

THE CALDWELLS OF POINT PELEE AND PELEE ISLAND
A BRIEF HISTORY AND SURVEY OF DOCUMENTS

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*THE CALDWELLS OF POINT PELEE AND PELEE ISLAND
A BRIEF HISTORY AND SURVEY OF DOCUMENTS*

by

Laurie Leclair

for

Treaties and Historical Research Centre

Indian and Northern Affairs Canada

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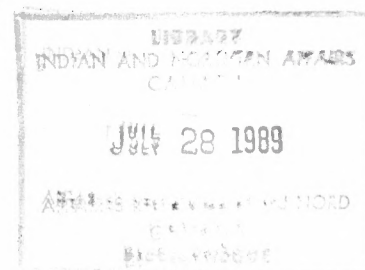
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PREFACE

The following report presents a brief history of the Caldwell band claims to Point Pelee and Pelee Island based on available archival materials, archaeological reports, historical documentation and personal interviews. The work is subdivided into sections beginning with a segment on the Ojibwa* prehistory of Southwestern Ontario, which evolves into an account of the early history of the Caldwell band. The succeeding sections offer brief summaries of the Caldwell band's claim to Pelee Island and Point Pelee. The fourth section discusses the continuity of the band and includes a quick-reference chart of population statistics. The fifth section summarizes a forty-year span of Indian Department correspondence concerning the Caldwell claims. Finally, the last section considers the connection between the Caldwell claims and Walpole Island Indian Reserve.

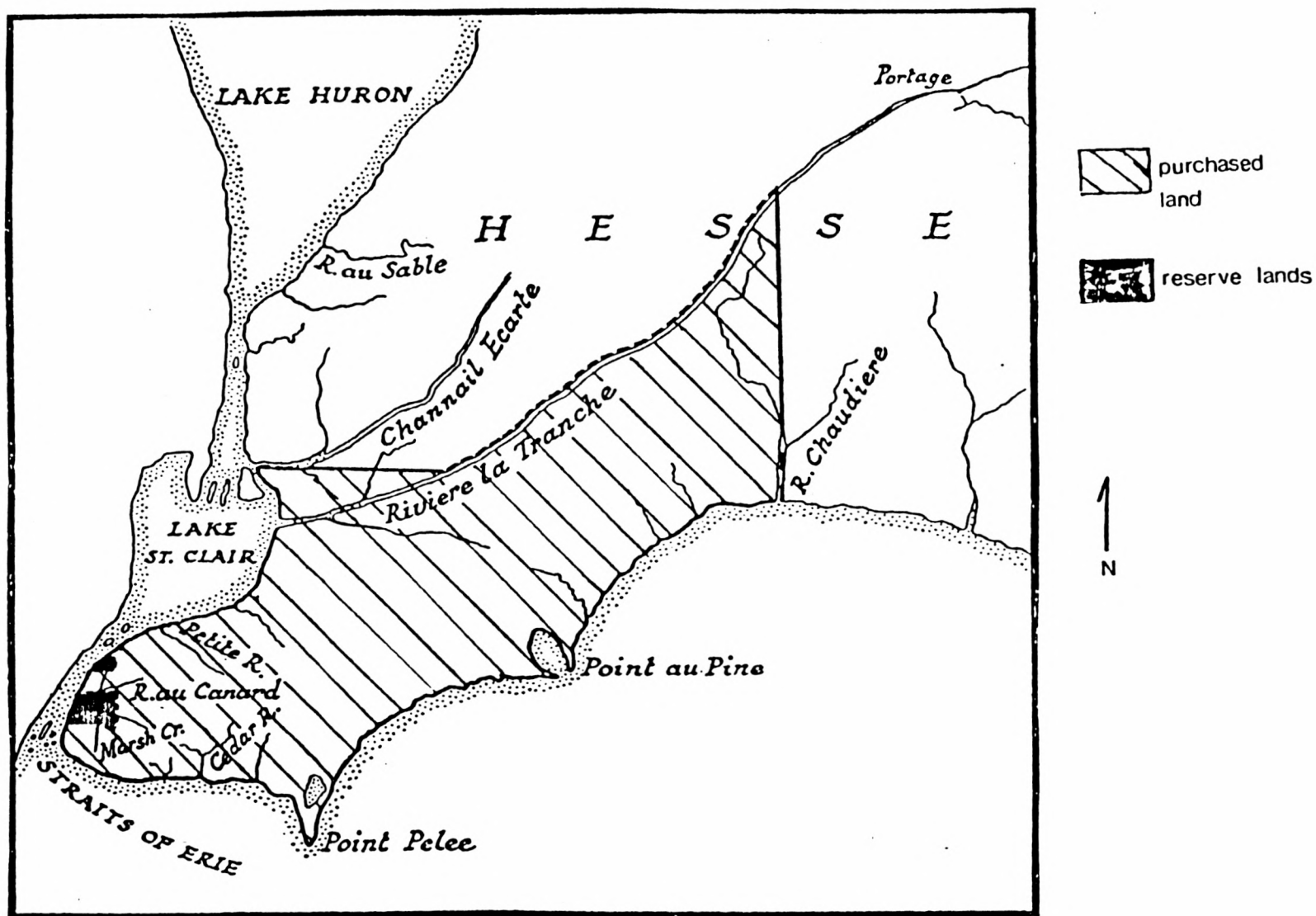
Even a report of this length would have been impossible if not for the help of several individuals and institutions. I must acknowledge my indebtedness to the staffs of the Baldwin Room, University of Toronto's Rare Book Room, Mr. Leon Warmiski and staff at the Public Archives of Ontario, Toronto; Mr. Alan Douglas and staff at the Hiram Walker Historical Museum, Windsor, archival

staff at Historic Fort Malden, Amherstburg, and Mr. Dean Jacobs and research staff at Nin-da-waab-jig, Walpole Island.

Conversations with the following individuals facilitated the writing of the report: Mr. Ed Phelps, Director of the D.B. Weldon Library, University of Western Ontario, Dr. Peter E. Reid, University of Windsor, Mr. William Fox, Ontario Ministry of Culture and Recreation, and Mr. Paul Williams, Barrister, who supplied me with a wealth of information.

Additional thanks go to Mr. Marcel Martel who allowed me unlimited access to his home computer and to Ms. Elaine Simpson who edited the text. Lastly, I would like to extend my sincere appreciation to Mr. Robert S. Allen, Deputy Chief, Treaties and Historical Research Centre, Ottawa, who over the past several months, has generously offered me his advice, encouragement and unfailing wit.

*The reader will note that the names 'Ojibwa' and 'Chippewa' are interchangeably used.



MC KEE PURCHASE - May 19, 1790

Taken from Lajeunesse, The Windsor Border Region,
p. cx, Fig. 13

LAKE ERIE ISLAND CESSIONS, January 20, 1870

1. Middle Island
2. Hen and Chickens Island
3. North Harbour Island
4. East Sister Island
5. West Sister Island
6. Middle Sister Island



Adapted from McCormick, A Sketch of the Western District of Upper Canada, p. 41.

I. THE EARLY HISTORY OF THE CALDWELL BAND

It is very difficult to determine the pre and early history of the Southwestern Ontario Ojibwa, from whom the Caldwell Band are descended. Most obviously, the primary obstacle to research lay in the native use of oral tradition over the written record to chronicle their history. Thus, for information regarding traditional native habitation patterns and resource use, researchers must rely upon historic European reports, the accuracy of which is unavoidably marred by Western cultural prejudices. Moreover, available accounts preclude events which occurred prior to direct European contact. An assessment of available archaeological data must be undertaken to determine pre-contact native occupation and resource exploitation of the Point Pelee area.

Mr. William A. Fox, Senior Archaeologist for the heritage branch of the Ontario Ministry of Culture and Recreation, believes that Central Algonkian speaking peoples inhabited the Point Pelee area from late archaic times (about 3,000 years ago)¹. David L. Keenlyside, in his 1972 report entitled, The Late Pre-history of the

¹ William Fox to author, personal communication, July 26, 1988.

Lake Erie Drainage Basin - The Point Pelee Region.
divided the prehistory of the island into four periods:

PERIOD I 600-700 A.D.

According to Keenlyside, small groups of seasonal hunters and gatherers used the island only in the summers, living in communal wooden shelters which measured approximately twenty square feet in size. For the most part, these native groups exploited small to medium sized marsh fauna such as waterfowl, muskrats, fish and turtles. Occasionally, they hunted larger game such as elk or deer.²

PERIOD II 700-900 A.D.

Keenlyside recovered two sites on the eastern slope of Point Pelee Island dating to this era. The habitation and resource exploitation patterns appeared to have changed little from the previous period, except that more sizable groups paid regular seasonal visits to the island, and hunted larger game. Still, smaller marsh flora and fauna remained an integral part of their diet.³

2

J.G.Battin and J.G. Nelson, Man's Impact on Point Pelee National Park (Toronto: National and Provincial Parks Association of Canada, 1978), p. 38.

3

Ibid., pp.38-39.

PERIOD III 900-1100 A.D.

Recurring visits to Point Pelee Island became popular, with several cultural groups exploiting its resources. Additionally, archaeological evidence revealed rudimentary corn growing.⁴

PERIOD IV Post 1100 A.D.

Corn and beans appear to have been cultivated during the twelfth century; however, due to the Iroquoian wars, the period from 1100 to historic times witnessed only irregular use of Point Pelee Island. The area now known as Southwestern Ontario served as a buffer zone between the Iroquoian groups and their enemies.⁵

Within the latter period, Ojibwa sites are among the most difficult to determine. In pre and early contact times, the Ojibwa preferred bark and basketware over clay pottery. These Ojibwa sites yield little, if any diagnostic ceramics. By the eighteenth century, the Ojibwa had replaced lithic weapons with European firearms, yet did not incorporate European earthenware into their daily use. Due to the absence of distinct ceramics or arrowheads, Ojibwa sites in Southwestern Ontario are represented, for the most part, by gunflint.

⁴
Ibid.

⁵
Ibid.

bone scrap and trade bead assemblages.⁶

During the seventeenth and eighteenth centuries, Southwestern Ontario, especially the Essex County shoreline area, served as a refuge for the several native groups displaced by the Iroquoian upheavals. Thus, Indian villages in the area could have been multi-ethnic, including not only Ojibwa elements but Mississauga, Crane, Winnebago, Ottawa, Potawatomi, and Sault-speaking groups who may have intermarried.⁷ However, Dr. Peter Reid, an archaeologist who has completed several excavations of prehistoric sites in the Point Pelee area cautions: "The whole question of ethnic self-identification in prehistoric times is problematical...To a considerable extent, ethnic identities were imposed upon native peoples by

6

Dr. Peter E. Reid, Department of Sociology and Anthropology University of Windsor, Windsor, Ontario, personal communication with author, July 23, 1988. To exacerbate the problem, many eighteenth century burials are the victims of scanty documentation and local grave robbers. William Fox, personal communication with author, July 26, 1988. For further information regarding Ojibwa sites see Neil Ferris, Ian Kenyon, Rosemarie Prevec and Carl Murphy, "Bellamy: A Late Historic Ojibwa Habitation", in Ontario Archaeology (no. 44, 1985), pp.3-22.

7

William Fox, personal communication with author. For a contemporary account of life among the native villages see, Anonymous, "Memoire on the Indians between Lake Erie and the Mississippi", New York Colonial Documents, Vol. IX, p. 8878.

Europeans".⁸

Based on European accounts, archaeologist-geographer, Dr. Conrad Heidenreich traced the traditional early historic homelands (1500-1600 A.D.) of the Ojibwa to the northern shore of Lake Superior and the Upper Michigan Peninsula.⁹

By the late seventeenth century, Cadillac, the French Commandant at Fort Michilimackinac was fearful that the English would soon enter into the Great Lakes trade network. In 1701 as a strategic move, Cadillac established a fort on the straits between Lakes Erie and St. Clair.¹⁰ Following the Commandant, many Ojibwa groups moved into the Detroit area to partake in trade which had previously been the preserve of the Hurons.¹¹

8

Dr. Peter Reid, personal communication with author, July 23, 1988.

9

Conrad Heidenreich, The Historical Atlas of Canada: From the Beginning to 1800, R. Cole Harris, Geoffrey Matthews, gen. eds. (Toronto: University of Toronto Press, 1987) Plates 37-40.

10

Frontenac to the Minister. Michigan Pioneer Collections, Vol. XXXIII (Lansing: Robert Smith and Co., State Printers and Binders, 1904), p. 90. Cadillac to the Minister, *ibid.*, pp. 96-100.

11

William Fox, personal communication with author, July 26, 1988, see also Bruce Trigger, "The French Presence in Huronia: The Structure of Franco-Huron Relations in the First Half of the Seventeenth Century", in Canadian Historical Review (Vol. 49, 1968), pp. 107-41.

Documentary evidence concerning the origins and early history of the Caldwell band are nebulous at best. Unfortunately, any oral histories which might have survived have been lost, with the exceptions of the information William Caldwell supplied to the government authorities in the 1880's, and a report of the local Indian Agent Roy Abraham in the 1920's.

According to a report Mr. Abraham submitted to the government on behalf of the Caldwell band, the Caldwells claimed to be a mixture of mostly Ojibwa plus a few Potawatomi who intermarried with some Caldwell members about the time of Pontiac's war (1763). 12

The band's genealogy can be traced to an individual named Penebawnie, a contemporary of Matthew Elliot (1739-1814). His son, Quensis, or William, adopted the Caldwell surname. Quensis died in 1836, leaving behind a son named William Jr., or Medweas. The correspondence of Medweas' son Robert appears frequently in the files of the Department of Indian Affairs throughout the late nineteenth and early twentieth centuries.¹³ Although Quensis and Medweas were considered chiefs of the Caldwell Band, neither their

12

R. Abraham, report to D.I.A., n.d. (RG 10, Red Series, vol. 2043), n.p.

13

William Caldwell to D.I.A., August 22, 1882, (RG 10, Red Series, vol. 2043), n.p.

signatures nor totems appear on the leases of Point Pelee to the Caldwell's (1788), Pelee Island to Thomas McKee (1788), or the McKee Surrender of 1790. One departmental account of tribal lineage claimed the Ojibwa named Kowtyaska as an ancestor of the band:¹⁴ however, a document bearing his name or mark has not been located.

The year 1788 holds much historical significance for the Caldwell Band. On May 1, the Chiefs and Sachems of the Chippewa and Ottawa Nations leased Pelee Island to Thomas McKee for a period of 999 years renewable, for a fee of:

...three bushels of Indian corn or the value thereof if demanded annually to and for the use of the said Chiefs and Sachems, their nations heirs and assigns...¹⁵

The terms of the lease stipulated that McKee was free to, "demise, grant or sell any part of the said Island for the 999 year term".¹⁶

Five days after the agreement with McKee, the

¹⁴

R. Abraham to D.I.A. n.d., *ibid.*, n.p.

¹⁵

McKee Lease, in Extract from and old Registry book in the Hands of John Stewart, Esq. (RG 10. Vol. 787), p. 89.

¹⁶

Ibid., pp. 89-91.

Chiefs and Sachems of the Chippewa and Ottawa nations of Indians entered into a similar lease with James Allan, William Caldwell, Jr. and James Caldwell. The lease covered an eleven-mile tract of land at Point Pelee.¹⁷ It should be noted that the native totems on both leases are not identical. Only three corresponding signatures can be found on both leases.

After William McKee's death in 1815, his son, Alexander, continued to lease the island until 1823 when he sold it to William McCormick for L 125.¹⁸

The McCormicks enjoyed an unchallenged hold on Pelee Island until William McCormick's death in 1840. In the face of much speculation which arose over the legality of McCormick's title to the island, his heirs sought the advice of Col. John Prince, Q.C. A court battle ensued, culminating in a judgement against the McCormicks. The Hon. Alexander Campbell at the Court of Queen's Bench decided during the Easter term 1859 that the residents' title was invalid. According to

17

E. Lajeunesse The Windsor Border Region (Toronto: Champlain Society and University of Toronto Press, 1973), p. cxv.

18

H. Bernard. McCormick Petition. Copy of the Memorial of the McCormick Family of Point au Pelee Island to His Excellency the Governor General in Council. McCormick Papers, Hiram Walker Historical Museum Collection (Reel #1), pp. 58-62.

Campbell, neither the lease from the natives nor the length of possession constituted a sufficient legal title:

It was not shewn that the possession held had been other than trespassers, nor that the Crown had ever taken charge of or received any rents from the island nor that it had been surveyed nor the title of the Indians extinguished.¹⁹

Six years following the decision, McCormick's widow and children petitioned the government to issue a free grant of the island in lieu of the 1859 decision, on the premise that they had been the first white owners of the island and had occupied it continuously since 1823.²⁰ To strengthen their case, the McCormicks submitted several personal affidavits swearing to the family's uncontested occupation of the island. An Ojibwa resident of Walpole Island, Frederick Fisher also submitted an affidavit. Fisher claimed that he, as well as a number of Indians of his nation, were in the habit of paying McCormick for hunting and fishing rights on the island. Fisher also swore that he had never heard any complaints nor objections to McCormick's ownership

¹⁹

Regina vs. McCormick, Easter Term, 22 Vic 1859. Queen's Bench Reports, p. 131.

²⁰

McCormick Memorial Petition, McCormick Papers (Reel#6), p. 2.

of Pelee Island.²¹

The question of unextinguished native title to the island continually surfaced throughout the legal deliberations of 1865 and 1866. The foundation of the discrepancy lay in the McKee Lease. It was debatable whether the parties who carried out the lease were legally authorized to do so. The evidence submitted was contradictory. An 1830 source claimed that at one time all four nations, (the Ottawa, Potawatomi, Chippewa and Huron) held rights to the land opposite Point Pelee Island. According to the report, it was quite possible the four nations claimed the island as well.²² Conversely, a second submission, dated 1858 read. "...Of Point Pelee itself, they speak only of Chippewa...."²³

21

"Fisher Affidavit", 9 April 1860 (RG 10. Red Series. vol. 2041, pt. 1), n.p.

22

This view was also supported by the Huron-Wyandotte principal man, Peter Dooyentate Clarke who wrote that between the years 1730 and 1741, "Point au Pelee Island...was then a common hunting ground, and the Wyandottes never claimed any exclusive right thereto...[Ottawas, Chippewas, Potawatomi] ...being always found encamped on [Point au Pelee Island] and having cornfields there. Peter D. Clarke, The Origins and Traditional History of the Wyandotte and Sketches of other Indian tribes of North America (Toronto: Hunter, Rose and Co., 1870), p. 21.

23

Report of the Special Commission to Investigate Indian Affairs in Canada. 1858, in Canada, House of Assembly, Journals, Appen. (vol. 16, Sec. 6), n.p.

Irregularities in the transferal deed to McCormick exacerbated the problem of establishing the identity of the traditional occupants. In the McKee lease, the Chiefs and Sachems of the Chippewa and Ottawa authorized the lease. In the deed which transferred the island from McKee to McCormick, the leases were recorded as Potawatomi and Ottawa.

Further, questions surfaced over whether the Indians or McKee had the legal right to enter into a lease of the above kind. Deputy Superintendent General William Spragge considered the McKee lease in opposition to the laws set down in 1763. According to the Royal Proclamation, only the Crown, represented by the Governor, Chief Superintendents or appointed officials had the authorization to enter into treaties with the natives. Spragge noted that McKee who was himself involved in native affairs, must have been acquainted with the law as it pertained to native peoples.²⁴

Although the McCormick petition eventually succeeded, it failed to convince government authorities that all interested native groups were extinct. On April 4, 1866, H. Bernard and Alexander Campbell, the Minister of Justice, issued an Order-in-Council which

allowed the McCormick family to apply for a patent to the island as a free grant. The Order-in-Council was passed on June 9, 1866 by both the Superintendent-General of Indian Affairs and the Solicitor general, with the following condition:

...should any of the Indian tribes be in existence of those who originally owned the island, it would be necessary to obtain a surrender of their reversion.²⁵

It is recorded in the official correspondence of the Department of Indian Affairs, as late as 1923, that although the McCormicks continued to reside on the island, no formal patent had been issued. "owing to failure to comply with certain conditions".²⁶

²⁵

Ibid., p.84.

²⁶

McLean to W.J. Ruttledge, November 26, 1904 (Red Series, RG 10, vol. 2043), n.p.

II. A BRIEF SUMMARY OF THE CALDWELL BAND'S CLAIM TO PELEE ISLAND

In a pamphlet circulated to members of Parliament in 1892, Robert Caldwell outlined the basis of the Caldwell Band's claim to Pelee Island. Like the deliberators involved in the McCormick trials, Caldwell took issue with the validity of the 1788 McKee lease: Did the participating chiefs and sachems have the legal authority to enter into a lease with McKee? Were the terms of the lease (viz. three bushels of Indian corn annually, if demanded) an equitable fee for over 11,000 acres of fertile land? Did McKee abuse his position as a member of the Indian department by persuading the natives to sign the lease? Lastly, had the rights of the native people been taken into account during the 1866 decision?

According to Robert Caldwell, McCormick's extinction theory was unfounded:

The department of Indian Affairs was then as now is, perfectly aware that many of the original owners of the island are by no means extinct as some of the old members of the Chippewa band, known as the 'Caldwell band' of that tribe, now advanced in years are still living. 27

The Caldwell family claimed to be descendants of traditional occupants of Pelee Island, and although it was provided in the 1866 court decision as a prerequisite to a McCormick patent that native title to the island must be extinguished, no surrender of the island was ever executed between the government and the Caldwell band.²⁸ Robert Caldwell would employ the preconditions delineated in the 1866 Order-in-Council as the basis of the band's claim to Pelee Island.

A second treaty dated January 20, 1870 conflicted with the Caldwell claim. The pertinent passage of the treaty read:

The Chiefs and Principal men of the Chippewa, Potawatomi and Ottawa Indians residing on Walpole Island in the Province of Ontario... have agreed to surrender...the following islands in the Upper Part of Lake Erie near to the mouth of the River Detroit, namely: "Middle Sister" Island, "Hen and Chickens" or "Bird" Islands, "North Harbour" Island, "East Sister" Island, "Middle" Island, as well as any other islands in the above vicinity to or in which we may have any claim or interest.²⁹

The government interpreted the clause "...as well as any

28

"Chief Caldwell Band of Chippewa of Pelee Island, review of the Facts...." (RG 10, vol. 787) pp. 37-43.

29

Canada, Indian Treaties and Surrenders from 1690-1890, vol. I (Toronto: Coles Publishing Company, 1973), no. 121, p 278.

other islands...." as including Pelee Island, thereby extinguishing any native claim to the island.

The Caldwell's protested against this interpretation of the 1870 treaty on three counts. Pelee, being at least ten-fold the size of any of the aforementioned islands warranted inclusion by name. Secondly, Pelee Island was not situated near the mouth of the Detroit River. Lastly, the treaty was undertaken between the government and the three nations residing on Walpole Island. It did not include members of the Caldwell band. Therefore, according to the Caldwell's, their band did not submit any reversion of their interests to the islands in Lake Erie.

III. A BRIEF SUMMARY OF THE CALDWELL BAND'S CLAIM TO PELEE ISLAND

The McKee Purchase of May 19, 1790 included the land:

...beginning at the mouth of Catfish Creek, commonly called Rivière au Chaudière on the north side of Lake Erie being the Western extremity of a tract purchased by his said Majesty from the Messesagey Indians [1784]...and from thence running westward along the border of Lake Erie and up the streight to the mouth of a river known by the name of Channail Ecarté and up the main branch of the said Channail Ecarté to the first fork on the south side, then a due east line until it intersects the Riviere la Tranche, and up the said Rivière la Tranche to the North West corner of the said cession granted to his Magesty in [1784]...then following the Western boundary of the said tract being a due South direction until it strikes the mouth of the said Catfish Creek or other wise Rivière au Chaudière being the first offset....30

Although the above treaty technically voided the Caldwell lease of 1788 and extinguished native title to Southwestern Ontario, the Caldwell band contended that Point Pelee remained unsurrendered by virtue of an oral agreement made between the Point Pelee Indians and

McKee.³¹ By the 1880s the Caldwells, prompted by Indian department officials added a secondary claim to the Point as a military reward for their efforts in the War of 1812.³² There exists documented evidence of native involvement at Point Pelee during the War of 1812. For example, toward the end of the war, in March 1814, natives assaulted a group of Americans as their boat ran aground on the point.³³

Oral histories of the Caldwell band recounted by William Caldwell (1882) and Archie Dodge (1923) detailed the granting of land by Captain Elliot following the 1812-1814 war:

Colonel Jim told the Indians that thear Grate [sic] father had sent him to thank them for what they had done and those that had land to go to thear [sic] Home and Colonel Jim told them those that had no land Elliot would see that they got land.³⁴

31

J.C. Schliehauf for William Caldwell to General Superintendent of the Indian Department (RG 10, vol. 787) p. 21.

32

SGIA memorandum, January 31, 1884, Ibid., pp. 9-10.

33

See Butler to Harrison, March 27, 1814, Harrison Papers, Burton Historical Collections, also, Fred C. Hamil, Valley of the Lower Thames, 1640-1850 (Toronto: University of Toronto Press, 1951) p. 97.

34

William Caldwell to DIA, August 27, 1882, Muncey Town (RG 10 Red Series, vol. 4023) n.p.

For his part, Archie Dodge informed his lawyer that the Caldwells had chosen their traditional homelands as their military grant. The proposed reservation began:

...from the mouth of Sturgeon Creek making Sturgeon as their west boundary and up the stream to a certain place on the East beach of Point Pelee...with the exception of a naval reserve on a certain portion of the point of Point Pelee.³⁵

Dodge recounted that it was tribal custom to leave their villages in search of medicinal plants. Regularly, the band would head north as part of a migration cycle which often took two years to complete. Upon returning home after one of these lengthy journeys, the Caldwells discovered their reserved lands occupied by squatters. Because the squatters were in such an impoverished state, the natives left them at peace. Dodge concluded, "From that time my band have always wandered and are still wandering."³⁶

While generations of Caldwells impressed their claim upon the government, the Department of Indian Affairs continued to stress that native title to the

³⁵

Fred Davis to Hon. M. Murdoch, Amherstburg, Ont., 1923 (RG 10 Red Series, vol. 2043 pt. 1), n.p.

³⁶

Ibid.

Point had been extinguished by the 1790 treaty. It did however, encourage the Caldwell band to claim the Point on military grounds:

I think there seems to be evidence of the grant of lands at Point Pelee for military service and the subsequent relinquishment of residence here on account of trouble with settlers.³⁷

To arrive at his conclusion, the Deputy Superintendent General of Indian Affairs read testimonies of local residents Stockwell and Wilkinson, swearing the Caldwell band continually occupied the Point until 1840, at which time they were forced to move due to encroaching white settlers.³⁸

37

SGIA memorandum, January 31, 1884, Ottawa (RG 10 Red Series, vol. 787), pp. 9-10.

38

Ibid.

IV. THE CONTINUITY OF THE CALDWELL BAND AS EVIDENCED IN HISTORICAL DOCUMENTATION

Several histories which date back to the period of European contact attest to an Ojibwa presence around the Point Pelee and Pelee Island area. A village of Ojibwa was situated just slightly northwest of the Point at the onset of the Seven Years War (1768).³⁹ The Wyandotte historian, Peter D. Clarke noted that in the decade between 1730-1741, the Ojibwa, along with the Potawatomi, Ottawa and Huron-Wyandottes shared the resources of Point Pelee.⁴⁰ Supporting this fact, the French cartographer Abraham Iredell recorded portage routes, villages and cornfields at Point Pelee in 1799.⁴¹ In 1824, William McCormick wrote, "a few Taways at Point Pelee continue to reside in the area."⁴²

39

Helen H. Tanner, ed., Atlas of Great Lakes Indians, Norman and London: University of Oklahoma Press published for the Newberry Library, 1987), p. 59.

40

Clarke, The Origins and Traditional History of the Wyandottes and Sketches of Other Indian Tribes of North America, pp. 133-134.

41

Lajeunesse, The Windsor Border Region, p. xxxix.

42

William McCormick, A Sketch of the Western District of Upper Canada, being the Southern Extremity of that interesting Province, Written in 1824. Ed. by R. Alan Douglas (Windsor: ECHA and University of Windsor Press, 1980), pp. 24-25. Although Douglas

It is impossible to ascertain the exact date that the Caldwell's emigrated from the Point Pelee/Pelee Island area. Documentation on the subject often conflicts. For example, in his oral history, Archie Dodge claimed. "It was not until sixty years ago (c. 1863) that the last band quit the Point to find homes where best they could".⁴³ While the testimonials of Stockwell and Wilkinson swore white squatters forced the band off their lands at Point Pelee in 1840. a nineteenth century local historian claimed the native population on Pelee Island drastically decreased around the year 1870. This depopulation was attributed to. "the scarcity of game, their isolation from their tribes on the mainland and the difficulty of communicating with their friends across the water". ⁴⁴ rather than strictly white encroachment. At best. it can be postulated that the removal of the Caldwell's from the area was a gradual process which may have spanned several decades.

theorized that both 'Autaways' and 'Taways' are McCormick's misnomers for the Ottawa nation, it can be argued that McCormick does differentiate between the two: "Both Autaways and Taways inhabit the area", *ibid.*

43

Fred Davis to Hon. A. Murdoch, February 10, 1920. Amherstburg (RG 10 Red Series, vol. 2043), n.p.

44

Thaddeus Smith, Pelee Island: An Historical Sketch of and An Account of the McCormick Family who were the first White Owners of the Island (Amherstburg: The Echo Printing Co., 1920), p.9.

The task of establishing tribal continuity from 1830-1987 was facilitated by regular Indian Agent reports and other departmental documentation. Since material recovered appeared for the most part in statistical format, the following account of band continuity is presented as a chart. It incorporates population statistics with the dates on which they were gathered, comments expressed by the compilers, and the information source. To maintain accuracy, the identity of the native group was recorded on the chart as it appeared in the documents:

THE CALDWELL BAND: POPULATION STATISTICS

DATE	IDENTITY	NO.	COMMENTS	SOURCE
1830	Point Pelee Indians	45	Included two deserving (wounded) warriors	RG 10 vol. 569, pp. 53-6
1832	Caldwells of Point Pelee	32	Common: 1 Chief, 12 Warriors, 5 Wives or Widows, 1 boy (aged 10-15 yrs.), 2 boys (aged 1-4 yrs.), 1 girl (aged 10-14 yrs.), 1 girl (aged 1-4 yrs.)	RG 10 vol. 708, n.p.
April 1839	Chippewas of Point Pelee	a few	"As the Chippewa of Point Pelee and River Ruscom, the numbers are not stated. A Few reside at each of these places...The Indians support themselves almost entirely by hunting, and fishing."	RG 10 vol. 708, Macaulay's Report, p. 176.
1842	Chippewas of Point Pelee	250		<u>Report of the Special Commissioners to Investigate Indian Affairs in Canada, (Toronto: Queen's Printer, 1858), Appen. 17, p. 256.</u>
1845	Chippewas, Hurons, Shawnees and Munseys of Amherstburg and Point Pelee	258	"All the Chippewas except their Chief who resides at Pt. Pelee have no other habitation except wigwams...Their number is on the decrease occasioned by exposure, intemperance and insufficiency of food."	Ironsides' Report, Appen. FEE in Journals of the Legislative Assembly, Appendix, no. I, Vol. IV, (Montreal: Queen's Printer, 1845), n.p.
1851	Caldwell Band	11	1 Chief, 3 Warriors, 3 Women, 1 boy (aged 10-15), 1 boy (aged 5-9 yrs.), 1 girl (aged 10-14 yrs.), 1 girl (aged 5-9).	Numerical Return of the Hurons Chippewas and Ottawas of Point Pelee and Anderdon. RG 10 vol. 443, p. 578.
1853	Caldwell Band	10	1 Chief, 3 Warriors, 2 Women	Ibid.

DATE	IDENTITY	NO.	COMMENTS	SOURCE
1855	Point Pele [sic] Indians	72		* List of Names and Number of Men, Women and Children of the Point Pele [sic] Indians, 1855 RG 10 vol. 443, p. 651.
1856	Chippewas of Point Pelee	<60	"The band are generally dissipated and roving unsettled in their habits, depending mainly as a means of support on the fish and wild fowl which at certain seasons are very abundant...Indian corn and potatoes are raised in small quantities... With the exception of the Chief, they live mainly in bark shanties or wigwams and are poorly clothed...They have no school and with one or two exceptions are Pagans. No effort has been made to Christianize them... In August last they were reduced to less than sixty persons. This great decrease in numbers has been caused...principally by their removal to other Chippewa bands. Three families consisting of sixteen persons have this summer removed to Walpole Island and are comfortably settled."	<u>Report of the Special Commissioners to Investigate Indian Affairs in Canada, Appen. 17, p. 256.</u>
1882	Caldwell Band	>100	"Scattered through Counties of Essex, Kent and Elgin."	J.C. Schliehauf to J.A. Macdonald, Bismark, April 25, 1882. RG 10 vol. 2013, n.p.
1892	Caldwell Band	250	"...living mostly on the Muncy Reserve."	Robert Caldwell pamphlet, RG 10 vol. 787, p. 41.
1895	Caldwell Band	123		* List of Caldwell Band Members RG 10, vol. 2013, n.p.
1922	Caldwell Indians	104		*Recognized Members of the Caldwell Indians, RG 10, vol. 2013
1979	Caldwell Band #165	77		* List of Registered Indians, DIAND, Canada, Family Grouping List, (Ottawa, Dec. 1979), 01925.

DATE	IDENTITY	NO.	COMMENTS	SOURCE
1987	Caldwell Group #165	90		* Ibid., (Ottawa, Dec. 1987), 02967.

* SEE APPENDIX A

V. THE EFFORTS OF THE GOVERNMENT

Although various Indian Department reports submitted throughout the nineteenth century (see references cited in Chart A) brought the condition of the Caldwells to the attention of the government, the Indian Department remained inactive over the case until its help was solicited by Indian Agent Schliehauf, who made reference to the Caldwells' status as war veterans:

These Indians are illiterate, can neither read nor write and I think that on that account they ought to be honorably dealt with. The statements of A.S. Stockwell and Francis Wilkinson of Leamington are...enclosed herewith as to the services rendered to the Government of these Indians. They have risked their lives for the Crown and they ought to be recompensed therefore by the Government....45

Responding to Schliehauf's letter, the Indian Department sent A. Dingman, the Inspector of Indian Agencies to investigate the situation at Muncey. The Department requested that Dingman encourage the Caldwells to relocate to Walpole Island.⁴⁶ Dingman completed his report the following February. In the work the investigator, referring to the Caldwells as,

45

J.C. Schliehauf to D.I.A. (RG 10 Red Series, vol. 2043) n.p.

46

D.I.A. to A. Dingman, November 20, 1882. Ottawa. Ibid., n.p.

"the irregular band of Indians scattered over portions of Elgin, Kent and Essex", concluded that:

[This, band] never received from the white squatters value for their improvements. that they resided on the Point many years and made considerable improvements, there is no doubt. The present white occupants are mere squatters, and have no deeds for their land, and I would beg to suggest that inquiry be made with the view to ascertaining how they came in possession. and whether the Indians were, in all cases, fairly renumerated for their improvements.⁴⁷

Despite statements of this sort, the report revealed that the Caldwell band and the Government were at an impasse. Dingman suggested to the natives that they remove to Walpole Island where they would be provided with land. Since lands at Point Pelee were conducive only to hunting and fishing and possibly lumbering, Dingman believed the Caldwells would not be able to make a living from the soil. Further, the drainage projects required to make the land arable were deemed too expensive.

The Caldwells declined the offer, claiming that the reserve was, "low, wet, and unhealthy", and sought restitution for their unrelinquished title to Point

47

A. Dingman to M. Vankoughnet, March 3, 1883, Bismark, *ibid.* It should be noted that Dingman never referred to the natives as the 'Caldwell band' in his report.

Pelee and Pelee Island. Although Dingman specifically asked the government to assist old Chief William Caldwell, he rested firmly on the terms of his proposal: "If they will not accept the very liberal offer made them, I think they have no excuse, and should be left to keep themselves."⁴⁸

As part of his report, Dingman suggested that a deputation of the Caldwells investigate relocation possibilities at Walpole Island. This idea was accepted by the Indian Department and efforts were made to arrange a suitable deputation.⁴⁹ This deputation was unsuccessful due to the inflexibility of both parties.

By the late nineteenth century, the Caldwells still laid claim to both Point Pelee and Pelee Island. For its part, the government maintained that the natives claim to Point Pelee had been extinguished by the McKee Treaty of 1790.⁵⁰ Yet, it expressed its willingness to

⁴⁸

Ibid.

⁴⁹

See D.I.A. memorandum. Vankoughnet to J.A. Macdonald, February 19, 1884, Ottawa, *ibid.*, Vankoughnet to Schliehauf, March 4, 1884, Ottawa, *ibid.*, Schliehauf to Vankoughnet, May 20, 1884, Bismark, *ibid.*, Alexander McKelvey, Indian Agent, Walpole Island to Schliehauf, June 10, 1884, *ibid.*, n.pp.

⁵⁰

See Vankoughnet to Schliehauf, May 4, 1882, *ibid.*, Vankoughnet to R. Hon. J.A. Macdonald, October 17, 1883, Ottawa, *ibid.*, George E. Casey to Vankoughnet, July 3, 1884, Furgal, Ont., *ibid.*, n.pp.

accommodate them if they relocated to Walpole Island, a reserve which was set aside in 1786 as a refuge for all wandering native groups in North America.⁵¹

The Caldwell's continually refused the government's offer and insisted that they be compensated for both lands and improvements made upon the Point. As a testament to the oral agreement forged with McKee rendering the Point to the Indians, the Caldwell's claimed to have been approached by Colonel Elliot on behalf of the Crown to lease a 300 acre plot of land at the tip of Pelee to be used as a naval reserve.⁵² William Caldwell stated that in connection with the terms of the above lease, his band received annual payments initiated by the Superintendent George Ironsides, which were inexplicably terminated by his

51

Memorandum by Vankoughnet, n.d. (RG 10, vol. 787), pp. 9-10. Martin Benson to Vankoughnet, December 30, 1881 (RG 10 Red Series, vol. 2043). n.p. Vankoughnet to Schliehauf, January 4, 1882, Ottawa. *ibid.* p. 95. Memorandum by Vankoughnet, January 3, 1884 (RG 10, vol. 787), n.p., McLean to Hon. D. Mills, June 23 1897, Ottawa (RG 10, Red Series, vol. 2043), n.p., Frank Pedly to Minister of Labour, T.W. Crothers, September 17, 1905, *ibid.*, n.p., S. Stewart to T.W. Crothers, December 6, 1905, *ibid.*, n.p., J. A. Paget to Frank Pedly, September 16, 1912, *ibid.*, n.p.

52

D.I.A. to I.A. McKelvey, Walpole Island, June 10, 1884 (RG 10, Red Series, vol. 2043), n.p., D.I.A. to Dingman, November 20, 1884, Ottawa, *ibid.*, n.p.

successor, Froome Talfourd.⁵³ Although Vankoughnet, the Deputy Superintendent General, did instruct Dingman to investigate this claim, the matter does not appear to have been further pursued. The government did not, however, rule out the possibility that the Caldwells had a right to land grants on military grounds.

The assessment of the Caldwell claim to Pelee Island required protracted government investigation. Although occasionally the government contended that native ownership to Pelee Island had been extinguished by the conditional 1866 Order-in-Council, records in possession of the Indian Department supported the fact that the island had never been surrendered.⁵⁴

During the 1880s and 1890s the natives solicited the help of Justice David Mills, MP who was influential in lobbying support for the Caldwell cause.⁵⁵ For nearly

53

Statement of Chief Caldwell. n.d., *ibid.*, D.I.A. to Dingman, November 20, 1882, *ibid.*, n.p., James Chance to J.A. Macdonald January 22, 1883, Tyrconnel, *ibid.*, n.p.

54

Memorandum from D.W. McLean, July 9, 1891, *ibid.*, n.p., Memorandum from S. Stewart, October 12, 1893, *ibid.*, n.p., Hayter Reed to Hon. T. Mayne Daly, May 1, 1897, *ibid.*, n.p., McLean to W. J. Rutledge, November 26, 1904, *ibid.*, n.p., McLean to Caldwell, January 25, 1905, *ibid.*, n.p.

55

Department of the Secretary of State, Order of the House of Commons, subject, #153487, "Claim of a certain band of Indians to the ownership of McCormick Island and the Point Pelee, April 25/26, 1894". Mover: D. Mills

two decades, beginning when Mills was practicing law with Nelson Weekes in London, Ontario, and continuing until Mills' appointment as a member of Laurier's cabinet in 1896, he worked diligently to bring the Caldwell case to the attention of the government.

Once the preliminary reports from the investigations were returned, the government concluded that the conditions set down in the 1866 Order-in-Council had not entirely been met:

The question now to be decided is what can be offered to this remnant in compensation for a full surrender of Point Pelee Island, which the department desired to patent to the McCormick family."⁵⁶

In 1896, the government drafted a surrender of Pelee Island which read intoto:

(Bothwell), in H. Reed to Hon. T. Mayne Daly, April 27, 1894, *ibid.*, n.p.

56

Hayter Reed, internal memorandum, January 3, 1896, *ibid.*, n.p., for other correspondence leading to a proposed surrender see, D.I.A. to T. Mayne Daly, May 22, 1895, Ottawa, *ibid.*, n.p., Vankoughnet to A.M. Burgess, Dep. Min. of Interior, July 1895, *ibid.*, n.p., Burgess to H. Reed, July 20, 1895, *ibid.*, n.p., A. White to D.C. Scott, October 30, 1895, *ibid.*, n.p., Scott to Burgess, January 11, 1896, *ibid.*, n.p., Scott to Mills, January 23, 1896, *ibid.*, n.p., T. Mayne Daly to Mills, January 24, 1896, *ibid.*, n.p., A. Chisholm, Min. of Interior to H. Reed, January 24, 1896, Statement showing names, occupants and value of land and improvements at Pelee Island, February 1896, *ibid.*, n.p., and Scott to Carscallen and Hall, March 17, 1896, *ibid.*, n.p.

Know all men by these presents that we the undersigned band of Indians having an interest in Point Pelee Island, resident in the County of Essex in the province of Ontario and Dominion of Canada do hereby release, remise, surrender, quit claim and yield up unto OUR SOVEREIGN LADY THE QUEEN, Her Heirs and Successors for ever all and singular our interest in that certain parcel or tract of land and premises situated, lying and being in Lake Erie in the County of Essex and Province of Ontario and being composed of Point Pelee Island in the said Lake.

TO HAVE AND TO HOLD the same unto Her said Majesty the Queen, Her Heirs and Successors forever, to dispose of the same to such person or persons and upon such terms as the Government of the Dominion of Canada may deem best.

AND WE the said Band of Indians do hereby ratify and confirm and promise to ratify and confirm whatever the said Government may do or cause to be lawfully done in connection with the disposal of the said Island.⁵⁷

Notably, the surrender was unconditional and failed specifically to name the Caldwell band. Although the document bore legal seals, it was never signed. The surrender itself was never executed, but the government proposed that a compromise be reached between the Caldwell band and the Indian department.⁵⁸

On behalf of the Caldwells, Mills, who at this point had been called to the Senate, proposed they be

57

Surrender to the Queen of Point Pelee Island, 1896 (RG 10, Red Series, vol. 2043), n.p.

58

D.C.Scott to D. Mills, August 6, 1895, *ibid.* n.p.

settled on lands in the Saugeen Peninsula or the Muskoka district and given as an annuity the \$400 yearly revenue culled from the Pelee marsh land.⁵⁹ In compliance, Scott approached the Ontario Department of Crown lands in search of an available tract between 1,500 and 2,000 acres in size in either Essex or Elgin counties.⁶⁰ White responded that there were no lands available for sale in the above counties but stated that Point Pelee was federal land in possession of the Department of the Interior.⁶¹

Despite any past misgivings the department may have entertained over the idea, the possibility of available land at Point Pelee produced a second compromise. Land at the Point would be secured in small farm lots of 25-30 acres per person with the \$400 annual income the government received from the marsh lands as their annuity.⁶²

In January 1896. John Beattie, an Indian Affairs

59

D. Mills to D. Scott. n.d.. *ibid.*, n.p.

60

D. Scott to A. White, October 30, 1895 (RG 10 Red Series, vol. 2043), n.p.

61

A. White to Scott, November 2, 1895. *ibid.*, n.p.

62

H. Reed memorandum, January 3, 1896, *ibid.*, n.p., also, T.M. Daly to D. Mills, H. Reed to A. M. Burgess, February 1, 1896, *ibid.*, n.p., D.I.A. Acting Secretary to Department of Interior, May 18, 1897, *ibid.*, n.p.

agent from Highgate was sent to the Point. Presenting himself as a prospective fruit grower, he attempted to acquire a plot of 200 acres for the Caldwells.⁶³ While Beattie searched for land, the government expressed its desire to give financial aid to certain Caldwell members:

If a number of these Indians are already drawing annuity from the Department annually, why cannot we place the chief and the others on pay list as well?⁶⁴

At the conclusion of the report, Beattie estimated that settlers on the point expended a total of \$17,859.80 on land and improvements.⁶⁵ In order to secure land for the Caldwells, the occupants of the point would have to be compensated for their improvements and their land. The Indian Department considered this prospect too expensive.⁶⁶ Notwithstanding Senator Mills' attempt to pass the \$17,000 bill in the House, the Point Pelee

63

T. Mayne Daly to Secretary for Action, February 2, 1896. *ibid.*, n.p.

64

Ibid.

65

Beattie statement, February 13, 1896 (RG 10, Red Series, vol. 2043), n.p.

66

H. Reed to D. Mills, February 24, 1896, *ibid.*, n.p., H. Reed to T. Mayne Daly, *ibid.*, n.p.

plan was abandoned. 67

The watershed year for the Caldwell case came in 1896. Following the termination of the Point Pelee scheme, the government considered the Caldwell claim to Pelee Island invalid:

In connection with the claim of Chief Caldwell and his band, the undersigned would state that the proposition to buy lands for them at Point Pelee does not appear to him worthy of further consideration. These Indians should go to Walpole Island where there is land for them, and where they would be with Indians belonging to the same tribe.68

The Caldwell case file remained relatively stagnant for

67

H. Reed to T. Mayne Daly, March 18, 1896. *ibid.*, n.p.

68

D.I.A. memorandum by William A. Orr. *ibid.*, n.p. See also, James A. Smart to Sen. D. Mills, June 11, 1897, *ibid.*, n.p., J.D. McLean to John Caldwell, June 11, 1897, *ibid.*, n.p., McLean to D. Mills, June 23, 1897, *ibid.*, n.p., J.A. Smart to D. Mills, September 18, 1897, *ibid.*, n.p., J.D. McLean for Duncan Scott to Schliehauf, April 14, 1905, *ibid.*, n.p. For a brief period, the Caldwells initiated a different claim based on the 1790 surrender. In 1912, Robert Caldwell claimed his band did not share in the proceeds of the treaty. See P. McVicar to D.I.A., n.d., *ibid.*, n.p. The idea was dismissed by the government: "If Caldwells forefathers were Chippewa as claimed by him, they no doubt received their share when the distribution was made". See J.A. Paget to Frank Pedley, September 16, 1912, *ibid.* The Caldwells attempted a later approach which yielded little response from the Indian Department. Caldwell members, Frank Deleary and John Alexander contended that the 1788 McKee lease to Pelee Island had not been carried out since certain annual rents were never paid. See Chief John Case of the Chippewa of the Thames to D.I.A., May 26, 1914, *ibid.*, n.p.

a period of several years. The department dismissed any inquiries about the validity of the Pelee Island claim by referring the individual to the 1866 Order-in-Council or the terms of the island cession of 1870.⁶⁹

A second wave of Caldwell complaints began in 1904 following published advertisements for homesteading on Pelee Island.⁷⁰ An official claim was launched by Archie Dodge fourteen years later. After inquiry, it was concluded that the McCormicks held no patent to the island since it had never been ceded to the government.

Inviting publicity, members of the Caldwell band staged a take-over of Pelee Island in 1922. Although the manoeuvre itself was insignificant since the majority of Caldwells refused to participate, it did bring the Indians' plight to the attention of the Indian Department, media, local police and RCMP forces.⁷¹

69

J.D. McLean to John Caldwell, June 11, 1897 (RG 10 Red Series, vol. 2043) n.p. It should be mentioned at this point that there existed confusion within the government as to who was the official leader of the Caldwells. For several years, the government corresponded with a John Caldwell of Walpole Island at the time Robert Caldwell was the recognized chief of the band.

70

The letter sent to the Minister of Agriculture by J. Rutledge of Otisville, Michigan, November 21, 1904, is typical of the inquiries of the time. Ibid., n.p.

71

Department of Interior, Point Pelee Dominion Park, May 20, 1922, Leamington to J.B. Harkin, Comm. Dominion

Outside interests encouraged government action as well. In 1922 and 1923, the County Councils of Kent and Lambton supported Dodge's claim, pressing the government to locate the Caldwell's on a reserve of their own.⁷²

Responding to the mood of the times, a further compromise was offered to the Caldwell band. Since the government continually advised the natives to take up residence on the Walpole Island reserve, efforts were expended to secure lands within that reserve on St. Ann's Island.⁷³

A breakdown of band solidarity became evident by the 1920's. Consequently, this fissure encouraged a consensus over the St. Ann's Island plan. Both James Caldwell from Caradoc Reserve and Archie Dodge from Merlin, Ontario claimed to be chief of the Caldwell

Parks Branch (RG 10 Red Series, vol. 2043), n.p.. F. H. Conover, to D. Scott, May 23, 1922, *ibid.*, n.p.. Scott to Harkin, May 30, 1922, *ibid.*, n.p.. Fred A. Davis to D.I.A., June 3, 1922, *ibid.*, n.p.. Scott to Starnes, June 12, 1922, *ibid.*, n.p.. Abraham to McKenzie, June 12, 1922, *ibid.*, n.p.. D.I.A. to Scott, June 12, 1922, *ibid.*, n.p.. O Division, Western Ontario Division, Windsor Detachment, W.W. Duffur, RCMP to D.I.A., June 15, 1922, *ibid.*, n.p.

72

R. Abraham to Scott, October 23, 1922, *ibid.*, n.p.. Fletch, Clerk of Kent Co. Council to SCIA, December 15, 1922, *ibid.*, n.p.. J.S. Huey, Clerk of Lambton Co. Council to SGIA, January 2, 1923, *ibid.*, n.p.

73

R. Abraham to D. Scott, January 12, 1923, *ibid.*, n.p.

band.⁷⁴ While Caldwell refused to settle for lands at Walpole until their title to Pelee Island had been acknowledged and extinguished. Dodge was willing to accept the compromise offered by the Indian Department.⁷⁵ The Department considered Archie Dodge as the official leader of the Caldwells.⁷⁶

Talks to purchase and drain St. Ann's Island for the settlement of Caldwell band members began in January 1923. Each band member would be entitled to a home and up to 50 acres of land. Surveys were conducted to locate a plot of land suitable to support the 2,434 acre project.⁷⁷ The St. Ann Shooting and Fishing Club held a renewable ten-year lease to the eastern portion of the island, while the western section had been allotted to people from the Walpole Island community. The St. Clair Flats Gun Club leased the remainder of unoccupied

74

Chief James Caldwell to Hon. Charles Stewart. Middlemiss, Ont., March 6, 1924 (RG 10 Red Series, vol. 2043), n.p., R.H. Abraham to J.D. McLean. March 18, 1924. *ibid.*, n.p.

75

A. Dodge. to D.I.A., June 24, 1918. Parry Sound. *ibid.*, n.p.

76

J.D. McLean to J. Caldwell, April 2, 1924, *ibid.*, n.p.

77

R. Abraham to D.C. Scott, January 12, 1923, *ibid.*, n.p.

lands.⁷⁸

The following year, Archie Dodge conferred with the department and agreed to settle on St. Ann's conditional upon the government supplying a comfortable dwelling for each family, a ferry, roads and maintenance equipment, farming implements and adequate plumbing and drainage networks.⁷⁹ The government complied with Dodge's wishes, choosing the lands occupied by Walpole Island residents on which to settle, and commenced to acquire quit claims.⁸⁰ It should be reiterated that the government still refused to recognize the Caldwell claim to Pelee Island. Instead, lands were being given to the Caldwells based on their services rendered during the War of 1812.⁸¹

The St. Ann's plan progressed to the point where Dodge, who had been instructed to choose a first phase of ten families to settle on the reserve, supplied a

⁷⁸

R. Abraham to D. Scott, February 26, 1923, *ibid.*, n.p.

⁷⁹

A. Dodge to D. Scott, February 16, 1924 (RG 10, Red Series, vol. 2043), n.p.

⁸⁰

Ibid., see various quit claims, dated May 10 through June 10, 1924.

⁸¹

D. Scott to Miss Elizabeth McCallum, Social Services Council of Canada, June 23, 1925, *ibid.*, n.p.

list to the Deputy Superintendent General, Duncan Scott.⁸² Efforts were delayed by the Chippewa and Potawatomi residents of Walpole Island who opposed the Caldwell band's move to St. Ann's, and with the aid of the Bishop of Huron, petitioned the government to discontinue the project.⁸³

In autumn, the Deputy Superintendent General informed Indian Agent Abraham of the decision to postpone the settlement until the following season.⁸⁴ By June 1925, like the Point Pelee project, the cost of establishing the Caldwells on St. Ann's was deemed too expensive.⁸⁵ The quit claims obtained from the Walpole Island residents were relinquished and the departmental file #8986 on the Caldwells marked 'closed'.

82

A. Dodge to Scott, February 15, 1924, *ibid.*, n.p.

83

T. Paul, I.A., Walpole Island to D. Scott, June 10, 1924, *ibid.*, n.p., D. William, Bishop of Huron to Charles Stewart, June 17, 1924, *ibid.*, n.p.

84

Scott to Abraham, September 13, 1924, *ibid.*, n.p.

85

The price of settling the Caldwells on St. Ann's was estimated as follows:

T. Gross Cost	\$ 88.284
Less Loans	21,000
Net Cost	67.284

R. Abraham to D. Scott, July 8, 1924, *ibid.*, n.p.

VI. THE CONNECTION BETWEEN THE CALDWELL CLAIM AND WALPOLE ISLAND INDIAN RESERVE

Two factors draw together Walpole Island Indian Reserve with the Pelee Island claim. Primarily, Walpole Island was, and continues to be, the place of residence for several Caldwell band members who, if the forthcoming deliberations conclude in the band's favour, may be eligible to share in the reparations. Additionally and most importantly, current archaeological theory suggests that some residents of Walpole may be descendants of the pre-contact occupants of Pelee Island.

Throughout the nineteenth century, several families from the Caldwell band removed to Walpole Island under government insistence. For example, in the 1856 Report of Special Commissioners appointed to investigate Indian Affairs in Canada, it was stated: "Three families of the Chippewa of Pt. Pelee, consisting of sixteen persons...removed to Walpole Island and are comfortably settled."⁸⁶ Supporting this fact, as late as 1923, some Walpole residents could claim direct descent from the Caldwells:

Moses Caldwell...is one of the Chippewa [of

86

Evidence of F. Talfourd and Rev. Flood. Indian Affairs in Canada. 1856, p.256.

Walpole] and his grand-father [sic] was at one time a resident and occupant of Point Pelee...he is a descendent of William Caldwell otherwise known as Medweas, descendent of Kowtyaska...87

In addition to their affiliation with Caldwell members, the nations residing on Walpole Island claim mutual ownership of the lands in question. In an undated memorial (c. 1870) to the Governor General Sir John Young, the Chippewa, Potawatomi and Ottawa claimed several islands in Lake Erie, including Pelee, denying the exclusivity of the Caldwell claim.88

A further connection between Walpole Island the Pelee Island claim predated the McKee Treaty of 1788. According to archaeologist William Fox, of the Ottawa, Chippewa, and Potawatomi, the Potawatomi can claim the longest residence in the Point Pelee area, originating from the Maumee Valley and Detroit River region. Consistent with contemporary archaeological theory, Central-Algonkian speaking people have been identified with the Young Tradition, represented in Southwestern Ontario as early as the late archaic period, (1500-1000 BC). Although Fox cautions that connecting modern day

87

Fred Davis to Hon. M. Murdoch. February 10, 1923.
(RG 10, Red Series, vol. 2043) n.p.

88

Memorial to His Excellency Sir John Young by the Chippewa, Ottawa, Potawatomi nations of Walpole Island. n.d. (RG 10, vol. 787), p. 15.

ethnic groups with their prehistoric forebears is problematical. evidence exists which links the Central-Algonkian speaking peoples of the ancient Younger Tradition with the historically identifiable genre de fer, or Fire Nations, consisting of the Sault, Fox, Kikapoo and Potawatomi. As mentioned at the outset of the report, there is little evidence which supports Ojibwa occupation of Southwestern Ontario prior to European contact. Linguistically, the Ojibwa, from whom the Caldwell's claim descent, are Northern-Algonkian speaking and originate from the Sault St. Marie area.⁸⁹

This evidence may not affect the validity of a Caldwell claim. Quite possibly, the Caldwell band may comprise people of mixed heritage. Oral histories of the band itself tell of Potawatomi intermarriages with the Caldwell's around the time of the Pontiac War.⁹⁰

Potawatomi historian, James Clifton, argued that linguistically, the Caldwell's are an eclectic group:

The 1855 Point Pelee Band list suggests that the group of Indians living there was very much of mixed origin. There are ten "family" names in addition to that of the eighteen Caldwell's listed. These include, Nishanonba, probably nishnabe, "Indian"; Gibaweigh, ojibwe:

89

William Fox, personal communication with author, July 26, 1988.

90

Fred Davis to Hon. M. Murdoch, February 10, 1923 (RG 10, Red Series, vol. 2043, file 8986-1A), n.p.

Notaweighh, probably nadowe, "Rattlesnake" (i.e., enemy, Iroquois); Waucushe, Wakusha, "Fox", the numerous Horsemeat family, and several others which could not be translated.⁹¹

Fox concurs with Clifton's belief that the Caldwell's originated from a group of Ottawa, Potawatomi and Ojibwa war veterans who fought under William Caldwell.⁹² The oral histories retold by Caldwell and Dodge support Fox's theory.

91

James Clifton. A Place of Refuge for all Time: Migration of the American Potawatomi into Upper Canada, 1830-1850 (Ottawa: National Museum of Man Mercury Series, Canadian Ethnology Service, Paper no. 26, 1975), p. 114. For a copy of the 1855 Point Pelee Band List see Appendix.

92

William Fox, personal communication with author, July 26, 1988. See also, Clifton, A Place of Refuge for all Time, p. 114.

CONCLUSIONS

I. The Caldwell Claims:

There exists ample historical evidence that the instructions set down in the 1866 Order-in-Council were never carried out completely. The absence of a registered patent to McCormick supported the idea that Pelee Island had never been surrendered. The huge McKee Treaty of 1790 clearly excluded Pelee Island from its cessions, while the meaning of the 1870 island treaty may still be under interpretation. It could be argued, however, that when the government drafted a surrender of Pelee Island in 1896, it considered Pelee as yet uncaded.

The Caldwell claim to the point is questionable. Although the Caldwell band contended that at the signing of the 1790 McKee Treaty an oral agreement reserved Point Pelee for the natives, no documented evidence has yet surfaced to support this claim other than recounted oral histories and Indian Department inquiries. The argument that the Caddwells were entitled to land as compensation for their participation in the War of 1812, seemed to be better supported within the historical record.

II. The Efforts of the Government

Throughout the four decade span of the Caldwell case, departmental files supported the premise that the government wished to locate the Caldwells for land on Walpole Island. It also appeared that the government was genuinely concerned over the physical welfare of certain individuals within the band, and made efforts to alleviate their plight.

However desired by both parties, an early settlement of the claim was obstructed by conflicting standpoints. For its part, the Caldwells would not consider compensation until their right to lands on the Pelee area had been acknowledged by the government. During the forty years of correspondence, the Indian Department continually denied the Caldwell claim to Point Pelee. According to existing Indian Act legislation, the Department felt it was doing all it could for the Caldwells by offering them locations on Walpole Island. Yet, the government was often inconsistent in its approach toward the Pelee Island question. Depending on the date of correspondence and the level of government responding, native title to Pelee Island was considered extinguished by the 1866 Order-in-Council, or the 1870 Islands Treaty, or left unsurrendered.

A satisfactory settlement of the Caldwell issue was

also hampered by financial constraints. as both the Point Pelee and St. Ann's projects were abandoned due to cost. Upon the closing of the file in 1924, the government maintained that the Caldwells held no claim to either Pelee Island or the point, their rights being extinguished via the 1790 and 1870 treaties and the 1866 Order-in-Council. Yet, the government felt the Caldwells could receive land grants as war veterans. Although a split in band solidarity warmed relations between the government and the recognised leader of the Caldwell band, an amiable agreement over the situation floundered due to finances. Six decades since, the Caldwell case remains unresolved.

APPENDIX A

A. CALDWELL BAND MEMBERSHIP LISTS 1855-1987

I. 1855 List of Point Pele [sic] Indians*

NAME	SEX	AGE
John Caldwell, Sr.	M	55
Mrs. J. Caldwell	F	50
George Caldwell	M	12
Miss Caldwell	F	12
Nishanonba	M	27
Mrs. Ninshanonba	F	17
Master Ninanonba	M	1
John Caldwell, Jr.	M	34
Mrs. John Caldwell	F	25
Miss J. Caldwell	F	8
Miss J. Caldwell	F	7
Miss J. Caldwell	F	2
Betsy Caldwell	F	31
John Caldwell	M	6
Joe Caldwell	M	3
Peter Caldwell	M	1
Tishpon	F	50
Miscigoqua	F	6
Absoquo	F	35
Mr. Horsemeat	M	40
Mrs. Horsemeat	F	35
Mary Horsemeat	F	14
Betsey Horsemeat	F	11
Nancy Horsemeat	F	6
Mary Anne Horsemeat	F	1
Nacodin	F	20
Caucub	M	35
Mrs. Caucub	F	30
Jane Caucub	F	12
Susan Caucub	F	3
Mary Anne Caucub	F	1
John Jack	M	34
Joe Jack	M	16
John Jack, Jr.	M	13
Nodim Jack	F	9
Mrs. J. Jack	F	30
James Jibaweigh	M	32
Mrs. J. Jibaweigh	F	25
William Jibaweigh	M	8
Sundoqua	F	4

William Jibaweigh	M	8
Sundoqua	F	4
Mrs. Geoga	F	50
Nisnon Geoga	M	10
Sogaqua Geoga	F	4
Issac Jibaweigh. Jr.	M	19
Mrs. I Jibaweigh	F	16
Monee Jibaweigh	F	3
Robert Jibaweigh	M	17
Mr. Miniaquette	M	40
Robert Caldwell	M	24
Mrs. R. Caldwell	F	18
Bisconna	F	100
Catherine Perry	F	15
James Notaweigh	M	24
Mrs. J. Notaweigh. Sr.	F	58
John Waucushe	M	19
Misauwaba	M	44
Mrs. Misauwaba	F	35
Miss Misauwaba	F	5
Noequinea	M	40
Mrs. Noequinea	F	25
Miss Noequinea	F	2
Issac Jibaweigh. Sr.	M	30
Mrs. I. Jibaweigh	F	20
Miss I. Jibaweigh	F	4
Dauwauquince Jibaweigh	F	50
Momakuau Jibaweigh	M	13
Taw-waw	M	60
Chibinence	M	40
Mrs. Chibinence	F	35
Miss Chibinence	F	19
Miss Chibinence	F	1

Taken from "List of Names and Number of Men, Women and Children of Point Pele Indians taken 11 June 1855" (RC 10, vol. 443) p. 651.

B. LIST OF CALDWELL BAND MEMBERS SUPPLIED BY
ROBERT CALDWELL (1895)

NAME	WIFE'S NAME	NO+	AGE	LOCATED	OCCUPATION
Robert Caldwell (Chief)			60	Rodney	Labourer
James Caldwell	Nancy		27	Rodney	Labourer
Sheldon Caldwell	Maggie	3	30	Rodney	Labourer
John Alexander		3	37	Muncey	Labourer
Levi Dodge		1	26	Muncey	Farmer
John Dodge	Annie	2	25	Harwich	Labourer
Charles Dodge	Mary	1	28	Harwich	Labourer
George Dodge	Nancy		23	Harwich	Labourer
Nancy Caldwell			85	Harwich	
Sarah Dodge			64	Harwich	
John Jakes			70	Harwich	Labourer
William Dodge		3	31	Harwich	Labourer
Mary Dodge		1	38	Harwich	
Betsy Dodge		1	73	Harwich	
John William	Margaret	5	62	Harwich	Labourer
Raymond Dodge			22	Harwich	Labourer
Mary Dodge		1		Harwich	
Samsom Dodge	Elizabeth		46	Romney	Labourer
Thomas Dodge	Ida	1	34	Romney	Labourer
Joseph Peters	Mary	4	64	Romney	Labourer
Thomas Peters	Mary	4	21	Romney	Labourer
Alexander Peters	Anne	3	30	Romney	Labourer
William James Chippewa	Jane	4	50	Romney	Labourer
Thomas Samson	Melinda	2	40	Romney	Labourer
John Thomson	Susan	6	39	Howard	Labourer
John Ben	Nancy	1	57	Harwich	Labourer
Joseph Croe		3	37	Harwich	Labourer
John Chippewa	Mary	2	31	Harwich	Labourer
David Watson	Margaret	2	28	Harwich	Labourer
Joseph Watson	Susan		21	Harwich	Labourer
John Jackson			23	Harwich	Labourer
John Caption	Mary	1	33	Chatham	Labourer
Nancy			80	Chatham	
Charles Sturgeon	Allice	4	28	Harwich	Labourer
Folly Sturgeon		6	56	Harwich	
Elizabeth Watson			70	Harwich	
George Thompson		1	31	Rodney	Labourer
James Nottway	Ellen		35	Muncey	Labourer
Maryanne Jackson		1	40	Rodney	

*Taken from RG 10 Red Series. vol. 2043. n.p.

+Number of children in family.

HEAD OF FAMILY	NO.	ADDRESS
John Chippewa	4	Chatham
Johnson Chippewa	6	Merlin
Mike Chippewa	3	Chatham
Sheldon Caldwell	4	Glencoe
Charles Dodge	9	Denfield
Henry Dodge	3	Denfield
John D. Dodge	7	Coatsworth
John Dodge, Jr.	3	Merlin
Jackson Dodge	4	Coatsworth
John Jackson	2	Coatsworth
Thomas Peters	2	Wheatly
John Peters	7	Leamington
Scott G. Peters, Jr.	2	Leamington
Scott G. Peters, Sr.	3	Coatsworth
Richard Sampson	3	Merlin
John Thompson	2	Walpole Island
George Thompson	4	Chatham
Thomas Johnson	5	Unknown
David Watson	2	Unknown
Nick Watson	2	Unknown
Wallace Dodge	4	West Lorne

SINGLE MEMBERS NOT RESIDING WITH ANY OF THE ABOVE:

Florence Dodge	1	Denfield
Joseph Dodge	1	Unknown
Levi Dodge, Sr.	1	Englehart
Levi Dodge, Jr.	1	Unknown
Walton Dodge	1	Wallaceburg
Joe Peters	1	Wallaceburg
Jospeh Peters	1	Wallaceburg
Mike Thompson	1	Merlin
Gertie Chippewa	2	Wallaceburg
Mr. Joe Peters, Sr.	1	Wheatly
Joseph Caldwell	1	Glencoe
Archie Dodge	1	Merlin
Isaac Peters	1	Leamington
Sampson Dodge	1	Merlin
Thomas Dodge	1	Wheatly
Henry Dodge	1	Wheatly
Rosy Crow	2	Merlin
Frank Chippewa	1	West Lorne
Alfred Chippewa	1	Wheatly
Charles Peters	1	Wheatly
Sarah Dodge	1	Coatsworth
Samuel Dodge	1	Denfield

*Taken from RG 10 Red Series, vol. 2043, n.p.

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THE CALDWELL CLAIM TO POINT PELEE AND PELEE ISLAND
A NOTE OF SOURCES

by

Laurie Leclair

for

Treaties and Historical Research Centre
Indian and Northern Affairs Canada

1988

KEY

BR	Baldwin Room. Toronto
CR	Central Reference Library. Toronto
HW	Hiram Walker Historical Museum. Windsor. Ontario
LL	Law Library. University of Windsor
MCC	Ministry of Citizenship and Culture. Archaeology Branch. London. Ontario
OA	Public Archives of Ontario. Toronto
NAC	National Archives of Canada. Ottawa
R	Robarts Library. University of Toronto
RBR	Rare Book Room. University of Toronto
THRC	Treaties and Historical Research Centre. Ottawa

THE CALDWELL CLAIM TO POINT PELEE AND PELEE ISLAND
A NOTE OF SOURCES

There exists several good archaeological studies of the Point Pelee/Pelee Island area beginning with David Boyle's "Report on excavations of Indian burial mounds on Pelee Island". Ontario Archaeological Report, 1899. Appen. to report to the Minister of Education (Toronto: Queen's Printer), 1899 [R]. T. E. Lee's. "A Preliminary Report on Archaeological Survey of Southwestern Ontario for 1949". National Museum of Canada. Annual Report, 1949-1950 (Ottawa: Department of Resources and Development, Bulletin No. 123, 1951), 42-48 [R], gives a cursory analysis of the area. A later work by David L. Keenlyside, entitled, The Late Prehistory of the Lake Erie Drainage Basin - The Point Pelee Region (Ottawa: National Museum of Man, Archaeological Survey of Canada, 1972). [R] is by far the most in depth survey of Pelee and its environs. For a more focused study, the reader is referred to three reports on Point Pelee area sites by P. E. Reid: "Investigations of the Cherry Lane Site, Essex County, Ontario, 1980" (Toronto: Ministry of Culture and Recreation, 1981), [MCC]; "Investigations of the Robson Road Site, Essex County, Ontario, 1981" (Toronto: Ministry of Culture and Recreation, 1982).

[MCC]: "Investigations of the Dyck Site. Essex County. Ontario. 1982" (Toronto: Ministry of Culture and Recreation. 1983). [MCC]. For an updated report on Dr. Reid's findings see Ian Kenyon. Neal Ferris and Wayne Hagardy. "Western Basin Occupations of the Robson Road (AaHp-20) Site" in KEWA. 88-5. 3-23.

Although less informative than the above sources, the following works contain some archaeological data within a mainly geological/ecological survey. For an earlier study see E. M. Kindle. "The Geology of Pelee and Adjacent Islands". in the Forty-fifth Annual Report. Ontario Department of Mines (Toronto: Queen's Printer. 1937). 75-116. [R]. Man's Impact on Point Pelee National Park (Toronto: National and Provincial Parks Association of Canada. 1978) [R] by J.G. Battin and J. Nelson contains a summary of D. Keenlyside's archaeological excavations and theories on the prehistoric occupation of Pelee Island.

Two recently published historical atlases give considerable attention to the Ojibwa. Conrad Heindenreich's maps of early historic period Ojibwa homelands appear in The Historical Atlas of Canada: From the Beginning to 1800. R. Cole Harris. Geoffrey Matthews. gen. eds. (Toronto: University of Toronto Press. 1987). 37-40. [CR]. The Atlas of Great Lakes Indians. Helen H. Tanner, ed. (Norman and London: University of Oklahoma

Press published for the Newberry Library, 1987). [R]. gives greater detail to the Pelee area, concentrating on Ojibwa village sites and Indian participation in the battles of 1763, 1775, 1812-14 and 1837-38. If the reader requires a general map of the Pelee area see H. Belden, The Illustrated Historical Atlas of the Counties of Essex and Kent (Toronto: H. Belden and Co., 1880-1881, 1973). [CR] which offers clear although dated maps, marked by lot and concession number.

Several accounts written by nineteenth century local historians are worth consideration: William McCormick's A Sketch of the Western District of Upper Canada, being the Southern Extremity of that Interesting Province, (1824). Alan R. Douglas, ed. (Windsor: ECHA and University of Windsor Press, Occasional Papers No. 1, 1980). [CR] includes a general history of the island and area native groups. See also Arthur M. McCormick, Point au Pelee Island in Lake Erie, now the Township of Pelee in Essex County, Ontario (Toronto: Chewette, 1869) [RBR]; Thaddeaus Smith, Pelee Island: An Historical Sketch and an Account of the McCormick Family who were the first White Owners of the Island (Amherstburg: The Echo Printing Co., 1920). [R]; Peter Dooyentate Clarke, The Origins and Traditional History of the Wyandotte and Sketches of other Indian Tribes of North America (Toronto: Hunter, Rose and Co., 1870). [RBR]; Theresa

Thorndale. Sketches and Stories of the Lake Erie Islands (Sandusky, Ohio: Mackin Bros., 1898). [R].

Some recent historical works are important sources to consider when examining the Caldwell claim. Two works, Ernest Lajeunesse's classic, The Windsor Border Region - Canada's Southernmost Frontier (Toronto: Champlain Society for the Government of Ontario, University of Toronto Press, 1960). [CR] and Paul Williams, ed., "The Caldwell Band: The Chippewas of Point Pelee and Pelee Island" (unpublished manuscript, 1988), are compilations of documents. Lajeunesse presents a well-researched, yet more generalized assemblage relating to the entire Essex County area while Williams' large collection is germane to the Caldwell Band. Although the work lacks proper citation, it is exhaustive, covering most of the information found in Records Relating to Indian Affairs, Record Group 10, vol. 787 and RG 10 (Red Series), vols. 2041-2043. [NAC]. For a better understanding of Walpole Island's connection to the Caldwell claims see Nin-da-waab-jig, Minishenhvino: Anishnaabe-Aki (Windsor: Rose Roy for Nin-da-waab-jig, 1987). [CR], and James A. Clifton, A Place of Refuge for all Time: Migration of the American Potawatomi into Upper Canada, 1830-1850. Mercury Series Paper 26 (Ottawa: National Museum of Man, Ethnology Division, 1975). [CR].

Any researcher interested in the 1790 McKee Surrender or the 1870 islands treaty should first consult Canada. Indian Treaties and Surrenders. 1670-1890. reprinted in three volumes (Toronto: Coles Publishing Company. 1973). [CR] and D. Smith Canadian Indians and the Law: Selected Documents. 1663-1872. Carleton Library. No. 87 (Toronto: McClelland and Stewart Ltd.. 1975). [CR]. The Journals and Appendices of the Legislative Assembly of Canada provide both census statistics and snippets of information about either the Caldwells or the Ojibwa of the Point Pelee area. See particularly. Report of the Special Commissioners to Investigate Indian Affairs in Canada (Toronto: Queen's Printer. 1858). [BR] and Legislative Assembly Journals. 1845. Appen. no. 1. Vol. IV (Montreal: Queen's Printer. 1846). Appen. EEE. np.. [ER].

The case against the McCormick Family and their subsequent victory over the courts are detailed in Canada. Queen's Bench Reports. Regina vs. McCormick. Easter Term. 22 Vic 1859. p. 131. [LL]. and The McCormick Papers. Reels 1-6. Hiram Walker Historical Museum Collection [HW].

By far the most important primary source for the history of the Caldwell case is the National Archives of Canada's Records relating to Indian Affairs. or Record

Group 10 series. Volume 443 lists miscellaneous requisitions and contains an 1855 band list of Point Pelee Indians [OA]; The letterbooks of George Ironsides, Superintendent at Amherstburg, dated 1830-1836 contains 1830 census material and notes on the military status of the Point Pelee Indians in vol. 569, [NAC]; vol. 708, census records for Upper Canada, 1830-1836 has some statistical information on the Caldwells, [OA]; vol. 712 includes a petition from the Point Pelee Indians protesting the encroachment of the white community, [NAC]; J. B. Macaulay's Report is located in vols. 718-19 and contains a brief on the Ojibwa (Chippewa) of Point Pelee, [OA]; vol. 787 comprises correspondence between the Indian Department and Caldwell band members carried out prior to the twentieth century, [OA]; Record Group 10 (Red Series), vol. 2041, file 8986, pt. 1 holds additional information on the McCormick legal battles, including affidavits, surveyors' reports, applications for letters patent, trial reports and correspondence from the Department of the Attorney General, [NAC]; (Red Series), vol. 2042, file 8986 repeats the information found in the previously mentioned vol. 2041; Record Group 10 (Red Series), vol. 2043 file 8986, pt. 1 and pt. 2 consists of the letters, memoranda, newspaper clippings, maps and reports which constitute the bulk of information available on the

Caldwell claims, 1881-1923, [NAC].

Lastly, the Department of Indian Affairs and Northern Development's Family Grouping Lists supply the researcher with contemporary information on the Caldwells. For example, see DIAND, Family Grouping List (Ottawa: Queen's Printer, December, 1987) 02967, [THRC].