownership of the Grand River reserve.[27] Their initiative was blocked by Maitland whom the Six Nations portrayed successfully as a meddling, unsympathetic bureaucrat.

Maitland had more success with the Mississaugas. On 28 February 1820, they surrendered 8,740 acres[28] and were assured by Deputy Superintendent William Claus that:

> the whole proceeds of the surrenders ...shall be applied towards educating your Children and instructing yourselves in the principles of the Christian religion - and that a certain portion of the said Tract -- will be set apart for your accommodation and that of your families, on which Huts will be erected as soon as possible.[29]

The possibility of proceeding confronted Maitland with a serious problem he had not foreseen, the lack of experienced people to carry forward the civilization programme. At the outset, Maitland had hoped

that the Society for the Propagation of the Gospel might become active. Unfortunately, the Protestant churches, with the exception of the small Moravian sect, had not concerned themselves with the state of Indian living conditions. They tended to focus on spiritual considerations.[30] Indeed, in 1806, John Norton had characterized the activities of the Society for the Propagation of the Gospel as "...too much catching at the Shadow and neglecting the Substance."[31]

The Methodists, however, were one religious group which did care about Indian conditions and stressed physical improvement. Their approach was to "First civilize, then Christianize."[32] The Methodist involvement in Indian affairs in Upper Canada became even more intense after 1821 when they formed an internal "Committee on Indian Affairs."[33] As well, the Methodists also introduced an innovative technique for obtaining religious converts - the Native ministry.[34] This approach had a profound impact when in May 1823 the Reverend Alvin Torry converted Peter Jones, a man of Welsh-Mississauga extraction, to Methodism. Jones became the first Native minister in Canada and until his death in 1856 preached regularly at Indian settlements and campsites, translated hymns and scripture, acted as a fund raiser, and was an advisor to government on Indian policy.[35]

In the spring of 1825, Peter Jones, who had recently been elected a Chief of the Mississaugas at the Grand River, decided to relocate his fellow Christian tribesmen to "the place of their former residence ..." and, incidentally the projected site of Maitland's Mississaugas development, where they had "... a reservation at the mouth of the Credit River which has one of the best fisheries on Lake Ontario."[36] Jones gained the support of Col. James Givins who, in turn, convinced

Maitland of the plan's efficacy. On 20 July 1827, Jones met with Maitland and reported, "he has offered to build 20 dwelling houses, and a school for us between this and next spring ... which will not cost a little."[37]

In the meantime, Colonel Givins and a provincial land surveyor had been sent to the Credit River to make the necessary arrangements and were there to welcome Jones and his fellow Mississaugas in the spring of 1826. On 6 June, Egerton Ryerson, after a visit to the settlement, wrote an article in the Upper Canada Herald praising the success of the project, the uplifting effect of Christianity, and the value of government support.[38] In the same month, Major General Darling, Military Secretary, wrote to Maitland from Québec congratulating him on his initiative and foresight.[39]

Unfortunately, the same Credit River Indians had many complaints against their white neighbours. They accused them of trespass, trampling their crops, and of throwing waste into the mouth of the Credit thereby preventing the salmon from spawning.[40] In response, the Methodist missionaries petitioned Maitland:

> The religious principles and morals of the Indians are endangered by the impious examples of the whites who come to the said fishery, who are generally of the lowest and most immoral class of community, and who are not only profane, and violate the Holy Sabbath themselves, but also, by their examples and persuasion tempt the Indians to do the same, to the great prejudice of their principles and morals.[41]

Despite these grievances, the Mississaugas of the Credit realized that Maitland's interest in them was personal as well as professional. In a petition of 2 January 1827, they expressed their appreciation and thanks.

> We your children of the Mississaga nation of Indians residing on the Credit River, would desire to express our thanks unto our great Father for the deep interest that your Excellency has manifested towards us, in providing comfortable houses for the poor wandering families, to screen them from the cold and storms, and for ploughing our corn fields, which has greatly assisted us in our first endeavors for civilization. We have already experienced those comforts that arise from a settled life and ... the happiness (that) flows from a settled life, industry and a steady adherence to the great commands of the Great Spirit, and we hope that ... we shall yet arise out of the ruins of our great fall, and become a people ... like our neighbours the white people ... and on our part we hope we shall ever be grateful for the parental care that your excellency has shown unto us ....[42]

Concurrent with Maitland's experimental settlement at the Credit River, an intense debate was underway between Lord Bathurst and Lord Dalhousie, Governor General, concerning the continuing high operational costs of the Indian department. Bathurst again questioned the cost and utility of the annual presents and wondered if the Indian department should be abolished. The search for solutions to satisfy the Imperial authorities spanned the 1820s and resulted in several investigations of departmental activities. The last and most compehensive of these enquiries was conducted by Major General Darling, Military Secretary, whose report of 1828 borrowed heavily from Maitland's apparently successful activities.

As previously noted, the first Imperial query concerning the cost of Indian presents and departmental operations came in March 1816. On 10 April 1822, Lord Bathurst wrote to Lord Dalhousie noting that, while savings had been made over the years, the cost of the annual presents had to be reduced further:

> A great proportion of the Indians who from prescription have a claim upon these annual presents being now incorporated and blended with the settlers, cannot continue

> to require such assistance and indeed ought not to receive it when such facilities surround them for securing their own independence. The case may be difficult with respect to whose who are without the territory, but in their instance the presents with the exception of those to their Chief should be limited to articles of prime necessity.[43]

Dalhousie replied on 16 December 1822, cautioning that further reductions could lead to the loss of tribal goodwill, cooperation, and loyalty.[44] Dalhousie's reply was overshadowed immediately by a report on the presents prepared by the Commissariat General at Québec, which showed that four-fifths of the annual expenditures went towards these gifts, while the remainder was paid to the tribes to cover land purchases.[45]

As a result of this report, F.J. Robinson, Chancellor of the Exchequer, wrote to Bathurst requesting his views on the political and financial implications of gradually reducing the quantity of presents until they could be discontinued altogether.[46] Bathurst responded suggesting that an independent commission of enquiry be established to look into the matter. He felt that:

> It would be advantageous to send a Commissioner from this country to be joined by a local Commissioner to be appointed by Lord Dalhousie to examine into the State of Indian Affairs and to report upon the best means of putting an end to the present system.[47]

This suggestion was approved, and Lord Bathurst delegated the task to his Parliamentary Undersecretary, Wilmot Horton, M.P.

Over the next two years Horton conducted an unofficial inquiry, which eventually proved fruitless. No local Commissioner was ever appointed, nor were Lord Dalhousie or senior officials of the Indian department interviewed.[48] However, private and informal inquiries to Sir Peregrine Maitland did elicit a strong statement reminding Imperial authorities

of the colonial situation and the importance of maintaining the Indian alliance.

The Indians, he explained "... have been led to hope for a continuance of the King's Bounty." Their claim to annual presents was based "upon usage and necessity ...", a necessity which, if the allocations of the American Government "... to secure their influence over those Indians who inhabit the territory contiguous to ours", were checked temporarily, had not dissipated since the War of 1812. Indeed the gradual reduction of presents since 1815 had already created "very serious apprehension as to the light in which their Claims on His Majesty's consideration, are hereinafter to be regarded." Should the Treasury terminate the presents this would amount to an impolitic gesture of ingratitude since "... it was at least doubtful whether without the cooperation of the Indians who combatted with us in the defense of their own soil against invaders, this Province would have been preserved to the Empire."[49]

The force and logic of Maitland's statement had a profound effect on Imperial authorities and, in turn, on Horton's enquiry. At the beginning of 1825, the search for ways to terminate the presents ended. The question was not raised again until after Lord Bathurst left the Colonial Office in the spring of 1827.

In April 1827, F.J. Robinson, now Viscount Goderich, was appointed Colonial Secretary and once again Imperial retrenchment became a dominant theme. On 14 July 1827, Viscount Goderich ordered Lord Dalhousie to prepare an extensive report on the Indian department, including the cost

of salaries and presents "... with a view of effecting their reduction and ultimately the abolition of the Establishment."[50] Goderich went on to suggest that all departmental officials be superannuated, interpreters be retained on half-pay, and the presents, annuities, and pensions to Indians be paid in currency, not goods, which would reduce transportation and storage costs. Dalhousie was requested "to supply such information as to the mode of carrying this plan into effect as may enable me to send out to you definite instructions upon this necessary measure of public economy and improvement."[51]

Both Dalhousie and Maitland were appalled at the content and tone of Goderich's directive, which, to them, was just another example of remote Imperial insensitivity to colonial affairs. Notwithstanding, on 22 November 1827 Dalhousie replied, once again warning against any reduction of the presents and stating that what was actually needed was for the Indian department to "... be remodelled, and made more efficient to the extensive and important duties which are required of it."[52] Dalhousie proposed a one-man commission of investigation which would make "every possible inquiry ... into the subject preparatory to my return this summer to England."[53] He would then, in person, present a fully documented report to the Colonial Secretary.

On 9 June 1828, Dalhousie requested Major General H.C. Darling, his Military Secretary, to look into the "exact state of the Indian department."[54] In particular, Darling was to conduct a "tour of inspection through both Canadas, to investigate the State of the Indian Department at every station; and to draw up ... a full and circumstantial report."[55] He was to determine whether the department could or should be

abolished; whether the presents could be reduced or commuted to more useful articles; and also, he was to gauge the state of feelings of the Six Nations and other tribes towards the Crown.

Darling submitted his report to Dalhousie on 24 July 1828,[56] who in turn, forwarded it to the new Colonial Secretary, Sir George Murray, on 27 October.[57] For Murray, Darling's short report must have made for familiar reading. On each major point at issue Darling dutifully supported Dalhousie's position.[58] Darling argued that abolition of the Indian department would not only mean removing an influential instrument for government to maintain the allegiance of the tribes, but such action would be irresponsible, for it would be a "... general signal for Plunder and persecution," since Indian people were not in a position to defend their property against the advancing tide of settlement.[59] Unless the Indians could be secured in possession of their lands, three stark realities faced government:

> 1st. They must be entirely maintained and supported by Government.
>
> 2nd. Or they will starve in the streets of the country towns and villages, if they do not crowd the gaols of the larger towns and cities:
>
> 3rd. Or, they will turn their backs with indignation on their father, on whose promises of protection they have with confidence for so many years relied, and will throw themselves, with vengence in their hearts, into the arms of the Americans, who are ever ready to receive them, and who are now endeavouring to induce the tribes in Upper Canada, with whom they have the ready intercourse, to accept of lands on the Mississippi.[60]

In his view, Indian people would not be able to manage their own affairs until they were admitted "individually to the rights of His Majesty's other subjects." Until this had been achieved, Darling felt "that the superintendence of Government by means of officers specially appointed between

it and the Indians would be found indispensable."[61] He concluded that the Indians could eventually attain full citizenship, and conduct their own affairs, without the assistance of a costly Indian department if "... improvement be made in their moral conditions by the Instruction and Education of their Youth."[62] This goal could be achieved by adopting the approach and techniques employed by Sir Peregrine Maitland at the Credit River settlement which now showed "every promise of success."[63]

Darling pointed out that such a course would add to the short-term responsibilities of the Indian department, but not necessarily to its costs. All the infrastructure of a civilization programme such as schools, houses, roads, agricultural equipment, farm stock, and seed, as well as teachers and missionaries, could be financed by deducting the cost from tribal annuities and by converting a portion of the annual presents. Adoption of a province-wide programme similar to Maitland's would eventually save money for the British Treasury and, at the same time, achieve an unstated military objective of "rivetting their affection and securing their loyalty and attachment which will naturally incline to that power, from whence they are sensible their Chief good is derived."[64]

Sir George Murray was not impressed with Darling's report, nor by a personal interview he had with him in December 1828, in his new capacity as Chief Superintendent of Indian Affairs. Murray conceded that a "great advantage may arise from the substitution of Implements of Agriculture or of Farming Stock for the usual presents, in cases when like the Six Nations, the Indians are likely to be induced to turn their attention to the culture of the soil...."[65] However, the Six

Nations were the exception, and there were many more groups of "wandering" and "unsettled" Indians for whom the programme would have little benefit.

Darling's report and the resulting policy debate were soon overshadowed by political events in the Canadas. On 9 September 1828 Sir James Kempt was appointed Administrator of the Government of Canada, and in November Sir John Colborne replaced the recently recalled Maitland. On 16 May 1829, they submitted a joint proposal to Murray on Indian matters which emphasized departmental restructuring as a means to achieve a reduction of expenses.[66]

They proposed that the two provincial branches of the department be subdivided into six districts - two for Lower Canada and four for Upper Canada, each with an Indian superintendent.[67] If adopted, the number of departmental officials could be reduced in one year from 34 to 24, with an annual saving of some £2000.[68] Thus Kempt and Colborne attempted to sell their Indian programme to Imperial authorities, not as Darling and Dalhousie had done by emphasizing Indian improvement, but by detailing the financial savings that would result by organizational changes.

Despite the cold logic of this approach, Colborne himself had visited the Credit River settlement accompanied by the Reverend J. Magrath, a Church of England missionary. Both were impressed by what had been achieved and were moved emotionally when several Chiefs expressed to Colborne "... their desire to have schools established and to bring their tribes together."[69] Thus Colborne became a convert to Maitland's civilization programme and, referring to Darling's report, formulated a policy of reproducing the Credit River system across the

Upper Province by

> ... collecting the Indians in Villages, and inducing them to cultivate their lands and to divide them into lots. They should be encouraged to send their children to Schools which would be prepared for their reception. They will be able probably to persuade the Chiefs to give their consent, that the sums due to them for the lands sold to the Government should be expended on their houses and in furnishing them with Agricultural Implements and Cattle.[70]

The programme would be financed from existing and future annuities as well as from additional money received "... by granting leases of their lands" which had been surrendered by treaty.[71] As well, a "land management fund" could be created for the continued support of the bands upon which "... we may depend on being able to make the Indians support themselves and all the establishments recommended, at no distant period."[72]

Additional support for Colborne's plan came from Kempt and from the Reverend C. Stuart, now Bishop of Québec, who had been instrumental in encouraging Maitland with his original experiment. Bishop Stuart also visited the Credit River and, in later correspondence, referred to it as "an improvement ... so great and rapid within these five years that the hand of God, seems to be visible in it."[73] As a result,on 16 May 1829 Kempt forwarded a four point plan for Indian civilization to Sir George Murray, viz:

1. To collect the Indians in considerable numbers, and to settle them in villages with a due portion of land for their cultivation and support.

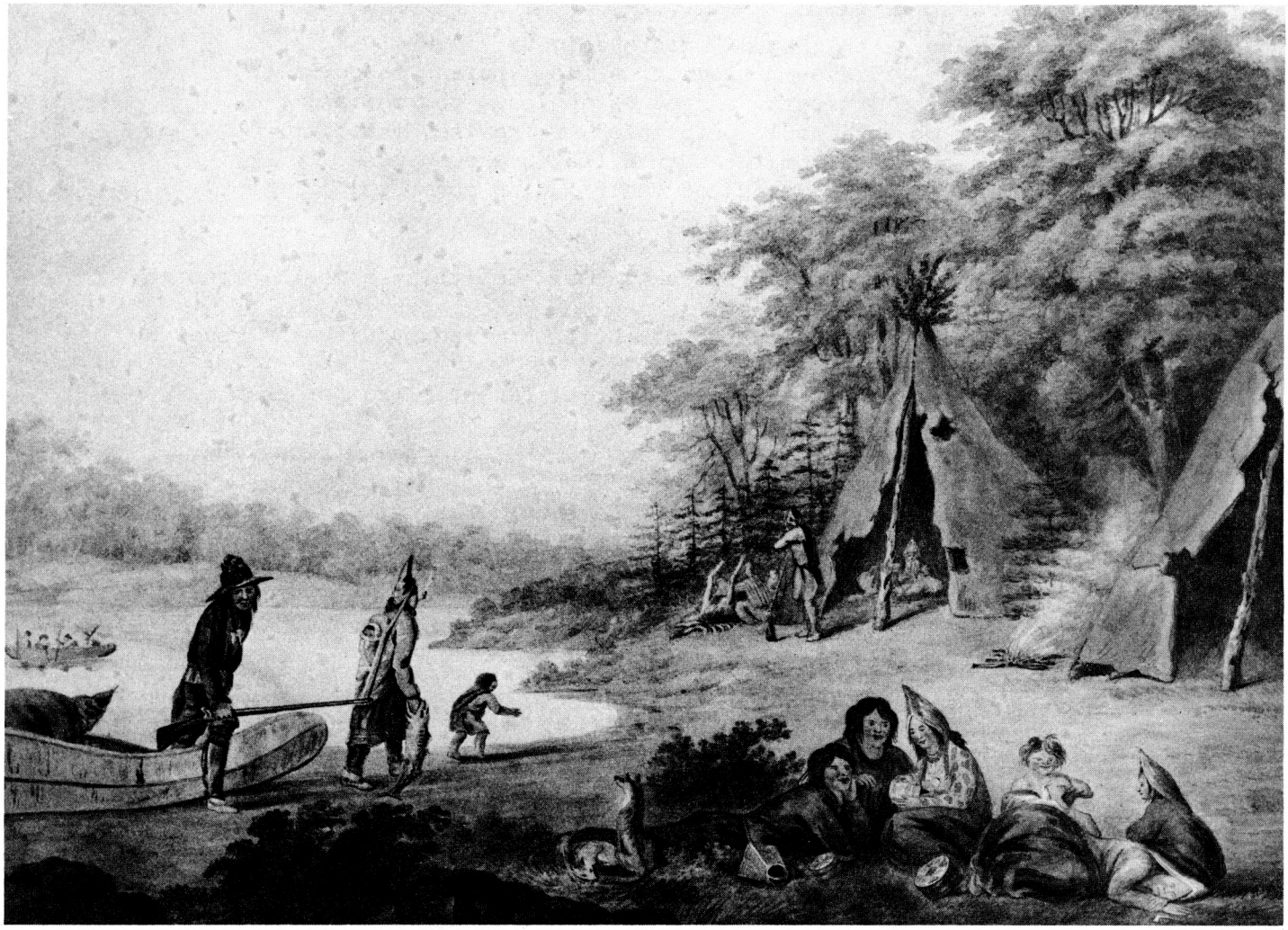
2. To make provision for their religious improvement, education and instruction in Husbandry, as circumstances may, from time to time require.

3. To afford them such assistance in building their houses, rations; and in procuring such seed and Agricultural implements, as may be necessary, commuting when practical, a portion of their presents for the latter.

4. To provide active and zealous Missionaries for the Indians at the Bay of Quinté and Guillimburg; and to send Wesleyan Missionaries from England to counteract the antipathy of the established church, and other objectionable principles, which the Methodist Missionaries from the United States are supposed to instil into the minds of their Indian converts.[74]

Murray received Kempt's report without committing himself, instead referring it, like Maitland's, to the British Treasury with the observation that the plan was a matter of Imperial finance, rather than a humanitarian question for consideration by the Colonial Office. The Treasury announced its decision on 20 November 1829, giving cautious approval to Kempt's proposals. To carry out the new programme, they authorized an annual Parliamentary Grant of £20,000.[75]

Having received permission from the Treasury to proceed, Murray gave formal Imperial sanction to the Indian civilization programme in a despatch to Sir James Kempt on 25 January 1830.[76] Thus the old military partnership between British regular forces, Canadian militia, and Indian warriors was to be refashioned, and in its place, Imperial authorities, local officers of the British Indian department, and missionaries would work together to ensure the growth of Christian civilization among the "barbarous" and unsettled tribes of the Canadas.



2. Micmac Indian Encampment, artist unknown, c. 1800 (PAC-C114481)

Figure 1.

Source: PAC, RG10, Vol. 5

SUMMARY CHART - DARLING'S REPORT ON INDIAN CONDITIONS- UPPER CANADA

INDIAN GROUP	POP.	STATE OF CIVILIZATION	OBSERVATIONS/RECOMMENDATIONS
Mississaugas of: i) Gananoque and Kingston	80	"... most worthless and deprived tribe in Canadas..."	None
ii) Bay of Quinté	143		
Mississaugas of Rice Lake:	317	Mississaugas of Rice Lake and Bay of Quinté; recently converted to Methodism; missionaries came from U.S.A. and are part of the "Canada Confederence Missionary Society", auxiliaries to the Missionary Society of the Methodist Episcopal Church of the State of New York; first principles of civilization have been inculcated; recently requested a village site and lands for cultivation; Mohawks of Bay of Quinté are "becoming tolerable farmers"; their dress is a curious compound of barbarism and civilization."	"I ... submit whether this disposition of the Indians should not be encouraged by the British Government, as the most certain means of rivetting their affection and securing their loyalty and attachment, which will naturally incline to that power from whenever they are sensible their good is derived." "I will only further observe, that if the British Government does not step in between the American Methodist missionaries and the Indians in Upper Canada, it may be repented of being too late."
Mohawks of by of Quinté	318		
Chippawas under Chief Yellow Head	550	Occupy lands about L. Simcoe, Holland R. and unsettled country in rear of York; want to be accepted into Christianity and "adopt the habits of civilized life;" may be classed with Mississaugas of Bay of Quinté and Rice L., but are in a "more savage stage."	None.
Mississaugas of the Credit	180	Settled in a village of 20 log huts with an "upper story or garret to each;" school houses for girls and boys, well attended; well versed in catechism and hymns.	"... were lately notorious for drunkeness and debauchery"; their present state" ... affords ... the strongest possible encouragement to extend to the other tribes now disposed to Christianity and civilization the experiment that has been tried by his Excellency Sir Peregrine Maitland, with every promise of success with these Mississaugas".

SUMMARY CHART - DARLING'S REPORT ON INDIAN CONDITIONS- UPPER CANADA

INDIAN GROUP	POP.	STATE OF CIVILIZATION	OBSERVATIONS/RECOMMENDATIONS
Mohawks and the Six Nations	?	"... they have already agreed on my recommendation to add 100 acres of land to each school that may be established on the Grand River ...."	"I come now to that part of your Lordship's instructions ... the importance you so justly attach to the friendship of Western and Warlike Tribes, and which directs me to endeavour to ascertain correctly the feelings of the Six Nations on the Grand River in allegiance to the American government, or to that of Great Britain and what intercourse they uphold with the Foxes and Sauks and others that rendezvous annually for presents at Amherstburg and Drummond Island." "That the Six Nations may be considered faithful to their attachment to the British government is justified as well as by the Events of the American Revolutionary War, as their conduct in the late contest. It will depend upon the conduct of the British government, during this period of Peace, to improve that feeling and keep their attachment. This, I humbly presume will be best promoted by taking advantage of the disposition now so rapidly expanding amongst them to advance in civilization by creating and improving in them by every means of love of the Country, of the soil on which they are settled and a respect for the Government which protects them."
Hurons near Amherstburg	?	Roman Catholoic, have a priest; have requested a school teacher.	None.

Figure 2.

Source: PAC, RG10, Vol. 5

SUMMARY CHART - DARLING'S REPORT ON INDIAN CONDITIONS- LOWER CANADA

INDIAN GROUP	POP.	STATE OF CIVILIZATION	OBSERVATIONS/RECOMMENDATIONS
Hurons of Lorette	179	"... they have made certain advances in civilization, having embraced Christianity in an early period of the history of Canada, under the French"; recent attempt by the society for "Promoting Industry and Education in Canada" to establish a school on the reserve has failed; village site of 40 acres; poor state of agriculture; hunt for subsistence; produce various crafts for sale; good war (1812) record.	None.
Algonquins and Abenakis of Three Rivers, St. Francis, Bécancour	541	Small villages at St. Francis and Beacancour consisting of square huts; have lost most of their good land to the "intrigue and oppression of designing individuals"; Abenakis and Algonquins were "much employed last war, and in case of a renewal of hostilities, their services would be valuable again."	Indian lands should be protected by Indian department officers and law officers of the Crown; if not, rapid settlement will result in: i) Indians becoming totally dependent on government; ii) Or they will starve in the streets of country towns and villages; crowd the gaols of towns; iii) Or they will seek American assistance and turn against the Crown. Americans already offering them lands on the Mississippi.
Algonquins, Nipissings, Iroquois of the Lake of Two Mountains.	800	Algonquins and Nipissings number 600, "an active and intelligent race"; depend on the hunt; harvest furs for North-West Co. and Hudson's Bay Co. Rapid settlement on Ottawa R. threatening their traditional hunting grounds; fears "murder and bloodshed"; many complaints from other tribes.	None.
Iroquois of Sault St. Louis and Caughnawaga	1000	Settled in a village 9 mi. from Montréal; resident R.C. missionary and interpreter; school on reserve closed due to religious jealousies; until recently liquor supplied to Indians by whites, they have been evicted; served during last war. About 200 Iroquois live at Lake of Two Mountains, in "wreched condition."	None.

SUMMARY CHART - DARLING'S REPORT ON INDIAN CONDITIONS- LOWER CANADA

INDIAN GROUP	POP.	STATE OF CIVILIZATION	OBSERVATIONS/RECOMMENDATIONS
Iroquois of St. Regis	350	Live near Cornwall; Indians divided by War of 1812; those who supported the British fled to islands in the St. Lawrence; Americans have asked these Indians to move westward; resident Indian department official and missionary paid by government.	None.
	2870		
Micmacs		"Wandering tribes from New Brunswick and Nova Scotia"; visit Québec annually to receive presents. "These Indians, not properly belonging to the Canadas, but being inhabitants of His Majesty's other American possessions, may not be considered as coming immediately within the object of your Lordship's instructions. It may suffice, therefore, to dismiss them, by saying that they are in general, a degenerate race, who have rendered the government but little service in War, and who do not promise even to become valuable subjects in peace; they are for the most part in abject poverty, and depend upon the blankets they receive from Government ....".	None.

Endnotes, Chapter One

1. R. S. Allen, "His Majesty's Indian Allies: British Indian Policy in the Defence of Canada, 1774-1815." Ph. D. History. University College of Wales, Aberystwyth (forthcoming). I am grateful to Mr. Allen for granting me access to his research notes for the critical 1813-15 period in the Northwest.

2. PAC, C.O. 43/24, Bathurst to Drummond, 14 March 1816.

3. PAC, C.O. 42/165, Norton to Goulbourn, 5 December 1815; also C.O. 42/174, Norton to Col. Addison, 18 May 1817.

4. PAC, MG19, F29, William McKay;esp. Councils of 3 August 1817 and 7 July 1818.

5. Ibid.

6. Ibid., Black Hawk Speech, Drummond Island, 7 July 1818.

7. R.J. Surtees, "Indian land cessions in Ontario, 1763-1862: The Evolution of a System." Ph. D. Thesis, Carleton University, Ottawa, 1982. pp. 164-187.

8. Peter Marshall, "Colonial Protest and Imperial Retrenchment: Indian Policy 1764-1768." Journal of American Studies. Vol. 5, No. 1, (April 1971), pp. 1-17.

9. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. pp. 46-47.

10. PAC, C.O. 43/24, Bathurst to Drummond, 14 March 1816.

11. F.M. Quealey, "The Administration of Sir Peregrine Maitland, Lieutenant Governor of Upper Canada, 1818-1829." Ph. D. Thesis, York, 1968; "Indian Policy", pp. 300-327. Quealey argues that it may have been Maitland's good experience with the Methodist missionary efforts among the Indians which led to a cooling in his relations with Bishop Strachan after the famous Bishop Mountain Funeral Sermon in 1825 and the letter accompanying the 1827 Ecclesiastical Chart, in both of which Strachan attacked the Methodists.

12. PAC, C.O. 42/186, Miscellaneous Papers, "Report delivered to the Incorporated Society for the Propagation of the Gospel in Foreign Parts, at a general meeting of the Society on 15 December, 1820"

13. Ibid.

14. PAC, C.O. 42/365, Maitland to Bathurst, 11 June 1820.

15. John Norton was a Scotsman who was discharged from the 65th Regiment of Foot, as a private, in February 1788. After teaching at Tyendinaga Reserve (1791) and fur trading on the Miami River in the Ohio Valley, where he met Joseph Brant, Norton settled on the Six Nations tract in 1795. In 1796, he was appointed as an interpreter at Fort George. In 1804, Norton travelled to England as Brant's emissary to press the Six Nations' claim to fee simple ownership of the Grand River lands. While in London, Norton met various people connected with the Clapham Sect, a humanitarian group. When Norton returned to Canada in 1805, he maintained an active correspondence with various humanitarians and devised a plan, in conjunction with the Rev. John Owen, Secretary of the British and Foreign Bible Society, for a civilization programme on the Grand River consisting of: a central village, farms, schools, and missionaires for religious conversion. The scheme was rejected due to opposition from William Claus, Deputy Indian Superintendent at Ft. George, and Francis Gore, Lieutenant Governor of Upper Canada, who feared the political consequences of Indians having fee simple ownership of the tract.(PAC, C.O. 42/312, Gore to Castlereagh, 4 September 1809).

16. C.F. Klinck and J.J. Talman, eds. The Journal of Major John Norton, 1816. Toronto, 1970.

17. PAC, C.O. 43/24, Bathurst to Sherbrooke, 17 June 1816. Norton had travelled to England in 1815 and had extensive conversations with Lord Bathurst about Indian conditions in Upper Canada and American Indian policy which, he warned, might attract disaffected Canadian tribes, if something were not done to improve their social conditions.

18. J.S. Milloy, "The Era of Civilization," p. 63.

19. PAC, C.O. 43/41, Bathurst to Maitland, 31 May 1821.

20. PAC, C.O. 42/266, Maitland to Bathurst, 29 November 1821.

21. Ibid.

22. Ibid.

23. Ibid.

24. Ibid.

25. Ibid.

26. PAC, C.O. 42/367, R. Kerr and J. Brant to Bathurst, 6 September 1821.

27. Ibid.

28. Indian Treaties and Surrenders. Vol. 1 (1971), Treaty No. 22, p. 50.

29. PAC, RG10, Vol. 37, "Minutes of Council held with the Mississauga Nation of Indians ... at York on Monday, 28 February 1820."

30. PAC, C.O. 42/266, Maitland to Bathurst, 29 November 1821.

31. C.M. Johnston, The Valley of the Six Nations. Toronto, 1965. p. 243.

32. J. Carroll, Case and His Cotemporaries. Vol. 2. Toronto, 1874. p. 402.

33. Ibid., p. 359.

34. P. Jones, The Life and Journals of Kah-ke-Wa-Quo-Na-By (the Reverend Peter Jones). Toronto, 1860.

35. D.B. Smith, "The Mississaugas, Peter Jones and the White Man." Ph. D. Thesis, Toronto, 1975.

36. J. Carroll, Case and His Cotemporaries. Vol. 3. Toronto, 1874. p. 23.

37. P. Jones, The Life and Journals of Kah-ke-Wa-Quo-Na-By (the Reverend Peter Jones), p. 46.

38. F.M. Quealey, "The Administration of Sir Peregrine Maitland....", p. 321.

39. Ibid.

40. Ibid., pp. 321-322.

41. PAC, RG10, "Petition of the Mississauga Indians on the Credit River to Maitland," Credit River, 14 December 1826.

42. PAC, RG10, "An Address to our Great Father, Sir Peregrine Maitland from the Mississauga Nation of Indians residing on the River Credit," Credit River, 2 January 1827.

43. PAC, C.O. 43/25, Bathurst to Dalhousie, 10 April 1822.

44. PAC, C.O. 42/191, Dalhousie to Bathurst, 16 December 1822.

45. PAC, C.O. 42/197, Treasury to Wilmot Horton, M.P., 29 March 1823.

46. Ibid.

47. Ibid.

48. J.S Milloy, "The Era of Civilization," p. 50.

49. PAC, C.O. 42/370, Maitland to Wilmot Horton, 20 November 1823.

50. PAC, C.O. 43/26, Goderich to Dalhousie, 14 July 1827.

51. Ibid.

52. PAC, C.O. 42/212, Dalhousie to Huskisson, 22 November 1827.

53. PAC, RG10, Vol. 586.

54. Major General Darling had been Dalhousie's Military Secretary for twelve years. He commanded Dalhousie's trust and had been actively involved, along with Dalhousie, in trying to downsize the Indian department's budget and establishment in 1826 and 1827. See RG10, Vol. 19. Schedule No. 1, "Questions Relating to Persons on the Establishment", Darling to Napier, 26 December 1826; also RG10, Vol. 20, Schedule No. 2,"Questions Respecting the Indians and the Presents issued to them," Darling to Napier, 6 January 1827.

55. PAC, RG10, Vol. 586.

56. PAC, RG10, Vol. 5.

57. PAC, C.O. 42/216, Dalhousie to Murray, 22 October 1828.

58. See Dalhousie to Mr. Secretary Huskinsson, Québec, 22 November 1827, Imperial Blue Books on Affairs Relating to Canada, Vol. 5, p. 5.

59. PAC, RG10, Vol. 5. The focus of Darling's report was the Indians of Upper Canada who vastly outnumbered those of Lower Canada. As Leslie Upton has pointed out, the Indian situation in Lower Canada was more stable than that in the upper province. There were fewer Indians (4000) and they had been in contact with whites for generations. There were also fewer settlements and the dominance of the Roman Catholic church eliminated interest and interference from Protestant missionaries. In Upper Canada, the proximity of the volatile U.S. frontier, the trans-border migration of large numbers of American Indians, and an expanding agricultural society, gave urgency to dealing with Indian people whose numbers were estimated at 13,756. RG10, Vol. 20, "Estimate of Indians in Upper and Lower Canada according to the latest returns from the posts .... 10 August, 1827."

60. PAC, RG10, Vol. 5.

61. Ibid.

62. Ibid.

63. Ibid.

64. Ibid.

65. PAC, C.O. 43/27, Murray to Kempt, 3 December 1828.

66. PAC, C.O. 42/223, Kempt to Murray 16 May 1829 enclosing a report of Sir John Colborne to Kempt, 7 May 1829. Both James Givins and J.B. Clench supported Colborne's plan. See RG10, Vol. 22.

67. Ibid.

68. Ibid.

69. PAC, C.O. 42/388, Colborne to R. Hay, 3 May 1829.

70. Colborne also based his proposals on American models. In a despatch to Kempt on 7 May 1829, he observed: "The American Government are now using every exertion to civilize the Indians near Lake Michigan and Superior; their establishment consist of missionaries, school-masters, farmers and mechanics; and I have no doubt if we adopt the same method the expense of the Indian department will be gradually reduced."

71. PAC, C.O. 42/388, Colborne to R. Hay, 3 May 1829.

72. Ibid.

73. PAC, RG10, Vol. 5, C. Stuart to J. Kempt, 22 April 1829.

74. PAC, C.O. 42/223, Kempt to Murray, 16 May 1829.

75. PAC, C.O. 42/226, Treasury to R. Hay, 20 November 1829.

76. PAC, C.O. 43/27, Murray to Kempt, 25 January 1830.

CHAPTER TWO

The civilization programme evaluated: Inquiries of the Executive Council of Lower Canada and Justice James B. Macaulay, Upper Canada.

The refashioning of the Indian-goverment partnership and establishment of the reserve system in January 1830 resulted in a reorganization and restructuring of the Indian department. On 13 April 1830, the department was divided into two offices. In Upper Canada, the Lieutenant Governor assumed control with the veteran Col. James Givins appointed as Chief Superintendent. In Lower Canada, departmental management remained with the Military Secretary, Lieutenant Colonel D.C. Napier, a former resident agent at Montréal.[1] In the field, long-time Indian agents, accustomed to the old military relationship, remained at their various posts and were expected to perform the new and more complex duties associated with the civilization programme.

These administrative and theoretical alterations had been suggested in reports made in 1828 and 1830 by Darling and Murray. The consequence of these changes would be the subject of two extended inquiries, one from each province of Canada, in the second half of the decade. The reports from these investigations, one by an Executive Council Committee in Lower Canada,[2] and one by James B. Macaulay, a specially appointed Commissioner in Upper Canada,[3] revealed that the newly devised programme required rather more thought, and more money, than had been envisaged by the original proponents, Darling and Murray. They also set the pattern for other investigations that would follow over the next two decades. It required almost ten years of experimentation, however, for officials in Canada and Britain to realize that the Indian question was considerably

more complex than originally thought.

To test the new approach and philosophy, two model Indian settlements were established immediately at Coldwater and Sarnia, under the direct supervision of Captain Thomas G. Anderson and William Jones, respectively.[4] These experiments were in addition to those already in operation at the Credit River and at Rivière Verte in Lower Canada. The Coldwater community, a completely new endeavour, involved three separate Chippewa bands of the Lake Simcoe region and received the most attention from expectant government officials.

In 1828, Chippewa Chiefs Yellowhead, Snake, and John Aisence had expressed to Major Darling an interest in leading their bands towards a settled and civilized life and were accordingly induced to establish villages at Coldwater and at the Narrows, between Lake Simcoe and Lake Couchiching.[5] Part of the general plan was to construct a road, 14 miles long, between these two locations. Communal farms, under the tutelage of skilled white farmers, were to be started at each site, and Indians were expected to acquire the requisite agricultural skills while watching and working the fields. Those not employed on the communal farms were to build the road and to construct permanent houses both along the road and at each terminus. A school teacher was hired to instruct the children in basic literary skills and hygiene while their parents were acclimatizing themselves to an agricultural and settled existence. Both parents and children were to receive the ministrations of a duly appointed Church of England Minister.[6] In the minds of the planners, all eventualities had been anticipated and it was expected that these bands, numbering about 500 in all, would quickly reject their

traditional ways and accept the benefits of a settled, Christian,and literate community.

The planners were too sanguine, although this was not readily apparent. Progress reports from Captain Anderson to Col. Givins were encouraging, and in the relatively tranquil years between 1830 and 1835, all social indicators - improved housing, agriculture, schools, and religious conversion - pointed towards a highly successful experiment.[7] The signs, as reported by Anderson, were sufficiently optimistic that plans were made, in 1836, for a similar experiment on the Great Manitoulin Island.[8] If the few years after 1830 were progressive ones at the Coldwater-Narrows location, it seemed logical that the same success could be duplicated on the Manitoulin. This perspective induced Sir John Colborne to support the extension of the experiment,[9] and later inclined Sir Francis Bond Head, his successor, to pursue the idea to ends never envisaged.

It should be noted that the civilization programme had its origins not only in the United States and the Canadas; it was also rooted in "philanthropic liberalism," an important element in British public thought during the 1830s. This was a decade of industrialization, social reform, and political radicalism, a period which saw the rise of a humanitarian movement and the concept of the "white man's burden" characterized by the Clapham Sect's campaign against the slave trade, the spread of missionary zeal, and a new attitude towards the aboriginal people in the colonies.[10] In 1836 the Aborigines Protection Society was founded and soon became a leading pressure group for Indian advancement and civilization.

Among Imperial figures, perhaps the most influential commentator on the "Native Question" was Herman Merivale, Professor of Political Economy

at Oxford, who became permanent Under-Secretary of State for the Colonies in 1847, when he succeeded Sir James Stephen, who had held the post since 1836.[12] Merivale believed that metropolitan control of Indian affairs in the colonies was essential in order to maintain law and order and "civilize" the Native population. He developed four policy alternatives to solve the Native question: extermination, slavery, insulation, and amalgamation,[13] but the influence of the humanitarian movement effectively eliminated the first two. Consequently, Colonial Office Indian policy for the Canadas consisted of "insulation leading eventually to amalgamation," an approach also designed to lower the cost of Indian administration.[14]

Although Merivale may have believed in the gradual "euthanasia" of Indian culture through amalgamation, he did not subscribe to the theory that the Indians would disappear because of an incapacity to develop like Europeans.[15] Indeed, Merivale promoted the idea that the Imperial government should protect Native peoples through "a department of civil service," while permitting teachers and missionaries to awaken the Indians to the need for material progress.[16] This was a philosophy and approach he shared with Lieutenant Governor Colborne and senior officials including Colonial Secretaries Sir James Murray and Lord Glenelg.[17]

While Merivale and other British liberals were developing their social theories, and while innovative programmes were being implemented in Canada, the parsimonious accountants at the Treasury in London remained concerned with rising costs. Five years after the initiation of the new policy, a Select Parliamentary Committee on Military Expenditures

passed a resolution recommending the commutation or termination of the annual presents and a scaling down of Indian department staff to reduce the annual Parliamentary Grant of £20,000.[18] Once again, Imperial retrenchment had become a dominant theme.

As a result of this resolution, on 14 January 1836 Lord Glenelg requested progress reports on Indian social and economic conditions from the Earl of Gosford, Governor General, and Sir Francis Bond Head, the new Lieutenant Governor of Upper Canada. He also solicited proposals for future Indian policy.[19] Gosford, wise to the ways of bureaucratic administration, asked a committee of the Executive Council of Lower Canada to prepare his reply. Bond Head, on the other hand, chose to devise his own innovative policy and put it into effect immediately. In the process he rejected the major principles and concepts of the existing civilization programme.[20]

Bond Head based his Indian plan on personal observations, Canadian sources, and perhaps on contemporary American policies promoted by President Andrew Jackson and Lewis Cass, Governor of the Michigan Territory.[21] During the summer of 1836 Bond Head had visited almost every Indian village in Upper Canada to see how Indian civilization was progressing. He concluded that it was not only stagnant,but impossible. All efforts to turn Indian warriors into farmers had failed, he said, and would continue to fail. They were a doomed race, their population showed consistent decline and it was only a matter of time before the race died out.[22]

Acting on a suggestion from Commissary General R.J. Routh, Head decided to remove all the Indians from Upper Canada to the islands

of the Manitoulin chain, where their last years could be spent in isolation from white settlers.[23] These isolated islands, Bond Head maintained, provided adequate soil and abundant game, berries, and fish, and could therefore sustain a traditional Indian economy. It would not, however, be attractive to white settlers.[24]

Accordingly, during the ceremony of issuing annual presents at Amherstburg in June 1836, he obtained from the Hurons two thirds of their lands along the Detroit River,[25] and from the Moravian Indians, six square miles on the Thames River.[26] In the same year, while at Manitoulin Island, again during the annual distribution of gifts, Bond Head arranged for the Ottawa and Chippewa to surrender their title to the islands on condition that the land would be used to accommodate Indians from all Upper Canada.[27] At that same meeting, he convinced the Saugeens to surrender their title to 1.5 million acres of the Bruce peninsula just below the Saugeen River.[28] Later that fall he secured the lands that had been set aside only six years earlier for the Chippewas at the Coldwater-Narrows location.[29] The occupants of these several tracts were urged to move to the Manitoulin chain. This removal scheme, in Bond Head's view, would solve both the Indian issue and the growing demand for new lands from settlers.[30]

Bond Head's policy outraged the Methodist missionaries in Canada. In 1837 the Wesleyan Methodist Conference reported great unrest among the Indians of Upper Canada. Head's policy threatened every Indian settlement, they said, and retarded progress in religious conversion, civilization, and assimilation since all bands feared their lands would be seized and that they would be removed to the Manitoulin islands. The missionaries argued that only the security of land titles would persuade the Indians

to continue making improvements.[31] In England, a report of the Aborigines Protection Society in June 1837 also rejected Bond Head's removal policy which, in their view, exchanged 3 million acres of arable land for twenty-three thousand "barren islands."[32]

While opposition to Bond Head's removal scheme grew, a Committee of the Executive Council in Lower Canada quietly prepared its own report to the Governor General. The Committee, chaired by William Smith,[33] consisted of three Executive Councillors - Messrs. De Lacy, Stewart, and Cochran - none of whom had any previous experience in Indian affairs. Their task was to sift through the evidence collected by Gosford from despatches to local provincial officials, as well as to consult with interested groups and individuals, as the need arose.

Formal deliberations began on 7 October 1836, and a final report was submitted to the Governor General on 13 June 1837.[34] In some respects the Committee's report was a remarkable document for it was highly critical of many aspects of current Indian policy. Nor did the Committee attempt to hide its opposition to Imperial proposals that the annual presents be commuted or terminated and that the Indian department be reduced. In the report itself, the Executive Councillors set down a three part format which would be followed by subsequent inquiries: a short history of Indian-government relations; data on current Indian conditions; and a section devoted to policy recommendations. The two topics of greatest import, in the minds of Smith and his colleagues, were the proposed cost reductions and the issue of Indian education.

The Committee members realized that the question of commuting or terminating the annual presents was extremely sensitive. Reflecting

the earlier views of Major Darling on this subject, the Councillors noted that "... an entire Discontinuance of the Presents (would be) an Act of Injustice and Impolicy, unless effected in the Way of Commutation, and with the entire Consent of the Indians themselves."[35] They did not approve of the suggestions made by James Hughes, Superintendent of Indian Affairs at Montreal,that the presents be terminated for those Indian children born after 24 February 1834, and for those born of mixed parentage. They also opposed Commissary General Routh's suggestion that an eligibility list be established in 1839 which would limit the presents to the aged and infirm.[36] Instead the Committee adhered to Gosford's approach to consult with the Indian leadership through a series of formal councils.

Throughout the summer and fall of 1836, D.C. Napier, Secretary of Indian Affairs, visited the major Indian villages in the lower province. At St. Regis, St. Francis, Caughnawaga, the Lake of Two Mountains, and at the smaller reserves located near Québec City, Chiefs and Councillors were asked two carefully worded questions, which clearly reflected the government's concern not to create unrest among the tribes.

1st Question - Supposing for a Moment, Brothers, that your Father, the Governor in Chief, thought proper to offer you an Equivalent in Money in lieu of the Articles ... which you now receive as an annual Bounty to you from your Great Father the King, to which would you give Preference? Would you prefer the Commutation Money, or would you rather wish that the present System be continued?

2nd Question - I have now to ask you, Brothers, that whether you do in future receive Money for the Whole or Part of the Articles of Presents that you

> are in the habit of receiving, or whether the Issue of Presents so made to you in Goods as at present,would you consent that a Part of the Value of your Presents, or the Commutation Money, as the Case may be, should be expended in erecting a School-house, furnishing Books of Instruction, and in the Payment of a Schoolmaster, for the Benefit of Education to your children?" [37]

At every council, the Indians rejected a money commutation, demanding a continuance of the current system. They admitted their dependence on the articles of clothing and utensils and feared that additional money would lead to increased drunkenness. In reply to the second question, virtually all Chiefs were in favouring of educating their children, realizing the future benefits. However, the bands were so poor they could not afford any alteration in the annual presents, even if that meant their children could not attend schools.[38]

The Committee reviewed this and other evidence on these matters, and concluded that the presents could not be discontinued until the Indian population had reached equality with the rest of the inhabitants of the province. The Committee also rejected a money commutation for the presents, instead proffering the suggestion, originally put forward by Commissary General Routh, that items of European clothing be introduced; trinkets and ornaments be sold off to buy agricultural equipment and supplies; and fire arms and ammunition be limited strictly to Indian hunters.[39]

The presents were regarded not only as compensation for land taken from the Indians, but were "Proof of the continued Protection of the Crown." Unfortunately, this total dependence on the Crown had resulted "in their helpless Condition."[40] The Councillors went on to observe that the "... policy of Government has been to keep

them apart from the rest of the Society, has trained in them an Aversion to Labour, and has in a measure incapacitated them from becoming useful Members of the Community."[41] It would not be fair for the Crown suddenly to abandon the Indians and compel the non-Native citizens of Lower Canada to assume the heavy costs associated with Indian administration.

On the subject of Indian education, the Committee described the efforts of the Jesuits and Recollets before the Conquest, but noted sadly that "ground had been lost" since that date. Because it was "incumbent on the State to prepare the younger Generation of Indians for another and more useful mode of Life," schools should be established to teach agricultural skills, animal husbandry, handicrafts, and other rudiments of education, such as reading and writing.[42] To encourage school attendance, presents would be given only to those parents who ensured their children attended school. In conclusion, the Councillors opined that a great barrier to advancement was the continued use of Indian languages in religious education. This practice should cease and, in the future, only English and French should be the languages of instruction.[43]

Despite their sensitivity to obtaining the views of Indians in respect of the presents, the Councillors were not so charitable in their assessment of the ultimate utility of the traditional role played by Indian Chiefs and band councils in daily tribal life. In the penultimate paragraph of their study, the Committee proposed an assault on the traditional system of Indian government and communal land ownership:

> The Committee are of opinion, that, as a necessary Part of any Change in the Management and in the Condition of the Indians, the existing Institution

> and Authority of their Chiefs and Councils (standing on ancient Usage alone) must either be greatly modified or gradually but totally extinguished, without which the important Point cannot be attained of teaching the Indians to feel and value personal Independence both in Property and Conduct.[44]

This suggestion was not acted on by Gosford nor Glenelg at the time, as their attention soon turned to the growing social unrest in Lower Canada. However, the point had been made and would be taken up by Richard Pennefather in 1856, once the Indian partnership - at best always marginal to the greater colonial interests of resource development and settlement - was no longer valued.

To conclude their report, the Executive Councillors turned their attention to the situation in Upper Canada and commented upon Sir Francis Bond Head's removal plan and its underlying philosophy. The Councillors disagreed with Sir Francis' view that the Indian race was doomed. Nothing prevented Indian people from achieving a level of advancement equal to Europeans.[45] Many Indians were already successful farmers as was seen by the data collected regarding the Abenakis at St. Francis and the Iroquois at Caughnawaga. There were certainly serious social problems attending the Native populace but

> those influences which have operated against them have proceeded from a long and fatal Neglect of those who should have watched over his Improvement, of the proper Means of raising him in the Scale of Civilization; or rather, he has been the Victim of a Vicious System positively calculated to depress and degrade him.[46]

Bond Head's solution of isolating Indian people from white settlement was wrong. Indian people should instead be settled in compact settlements near non-Native communities. This approach, recommended

by Darling, would permit Indian department officers to supervise the civilization programme, prevent trespass and fraud, and manage more efficiently the reserve resources and revenues. While this system might temporarily reinforce the old ways, and "enchance their propensity to dissipation and idleness," the ultimate goal was to make Indians agriculturalists, and in their view, close proximity, not isolation, was the correct approach.[47]

The Governor General forwarded the Committee's report to the Colonial Secretary, Lord Glenelg, on 13 July 1837, stating he concurred with their recommendations, though he would await Glenelg's advice before proceeding.[48] Interestingly, the Executive Council's recommendations were similar to the suggestions put forward by the Aborigines Protection Society, which had published its report a month earlier on 26 June 1837. The Society's findings had a significant impact in awakening the public conscience to the plight of the Native people in the colonies and, when read in conjunction with the Executive Council's study, altered Lord Glenelg's original positive assessment of Bond Head's initiatives.

By the summer of 1838, Glenelg was convinced that Bond Head was mistaken in viewing Indians as a dying race incapable of advancement, and that the original programme set down by Darling and Murray, endorsed recently by the Executive Council of Lower Canada and the Aborigines Protection Society, was the correct course. On 22 August 1838, Glenelg sent instructions to both Lord Durham, Governor General, and Sir George Arthur, Bond Head's successor, outlining his views on Indian policy. His despatch was a comprehensive statement reiterating Sir George Murray's 1830 commitment to civilize Indian people.[49]

"Wandering" Indians were to be settled in compact villages; those who were settled would become farmers. Indian people were to be secured in the possession of their land with the title to reserve locations assured under the Great Seal of the province. As well, reserve land would be protected from seizure by creditors and would be alienable only with the consent of the Governor General, principal Chief, and resident missionary. Since Indian education was a basic element of Indian civilization, every assistance was to be given to missionaries, and instructions were to be issued to Indian department staff to cooperate with them. The fundamental goal of British policy, concluded Glenelg, was "to protect and cherish this helpless Race ... and raise them in the Scale of Humanity."[50]

To Sir George Arthur, Glenelg noted the absence of any comprehensive report describing Indian conditions in Upper Canada. One had been sought from Bond Head, but none had been forthcoming. A comprehensive assessment was still required and in view of the fact that the Indians had remained loyal during the recent rebellions, their needs and progress should be immediately ascertained. Glenelg referred his Lieutenant Governor to the Smith report and recommended using the same format and adapting the findings to the Upper Canada situation.[51] The directive left Arthur with little room for innovation.

In reply, Arthur informed Glenelg on 14 February 1839 that Richard Tucker, Provincial Secretary, had been delegated the task of preparing the long awaited report.[52] A month later, Glenelg was advised that Tucker had been assigned to new duties and that Justice James Buchanan Macaulay had been commissioned to undertake the inquiry.

In the same despatch, the Lieutenant Governor explained that once Macaulay had finished his investigation a plan would be submitted for "remodelling the whole Indian Department," as well as making suggestions to improve the cost efficiency of the civilization programme.[53]

Unlike William Smith, who chaired the Executive Council's inquiry, a great deal is known about the life and career of James Macaulay. He was born at Niagara in 1793 and educated at Cornwall under the tutelage of Bishop Strachan. On 5 May 1825 he joined the Executive Council of Upper Canada. In 1826, he participated in the destruction of the offices of the Colonial Advocate, a paper published by William Lyon Mackenzie.[54] A fellow member of that raiding party was Samuel Peters Jarvis,who succeeded James Givins as Chief Superintendent of Indian Affairs in 1837. During his inquiry, Macaulay quoted extensively from Jarvis's letters and relied heavily on his old friend's advice.

Macaulay's sensitivity to Native conditions stemmed from his judicial experience at the Niagara Assizes, during which he heard many cases involving disputes between settlers and Indians.[55] Another reason why Macaulay was chosen, aside from his interest in Indian people, may have been because of a study which he completed recently of the Second Heir and Divisee Commission. Macaulay's analysis had focussed on ways to improve the Commission's administrative practices and he had not strayed into sensitive policy considerations.[56] When Sir George Arthur selected Macaulay he was looking for a similar treatment of Indian affairs issues. After all, the Executive Council's report set the required format and philosophical approach; all Macaulay needed to do was adapt it to Upper Canada.[57]

Macaulay's investigation began at a time when the events of the rebellion were still fresh in people's minds and the subsequent trials reported daily in the press. In addition, the American Hunters Lodges were still active and had recently conducted serious border raids at Prescott on the Upper St. Lawrence, and at Sandwich, near Windsor. In December 1838, the Executive Council of Upper Canada had approved the use of Indians against the invaders; thus the old military partnership had, in a time of provincial crisis, been resurrected.[58] To maintain the Indian alliance Macaulay was aware that he would have to tread softly, particularly with those sensitive but contentious Indian policy issues, to which Imperial authorities impatiently wanted answers.

Macaulay began his inquiry on 1 March 1839, completing a final report on 22 April.[59] Poor health prevented him from devoting more time to the assignment. As well, Macaulay did not visit any Indian settlements nor did he personally consult with the Indian superintendents and missionaries. His focus was Bond Head's correspondence and state papers supplied to him by Sir George Arthur.[60]

Macaulay opened his report with a defence of the Indian civilization programme. Like the Executive Council of Lower Canada, he refuted Bond Head's theory that Indians were a "doomed" race and he observed:

> there is no apparent reason for deeming the North American Indians irreclaimable although only to be accomplished by long continued and unremitted exertion ... Indian civilization ... can only be accomplished by degrees. It is contrary to nature, and unreasonable to expect rapid success but it may be brought about by the judicious tuition of the young, in a few generations. The first step no doubt should be to enduce the wandering tribes to become fixed residents by supplying their physical wants to local points, not occasionally but regularly and constantly and while the adults are thus provided and encouraged, every attention should be bestowed upon the children.

Again concurring with the Executive Council, Macaulay recommended that Indian villages be located in proximity to non-Native settlements, where Indian people could learn to emulate the life-style of their European neighbours. Removal to the remote Manitoulin Island chain would inhibit the process of learning-by-example and prevent Indian "amalgamation," the goal of the civilization programme.[62] Macaulay also took issue with the Commissary General's recent suggestion, enclosed as an appendix to the Executive Council's report, that the Indian department be abolished and the duties of gift giving and annuity distribution be turned over to the Army Commissariat at Québec. Macaulay pointed out that the duties of the Indian superintendents were more complex than Routh appreciated, and if Indian people were to advance, the major obstacles to the process, alcoholism, poor health, and lack of food and shelter, had to be overcome. This was no time for "theoretical" plans, or a change in course. An effective system of schoolmasters, missionaries, and model Indian communities was already in place and officials of the Indian department should continue to superintend and manage the programme.[63]

The question of continued presents to visiting and resident Indians was particularly vexing because of their cost. Macaulay reviewed the documentation and noted that in Upper Canada, 3000 visiting Indians and 6000 resident Indians received annual gifts. This was far greater than the figure of 3000 for Lower Canada, and the cost, in 1836 alone, amounted to £15,850 out of the £20,000 Parliamentary Grant.

In 1836 Bond Head had recommended that presents be continued for the resident Indians and terminated within three years for visiting groups. In the meantime, as a precautionary measure, ball and shot should be withheld. On 4 August 1837, Jarvis acted on Bond Head's

suggestion and issued a notice at Manitowaning that presents for American Indians would be discontinued in 1839.[64] A year later the political situation in the upper province had changed drastically with the outbreak of rebellion in December 1837 and border raids by American Hunters Lodges. Jarvis wrote to John Macaulay, Arthur's Secretary, warning that "the present crisis (was) unfavourable for the change."[65]

Reviewing the correspondence before him, Justice Macaulay agreed with Jarvis. Macaulay cited the Executive Council report and noted their opinion that the annual presents were compensation for land and for providing "protection and friendship" to the Crown. Macaulay concluded that the presents could not be terminated for the 6000 resident Indians "without causing umbrage."[66] As for visiting Indians, Macaulay observed that current international tensions cautioned against any change in policy. It was his opinion, shared by many observers, that while the value of Indians as warriors had declined, it was best to maintain their loyalty, to prevent the Americans from obtaining their services.[67]

Macaulay also agreed with the Executive Council that the presents should not be commuted to money. Instead agricultural implements and European clothing should be substituted gradually. In the event, "no deviation could be advised without their full consent and approbation."[68]

Another contentious issue bedeviling the civilization programme in Upper Canada was the matter of individual Indians obtaining title to reserve lands. This was a question which threatened to destroy the

entire programme because it pitted the missionaries, Indians, and Indian department officers against one another. Macaulay began his examination of this question with a discussion on the nature of the "aboriginal title":

> As in the old colonies, so ever since the Conquest of Canada, the Territorial Estate and Eminent dominion has been held to reside in the Crown, acknowledging to the Indians however the possessory right of original occupancy, with an exclusive privilege of pre-emption reserved to the Sovereign, subject to which restriction the Claims of the Aborigines had always been respected ... in the land cessions the general occupancy and not the actual Estate seems to have been the only right relinquished and that is acquired by the government on liberal terms - not only have perpetual annuities been granted in return and £20000 Sterling per annum been regularly expended in presents - but such lands have been with equal liberality distributed among British Settlers ...[69]

He also noted that the Executive Council had recommended "securing individual rights in the parcels respectively allotted" to Indians.

Macaulay proceeded to review the correspondence between the Wesleyan missionaries, Bond Head, and Lord Glenelg.[70] On 24 July 1837, representatives of the Wesleyans had written to Bond Head complaining that the absence of individual deeds was impeding the civilization process because it reduced the Indians' initiative to work and made their improved lands susceptible to illegal occupation by settlers. The Wesleyans recommended that they be appointed "trustees" of Indian lands at posts where their missionaries were stationed. Bond Head rejected the suggestion because he didn't want missionaries to become "land agents." He also feared their interposition between the Crown and Indian people.

The Wesleyans and Indian spokesmen continued to press the matter.

The Reverend Peter Jones, from the Credit Reserve, met personally with Lord Glenelg and urged individual land titles for each band which would be secured to the estates of each Indian. On 14 December 1837, the Reverend Robert Alder wrote Glenelg recommending that fee simple ownership, if granted, should not be "tangible by creditors" and not alienable without the consent of the Crown, principal chief, and local missionaries.

Glenelg wrote to Sir George Arthur on 22 March 1838, informing him that he had turned down Alder's plan. However, at the next general meeting with the Indians of Upper Canada, Indian department officers were to assure the tribesmen that the Crown would "respect their rights in regard to the Lands on which they settled." Individual deeds would not be granted, but their rights and reserve locations would be recorded in the Crown Lands office. Five months later Glenelg modified the policy, advising Arthur that Indian lands were to be secured from seizure by creditors, and that all grants were to be made under the Great Seal of the province, alienable only with the consent of the Chief, resident missionary, and Lieutenant Governor.

This despatch brought the Chief Superintendent, Samuel Peters Jarvis, into the controversy. Jarvis contended that the Indians were not concerned with the title deeds. This was a spurious issue, concocted by Methodist missionaries "who were actuated by sinister motives." Jarvis, like previous Superintendents, pointed to the Royal Proclamation of 1763 as an indication that the Crown never intended Indians to have the sole power to alienate their land. If individual deeds were granted then the Crown could no longer afford the Indians protection from trespass and fraud.[71] Instead Jarvis suggested that the reserves be

surveyed, accurate plans and boundary descriptions be prepared, and the documentation deposited in the Office of the Provincial Secretary and Registrar. Title to the reserve would remain vested in the Crown.[72]

Macaulay assessed the situation and remarked that the Chief Superintendent's suggestion had merit. However, he recommended that the Crown's law officers look into the matter and provide an opinion. In the meantime Macaulay offered a few suggestions:

> These lands might be granted to trustees or the respective Indian settlements might be Incorporated for the purpose of holding the Estates, with perhaps some provision for local municipal regulations ... whatever is done I decidedly think that restrictions against improvident alienations, debts or contracts, desirable, and the Head Office of the Indian Department should have an approving voice....[73]

Macaulay also recommended that the Chief Superintendent maintain a "Land Book" which would record for every reserve, land patents, orders in council, sales agreements, contracts, licences, and related correspondence. Some order had to be imposed on a chaotic situation so that individual Indian families, as they progressed in civilization, would be encouraged to settle on individual farms and hold their land in fee simple.[74]

In Macaulay's view, individual Indian ownership of land would result in their becoming full citizens, not wards of the province.[75] To speed the process, Macaulay suggested a scheme for creating townships out of the remaining unsold surrendered lands from the Moravian and Grand River reserves and settling the Indian people on lots "in the same manner pursued towards the Whites."

> Each head of a Family or adult ... would have assigned to him a distinct property which he could regard as emphatically his own ... he might be permitted to sell one part to aid

> the improvement of the other, the whole nevertheless remains under the auspices of the government as heretofore to be confirmed by patent on the fulfillment of specific terms.[76]

As a jurist, Macaulay was emphatic that Indian people should become familiar with the white man's laws and be instructed in the concept of individual property rights. He was convinced by his experience at the Niagara Assizes that much confusion was caused in Indian minds because their traditional notion of collective rights prevented an appreciation of British legal principles. This incomprehension compounded the malaise emanating from their precarious economic and social position within colonial society.[77]

The Indians' marginal position in society often resulted in their claiming a separate nationality or status. Macaulay rejected this agrument, viewing all Indians as subject to the laws of the land.

> So as respects civil matters, I believe our courts are considered open to enforce their contracts, or to afford redress for injuries to their persons or property, not only as between them and the white people, but in relation to each other, unless mental incapacity to contract, fraud, or some other valid defence could be established, or some special ground be relied upon in particular cases. It is true civil suits in which Indians were parties have been very rare, but I am not aware that the jurisdiction of our civil tribunes, any more than the criminal, could be withheld if required to be exercised. Then, as to political rights, the same principles seem to apply, and if possessed of sufficient property to qualify them, their competency to vote at elections or fill municipal offices, if duly appointed thereto, could not be denied.[78]

In the final section of his report Macaulay examined the operations of the Indian department. Despite a thorough airing of policy issues and specific band grievances, Macaulay was hesitant to denigrate officials of

the department and their activities. He could not support suggestions to reduce staff "unless it is determined to leave the Indians to themselves under the care of the missionaries, in which event several reductions might of course be made."[79]

Instead Macaulay recommended an expanded service. Superintendents should be appointed for the Indians living at Rice Lake and the Bay of Quinté.[80] He examined the employment applications submitted by Drs. Digby (Grand River) and Mulock (Coldwater) and raised a number of questions concerning their salaries and duties.[81] Various missionaries who had petitioned for financial assistance or reimbursement had the status of their submissions assessed.[82] Finally, he reviewed the retirement plans of senior departmental staff and noted the cost of their pensions in relation to the departmental budget.

As for the Chief Superintendent's office, Macaulay recommended that it remain at Toronto and that he hire clerical assistance to help him with correspondence and record-keeping.[84] To improve the efficiency and effectiveness of the civilization programme, Macaulay suggested expanded duties for the Chief Superintendent.

> The Chief Superintendent should visit all the Stations at least once a year, to make himself acquainted with the actual state of each, of its prosperity and wants, and the better to enable him to assign the duties of local supervision ... A plan of operation should be carefully compiled by the Chief Superintendent in concert with his subaltern officers after acquiring every information in his power. This should be approved by the Government and the steady prosecution of the details should be enforced.[85]

Central to the success of the programme was to find personnel sufficiently educated and diligent to appreciate the importance of the duties assigned to them. In the words of Macaulay:

> Whoever therefore is continued or appointed should clearly understand, that an actual not a nominal service (is) required, and a wholesome and judicious discipline should be uniformly enforced. Under such circumstances I should anticipate beneficial results to the Aboriginal Tribes, to the Government and to the Country.[86]

Sir George Arthur received Macaulay's report in late April 1839.[87] Seeking an outside opinion on its findings, he referred the study to William Hepburn, a former clerk in the Indian department.[88] Hepburn's personal views are not known,[89] and perhaps are unimportant, since the report, Hepburn and Macaulay, were immediately involved in yet another inquiry into Indian department operations. This investigation, part of a general inquiry into all government departments following Lord Durham's report,[90] was carried out by Legislative Committee No. 4, which convened on 21 October 1839.[91] Thus Macaulay's Indian study, like that of the Executive Council, was effectively shelved while the greater issues of administrative reform and political union were debated.[92]

In retrospect, the reports of the Executive Council and Justice Macaulay mark the first evaluations of the Indian civilization programme. To be sure, the system proposed by Darling in 1828 had been found wanting in many respects, but official optimism still attended the programme's ultimate success. Both the Executive Council and Macaulay examined policy issues which were not apparent in the early days and their data collection on Indian conditions reflected a growing awareness by policy makers that detailed social research and preparation of social indicators such as population change, acreage under cultivation, religious conversion, and school attendance were essential, if the success of the programme was to be assessed effectively in the future and safeguarded against Imperial retrenchment.

Criticism can also be levelled against both reports for simply tinkering with the machinery of Indian department administration when, in fact, an overhaul was required both in personnel and structure to meet the new duties. However, it should be kept in mind that these reports were produced at a time of internal unrest, growing international tensions, and demands from both Colonial and Imperial officials that the British North American colonies assume greater control over their own affairs. The interests and conditions of the Indian people once again took a back seat to matters of greater colonial significance and for a time Indians were forgotten. The new partnership which had been forged in 1830 remained intact but there was an obvious growing impatience on the part of government that Indian people live up to their part of the bargain.

3. St. Regis, Indian Village (St. Lawrence River), by W.H. Bartlett, c. 1830s

(PAC-C2335)

Figure 3.

Source: Great Britain. Parliamentary Papers. Vol. xxxiv. pp. 255-263.

BAND/RESERVE PROFILES -
THE EXECUTIVE COUNCIL'S ASSESSMENT OF INDIAN CONDITIONS - LOWER CANADA

1.

INDIAN/GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - EXECUTIVE COUNCIL
Iroquois of Sault St. Louis	Pop. 932: men 268; women 283; children <14,381. Seigniory of Sault St. Louis granted to Jesuits in 1680, "pour contribuer à la Conversion, Instruction, et Subsistence des Iroquois"; 1762, lands vested in the Iroquois, under the supervision of the Indian Department; 40,000 acres. Agricultural advancement: 2,230 ac. cultivated; crop yields, wheat 64 bu., oats 312 bu., corn 3,391 bu., peas/beans 818 bu., potatoes 2776 bu. None subsist by agriculture; aged cultivate land. Employment: Rafting on St. Lawrence R. Band Revenues: Chiefs receive an annuity of £62 10s from State of N.Y. from lands sold under Treaty of May 1796; 2,230 ac. cultivated of 20000 ac. held by band, annual revenue £750.; 20,000 ac. rented out at £205/yr., "... by allowing no further Concessions to be made of their unconceded land, the Indians... might ... be made ... independent of the Supply of Presents." Snow shoes, mocassins, jackets manufactured for sale. Principal support from hunting and fishing. Reserve Mgt.: Under mgt. of Ind. agent; must render certified account sheets 31 Oct., must explain to "Iroquois Chiefs in full Council", full financial particulars; forward these to G-G. Religion: R.C.	not stated	Seigniorel revenues from tract, in future, might be used for education of youth and, independence from presents.
Iroquois of St. Regis	Pop. 381; men 105, women 109; children <14,167. 60,000 ac. of reserve land, including 9 islands in St. Lawrence R. Original title "Occupancy for hunting"; titles recognized by French, secured by art. 40, Articles of Capitulation (1760), and Royal Proclamation of 1763. 1796 tract in L. Canada leased to renters, practice confirmed by Governor General in 1822.	not stated	Indians may surrender whole reserve for a perpetual annuity of £200 Halifax currency, to avoid delinquent accounts.

INDIAN/GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - EXECUTIVE COUNCIL
	Agricultural advancement: 361 ac. cultivated, mainly by aged; indifferent success; recent crop failures; poor knowledge of agricultural techniques, despite example of European neighbours. Rely on fishing and hunting for food. Employment: raftsmen in summer; hunt in winter. Band revenues: ave. annual income £351.15s.; ½ spent on church and public expenses; rest divided among tribesmen; additional revenue from leases and rents. Reserve mgt. Managed by Indian agent. S.Y. Chesley and a Committee of twelve chiefs and warriors name by the tribe; accounts made up every 31 Oct. and forwarded to Secretary for Indian Affairs. Religion: R.C.		
Abenaquois of St. Francis	popl. 330; men 98, women 111, children <14,141. 12,000 acres on St. Francis R., and 8,900 acres in Durham Township; 14 islands Agricultural advancement: 260 ac. cultivated; no families subsist by agriculture, with exception of 14 families in Durham Township who have leased separate lots from the Chief; most hunt and fish. Employment: women do handicrafts Band revenues: £61.8s/year; paid out to pay band debts. Reserve Mgt. Ind. agent "selected by the Chiefs" and approved by Head of Indian Department. Religion: R.C.	1805, lots in Durham Township amounting to 8900 ac. granted in "fee & common soccage" to 17 heads of families, not alienable; however, Indians leased land to soldiers, 1829 petition Crown to purchase these lands.	Petition being reviewed by attorney General; feel further alienations should be prevented; better price to Indians for those lots being purchased; Indians should receive additional hunting lands on St. Francis R.

BAND/RESERVE PROFILES -
THE EXECUTIVE COUNCIL'S ASSESSMENT OF INDIAN CONDITIONS - LOWER CANADA

INDIAN/GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - EXECUTIVE COUNCIL
Iroquois, Algonquins, Nipissingues, at L. of Two Mountains.	Pop. 864: Algonquins - 298, 87 men, 94 women; children <14,117; Nipissingues-264; 79 men; 95 women; children<14,90 Iroquois -300; 64 men;101 women;children<14,113 No reserve land, except 260 ac. occupied by permission of Seminary of Montréal, destitute. Agricultural advancement: cultivate small patches; Iroquois-150 ac.; Algonquins - 60 ac.; Nipissingues-50 ac.; 1835 crop failure; supplied with flour and pork by gov't. Employment: raftsmen and river pilots, hunters. Band revenues: none Reserve Mgt.: not stated Religion: R.C.	Have presented a valid claim to Crown for hunting grounds on Ottawa R. not already taken for settlement; base claims on 1763 Royal Proclamation and documents from Lord Dorchester.	Should receive lands on Ottawa R.;government assistance and support to eventually make them independent of the state. Settlment of similar claims should have same goal.
Hurons of Lorette	Pop. 219, men 63; women 78, children <14,78. Village sites; also 30 ac. field adjoining; 1600 arpents in Seigniory of St. Gabrielle. First reserve at Sillery, moved to Lorette. "By the intermixture of White Blood they have now so lost the original Purity of Race that they cannot properly be considered as Indians...." Agricultural advancement: wheat 15 bu.; 250 bu.; potatoes 650 bu.; beans; 6.5 bu.; none derive sole support from agriculture. Employment: hunt, fish, make handicrafts. Band revenues: not stated, mainly from handicrafts. Reserve Mgt. not stated. Religion: R.C.	Claim rejected to Seigniory of Sillery.	Additional land should be provided for agricultural production.

BAND/RESERVE PROFILES -

THE EXECUTIVE COUNCIL'S ASSESSMENT OF INDIAN CONDITIONS - LOWER CANADA

4.

INDIAN/GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - EXECUTIVE COUNCIL
Algonquins of the District of Three Rivers	Pop. 71, men 22; women 28; children <14,21. No reserve land, no resources, rely on presents. Agricultural advancement: none Employment: Manufacture mitts and mocassins for sale. Band revenue: nil Reserve Mgt. none Religion: R.C.	none stated	not specified
Tête de Boule Indians	Pop. 28; men 9; women 6; children <14,13. Live in a "savage and vagrant state"; hunting grounds on St. Maurice R. No statistical data available.	none stated	May be classed with the "wandering" Micmacs.
Amalicites of Rivière Verte settlement	Popl. 105, men 35; women 33; children <14.37. 1828 settlement founded by Ld. Dalhousie; 3000 ac. set aside in 100 ac. lots; provisions and seed supplied; in first year 70 ac. cleared and cropped, many deserted farms and returned to hunt. Settlements not visited by Ind. Dept. since 1829. No statistical data available.	none stated	Ensure settlement receives regular visits, support, and encouragement in line with Dalhousie's plan.
Micmacs of Ristigouche and New Richmond	Pop. 430, men 138; women 143; children <14,149. No presents nor gov't. aid since 1831; destitute.	Commissioners appointed in 1819 to settle land claims in Gaspé rejected claim to land.	Tract of land should be found for them near Québec so they can be supervised.
Abenaquois of Becancour	Pop. 130; cultivate 50 ac.; agricultural produce valued at £70.; rely on gov't. presents. 1708, Abenakis owned portion of Becancour Seigniory, ceded by an Act of 1760 for money; have village site, fields and small islands in Becancour R. Agricultural advancement: crop yields; wheat 43 bu., Indian corn 161 bu., potatoes 353 bu.	none stated	not specified

INDIAN/GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - EXECUTIVE COUNCIL
	Employment: fishing; handicrafts Band revenue: not stated, from handicrafts. Reserve Mgt. none Religion: R.C.		
Wandering Indians of Amalicite, Micmac and other tribes	Pop. 98; men 33; women 33; children <14,32; destitute, hunt and fish; declining numbers; travel long distances to claim presents at Québec, dependent on them.	not stated	none specified

Figure 4.

BAND/RESERVE PROFILES -
MACAULAY'S REPORT ON INDIAN CONDITIONS - UPPER CANADA

Source: PAC, RG10, Vol. 718

1.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	ACTION TAKEN PRIOR TO MACAULAY REPORT	MACAULAY'S RECOMMENDATIONS (1839)
"Chippewas of Michipiceton"	pop. 50-60; wandering, destitute, no territorial claims.	not stated	none specified
"Chippewas of Sault St. Mary and St. Josephs"	pop. 200; primarily hunt and fish, cultivation of fields at St. Mary's; Church of England missionary (O'Meara) and school master whose expenses paid by Parliamentary Grant and Society for promoting Christian knowledge.	not stated	none specified
"Manitoulin Island"	pop. 268; settlements begun by Colborne; 1836 Bond Head obtained surrender of island; 1839 300 small settlements; good hunting, fishing, trapping.	Glenelg requested a report by Maj. Bonnycastle, report never prepared; Jarvis reports that Indian settlements with suppport will flourish.	Continue to encourage and support Indian settlements; continue to distribute presents from there as well.
"Pottawatomies etc. on the Saugeen Saugeen Tract"	pop.370; 1836 surrender of 1.5 million acres on promise of houses and agricultural assistance; proceeds from sale of surrendered land to buy presents for Indians; Wesleyan Methodists had protested surrender as small settlement of 200 Christian Indians within tract.	Indians had complained of lack of full compensation; Christian Indians want to retain settlement.	suggests an annual annuity or some additional compensation for 1836 surrender; questions whether the land sales revenues should buy presents for 'visiting' Indians; Indians on Saugeen River be confirmed in their villages and got additional land.
"Saugeen Fishery"	Indians "poor and miserable"; Huron Fishing Co. had obtained a licence for Sir J. Colborne for £25/yr.; Indians complain Co. encroaching on their fishing grounds.	Jarvis reported £25 fee too low; Indians should get an annuity with an immediate £100 advance.	Chief Supt. should investigate further; Indians not be be restricted in their fishing rights nor should Co. impose "over reaching bargains"
"Chippewas between Manitoulin, Penetanguishene L. Nipissing"	pop. 260; precarious lifestyle; little game; limited cultivated soil; claim possession of vast hunting range.	not stated	none specified

BAND/RESERVE PROFILES -
MACAULAY'S REPORT ON INDIAN CONSITIONS - UPPER CANADA

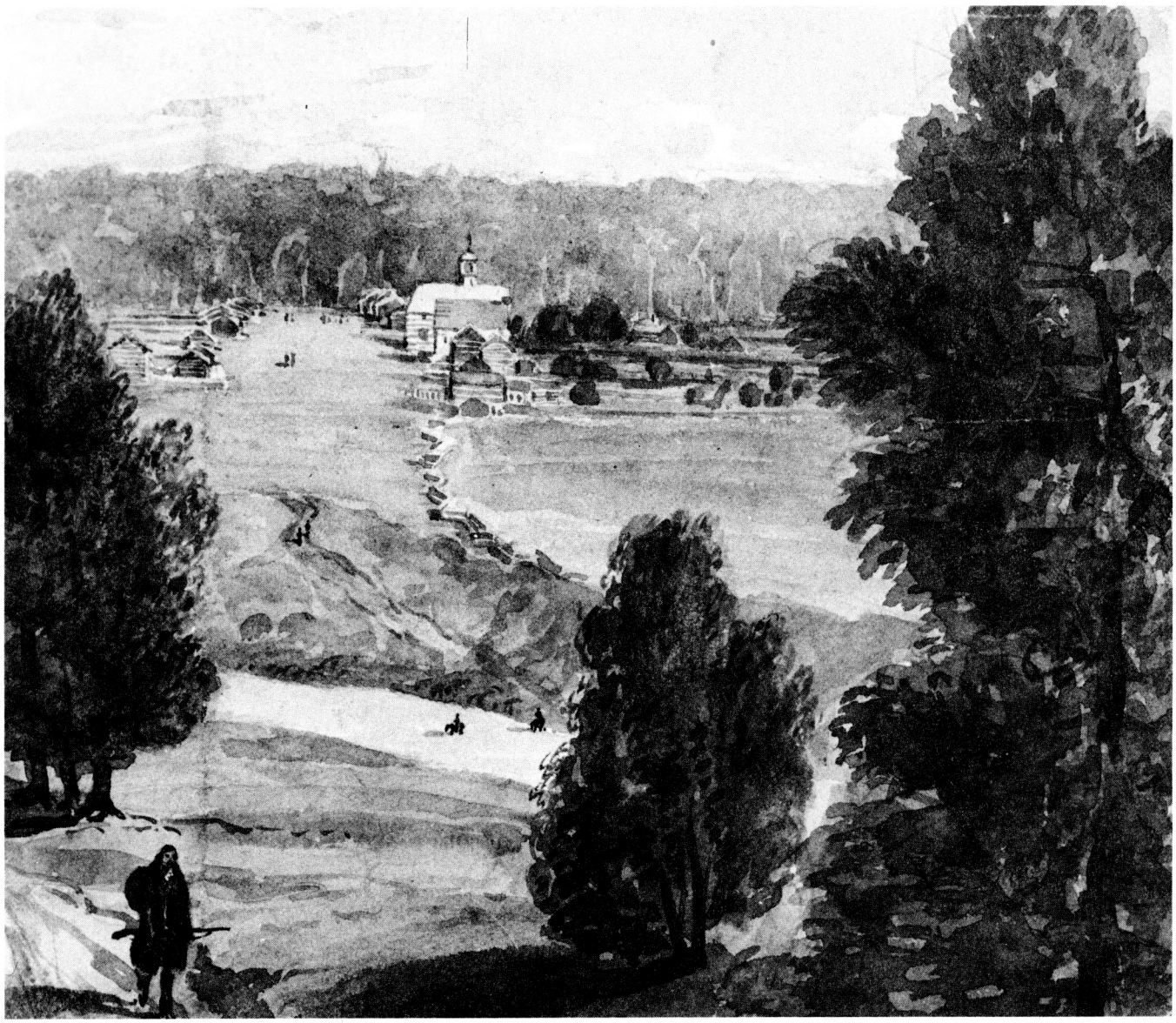
2.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	ACTION TAKEN PRIOR TO MACAULAY REPORT	MACAULAY'S RECOMMENDATIONS (1839)
"Chippeawas of La Cloch"	pop. 225; hunt and fish; limited cultivation; claim possession of hunting ranges.	not stated	none specified
"Chippewas of St. Clair"	pop. 1200; receive an annuity of ƒ1100; reserves at St. Clair rapids, Chenail Ecarte, River aux Sables. (Supt. Mr. Jones)	not stated	none specified
"Hurons of Amherst-burg and Malden"	pop. 214, fish in Detroit River, hunt in Michigan; some are Methodists, other R.C.; land surrender taken by Bond Head, with half of land sales revenues invested for band. (Supt. Geo. Ironside)	not stated	selling price of land too low; band should get net proceeds from whole portion; report requested.
"Hurons of Pt.Pelee"	3500 acre reserve; hunt and fish.	not stated	none specified
"Lower Moravian Delawares"	pop. 760; live at New Fairfield or Moraviantown; Bond Head had purchased 6 sq. mi. of reserve for ƒ150 annuity; United Brethren complained, no further surrenders without their consent.	are of New Fairfield should be determined; gov't. had pledged to restore 200 acres from Bond Head surrender.	money accruing from land sales should be paid to or invested for Moravians; portion of Bond Head surrender not exceeding 1 sq. mi. should be restored to be band; report requested.
"Chippewas of the Thames, Upper Moravian	pop. 1100; Chippewa reserve at Caradoc; cultivate soil; reserve annuity of ƒ600; Methodists and Anglican missionaries (Mr. Flood); no revenue to pay them. (Supt. Mr. Clench) .	Jarvis reported Indian divided by sectarians; Flood deserving of fin-ancial support.	Mr. Flood should be given advance proposed by Jarvis.
"Mississaugas of the River Credit"	pop. 240; small reserve at mouth of river; band funds used to develop port; treaty annuity arrears; title deeds requested; Methodist missionaries; request to move reserve to new location to avoid temptations of whites, better soil, etc.	in 1818, 648,000 acres surrendered by Mississ-augas, annuity paid ƒ522.10; up to 1820 paid in full, after 1835, only ƒ50/yr; arrears owing; Jarvis recommends ƒ183.19.4 be paid; also ƒ600 debt on Habour Stock.	arrears of ƒ750 should be made good; questions wisdom of investing Indian money in speculative ventures.
"Chippewas of Lake Simcoe & Coldwater"	pop. 426; reserve of 9000 acres; cultivate soil and have good houses; ƒ1200 annuity; Methodists and R.C.	not stated	asks Jarvis for more inform-ation on move of Indians from Coldwater to Rama

BAND/RESERVE PROFILES -
MACAULAY'S REPORT ON INDIAN CONDITIONS - UPPER CANADA

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	ACTION TAKEN PRIOR TO MACAULAY REPORT	MACAULAY'S RECOMMENDATIONS (1839)
"Mississaugas of Rice Lake, Mud Lake, and Alnwick"	pop. 508; 600 acre reserve; cultivate soil; annuity of £740; hunting range claimed to Ottawa River; Wesleyan missionary and one teacher.	not stated	none specified
"Mohawks & Mississaugas of Bay of Quinte"	pop. 336; 58,000 acre reserve; annual annuity of £450; missionary (Church of England - Saltern Givins) and a teacher; Mississagas located on "Big Island" (4708 acres); annuity of £530 for 1822 surrender.	not stated	none specified
"St. Regis Indians"	pop. 380, 20,000 acre reserve in Lower Canada; 30,690 acres in Upper Canada; claim Cornwall Island and St. Lawrence R. Islands; expenses (except presents and Dept.) paid out of band funds.	not stated	requests a full report; almost all of St. Regis tract leased and under cultivation; settlers should be confirmed in fee simple.
"Algonquins of Lake of Two Mountains"	pop. 864; claim land on both sides of Ottawa and Little Rivers; recently heard Mississaugas sold some of "their" land to Crown for £642.10 without consent; claim an annuity due them, encroachment by whites on reserve and hunting grounds.	Jarvis authorized Indians to occupy "allumets Island"; Ex. Council of Lower Canada recommends attention to claim	yearly stipend should be provided; should be a treaty for all "unconceded lands embraced by Great Lakes and Ottawa R. as far as Lake Nipissing".
"Six Nations of Grand River Indians"	pop. 2200; 1784 Haldimand Grant, 1793 Simcoe Patent; 3000,000 acre reserve; white trespass; roads criss-cross reserve; unauthorized taverns; leases of land granted by those not empowered to do so; specified complaints:	Marcus Blair reported: 7,000 acres occupied by squatters; need legislation to protect Indian property; isolate Indians from whites; gov't. loans to Indians for improvements to land.	if earch family of 4 got 300 acres, then 200,000 acres remain, some could be sold off; refers to a recent purchase offer of 14 s/50,000 acres, this is too low; Chief Supt. should investigate; future sales should be recorded; opposed to further leases.
	1) Grand R. Natigation Co. Stock: no return on investment (£20,000), losing money; acres of valuable land submerged.	Blair: investigation: gov't. should purchase stock.	poor investments; Indians £2,000 in debt; gov't. should repay Indians.

INDIAN GROUP	HISTORY/CDNDITIONS/PROBLEMS	ACTION TAKEN PRIDR TO MACAULAY REPDRT	MACAULAY'S RECOMMENDATIONS (1839)
	ii) Timber leases/sales: timber acreage leased to Americans; monies deposited with Receiver General.	Blair: timber should be sold by agents for each tribe; perhaps Chiefs grant licences and distribute monies to band members, not Receiver General.	Indians should be entitled to sell timber for own immediate benefit; need vigilance and management of sales.
	iii) Claus Claim: mismanagement of money.	not stated	"no comment"; information too imperfect for remarks
	iv) Presents: Promised for ever, but not delivered.	Jarvis: to be delivered as soon as received in Toronto	none specified
	v) Interpreters and Superintendents: being dismissed; promised in treaty.	not stated	none specified
	vi) New England Co. question whether 1839 Prov'l. Act re: disposal of public lands applies to Grand R. tract; want additional grants of land as "trustees" on Grand River.	Sir Geo. Arthur requested a report on their activities.	Prov'l. Act met apply to Grand R.; New England Co. should get land as requested; no urgent need to give missionaries better "titles" than Indians; Co. performed useful services.
	vii) Hepburn "Trust" Claims: question of fradulent land grants.	Blair: recommends accounts be investigated; revenue came from land sales and interest on invested funds, put in Navigation Stock; Blair criticized diverse responsibilities of various prov'l. offices responsible for Indian management; recommends one Dept. handle everything.	requires attention; revenues from land sales should be invested in London stocks, not provincial options; Head of Indian Dept. should be entrusted with Financial & other affairs of Indians; his account should be audited; no fraud on Hepburn's part, though £2,000 should be immediately distributed to Indians



4. Moravian Indian Village, Thames River, by Philip J. Bainbrigge, c. Post 1815
(PAC-C11829)

Endnotes, Chapter Two

1. PAC, RG10, Vol. 10018, "General Order," Québec, 13 April 1830.

2. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV. "Copies or Extracts of Correspondence since 1 April 1835, between the Secretary of State for the Colonies and the Governors of the British North American Provinces respecting Indians in those Provinces." Earl of Gosford to Lord Glenelg, 13 July 1839, pp. 255-299.

3. PAC, RG10, Vols. 718-719.

4. PAC, RG10, Vol. 46, J. Givins to T. Anderson, 5 March 1830.

5. R.J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845." M.A. Thesis, Carleton University, Ottawa, 1966. p. 97.

6. Ibid., pp. 98-100.

7. PAC, RG10, Vol. 48, T. Anderson to J. Givins, 1 May 1830; and RG10, Vol. 59, T. Anderson to J. Givins, 24 September 1835.

8. PAC, RG10, Vol. 501, J. Givins to T. Anderson, 21 March 1836; also PAC, Q Series, Vol. 389-1-2, T. Anderson to J. Colborne, 24 February 1835.

9. PAC, Q Series, Vol. 389-1-2, J. Colborne to Glenelg, 22 January 1836.

10. K.E. Knorr, British Colonial theories, 1570-1850. London, 1968. pp. 377-380.

11. Ibid., pp. 383-384.

12. D. McNab, "Herman Merivale and The Native Question, 1837-1861." Albion. Vol. 9, No. 4, (Winter 1977), p. 361.

13. D. McNab, "Vacillation of Purpose. Indian policies of the Colonial Office in British North America in the mid-Nineteenth Century." Paper presented at the Annual Meeting of the Canadian Historical Association, London, June 1978, p. 2.

14. Ibid., p. 8.

15. D. McNab, "Herman Merivale and the Native Question," p. 372.

16. Ibid., p. 365.

17. In 1835, a Select Committee of the House of Commons renewed the demand that the Indian department be abolished. Lord Glenelg fought for continuation of the department and its civilization programme, drawing heavily on Kempt and Colborne's earlier rationales. See J.S. Milloy, "Era of Civilization," pp. 166-171.

18. Ibid.

19. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV.

20. Bond Head had replaced Colborne as Lieutenant Governor of Upper Canada in November 1835. He was convinced that Colborne's approach was wrong and that Glenelg's faith in the Indian department and civilization programme was ill-founded.

21. American Indian removal and civilization were very much in the news at the time, with frequent discussion of events in the national and eastern press, monthly magazines, etc. There is, however, no evidence of any direct discussions with American officials on the subject of Indian removal.

22. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV. F. Bond Head to Glenelg, 20 November 1836. pp. 352-358.

23. Ibid., R.J. Routh to A.Y. Spearman, 1 October 1836. P. 276. Routh suggested the option of Indian removal to Bond Head in a letter of 4 June 1836, prior to Bond Head's tour of the province.

24. Ibid., Bond Head to Glenelg, 20 August 1836, pp. 350-351.

25. Canada. Indian Treaties and Surrenders, Vol. 1, (Ottawa, 1891). Treaty No. 46, pp. 113-114.

26. Ibid., Treaty No. 47, pp. 115-116.

27. In reply to this news Lord Glenelg praised Bond Head's "vigilant humanity." In November 1836, Bond Head sent a dispatch to Glenelg stating that the civilization programme was a failure and announcing land cession treaties with the Hurons at Amherstburg and the Moravians on the Thames River. On 20 January 1837, Glenelg wrote to Bond Head approving both the policy of removal and the second series of purchases.

28. Canada. Indian Treaties and Surrenders. Vol. 1 (Ottawa, 1891) Treaties No. 45 and 45½, pp. 112-113.

29. Ibid., Treaty No. 48, p. 117.

30. PAC, RG10, Vol. 502, S.P. Jarvis to John Macaulay, 19 June 1838. See also, RG10, Vol. 62, "Petition of the Indian chiefs to the Lieutenant Governor of Upper Canada", 19 August 1836; and RG10, Vol. 60, "An Address of the Simcoe Indians to Sir F.B. Head", 28 January 1836. The Indians at Coldwater and the Narrows wanted to be free of the department and manage their own affairs. The land cession of 1837 was part of an overall scheme to set them on an independent course.

31. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. pp. 200-202.

32. Report on the Indians of Upper Canada, by a Sub-Committee of Aborigines Protection Society. London, 1839. p. 50. It should be noted that both Lord Glenelg and Sir James Stephen were members of the Church Missionary Society. As early as 10 April 1837, Glenelg had received protests from missionaries, parliamentarians, and other interested parties, concerning the Saugeen purchase.

33. William Smith had been Clerk of the Legislative Assembly of Lower Canada as well as Master in Chancery. From 1817 to 1837 he was a member of the Executive Council. A historian, he was author of the History of Canada (2 Vols.) 1836. He died at Québec, 17 December 1847.

34. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV. pp. 255-262.

35. Ibid., p. 256.

36. Ibid.

37. Ibid., pp. 269-274.

38. Ibid.

39. Ibid., p. 256.

40. Ibid.

41. Ibid.

42. Ibid., pp. 256-257.

43. Ibid., p. 257.

44. Ibid., p. 262.

45. Ibid., p. 257.

46. Ibid.

47. Ibid., p. 258.

48. Ibid., pp. 253-254.

49. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV. Lord Glenelg to Earl of Durham, 22 August 1838, p. 233; see also Glenelg to Sir George Arthur, 22 August 1838, p. 314.

50. Ibid.

51. Great Britain. Parliamentary Papers. House of Commons. Vol. XXXIV. Lord Glenelg to Earl of Durham, 22 August 1838, p. 233; see also Glenelg to Sir George Arthur, 22 August 1838, p. 314.

52. Ibid., p. 394.

53. Ibid.

54. A. Ewart and Julia Jarvis, "The Personnel of the Family Compact." Canadian Historical Review, No. 3 (Sept. 1926), p. 213.

55. On appointment James B. Macaulay was a judge of the Court of King's Bench. In 1849, he became Chief Justice of the Court of Common Pleas. Like Smith, Macaulay had been a member of the Executive Council of his respective province.

56. H.P. Gundy, "The Family Compact at work." Ontario History. Vol. 66, No. 3 (Sept. 1974), pp. 131-132.

57. James Macaulay was a solid member of the ruling Tory elite. Bond Head regarded him as a "most excellent man and lawyer" and on 29 January 1841, Lord Sydenham wrote to Sir George Arthur that Macaulay was "esteemed highly." Apparently there had been thought of raising Macaulay to the "Office of the Presiding Member of the Council," but his health was poor in the summer of 1839.

58. J.A. Clifton, "Visiting Indians in Canada." Manuscript for a booklet to be issued by Ft. Malden Historic Park, Parks Canada, 1979. p. 41.

59. PAC, RG10, Vol. 718. Vol. 719 is a typed version.

60. PAC, RG10, Vol. 718, Macaulay Report, pp. 2-3.

61. Ibid., pp. 339-340.

62. Ibid., p. 340.

63. Ibid., pp. 345-346.

64. Ibid., pp. 28-29. While the Visiting Indians were warned of an impending termination within three years, Jarvis invited them to become residents of the upper province and thus continue to receive gifts. On 4 May 1840, Sir George Arthur informed Lord John Russell, Colonial Secretary, that this threat had resulted in a large migration of Indian people into Upper Canada.

65. Ibid., p. 31.

66. Ibid., p. 331.

67. Ibid., p. 333.

68. Ibid., p. 336.

69. Macaulay Report, pp. 360-362.

70. Ibid., pp. 111-129.

71. Ibid., pp. 361-362. Macaulay noted that the British government "regarded the Tribes as in a state of Pupilage, at least the British Government has always extended to them a peculiar care and protection and with that view many pressing applications for fee Simple Titles to their reserves have been declined."

72. Ibid., pp. 364-365.

73. Ibid.

74. Ibid., pp. 367-368.

75. The central thrust of Macaulay's report is pure Canadian conservatism: give the Indian property and civil rights, and like the poor Irish immigrant he will become a respectable, independent citizen with rights and duties indistinguishable from the rest of the population.

76. Ibid., pp. 370-372.

77. J.D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890." Ph. D. Thesis, University of Western Ontario, 1975. pp. 82-83.

78. PAC, RG10, Vol. 718, Macaulay Report, pp. 355-357.

79. Ibid., p. 378.

80. Ibid., p. 431.

81. Ibid., p. 255.

82. Ibid., p. 390.

83. Ibid., pp. 248-250; also p. 428.

84. Ibid., pp. 430-431.

85. Ibid., p. 431.

86. Ibid., pp. 432-433.

87. PAC, RG10, Vol. 70. J.B. Macaulay to John Macaulay, Civil Secretary, 22 April 1839.

88. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. Appendix EEE, "Report on the Affairs of the Indians in Canada." Montréal, 1844-45.

89. The Bagot Commissioners in their investigation between 1842-44 noted that, in reference to Hepburn's commentary, they were unable to obtain a copy of his remarks, nor could Hepburn locate his notes.

90. J.E. Hodgetts, Pioneer Public Service. An Administrative History of the United Canadas, 1841-1867. Toronto, 1955. Hodgetts terms Durham's Report "a scathing indictment of the civil services of the two Canadas before Union." p. 12.

91. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. Appendix T., App. No. 1.

92. In 1844 the Bagot Commissioners were unable to locate much of the documentation used in preparing the report of Legislative Committee No. 4. The Committee's report was printed "although it was never formally adopted nor transmitted to the Secretary of State, and its recommendations were never carried out." JLAC, 1847, App. T.

CHAPTER THREE

Commissions of Inquiry During the 1840s: Legislative Committee No. 4 and the reforms of the Bagot Commission

The early reports of the Executive Council and James Macaulay had confirmed the efficacy of Darling's original plan. Neither inquiry resulted in substantive changes to the programme, and the latter was the only one to suggest some modification of departmental administration. Shortcomings in terms of personnel were not addressed as Macaulay was hesitant to offend old Tory friends, in particular Samuel Peters Jarvis. And yet, if Macaulay had been adventuresome, he would have determined that there were serious deficiencies both in administration and in the capacity of certain officials to perform their duties.[1] Both Thomas G. Anderson and Samuel Jarvis had complained repeatedly to their superiors about administrative confusion and overwork; however, they were ignored and departmental administration remained virtually unchanged to 1840.[2]

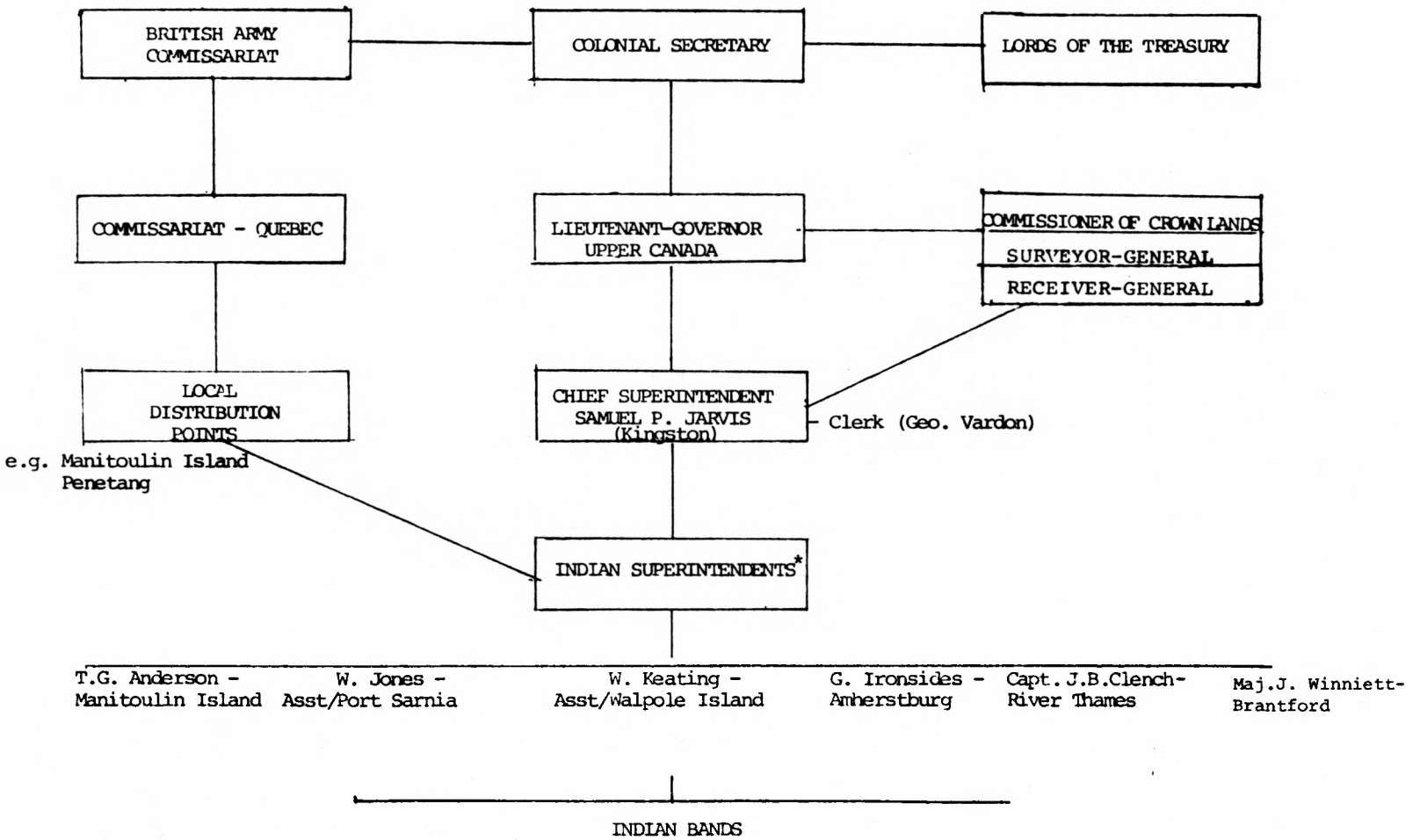
The submission of Macaulay's report in April 1839 coincided with the publication in the Christian Guardian of the first excerpts from Lord Durham's Report.[3] Within a short period of time, the whole political tenor in the upper province changed. Durham's attack on the irresponsible conduct of the Family Compact, the detailing of deficiencies in government administration and organization, convinced Sir George Arthur and other moderates that a general inquiry was needed to look into the operation of all government departments. In October 1839, a special Legislative Committee was appointed to investigate Indian affairs.[4]

The hearings conducted by Legislative Committee No. 4 between October 1839 and February 1840 represent a transitional phase in attempts to reform Indian department administration.[5] The Committee went over much the same ground and documentation as had Macaulay and came up with a number of important recommendations to improve administrative efficiency and effectiveness. Following the union of the provinces, the task of untangling the web of departmental administration fell to the Bagot Commissioners who used the Legislative Committee's report as a reference point upon which to build and achieve a number of long-delayed reforms.[6]

There is little doubt about the size and complexity of the assignment which confronted Committee No. 4. The Indian department, from the beginning, was a murky operation, with many conflicting and competing groups vying for influence in policy formulation. Throughout the 1830s the department was a highly centralized operation with the ultimate authority to change policy, appoint personnel, and determine financing, centred in Whitehall. This centralized decision-making process effectively stifled innovation and initiative at departmental headquarters and at the various posts. Virtually every administrative transaction and policy modification, whether emanating from the field offices or from headquarters, required referral to the Colonial Secretary, through the office of the Lieutenant Governor or Governor General.[7] The process was cumbersome and resulted in delays and frustration for both Indian people and departmental officials.

Compounding the inadequacy of this arrangement was the multiplicity of government departments, both Colonial and Imperial, which had

Figure 5: BRITISH INDIAN DEPARTMENT, CANADA WEST, 1841-44



*Other officials: interpreters (4); missionaries (3); schoolmasters (2); surgeon.

a role in administration and financial control (figure 5.). As well, funding for both the department and programme came from a variety of Imperial, provincial, and private sources, which prevented local superintendents and headquarters' staff from maintaining consolidated and accurate accounts.[8] The basic mandate for Committee No. 4 was to unscramble these lines of communication and streamline departmental administration.

The investigating Committee consisted of three members: William Hepburn, formerly with the Indian department and now Registrar of the Court of Chancery; Robert Sympson Jameson, Vice Chancellor; and James Macaulay. Their original mandate included a charge to delve into Indian conditions as well as to investigate departmental operations.[9] They were unable to report on the former due to "the remoteness of sources;" while the data were being collected, they proceeded with the second part of their inquiry.

The Commissioners began their hearings at Toronto in October 1839. Unlike the previous reports of the Executive Council and Macaulay, which focused on broad policy issues, the Committee concerned itself with policy matters only insofar as these related to administrative practices. The Committee learned very quickly that departmental administration was a shambles. Until Colonel Givins's retirement in 1837, few, if any, records had been maintained. In fact, more information on the state of Indian lands and property had been found in the Crown Lands Office, with the Receiver General, and the Army Commissariat. They noted that the duties of the Chief Superintendent and local agents had expanded rapidly since 1830; however, there was no central planning

and officers at all levels were totally involved in daily exigencies. This situation had worsened when the Chief Superintendent became the trustee for the Six Nations reserve in the mid 1830s.[10]

Taking a long view at the Byzantine vagaries of the system, the Commissioners remarked on the "appearance of diffuseness and want of concentration" at all administrative levels which had resulted in the "injudicious disposal of much valuable property and the disappearance of unaccounted funds."[11] Nonetheless, the Commissioners praised the efforts of Chief Superintendent Samuel Jarvis and his part-time clerk, George Vardon, in safeguarding what remained of the Indian domain. In particular, they lauded Jarvis's initiative in opening account books to record annuity payments, expenditures of the Parliamentary Grant, land sales, and investments of sales monies.

The Committee was also very concerned with the growing necessity of protecting reserve land and resources from encroachment by non-Natives. Not only were the Indians complaining about illegal squatters, they were also demanding protection for reserve resources such as game, fish, and timber.[12] In 1839, "An Act for the protection of the lands of the Crown ... from Trespass and inquiry," had been passed and the Commissioners were not anxious to undertake further punitive measures until the effect of the legislation had been determined. According to testimony, Jarvis was not particularly upset to see local game disappear as he felt this would force the Indians to turn increasingly to agriculture for their livelihood. On the other hand, the fisheries were viewed as an asset to be protected, since harvesting often took place in waters close-by the reserves.[13]

Another reason for lack of action against squatters was that both Jarvis and the Committee felt that, to a degree, Indian people themselves were responsible for their precarious situation. In many instances, squatters had obtained illegal title deeds from the local Indians, and in other cases, Indian neglect and lack of interest was to blame. Jarvis himself proposed a system of wardens to safeguard Indian timber stands and fisheries, but the Commissioners were not enthusiastic, instead opting to wait for an assessment of the 1839 legislation.[14]

Turning to the annual presents, Jarvis explained how the distribution system functioned. Marcus Blair, a Timber Warden at the Six Nations Reserve, noted that in 1837, transportation costs exceeded the value of the presents and suggested that the presents be purchased from reputable Canadian merchants. The Committee doubted Blair's testimony but concurred with Jarvis's suggestion that shoes and trousers be added to the presents to accelerate the Indians' conversion to European dress. They also recommended the Indian department purchase the presents direct from the Army Commissariat without processing the requisitions through the Lieutenant Governor.[15]

Another item which required some explanation was the system of paying the annuities. Jarvis pointed out to the Commissioners that the annuities could not be equated with the presents, a common misconception at Whitehall. In 1839, the cost of annuities for Upper Canadian Indians amounted to £5405, which was paid out of the funds of the Army Commissariat on a Lieutenant Governor's warrant. Each half year an equivalent amount was redeposited in the military chest

from the Casual and Territorial revenue of the province.[16]

The annuities were not paid to the tribes in cash unless requested by the Chief and approved by the Chief Superintendent. Instead, the Chief Superintendent took the money and purchased agricultural implements, cattle, seed,and other items which were required for farming. The Indians obtained these supplies by applying to their local superintendent, who passed the request to the Chief Superintendent, who in turn instructed the Commissariat to ship the supplies to a local depot. Jarvis complained that the system was time consuming; however, the Committee did not recommend any procedural changes,noting the present payment in goods was acceptable to the Indians and promoted agriculture.[17]

To conclude their report, Committee No. 4 returned to the Indian department and Jarvis's complaints at being overworked, underpaid, and hampered in performing his duties because of interference from other government departments. The Commissioners admitted that the current division of functions was inefficient. As an example, they cited the activity of four government departments in processing land sales transactions - the Indian department, Surveyor General, Commissioner of Crown Lands, and Receiver General. If all duties were concentrated in the Indian department time would be saved; however, departmental staff would have to be increased,which would mean drawing further on the £20,000 Parliamentary Grant. An augmentation of the Imperial grant was out of the question, so the Committee concluded that

> ... unless the Indian Department is placed on an entirely new footing, viz: unless it has its own

> departmental Officers to take charge of its stores, and to carry on its affairs, subject to precisely the same checks as any other Department of the Civil Government, it had better remain as it is.[18]

Their hesitation in sanctioning sweeping administrative change was ameliorated somewhat for Jarvis, with a salary increase from £350 to £500. The Committee also approved additional headquarters staff to enable the Chief Superintendent to attend to his "Statesman's" duties, and devote more time to planning and visiting the various experimental settlements. In addition, they suggested that the Chief Superintendent be allowed to act independent of the Lieutenant Governor and the Commissariat and requisition emergency supplies and rations to meet exigencies. To ensure these monies were accounted for, the Bank of Upper Canada would become treasurer for the Indian department, maintaining records, accounts, and issuing a pass-book in the name of the Chief Superintendent.[19]

The report of the Legislative Committee, tabled on 1 February 1840, complemented Macaulay's 1839 study. Where he had been general, the Committee was quite specific. While Macaulay had listed problem areas which needed action, the Commissioners were, in many instances, quite specific in recommending solutions. Yet both studies of Upper Canadian Indian administration were deficient in one major respect. Neither suggested a thorough assessment of departmental personnel and a rooting out of incompetents. Until this was accomplished, there was little chance that changes in policy and administration would have much impact on the way the department conducted its business.

The completion of the Legislative Committee's investigation meant that the Governor General, Lord Sydenham, had access to three progress

reports on the state of the Indian civilization programme. How far he planned to go in implementing their recommendations is not known, though it is clear from the available documentation that he was still reviewing Macaulay's report when he met with an untimely death in September 1841.[20] While the newly formed Province of Canada awaited his successor, action on the reports was shelved temporarily.

Sir Charles Bagot, Sydenham's replacement, was also a strong advocate of administrative reform. When the Canadas were unified in 1841, the two branches of the Indian department, separated in 1830, were amalgamated and put under the direct authority of the Governor General. Consolidation of departmental operations meant the findings of the three earlier reports were outdated and that a comprehensive assessment of Indian affairs in Canada was necessary.

On 10 October 1842, Sir Charles Bagot appointed three Commissioners to investigate Indian department activities in both sections of the province. The first Commissioner, Rawson W. Rawson, an experienced British public servant, had arrived recently in Canada to assume the post of Civil Secretary.[21] The other Commissioners were John Davidson, a former Crown Lands Commissioner, and William Hepburn.

For fifteen months the Commissioners held public hearings, forwarding their findings on 22 January 1844. The final report included one hundred appendices which recorded statistical information on the various tribes; testimony of departmental officials; expenditures on Indian presents and annuities; statements of departmental accounts; and proceedings of numerous Indian councils. The report painted a depressing picture of bungled departmental operations, deplorable Indian conditions, and unresolved policy questions.

The Commissioners concluded that the Indian people of both Canadas, despite their diverse stages of development, shared similar problems: squatters on reserves, improper recording of land sales and leases, lack of progress in agriculture and education, inept administration of band funds, disappearance of wildlife, and excessive use of liquor.[22] The situation in Canada West was more acute due to a larger Indian population, numerous reserves, and because the civilization programme was more recent.[23] As well, recent legislation to control liquor, protect reserve land, and prevent trespass had been evaded or ignored by the new settlers.

Previous investigations of the Indian department, while identifying major weaknesses, had focussed mainly on recording the progress of Indian civilization.[24] In most instances, they simply parroted information which would find acceptance at Whitehall, and with the exception of Bond Head's plan, were cast virtually in the same mold. More fundamental, these inquiries failed to detail how the Indian department and civilization programme could be financed economically. The interrelation and future role of the various elements of the programme such as education, presents, protection of Indian lands and resources, annuities, and the department, were reviewed in isolation from each other and not assessed within a philosophical, integrated context.

The approach of the Bagot Commissioners was different. They undertook their assignment with a view to evaluating each component as it related to the ultimate cost effectiveness and efficiency of the civilization programme. Consequently, at the outset the Commissioners did not hesitate to state their philosophical approach ,

since this would determine ultimately how they would deal with the various questions before them.

Foremost, in their view, the Crown had a duty to retain its responsibility for Indian people, free from the influence of insensitive local authorities.[25] The continued "faith of the Crown and every principle of justice" counselled against Bond Head's policy of Indian removal. Old hunting practices, however, had to be abandoned as game was becoming scarce and settlement was advancing. Indians were to become Christian farmers, made self reliant, and prepared gradually to assume the responsibilities of full citizenship.

The civilization programme adopted in 1830 was viewed as "paternalistic." It had "a tendency to keep Indian people in a state of isolation and tutelage and materially to retard their progress."[26] A new approach was needed which would instill in Indian people a thirst for knowledge, and qualities of industry and self reliance. There were, said the Commissioners, no racial barriers to Indian advancement, a process which could be accelerated by improvements in Indian education, protection of Indian land and resources, and a complete reorganization of Indian department.[27]

A vital element to achieving Indian self reliance rested, in the long-term, with Indian education.[28] To date, experience with Indian day schools had not been satisfactory since the daily influence of the parents was pervasive. Also, attendance was irregular and few practical skills were taught. Citing school systems and curricula in Sierra Leone and Missouri, evidence of which had been supplied to the Commissioners by various Canadian missionaries, several new

initiatives were recommended.[29] Indian boarding schools with attached farms should be established to teach Indian children animal husbandry, mechanical trades, and domestic economy.[30] Crops from the adjacent farms would also serve to make the schools less costly to operate. In addition, the Commissioners recommended that £3000 be set aside for the construction of four new manual labour schools. To provide practical work experience, Indian people were to be considered for township jobs as timber rangers and pathmasters, while construction on reserves was to be carried out using Indian labour. Refuting Jarvis's charges, the Commissioners endorsed Glenelg's view that all religious groups, including the Methodists, should receive assistance from the Indian Department to implement the new education policy.[31]

Of all the unresolved policy questions of concern to Imperial authorities, annual presents was the most vexatious. Inquiries about their termination or commutation began in the early 1820s and were repeated at regular intervals. The matter was complicated further by the special regard that Indian people had for these gifts. Not only were they practical, they were also symbolic of the Indians' historic relationship with the Crown. Indeed, in the 1840s presents were the only concrete affirmation of Indian status. Previous investigators were aware of this situation and when canvassed by Imperial authorities about their termination, had responded negatively.

The approach of the Bagot Commissioners to this question was a departure from previous colonial responses. They disagreed that Indian funds from land sales would be sufficient to cover the cost of presents, which was escalating every year. In preparing their

recommendations, the Commissioners reviewed Imperial directives, records of earlier inquiries, and Indian department correspondence. They also consulted with resident Indians at St. Francis, Caughnawaga, and Lake of Two Mountains.[32] As before, in 1837, the Indians urged that the presents should continue in the form of clothing and blankets, and not be commuted to cash payments which would attract 'brandy merchants' to the reserves.

The Commissioners' proposals were innovative and provide a distant echo of subsequent legislation in later decades dealing with Indian status, band membership, and enfranchisement. To limit immediately and eventually abolish presents, a census was proposed of all resident Indians in the province. Once completed, band lists would be prepared and maintained in the Civil Secretary's office and no additions could be made to them without the Governor General's approval. Only Indians on the official lists would receive presents. Neither halfbreeds nor their descendants, where "the difference is clearly marked," would be eligible, unless "they be adopted by the Tribe with which they are domiciled and live, as Indians among them."[33]

The question of presents to Indian women and school children also received attention. Prefiguring later band membership legislation, the Commissioners noted:

> [The] principle has been lately sanctioned by the Governor General, who has directed that no Indian women living, married or otherwise, with a whiteman shall receive presents.

With respect to Indian students, "any children educated in industrial schools would not receive presents."[34] Presents had become an expensive anachronism.

The Commissioners also suggested a change in the nature of the presents,in keeping with strict economy and anticipated changes in Indian lifestyle. Unsettled or partially civilized Indians would continue to receive ammunition and blankets. Civilized groups engaged in agriculture would get clothing, shoes, kettles, seed,and farm implements. Thread, needles,and combs would be distributed every second year. Tobacco would be cut out completely. Flags and medals would be distributed only on special occasions.[35]

The Commissioners dismissed the Chief Superintendent's complaint that the system for the order and delivery of presents was inefficient. In their view, annual shortages would not occur once band lists were kept upon which accurate forecasts could be based. To reduce costs further, it was recommended that the presents be distributed immediately upon the Indians' arrival, that no outside visitors be permitted at the distribution ceremony, and that Indian travel rations be reduced.[36]

Another area of major concern, highlighted in the 1840 report, was protection and management of Indian reserve lands and resources.[37] Basic to this question was the precise nature of Indian land "title" and "tenure." The Crown claimed ownership of Indian lands as part of its "Territorial Estate and eminent domain." The 1763 Royal Proclamation conferred on the Indians a "right of occupancy" and a "claim to compensation for its surrender."[38] The Commissioners felt that the "peculiar" Indian title kept Indian people in a sheltered state and excluded them from the political franchise, statutory labour, taxation,and debt liability. These were all vital elements of full citizenship.[39]

Also detrimental was the nature of existing Indian land tenure.

Indian people held their reserve land in common and, although each family had a plot which they could improve, no permanent security was afforded as there were no individual title deeds. In the words of the Commissioners:

> ... distinct ideas of separate property ... must necessarily precede any considerable advancement of industry and civilization; because no man will exert himself to improve his lands and procure the comforts of life unless his right to enjoy them is exclusive and secure. The American Government at an early period adopted this view.[40]

The Commissioners examined previous recommendations. In 1830, Sir James Kempt had suggested conditional granting of individual location tickets.[41] In 1839, Justice Macaulay had commented that the quasi-corporate system of land tenure should be replaced "as an object of policy" by one based on fee-simple ownership of individual lots.[42] On the other hand, Chief Superintendent Jarvis was opposed to granting individual titles and suggested "a licence of occupancy in perpetuity ... not transferrable to a white man, which, retaining the Fee in the Crown, would protect them from alienation...."[43]

This approach had been tried by T.G. Anderson on Manitoulin Island and apparently struck the 1842 investigators as being the most sensible way to promote Indian advancement as it supported the principle "that it is desirable to release the Indians from their present state of tutelage as soon as they are competent to take care of themselves; that to postpone this emancipation until the whole body is advanced to that stage would be the most effectual way of retarding that desirable event ...."[44] Thus title deeds for one hundred acres, recorded in the office of the Provincial Registrar, could be granted to each

Indian family on condition that the deed not be alienated to non-Indians. As well, official diagrams of each reserve were to be made and recorded, indicating individual reserve holdings.

Linked to the granting of individual deeds were recommendations pertaining to annual presents and Indian education. When a family received its title deed, then a once-for-all gratuity of farm implements should be made "in commutation of all further claim to presents." As well, if Indian department officials found an Indian advanced in the "arts and customs of civilized life" and ready for education, he would be eligible to receive a patent for the land he was cultivating, not to exceed two hundred acres.[45]

Turning to an examination of Indian land management, the Commissioners observed that the system "... has been throughout defective and injurious to the interest of the Indians."[46] There had been many abuses and irregular practices. Chief among these was that neither the Commissioner of Crown Lands nor the Chief Superintendent of the Indian department kept any accurate account of land sales which recorded money owing to each band. Only the Six Nations had a separate account; the rest were entered under the title "Sundry Tribes."[47] Also, the land management costs assessed against the administration of Indian lands were excessive and bore no relation to actual monies received nor services performed.[48]

How could the system be improved? One option, that Chief Superintendent Jarvis had recommended to the Legislative Committee, was to consolidate the operations of the Commissioner of Crown Lands, Army Commissariat, and Surveyor General in one department.[49]

However, the Commissioners opposed this suggestion. The duties would be too much for one department head, who would soon require additional staff. This approach also assumed "the continuance and extension of an expensive Department which Her Majesty's Government is desirous of abolishing, and which is not adapted to carry out the objects of the Government."[50]

The second option of leasing Indian lands to obtain revenue was also rejected. Leasing went against the policy of encouraging individual ownership of land and would serve to perpetuate the current "quasi corporate character of the Indian communities" which was an obstacle to Indian advancement. Good agricultural land in Canada was scarce and large sections held by Indian bands would soon fall prey to unscrupulous speculators.[51]

The Commissioners' proposals for improving the system of land management focused on the need for maintaining accurate records and accounts, and delineating clear functional responsibilities between departments. In their view, the management of reserve surveys and land sales should be the responsibility of the Surveyor General and Commissioner of Crown Lands, who would keep separate records for each tribe. Previous land sales accounts should be audited, approved by the Executive Council, and then closed.[52] The 10 per cent land management fee was to be reduced to 5 per cent and economy adhered to in charging fees for reserve surveys and land evaluations.[53]

In future, all monies received by the Commissioner of Crown Lands should be forwarded to the Receiver General for deposit in a separate Indian account.[54] This money could be invested by the

Receiver General for the benefit of the tribes so long as all investments were reported to the Governor General and recorded in the Indian Office. No money could be withdrawn without approval of the Governor General, who was to receive an annual accounting. As well, a statement of accounts was to be shown annually to the Chiefs who would initial their approval.[55] Ominously, Samuel Jarvis was told to turn over promptly to the Receiver General all money from previous land sales and to provide an accurate accounting of the money spent allegedly on behalf of the various tribes.[56]

In the past, the physical protection of Indian land in Upper Canada had proven impossible. In 1840, the Legislative Committee investigating the Indian department ventured an opinion that adequate protection would be assured once Indian people received individual title deeds and could then seek the protection of the courts.[57] Recent legislation had often been ignored or evaded. Evils persisted in the form of corrupt squatters, illegal timber cutting, and destruction of reserve game and fisheries. The Bagot Commissioners acknowledged a continuing responsibility for the Crown, since the Crown retained "fee simple" ownership of all reserve land and intruders could be ejected as trespassers. However, surveillance was difficult because many reserves were in isolated areas, and the Indians themselves had not helped matters by their lack of vigilance.[58]

In their final analysis, the Commissioners opined that Indian people were encountering "the incontrollable force of those natural laws of society to which every Government must bend...."[59] In Lower Canada, "respectable" whites living on Indian reserves had produced

little evidence of any harmful effects on the Indian population and, in many instances, had set an example for Indians to emulate.[60] However, to curtail flagrant abuses, Crown Lands officials might be stationed close to reserves and a system of Indian Rangers, similar to that of the Georgia Cherokees, could be created to patrol reserves.[61] In addition, Indian department and Crown Lands officials were to be dismissed for encouraging illegal settlements on reserve lands and individual Indians should be punished for selling their lands while intoxicated.

The resources of the reserves also merited attention. The destruction of reserve fisheries was considered detrimental for they were a valuable source of food;[62] however, the disappearance of game "might be ultimately more beneficial to the Indians," as it would compel them to rely on agriculture.[63] As for timber, the major reserve resource, the Commissioners recommended that the Commissioner of Crown Lands issue timber cutting licences. Proceeds from timber licences were to be accredited to individual band accounts. Indian Timber Rangers would enforce the law and prosecutions would be made under existing legislation. Finally, the Commissioners recommended that the "Act for the protection of Crown Lands from trespass ..." should be amended to omit the limitation in the first section which excluded from its ambit Indian lands surrendered to the Crown.[64]

Another problem causing administrative confusion was that of annuity payments.[65] Prior to 1829, these had often been paid in goods similar to the annual presents. That year however, Sir John Colborne directed that the annuities be applied towards the purchase of farm stock and implements, as well as to the establishment of experimental

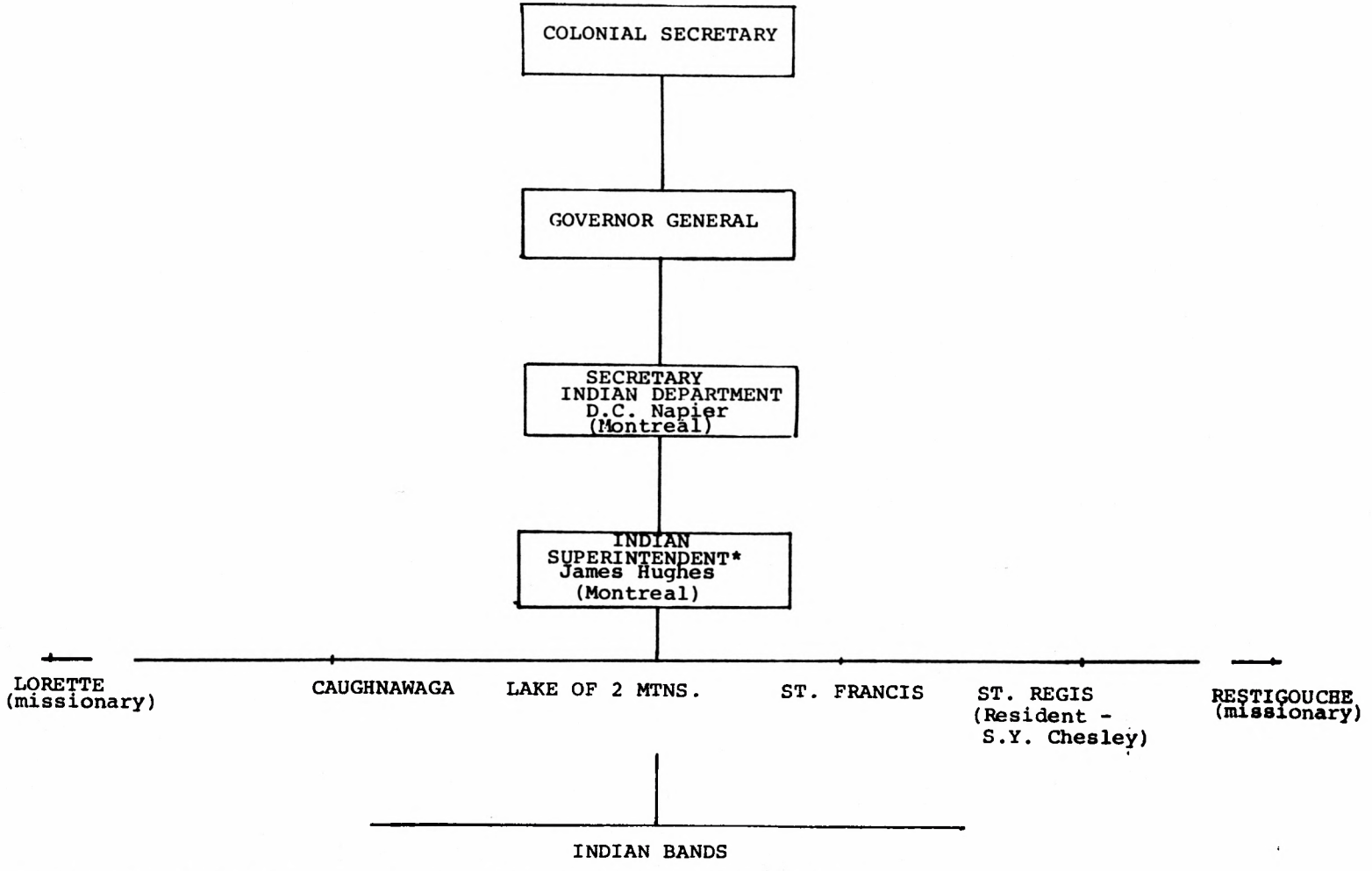
civilization settlements at Coldwater, the Narrows, Munseetown, and the St. Clair River.[66]

The change opened the annuity system to abuse. It was necessary to credit yearly each band with the amount of its annuity, and then for Indian department officials to direct appropriate expenditures. On occasion, this practice led to a limited consultative role for some Chiefs, as the general practice was to let the Indians decide how funds were to be spent, then apply to the Indian department for the sums required. However, accurate accounts were not kept and often became overdrawn.[67]

The annuities, like the presents, originally came out of the Imperial grant. In 1834 the procedure changed, and annuity money was drawn from the Provincial Territorial Revenue Fund. Due to an oversight, the 1841 Act of Union contained no provision for payment of Indian annuities.[68] A legal opinion was obtained and an order in council passed ensuring that the annuities would be covered eventually by proceeds from Crown revenues, or by a special vote of the provincial legislature.[69]

The Commissioners made several recommendations. All future annuity payments were to be made by the Receiver General with the approval of the Governor General. The Commissioner of Crown Lands was to give the Receiver General all money accruing from Crown Revenues, and this was to be deposited in a new account, the "Indian Annuity Fund." No cash advances were to be made to any tribe with a deficit account. All previous transactions were to be closed and proper amounts credited to each band.[70]

Figure 6: BRITISH INDIAN DEPARTMENT, CANADA EAST, 1842-45



*Other officials: interpreters (4); missionaries (5); schoolmaster.

In the future, at the beginning of each year, the Receiver General was to credit each band with its annuity. The Receiver General would keep the Indian department informed of all balances and advances. Any warrants for expenditures had to be sanctioned by the band Chief, resident agent, or visiting officer, and approved by the Governor General. No payments were to be made in cash. All accounts and receipts relating to annuities were to be kept in the Indian Office and forwarded each year to the Governor General. In addition, the Chiefs were to be given a yearly explanation of how their annuities were spent.[71]

The final section of the Bagot Commissioners' report reviewed Indian department activities since the inception of the civilization programme.[72] They noted that in 1828 Major Darling had urged the department to exercise "more vigor, vigilance and activity" in Lower Canada, but with the exception of the abandoned Rivière Verte experiment, and the establishment of a few schools, little evidence could be found of constructive activity. The only noteworthy achievement was a numerical reduction in departmental staff and a reduction in operating costs (Figure 6).

In Canada West the situation was different. The duties of the Chief Superintendent and local resident agents had become more complex and onerous. The Commissioners commented that:

> the Government has directed its attention more effectively to improvement of the Indians and the services of the Department ... have been of a more extended nature, and have in some instances been more beneficially applied. Nevertheless, the progress made has not been such as might have been expected from

> the number of officers employed, under a better system and more efficient control. The Chief Superintendent, in fact, exercises little or no control over the Resident Superintendents. It has not been the practice to require any periodical reports from them, nor any accounts of the monies entrusted to them for distribution.[73]

They could only conclude "that either the surveillance of the Chief Superintendent over so many detached tribes cannot be efficient, or that the services of so many Resident Superintendents are not required. Your Commissioners are inclined to the opinion that both propositions are in a great measure true ...."[74]

While the organization of the department was critized for inefficiency, the Commissioners were also opposed to its continuance on philosophical grounds because it served to maintain the Indian people in a state of tutelage and "it tends materially to perpetuate the helplessness of the Indians and their habit of dependence upon the Government."[75] The system of Resident Superintendents made the situation even worse, because the Indians had

> a person of superior intelligence at hand, to whom they can have recourse in the most trifling difficulties, have no incentive to the exercise of their own intellectual powers; they are not led to feel their want of education - of knowledge - of capacity. On the three grounds, therefore, of expediency as regards the future welfare of the Indians - of efficiency in promoting their social elevation and, in a minor degree, of economy, your Commissioners are in favour of an entire change in the present system of the Department.[76]

The Commissioners' plan for reorganizing the Indian department went further than previous proposals. They recommended that the Civil Secretary be placed in charge of the department to enable closer scrutiny of its operations by the Governor General. The two branches

of the department were to be reunited with all records, correspondence, and business managed by a Chief Clerk who would be situated at the provincial capital. In Upper Canada, the Office of Chief Superintendent and the establishment of local officers were to be reduced and three "Indian Visitors" appointed. Each Visitor would be assigned to a district, one for Canada East and two for Canada West.[77] With these changes, the Commissioners were convinced that the Indian department could at last become an instrument for directing change and implement effectively the civilization programme.

Sir Charles Metcalfe, Governor General, received the final report of the Bagot Commissioners in January 1844. His initial reaction was that the Commissioners were overly optimistic in assessing the benefits that would result from the changes in policy. Experience had taught him that "it is always more easy to imagine good results than to realize them."[78] Nevertheless, as he wrote to Lord Stanley, Colonial Secretary, on 11 June 1844, he was "fully ... prepared to carry them into effect."[79]

Lord Stanley reacted positively to the report of his Governor General. However, he was sceptical whether the Colonial Office could manage successfully its implementation in distant Canada. On 30 January 1845, Stanley wrote to Metcalfe, giving him authority to proceed:

> In a matter involving so much detail, and requiring, even in the principles to be adopted, so much knowledge of the peculiarities of Indian habits and feelings, as well as the condition of the Tribes and Settlements, it is obvious that the execution of any general plan of reform must be left in the hands of local Authorities.[80]

Thus implementation of the revised civilization programme was delegated to the Indian department and, as it turned out, to a rapid succession of Governors General: Sir Charles Metcalfe, Earl Cathcart, and finally, Lord Elgin. They, in turn, soon encountered difficulties in implementing all the proposed changes, particularly when many directly affected the lives of Indian people, their expectations, and traditional practices. Nonetheless, significant progress was made in many policy sectors by 1850.

The Indian department was the first institution to be reorganized as it was viewed as the culprit for the failure of the civilization programme. It was estimated that £2000 could be saved by the restructuring. Since Indian concurrence in the proposed administrative changes was not required, reform could proceed at a pace determined by the government. On 27 April 1845, Metcalfe reported to Lord Stanley that the first stage of Indian department reorganization had been completed.[81] Departmental offices had been moved from Kingston to Montréal and a Chief Clerk had been placed in charge of all records and correspondence. The Resident Superintendents had been instructed to correspond directly with the Civil Secretary, bypassing former Chief Superintendent Jarvis, who was to assume an advisory position to the Govenor General.

About a week before Metcalfe's despatch to Stanley, J.M. Higginson, Civil Secretary, informed Jarvis that the position of Chief Superintendent would be abolished on 1 July 1845.[82] As well, three long time departmental officials in Canada West were given dismissal notices: William Jones, James Winniett, and J.W. Keating. In Canada East, James Hughes and S.Y. Chesley were released. They were replaced by

three "Indian Visitors," as proposed by the Commissioners.[83]

Metcalfe had acted swiftly, and within a year the department was reorganized and much "dead wood" removed. It was a remarkable performance considering that the Indian department had been impervious to change for years. In contrast, swift action was not characteristic of policy changes requiring either Indian concurrence, compliance, or participation. Implementation of proposals for terminating annual presents, granting individual title deeds to reserve land, and improving Indian education, met with varying degrees of success.

The Commissioners' suggestions for terminating the annual presents were not implemented owing to Indian opposition and increased international tensions involving the dispute over the Oregon boundary. This crisis preoccupied Metcalfe's successor, Earl Cathcart, making him reluctant to implement any recommendations which might cause Indian unrest and affect adversely the policy of Indian pacification. Steps were taken to make the presents more practical and a significant reduction in the distribution of ammunition and guns was achieved. However, a provincial census was not undertaken and annual presents were not terminated completely in Canada until 1858.

The proposal to grant individual title deeds to reserve land also met with opposition from tribal leaders. Originally the scheme was viewed as a means to end Indian dependency, encourage individual initiative, and to provide legal protection for reserve lands and resources, without recourse to legislation. On virtually every reserve the scheme was resisted, since it ran counter to tribal

custom of communal ownership of reserve land. Only Thomas G. Anderson at Owen Sound made progress in this respect, for in 1852 Colonel Robert Bruce, Civil Secretary, received a petition from the Indians requesting assistance in subdividing their reserve.[84] Faced with general Indian intransigence, the matter was shelved for the time being while other problems were addressed.

Offsetting the failure to subdivide the reserves was success in achieving significant reforms in Indian education. This was accomplished because all parties - Indian people, missionaries, and the Indian department, acted in a cooperative spirit and with a unity of purpose not evident since the inception of the civilization programme. In 1846, tribal representatives in Canada West were summoned to regional meetings at Orillia and Munsee Town on the Thames River.[85] At these regional Indian councils, Central Superintendent Thomas Anderson obtained permission from virtually every tribe to apply one-quarter of their annuities for a period of twenty five years towards the construction and support of new industrial schools at Alnwick, Owen Sound, and Muncey.[86]

With the assistance of Egerton Ryerson, Superintendent of Education for Canada West, a plan was devised for a cooperative approach to Indian education involving the Indian department and Methodist missionaries.[87] This agreement placed the Wesleyan Methodists in charge of the Industrial schools and responsible for providing books, supplies, and teachers' salaries. The missionaries also supplied farm stock and farm equipment for the attached model farms. For its part, the Indian department agreed to maintain the school buildings and provide an annual per capita subsidy to defer

food, clothing,and general education expenses. As a result, new industrial schools were established at Alnwick and Munsee Town (Mt. Elgin) and reports from school authorities indicated progress in teaching agricultural skills, animal husbandry,and mechanical trades.

The recommendations of the Bagot Commissioners set the civilization programme on a new and more optimistic course.[88] The broader provincial picture, however, did not remain static. The 1840s was a decade of expansion, particularly in Canada West, with increased immigration, urbanization, and resource development. In the face of new social and economic forces, Indian people and their reserve homelands came under pressure from settlers and entrepreneurs who, in most instances, had little sympathy for the plight of Indian people and regarded their reserves as an obstruction to development.

In their report, the Commissioners had remarked on the ineffectiveness of provincial legislation in safeguarding Indian property and resources and had expressed doubt that such measures could withstand "the incontrollable force of ... the natural laws," which governed society. However, in 1849, a violent clash between miners and Indians at Mica Bay, on the north shore of Lake Superior, convinced Lord Elgin that the government had to act to preserve order, even if that meant drafting legislation to protect Indian interests.[89] Faced with a crisis, Elgin turned to the report of the Bagot Commissioners.

Acting on Elgin's instruction, the Legislative Assembly on 10 August 1850 passed two pieces of legislation, "An Act ... for the better protection of the Lands and Property of Indians in Lower Canada,"

and, "An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury."[90] Each act differed in its approach to the problems of protecting Indian land and property. In Canada East, a Commissioner of Indian Lands was appointed to safeguard Indian interests. He was also empowered to sell or lease Indian lands. Most noteworthy, however, was the first legal definition of the term "Indian" and, to an extent, it reflected the Bagot Commissioners' findings on Indian conditions, as well as their recommendations for the future eligibility of those would receive annual presents.

> First. All persons of Indian blood, reputed to belong to the particular body or tribe of Indians interested in such land and their descendants.
>
> Secondly. All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons.
>
> Thirdly. All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such: And
>
> Fourthly. All persons adopted in infancy by such Indians, and residing in the village or upon the lands of such Tribe or Body of Indians and their descendants.[91]

A similar definition of "Indian" did not appear in the 1850 legislation for Canada West. However, the legislation for Canada West bore more distinctly the imprint of the Bagot Commissioners' report. For one thing there were more stringent regulations to prohibit reserve trespass. Timber could not be removed from reserve land without a licence, and local Indian Superintendents and Crown lands officials were appointed Justices of the Peace to enforce the new laws.[92]

The legislation also set down the government's approach to securing Indian rights and possessions, as well as for promoting their economic advancement. Reflecting the Commissioners' concern that Indian people not be sheltered from assuming the duties of regular citizens, a section of the act stated that Indian people had to perform statutory labour on reserve roads, though this was not to exceed that demanded of other provincial inhabitants. In addition, Indian land could not be alienated without the consent of the Crown and debts could not be collected from Indian people unless they owned land in fee simple worth £25. No property taxes could be levied on Indian people living on reserves. Finally, Indians were prohibited from pawning or exchanging goods for liquor.[93] Thus, six years after the Bagot Commission's report, detailed Indian legislation was on the books which formed the basis for subsequent Indian legislation in 1857. Following Confederation, this body of law became the foundation for the first Federal Indian Acts.

In retrospect, despite their many achievements, the Bagot Commissioners failed to resolve the central problem of the Indian department - its lack of cohesion and focus. As in the period before political union, too many government departments, groups and vested interests were still involved in policy implementation; thus adequate coordination and unity of action were nearly impossible. As well, departmental record-keeping remained chaotic, and financing for the civilization programme continued to originate from diverse sources.[94]

Ironically, the Commissioners realized that, as a first step, successful reform of the programme meant coming to grips with haphazard

departmental financing and inadequate band accounts. They did nothing about these short-comings because they were opposed to the centralization of all administrative functions in an expanded Indian department which, in their view, had no future role. Indeed, little was accomplished in overhauling the administrative machinery of the department until the late 1850s when the Province of Canada was forced to take action owing to the impending transfer of Indian affairs from Imperial to Canadian control. Thus the Commissioners' report, intended originally as a blueprint to reduce operational costs and make Indian people less reliant on government, became, in practice, just another milestone in the evolution and development of a more costly, permanent, and expanded Indian department which would increasingly regulate and control the daily lives of Indian people in the Canadas.

5. Indian Scene on the St. Lawrence River, by W.H. Bartlett, c. 1840s (PAC-C2398)

Source: Province of Canada. JLAC, App. EEE, 1844-45.

Figure 7.

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA EAST

1.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - BAGOT COMMISSION
Caughnawaga (Iroquois)	Popl. 955; 145 halfbreeds "...scarcely a pure blooded Indian in the settlement..."; land set aside for Indians in 1680, title vested in Jesuits; 1762, title given to Iroquois. Band revenue from sale of wheat, plus, annual annuity of £62.105 from N.Y. State for 1769 land cession; other revenue from handicrafts; work on river boats. 2250 acres being cultivated; hunting in decline, must obtain permission to hunt on northshore of Ottawa River from Indians at Lake of Two Mountains. No school on reserve, some go to Christieville school; churches operated by RC's; Indian morals equal to "lower order of French Canadians". In 1838 given special presents for assistance in Rebellions.	Claim reserve covers portion of Seignioryof La Prairie; rejected previously in 3 judgments and by 3 Governors.	No claim
St. Regis (Iroquois)	Popl. 450; reserve of 21,000 acres in Prov. of Canada; 28,250 acres including islands; also Nutfield Tract - 30,690 acres; at first title to lands merely "occupancy" for hunting, acknowledged by French prior to Conquest and secured by British in 1760. In 1769 reserve land in "Lower Canada" leased, confirmed in 1822, involves all but 3000 acres; in 1836 reserve land in Upper Canada sold for annual annuity of £200, but transaction not completed. 1820 - ½ of Indians till soil, raise crops; poor at animal husbandry; hunting in decline, grounds in N.Y. State, at Rice Lake, Perth, and Richmond; fish near 1,000 Islands. 1835, school est. by Protestants including a Caughnawaga clergyman educated in Connecticut; R.C. Bishop of Montreal objected, school closed. Temperance Society active on Reserve, morals improving.	Claim additional money for reserve land surrendered in Upper Canada in 1836.	Agreed

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - BAGOT COMMISSION
Lake of Two Mountains (Iroquois, Algonquins, Nipissings)	Population 912; occupy portion of Seigniory of Two Mountains granted to Sulpicians; 3 major Indian groups - Iroquois; Algonquins and Nipissings. In 1827, Major Darling reported Algonquins and Nipissings advanced in civilization, but Iroquis in "wretched condition." By 1842, Iroquois till soil and raise crops; Algonquins and Nipissings still hunt but life-style hurt severely by lumber activities on Ottawa River, thus "are ragged and starved half the year". R.C. missionaries; school for 6 children on reserve.	By 1763 Royal Proclamation, claim islands and land on Ottawa River. 1837 Exec. Council of Lower Canada rec'd's land be set aside behind surveyed townships on Ottawa River. Indians also claim share of land cession annuity from Alnwick Indians (1818).	Disagree. Indians be relocated in settlements in Canada west and receive per capita annuity of ƒ2.105. Would held civilization process. Annuity claim should be investigated.
Abenakis of St. Francis (Abenaki)	Popl. 353; lands located within Seigniories of Pierreville and St. Francis (1700-01). Additional 8900 acres granted in 1805 by Crown, but Indians have leased substantial portion to discharged soldiers. Now possess 500 acres, 200 acres cultivated; few subsist by agriculture; some hunt, others produce handicrafts. R.C. missionaires; school, 30 children, poor attendance; less advanced than Iroquois in agriculture. Temperance Society active, some social improvement.	None stated	Not specified
Abenakis of Becancour (Abenaki)	Popl. 84; 1/20 are halfbreed; originally part of Seigniory of Becancour. Village site of 60 acres, 30 acres are cultivated; no agricultural progress since 1812. Mainly hunt and fish, cut timber in winter; handicrafts. No missionaries; no school. Attend Becancour church regularly. Temperance Society active.	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - BAGOT COMMISSION
Hurons of La jeune Lorette (Huron)	Popl. 189, "they are all half breeds"; 1651 Seigniory of Sillery granted to Jesuits for conversion of Indians; 40 sq. acres of reserve land; popl. in decline; Lorette once hang-out for "the dissipated youth of Québec"; but lately some progress, grow limited crops, need additional land; also hunt, fish and handicrafts; many skilled artisans. R.C. chapel and school.	Claim additional land from Seigniory of Sillery; rejected in 1837 by Exec. Council of Lower Canada. 1830, Sir J. Kempt approved purchase of additional reserve land for agriculture.	Agreed.
Micmacs of the Restigouche (Micmac)	Total popl. in Canada, 442 (353 at Mission Pt.), another 1200 in New Brunswick. Reserve of 500-600 acres, 325 acres cultivated. Little agricultural progress, live in log houses, destitute. No schools, no presents nor annuities. Neglect due to divided jurisdiction between Canada East and New Brunswick. 89 Micmacs at New Richmond, but no information on them. R.C. missionary funded by Indian Department. Temperance Society active.	Claim additional 1250 acres granted illegally to non-Indian.	Should get Crown lands as indemnity. Micmacs should not receive presents, since part of New Brunswick. A school master should be appointed.
River Verte (Malecite)	30 families received a grant of 3000 acres in 1827 on River Verte; experimental settlement with government assistance; "the experiment offered a fair prospect for successful results; but unfortunately no further notice was taken by the government" (1829). Exec. Council of L. Canada (1837) recommended resettlement be encouraged, no action taken and reserve is "supposed to be now abandoned."	None stated	
"Indians with no fixed residence"	i) Algonquins of Three Rivers: Popl. 92; no land; hunt, fish and handicrafts; R.C., attend church at Three R.	None stated	Not specified
	ii) Têtes de Boule de rivière St. Maurice - Popl. 86; hunt and fish.	None stated	Not specified
	iii) Wandering Micmac, Malecite, Abenaki - Popl. 180; hunt and fish; formerly of River Verte, now destitute.	None stated	Not specified

6. Indian Village of Lorette near Québec City, by F. Holloway (PAC-C11010)

Source: Province of Canada. JLAC, App. EEE, 1844-45

Figure 8.

1.

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
Six Nations, Grand River	Popl. 2223; few halfbreeds; 1784, land grant on either side to its source, confirmed by Simcoe Patent 1793 - 694,910 acres; by 1842, 20000 acres remain; money from reserve land sales invested in Grand R. Navigation Co. Stock and British bonds.	Six Nations claim 20,000 acres insufficient, need an additional 30,000.	Reserve should be increased by 100 acres/family. Squatters should be evicted and reserve timber protected. Reserve plan be set up recording each Indian family's land. Township officers and Indian "Rangers" be formed to patrol lands. Cost to be defrayed by Six Nations' Band funds.
	3 main villages - Mohawk, Tuscarora, Cayuga, plus "Negro families". Mohawk: houses, church, most have sold improved facilities to whites and moved to remote areas of reserve to obtain fuel. Cayuga; now deserted, Onandaga and Sault Spring Settlements are not villages. Tuscarora: no data. Most of Six Nations (500 families) live in log houses (400); barns, farm stock and equipment; 6,900 acres improved land (15 acres/family); Indians choose own plots for cultivation, which are inheritable, disputes settled by Band Council; 1/3 have stopped hunting; many raise crops, though no accurate estimate. New England Co. sponsor reserve missionaries; boarding and 5 day schools, including Mechanics Institute (total 160 students); also Baptists and Methodists. Revenue from land and timber sales (£25,700) invested in British bonds, £35,000 in Grand R. Navig. Co., on authorization of Sir J. Colborne; a poor investment, no return; Indians petition to have stock refunded. White settlers have encroached reserve lands, Chiefs object to their low moral fibre; also best lands have been flooded due to construction of dams by whites. Evidence provided by Supt. Winniett.	Six Nations want gov't. to purchase their share of Grand River Navigation Co. stock.	Originally invested without Indian consent: i) gov't. should buy back stock ii) reimburse Indians.
		Request assistance to manage business affairs. Object to annual £150 payment to Chief Supt. from band funds.	Agreed. Salary set at £200/yr. Discontinue annual payment to Chief Supt.
Delawares, Chippewas, Munsees & Oneidas of Thames River.	Popl. Delawares (153), Chippewas and Munsees (620), Oneidas (436). Delawares (Moravian) sought refuge in Upper Canada in 1792; 1793 received 50000 acres at Fairfield, destroyed in the War of 1812. 6 sq. mi. new land surrendered (1836) to Lt. Gov. Bond Head for £150 annuity, now have 25,000 acres. Delawares have log houses, farm stock & equipment; 292 acres cultivated; £150 annuity.	Oneidas gave Chief Supt. £3755 to invest on their behalf, only £3428 can be accounted.	Chief Supt. must provide a detailed statement indicating how money invested.

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
	Chippewas & Munsees (Caradoc Twnshp.) 9000 acres; Chippewas have £600 annuity from 1832 land surrender; no village, small farms; farm stock & equipment; 450 acres cultivated.	None stated	Not specified
	Munsees: 269 acres cultivated; farm stock and equipment. Oneidas: came to Upper Canada (1840), 500 acres; 325 acres cultivate, farm stock and equipment.	None stated	Not specified
	Delawares are Moravians; Chippewas and Munsees are Church of England (100-150) and Wesleyan Methodist (300-400); schools; few halfbreeds; craftsmen and mechanics; moral progress. Evidence from Supt. J.B. Clench.		
Chippewas, Hurons, Shawnees, Munsees at Amherstburg and Pt.Pelee.	Popl. 368; 1790 Council of Four Nations (Chipp., Hurons, Ottawa, Pott.) surrender Huron District, for reserve of 22,390 acres; 1839, 8000 acres retained, remainder sold - 1/3 for tribe's benefit, 2/3 for benefit of other U.C. Indians. Munsees and Chippewas: migratory; Hurons have houses, farm stock and equipment; 200 acres/male, inheritable, not alienable; raise crops; hunt only in autumn; R.C. and Wesleyan Methodist; no schools; tradesmen and good in mechanical arts; good health.	Reserve land surrendered to gov't. in 1835, but same land surrendered in Feb. 1836 on different terms. Sale approved by Col. Sect'y in Jan.1837, Indians claim surrender unjust.	No record of 1835 surrender. Question 1836 surrender when same land apparently surrendered in 1786. Recommend 1836 surrender be confirmed despite irregularities i) Indians aware of transaction ii) exclusive title to land doubtful iii) conditions of sale reported and sanctioned by Col. Sect'y. iv) funds to be applied for benefit of Indians.
	Chippewas: hunt & fish, raise corn; heathens; numbers decreasing.		
	This group is showing improvement: i) decrease in liquor ii) produce surplus food iii) clearing land iv) women go to market at Amherstburg. Evidence supplied by Supt. Geo. Ironsides.		
Chippewas at Upper St.Clair R., R. aux Sables, Kettle Pt.	Popl. 741; 1830 first civilization programme on Upper St. Clair reserve, est. 10,280 acres; houses; agricultural implements. Reserve at R. aux Sables, 2650 acres; Kettle Pt. 2446 acres, also small reserve on St. Clair R., 2575 acres. Upper St. Clair reserve better developed than lower portion;	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
	civilization progress difficult to assess due to emi/immigration of Indians across border. Upper reserve - 200 acres improved; R. aux Sables 60 acres; and Kettle Pt., 20 acres. Seldom hunt except for food. Upper St. Clair Indians are Wesleyan Methodist; R. aux Sables are Church of England; heathens at Kettle Pt. School on Upper St. Clair reserve; good health; numbers increasing. Evidence supplied by Supt. Jones.		
Chippewas, Ottawas, Pottawatomies of Walpole Island.	Popl. 1140; settlement begun by Col. McKee (1782) for Chippewa loyalists; white settlers encroached on land, took most of it; 1839 U.C. "trespass" legislation used to evict squatters. Chippewas live on farms, agricultural. Pottawatomies came recently from USA are "wild, dishonest, turbulent ragged, filthy." 1842, presents distributed to: 319 Chippewas, 507 Pottawatomies and Ottawas, and American Indians. Indians at Walpole Island have farms, no village. Each band cultivates an enclosed portion of land - "it is intended to lay out fields more regularly"; 600 acres cleared; raise crops; fish and make baskets. Chippewas hunt only in winter, game disappeared. Most of the Indians are heathen; Indian health better than local whites, except for Pottawatomies; no halfbreeds "recognized as such." Evidence from Supt. Keating.	None stated	Not specified
Manitoulin Islands. Chippewa, Ottawa	Popl. 1098; prior to 1829 Indian presents distributed at Drummond Island, after 1829 at St. Joseph Island. 1829 Proclamation promised to est. Indian settlement near Penetang, with houses, schools, missionaries, farms, etc. 1835 dist. of presents now at Manitoulin Island, 70-80 Indians at Wikwemikong. 1836 Manitowaning est. - presents distributed there in 1836, attracted 2697 Indians. Originally, Manitoulin Island to be site for resettlement of wandering northern tribes. 1837 popl. 268; 1838, popl. 307; by 1839,	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
	655. 2 villages of 200 acres - Wikwemikong: 78 buildings, including school, church, saw mill. Manitowaning: 58 buildings, school, sawmill, church. Missionaries report island unfit for settlement, poor soil and climate; Resident Agent disagreed. Indian groups, Chippewas and Ottawas; Chippewas slow to adapt to agriculture; heathen; conversion entrusted to Church of England. Ottawas: from U.S.A.; farmers, ready to till soil. Both groups also hunt, fish, make maple sugar. Objects cited blocking religious conversion: i) fear not be able to drink ii) fear loss of trade goods iii) plurality of wives. Level of health same as whites; 1/20 are half-breeds. Evidence from Supt. T. Anderson.		
Mohawks of Bay of Quinté	Popl. 383; 1793 received 92,700 acres; 1820 surrendered 33,280 acres for annual annuity of ƒ450.; 1844 reserve acreage 16,800 - further 14,773 acres had been deducted for Crown and Clergy reserves and in 1835,27,857 acres surrendered. Live on farms, 1,368 acres cleared, 500 being tilled. Evidence from Rev. Saltern Givens.	None stated	Not specified
Mississaugas of the Credit River.	Popl. 239; prior to 1823 "wandering pagans"; "redeemed" by Peter and John Jones, Wesleyan Methodists. 1828 Maitland experiment; using 1818 treaty annuity funds (ƒ532.10s/annum) gov't. built small village of 20 houses, school,chapel. Methodists provided teachers. 1840 request new land elsewhere:i) poor soil ii) village life not encourage agriculture iii) evil example of nearby whites iv) need additional land. Petitions to Indian Dept. have not been acted upon. Present village has 50 houses, 2 saw mills; reserve acreage, 3189.	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
Mississaugas of Alnwick	Popl. 220; wandering Indians, Kingston to Gananoque converted 1826/27; Wesleyan Methodists settled them on Grape Island; 1830 moved to 2000 acres of Crown land in Alnwick Twnshp.; Village of Alderville - 36 houses, 6 barns, saw mill, school, paid from £642.0s annuity from treaty; 300-400 acres cleared; farm stock and equipment. Evidence of S.P. Jarvis, Chief Supt.	None stated	Band census required; 1819 surrender annuity of £2.10s. fixed at £642.10s. for 257 Indians; popl. too high, reduce annuity payment if possible.
Mississaugas of Rice, Mud, Balsam Lakes	Rice Lake: Popl. 114; reserve 1550 acres; 1120 acres granted in 1834 for their conversion and civilization; 430 acres purchased with own funds; 400 acres cleared; village of 30 houses, school, chapel, barns; Methodist.	None stated	Not specified
	Mud Lake: Popl. 94; 1600 acres granted to New England Co. in 1837; Indians are Wesleyan Methodist under Rev. Scott.	None stated	Not specified
	Balsam Lake: Popl. 90; 1206 acres granted to them by Crown; village of 12 houses, barn, school; 1843, purchased 600 acres on Scugog Lake because not satisfied with climate; want to pursue agriculture. Evidence provided by S.P. Jarvis.	Dispute over payments to contractor to erect houses, £100 not accounted for.	Chief Supt. asked to report why £150 given out of tribal annuities to construct houses, yet only £50 can be accounted.
Chippewas of Rama	Popl. 184; 1830 Lt. Gov. Colborne granted them 9,800 acres on N.W. shore of L. Simcoe; 3 tribes; Chippewas of Chiefs Snake, Aisance (Coldwater), and Yellowhead (The Narrows), plus Pottawatomies from Drummond Island. By 1836 whites encroaching;	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
	1838 Yellowhead moved to Rama, purchasing 1600 acres; village of 20 houses, raise crops; cultivate 300 acres; Wesleyan Methodist and R.C.; school, and teacher. Evidence provided by S.P. Jarvis.		
Chippewas of Beausoleil Island, Matchadash Bay, L. Huron.	Popl. 232; originally settled at Coldwater under Chief Aisance; 100 acres cultivated; R.C., no school or church. Evidence provided by S.P. Jarvis.	None stated	Not specified
Chippewas of Snake Island, Lake Simcoe.	Popl. 109; originally part of Coldwater and The Narrows experiment; 150 acres cultivated; Methodists, moral, pious. Evidence of S.P. Jarvis.	None stated	Not specified
Chippewas of Saugeen	Popl. 197; 1836 surrendered 1,600,000 acres to Sir Francis Bond Head; Head reserved 450,000 acres on Saugeen Penin. for their use; fish and hunt despite white encroachment; no gov't. visits since 1837; annual annuity of ƒ1250; Wesleyan Methodist. Evidence of S.P. Jarvis.	None stated	Band census required, ƒ1250 annuity too high; in 1836 houses promised, commutted in 1840 to ƒ2.10s annuity. ƒ1250 assumes 500 Indians, innacurate.
Chippewas of Big Bay.	Popl. 130; originally wanderers on Saugeen Tract, supposed to move to Manitoulin Island; present settlement formed in 1842; Wesleyan Methodist. Evidence of S.P. Jarvis.	None stated	Not specified

BAND/RESERVE PROFILES:
THE BAGOT COMMISSION'S REPORT ON INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS BAGOT COMMISSION
Chippewas in Bedford Township	Popl. 91; located near Kingston, stragglers from Rice L.; joined by 81 Indians from L. of Two Mountains who were then transferred to responsibility of Upper Canada; settlement recently formed, not yet visited by Indian Department. Evidence by S.P. Jarvis.	None stated	Not specified

Endnotes, Chapter Three

1. PAC, RG10, Vol. 5, J. Colborne to W. Hay (Private), 3 May 1829. Col. James Givins was appointed Chief Superintendent in 1830 despite the fact that he was "an old man." The chief reason for his appointment was that he "was esteemed by the Indians." In February 1830, Givins asked to retire but was turned down by Colborne. In 1832, Colborne informed Goderich that Givins could no longer carry out his duties unless he received clerical assistance. In 1836, Givins was no longer competent to carry on and he was allowed to retire in 1837.

2. PAC, RG10, Vol. 48, T. Anderson to J. Givins, 22 July 1831; see also, Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. Appendix VV. "Return re: correspondence with S.P. Jarvis....", Jarvis to R.W. Rawson, 13 July 1843.

3. On 3 May 1839, the Upper Canada Herald, remarked on Durham's report that the proposals opened the way for the colonies to gain "complete control of all their own local affairs" and "all the advantages of total independence without any of its disadvantages."

4. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1844-45. Appendix EEE. Sydenham to Lord John Russell, Colonial Secretary, 22 July 1841. In this despatch, Sydenham remarked on the position of Indians in colonial society: "He (the Indians) occupies valuable land, unprofitably to himself and injurious to the country, and adds nothing either to the wealth, the industry, or the defence of the Province."

5. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. App. T, App. No. 1, "Report of Committee No. 4, on Indian Department." Montréal, 1847.

6. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. Appendices EEE and T, "Report on the Affairs of the Indians in Canada." Montréal, 1844-45 and 1847, respectively.

7. J.E. Hodgetts, Pioneer Public Service. An Administrative History of the United Canadas, 1841-1867. Toronto, 1955.

8. In 1839, Marcus Blair, Timber Warden on the Grand River Reserve reported to Justice Macaulay that the Indian department had the reputation of being "notoriously the worst and most inefficient department in the province." (See Macaulay Report, p. 254). In addition to its decentralized structure, financing came from many diverse sources:

   a) Imperial grant - salaries of Indian agents, teachers
      missionaries
      pensions

b) General Fund: from the sale of Indian lands, timber, interest, etc.
paid salaries of headquarters' staff

c) Land Fund: from sale of Indian lands made by Crown Lands Department
covered costs of managing Indian land e.g. sales

d) estate of the Six Nations: used to defray costs of the Six Nations Trustees

e) local funds: consisted of annuities paid to various tribes by the province:
paid salaries of tribal Chiefs, interpreters, surgeons, teachers.

9. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. Appendix T, App. No. 1, "Report of Committee No. 4, on Indian Department." Montréal, 1847.

10. Ibid.

11. Ibid.

12. Ibid.

13. Ibid.

14. Ibid.

15. Ibid.

16. Ibid.

17. Ibid.

18. Ibid.

19. Ibid.

20. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. App. EEE, Part I, "Report on the Affairs of the Indians in Canada," Montréal, 1844-45. Sydenham to Lord John Russell, Colonial Secretary, 22 July 1841.

21. F. Boase, Modern English Biography, Vol. 6. London, 1965.

22. The Commissioners also examined the conditions of the Malecite and Micmac Indians in New Brunswick, bordering on Lower Canada. The condition of the Micmac Indians living in the interior of New Brunswick had been examined in 1841 by Moses Perley, a specially appointed Indian Commissioner. In 1843, Joseph Howe reported on the Micmacs of Nova Scotia. The Micmacs faced the same social and economic difficulties as the Indian groups of the Canadas. However, the Micmac population was declining and there was no Indian department to oversee the distribution of relief nor provide protection from the encroachment of settlers.

23. In Canada West the influence of Protestant missionaries with their emphasis on "works" as well as faith meant that the best Indians were those who had adopted Christianity and became farmers. In Lower Canada there was no urgency to transform Indian people into a "happy yeomanry" as agricultural pursuits had a longer tradition.

24. PAC, RG10, Vol. 717, S.P. Jarvis to John Macaulay, December 1838. Chief Superintendent Jarvis wrote to Macaulay, Secretary to Sir George Arthur, outlining in detail the chaotic state of Indian department records and band accounts. He argued that the Indian department had to reform its record-keeping practices before the civilization programme could be self-financed.

25. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1844-45, App. EEE, Section 3, "Present Mode of Conducting Indian Affairs, with Recommendations for its Amendment."

26. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, Section 3, "Part 1-General Recommendations."

27. There was a view among Imperial commentators like Herman Merivale that Native peoples of the tropics were inferior, while those of northern climates were almost equal to whites. The New Zealand Maoris and Indians of North America were regarded as possessors of an "ethic" similar to nineteenth century chivalric concepts. In short, Native peoples did not lack intelligence, only character, as this could be improved. See Douglas Leighton, "Indian Administration in the Province of Canada: Attitudes, Philosophies and Actions, 1841-1867." Paper presented to the Canadian Sociology and Anthropology Association, London, June 1978, pp. 13-14.

28. In the nineteenth century, social philosophers regarded education as a cure for most social ills. See Leighton, p. 10.

29. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, Submissions 30 and 38.

30. Already successful prototypes have been established in Lower Canada at Christieville and Chateauguay. In Upper Canada, schools were located at Brantford (Mohawk Institute) and at Rice Lake, under the Reverend William Case.

31. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, Section 3, "General views as to the system of management".

32. Ibid., App. T, Presents. Description and Statistics."

33. Ibid.

34. Ibid., Parts 4 and 5.

35. Ibid., Part 6.

36. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. Appt. T, "Presents. Description and Statistics."

37. Ibid., App. T, "Lands."

38. PAC, RG10, Vol. 718, Macaulay Report, 22 April 1839, pp. 360-362.

39. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, "Lands - Titles."

40. Ibid., "Lands - Tenure."

41. PAC, RG10, Vol. 5, Sir J. Kempt to Sir J. Colborne, 18 February 1830.

42. PAC, RG10, Vol. 718, Macaulay Report (1839), p. 368.

43. Ibid., pp. 364-365.

44. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, "Lands - Recommendations on Titles and Tenure."

45. Ibid.

46. Ibid., "Lands - Management."

47. Although the Six Nations possessed a separate band account, revenues from land sales often could not be accounted for. See, "Petition of Chief and Sachems of the Six Nations residing on the Grand River." 4 December 1843, Journals of the Legislative Assembly, 7 Victoria, App. MM.

48. PAC, RG10, Vol. 10018, "Matheson Papers."

49. PAC, RG10, Vol. 717, S.P. Jarvis to John Macaulay, December 1838.

50. Provinces of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, "Lands - Management."

51. Ibid.

52. Ibid.

53. PAC, RG10, Vol. 717, Order in Council, 15 April 1845.

54. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, "Lands - Management."

55. PAC, RG10, Vol. 502, Col. J. Givins to John Macaulay, 20 September 1838.

56. PAC, RG10, Vol. 505, S.P. Jarvis to T.W.C. Murdock, Provincial Secretary of Lower Canada, 23 July 1841.

57. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, App. No. 1, "Report of Committee No. 4 on Indian Department."

58. Ibid., App. T, "Lands - Protection of Reserves."

59. The Bagot Commissioners were reflecting a nineteenth century view that legislative solutions to social problems, involving the natural laws governing society, were impractical.

60. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T, "Lands - Recommendations as to Squatters."

61. Ibid., App. T, App. 100.

62. Ibid., App. T., "Lands - Recommendations as to the protection of Fisheries."

63. Ibid., "Lands - Recommendations as to the preservation of the Game"

64. Ibid., "Lands - Recommendations as to cutting Timber."

65. Ibid., "Annuities."

66. Ibid.

67. Ibid.

68. J.E. Hodgetts, Pioneer Public Service. An Administrative History of the United Canadas, 1841-1867. Toronto, 1955. p. 205.

69. PAC, RG10, Vol. 710, Order in Council, 7 February 1843.

70. Province of Canada. Journals of the Legislative Assembly. Sessional Papers. 1847. App. T. "Annuities."

71. Ibid.

72. Ibid., Appt. T, "Indian Department."

73. Ibid., "Indian Department - Observations and Defects."

74. Ibid.

75. Ibid.

76. Ibid.

77. Ibid., "Indian Department - Recommendations."

78. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. p. 245.

79. _____, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. p. 245.

80. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. p. 245.

81. PAC, CO 42/525, Sir Charles Metcalfe to Lord Stanley, 27 April 1845.

82. L.F.S. Upton, Micmacs and Colonists. Indian-White Relations in the Maritimes, 1713-1867. Vancouver, 1979. p. 106. In 1843, Sir Charles Bagot offered the post of Chief Superintendent of Indian Affairs in Canada to Moses Perley. Perley accepted, but later the offer was withdrawn, and in July 1845, the position was abolished.

83. T.G. Anderson became Central Superintendent stationed at Toronto. George Ironside became Northern Superintendent and was transferred from Amherstberg to Manitoulin Island. Joseph B. Clench at London became Western Superintendent and responsible for all of the south-western portion of the province. Col. D.C. Napier supervised Indian Affairs for Canada East, remaining Indian Secretary in the Civil Secretary's Office. Meanwhile, James Winniett at Six Nations was replaced by David Thorburn.

84. PAC, RG10, Vol. 195, 8 March 1852.

85. PAC, RG10, Vol. 160, Part 1, "Anderson's speech to Council at Orillia," 30 July 1846.

86. PAC, RG10, Vol. 158.

87. PAC, RG10, Vol. 188.

88. The Bagot Commission report had an impact beyond the borders of the Province of Canada. In New Brunswick, Moses Perley, Indian Commissioner, read the report and wrote to Lieutenant Governor Sir Edmund Walker Head (later Governor General of Canada) recommending a new Indian policy modelled on Canadian lines including an Indian department, a series of land cession treaties, and annual annuities. Head rejected Perley's advice because of cost and the fact that the Indian population was declining and were "harmless." Head was also suspicious of Perley regarding him as the "diplomat of an independent power," treating between government and the Micmac Indians. See E. Head to Earl Grey, Colonial Secretary, 17 August 1848. PAC, CO 108/106 pp. 180-201.

89. A.G. Doughty, ed., The Elgin-Grey Papers, 1846-1852. Ottawa, 1937. Elgin to Grey, 21 November 1849, Vol. 2, p. 549.

90. Statutes of Canada, 13-14 Vict., Cap. 42; Also Statutes of Canada, 13-14 Vict., Cap. 74.

91. Statutes of Canada, 13-14 Vict., Cap. 42; p. 1248.

92. Statutes of Canada, 13-14 Vict., Cap. 74, p. 1410.

93. Ibid.

94. J.E. Hodgetts, Pioneer Public Service. An Administrative History of the United Canadas, 1841-1867. Toronto, 1955. pp. 217-218.

CHAPTER FOUR

Assault on the tribes: The 1856 Pennefather Commission and the end of Imperial control of Indian affairs

The report of the Bagot Commission in 1844 found acceptance among Imperial and Colonial officials because it struck an effective balance between Imperial demands for economy and expressions from religious groups, that basic humanitarian considerations not be neglected. Their report, the first comprehensive reformulation of Darling's 1828 plan, reassured all participants in the civilization programme that improved Indian conditions could be anticipated within a reasonable period of time, without straining already scarce financial resources. However, in the latter half of the 1840s, unforeseen economic and political events overseas, at the time unconnected with Indian policy in the Canadas, had a profound impact on the modified plan recommended by the Bagot Commissioners.

In 1846, with the election of Sir Robert Peel's Tory government, the old foundations of Empire began to give way to the free trade movement. The subsequent repeal of the Corn Laws and Navigation Acts, and the final granting of responsible government, conferred a larger degree of political maturity on the Province of Canada. The result, at least for Indian affairs, was that Imperial financial retrenchment once again become a dominant theme and colonial resistance less feasible. The Colonial Office, driven by the "devolutionist" ideology of the "Little Englanders," sought wholesale reductions in the costs of the civilization programme, which eventually forced Imperial authorities to abandon the programme altogether in 1860.[1]

As a result of these events, by the early 1850s, the Canadian Indian department had arrived at a fork in the road: the Indian people could be abandoned totally by government; or they could be afforded continued protection as the clientele of a separate government department. In theory there was a choice, in reality and practice there was none. The five previous commissions of inquiry had created a corporate memory for the Indian department which stressed a continuing protective role for the Crown to safeguard Indian people and their property assets against the vagaries and pressures of local legislatures. This policy bias, reinforced between 1851 and 1855 by the personal investigations and reports of three successive Civil Secretaries - Colonel Robert Bruce, Lawrence Oliphant, and Lord Bury,[2] directed Richard Pennefather into selecting the option of continued government protection, with a reformulation of the civilization programme which would make both the Indian department and Indian people self-sustaining.[3] The recommendations of the Pennefather Commission, which were adopted officially in 1860, formed the basis for the modern Indian Affairs Department.

It will be remembered that, following the Treaty of Ghent in 1814, Imperial demands for financial retrenchment inadvertently launched a series of informal inquiries and experiments which culminated in Major Darling's plan for Indian civilization. Again, in 1850, the renewal of similar austerity demands from Earl Grey, Colonial Secretary, initiated another round of investigations which resulted in the termination of all Imperial responsibilities for the Indian programme. In response to pressures from British politicians, Grey wrote to Lord Elgin, Governor General, on 2 July

1850, warning him that members of the House of Commons wanted the discontinuance of any funding related to the annual presents. Grey concluded by warning Elgin that this restiveness over costs applied equally to the entire civilization programme:

> ... I am much inclined to believe that not only on the score of expense, but on higher grounds the whole subject of the management of the Indians requires careful examination. It seems to me that less has been accomplished towards the civilization and improvement of the Indians in Canada in proportion to the expense incurred than has been done for the native tribes in any of our other colonies.[4]

Four months later Grey's warnings were given concrete expression when he wrote to Elgin questioning recent estimates of £13,100 to cover departmental salaries, presents, and contingencies. The sum was excessive, and in the words of Grey:

> I cannot but observe, as to the whole substance of it, that after the management of the affairs of Canada has been so entirely abandoned to the local authorities, and considering that the use of these grants to the Indians can only be to make better provision for the peace and security of the province, great reluctance must be felt in continuing this heavy demand on the resources of this country for such purposes .... Your Lordship must therefore be prepared for its being immediately reduced in amount, and altogether put an end to it at a very early period.[5]

Lord Elgin responded cautiously reporting unrest among the tribes at the rumour that their presents were to be discontinued. As well, he expressed disappointment that the British were abandoning the scheme adopted by Lord Metcalfe in 1845 which would have seen the presents gradually phased out.[6]

Faced with Imperial resolve, Lord Elgin asked his Military Secretary, Colonel Robert Bruce, who was acting Superintendent General of Indian Affairs, to prepare a preliminary report on the least "objectionable" way to terminate the presents.[7] After a short investigation, Colonel Bruce submitted his report to Lord Elgin on 11 January 1851, which concluded that in most instances the presents were contributing nothing towards the civilization and advancement of Indian people.[8] In place of Lord Metcalfe's scheme, Colonel Bruce proposed that the distribution of presents be initially curtailed to the advanced tribes and that the less civilized groups, those still dependent on hunting and fishing, be given more time to prepare for their termination. Elgin forwarded Colonel Bruce's report to Earl Grey on 21 January 1851.[9] Grey replied on 15 March 1851, expressing hope that the report's suggestions would be implemented since the presents, after 1852, had to be progressively reduced, until they were abolished completely in 1858.[10]

The Imperial decision to end the giving of presents once again brought to the fore, at least for Imperial officials, the question of whether the Indian department should be abolished. The mistaken and simple view of many Imperial authorities as to the actual duties performed daily by the department was reflected in a letter from the Duke of Newcastle, the new Colonial Secretary, to the Administrator of Canada, Lieutenant-General William Rowan. On 21 January 1854, with the termination of the presents less than four years away, Newcastle wrote:

> It will be proper to turn attention to the gradual reduction of the Indian establishment itself, now that

> the object for which it was organized is in the course of rapid extinction. I shall be glad to receive a report from you on this subject.[11]

The high cost of annual presents had obviously dominated Imperial concern about the conditions and administration of Indian people in the Canadas to such an extent that the day-to-day role of the department, as an advisor to and protector of Indian people and their land, had been totally disregarded. It was now up to the colonial authorities to educate their Imperial counterparts to the realities of the situation, or be saddled with assuming the Imperial portion of departmental operating expenses.

The Canadian response to Newcastle's despatch consisted of two short reports prepared by successive Civil Secretaries in their role as Superintendent General: Lawrence Oliphant, Colonel Bruce's successor, and Lord Bury, who succeeded Oliphant. Interestingly, while the two studies focused on the same problems - the future of the department, how to fund its operations, and current Indian conditions - each proposed a different solution.[12]

Oliphant, who had just returned from taking the surrender of the Saugeen peninsula,[13] an estimated 450,000 acres, suggested a plan whereby the department and the civilization programme could be financed from the proceeds of Indian land sales, supplemented by other sources of tribal revenue such as timber licences, leases, and provincial investments.[14] To further encourage the civilization process, Oliphant recommended that: reserves be subdivided into individual lots; annuities be paid in money rather than goods; and that provincial laws protecting Indian people from debt liability be repealed.[15] As well, in light

of recent departmental mismanagement of band funds, Oliphant recommended a double-receipt system of bookkeeping to account for tribal monies from recent land sales. In conclusion, Oliphant remarked on the success of the Indian industrial schools, the central recommendation of the 1844 Bagot Commission.

> The two industrial schools which have been established by our Excellency have already been sufficiently long in operation to prove the success of the experiment, and to justify the outlay of a large share of those funds which are in the hands of the department for educational purposes.[16]

Elgin forwarded Oliphant's report without comment to Earl Grey on 18 December 1854, noting that he was drawing it to the attention of his successor Sir Edmund Walker Head.[17] Head was sceptical that Oliphant's plan for financing departmental operations was feasible since success depended on the immediate sale of the Saugeen lands. As a result, he turned to his new Civil Secretary, Lord Bury, for a critical analysis of Oliphant's plan.

Bury's report, which was presented to Head on 5 December 1855, proved that Oliphant's cost projections were inaccurate.[18] Bury was also extremely critical of the Imperial intention to curtail its financing of departmental operations stating that this would amount of "a breach of faith" with the Indian people since, through the treaty process, they had given up their lands in return for Imperial protection and support.[19] In Bury's view, if the Imperial Grant was terminated, Canada would immediately be faced with three options: abolish the Indian department; support all operations from existing Indian funds; or, immediately assume all responsibilities for

departmental financing and policy from Britain. Since none of these options was viable, Bury suggested a plan whereby a sum of £77,431. - an amount equal to the Imperial Grant for the last seven fiscal years - be voted for the Indian department, which would then be invested in provincial debentures at six per cent. The amount accruing annually, £4,645, would cover a short fall in Indian funds already spent by the department and allow time for money from the Saugeen lands sales to accumulate and render Oliphant's plan operable.[20]

The second half of Bury's report dealt with his assessment of Indian conditions and commented on Sir Edmund Head's plan for "gradual Indian civilization." Bury was optimistic that progress was being made and quoted at length from a letter by S.Y. Chesley, Chief Clerk, describing the agricultural progress of Indian people. Chesley's report, perhaps a propaganda piece, is worth noting because it indicates that, despite Imperial and Colonial impatience, progress in Indian civilization was being made, if only with select bands and individuals. His assessment is all the more interesting when compared with Pennefather's conclusions two years later. According to Chesley:

> By dint of perseverance and persuasion on the part of the missionaries and the local superintendents, under the direction of the department, the Indian prejudices have been in a great measure overcome. They devote nearly all their disposable funds for educational purposes, agricultural implements, building comfortable houses and purchasing cattle and improved seed gain. In almost every tribe of the settled Indians in Upper Canada are to be found some whose farms compare not disparagingly with those of the adjoining whites. Amongst them may be named Peter Smith of the Six Nations, who had last summer 60 acres of wheat under crop; and John W. Hill, of the Bay-of-Quinté, had 45 acres.[21]

Bury, echoing the findings of earlier investigators, reported that

there were two major barriers to Indian civilization - continued use of Native languages and communal ownership of band property.[22] Native people should be made to learn either French or English and, as for band property, individual ownership should be encouraged since, "The present state of things ... shows, and reason points out, that if he (an Indian) has no rights of property at all, he will never assume the responsibility they impose."[23]

The final pages of Bury's investigation dealt with the proposals which Head had formulated, probably in conjunction with his private secretary, Richard Pennefather, for compulsory enfranchisement of Indian people. The five point plan appears in a letter of 19 May 1855 from Bury to the Reverend William MacMurray, Anglican Rector of Ancaster, Canada West, and refers to Head's recent discussions with MacMurray at Québec on the matter.[24]

Briefly, Head proposed that the local superintendents identify band members who might be "fit and desirous" of assuming "a new mode of life." Those identified would be interviewed by three commissioners to determine whether the individual had a trade, could read or write, had any notions of his civil responsibilities, and would be self-supporting. If so, the person would receive a grant of land freehold and a small allowance with which to purchase seed and implements. After two years "probation" he would then become subject to the laws and liabilities of regular citizens.[25]

Head forwarded Lord Bury's report to the new Colonial Secretary, Henry Labouchere, on 15 December 1855.[26] Labouchere responded on 21 February 1856, stating that Bury's report had convinced him that "an

Indian Department should be maintained," but still the question remained how to finance it.[27] Labouchere, commenting on Bury's lump-sum financing proposal, remarked:

> I regret that I cannot hold out to you any prospect that this proposal can be entertained. Parliament could not, with propriety, be applied to for such a grant on account of this expiring service.[28]

Labouchere favoured Oliphant's plan but he indicated that the British Parliament might vote £3000. for a two or three year interval for the use of those tribes still dependent on hunting and fishing for their livelihood:

> But after the time thus allowed for giving effect to new measures, I apprehend that the officers of the establishment must look to the provisions of the funds required for its support, by the more efficient and profitable management of the extensive property which is entrusted to their care ... I have no doubt ... you will take the necessary steps for securing their early attention to ... well-considered proposals for the future maintenance and administration of the department.[29]

It was evident that the Imperial authorities no longer had the political will to ask Parliament for a continuation of the annual grant for Indian affairs. However, Canadian officials still faced the unsolved problem of how to reorganize the Indian department and redefine the civilization programme. It is within this policy context, and the immediate crisis of Imperial disengagement, that Richard Pennefather, Head's long-time private secretary,[30] assumed the post of Civil Secretary and began the most comprehensive and far-reaching study of Canadian Indian administration during the period of Imperial control.

On 22 July 1856, Sir Edmund Head informed Henry Labouchere that, as a result of his despatch of 21 February, a commission had been organized to report on the following:

> 1st. As to the best means of securing the future progress and civilization of the Indian tribes in Canada.
>
> 2nd. As to the best mode of managing the Indian property, so as to secure its full benefit to the Indians without impeding the settlement of the country.[31]

The entire investigation was to be financed from the "sinking fund of the Indian Department," which was a percentage deducted from the proceeds of Indian land sales.[32] Joining Richard Pennefather were Froome Talfourd, Western Superintendent of Indian Affairs, and Thomas Worthington, an accountant who had recently finished an inquiry into the contentious financial dealings of Sarnia Indian agent Joseph B. Clench.[33]

The Commission began its investigations in early September 1856 with the intention of visiting as many reserves as possible before winter. By late fall, on-site inspection of the large Indian settlements in the southern portion of Canada West had been carried out and on 24 November 1856 Pennefather submitted an interim report to Head.[34]

Pennefather viewed with concern the slow progress in Indian education and agriculture. In part he blamed the Indians' natural "apathy" and "unsettled habits"; indeed, many had abandoned farming to become labourers in local towns where a daily wage and board could be obtained. As for Indian education, visits had been paid

7. Ojibway Camp, Spider Islands, Lake Huron, by Paul Kane, July 1845 (PAC-C114460).

to the normal schools at Mt. Elgin and Alnwick, where attendance was good and the children were found to be clean and healthy. In concluding, Pennefather drew Head's attention to a number of obstacles which retarded the civilization process: communal ownership of Indian lands, inadequate management of Indian reserves, improper maintenance of departmental records and statistics, the anomalous legal position of Indian people, and the depradations of local settlers.[35] These were the same conclusions reached by the Bagot Commission in 1844, yet Pennefather refrained from making recommendations noting that he would await the advice of his fellow Commissioners.

Concurrent with Pennefather's official review, pressure was mounting on Sir Edmund Head from various religious bodies to draft legislation enabling individual Indians to acquire ownership of reserve land.[36] The Bagot Commission had suggested such a scheme twelve years earlier, but the proposal had been rejected by the bands. The question was shelved temporarily; however by the mid-1850s, the issue again arose because of slow progress in a related area, Indian education. Indian graduates of industrial schools were not making use of their new skills and, in some instances, actually regressed to old customs. The solution, in the view of Head's religious advisors, was to subdivide the reserves to permit individual land ownership, which would encourage Indian self-reliance and industry.[37] This in turn, would also reduce operating costs and ultimately solve the "Indian problem" - Indians would be assimilated into the dominant society.

Without waiting for the final report of his Commissioners, or

consulting the tribes, Head prepared draft legislation which was passed subsequently on 10 June 1857, as an "Act to Encourage the gradual Civilization of the Indian Tribes in the Province, and to amend the Laws respecting Indians."[38] The Act, similar to Head's 1855 plan, called for the removal of all legal distinctions between Indian people and other provincial inhabitants. Those Indians who met certain qualifications, based on education and age, could apply for immediate enfranchisement, while those possessing a satisfactory level of knowledge and intelligence were placed on three years probation. Under the terms of the Act, each enfranchised Indian would receive a share of band annuities and an allotment of reserve land, not exceeding fifty acres. The individual would also be eligible to receive additional land and money, the amount to be determined by the number of dependents.[39]

A further clause in the Act was designed specifically to assist Indian children to achieve a level of education necessary for enfranchisement. This clause permitted municipalities to attach Indian reserves to local school districts where Indian children could receive a free public school education and not depend on costly, inefficient village schools.[40] This administrative arrangement meant considerable savings for the Indian department which, along with the Wesleyan Methodist Society, had been the major source of funds for the Indian education system.

Indian reaction to the Civilization Act was immediate and negative. The Chiefs were particularly concerned by the specific provisions affecting their control of reserve land and they immediately recognized the bill's implications for their continued existence as tribes - it

was an attempt "to break them to pieces."[41] David Thorburn reported from the Six Nations Reserve that the legislation "did not meet their views,"[42] since it was not consistent with the Indians' desire to maintain tribal integrity based on communal ownership of land. However, Richard Pennefather, speaking for Head and other "civilizers," represented prevailing government opinion when he dismissed a petition from the Indians of Muncey Town with the comment "the Civilization Act is no grievance to you."[43]

With Indian-government relations at a low ebb, the final report of the Pennefather Commission, reflecting many of Oliphant's and Bury's recommendations, was submitted to Sir Edmund Head in late April 1858.[44] Head forwarded a copy on 12 May to Lord Stanley, the new Colonial Secretary, observing that the report contained "a very large mass of valuable and detailed information," as well as "more than one scheme for conducting the business, and defraying the expenses of the Indian Department."[45] The report, like its predecessors, had three major divisions: a historical review of Canadian-Indian-Imperial relations since 1830, an assessment of current conditions, and recommendations for the future of the department and the Indian people.

The Pennefather Commission's findings and recommendations can be analysed under the following headings: plans for departmental financing and administrative reorganization, an assessment of the future of the Indian reserves, an inquiry into the legal status of Indian people, reform of Indian education, and finally, an evaluation of mechanisms for detribalizing Indian people.

In their introductory remarks, the Pennefather Commissioners painted

a bleak picture of Indian conditions and indifferent management of their affairs. They noted that since the Bagot Commission inquiry of 1844:

> Interests of greater magnitude have sprung up and the Indian has been lost sight of and has sunk to a state of comparative neglect. It is this absence of action which amongst other things has been so prejudicial to the Indians. Of the various schemes which have been broached, few have ever been tried, and even when tried, but little enquiry seems to have been made whether the failure of an experiment arose from any inherent defect in the plan, or from accidental external causes...
>
> We are therefore after all these years and in spite of the industry and ability displayed in collecting information and drawing up Reports, still groping in the dark. The time for experiments is fast passing away... measures must be taken without delay for defraying from other sources all the expenses connected with the land and superintendence of the Indians.[46]

The Commissioners, referring to the findings of five previous commissions of inquiry, rejected the Imperial view that the "Indian service was an expiring one." Since 1844, the Indian population had actually increased and departmental officers had taken on additional duties, developments which suggested that the Indian department should continue. As well, the Commissioners felt a good argument could be made for the continued protection of the Imperial Crown. In the words of the Commissioners:

> On (the)... grounds of neglect and maladministration on the one side, and helplessness on the other, we believe that the Indians have an equitable claim to the special care and protection of the British Crown....[47]

Turning to an assessment of the civilization programme, the Commissioners observed that there was no "inherent defect" in the character of Indian people which "disqualifies them from being reclaimed from their savage state."[48] However, they had to report:

> With sorrow ... we must confess that any hope of raising Indians as a body to the social or political level of their white neighbours, is yet but a glimmering and distant spark... any gradual amelioration or marked advance towards civilization must be the result of long and patient labour and the development of many years.[49]

If the civilization programme was to succeed then the Indian department had to be reorganized, not only to ensure efficient and effective administration, but to keep operating costs at a manageable level. The Commissioners reviewed the various plans which had been put forward since the Executive Council's study in 1837 to defray administrative costs out of tribal revenues. Lawrence Oliphant and Lord Bury's suggestions were regarded as the most comprehensive, but they too had serious flaws, as the Imperial government had recently indicated its unwillingness to fund either the Manitoulin Island establishment (an assumption of Oliphant) or pay for departmental pensions, which Bury took for granted. After extensive calculations, the Commissioners projected departmental costs at $17,316.76 a year, of which band funds would cover only $8,106.20.[50] The question was how to make up the short-fall.

To reduce expenditures the Commissioners examined the structure of the Indian department and reviewed the duties of the various officers. They recommended the department in Canada East be "remodelled" eliminating the positions of Visiting Superintendent and Interpreter - a saving of $1800.[51] In the lower province, the Superintendent was assisted by local agents who worked for the bands, collecting rents and revenues from leases, from which they received a percentage. This system was found unsatisfactory since many grievances had been received concerning their questionable activities. It was proposed that these local agents be brought under government control and paid a salary of $100. a year.

The new arrangement would be more effective and save $1300.[52]

The situation in Canada West was much different. In the Commissioners' view:

> The more recent civilization of many of the Tribes renders it imperative that they should not be lost sight of by the Government, and the greater value of the land reserved for their use affording greater incitement to trespass and plunder, obliges a more careful watch over them. We do not therefore consider it possible to make any immediate reduction in the system of Superintendence in this section of the Province.[53]

There were, however, a number of economies which could be achieved. David Thorburn, who had been hired to "unravell" the complicated land sales situation at Six Nations, was nearly finished and his successor's salary could be reduced to $1400, saving $1590.[54] Thomas G. Anderson, Central Superintendent, had an Indian clerk who could be more fully employed at headquarters as an Interpreter, "the opportunity thus afforded for recognizing the employment of a duly qualified Indian in the Department devoted to their interests."[55] Thus through reassignment, retrenchment and staff reduction, $6480.27 could be saved.

The Commissioners returned to the recently announced decision by Henry Labouchere that the Imperial Grant would be terminated within two years. To replace the grant, the Commissioners recommended an Imperial subsidy of £2000 for ten years, after which the money from Indian land sales, such as Saugeen, could sustain operations.[56] However, if this plan was rejected by Whitehall then the Province of Canada would have no alternative but to assume total control over Indian policy and patronage appointments from Britain, guarantee a sum of $2000 annually to integrate Indian poeple into the general population, and encourage the Indians to cede to the government, at a fair price, all

land which was not required by their respective bands.[57]

This approach, although a radical departure from previous policies, would benefit both the department and Indian people. The bands would be assured of a continuous income and the local superintendent, freed from patrolling "waste lands," could devote more time to inspection and supervision. As well, new immigrants would have access to additional land and the extensive reserves would no longer hinder intra-provincial communications and resource development.[58]

If, as a last resort, the Province of Canada was forced to take over Indian administration, the Commissioners recommended that a permanent department head be appointed who would give "undivided attention to Indian interests."[59] The current head, the Governor General's Secretary, had too many duties to supervise properly a plan for Indian advancement. To assist a permanent administrator, local agents should be appointed to reside among the bands to provide agricultural instruction, report on trespass and illegal sale of liquor, prepare annual statistical returns, and adjudicate internal band disputes. These agents would be paid $400., half of which would come from band funds. The band would also provide the agent with a small house and farm lot.[60]

The recommendation of appointing a permanent departmental head and expanded system of local agents had implications for a related concern - the future of the reserves themselves. The Commissioners reported that:

> Various schemes have from time to time been proposed for the apportionment of land to the Indians...these...may be divided into two classes, the one advising the total separation of the Aborigines from contamination by the White settlers, the other hoping by constant intercourse to assimilate the habits of the two races.[61]

The "separatist system" - encompassing simple plans for the establishment of reserves, all the way to total Indian removal - had been tried to a varying extent both in the United States and Canada. The isolated reserve, situated on the periphery of settlement, was not favoured by the Commissioners since it tied up large areas of land required by new immigrants. The Commissioners also determined that:

> ...whatever may be the advantages in theory in keeping the Indians as children of nature, shielded from the contaminating vices of the whites, we believe that practically the system must be a failure unless it be accompanied by stringent police regulations... erecting as it were a barrier which may effectively exclude those restless pioneers who occupy the debateable land laying in the frontier of the civilized Country. It is plain in a Country like Canada this is in most cases impossible.[62]

The alternative, tried in Lower Canada, of encouraging white settlements in proximity to reserves, might also have drawbacks. "Drunkenness and licentiousness, the two besetting sins of the Indians," would be encouraged.[63] However, the 1844 Commissioners had not discovered such developments when investigating Indian conditions in Canada East and the 1856 investigators concluded that:

> ... they are most likely to fall prey to temptations, while living in a semi-savage and impoverished state than if settled in their own farms in the midst of a thriving and industrious population: - lawlessness and want of self restraint are likely to be rife in proportion to the distance from regular and established authority.[64]

To bolster their argument, the Commissioners examined the situation in Michigan.[65] They noted that the "tribal organization of many bands is completely dissolved; and the franchise with all the other rights of citizenship exercised by the Indians."[66] This had proven beneficial to the Indian people as they had good farms, surplus produce, and were

8. Indian Wigwam, Lower Canada, by C. Krieghoff (PAC-C53).

acquiring rapidly mechanical skills. The Indians had also become an integral part of the state's population and were on the same footing as their white neighbours. The same could not be said of Canadian Indians.

Although the separatist system was ill-advised for Indian people living in settled districts, it did have some merit for those unsettled tribes living in remote regions north of the Great Lakes. The natural refuge for these groups was Manitoulin Island and, although Bond Head's experiment had failed, closer supervision and enforcement of trade regulations and liquor laws would result in success. The Commissioners concluded that a mixture of the "separatist" approach and one involving the establishment of compact reserves in proximity to white settlements was advisable, depending on the geographic location of the band.[67]

In many instances, particularly in Canada West, the amount of reserve land set aside for the Indians was far in excess of current requirements. These large tracts were more suited to their previous avocation as hunters, but the game had long since vanished and thousands of acres remained unimproved. Unfortunately, despite pressure from encroaching settlements, the Indians were reluctant to sell the unused portion, having encountered departmental dishonesty and carelessness in previous transactions. The Commissioners were confident, however, that the large sums realized from the recent sale of the Saugeen lands would induce the Indians to be more cooperative.

To encourage this process, the Commissioners recommended that once the final location of a band was determined, each family head would

receive a 25 acre farm with an adjoining wood lot.[68] The farm would be alienable only to family members and possession would be guaranteed by a licence of occupation. As a further inducement, a portion of the revenue from the sale of the old reserve would be invested in farm implements and seed. This type of experiment was being tried at Cape Croker and merited close attention.[69]

At this juncture the Commissioners digressed to comment on the state of Indian agriculture.[70] Twenty five acre farms might be considered small; however, statistical returns from Canada West indicated that the average amount of land under cultivation did not exceed seventeen acres per Indian family, that being reached on the Six Nations Reserve. In the Western Superintendency the average was fourteen acres and for the Northern, six acres. The Commissioners considered these figures high, for in most cases they had been calculated by the Indians, and:

> Any one accustomed to Indian farming will remember the irregular patches of land half covered with fallen trees and straggling patches of brushwood which they call fields under cultivation...." [71]

Concluding their investigation of Indian reserves, the Commissioners recommended a plan be adopted for re-establishing the numerous small, scattered bands on larger reserves at Manitoulin Island, Garden River, Batchewanaung Bay, Walpole Island, and Munsey Town.[72] If these groups refused to surrender their reserves, even after inducements and special concessions, then they should be expropriated by the government. Additional land was needed for settlement and reserve enclaves could not hinder provincial development.

If Indian people were ever to be put on an equal footing with their white neighbours, their present legal status had to be ascertained.[73] The Commissioners returned to the reports of Justice Macaulay in 1839 and that of the 1844 Bagot Commission and endorsed their findings. Macaulay had rejected Indian claims to a "separate nationality" and determined they were subject to provincial laws. As well, the courts afforded them redress in the case of personal injury or property damage. Their political rights were also clear. If Indian people possessed sufficient property they could vote in municipal elections and even hold office.[74]

The Commissioners noted that in Upper Canada a different approach had been taken to protect reserve land and resources. In the upper province, a system of fines and imprisonment, enforced by special commissioners, prohibited illegal removal of timber, quarrying of stone and gravel, and trespass.[75] In Canada East, legislation passed in 1850 appointed a Commissioner as trustee of all Indian lands and charged him with the responsibility for their protection.[76]

Each section of the province had a separate definition of who was an "Indian." In Canada East, there was a four part definition set down by statute.[77] In Canada West, the term "Indian" was the result of usage and comprised all persons of Indian blood including "those of mixed race, who are recognized members of any tribe ... resident in Canada ... who claim Indian descent on the father's side."[78] The Commissioners also acknowledged that an Indian woman who married a non-Indian immediately lost her rights as a band member and her children had no claim to presents, tribal money,or land.[79]

The Commissioners concluded that the only piece of Indian legislation which applied equally to both Canadas was the recent 1857 Indian Civilization Act.[80] They considered that additional legislation was not required and those statutes protecting Indians from debt liability and property seizure should not be repealed. Despite the rather confusing state of the law, there were no legal barriers preventing Indian people from eventually integrating into provincial society. What was needed was a "clear and succinct digest," with a short commentary, which would explain the Indians' legal status to local agents and consequently reduce instances where conflicting interpretations of the law might be given.

The area of greatest concern to the Pennefather Commission, in marked contrast to Oliphant's report, was the state of Indian education - its expense and lack of results.[81] Industrial schools had been the central proposal of the Bagot Commission and, with the support of the Wesleyan Methodists and encouraged from Egerton Ryerson, two schools were built at Mt. Elgin and Alnwick. Unfortunately, the schools had not become self-supporting as expected and they were poorly attended. The Commissioners cited a number of obstacles to success: students were too old and had "bad habits" on admittance; they remained in school for too short a time; the attitude of the parents was negative; graduates had no job opportunities nor any incentive to cultivate reserve land; and few trades could be taught due to lack of money.[82] In the words of the Commissioners:

> ... it is discouraging in the extreme to see how transient is the impression made upon the children by the training which they have gone through at these schools ... it is true that improvement is perceptible in their own personal

> appearance; but the amelioration extends no further. The same apathy and indolence stamp all their actions as is apparent in the demeanour of the rest of the Indians. It is then with great reluctance that we are forced to the conclusion that the benevolent experiment has been to a great extent a failure.[83]

In view of this situation, Indian people should cease supporting the two industrial schools with a portion of their annuities and the Wesleyans should be compensated for recent financial losses. The school at Alnwick should be purchased by the government and closed; that at Mt. Elgin should be converted to an Indian orphan asylum similar to one on the Cattaraugas Reservation in New York state.[84]

In place of the current centralized system, the Commissioners envisaged a government-funded decentralized operation with small industrial schools and model farms - similar to those at Garden River - set up among the larger bands. This approach would permit closer supervision and direction by the local agents,who could enforce school attendance and assess progress. As well, the agents would ensure that Indian students learned either French or English as "nothing will so pave the way for the amalgamation of the Indian and white races, as the disuse among the former of their peculiar dialects." [85]

The Pennefather Commission, like that of Sir Charles Bagot, regarded the education of Indian people as crucial to raising them to the social and moral condition of their white neighbours. This process would be lengthy and, in the interim, the Indian department retained a "special trust" for their care. Some missionaries had suggested to the Commissioners that the Indians be set immediately on an equal footing with other members of society.[86] This was rejected because the 1857 Civilization Act permitted those who were

ready to enfranchise. As well, universal enfranchisement was not practical nor morally justifiable, since it would be "equivalent to abandoning them to immediate and irrevocable ruin."[87]

The proposal that "Municipal Institutions" should replace existing tribal structures was also rejected. This experiment had been tried with some bands in New York state with devastating results.[88] The Commissioners also noted that recent American Indian treaties, unlike those in Canada, contained a provision for the eventual extinction of tribal organizations. Since the social conditions of Indian people north of the border lagged behind their American counterparts, the inclusion of a similar provision in Canadian treaties was not regarded as feasible.[89] For many years to come, the Indian department had a continuing role to play as a protector of Indian people, their property, and interests.

The report of the Pennefather Commissioners was being printed when, on 15 March 1858, Sir Edmund Head received a despatch from Lord Stanley which effectively sealed the fate of the Indian department.[90] Stanley informed Head that the Parliamentary Grant "... will be reduced next year by one half, and cease in the following year," 1860. This announcement brought into immediate focus the Commissioners' proposals that the Province of Canada assume total control of Indian department operations.

Indeed, when Head forwarded Pennefather's report to Whitehall on 12 May, he enclosed with it a Memorandum to the Executive Council dated 11 May, recommending that a bill be prepared "... for causing

the Indian Business to be conducted under a direct responsibility to the Provincial Legislature."[91] Head had some personal reservations about this action, but "with all regard for justice and good faith towards the Indians" it was required, because "... the treaties made with the several tribes, and the peculiar position of the people require great care and consideration in securing their just rights whilst their lands are opened for settlement."[92]

The Colonial Office received Head's two submissions with great enthusiasm. F.T. Elliott, an Assistant Under Secretary, supported Head's proposals as did his superior, Sir Edward Bulwer-Lytton, the new Colonial Secretary. Elliott stated that Canada was now "a Nation" and no longer a dependent colony. As such, it was consistent with its self-governing status that upon it "... must depend the good management of everything within Canadian territory."[93] Elliott concluded that the Province of Canada "... should bear the burden of protecting the original possessors of the soil for it is they who enjoy the profits...".[94]

The endorsement of F.T. Elliott and Sir Edward Bulwer-Lytton's eager acceptance of Elliott's advice brought to an end the recurring debate over who would finance the Indian department, a debate which had simmered off and on since the close of the War of 1812. Lytton directed Head to proceed with the legislation as outlined in his Executive Council memorandum. On 9 May 1860, "An Act Respecting the Management of Indian Lands and Property," was passed by the Legislature, with the final transfer of authority to be effective on 1 June 1860.[95]

The year 1860 was not the date for "a radical departure from the British government's policy of dealing with Canada's native peoples, but rather for a well-timed move to place the almost intact department and staff under the responsibility of a mature Colonial government."[96] The transfer of control could probably have not occurred much sooner. Prior to 1860, the political influence of the various British and Canadian humanitarian groups might well have blocked the process, and most Canadian officials were neither willing nor prepared to accept the financial and political obligations.[97] In reality, however, Canadians had been slowly assuming control of Indian affairs since 1834 when they took over payment of the annual annuities. By the mid-1850s, the Province of Canada was directing virtually all departmental operations, except for the contentious matter of financing. In the final analysis, it was the Pennefather Commission's report which provided a formula for financing departmental operations, acceptable both to the Province of Canada and Imperial authorities, that paved the way for the final devolution of responsibility.

Of greater importance, for the future, was the very significant contribution made towards sorting out the Indian department's shortcomings, in terms of administrative and management practices, which the Bagot Commission had identified but not resolved. The difficulties associated with the department's lack of administrative cohesion and focus were to an extent resolved once the transfer had been effected, a permanent departmental head appointed, secure government financing assured, and sound record-keeping practices adopted.[98] All these

changes served to rationalize the department's daily operations and major lacunae in records and administrative faux-pas became less frequent after 1860.

Another lasting innovation was the Commission's redefinition of the Indian civilization programme. Assimilation became the watchword of the programme and departmental officials and missionaries worked toward that goal. To achieve this, a system of resident agents was adopted to give direct supervision to locally run industrial schools and model farms. Indians were encouraged to obtain location tickets to their reserve land and eventually to avail themselves of the Indian Civilization Act and enfranchise. However, over the next twenty years only one Indian, Elias Hill, a Mohawk, chose the latter course.[99] Indian culture was to prove more resilient than previously expected.

Unfortunately, the Pennefather Commissioners failed to recognize a major flaw in their plans for assimilating Indian people - that setting them apart on reserves and providing them as a group with services from a separate government department served only to reinforce their isolation from the society into which they were supposed to integrate. This basic paradox was not addressed and it has remained to confound Indian affairs to this day.[100]

Figure 9.

Source: Province of Canada. JLAC, App. 21, 1858.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

1.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Iroquois of Sault St. Louis	Popl: 1342; increase of 242 since 1842, "... of such mixed descent, as scarcely to reckon a single full blooded individual among their number." Popl. breakdown: adults over 21 - m. 307 f.277 14 - 12 - m. 116 f.117 under 14 - m. 279 f.246 In 1856 more births than deaths: 79/46. Reserve est. in 1680, title vested in Jesuits, transferred to Crown in 1762. Currently, 14,257 acres leased to "whites". Agricultural advancement: cultivate limited amount of land; 1856 crop yields: wheat 561 bu., oats/barley 1800 bu, corn 410 bu, potatoes 423 bu, hay 602 tons; maple sugar. Farm stock, equipment: 25 cows, 15 oxen, 226 horses, 512 swine; 119 carts and wagons. Employment: rafting timber, river pilots, canoe men and voyageurs "... they retain the aboriginal apathy and and disinclination to settled labour of any sort." Religion: R.C., good church attendance, temperance growing. Band revenues: total $1062.40; $1000. from i) rents and leases ii) interest on $3333. from commutation (1848) of American treaty money held in trust by Séminaire de Montréal. Interest of $62.40 from land sold to St. Lawrence and Champlain Rly. Reserve mgt.: resident agent paid a percentage from rents collected by him; must report regularly to band council re: accounting for these funds.	None stated	Not specified

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Iroquois of St. Regis	Popl.: 685; increase since 1842 due to migrations and natural causes, of "mixed descent". Popl. breakdown: adults over 21 - m. 97 f. 100 14 - 12 - m.112 f. 115 under 14 - m.134 f. 127	Claim 20,000 acres of islands in St. Lawrence.	Not specified.
	In 1856 more births than deaths: 34/8. Village of St. Regis has 115 houses, church, no school. 33,000 acres leased to "whites".	Claim damages as a result of Beauharnois canal flooding.	No adjudication despite repeated referrals to various commissions.
	Agricultural advancement: very little land cultivated; 1856 crop yields: wheat 210 bu., oats/barley 775 bu., corn 2150 bu., potatoes 400 bu., hay 150 tons; maple sugar.	Claim 400 arpents due to improper survey of reserve.	Not specified.
	Farm stock, equipment: cows 126, horses 114, oxen 17, swine 250; wagons/carts, 12. Employment: raftsmen, river pilots. Religion: R.C., Methodist, advancing in temperance and morality. Band revenues: total $2900. from sales and leases of reserve. $1800 from leased Nutfield tract, rest from leased land in Dundee Township. Reserve mgt: resident agent paid a percentage from rents; Rev. Marcoux paid by Indians and grant from Imperial gov't.	Claim compensation for hunting grounds on Ottawa R. 45,750 ac. set aside at Rivière Desert (Maniwaki). Many Algonkins have moved to this new reserve.	Not specified.
Indians at Lake of Two Mountains	Popl: 884; 3 groups on the reserve: Nipissings, Algonkins, Iroquois. Popl. breakdown: Nipissings: adults over 21 - m.50 f.42 1856 birth/deaths: 14 - 21 - m.15 f. 9 7/2 under - 14 - m.32 f. 28		

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Algonkins: adults over 21 - m.92 f.108 14 - 21 - m.23 f. 20 under 14 - m.54 f. 41 1856 births/deaths: 2/2 Iroquois: adults over 21 - m.59 f.89 14 - 21 - m.27 f.22 under 14 - m.86 f.92 1856 births/deaths: 15/1 Reserve title vested in Seminary of St. Sulpice. Agricultural advancement: total cultivated acres 899; Iroquois 664, Algonkins 148, Nipissing 87. Crop yeilds: Iroquois - wheat 598 bu., oats 326 bu., corn 716 bu., potatoes 417 bu., hay 148 tons. Algonkins-wheat 205 bu., oats 42 bu., corn 114 bu., potatoes 103 bu., hay 29 tons. Nipissings - wheat 10 bu., oats 3 bu., corn 5 bu., potatoes 60 bu., hay 4 tons. Farm stock, equipment: Iroquois - 44 cows, 59 horses, 11 oxen, 63 swine; 87 carts and wagons. Algonkins - 16 cows, 8 horses, 6 oxen, 18 swine; 23 carts and wagons. Nipissings - 4 horses, 3 swine; 4 carts and wagons. Employment: carpenters, joiners. Religion: R.C., use of alcohol on decline; 2 schools run by Frères des Ecoles Chrétiennes, et Les Soeurs de la Congregation de Notre Dame. Band revenues: "none".		
Abenakis of St. Francis	Popl: 387 of "mixed descent". Popl. breakdown: adults over 21 - m. 79 f. 97 14 - 21 - m. 36 f. 23 under 14 - m. 80 f. 72		

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	In 1856 births/deaths same. Reserve originally est. 1700-1701; situated within Seigniories of St. Francis and Pierreville, including 14 islands in St. Francis R. 10,612 acres "conceded" to whites. Village has 50 houses, church, school.	Claim "as far back as 1827" that reserve improperly surveyed. Attorney General rec'd new survey, not done, Indians not able to pay for it.	Not specified
	Agricultural advancement: 250 acres under cultivation; 400 acres are woodland; 1856 crop yields: wheat 88 bu., oats 150 bu., potatoes 1343 bu., corn 190 bu., hay 32 tons. Farm stock, equipment: 11 horses, 39 cows, 31 swine; 13 carts and wagons. Employment: hunting and fishing, timber cutting, manufacture snowshoes and mocassins, others work in U.S.A.	In 1805, 8490 ac. in Durham Twnshp. granted in fee simple to a few families on condition land not to be alienated. Land was sold and 1856 legislation validated the transactions retroactively.	Not specified
	Religion: R.C. missionary paid from Imperial funds; Methodist missionary paid from percentage of rents with approval of band council and Indian Dept. Reserve is divided by religious quarrels and personal jealousies.		Abenakis also entitled to use 14000 acres on the St. Maurice R. at La Tuque.
Abenakis of Becancour	Popl.: 172; who live in "extreme poverty"; reserve "appears" to comprise 350 acres. Popl. breakdown: adults over 21 - m.45 f.50 14 - 21 - m.12 f.10 under 14 - m.25 f.30 In 1856, more births than deaths: 8/1. Village site consists of 350 acres, also have 2500 ac. in Migantic Cté. and share 14000 ac. at La Tuque. Agricultural advancement: crop yields: wheat 13 bu., oats 13 bu., potatoes 31 bu., hay 1.5 tons; 200 acres cultivated. Farm stock, equipment: 1 horse; no equipment, "occasionally suffer from famine." Religion: R.C., poor morality, no school.	None stated	Not specified

9. Jeune Lorette, Huron Village, near Québec City, by G. Heriot (PAC-C11065).

BAND/RESERVE PROFILES -

THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Hurons of La Jeune Lorette	Popl.: 282, which has increased since 1842, "they have by the intermixture of white blood, so far lost the original purity of Race, as scarcely to be considered as Indians." Popl. breakdown: adults over 21 - m. 57 f. 68 14 - 21 - m. 18 f. 23 under 14 - m. 54 f. 62 In 1856, more births than deaths: 8/6. Village comprises 59 acres, with 47 houses. Also entitled to use 1600 ac. in Seigniory of St. Gabriel and 9600 ac. on St. Anne R, Cté. Portneuf. Agricultural advancement: village cite divided into garden plots Farm stock, equipment: 14 cows, 5 horses, 9 pigs; 64 hoes, harrow, 75 axes. Religion: R.C., missionary receives money from Imperial grant; 2 schools supported by Provincial funds and Imperial grant. "The Lorette Indians are the only Band in Canada who have lost nearly all traces of their native language; they speak nothing but French, and in their costume and manners differ but very slightly from the habitants who surround them."	None stated	Not specified
Amalecites in Township of Viger	Popl.: 171 (30 families); in 1828, 3000 acres set aside on Rivière Verte, Viger Township, to settle 30 families on 100 acre lots; "the experiment promised to be successful" but between 1829-1856 no inspection made by Indian Dept. In 1844, Bagot Commission thought settlement had been "abandoned"; however, upon enquiry in 1856, 30 families still resident in a village with 17 houses. Popl. breakdown: adults over 21 - m. 43 f.36 14 - 21 - m. 17 f.11 under 21 - m. 29 f.35 In 1856, births and deaths equal: 4/4.	None stated	Not specified

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Micmacs of Restigouche	Agricultural advancement: 390 acres cultivated. Crop yield: oats 60 bu., beans 38 bu., potatoes 1294 bu., hay 5050 bundles. Farm stock, equipment: 8 cows, 8 horses, 8 swine; 1 plough, 13 spades, 76 hoes, 88 axes, 17 wagons. Religion: R.C., no schools,"some can read and write." Popl: 473, "many of mixed descent. Popl. breakdown: adults over 21 - m. 107 f. 124 14 - 21 - m. 39 f. 47 under 14 - m. 70 f. 86 In 1856, more births than deaths: 19/14. Village has 44 houses, barns, church, school. Reserve comprises 840 arpents at Mission Pt. and 8916 ac. in Mann Twnshp.	Large number of squatters on reserve. Conflict over regulation of salmon fishery on Restigouche R. New Brunswick law different from that of Canada East.	Not specified Not specified
	Agricultural advancement: crop yields: oats 300 bu., potatoes 2700 bu., hay 12 tons. 400 acres cultivated. Farm stock, equipment: 12 cows, 25 oxen 12 swine; 3 harhows, 4 ploughs, 83 hoes, 100 aces, 12 sleighs. Employment: lumber trades Religion: R.C., school and salary of teacher paid from provincial funds; Rev. Dumontier states they have made great progress since 1844, although left to own resources, receive no presents, and little Provincial financial support.	By 14/15 Vict. C.106 Tribe got 9600 acres of waste land, but 584 ac. occupied by squatters. Indians claimed compensation, in 1852 a settlement suggested but not acted on; Indians appear reluctant to press claim. Previous claim to 1250 ac. due due improper reserve survey.	Rev. Dumontier in charge of 83 "stragglers" at New Richmond who should be moved to Mission Pt. Satisfied by legislation 14/15 Vict. C.106.
Unsettled tribes on lower St. Lawrence.	At Pt. Bleu, popl. 173, which has declined due to small pox; live by the "chase"; most R.C., few of mixed blood. 70,000 ac. reserve. Agricultural advancement: grow some grain, potatoes; mainly hunt and fish. Depend on salmon fishery, but encroachment by whites. Indians have petitioned gov't for protection. No band revenues, must depend on Provincial Legislature for financial support.		Indians do not have "an exclusive right" to salmon fishery; however, interests should be safeguarded and compensated for destruction of livelihood.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA EAST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Scattered groups in eastern portion of Canada East: Têtes de Boules and Algonkins of Trois Rivières; at head waters of Ottawa R. some Nipissings and Algonkins; Ottawas have been granted 38,400 ac. on L. Temiskaming. On lower St. Lawrence - 2500 "Mistassins" and "Naskapees"; pagan; "filthy", hunt and fish, no missionaries, no lands.		No information on these groups due to isolation.

Figure 10.

Source: Province of Canada. JLAC, App. 21, 1858.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

1.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Six Nations	Popl. 2550; in 1856, 72 births, 56 deaths. Came from U.S.A., 1784 Haldimand Grant, 1793 Simcoe Patent; originally 694,910 ac. but in 1845, 55000 ac. remained. Indians now settled on 100 acre lots, with location tickets, non-alienable.		Squatters removed from reserve have been compensated with $32,000 from Six Nations' band funds.
	Agricultural advancement: 7348 ac. cleared. "Being surrounded by a white population, they have almost entirely given up their habits of hunting, and rely exclusively on the arts of civilization for the means of support."		
	Religion: most are Christian, however percentage of Cayugas, Senecas, Onondagas are pagan; predominant religion - Church of England, Baptists, Methodists. 5 schools on reserve which teach animal husbandry and handicrafts; no degree of proficiency achieved due to "apathy" and lack of perseverance.		
	Band revenues: $39,489 derived from land sales and investment in Grand River Navigation Co. (6121 shares at $25. each); $2400. invested in Cayuga Bridge stock; bank stocks; also receive $30,000 from various mortgages.	Indians have complained about "alienation" of their money "without their consent in an unproductive speculation."	Not specified
	Reserve mgt.: Six Nations pay salaries of D.Thorburn, Ind. Commissioner; warden, medical officers, chiefs and interpreters - amount to $6974.56/yr. Thorburn also receives percentage from reserve land sales.	Cayugas claim against N.Y. State amounts to $2,300.	Not specified.
Mississaugas of New Credit	Popl.: 206, decrease from 1855 due to "family migrations". Originally at mouth of Credit R., petitioned gov't to move, Six Nations offered them 6000 ac. in Tuscarora Township, moved there in 1847. Reserve subdivided into plots, non-alienable, location tickets.	Claim financial compensation for improper surveys.	Compensation set at $1,080.
		Claim against gov't for land surrendered in February 1820.	Indians should receive an additional $29,000.00
	Agricultural advancement: crop yields: wheat 3500 bu., oats 585 bu., barley 99 bu., peas 380 bu., potatoes 711 bu., corn 355 bu.; also fish in L. Erie.		
	Band revenues: $5570./yr. - $3480. in interest from land sales; $2090. treaty annuity; a few lots unsold on old reserve.		

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

2.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Oneidas of the Thames River	Popl.: 517, in 1840 was 436. Original grant of 54000 ac. in Delaware Twnshp.; 1371 ac. cleared; houses and barns are log.	Due to "gov't. mismanagement" 1200 ac. in dispute re: ownership, Oneidas want secure titles.	Should be investigated.
	Agricultural advancement: crop yields: wheat 1736 bu., oats 1423 bu., corn 3299 bu., beans 58.5 bu., potatoes 460 bu., hay 146 tons; are "good agriculturalists" without much gov't assistance; some members "idle and dissipated."	As with Mississaugas at New Credit dispute over surveys - 56.5 ac. claimed by each band.	Accurate survey required.
	Farm stock, equipment: 95 cows, 38 horses, 160 pigs, 25 sheep; 27 wagons, 28 sleighs, 35 harrows, 50 ploughs, 1 thrashing machine.		
	Religion: Methodist, missionary and school funded by Wesleyan Society; Church of England chapel and school closed as a portion of band have reverted to paganism.		
Chippewas and Munsees of the Thames	Popl.: 580; in 1819, 15320 ac. set aside for reserve in Carradoc Twnshp. A band of Munsees from USA settled on tract, occupy 640 ac. Currently, 340 Chippewas, 240 Munsees. Mainly live in log houses, but 38 families live in wigwams.		"An examination of the old Records has convinced us that the Munsees were considered by the Gov't. to have a greater share in the Reserve than would be given by an occupation on sufferance at the pleasure of the Chippewas."
	Agricultural advancement: 1548 ac. cultivated; crop yields: wheat 1158 bu., corn 3884 bu., oats 447 bu., potatoes 1641 bu., hay 72 tons.		
	Farm stock, equipment: 86 cows, 54 oxen, 91 horses, 199 pigs; 27 wagons, 46 sleighs, 55 ploughs, 33 harrows. Since 1844, more land under cultivation, more livestock.		
	Religion: Wesleyan Methodist, sabbath observed, churches well attended; intemperance still prevails; students attend Mt. Elgin Institute.		
	Band revenues: £760/yr.-£160 from land sales' investments; annual annuity £600. Munsees have no income; no farm income due to small area of land cultivated.		Each tribe should be "equally entitled" to share in reserve benefits.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Moravians of Thames River	Popl.: 249; in 1798, 51,160 ac. set aside for Moravian Indians in Zone and Orford Twnshps; 1836 Bond Head obtained a surrender of 25,000 ac. in Zone Twnshp. for $600. annuity; 2700 ac. remain in Orford Twnshp. Agricultural advancement: 520 ac. cleared; crop yields: wheat 1314 bu., corn 920 bu., oats 500 bu., potatoes 746 bu., hay 45 tons. Farm stock, equipment: 49 cows, 56 horses, 161 pigs, 15 sheep; 14 wagons, 7 sleighs, 15 harrows, 1 thrashing machine. Religion: Wesleyan Methodist and Moravian; band was once prosperous but now is "the poorest and most dissipated in this part of Canada", due to: i) some members have moved to Missouri; ii) timber has been sold for alcohol; iii) band has split along religious lines - Rev. Vogler (Moravian) regarded as exercising undue influence over band leadership in obtaining concessions for whites.	Band under pressure from Kent County to surrender land since reserve is regarded as a hinderance to development.	Commissioners have negotiated surrender of reserve and small tract adjacent to main village to be reserved; this has been subdivided into hereditary lots; each family moving to new tract to get house built by band funds; money from reserve sale to be invested for band; band members to get semi-annual interest payments.
Wyandots of Anderdon	Popl.: 65; "Indians on this reserve are mostly half breeds". In 1840 a portion moved to Missouri, 1791 received seven sq. mi. on Detroit River; 1836 3 tracts surrendered: i) Block A - 7750 ac. - to be sold for benefit of band; ii) Block B - 7770 ac. - basis for present reserve; iii) Block C - 7770 ac. - sold for benefit of "Indians generally". No regular village, scattered farms. Agricultural advancement: 910 ac. cleared; crop yields: wheat 1314 bu.; corn 940 bu., oats 500 bu., potatoes 746 bu., hay 45 tons. Some farms rented out to "French and colored people."	Claim Fighting Island. Claim Turkey Island Wyandots disatisfied with the arrangement for Block C land sales.	Wyandots entitled to claim. Wyandots have "solid claim" to it. 1844 Commission advised against Wyandot petition; 1856 Commissioners state "arrangements concluded so long ago should not be disturbed."

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Farm stock, equipment: 37 cows, 56 horses, 110 pigs, 17 sheep; 15 wagons, 6 carts, 18 sleighs, 15 ploughs, 9 harrows. Religion: R.C., Methodist; school with "tolerable" attendance, some whites also attend; teacher's salary paid by band; some members have attended school at Muncey Town and now have employment in stores in Amherstburg.		
	Band revenues: $2460 rent from quarries in Block C, plus interest from Block A land sales, totalling $14,060/yr.	Indian agent has not kept proper account of this money.	Not specified.
Chippewas of Anderdon and Pt. Pelée	In 1839, 300 ac. in Block C set aside for 3 Chippewa families; 1846, Ind. Agent Clench persuaded these people to move to Walpole on proviso land would be sold for their benefit; land sold for $1510. but $716. not accounted for by Clench; Indians "at times have suffered much."		Remaining installments to be paid to band when due.
	Chippewas at Pt. Pelée - popl. 250 in 1842, now only 60; decline due to disease and migrations, "dissipated and roving"; poorly clothed, pagan, live in shanties and wigwams. No band funds nor annuity, unassisted by gov't.		Occupy land never reserved as an Indian reserve, should be moved to Walpole Island.
Chippewas and Pottawatomies of Walpole Island	Popl.: 824; 442 Chippewas, 313 Pottawatomies, Ottawas and others. Reserve settled in 1831 by Chippewas, joined by Pott. in 1841 avoiding Am. Indian removal. Reserve est. at 10,000 ac. (never surveyed), 8000 ac. of arable land. Log houses and barns erected at Indians' expense. Agricultural advancement: crop yields: wheat 1517 bu., corn 6385 bu., oats 547 bu., pens 377 bu., beans 418 bu., potatoes 3965 bu., hay 294 ton. Farm stock, equipment: 75 cows, 41 oxen, 179 horses, 514 pigs, 11 sheep; 9 wagons, 3 carts, 46 sleighs, 48 ploughs, 23 harrows, 1 thrashing machine. Religion: R.C. Methodist, Church of England; new school, Indian teacher, well attended; salary paid half by band, half by Church Society,	1849, 2675 ac. sold at below market value, Agent misappropriated sales money.	

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Band reserves: $1400 anuity - 1/4 to Munsey Town Industrial school, rest spent on agricultural supplies. Pottawatomies not share in annuity, yet live in harmony with Chippewas. 2 islands in L. St. Clair surrendered for sale.		
Chippewas of Chenail Ecarté and St. Clair	1827 treaty, surrendered 2.1 million ac. in return for $4,400 annuity and 4 reserves at: i) Sarnia - 10,280 ac. ii) Kettle Pt. - 2,446 ac. iii) R. aux Sables - 2,650 ac. iv) Moore Twnshp.- 2,575 ac. In 1836, Walpole Isld. band council agreed to accept $1400. of the 1827 treaty annuity and Moore Twnshp. reserve; in return, Sarnie band got Kettle Pt. and R. aux Sables, plus $3000. of the annuity.	None stated	Not specified
Sarnia Reserve	Popl.: 444; down due to migrations to U.S.A.; first settled on reserve in 1831; gov't surveyed farm lots; 14 log houses built; council house; chapel. Agricultural advancement: poor progress in farming; some recent progress, as reserve surveyed into 40 ac. lots; men now stay home, not seek jobs as laborers. Crop yields for 3 reserves, Sarnia, Kettle Pt., Bear Creek: wheat 659 bu., oats 673 bu., corn 2388 bu., potatoes 1963 bu., hay 88 tons; also apple, peach, cherry trees. Farm stock, equipment: 38 cows, 26 oxen, 96 horses, 79 pigs; 11 wagons, 37 sleighs, 20 harrows, 36 ploughs. Employment: many work in saw mills. Religion: Methodist; new central school, better attendance Band revenue: $5600/yr., Pottawatomies and Ottawas not share in money		"Strangers and half-breeds" have settled at Kettle Pt. and R. aux Sables. They have no rights and should be removed. Attempts to relocate Indians to Walpole Island have failed because Chief is pagan and refuses to move his band.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Manitoulin Island	Originally surrendered in 1836 by Ottawas and Chippewas as a place of settlement for Indian tribes on north shore of L. Huron and settled areas of Upper Canada; 2 villages established - Manitowaning and Wikwemikong. Wikwemikong: Popl.: 376 in 1843; est. prior to 1836 for Ottawas from Michigan; in 1843, 78 buildings. By 1856, popl. 580; 139 houses, barns and stables. 1856 Commissioners impressed with their orogress; Indians are well dressed, healthy, schools "crowded", church services well attended, mostly R.C. Manitowaning: Popl.: 90 in 1843; originally staffed with a resident superintendent, clergyman, surgeon, school master; workshops to train artisans. In 1843, Commissioners reported 55 buildings, saw mill, store, church, barns, 140 ac. cleared, some livestock. By 1856, village had diminished in size, only 22 houses; school house in disrepair, workshoos in "decay"; church in "tolerable repair"; no Indians attending church; farms present a picture of "comolete neglect and indifference"; many Indians have migrated to Newash and Garden River reserves. "At Manitowaning the pooulation are almost exclusively Chippewas, a nation more difficult to stimulate to industry and less settled in their habits". Agricultural advancement: on Manitoulin Island a total of 2100 ac. cleared, 1960 with crops yielding: corn 9180 bu., wheat 128 bu., oats 48 bu., turnips 340 bu., peas 50 bu., beans 60 bu.; also 2308 barrels of fish, maple sugar. Farm stock, equipment: 111 horses, 98 cows, 745 pigs, 23 sheep, 1409 chickens. Religion: on Island: 977 R.C., 104 protestants, 145 pagans. Health: Cholera, scarlet fever, rheumatism, consumption, scrofula; suffer from "exposure to bad food." In general Indian population appears to be increasing in recent years.	None stated	Not specified. In 1843, Commissioners said Manitowaning experiment failing due to poor soil and climate. Missionaries disagreed, soil fertile, timber plentiful, fishing good. Indians need a grist mill to grind wheat; Indian conditions of late improving.

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Chippewas of Saugeen & Owen Sound (Newash)	After 1836 land surrender, this band divided into 2 groups: one group settled on Sydenham Bay; the other at mouth of Saugeen R. 1854 Saugeen Peninsula surrendered and 5 new reserves created: Newash (Owen's Sound) - 11,453 ac.; 2 reserves at Saugeen R. and Chief's Pt. - 10,800 ac.; 1 reserve at Colpoy's Bay - 6000 ac.; 1 reserve at Cape Croker - 15,568 ac. i) Chippewas and Pottawatomies of Saugeen: (located on west side of peninsula near Southampton) have several reserves: 8600 ac. near Southampton; Chief's Point; 13 Fishing Islands now leased to whites for $75/yr. Popl.: 256, in 1837 was 197; despite a good band income, arable land, fisheries, repeated gifts of farm stock, seed, equipment, they must still be supported by Indian Department due to "indolence and improvidence." Village of 16 frame, 14 log houses. Agriculture advancement: cultivate 294.5 ac.; land divided into small lots; crop yields: wheat 81 bu., corn 107.5 bu., peas 11 bu., potatotes 1213 bu. Religion: Wesleyan Methodist; school attendance irregular. Health: deaths have exceeded births, due to exposure, pulmonary comolaints, alcohol. Band revenues: $5362.50/yr. - $2500 treaty annuity; $2712.50 interest on land sales; $150. rent on fishing islands.	None stated	Not specified
	ii) Chippewas of Newash: (located on cast side of peninsula) have several reserves; have surrendered reserve at Newash and moving to Cope Croker which will be the "first experiment" involving: the est. of compact farms with certificates of possession; all land sales money will be used to make improvements to the reserve.	None stated	Not specified.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Popl.: 238; "to date the band may be characterized as squalid, thriftless, intemperate." Agricultural advancement: 273.5 ac. cleared, 257.5 ac. cultivated; total of 1908.5 ac in possession of individuals; crop yields: wheat 49 bu., corn 122 bu.; peas 38 bu., oats 2 bu., potatoes 935 bu., hay 8.5 tons. Farm stock, equipment: 4 plows, 3 yoke of oxen, 1 fanning mill. Religion: Church of England, R.C., Methodist; 3 schools, irregular attendance Band revenues: land sales; share $150. yr. rent from Fishing Islands; share $2500. treaty annuity with Chippewas of Saugeen. Also small group at Sandy Island: popl.: 145; pagan; hunt and fish; receive $203. from Provincial Grant.		
Chippewas of L. Huron and L. Simcoe	Surrendered land by treaties in 1795, 1815, 1818, 1836. Now have 3 reserves: Rama, Snake Island, Beausoleil Island. i) Chippewas of Rama: According to 1856 Commissioners the reserve "affords one of the most striking and lamentable instances of the deterioration which has taken place in the condition of the Indians by reductions in the number of officers appointed to direct them in the road to civilization." Prior to 1830 Superintendent Thomas G. Anderson reported them to be in wretched condition; pagan; "listless and lethargic"; no gov't. assistance. They were located on Rame reserve in 1838;by 1842, popl. 184; Indians have almost abandoned hunting, each family has a small farm plot, grow corn, wheat, potatoes, oats, peas; log and frame houses; temperance growing; Indians well dressed; attend local schools. Yet by 1857, Commissioners conclude Indians have not benefited from Dept. assistance; school taught only half the time; "the log houses built for	None stated	Not specified

BAND/RESERVE PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	them 13 or 14 years ago, being badly constructed, are all going to decay; barns are "falling in ruins"; Indians are "given to hunting and basket making, consequently avoid tilling the soil, and are dragging through a life disgraceful to humanity." Popl.: 201 in 1857. Agricultural advancement: crop yields: corn 77 bu., peas 9 bu., potatoes 940 bu., hay 11 tons. Farm stock, equipment: 5 horses, 4 pigs, 10 cows, 3 oxen; 4 plows, 3 harrows. Band revenues: $1894.21/yr. from treaty annuity and land sales.		
	ii) Beausoleil Island: Originally est. by Colborne in 1830 at Coldwater reserve; 1842 moved to Beausoleil Island; according to 1856 Commissioners they have made "considerable progress since 1845"; Popl. in 1842 was 232, now 233. Reserve area 4000 ac.; 14 houses; 1 barn; village "falling into decay", may move to Christian Islands. Agricultural advancement: 300 ac. cleared, 100 ac. cultivated; crop yields: corn 1200 bu., potatoes 100 bu.; 150 barrels of fish; 5000 lbs. of "sugar". Religion: R.C.; no school master. Band revenue: $2124.44/yr., comprising $1775.46 treaty annuity and $388.98 interest from land sales.	None stated	Not specified
	iii) Snake Island, located on L. Simcoe; in "tolerable condition", but log and frame houses are "falling to pieces".	None stated	Not specified

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Agricultural advancement: 39 ac. cultivated; crop yield: wheat 120 bu.; corn 77 bu., oats 60 bu., potatoes 780 bu., hay 13.5 tons. Religion: Methodist; irregular school attendance. Band revenue: treaty annuity of $1036.54 and $232.37 from land fund.		
	iv) Colpoy's Bay: Popl.:63;1854 surrender of Saugeen Penin. received 6000 ac.; log houses and barns. Agricultural advancement: 81.5 ac. cultivated; crop yields: wheat 73 bu., oats 130 bu.; potatoes 382 bu., corn 181.5 bu., hay 4.5 tons. Farm stock, equipment: 1 horse, 4 cows, oxen; 1 plow, 1 harrow. Religion: Congregationalist; school attendance average. Band revenue: $588.14/yr.	None stated	Not specified
Mississaugas of Rice, Mud, and Scugog Lakes.	By 1818 treaty surrendered 1.95 m. ac.; have 3 reserves: i) Rice Lake: Popl.:145; small increase lately; reserve ac. 1550; village has 13 barns, 26 log houses; school attendance irregular.	Indians claim islands in Rice Lake by 1788 treaty.	Commissioners agree.
	ii) Mud Lake: Popl.:96; reserve acreage 1600, in parcels of 1-4 ac.; 70.5 ac. cleared; village has 17 log houses, 6 barns, church. Agricultural advancement: crop yields: wheat 35 bu., corn 15 bu., potatoes 195 bu., hay 10.5 tons. Farm stock, equipment: 4 horses, 17 cows, some equipment. Religion: Methodist; 20 attended school.	None stated	Not specified.
	iii) Scugog Lake: Popl.: 61, was 96 in 1844; original reserve of 1206 ac. on Balsam L., then moved to 600 ac. on Scugog L.	None stated	Not specified

BAND/RESERVE/PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	Agricultural advancement: 30 ac. cultivated;crop yields: corn 78 bu., peas 117 bu., buckwheat 6 bu., oats 137 bu., potatoes 586 bu., hay 39 tons Farm stock, equipment: 25 cows, 19 horses, 56 pigs; sleighs, wagons, plows, harrows. Religion: no missionary or schoolmaster. Band revenue: $2960./yr. from treaty annuity.		
Mohawks of Bay of Quinté	Popl.: 562, was 383 in 1844. Village has 86 log houses, 26 frame, 45 barns. Agricultural advancement: 3316 ac. cultivated; crop yields: wheat 1298 bu., rye 2550 bu., barley 177 bu., oats 1259 bu., peas 1019 bu., potatoes 1695 bu., hay 196 tons; Indians ship crops by Grand Trunk Rly. Farm stock, equipment: 227 cows, 52 sheep, 174 pigs; farm implements. Religion: Church of England, 2 schools; 2 teachers, 1 paid from band funds, other by New England Co. Band revenue: $4334./yr. $2534. from land sales, remainder from treaty annuity.	None stated	Not specified
Mississaugas of Alnwick.	By 1822 treaty surrendered 2.7 m. ac. for annual annuity of £642.105. Popl.: 216, was 233 in 1844,decline due to emigration. Reserve of 2000 ac. divided into 25 ac. farm lots; village has frame and log houses, 27 barns, saw mill. Agricultural advancement: 491 ac. cultivated; crop yields: wheat 910 bu., corn 58 bu., peas 305 bu., oats 259 bu., potatoes 1370 bu., hay 50 tons.	Claim 4 reserves: Mississaugua Pt. (1200 ac.); Grassy Pt. (600); Cape Vesey (450 ac.); Bald Head (100 ac.); also several islands.	Claims are based on solid evidence.

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
Scattered bands on northern shores of L. Huron and L. Superior	Farm stock, equipment: 42 pigs, 52 cows; various implements. Religion: Wesleyan Methodist. Band revenue: $3668./yr. $2570. from treaty annuity; $1094. interest from land sales. 1850, Robinson-Huron, Robinson-Superior Treaties, set up a number of reserves; very little information on these groups. Reserves on L. Huron: i) Maganatiwang R. Popl.: 138, was 55 in 1850; good timber and soil; reserve 18 sq. mi. ii) Henvey Inlet. Popl.: 94, increase of 41 since 1850; reserve 18 sq. mi. iii) Pt.Grondine Popl.: 48, increase of 21 since 1850; reserve 15 sq. mi. iv) Shebanawaning Popl.: 71, increase of 26 since 1850. v) Spanish R. Popl.: 337, increase of 200 since 1850; some half-breed families; 1300 ac. of reserve marked out as mining locations. vi) Whitefish R. Popl.: 92, increase of 30 since 1850; good mill sites; valuable mining sites. vii) Serpent R. Popl: 71, decrease of 8 since 1850; good mining sites on reserve. viii) Mississaga R. Popl.: 114 increase of 84 since 1850; finely timbered; mill erected and bringing band revenue. ix) L. Nipissing (at Wenabejakokaun). Popl.: 25, increase of 9 since 1850; half breed families, 3 sq. mi. x) L. Nipissing (at H.B. Co. post). Popl.: 90, increase of 43 since 1850.		

BAND/RESERVE/PROFILES -
THE PENNEFATHER COMMISSION'S ASSESSMENT OF INDIAN CONDITIONS - CANADA WEST

INDIAN GROUP	HISTORY/CONDITIONS/PROBLEMS	CLAIMS/DISPUTES	RECOMMENDATIONS - PENNEFATHER COMMISSIONERS
	xi) L. Nipissing (at Wanabitibing). Popl.: 212, increase of 176 since 1850; 25 sq. mi.		
	xii) Thessalon R. Popl.: increase of 63 since 1850.		
	xiii) French R. Popl.: 85, increase of 30 since 1850. 2 sq. mi.		
	xiv) Garden R. Popl.: 346; reserve covered with mining locations; agriculturalists; dress like whites; Methodist and Church of England; teacher and school paid by Colonial Church and School Society in London.		
	xv) Batchewanaung Bay Popl.: 182, decrease of 6 since 1850; some half-breeds.	Indians claim reserve should be 300 ac., not 164 as construed by surveyor.	Commissioners agree with Indians.
	xvi) Sandy Isld. 4 sq. mi. reserve.		
	xvii) Pointe aux Barils: 3 sq. mi.; nomadic group; heathen.		
	Reserves on L. Superior:		
	i) Kiminitiquia R. Popl.: 256, 18777 ac., depend on the hunt; little agriculture; R.C. missionary lives among them.	Indians claim some islands as burial grounds.	Not specified.
	ii) Gros Cap. Popl.: 169; iron mine sold for benefit of band.		
	iii) Gull R. Popl.: 430; heathen; trappers and hunters with H.B.Co.		

Endnotes, Chapter Four

1. John Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. pp. 297-298.

2. From May 1844 to June 1860, the Civil Secretary to the Governor General also acted as Superintendent General of Indian Affairs: Col. Robert Bruce, 1 December 1849 to 11 May 1854; Lawrence Oliphant, 15 June 1854 to 18 December 1854; Lord Bury, 19 December 1854 to 24 January 1856.

3. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report of the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858. The pages of this report are not numbered.

4. The Elgin-Grey Papers, 1846-52. Vol. 2. pp. 702-703.

5. Ibid., pp. 736-737.

6. Great Britain. Parliamentary Papers. House of Commons, Vol. XXXVI, No. 1344, "Papers respecting the Civil List, Military Expenditure, ... and the Indian Department," London, 1851. pp. 202-207.

7. Ibid., pp. 201-202. Col. Bruce's report is dated 11 January 1851.

8. Ibid., pp. 202-207.

9. Ibid., p. 201.

10. Ibid., p. 223.

11. S.A. Wade, "The transfer of the Indian Department from British to Canadian authorities." M.A. Thesis, University of Washington, 1966. p. 24.

12. Oliphant was more concerned with his proposal for financing departmental operations than assessing Indian conditions. On the other hand, Bury used a scale of 15 to score tribal progress. In Lower Canada, the most advanced groups were the Hurons of La Jeune Lorette (10), followed by the Lake of Two Mountains, Caughnawaga, and St. Regis (7). In Upper Canada, the Chippewas of Sarnia and Mohawks of the Bay of Quinté rated 8, while the Mississaugas of the New Credit were a 7, followed by the Mississaugas of Rice Lake, Mud Lake, Scugog Lake and Alnwick, 6.

    See p. 258, Great Britain. Parliamentary Papers. House of Commons, Vol. XLIV, No. 247. "Copies or Extracts of Correspondence respecting Alterations in the Organization of the Indian Department in Canada". London, 1856.

13. Canada, Indian Treaties and Surrenders. Vol. 1 (Ottawa, 1891). pp. 195-6.

14. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 247. "Copies or Extracts of Correspondence respecting Alterations in the Organization of the Indian Department in Canada," London, 1856. pp. 238-239.

15. Ibid., p. 240.

16. Ibid., pp. 240-241.

17. Ibid., p. 233.

18. Ibid., pp. 247-261.

19. Ibid., p. 248, paragraph No. 14.

20. Ibid., p. 250, paragraph No. 31.

21. Ibid., p. 255, paragraph No. 62.

22. Ibid., p. 255, paragraph No. 63; and p. 259, paragraphs 99-100.

23. Ibid., p. 259, paragraph No. 102.

24. PAC, RG10, Vol. 220, Civil Secretary's Office Correspondence (No. 8601-8700), Rev. W. MacMurray to Viscount Bury, 22 August 1855. Bury's reply is at p. 259, Parliamentary Papers. House of Commons, Vol. XLIV, No. 247.

25. Great Britain. Parliamentary Papers. House of Commons, Vol. XLIV, No. 247. pp. 259-260.

26. Ibid., p. 246.

27. Ibid., pp. 269-270.

28. Ibid., p. 271

29. Ibid.

30. Richard Theodore Pennefather was born in England around 1830. From 1848 to 1854 he was the private secretary of Sir Edmund Walker Head, Lieutenant Governor of New Brunswick, then came with him, still as private secretary, to the Province of Canada when Head became Governor-General in 1854. In February 1856, Pennefather became Head's Civil Secretary and Superintendent-General of Indian Affairs. He held that position until 30 June 1860 when he reverted to his old position as Head's private secretary. When Head's term expired in 1861, Pennefather left Canada for Ceylon where he became an Executive Councillor and Auditor General from 1862 until his death in 1865. Douglas Leighton on Pennefather himself remarks: "The picture that results... is that of a fairly serious, aloof young man with a penchant for making faux pas." See "Richard Theodore Pennefather" by Douglas Leighton, in Dictionary of Canadian Biography, Vol. IX, pp. 627-628.

31. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595. "Copies or Extracts of Correspondence between the Secretary of State for the Colonies and the Governor General of Canada respecting Alterations in the Organization of the Indian Department of Canada," London, 1860. p. 1.

32. PAC, RG10, Vol. 10020, "Order-in-Council," Province of Canada, No. 5, 12 July 1856. This order in council set up the Indian Land Management Fund "... to defray the future expenses of management and control of the lands and other property held by the Crown in Trust for the Indians. A "percentage of sales" (10%) would be levied and invested (at 6%) to the credit of the fund. Indian lands not on the market for sale would be assessed a percentage "in proportion of its probable value." This fund remained in existence until 1 April 1914.

33. PAC, RG10, Vol. 513. In October 1854, as a result of an extensive investigation, Oliphant informed Clench he was being dismissed "in consequence of the gross irregularities of the Land Accounts in your office...."

34. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595. pp. 3-7.

35. Ibid.

36. PAC, RG10, Vol. 209, Civil Secretary's Office Correspondence (No. 7501-7500), Enoch Wood, Supervisor of Methodist Missions, to Colonel Robert Bruce, 22 April 1854.

37. PAC, RG10, Vol. 220, Civil Secretary's Office Correspondence (No. 8601-8700), Rev. W. MacMurray to Viscount Bury, 22 August 1855.

38. The Statutes of Canada (1857). 20 Vic. 3rd Session, 5th Parliament. Toronto, 1857. p. 84. Passage was backed by A.A. Dorion, J.A. Macdonald, G.E. Cartier, W.B. Robinson, and George Brown who all approved of the assimilative approach. (PAC, The Globe, 15 May 1857).

39. Ibid.

40. Ibid.

41. PAC, RG10, Vol. 245, Civil Secretary's Office Correspondence(No. 11401-11600), D. Thorburn to R. Pennefather, 13 October 1858.

42. Ibid.

43. PAC, RG10, Vol. 519, Civil Secretary's Office Letterbook, R. Pennefather to Rev. A. Sickles, 11 November 1858.

44. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595, p. 20.

45. Ibid., p. 21.

46. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report of the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858.

47. Ibid., Part III. The pages of all three sections are not numbered.

48. Ibid. There was a feeling among Imperial and Colonial officials that Native people of the tropics were an inferior race, while those of the more northern zones were almost equals. The New Zealand Maori and the Indians of North America were regarded as possessors of an "ethic" similar to the nineteenth-century chilvalric concepts. In short, native peoples did not lack intelligence, only character. See Douglas Leighton, "Indian administration in the Province of Canada," p. 5.

49. Ibid., Part III.

50. Ibid.

51. Ibid.

52. Ibid.

53. Ibid.

54. Ibid.

55. Ibid.

56. Ibid.

57. Ibid.

58. Ibid.

59. Ibid.

60. Ibid.

61. Ibid.

62. Ibid.

63. Ibid.

64. Ibid.

65. Ibid.

66. Ibid. In 1855, Lord Bury had reported that in the last session of Congress a proposal was made to "organize the country of the Cherokees, Creeks, Choctaws and Chickasaws into a territory or territories, to be represented in Washington like Kansas and Nebraska..." However, the continuing debate over slavery resulted in the matter being dropped.

67. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report of the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858.

68. Ibid.

69. Ibid., Part II; see also Indian conditions chart for Canada West, Appendix B, p. 7, "Chippewas of Saugeen."

70. Ibid., Part III.

71. Ibid., Agricultural production figures for the various Indian settlements are included in the band profiles in Figures 9 and 10. It is impossible to calculate crop yields per acre since only one acreage figure is given for all crops.

72. Ibid.

73. Ibid.

74. PAC, RG10, Vols. 718-719.

75. The Statutes of Canada. 13 and 14 Victoria. Chapter 72, 10 August 1850.

76. The Statutes of Canada. 13 and 14 Victoria. Chapter 42, 10 August 1850.

77. Ibid., p. 1248. The definition comprised the following:

> First. All persons of Indian blood, reputed to belong to the particular body or tribe of Indians interested in such lands and their descendants.
>
> Secondly. All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons.
>
> Thirdly. All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribes, or entitled to be considered as such: And
>
> Fourthly. All persons adopted in infancy by such Indians, and residing in the village or upon the lands of such Tribe or Body of Indians and their descendants.

78. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report of the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858.

79. Ibid.

80. Ibid.

81. Ibid., Part II. "Industrial Schools at Alderville and Mount Elgin."

82. Ibid.

83. Ibid.

84. Ibid.

85. Ibid.

86. See in particular the recommendations of J. Marault, Missionary to the Abenakis, 20 November 1857, Appendix No. 6, paragraph 11, "Report of the Special Commissioners to investigate Indian Affairs in Canada," 1858.

87. Ibid.

88. Ibid.

89. Ibid.

90. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595, p. 20.

91. Ibid., pp. 22-3.

92. Ibid., pp. 22.

93. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." p. 326.

94. Ibid., p. 327.

95. Statutes Province of Canada. 23 Vict. chapt. 151. 1860.

96. S.A. Wade, "The transfer of the Indian Department from British to Canadian authorities." p. 41.

97. Ibid., p. 42.

98. In June 1860 the Crown Lands Department assumed control of Indian matters and the Commissioner, P. Vankoughnet, became Chief Superintendent.

99. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." p. 280.

100. Canada. House of Commons. 1983 "Indian self-government in Canada." Report of the Special Committee. pp. 11-24 and 118-122.

CHAPTER FIVE

Commissions of Inquiry and the evolution of Indian Policy in Historical Perspective

The central philosophical assumptions and policies of modern Canadian Indian administration were shaped in the Canadas during the four decades prior to Confederation. Instrumental in this process were six government commissions of inquiry which devised, evaluated, and modified a programme for Indian advancement and civilization based on treaties, reserves, religious conversion, and agricultural instruction. Though not apparent at the time, the series of investigative reports created a corporate memory for the Indian department and established a policy framework for dealing with Native peoples and issues. The approach became entrenched, like the department itself, and remained virtually unchanged and unchallenged until 1969, when the federal government issued its white paper on Indian policy.[1]

In particular, these departmental investigations, held between 1828 and 1858, contributed two significant elements to Indian policy which continue to be central features to this day. First, each report affirmed a basic principle: that the Crown had a continuing responsibility to protect the rights and interests of Native peoples, as well as a duty to foster their social well-being and economic advancement. This commitment stemmed from the Royal Proclamation of 1763, the previous military service of Indian people in colonial wars, the necessity of government to administer the benefits accruing from the treaties, and finally, from guilt feelings over the subsequent maladministration of Indian lands and reserve resources. The special role assigned to the Crown, and the corresponding need to keep Indian affairs out of the reach of local legislatures was

repeated consistently by the several commissions. The principle was further enshrined in section 91(24) of the British North America Act, 1867, which proclaimed federal legislative authority for "Indians and lands reserved for the Indians."[2]

Second, these early commissions set the tone for post-Confederation Indian policy which continued - and continues still - to reflect mid-nineteenth century humanitarian ideas about Native people and social progress.[3] The successive inquiries deemed Native peoples to be inferior to Europeans, although this judgment was always tempered by the assertion that Indians were capable of social advancement under the "friendly care and directing hand of the government." Indian people were to be made over in the image of the white man, converted to Christianity, dressed in European clothes, and turned into settled agriculturalists. In the process of becoming a loyal, happy yeomanry, traditional Native religions, languages, customs, and practices would be discarded. Through education, Native peoples would be encouraged to give up their collective and communal ways and share in the social and economic benefits of nineteenth century economic liberalism and individualism.

The cornerstone of the civilization programme was the reserve system. All commissions viewed the reserves as essential to Indian advancement, the only question pertained to their location, on the periphery of settlement or in proximity to villages and towns. In any event, the reserves were considered temporary features of the Canadian landscape which would gradually disappear as Native peoples

were assimilated into the dominant society.

Despite the official optimism voiced by these inquiries, the reserves did not function as originally intended. In time, the status of these Indian homelands changed to that of marginal ghettos, and the status of Indian people, whether on their reserves or not, to that of marginal colonial citizens. This process need not have happened, had these government inquiries, reflecting the view of their age, shown any tolerance for social, economic, and political pluralism. Indeed, only within the last decade, with the advent and acceptance of multiculturalism, has any attempt been made to break from the traditional views of Native society established before 1867.[4]

Unfortunately, the six commissions unwittingly perpetuated a basic paradox in Canadian Indian policy, that setting Native peoples apart on reserves and ministering to their needs through a separate department of government only served to isolate them further from the society into which they were supposed to integrate. This physical isolation was reinforced by the passage of early legislation, beginning with the 1850 Indian protection acts and the 1857 Indian Civilization Act. These measures, all of which were inspired by the findings of various inquiries, created a legislative base for the more comprehensive Indian Acts after Confederation.

Ironically, this protective legislation, designed to safeguard Indian people, their property, and resources, when applied in conjunction with the reserve system, served only to foster Indian cultural

resistance. If anything, tribal structures were enhanced by the administrative procedures which developed. The reserve system and civilization programme strengthened the authority of the chiefs and headmen who were the only tribal figures able to order equipment and materials for the model farms and mills or, in time of famine, appeal to government for relief.

The inquiries generally, therefore, can be said to have displayed an insensitivity towards Indian culture. Yet from them there was devised an Indian policy which seemed to work, at least from a government perspective. This paradox can be explained by observing that the Indian department was, from its inception, attached to a branch or official of government whose primary task was responsibility for a particular imperial concern. It might have been colonial security, frontier settlement,or resource development; but the official task went beyond Indian affairs. Indian policy was thus formulated to accommodate admonitions for financial restraint, ensure military security and defence, and foster colonial economic development. The amelioration of Indian conditions formed only a portion of the assignment, and often it was considered the least important. The policy, as it developed in the Canadas, was termed successful; with the exception of a few minor skirmishes, the frontier remained peaceful, and largely avoided such tragic events as the Indian removal programme of the United States. Because of this apparent success, the principles and practices of the Canadian civilization programme were applied to the administration of Indians in the Maritimes and later to the Plains tribes.

It is worthwhile, also, to observe these commissions as instruments for policy development, and as an example of Canada's earliest experience with a modern-day phenomenon, royal commissions.[5] In 1858, the Pennefather Commission, the last of the major pre-Confederation investigations, remarked that, despite successive reports on Indian affairs, government was still "groping in the dark" and it had not yet been determined whether the civilization programme itself was at fault or whether external forces had caused the process to break down. In the event, the commissioners expressed dismay at the slow results and impatience with the way policy had developed.

As one proceeds through the mass of statistics and testimony associated with the six inquiries, the one striking feature is the repetitive nature and unchanging content of the major issues: Imperial financial restraint, continuation or commutation of the annual presents, complaints about departmental administration, description of deplorable Indian conditions, tales of alcohol abuse and trespass by whites on Indian land, recurrent Indian claims and disputes, and rivalries between missionaries and departmental officials. Nothing appears to get resolved. At the same time, the historian is also struck by the abortive nature of many investigations. The report of the Executive Council of Lower Canada and Justice Macaulay were overshadowed by the rebellions; the study by Legislative Committee No. 4 was shelved due to provincial union; and implementation of Bagot's recommendations were confounded internally by Indian resistance and externally by the Oregon boundary dispute, riots over the Rebellion

Losses Bill,and by a rapid succession of Governors General. Finally, the Pennefather Commission was confronted immediately with an Imperial decision to terminate the annual presents and curtail funding of Indian department operations. Thus, there can be little doubt that, over the years, the volatile colonial and international situation, compounded by constant vagaries in Imperial policy, contributed in significant measure to deferred action on Indian policy matters.

Another reason for inertia and the lack of an innovative approach to policy deliberations is that, without exception, the men chosen to conduct the various inquiries were close political associates of either the Lieutenant Governor or Governor General, and consequently followed closely instructions and established principles and policy precedents. It is of interest here to note the case of Moses Perley, who prepared a number of Indian conditions reports in New Brunswick during this period. Despite the fact that his proposals virtually duplicated those recommended by the Bagot inquiry, the then Lieutenant Governor, Sir Edmund Walker Head, refused to sanction them, for in part, he mistrusted Perley's motives, viewing him as the "diplomat of an independent power (the Micmacs)."[6]

The paramount reason for the absence of sustained action in the civilization programme centred around the source of financing. For thirty years this was an Imperial responsibility and it had a three-fold consequence. First, it confirmed further the special status accorded the Crown in the minds of Native people. Second, it removed responsibility for Indian affairs from local authorities, who therefore

had no reason to concern themselves with formulating or even understanding Indian policy. Third, the Imperial government consistently looked to reduce expenses. Only in times of war did the purse strings open; in peacetime the opposite prevailed. Expressions of concern for Indian progress and the improvement of Indian conditions were not accompanied by a corresponding concern from the Treasury, even though Indian policy remained an Imperial responsibility.

By 1858, when the Imperial government finally announced its decision to cease financing, six commissions of inquiry had already devised a set programme and, of prime importance, had articulated a continuing role for the Crown in managing Indian affairs. Thus when Canada assumed responsibility for Indian affairs in 1860, a programme was in place for dealing with Native peoples on the frontier and an historic commitment had been often repeated that Canada would continue its funding and operation. At the time, of course, the Canadian government viewed both the inherited programme and Native peoples as temporary elements which would eventually disappear as Indians took advantage of the 1857 Civilization Act and enfranchised. More than a century later, however, Native peoples and Indian reserves still exist, as anomalous as ever, persistently and impatiently raising unanswered questions about their social conditions,[7] reserved lands, treaty and aboriginal rights,[8] self-government and tribal sovereignty.[9]

Endnotes, Chapter Five

1. Canada. Statement of the Government of Canada on Indian Policy. 1969. Ottawa, Queen's Printer.

2. The British North America Act, 30 and 31 Vic. C 3 (U.K.)

3. See in particular a forthcoming study by Dr. John L. Taylor, "Canadian Indian Policy during the Inter-War Years," DIAND, Treaties and Historical Research Centre, Research Branch, Ottawa, April 1984.

4. Canada. House of Commons. Indian Self-Government in Canada. Report of the Special Committee. Ottawa, 1983. pp. 12-14, "Conflicting Views of History."

5. To qualify as a royal commission three elements must be present: the appointment is made by the Lieutenant Governor or Governor General; an order in council is involved; and authority for the investigation arises from a statute viz. a public enquiries act. In lieu of statutory authority, often the enabling order in council defines the parameters of the inquiry. Using this criteria, three of the six pre-Confederation investigations qualify as "royal" commissions: Legislative Committee No. 4 (1839), the Bagot (1842) and Pennefather (1856) Commissions. The reports of Darling, Macaulay and the Executive Council of Lower Canada are examples of other "special" studies. See, G.F. Henderson, Federal Royal Commissions in Canada, 1867-1966. Toronto, 1967; and C.F. Goulson, A Source Book of Royal Commissions and Other Major Governmental Inquiries in Canadian Education 1787-1978. Toronto, 1981.

6. PAC, C.O. 42 108/106, pp. 180-201. See Chapter Three, footnote 88.

7. Canada. Indian Conditions. DIAND, Ottawa, 1980.

8. "No end in sight for negotiations on native rights," Globe and Mail, 21 February 1984.

9. Canada. House of Commons. Indian Self-Government in Canada. Report of the Special Committee. Ottawa, 1983; and Response of the Government to the Report of the Special Committee on Indian Self-Government, DIAND, Ottawa, 5 March 1984. The latter document called for the establishment of a "new relationship with Indian First Nations" which would recognize the importance of the cultural heritage and integrity of Indian First Nations and enhance the "special relationship" between the Government and Indian people.

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