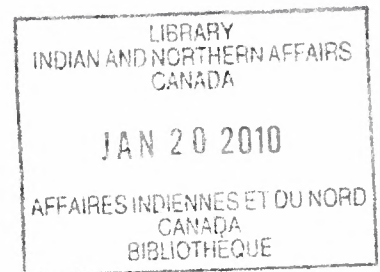


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ROBINSON-SUPERIOR CLAIMS

Draft Historical Report

FOR DISCUSSION PURPOSES ONLY

This draft historical report presents the historical facts which are known at this time concerning the above-noted claim. Other historical facts may subsequently be found to be relevant to this claim that are not included in this draft historical report. This draft historical report does not draw any conclusions concerning the facts presented nor does it constitute a Government of Canada position on this claim.

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INTRODUCTION: The Evolution of the Imperial Government's Policy on the Distribution of Presents: The 1847 Report on the Affairs of Indians in Canada Describes the Context

1. Until 1830 the Imperial government's policy to Indians was directed towards securing their collaboration in time of war. In consequence, the duties of the successive superintendants of the Indian Department - who had military rank and received the same pay and allowances as their counterparts in the regular army - were confined "principally to the conveying of presents to the Indians and attending at the different stations where they assembled to receive them"* with military pomp and display. After 1830, however, when the emphasis of policy changed to "civilizing" the Indians by encouraging settlement and agricultural pursuits, the practice of distributing presents came under periodic scrutiny. One of the most comprehensive studies which outlined the evolution of this practice over the years is found in the 1847 Report on the Affairs of Indians in Canada. This report described the various recommendations which had previously been made thus:

As the distribution of Presents was one of the earliest consequences of the relations between the British Government and the Indians, and as it has been the chief object for which a separate department for the Indian service has been maintained, it will be first considered.

The practice appears to have existed since the conquest of Canada. It was early adopted by the American Government towards the Indians on their Territory.

* JALS 1847 Report on the Affairs of the Indians in Canada, Section III, p. 29; cf. also paragraph on "mode of distribution" in Report.

...

The Indians in Canada, as has been elsewhere noticed, themselves assert, that they received Presents from the French Government previously to the conquest, and, from their statement, it may be inferred that the distribution was annual and periodical.

There is no record of any agreement on the part of the British Government, to establish or to maintain these gratuities, nor of any regulation as to the parties who are entitled to share in them. For many years, however, they have been issued annually, and latterly according to a fixed Schedule, to all the Indians resident in Canada, and to those Tribes who took part with the British Government in their wars on this Continent, but who continued to reside on their ancient hunting grounds, within the Territory of the United States. The Schedule of Equipments has been thrice altered in Lower Canada, and the allowance of goods reduced, since the year 1829.

But although there is thus no express pledge on the part of the Government to maintain either the present kind or extent of support to the Indians, yet the continuance of the practice, and the language of the Officers of the Crown, ever since the year 1759, have led the latter to expect it, and to consider the Government pledged to its maintenance "as long as they shall remain a Tribe."

This reliance has doubtless had the effect of encouraging their natural indolence and improvidence; of keeping them a distinct people; of fostering their natural pride and consequent aversion to labour; and of creating an undue feeling of dependence upon the protection and bounty of the Crown.

The wants of an Indian, in his primitive state, were confined to food, clothing, and shelter. The latter he found in the rude bark wigwam, which he raised for himself with a few hours labour. The Presents furnished him and every member of his family, annually, with a complete suit of clothing. His food consisted of the game which he killed with the gun and ammunition supplied to him by the Government; of the fish which abounds in the lakes and rivers, caught with the net and hooks supplied from the same source; and, perhaps, of a small quantity of Indian corn, raised chiefly by the women. The few implements which he required were furnished by the Government, such as hatchets, tomahawks, knives, needles, thimbles, scissors, kettles, frying-pans, &c., to which were added a few articles of luxury, as pipes, tobacco, looking-glasses, and of ornaments, as medals, brooches, arm-bands, gorgets and ear-bobs.

The extent of the assistance thus afforded to them, may be gathered from the following Catalogue of Articles required for their service in the year 1830, including those intended for payment of Lands purchased from them in Upper Canada.

...

[The Catalogue of Articles included in the Report listed articles and quantities distributed.]

The issue, however, of many of these articles has been discontinued, and the List is now confined to those marked with an asterisk, consisting chiefly of clothing and ammunition. The land payments are no longer made in articles of this description. The quantities of those still issued vary according to the sex, age, and mark, of the recipients. Of the clothing, a sufficient quantity of a suitable description to make an Indian dress, is given to every individual according to their sex and age, some small addition being allowed to the Chiefs. The cloth is of a quality suitable to a European dress, and those Indians who adopt that costume make use of it accordingly; the blanket being in such cases applied to domestic purposes. But usually it is made into a very comfortable and serviceable coat. The ammunition and articles are given to the men only. The Schedule of Equipments is fixed, but there are a few extra Presents of articles which are issued to a limited extent according to the discretion of the Superintendent. The following are the Schedules for the two Provinces in which some differences will be perceived:-- In 1834 Lord Aylmer allowed the Roman Catholic Missionaries in Lower Canada to receive clothing, but this was stopped in 1836. The recent variations in the equipments of Lower Canada are stated in the Appendix No. 57.

[table of Lower Canada recipients omitted.]

In Upper Canada they are made as follows:--

TRIBE	PLACE OF ISSUE	DISTANCE TO TRAVEL	
Mohawks of the Bay of Quinte....	At their Settlement....	Nil
Mississagas of the River Credit.	do do	do
Moravians of the Thames.....	do do	do
Hurons and Wyandottes.....	do do	do
Mississagas of Rice Lake.....	Peterboro.....	About.....	14
do of Mud Lake.....	do	do	15
do of Balsam Lake.....	do	do	60
do of Alnwick.....	do	do	25
Chippewas of Rama.....)			
do of Beausoliel Island.)	Coldwater.....	Between 15 and	50
do of Snake Lake.....)			
do of the Thames.....)	Delaware.....	About.....	25
do of St. Clair Reserve.)			
do of Walpole Island....)	Port Sarnia.....	do	25
Six Nations Indians.....	Onandaga Council House.	do	25
Saugeen Indians.....	Manitowanning.....	do	150
Visiting Indians*.....	do	From... 50 to	600

The visiting Indians from the United States, and from the shores of Lakes Superior and Huron*, used formerly to receive their Presents at Amherstburgh and Drummond Island. In 1828, consequent upon the cession of the latter Island to the Americans, Penetanguishine was made the post of issue, and since the formation of the present establishment at the great Manitoulin Island, the annual issue has been made there, and all the American Indians have been required to attend at that place, the issue at Amherstburgh being confined to the Indians settled in the neighbourhood.

* Any Indians from the Lake Superior area receiving presents were, as the table and report indicates, included as Visiting Indians.

The presents are generally issued in detail, each individual or family receiving the equipments to which he or they may be entitled; but sometimes when there is a friendly understanding between the Chief and the Tribe, the goods are delivered in bulk to the former, and the distribution is left to their discretion, and the mutual agreement of the Tribe.

The distribution is made by a Superintendent of the Indian Department, usually accompanied by an Interpreter; and a Superior Officer of the Commissariat, aided by an Issuer. Formerly the attendance of a Military Officer was required, but this from its inconvenience and uselessness as a check on abuse has been discontinued. Sir George Arthur proposed to require in lieu of it the attendance of a Sheriff, District Judge, or Chairman of the Quarter Sessions, but this would be impracticable; and it is now arranged that a Superintendent of the Indian Department and an Officer of the Commissariat, are sufficient. The one to guard the economical interests of the Government, and the other to secure a due distribution to the Indians, both being duly informed of the regulations for making the issue.

The 1847 Report then recapitulated the history of official opinions regarding the desirability of continuing the issue of presents:

Recommendations*

1. As to the continuance of Presents*

Although during the last 20 years there has been a large deduction in the quantity and expense of Presents issued, a strong desire on the part of the British Government and Parliament has existed to reduce, or commute the issues, and to abolish the Indian Department.

Lord Goderich in 1827, and Lord Bathurst at an earlier date, made propositions to this effect. Lord Glenelg, in communicating in 1836 a resolution of a Select Committee of the House of Commons, upon military expenditure in the Colonies, recommending the same course, expressed his expectation that the Issues might eventually be discontinued, and the correspondence of subsequent Secretaries of State has urged the subject on the attention of the Governors of the Province.

All propositions, however, for an immediate discontinuance or a commutation for the Presents for money, have been discountenanced by successive Governors, and have been withdrawn upon their representations.

* All headings in the Report are italicized and they have therefore been underlined in this text.

This fundamental question is of so much importance, that your Commissioners will quote the various opinions expressed in the official correspondence which has come under their notice.

In 1822 Lord Dalhousie wrote to Lord Bathurst:

"I have the honor to report that the peculiar nature and the very existence of this Department, does not admit of any very considerable immediate diminution of expense. Old customs have established claims in the minds of the Indians, upon the bounty of their Great Father, as His Majesty the King of Great Britain is spoken of by them, which, if curtailed or broken off, would be considered a breach of faith, unjustifiable in their eyes, and would assuredly be followed by consequences serious to be avoided!"

In 1827, in reply to Lord Goderich, His Lordship, expressed himself to the same effect, but in still stronger terms.

Mr. Huskisson in reply wrote:

"I concur in the opinion which your Lordship has expressed, that in the present state of the Indian Tribes, the Establishment cannot altogether be dispensed with, and that it requires to be remodelled and rendered more efficient!"

In 1828, Sir George Murray wrote to Sir James Kempt:

"It is by no means my opinion, that the long established system of giving Presents to the Indians, should be discontinued, or that any change should take place in the degree of protection which has been afforded to them; but I conceive that it may be effected at less expense, and that great advantage may arise from the substitution of implements of Agriculture or of Farming Stock for the usual Presents, in cases where (like the Six Nations) the Indians are likely to be induced to turn their attention to the culture of the soil."

In 1829, Sir James Kempt wrote to Sir G. Murray:

"Were any sudden and immediate reduction made in the Indian Presents, it would doubtless excite great suspicion and dissatisfaction amongst them; and as their Issue is generally guaranteed by Treaty (this referred to the Presents issued on account of the annuities) it would be alike impolitic and unjust to discontinue them at present, though I have no doubt, that object may be hereafter gradually attained!"

In 1832, Sir J. Colborne wrote to Lord Goderich:

"The expenditure of this department, previously to 1829, having been authorized either with reference to the service of the Indians during war, or with the view of securing the friendship and alliance of certain Tribes, the British Government cannot, I imagine, now, under any circumstances, get rid of an inconvenient debt, contracted at a period

when an alliance with the Indians was highly appreciated." * * * * * "However embarrassing therefore, it may be found to incur an expense annually for Presents, I am persuaded your Lordship will think that this periodical acknowledgement of their claims and exertions cannot be discontinued without a loss of character on the part of the British Nation. The Tribes residing in the settled districts of this province, have strong claims on the British Government, and every possible attention should be constantly bestowed to promote their welfare and civilization. Assuming then that the Annual Presents cannot be withdrawn, it remains only to consider, whether they are distributed fairly, and with benefit to the Indians, and in an economical manner, and whether the value of the Presents can be still further reduced."

Lord Glenelg's opinion, addressed to the Governors of the two Provinces in 1836, has already been quoted, but as its bearing on the present question is important, it seems desirable to repeat here.

"I feel bound after much consideration, to express my opinion, that the time has not yet arrived at which it would be possible, consistently with good faith, altogether to discontinue the Annual Presents to the Indians. It appears, that although no formal obligations can be cited for such issues, there is yet ample evidence that on every occasion when this country has been engaged in war, on the North American Continent, the co-operation of the Indian Tribes has been anxiously sought and has been obtained. This was particularly the case in the year 1777, and 1812, and I am inclined to believe that it is from these periods respectively that the present annual supplies date their commencement. But without attempting to pursue that inquiry, it is sufficient to observe that the custom has now existed through a long series of years, that even in the absence of any original obligation a prescriptive title has been thus created; that this title has been practically admitted by all who have been officially cognizant of the matter, and that all agree in stating that its sudden abrogation would lead to great discontent among the Indians, and perhaps to consequences of a very serious nature."

"While, however, my present information leads me to believe that the immediate or early discontinuance of the Annual Presents to the Indian Tribes residing within the British Provinces without a commutation, would be unjust and impolitic, I am by no means prepared to admit that they should be indefinitely perpetuated; and I have to request that you will direct your early attention to a consideration how far it may be practicable, consistently with good faith and sound policy, gradually to diminish the amount, with a view to the ultimate abrogation of the existing system."

In reply to Lord Glenelg's despatch, containing the above extract, the Earl of Gosford transmitted an approved report of the Executive Council of

Lower Canada, opposing the discontinuance of the Issue of Presents until the Indians should be raised to a capacity of maintaining themselves on an equality with the rest of the population of the Province.

The report states that--

"The Committee would not have felt it necessary to enter upon a consideration of the absolute claims of the Indians, upon the King's Government for protection, and to a certain extent, support, but that they perceive by the correspondence of Commissary General Routh, to which the Secretary of State attaches deserved weight, that the officer recommends the entire discontinuance of the Presents after a period to be presently fixed, except to a limited number of those now above 30 years of age; and the Secretary of State also appears to contemplate the possibility of wholly relieving the Government of this expense, during the existence of the present race of Indians. The Committee, therefore, deem it their duty to express in the strongest manner, their conviction, that good faith, justice, and humanity, alike forbid the discontinuance of the Presents until the Indians shall be raised to a capacity of maintaining themselves on an equality with the rest of the population of the Province. Although the Indians have no express agreement with the King's Government, to refer to, which entitles them to a continuance of this kind and extent of support, the whole tenor of the conduct observed towards them since the year 1759, has led them to such an expectation; nor were there wanting public acts and declarations to confirm it; for besides their having been at all times treated by the British Government as allies, or dependents in the Continental War since that period, by the Royal Proclamation of 1763, the lands held or claimed by them within the Province of Quebec, were in an especial manner taken under the administration of the Crown for their benefit, and such particular precautions were enjoined with respect to the disposal of them, as shewed that the Crown felt itself bound to secure to the Indians their ordinary means of subsistence. This public instrument was formally communicated to the Indians of Canada, by the officer who had a few years before been appointed for their special superintendence; and that they have since regarded it as a solemn pledge of the King's protection of their interests, is proved by the claim of the Algonquin and Nipissing Indians, to be maintained in the possession of their remaining hunting grounds on the Ottawa River, which your Excellency has referred to the Committee, and in support of which, those Tribes have exhibited an authentic copy of this Royal Proclamation as promulgated to them in 1763, by the Superintendent General. Had the regulations so described by the Crown been in former times more strictly obeyed, the Indians of this Province would in some material respects, have been less wretched and dependant, than they now are. But the system of Presents which has prevailed from that period was not only received by them as a compensation for the more substantial advantages of territory, which they saw passing from them, but was accepted also as a proof of the

continued protection of the Crown; and the Committee conceive likewise, that this system, by fostering their natural improvidence, by estranging them from the ordinary pursuits and industry of civilized life, and by teaching them to consider themselves as under the especial tutelage of the Crown, and in dependence upon it, has further strengthened their claims to a continuance of it, until they shall be raised above the helpless condition to which it has mainly contributed to depress them. The Committee also respectfully represent, that until this change has taken place, it would not, as they conceive, be just to the inhabitants of this Province to throw upon them the burden of supporting a race of indigent people, whom the policy of the Government has kept apart from the rest of society, has trained in an aversion to labour, and has, in a measure, incapacitated from becoming useful members of the community!"

The suggestion of Commissary General Routh, to which reference is here made, related to the Indians of Lower Canada, and was to the effect, "that it would not be unreasonable to determine a date (not less than three nor more than five years) at which the issues to all children should cease, and of comprising in this date that able bodied men under thirty years of age." Another occasion in 1836 he proposed, "that with the year 1839, the issues of Presents to the permanent list should commence, that this list should comprise the old, the necessitous, and the helpless, to be recommended to the Indian Department, for the approval of the Governor in Chief, for I fear it would be difficult to ascertain the ages as a criterion, and not to exceed 750 individuals, (one-fourth of the number in Lower Canada,) "and this selection only once to be made, and to entail no subsequent nominations."

Sir Francis Head, in reply to the same despatch of Lord Glenelg, after having proposed the discontinuance of Presents to the United States Indians, wrote thus:

"Having disposed of at least one-third part of the Indian Presents, and the expense of their delivery, I certainly respectfully recommend that we should continue to deliver them, to those few Indians who continue to inhabit Upper Canada."

"I have already stated that this expense will shortly be defrayed altogether, by the sale of the Lands they have this year liberally surrendered to me, and even if that were not to be the case, I do think that enjoying as we do, possession of this noble Province, it is our bounden duty to consider as heir-looms the wreck of that simpleminded, ill-fated race, which, as I have already stated, is daily and yearly fading before the progress of civilization."

In acknowledging the Earl of Gosford's Despatch, Lord Glenelg wrote:

"The sentiments and suggestions of that report coincide, not only with my own views, as explained in former Despatches, but also with those of the

persons in the country, and in the Canadas, who most interest themselves in the fate of the Indians."

In addressing Sir George Arthur, in 1838, upon the expediency of converting the usual Presents into agricultural implements, and the introduction, if possible, of a change of dress, in order to wean the Indians from their former habits, Lord Glenelg added that--

"In promoting such a change, great care would be required not to offend the national habits and prejudices of these people, or to deprive them too suddenly of any articles which, by custom, might have acquired a fictitious value in their eyes. Still more careful is it to be provided that, in effecting changes of any kind, no room shall be given for any just imputation on the good faith of this country."

Upon a perusal of this correspondence, and of the documents which corroborate the claim of the Indians.

Your Commissioners are led to the opinion, that it is fully and justly admitted, both by the Provincial and the Imperial Government, that the Indians are entitled to the special protection and support of the Crown; until they are advanced to a state in which they can maintain themselves as other subjects of Her Majesty, without that assistance. The oral and written testimony, which your Commissioners have received, satisfy them that the majority of the Indians throughout the United Province, are still in such a state of actual destitution, and of incapacity to hold their place among the whites, that it would be inconsistent, both with justice and humanity, at present to withdraw such assistance from them. It is conceived that there is no reason, except the usage of more than three quarters of a century for continuing that assistance, in the form in which it has been hitherto rendered, whenever it ceased to be the one most beneficial to the recipients.

But the same reasons which formerly led to the choice of clothing and ammunition, as the articles most useful and acceptable to the Indians, still exist, as far as a large portion of the race is concerned. To all the unsettled and partially civilized Indians, the bounty of the Crown cannot be more beneficially applied, whilst its change or sudden withdrawal, would inflict upon them serious deprivation and misery.*

To them the Presents should be continued until they shall have acquired the knowledge and habits necessary to enable them to dispense with that bounty. In the meantime, the efforts of the Government should be directed to raising their social position, and increasing their knowledge of the arts of civilized life, and for this purpose a general and comprehensive system of education, intellectual and manual, ought to be adopted.

With regards to the civilized Indians, to those who have been for some time settled, and have attached themselves to agriculture, or have made

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- * Footnote in report: The opinion of Mr. Anderson, the most experienced officer of the Department, is very strong on this point:

"It appears to me any attempt made without due preparation to limit or abolish the Presents now given to the Indians, under my superintendence, viz: in Lake Huron and the adjacent country, would not only heap misery on wretchedness, but ere long, deprive them of existence. They have no annuity as a resource, the game is almost entirely destroyed; they have scarcely any furs to offer the Trader (the only article he anxiously seeks, in barter or exchange for clothing)--and they gain only a precarious subsistence by fishing, trapping hares, and shooting a few wild fowl. It is therefore undeniable that, if the Indian thus situated is deprived for one or two years of even his blanket, his naked body must be exposed to the inclemency of the weather, he cannot face the storm to procure fish, and he will consequently perish. But although a sudden deprivation of their Presents would be fatal, it does not follow that it is impossible ultimately to do away with them, but it must be done cautiously, and not until they have been brought into such a condition by civilization and education, that the want of the Presents will no longer be urgently felt."

some advancement in other pursuits, your Commissioners see no reason for continuing the Royal Bounty in its present form, to this class, and they recommend that measures, which they will presently suggest, should be adopted for commuting the Presents, for more useful objects, and for gradually extinguishing existing claims.

The Chief Superintendent appears in his Supplementary Report to your Commissioners, Appendix No. 16, to have contemplated the early extinction of the system of Presents or the transfer of the charge on account of it from the Parliamentary Grant, to the Lands Funds of the several Tribes.

After reviewing the extent and value of the property belonging to each Tribe, and suggesting that it should be applied towards improving their moral and social condition, he states as follows:

"The Indian Funds which I have above pointed out as available, are now, however, insufficient to warrant this humane task being generally and liberally undertaken. These funds judiciously managed would, in a very short time, render wholly unnecessary the greater part, if not all, of the Parliamentary Grant. The Indian estate managed on a uniform system, as a private individual would, if it were his, I conceive, would soon be amply sufficient, not only to provide education for all the Indian youths, but also to pay all the expenses of the Department. I feel assured of this, if it be disposed of at its real value, instead of being the subject of free, or at least grants for nominal consideration."

As this statement is calculated to mislead and to create expectations which cannot, at least for many years, be realized, it is necessary that your Commissioners "should point out, that it is founded upon an insufficient knowledge of the actual state of the Land affairs of the Tribes,

and it is made without reference to the delay which must occur in the disposal of so large an extent of Land, and to the difficulty in realizing the proceeds."

The following abstract shews, in a Tabular Form, the value of the Indian Estates, according to the estimate of the Chief Superintendent.

...

[The table which follows here indicated the "total amount of income for all tribes as 28, 356, 16 shillings and the Six Nations as "eventually" haveing 20-30,000 yerly in addition.]

But [sic] this statement the Chief Superintendent has based his calculation upon the original possessions of the Indians, and has made no allowance for the Lands which have been already surrendered by them to the Government, ...

...*

Moreover it must be observed, that whatever income the property of the Indians may ultimately produce, it cannot be expected that a revenue at all approaching that stated by the Chief Superintendent is likely to be realized for many years to come; and judging the past transactions, and the present aspect of the Land Sales, your Commissioners apprehend that the time is yet distant when the Indian funds will be sufficient to bear the expense of any comprehensive and efficient system for the moral and intellectual [sic] improvement of the Tribes.

Another proposal for the extinction of the Parliamentary Grant, was made by Sir F. Head in 1836, in obtaining the surrender of the Saugeen Tract, when he recommended that the proceeds of the Lands so surrendered, should be applied to the reduction of the annual vote. This was sanctioned by the Secretary of State, but it was never acted on, and no provision was made for carrying it into effect, when the revenues of the Crown were given up to the Province at the time of the Union.

2. As to a Commutation of the Presents for Money.

This proposition has been unequivocally condemned whenever it has been put forward.

When suggested by Lord Goderich, in 1827, Lord Dalhousie wrote as follows:

"The idea of proposing to the Chiefs of Tribes to convert the payment of Presents or other Tribute to them, in money, would be received with the utmost alarm. Every man here knows that money to Indians is instantly spent in spirituous liquors; and the system adopted in making useful Presents as payment was intended expressly to avoid temptation, and take away the means furnished to

* The omitted paragraphs describe lands already ceded or sold to Government; no land from the claim area is included.

indulge in that dreadful state of brutal drunkenness, to which all Indian men, women, and children have given themselves. One of the most constant and urgent prayers made to me by the Chiefs, is to remove the white men Tavernkeepers, from their villages, and it has created much trouble, with much legal expense and difficulty to do that in late years. In addition to the dislike of the Chiefs, His Majesty's Government would be loaded by the execration of the country, were they to pay in money, to the Indians, the large sums due to them, by bargain, or by custom, long established. All the societies labouring for the moral and religious improvement of the Indians would fly to His Majesty's Government to implore a recall of the order."

In 1820 Sir J. Kempt expressed his opinion:

"That until a national improvement takes place in the habits of the Indians, it would be unwise to place at their disposal any commutation in money for those Presents, of which they would in all probability make an improper use."

When the proposition was renewed in 1836 by Lord Glenelg, in consequence of the recommendation of the Select Committee on Military Expenditure in the Colonies, the Committee of the Executive Council in Lower Canada reported that:

"They entirely concur in the sentiments formerly expressed to His Majesty's Government on this head by the Earl of Dalhousie, and Sir James Kempt, while administering the Government of this Province, and if those sentiments require any confirmation, it would be found to the fullest extent in the universal disapprobation with which the suggestion has been received by the Indians themselves, as appears by the answers given by their Chiefs in various Councils, held during the last year. The Committee trust therefore, that the idea of such a Commutation will be wholly abandoned by His Majesty's Government, as fraught with mischief and degradation to the Indian race."

The opinions of the Indians themselves, to whom the question was referred, are couched in emphatic terms, and as their statements indicate the estimation in which the Presents are held, they are here inserted.

The Iroquois Chiefs, at St. Regis, replied:-- "We feel ourselves warranted by a knowledge of the wishes of all our brethren of this Tribe, whom we represent as their Chiefs, to state, that the proposed Commutation in money as Presents, as thitherto given to us by our Father, the King, would not give satisfaction to one individual amongst us, nor could we be brought to view such a change as tending to promote our interest, but on the contrary, it would deprive the old man, the widow and the orphan (already almost in a state of nudity) of their blanket, and put the equivalent in the hands of heads of families, to be given in exchange for strong drink."

In addition to which, Saro Onivagati, the oldest man and Chief of his Tribe (94 years of age) spoke and desired to be heard:

"Father, I have outlived a great many winters, and three bloody wars, in none of which did I ever find cause to doubt the good and faithful intentions of my great Father, the King, towards us his Indian Children; and I cannot believe that he now thinks of breaking that promise of his forefathers, which was guaranteed to us when I was a young man." "Presents so long as we should remain a Tribe."

The Abenagois of St. Francis, replied--

"Tell him (our Father at Quebec) that money as an equivalent for our annual Presents is of no value whatever to us; it would do us more harm than good, because many of us would squander it away in liquor. Of course our wives and children would be naked and miserable, and us unhappy. The articles of clothing that we now receive annually from our great Father the King, as a sort of remuneration for our past services, we prize too much; we depend on them to protect us from the cold, we cannot sell them, nor are the whites allowed to purchase them, the law forbids it. Tell our Father, therefore, that we beseech him to continue to throw us a Blanket, and a piece of Cloth, &c., as he has always done--we prefer these articles to money."

The Nipissing, Algonquin, and Iroquois Tribes of the Lake of the Two Mountains, said:

"Tell our Father that our old men have told us, the manner in which we were treated by the French before the conquest of this country by the English, we receive from them Annual Presents in goods as we do now. When the English King became our Father, he was bountiful to us, and treated us in the same manner. Whenever he was in want of our services, we were ready at his first call; our Fathers fought and spilt their blood for him in the first revolutionary war with the Americans, and we assisted him in the last war. He has been kind and bountiful to us, and we hope we will continue so. Tell our Father, that we want no money from him, most of our young men and many of our old ones, would make a bad use of it. We rather wish and pray of him to throw us a Blanket and a piece of Cloth to protect us from the cold. Tell him most of us depend upon a chase for a livelihood. We are not farmers nor have lands to cultivate. We want something to cover our bodies, and wherewith to kill us a deer to feed our children. Was our Father to give us money instead of the articles we now receive, as our Annual Presents, our wives and children would be naked and miserable; and we men unable to procure a livelihood for them. We are sure, that our Father will find we speak true, that he will listen to us, and continue the Issues of our Great Father's annual bounty to us as heretofore. This is what we wish, and what we are persuaded he will grant us."

The Iroquois Tribe of the Village of Caughnawaga replied:

"Tell our Father, that we one and all, especially our wives and children, beg and pray of him to have the goodness not even to think of altering or changing the present mode of distributing our Great Father's Annual Bounty to us in the articles of clothing. Tell him that if the present system was changed, and that we receive money instead of the articles we now receive, that by far the greater part of his red children would shortly be reduced to the greatest distress, for the greatest part of the money we might receive would be expended in spirituous liquors. Tell him we have said examples before us. We are eyewitnesses of one that took place on last Tuesday at St. Regis, that made us open our eyes, when we went to receive a certain sum of money due to us by the United States Government. The American Indians had upwards of \$2000 to receive on the day that payment was made to us. The Council Room was full of Tavern and Grogshop-keepers, with their account books, and their arms to receive our poor brothers' hard-earned money for nothing but rum, which they had advanced them on credit. Upwards of \$1000 were paid to these rum sellers. Were we to receive money instead of Blankets, &c., such would be the case with many of us. Money we can do with what we please, but our Father's Blankets, Guns, &c., we have not permission to sell, nor will the whites purchase them from us, in so doing they are liable to a heavy fine."

"Tell our Father when the generality of Indians have money they must drink--the whites have taught us that habit. Even now we are starving in the village; many of us gain \$1 a day by shooting down rafts, but very few bring any part of it to the village, they return intoxicated without a penny in their pockets. We therefore pray and beseech of our Father to continue the present way of giving us Blankets, Cloth, &c., to us, our Annual Presents, otherwise most of us our wives and children, would be naked. Our chief and only dependence for clothing is the bounty of our Great Father the King."

The Superintendent of the Quebec District reported, that having consulted the Chiefs of the Tribes under his charge they had "pronounced their greatest aversion to any change from the present system of Presents. They have stated that a Commutation of Presents or Articles of Presents in money would be the ruin of their young men; that the money, in a day or two, would be spent in intemperance, and perhaps would be the cause of great mischief. Further, when the time of hunting would be at hand, they neither could procure for themselves powder, shot or ball, and even clothes for the cold weather."

Sir Francis Head reported with regard to Upper Canada:

"I am not prepared to recommend, that money should at present be substituted for Presents to the resident Indians in the Province."

1st. "Because, I think unless good arrangements were previously made, the Indians from their improvident habits would, in many places, be left destitute, and"--

2nd. "Because, without due precaution, a money delivery to so many men, women and children, might possibly be attended by very great impositions."

Similar testimony has been given before your Commissioners, and they consider it conclusive against this mode of altering this present system.

1A. The Report described next the Commissioners' own recommendations on the eligibility to receive presents, their nature, extent supply and manner of distribution:

3. As to the means of limiting and gradually abolishing the Issues.

Although your Commissioners conceive that the time is not yet arrived, at which the present system can be abolished, it is their opinion that with a view to the interests of the Indians themselves, and to anticipate the risk of a sudden change at some future, and perhaps some early day, a period sufficiently distant should be fixed, at which the bounty of the Crown in its present shape should cease, and the Indians now settled in the Province should be expected to fall into the ranks of the other subjects of Her Majesty.

With this view they recommend:

1st. That an accurate and nominal census of all the Indians now residing in the Province be taken, and after being approved by the Governor General, be recorded in the office of the Civil Secretary, and that no additions be made to it without the authority of the Governor General.

2nd. That no child born after the date of the census be admitted upon this list, and that no Indian, who, owing to his migratory habits within the settled parts of the Province, or being bona fide a British Indian, but migratory in the distant and uninhabited parts of the Province, and the Territories of the Hudson's Bay Company, may not have been inserted on this list, be admitted upon it after a certain period--say three years.

3rd. That only those Indians who are on the list, shall be in Her Majesty's annual bounty.

The regulations for excluding the American Indians, which come into force this year, has rendered this arrangement easy of practice, and, if it be adopted, all accessions of British Visiting Indians, will, after a further period of three years be excluded. The charge for this service will then have reached its ultimate limit, and will afterwards from natural causes, and by other means about to be proposed, rapidly diminish.

The interval of three years appears sufficient to enable the resident Indians to warn their brethren who may be temporarily absent upon distant hunting

excursions, to return and enrol themselves. Due precaution should be used to admit none who cannot show a clear title to that privilege.

4th. That no half breeds, or descendants of half breeds, where the difference is clearly marked, receive Presents, unless they be adopted by the Tribe with which they are connected, and live, as Indians among them.

This rule would apply particularly to the uncivilized Indians of Upper Canada, among whom frequent intermarriages with the Canadians take place, and the line of distinction can be easily drawn. It is according to the former practice at Drummond's Island, subsequently abandoned at Manitoulin; it is strongly recommended by the resident Superintendent at the latter place, by whom it was successfully carried out at the last distribution; it has been formerly acted upon in Lower Canada, and its maintenance has been recommended by one of the oldest officers of the Indian Department in that part of the Province, Superintendent Hughes. Its principle also has been lately sanctioned by the Governor General, who has directed that no Indian woman living, married or otherwise, with a white man, shall receive Presents.

5th. That the children educated in the Industrial Schools elsewhere, proposed resigning all title to future Presents.

The future measures which your Commissioners have to propose for the extinction of the actual system of Presents, are connected with their general scheme for the amelioration and elevation of the Indians, and will appear under the Heads of--Titles to Lands, &c.

4. As to a change in the description of Presents

Until the general condition of the Indians is considerably improved, the greater part of the present equipment, which furnishes them with a complete suit of comfortable clothing, is the most useful and acceptable gift that can be made to them. The Blanket is the article most highly esteemed, as it may be used for a covering at night, or made into a warm and gay coat, in a fashion very common among the "Habitants" of Lower Canada, and not unfrequently adopted by young men of the highest pretensions in the chief Cities of both parts of the Province.

The only propositions for a change are those made by Commissioner General Sir R. Routh, in 1836, and by Superintendent Anderson on a former occasion.

Sir R. Routh proposed that the equipment should consist:

...

[articles of clothing for men and women are detailed here]

Mr. Anderson's proposed equipment was,

...

[articles of clothing for men and women are detailed here]

To either of these suggestions the primary objection is the increased expense, which will be seen by the following comparison, with the present total cost of the corresponding equipments, which included ammunition to the men.

Present Equipment in Upper Canada.	Sir R. Routh's	Mr. Anderson's
Men.... 0 19 3	1 17 6	2 2 3
Women.. 0 18 9 1/2	0 19 9	1 9 1 1/4

But there is a further objection which Sir R. Routh has partly admitted, with regard to the women, and which your Commissioners consider to be equally applicable to the men, that their vanity, and still more their feelings of nationality, will, in their present state of civilization, render any general and compulsory change very unpalatable and inexpedient. A change in dress will speedily follow their progress in civilization, as it does at present in the case of educated Indians, but if reluctantly adopted, it will not promote that desired object.

Your Commissioners are therefore reluctantly disposed to differ from the Committee of the Executive Council of Lower Canada upon this point.

They are, however, strongly of opinion that all supplies of Guns and Ammunition should be withheld from the settled Indians, which is in accordance with the views of Sir R. Routh, of the Executive Council of Lower Canada, and of Mr. Superintendent Anderson, below quoted,* and that in lieu of them the Indians should from time to time receive such assistance as they most require, in the shape of Seeds, Agricultural Implements, &c.

This change, however, cannot be immediately applied to the unsettled Indians. A sudden stoppage of their annual supply of Ammunition would cause great hardships among them. A notice therefore of three years is necessary to enable them to settle and to raise a crop.

The issue of Tobacco should be stopped, except to old men, by whom the deprivation of this luxury would be severely felt. The supply of Thread, Needles, Combs, Awls and Knives, should be granted every second year; the change being recommended with the view of encouraging habits of thriftiness.

With regard to the extra Presents, their issue should be confined to the purpose for which it was originally intended, viz., in reward or compliment to meritorious Chiefs and Warriors, and that the sum now allowed, or hereafter to be allowed, should not be exceeded. Flags and Medals should be issued only on special occasions to commemorate some remarkable event, or meritorious act.

The issue of Kettles, which are useful in the manufacture of sugar and for culinary purposes, ought to be continued, and the issue of Shoes (being part of the European Costume, and which has been recommended by the Commissary General, the Secretary of State, and the Chief Superintendent, but has been altogether discontinued in Upper Canada) should be renewed and extended. An additional allowance of 9 per 100 men, may be made for the supply of such articles, in lieu of Guns and Ammunition, as upon experience may be found to be most beneficial to the Indians. The cost of ammunition alone to 100 men is now about 20.

Although a general change of the present equipment does not appear desirable, every encouragement should be given to heads of families, to receive Agricultural or Mechanical implements, or Stock, in lieu of clothing, the domestic manufacture of which should be introduced and encouraged among the Tribes. For this purpose, worsted and other materials for warm clothing might be substituted for the made articles, and employment be found for the many hours during which agricultural labours are suspended, and which are now usually spent in idleness.

With the view of obtaining stock or other more costly articles, any number of families might unite together, and receive such, either in common, or upon an understanding that the several parties should each, in his return, receive the produce of their aggregate shares. In order to facilitate this arrangement, the Indians should be required to give six months notice of their desire to the Local Officer, who should communicate the same to the Central Office of the Department, in order that arrangements may be made accordingly with the Commissariat.

This proposition is only compatible with a nominal census, but with that it appears to present no difficulty nor particular trouble.

On referring to the list of articles in the stores of the Commissariat, it appears that there are considerable quantities of goods no longer in the list of Issues, which are either useless, or are exposed to decay. Your Commissioners recommend that they should be sold, and the loss be debited to the Account of the Department.

* Footnote in document: "I would suggest that Guns, Rifles, Flags, Earbobs, Medals, &c., be withheld gradually from those under the process of civilization, and Iron, Sugar, Kettles, Nets, Farming Implements, &c., give in lieu thereof."

5. As to the supplies of Presents

The present system of obtaining these through the Commissariat Department, by whom they are procured from England, kept in store, transmitted to the several Posts, and only debited to the Indian Department, when actually issued, is the best arrangement that can be adopted.

Some inconvenience has been caused in the last two or three years, in Upper Canada, by the supply falling short of the demand, which has led to occasional delays in making the Issues, and to increased expence in the purchase of the deficient articles, in the Province. The Chief Superintendent in calling attention to this deficiency, has attributed it to a delay in furnishing the supplies from England; but whatever share this may have had in producing the result, your Commissioners are disposed rather to account for it by the great excess of the issue beyond the estimate, and they conceive that this excess should have been brought to the notice of the Governor General, and that steps should have been taken to supply the consequent deficiency. From the mode in which the business of the Indian affairs is conducted, this excess could not otherwise come under the observation of the Governor General. The following is a comparison of the Estimates and Issues in the two Provinces during the last five years.

UPPER CANADA

YEARS	ESTIMATES	ISSUES	GREATER	DIFFERENCE	
				GREATER	LESS
1839	8731	8911	180	----	----
1840	10633	9163	----	----	1470
1841	9045	11002	1957	----	----
1841	9537	14670	5133	----	----
1843	10737	no return	----	----	----

LOWER CANADA

YEARS	ESTIMATES	ISSUES	GREATER	DIFFERENCE	
				GREATER	LESS
1839	3038	3167	129	----	----
1840	3126	3218	92	----	----
1841	3310	3214	----	----	96
1841	3301	3214	----	----	87
1843	----	no return	----	----	----

Part of the excess in Upper Canada has been incurred not only without the sanction of the Governor General, but against an order of Sir Richard Jackson, made in December, 1841, in consequence of the increase of the Estimate for 1843, then received, in which the Administrator of the Government directed that no Issues should be made to a body of 1200 Indians on the St. Clair Frontier, until their claim to Presents should have been examined and reported on. The Chief Superintendent has been several times called upon for this report, but it has not yet been furnished; and consequently the Issue to these Indians has been suspended during the past year.

In order to obviate the inconvenience of a deficient supply, it is recommended:

1. That there should always be one year's supply of Presents on hand, and that a second should be sent from England so as to arrive before the Annual Issues commence.
2. That the Estimates should be founded on the census list annually corrected, according to the charges ascertained at the time of Issue, with such addition for the British Visiting Indians, during the period which they are to continue to receive Presents, as may appear necessary.
3. That the estimates should be submitted, as at present, to the Governor General, for approval, and then be transmitted to the Commissary General who should add a column exhibiting the surplus in store remaining beyond the quantity required, (according to the previous estimate) for the next year, and the difference between the estimate and the surplus should be sent out from England.
4. That the supply should be sent out so as to arrive a month or two before the Issue in August, in order to meet any extraordinary demand, and to replace the stores, which will be taken out soon after their arrival.
5. That the requisitions upon which supplies of Presents are to be Issued, should be approved by the Governor General, after careful examination under his direction, with the view to prevent their exceeding the original estimate without a sufficient reason or explanation.

The omission of this precaution in 1842, in consequence of a representation from the Chief Superintendent, that the requisitions were the same thing in detail as the Estimates, and that it was consequently unnecessary to trouble the Governor General for his signature to the former, has been followed by the Issues to the St. Clair Indians before noticed, and by the great excess of above 50 per cent shown in the last table.

It has been customary at the distributions made to the Indians at posts distant from their usual residence, to supply them with Provisions during their attendance, and at Manitoulin it appears that they receive a further supply sufficient for their journey homeward.*

These practices originating in the benevolent intention to shield the Indians from the consequences of their habitual improvidence, have the effect of encouraging and perpetuating that spirit, and although it may be inexpedient at once to discontinue the Supplies, they should be limited as much as possible, and ultimately abandoned. Your Commissioners have learned with satisfaction that the Issue to the Indians at Manitoulin, for their homeward journey, was discontinued by the resident Superintendent in 1843. In Lower Canada, Rations are issued to a small number of aged and destitute Indians, and this practice may properly be maintained, as the Indians of that Province have no annuities, and relief cannot be afforded to them in a less objectionable shape.

It has also been usual to make small issues of Provisions to destitute Indians, in special cases. This may be continued as heretofore, upon the requisition of the Chief Officer of the Department, without requiring the previous sanction of the Governor General, which might cause a delay that would defeat the object of the Issue; but copies of all such requisitions should be reported to the Governor General for his information and subsequent approval.

6. As to the mode of Distribution

The past and present mode of distributing Presents, and Sir G. Arthur's proposition for a change have already been noticed at Pages ____.

With regard to the present practice, Your Commissioners conceive that the presence and certificate of a commissioned Commissariat Officer, or when his attendance cannot be procured without inconvenience to the service, of a Missionary or Local Magistrate, specially named for the occasion, with that of an Officer of the Indian Department, will be sufficient. It has already received the sanction of the present Governor General.

Particular recommendations were then made regarding the distribution on Manitoulin Island:

* Footnote in Report: The following quantities of Provisions were issued to the Indians at Manitoulin in the year 1842, when 5917 Indians attended.

80 Barrels of Flour,	300 Bushels Peas,
80 do Pork,	2000 Pounds of Tallow,
600 Bushels Indian Corn,	15 Barrels of Biscuit.

In 1843, when 3779 Indians attended, and the distribution was made under the resident Superintendent on the system recommended by the Commissioners in their Special Report of July 1843, the quantities issued were as follows:

20 Barrels of Flour,	358 Bushels Indian Corn,
21 do Pork,	716 Pounds of Tallow.

"The Provisions annually sent up to the Manitoulin Island are for distribution to the Indians, on the occasion of the delivery of Presents, and a moderate supply is kept in depôt by Captain Anderson, to issue to Indians who may visit the establishment during any period of the year, and who may be in want." -- Mr. Jarvis to Commissioners, February 6th, 1843

...

Your Commissioners recommend:

1. That every practicable means should be adopted to make the distribution in the manner most beneficial to the Indians. That with this view, the practice of detaining them in attendance at Manitoulin until all that are expected have arrived, (which interval has averaged nearly a fortnight from the arrival of the first band,) should be abandoned, and that the Issue should be made to each band as soon after its arrival as convenient.

This change has been strongly recommended by all the resident officers, the Superintendent, the Chaplain, and the Surgeon, on the grounds of the moral disadvantages attending the crowding together of this large assemblage for several days; of the hardships which the Indians suffer through the difficulty of obtaining provisions, and the consequent expense thrown upon the Government in providing for their necessities; and the risk of fever and other diseases consequent upon their crowded state, and their squalid and unclean habits, at the hottest season of the year. The Chief Superintendent objects to the change, on the ground that some of the Indians having received their Presents, will return disguised in dress and appearance, and attempt to obtain a second allowance.

The resident Superintendent, Mr. Anderson, who has had many years experience of the system recommended at Drummond Island, does not apprehend that the imposition to any material extent can be successfully practised; and if the plan of enrolment already suggested be adopted, there will be no opportunity for it.

If this change be made, another objectionable practice of making a parade of this distribution will be avoided. A party of visitors has usually accompanied the Chief Superintendent on this occasion, led by a natural curiosity to see so large an assemblage of this interesting race, and to witness their national costume, habits, dances, &c.

The effect must be to encourage the retention of these peculiarities, to foster the national pride of the red man, and to retard his civilization, in direct opposition to his own interests, and the whole policy of the Government.

An abuse has accompanied this practice, of furnishing transport to these visitors between Penetanguishine and Manitoulin, and sometimes further, to Sault St. Marie, at the expense of the Government.

The amount, including the charge for the conveyance of the Chief Superintendent and Commissariat Officer, has averaged about 240 a year.

Your Commissioners would invite attention to their Special Report already made upon this subject, in which the facts are more fully detailed, and which led to a change of the practice during the year 1843.

2. That with the same view, the necessity for any lengthened attendance of the settled Indians away from their homes should be prevented. Their habits of industry are disturbed by such absence. Their crops are exposed to neglect and plunder, and their health is liable to suffer from exposure and want of food during their journey. As far as your Commissioners are informed, arrangements may be made, by which almost all but the roving Indians and others residing beyond the pale of civilization, may be supplied with their Presents at places near their settlement.

3. That where the attendance of settled Indians at a distant post is unavoidable, the Issue should be made in bulk, in order to prevent the necessity for the attendance of all the band, including women and children.

4. That there appears no objection to the Presents being Issued to the settled Indians in bulk, as long as the Band concerned are satisfied, and there is no reason to apprehend injustice on the part of the Chiefs in the distribution.

[Document No. 14]

It is in the context of the conditions and practice described in this report that the Hudson Bay Company's offer to distribute the presents on behalf of the Crown may be viewed.

CHAPTER ONE: 1845: The Hudson Bay Company Proposal to Distribute
The Presents on Lake Superior and the Government's Reply

2. In 1845, Governor of the Hudson Bay Company, Sir George Simpson, wrote to the Civil Secretary of the Indian Department offering to distribute the presents to the Lake Superior Indians at the Company's trading posts. (see document no. 3). The dangers of disease, liquor, long absence from homes and gardens, he argued, could thus be avoided. Higginson, who had obtained the Governor General's assent to the proposal, providing that "no increase in expenditure would be caused by it", (see document no. 4), then consulted T.G. Anderson. Anderson, the former Superintendent at Manitoulin Island, replied to Higginson on February 29, 1846 as follows:

I have the honour to return herewith letter No. 973 received from your office containing a proposal by the officers of the Honble. Hudson's Bay Company to distribute presents to the Indians of the interior on the part of the Government, and by in accordance with the directions contained in your communication dated 26th September 1845 to express my opinion with respect to the propriety of and advantage to be derived from, accepting the offer and the probability of the expense being limited to the average of former years.

In the First Place, I would observe that the number of Natives visiting Manitowaning from Lake Superior and its environs since the American Indians have been excluded from the benefit of Presents has been very limited and only a very small portion of those are from Lake Nepigon - I am unable to say positively, my Book having been left at the Manitoulin Island but I think the Indians from the latter place only visited twice; and a more wretched lot of beings in human shape can scarcely be conceived. They were overrun with vermin and unsocial even with their Brethren. - Unlike other visitors who have a lodge or covering of some kind to shelter them from the weather they remained in the open air like Dogs and at night laid down to sleep on the cold ground wherever they happen to be. - These People and the Indians North of Lake Huron in general are the most timid creatures I ever met with and used to start at the very sound of an unknown voice or the vibration of a stranger's footsteps, and when they heard the noise of races or other amusements in the Camp, supposing it must be a quarrel, they would run toward their Father for protection. - What this can proceed from I am unable to say, I am not

aware that they have any native enemy to fear, - in fact it did not give the idea of that, it was more like the dread which Beasts of the Forest have of Man - Their clothing consisted of Hart skins cut into strips and rudely woven together and of shreads of European manufacture hanging loosely over their bare skins. Their deportment under this dress did not lead to the supposition that it was assumed for a particular purpose but on the contrary that it was habitual.

Secondly. As regards the Indians selling parts of their presents for Spirituous Liquors. - this is an evil complained of and reported by the Indian Agent to the local Government for more than thirty years, and though prohibition Laws have been enacted for the good of the Indians, I am sorry to say they have been attended with very little benefit and I fear none could be found that would be more effective, for this reason that to be of service a protection force must be enormous and without it the opportunities are too many, the chances of detection too uncertain and the Law at such a distance from its source too expensive for even a moderate share of success to be expected. - Still this is only the case with a very small portion of those who visit the Island, the majority well know the value of their presents and are also aware that they are deprived of all share the succeeding year, if it be discovered they have sold any part. - I regret to be obliged to say that the Hudson's Bay Company's Agents in common with other Fur Traders have been and I believe are at this moment in the habit of violating the Law in this respect at least on Lake Huron, but I have reason to think the same destructive course is not pursued by them within the limits of their Charter [Rupert's Land]. -

Thirdly. With respect to the assorted inducements. It cannot be supposed that among a race whose habits are of so roaming a nature altho' well conducted can be persuaded to stay at home. - Proofs are not wanting that there are many things besides the wish for strong drink, which will induce an Indian to travel a long distance. - The love of adventure of all descriptions, the desire of change - and the thirst for the acquisition of fresh knowledge will have their influence and when these are all combined and assisted by the certainty of receiving a bounty (in their isolated situations) of great value the effect must be difficult to resist. - These individuals carry to the interior, information which is probably more useful to themselves and their Brethren than advantageous to their Traders - They convey also the news of a Power superior even to that of the Hudson's Bay Company and which can in a measure command it. - They bear with them proofs of the parental care of the British Government for all her Red Children. They see Indians living in a state of comfort and happiness of which they would otherwise have formed no notion, and they return to spread the love and respect for the British Nation among their people. - These are advantages which in my estimation are of too much importance to be lost.

Fourthly. With regard to the extent of the benefit received by the Indians from the encouragement given to agriculture by the Hudson's Bay Company on Lake Superior and the regions beyond I am not able to speak, but I never heard of anything of the kind being in operation within my Superintendence when at Manitowaning. -

Fifthly. The Sickness was not confined to the Lake Superior or Nepigon tribes but all the visitors were subject to it, and it was caused more by the unreasonable time they remained huddled together in a larger camp of three or four thousand souls than by any other cause. - These people unaccustomed to the cleanly habits of the Whites infected the air to such an extent that the Surgeon of the Department became fearful a contagion would break out and involve the whole in destruction. - and it is certain more deaths occurred in either of the two years they so remained than took place in twelve years at Drummond Island, where an equal number received presents annually - When infectious diseases do break out among the Indians they are of course more fatal than is the case among the Whites, because the Indians neither know the cause of the disorder or the consequences of improper treatment - For instances in cases of the smallpox, when the fever comes on they frequently seek relief by plunging their parched skin in a cold stream or a Bank of snow and thus cause immediate death. - While as disease is just as liable to be conveyed by the Hudsons Bay's Company's Servants and others who are constantly going with their families from the Sault St. Marie to various parts of Lake Superior as by the Indians themselves, it would be wrong to stop the poor Creatures whose necessity obliges them to paddle many days "that they may reach their Great Mother's Fire" and receive her bounty.

Sixthly. Were Indian Presents entrusted to the Hudson's Bay Company for distribution it would I think increase the superiority of their position over all other traders, which would not be perfectly just. They already possess very great advantages but I feel convinced this would have the effect of aggrandizing them and ruining all others in their vicinity. - It would also be carrying the bounty of the Government within the reach of Indians whom distance precludes from ever going to Manatowaning, but who are as much entitled to receive Presents as those who do visit there. - Thus a considerable addition to the quantity of Presents would be required or else the character of the Government for justice would certainly suffer, - besides which the issues being conducted by parties entirely unconnected many of the Indians would endeavour to obtain from both, - and what I consider of more importance still is that the Government would by such an act transfer to another in the eyes of all the Tribes that influence, authority and goodwill which it has earned and sustained for nearly a century. -

I beg therefore respectfully to state it to be my opinion that it would not be desirable to adopt the plan proposed by Sir G. Simpson &

Mr. Ballendon, because I consider that though a few more Indians might retain their presents, Benefits of very great importance would be lost - Because the British Government, the real benefactor would cease to be known, - Because the expense must be enormously increased, and in my humble opinion an act of injustice would be committed.

[Document No. 6]

3. After considering Anderson's views, Civil Secretary Higginson wrote on March 9, 1846, to Sir George Simpson. He informed him that the government would not accept the Company's offer:

In reference to your letter of the 17 Sept. last the answer to which has been delayed in order that enquiry might be made regarding the Indians who visit Manitoulin Island to receive their Presents, I am directed by the Administrator of the Gov't to inform you that it is not considered advisable to accept the proposition of the Hudsons Bay Company to undertake the distribution of the Presents among the Indians in question

[Document No. 7]

4. The Superintendency Records for the Northern (Manitowaning) Superintendency contain a "Census of the Indians at Manitowaning taken the 6th of August 1846" in a volume which lists Indians entitled to annuities [Annual Presents]. A total of 43 individuals is listed for Fort William, including two Chiefs. (See Document No. 11).

CHAPTER TWO: 1835-1849: Confrontation on the North Shore of Lake Superior between Indians and "Explorers" and Pressure for a Treaty

5. There is evidence of conflict between the whites and Indians on the North Shore of Lake Superior as early as 1835. An incident which occurred at Goulais Bay on this date in the spring of 1835, reported some years later in a letter from James Anderson to Sir George Simpson, is illustrative:

In reply to your favour of 10th April 1851 (which reached me last on the 1 Inst.) requesting to be informed under what circumstances and authority the property of W. Cameron of Goulais Bay was destroyed - I beg to state that the account of the affair given by Voyageur is quite incorrect, as well be seen from the following detail.

You may recollect that in Winter 34/5 you gave me permission to visit my relatives of Lake Simcoe - on My return to the Sault in the beginning of March (I think) - Mr. Nourse, Myself, and the late Mr. William Courie, were called upon by the Sault Chief Shinguak to aid and assist him in expelling some American intruders and his lands, who had set him at definance and to seize and destroy their property, as he had already given them due warning to quit, which they had disregarded.

We proceeded to the Mission House, where the Revd. Mr. McMurray, now Ancaster, or Dundas, read to us a document signed by Sir John Colborne, by which Shinguak was authorized to seize on the property of any intruders on his Lands, his was aimed against the Americans, who had been in the habit of cutting Timber, Fishing etc, on our side of the River.

It was deemed advisable that no Indian should be sent, as they might have proceeded to extreme measures - Mers. Nourie, Coarie & Myself with 2 men proceeded to Goulais Bay, where we were joined by Messrs. De La Ronde and 2 Men, we proceeded to the Fishing Station, where we found Cameron, and informed him for what purpose we had come & destroyed a quantity of empty Barrels, some Salt and Fish. Cameron took the thing very quietly, he is a British Subject (a Nephew of Mr. J.D. Cameron) and was employed by an American named Ashman, who sustained the entire loss (perhaps \$150) - Cameron did not lose one sous - none of the Salt had paid the duty -

The Commanding officer at the Fort, and all the Respectable persons on the America side approved of the Act - Messrs Nourse and Courie, who returned straight to the Sault, proceeded the same day across the River, but Ashman did not venture to take any proceedings against them. -

I believe the Revd. Mr. McMurray, who is perfectly acquainted with the whole affair, will corroborate this account - It is rather hard that persons who have only done their duty, at considerable trouble & fatigue, should be stigmatized as Ruffians, by this person Voyageur - whose name perhaps you will be good enough to communicate to me should it reach you.

I may add that I proceeded straight onto Michipicoton after the destruction of the property - You will perceive that nearly the whole of Voyageurs statement is false.

I write this in the greatest haste being under orders to leave immediately for (Mr. W?) River, which will I trust plead for its imperfections.

[Document No. 114]

6. In the spring of 1846, Alexander Vidal, the provincial land surveyor was sent to survey copper mining locations around Sault Ste-Marie. He was met with "indignation" by the Indians and reported thus to the Hon. D.B. Papineau, Commissioner of Crown Lands, in a letter dated April 27, 1846:

I have the honor to report my arrival at this place in order to make the survey required by your letter of Instructions of the 4th Decr. last, having come by the first vessel making the trip this spring.-

I consider it my duty also to inform you that the Indian chief residing in the neighbourhood and called Shing-Quak waited upon me this morning in company with the young hereditary chief Nab-a-gu-gking and several other Indians for the purpose of claiming all the land here as their own they say that the Government have never purchased the land from them, and expressed their indignation at my having been sent to survey it, and more particularly at the Government having licensed parties to explore the mineral region on the North shore of Lake Superior without consulting with them or in any way acquainting them with their intentions regarding it; indeed the old chief said that had they not been too few in number they would have prevented a party which has just gone up to explore. I said but little to them but promised to make known to the Govt. through you that they claimed the country here as their own, and stated my belief that on the receipt of my letter they would either be written to on the subject or an Agent sent here to inquire into it: with this they appeared satisfied and said they would offer no impediment to my going on with the survey -

I trust you will take the matter into consideration without delay, that I may be furnished with such additional instructions as the circumstances of the case may require to prevent my coming into collision with them.

[Document No. 8]

7. The Commissioner of Crown Lands apparently* replied to Vidal's letter soon after, - explaining why he considered that the Indians at the Sault had no claim to the land:

In reply to your letter of the 27th Ulto I have to inform you that the Indians about Sault Ste Marie are not considered as having any claim to the lands which they occupy, having immigrated from the U. States.-

[Document No. 9]

8. Consequent to the position expressed by Commissioner Papineau, the Executive Council, on May 9, 1846, approved the following regulations for granting mining locations on Lake Superior:

His Excellency was pleased to lay before the Board, the following Regulations on the subject of the Locations for Mining purposes intended to be granted on the Shores of Lake Superior, which being approved were Ordered to be entered in the Minute Book of the Executive Council:-

Mining Locations

1. Each Licence to explore, to have one Location.
2. A Location shall consist of Five Miles in length by Two in breadth.
3. The intention is that the length shall be with the course of the mineral Vein. - The party claiming, to point out the course of the Vein.
4. If different courses are pointed out by different parties on adjoining Locations, the Geologist to decide on the most convenient direction of the Location.
5. Should several Locations be claimed near one another, the Geologist to determine whether one uniform direction shall be observed in regard to them, in laying them out.

*draft only located

6. Land Surveyor shall measure the breadth of the Locations and mark the termination of the side lines on the Shore; or he shall measure the length of the Location and mark the termination of the end lines, as most convenient. He shall describe the remaining lines of limit in words. - He shall describe the general position of the Location by natural objects, and indicate the same on the general Map of the Lake, by a reference to Latitude and Longitude, and forward his description to Government.
7. Priority of discovery by exploration to be the foundation of priority of right to any Location claimed.
8. Reports made in writing to Government or to the Provincial Geologist, pointing out and selecting a Location, to be classed according to receipt, to be the best evidence of discovery.
9. Possession by the erection and occupation of a hut, to be the next best. A hut unoccupied shall be assumed to be abandoned, and it shall not be competent for a party to occupy more than one hut as a mark of Location at the same time.
10. Priority of application to be the next best.
11. The above Regulations to apply solely to parties holding Licenses, to each of whom the Provincial Secretary will furnish a Copy.

A copy of this document was sent to the Provincial Secretary on the 11th of May, 1846.

[Document No. 10]

9. On October 7, 1846, the Executive Council, when ruling on an application, laid out the conditions under which individuals holding mining licences on Lake Superior would be able to purchase their locations. The Executive Council also recommended when and why the lands on Lake Superior and Huron should be opened up for sale:

On the application of the Hon: George Moffatt, and W.C. Meredith, Esquire, urging the settlement of the terms on which possession of their Mining Locations will be conceded:

The Committee have given the subject of this

application their utmost attention with a view to the interests of the Province, as well as the proper encouragement of individuals who are willing to invest Capital in working the minerals said to abound on the Shores of Lake Superior, and they humbly advise your Excellency to instruct the Commissioner of Crown Lands to inform the several Licence holders that they will be permitted to work the mines under the authority of the Licences which they now hold, - with the option, either now, or at any time within the period of two years, to purchase the Location of ten square miles at the rate of 4/- per acre, payable one fifth part in hand, and the balance in five yearly payments with interest.

When the Licences which have been issued are all located, the Committee are further of the opinion that the lands on Lakes Superior and Huron should forthwith be opened for sale at the minimum price of 4/ per acre, in blocks of ten square miles to be designated by a Provincial Surveyor in the manner now practiced by Mr. McNaughton, and on the foregoing terms.

[Document No. 12]

10. The next month, on November 6, 1846, the Executive Council approved the following regulations for selling mineral lands on Lakes Superior and Huron. These regulations defined the role of the Crown Lands Department and the manner of carrying out the sales as follows:

The Committee have given due consideration to the letter of the Commissioner of Crown Lands on the subject of the Minute of the 7th October Instant, - authorizing the sale of the Mineral lands on the Shores of Lakes Superior and Huron, and respectfully recommended, as instructions to that Officer, the following regulations for Your Excellency's approval:

- 1st. That each Licence holder whose Location shall be designated by the Provincial Geologist shall be entitled to a Certificate of location from the Commissioner of Crown Lands upon the payment to that Officer of the sum of 150. to cover the cost of survey and other contingency expenses. This sum to be placed at the credit of the Locatee as a part of the first Instalment when the sale shall be confirmed; and in the event of his declining to make a purchase of the Location on the terms of the said Minute, or of his failing to make good the payment of the first Instalment with the period of two years, the above sum of 150. to be forfeited to the Government and the land to be again offered for sale to any other applicant.

- 2nd. All future applicants for locations to be also entitled to purchase under the authority and upon the conditions of the Minute of the 7th October, and they shall in like manner be entitled to a certificate of location so soon as the Deputy Provincial Surveyor employed by the Government for that purpose shall have reported to the Commissioner of Crown Lands the boundaries of such Locations respectively, and upon the applicant having paid to that Officer the sum of 150 to be applied, accounted for or forfeited, according to the provisions of the foregoing regulation.
- 3rd. - That before any further Locations are surveyed, the Commissioner of Crown Lands shall require of each applicant to point out on Bayfield's Map the situation of the land which he may desire to obtain; and also to receive from him the sum of 150 above mentioned, when that Officer shall direct the Surveyor to proceed with the Survey of the Location so applied for and pointed out.
- 4th. That the Commissioner of Crown Lands shall make report and plan of the best method of laying out the Mineral Locations in the tract of Country under consideration, having due regard to the manner in which the Locations of the present season have been described, and the future informity of its Geographical subdivision.
- 5th. That all Grants shall be subject to such regulations to ensure the working of the mines as may be hereafter enacted by Parliament.

[Document No. 13]

11. By 1847, the Quebec and Lake Superior Mining Company which had acquired and was exploiting thirteen very large mining locations, came into conflict with the Indians. Their situation at this time was described in a petition the Company presented some years later to the Governor General:

That your Memorialists were incorporated for the laudable purpose of exploring and developing the Mineral Wealth of that part of the Main-land and Islands of Lake Superior, situated within the limits of the Province of Canada;

That with this object in view they acquired in the year 1847 Thirteen Mining Locations at Lake Superior, containing each, Six thousand four hundred acres of land in superficies at Four shillings an acre = 1280;

That for some years after procuring their Charter

your Memorialists carried on extensive mining operations at said locality, and expended a sum of 58,000. (exclusive of interest) in and about said works between the years 1846 and 1857 as per Statement "A" hereunto annexed extracted from the Books of the said Association, but that owing to the distance of these lands from settlement, the cost of transport, the depredations of the Indians (there being no civil or Military power there to protect the Miners) and various other causes, the undertaking has so far proved to be most ruinous to the Stock-holders:

That your Memorialists in addition to the 150 paid in originally on each of the Thirteen locations have since paid in a further sum of 147.12.0 on each of the Six following Mining Locations, to wit; on those originally applied for (on behalf of the Company) by Messieurs Arthur Rankin, Edward Ryan, Allan MacDonnell,* Charles Jones, James Hamilton and John Douglas, making in all a sum of Two thousand Eight hundred and thirty five pounds Currency actually paid to the Crown, on account of these Locations;

...

[Document No. 180]

12. As the number of miners in the area increased, the Indians of Sault Ste. Marie, "very desirous of avoiding the unpleasant collision into which they are in danger of being brought by the explorers" petitioned the Governor General. The first petition, dated July 5, 1847, was translated signed in the presence of Fred A. O'MEara,** a local missionary, by William McMurray, Chingwakouse, Joseph Nabenagiying, Charles Puhyahbeta Kwing (?) and John Kabaoosesa. In this petition, the Indians affirmed their perception of their right to occupy their lands and the treaty they wished to make and set down as follows the detailed history of Indian/government relations up to this time:

Memorial of the Indians residing on the tract of land contained between Mishopocoton River on Lake Superior to the North and Tesselon point Lake Huron to the South. To the Right Honorable the Earl of Elgin and Kincardine Governor General of British North American &.&.& in council

*cf. paras. 20 & 23

** cf. para. 37

May it please your Excellency

Your memorialists are chiefs of the Ojibwa or Chippewa Indians residing on the above mentioned tract holding commissions as such from different Lieutenant Governors and Governors General of this province, having also the flags and medals insignia of chieftanship, and every year receiving presents as chiefs at the annual distributions

Your memorialists were most of them born on what is now the United States side of Lake Superior but which, while they resided on it, was always considered by them and their countrymen as belonging to the British Crown. As British Indian chiefs or warriors they fought during the war on the side of the British Government on whose side all their feelings and affections have ever been enlisted and some of them received wounds from the enemy in that war.

When the war was ended by peace being made between the two countries England & the United States, your memorialists were assembled in council by the then commandant of Mackinac who told them of the cessation of hostilities and in the name of the King of England thanked them for the assistance they had given him in the war and also informed them that the part of Lake Superior in which they had been living up to the commencement of hostilities was thence forward to be United States territory, and asked them whether they would return to occupy their former lands or take an equivalent to them on the British side.

Your memorialists and the warriors who were then with them preferred the latter, and consequently left the homes of their infancy and the graves of their fathers and settled down on the territory which was assigned them by the Commandant of Mackinac by authority.

That side of the Lake has since been purchased by the United States Government from those who were satisfied to renounce the fostering care of England for the cold hearted policy of the United States, and those chiefs who then separated from us, and their young men are now and have been for some years back in the receipt of large sums of money annually as compensation for those lands, but though your Memorialists have been present at these annual payments it has only been as spectators, for they thought, though this was our land formerly it is not ours now, and whenever the English want our land they will pay us for it as we see the American government do now and your memorialists were well pleased to consider themselves as in the hands of the English people and therefore we never sought nor, had we sought, could we have obtained a share of those payments.

On those occasions, especially of late years, the Americans have often taunted your memorialists, and shewing them the heaps of silver from which they were about to pay those Indians who had continued to reside on the American territory for the lands they have purchased from them said, see how much you have lost by being against us, but

your memorialists always answered we have the land still and whenever our Great Mother wants the land for her white children, we will get money too, for the English have ever been more straight forward and kind in their dealings with the Indians than you.

Your memorialists some years ago offered to sell their land to the government and made propositions to that effect to the then Governor General Lord Metcalfe, but were answered that their Great Mother did not want it just then but when she did she would send them word. The object that your memorialists had in view in making that offer was, that funds might be furnished for carrying on the work of civilization and improvement among them. Till about two years ago except our Missionary and the Agent for the Honourable Hudsons Bay Company resident at the place we seldom saw the face of an English whiteman; but about that time now one, then another whiteman came stealing along our shores and entering into our wigwams told us in answer to our enquiries that they were come to look for metals which they heard were to be found in our land and asked us to shew them the copper, but this we refused; this went on for some time without our paying any attention to it till last summer and fall when we heard several persons say that some of our land had been already sold to those explorers; your memorialists would not believe this, because though they had written to ask your Excellency's officers about it they had not been told by them that it was so, and they thought you would never sell the land without first purchasing it from the proprietors of it

But your memorialists were much astonished this spring at what then took place! An exploring party had landed on the river near the principle encampment of your memorialists late last autumn we waited upon the leader of it in his tent and requested that he would desist as that was our land, he did so and left the place by one of the last ships in the fall; but the same individual made his appearance for the same purpose in the spring and we again waited on him in the same way, saying that as we had heard nothing from your Excellency on the subject we must protest against his proceeding, he desisted and left with his boat and assistants, but in a few days we were astonished to see him come up again accompanied by the resident Superintendent at Manitoulin Island who told us that he had come up to tell us that it is the wish of the Government that these persons should occupy our land.

By this your memorialist perceive that it is the wish of your Excellency's government to get possession of the above named tract of land for the use of the white inhabitants of this province.

Your memorialists are still of the same mind on the subject that they were formerly when they proposed to a former Governor General to make their land over to the British Government and they will therefore be happy to make over by Indian treaty or in any other way that may be required, the tract of land above mentioned on the promise of such compensation as may be agreed upon.

Several persons both on the American side and also on this, have of late been taking particular pains to have it believed here that your Excellency's government is desirous of avoiding the recognition of the Indian claim to the proprietorship of this tract of Land but your memorialists have always treated such insinuations as they deserve, indeed they cannot do otherwise when they think of the following facts.

When your ancestors wanted the Island of Michahlamackinack to build a strong castle on, they assembled our fathers in council and asked them to let them have it, they did so and a treaty was drawn up on deer skin which you have in your possession still.

Again when the English wanted St. Josephs island they assembled the chiefs of the Indians who then inhabited it and purchased from them the whole island and got a parchment written on to that effect which no doubt you have with you too.

There are a great many bands of our tribe settled nearer to your Excellency than we are, they have sold their lands to the government and are now, every band that has sold, in the enjoyment of annuities arising from the sale. Instance, the Chippewas at Sahgeen Owens sound, near Penetangweshene, Rama, Rice Lake River Credit and not to speak of of the Six Nation lands in different parts of the province. In fact there is not yet an instance of the British Government occupying the Lands of any of our tribes or parts of tribes without the consent and payments of the Indians found in possession.

Your memorialists therefore having those facts constantly before their minds, and knowing that no deer skin or other treaty has been given by which the tract occupied by them and their people, could cease to be theirs, cannot give credence to the reports to which they allude. Your memorialists would therefore humbly submit to your Excellency the propriety of one of your officers being sent up to meet them in council, or if more convenient summoning your memorialists to meet your Excellency at Montreal or elsewhere, that everything may be arranged concerning the above mentioned tract of land to the mutual satisfaction of all concerned, in the same form and manner as has been always the custom between our nation and the British Government on all similar occasions.

And as your memorialists are very desirous of avoiding the unpleasant collision into which they are in danger of being brought by the explorer -- they humbly crave -- speedy a reply to this memorial as your Excellency's convenience and the business of the province will admit.

An undated, unsigned note on the cover of the petition summarized the Indian claim and recommended as follows:

The Petitioners pray that in consideration of

their having long held [possession] of the Territory on the Shores of Lakes Huron & Superior between Thessalon Point & Michipicoton River to which they state they removed after the close of the War of 1812 with the concurrence of the British Authorities; from the Southerly shore of Lake Superior which has since the peace been recognized as American Territory. The Government will treat with them for the purchase of their claim thereto: The Executive having authorised the occupation of portions of it by Individuals engaged in Mining pursuits.

Upon examination it appears that no cession of the Section of Country between the Western extremity of the Shores of Lake Superior at Pigeon River, which constitutes the Boundary in that quarter between the United States and Canada and to the Eastern French River on Lake Huron the line of Coast between which constitutes the Mineral Region within which Mining Locations have been assigned has not been obtained from the Indians, so far as can be discovered by Documents recorded in this Department.

The Applicants do not assume to be the Aboriginal Inhabitants of the Country in which they are settled and it appears desirable that the Superintendent of Indian Affairs, stationed among the Lake Huron Indians should be instructed to ascertain the particulars of all claims which the Applicants or others who may have at an earlier period held possession to be vested in them as it is certainly desirable that the rights of the Indian population so far as they can be proved should be transferred to the Crown at an early period by a satisfactory arrangement and previously to the issue of Patents for Mining Tracts.

It is also advisable that in affecting a compromise of the claims now brought forward the Chippewas should be regarded the nominal possessors (?) the section of Territory which may be conceded were they to remain, their proximity to a white population of as a class (who would not be influenced by a particular motive for advancing their welfare) would be unfavourable to an improvement in the social condition of the Indians and it is suggested therefore that they should either join the Tribes which occupy the Manitoulin Islands or proceed to some other locality sufficiently distant to render it probable that they might not again be called upon to give place either to Agriculturalists or Miners.

Notes on the cover of the petition indicate that it was first referred to the Committee of the Executive Council for a report by command of Major Campbell, the Civil Secretary, on July 14, 1847; it was next referred to the Commissioner of Crown Lands for a report on July 21, 1847.

13. The following year, the number of Lake Superior Indians attending the distribution of presents at Manitoulin Island rose abruptly. Our first indication of this increase comes in a letter dated 22 March, 1848, from George Ironside, Superintendent of Indian Affairs at Manitoulin Island:

In transmitting to you the usual Estimates and Requisitions from this Post, for the approval of His Lordship the Governor General, I have to remark, in reference to the cause of the Estimate for Presents for the Current year being made for a greater number than there were of recipients in the last season, that the addition is made for the purpose of guarding against a short supply, in the event of an increase taking place in the number of visiting Indians in August next, which circumstance is very likely to occur, as I was informed that a large party from the head of Lake Superior had, last year, proceeded from their home to visit the Island for the purpose of receiving presents, but returned before reaching it having found that they would be too late for the issues they, however, expressed their intention of being here, in time this year.

...

An appended list of "rations required for the resident and visiting Indians resorting to Manitowaning [Manitoulin Island] at the distribution of Presents in the year 1848", estimated that a total of 2,300 people would attend.

[Document No. 16]

14. Ironside's prediction proved correct. On June 24, 1848, John Mackenzie, H.B.C. trader at Fort William, wrote to Sir George Simpson explaining why "nearly all" the Fort William Indians had gone to Sault Ste. Marie:

A canoe arrived from the Pic about half an hour ago & as Mr. Swanston has addressed a Circular to the Gentlemen along the communication on the subject, I forward it onwards without delay.

...

Nearly all my Indians are off to the SS Marys, instigated by the Young Chief (Peau de Chat) who had informed them that they would there be paid a large sum of money for their Lands, besides the

usual presents, even the old Chief (Illinois) whom you advised to remain at Fort William has followed the example of the others, but on this subject I will say more when I have the pleasure of seeing you here, meantime Believe me with regard & respect.

[Document No. 17]

15. The list of "Fort William Inds taken 7th August 1848" in the Superintency Records listing Indians entitled to annuities [annual presents] indicates a total of 156 individuals belonging to 29 families. (See Document No. 19).

16. Superintendent Ironside's "Numerical Return of the Resident and Visiting Indians who received Presents at Manitowaning on 12 Aug. 1848" showed a total of 2,300 men, women, and children, of whom 1,221 were resident on Manitoulin Island. Ironside made these "observations" on the returns:

The increase of Indians this year was caused by a greater number than usual coming from the interior and from the shores of Lake Superior and also by an [illegible] of settlers on the Island from Beausoleil.

[Document No. 20]

17. If Indian expectations that their lands would be purchased had risen in 1848, so too had the pressures from the intrusion of the miners on their hunting grounds and in their villages. In consequence, Chief Chingwakouse, who had received no reply to his July 5, 1847 memorial, led a deputation to meet personally with the Governor General in Montreal. (See document No. 18). As a result of their visit, the Governor did take action. On July 31, 1848, Major J.E. Campbell wrote thus from Government House to Supt. Anderson, conveying the Governor General's instructions to investigate the Indians' complaints and their title and right to compensation for lands in question:

I am directed by the Governor General to inform you that Chinguacouse and some other Chiefs of the Chippewas who reside at and near the Sault St. Marie have lately waited on His Excellency and

complained that the lands which in former times they occupied and considered to be their own, have lately been taken possession of by the various mining companies and they state that their hunting is entirely destroyed and that they have now no means of obtaining their living; they moreover complain that some of the licences of occupation granted to the above mentioned Companies cover the sites of their villages, and that the Indians are forbidden to cut timber either for building purposes or for fuel.

His Excellency conceiving that the truth of these complaints should be enquired into and that a thorough examination of the facts can only be made on the spot, has been pleased to select you for this duty, and you are directed to proceed forthwith to the Sault St. Marie, and to visit the Indian villages and such other localities as you may deem necessary with a view to prosecuting your enquiries.

You will report for His Excellency's information on the nature of the injury and annoyance the Indians have experienced, either by the appropriation of their Lands, by restrictions that have been imposed upon them, or generally by the immigration of the white population, and you will note what effect appears to have been or is likely to be made upon their moral and religious habits.

You will avail yourself of this opportunity to collect any additional information relative to the title of the Indians to the lands referred to, adding any suggestions that may occur to you for His Excellency's consideration, as to the best method of compensating the Indians for any loss it may prove they have experienced or in reference to their removal, and their future place of residence &c.

[Document No. 18]

18. On August 28, 1848, Anderson sent his Superintendent General, Major Campbell, his report on the complaints against the mining companies made by Chief Chingwakouce's Band at Garden River. In it he describes as follows a council held with the Indians from Sault Ste. Marie, and his conclusions, after "reviewing the circumstances of the case", on the land that should be purchased and the reserves required:

In obedience to the instructions conveyed to me by your letter of the 31st ult. directing me to proceed to this place and to report on the subject of certain complaints made to the Govt by Chief Shingwacouce on matters regarding the Indian Land taken possession of by various mining companies &c &c and in compliance therewith I have the honour to report to you for the information of His Excellency the Gov. Genl., that on my passage up I

found the Sault-Ste-Mary Indians at Manatowaning about to receive their presents and having waited two days for them and proceeded to this place which I reached two days before the main body came up this delay rendered it impossible to be ready for the next trip of the Steamer and consequently have been detained here longer than I anticipated -

On the 18th Inst. I had all the Indians assembled and proposed to them the several queries on the subject of their priority of claim to the Lands in this part of the country which together with their arguments were recorded in the document herewith enclosed, and on which I would respectfully beg leave to observe that there does not appear a doubt but what the present band are the proprietors of of the vast mineral beds and unceded Forests from Grand Bature near Mississaguay River on Lake Huron to the Boundary Line at Pigeon River on Lake Superior throughout which region numerous Locations have been granted.

Their claim it appears continued unmolested from time immemorial to the present day.

They do not admit that it be owned by any power under pretext of the right of conquest because the French were admitted into their country on terms of friendship as traders and when the English waged war against the French the Indians at the instance of the Commander of the British Forces became their allies and have acted in that capacity in all subsequent wars, in which the English have been engaged in this country to the present time.

The assertion of the Indians as to the ruin of their Hunting Grounds is fully corroborated by Gentlemen of the Quebec Mining Company and though fires occasionally occur from the negligences of the Natives themselves, yet the evil produced by such partial occurrences is nothing compared to the damage done by the burning of the Forest and blasting of the Rock by the Mining Companies who have purchased Sixty or Seventy Locations at intervals comprising a distance of 300 or 400 Miles on Lake Superior.

I may here add that not only the Indians but possessors of Location and every individual with whom I have conversed on the subject consider the sale of these Locations offensive and in the Spring of 1847 when a Mr. Busted began to explore the Land at Garden River the Indians successfully opposed him until Mr. Supt. Ironsides assured them he was acting by order of the Govt. and though the Indians are incapable of openly opposing the forced occupation, there is no doubt in my mind but what they will give serious annoyance until their right be extinguished.

At Garden River where about 100 Indians are congregated at present (the Indians of Shingwacouce's Band) have not less than forty acres under improvements and fifteen Houses built by themselves, their potatoes Corn and other Crops are looking remarkably well, but all their fields, Houses &c are within the mining Locations granted

to Messrs. Clark Elliot Simons and Simpson on account of which the Indians are much distressed, for fear it may not be in the power of the Govt. to rescind the order in Council granting these Locations, particularly as there is no other place in the vicinity so well adapted for an Indian Settlement. A herewith shows the situation of Garden River, the Indian fields and the Mining Company's Locations. The dotted lines point out the boundary lines that I would propose as a reserve for the Indians including Squirrel Island, viz. from the Garden River in a direct line four Miles east four Miles West and four Miles North from the Bay in little Lake George -

Reviewing all the circumstances of the case and the ----- with which the ---- appear they possessed as to the right of soil, I feel it my duty humbly to suggest that the Govt. extinguish the Indians right by a treaty granting to the aborigines an equitable remuneration for the whole country which as far as the natives are concerned would be most to their benefit in a perpetual annuity, making such reserves to the Indians as may be necessary for them to cultivate hereafter.

The extracts from letters in the possession of Chief Shingwacouce Nos. 1, 2 & 3 which are attached to the Indian Sketches shew that their title to the country had been acknowledged by the Government and that they would receive support to enable them to settle and cultivate the soil, they have also in their possession a duplicate of the Deed of Sale to the Govt. of the Island of St. Joseph dated 30th June 1798 -

In conclusion I would respectfully suggest whether it may not be worthy consideration at once to extinguish the Indian claim to all the unceded Lands North and West of the Midland Newcastle Howe and Simcoe District as far as the Ottawa or Grand River and following the height of the Land on the Honble. Hudson's Bay Company Boundary Line North of Lakes Huron and Superior until it strikes the frontier Line between Lac Le Pluie and the Mouth of Pigeon River.

[Document No. 21]

19. Enclosed in his next letter dated October 9, Anderson sent the Superintendent General, Major Campbell, the text of the speech delivered by Chingwakouse (old Pine) at the council meeting, as reported in an unidentified American newspaper:

Speech of "Old Pine" - an Indian Chief - a Council was recently held with the _____ by order of the Canadian Government relative to the claims of the lands on

* Also spelled Chinkwakouse, Shing-quash-kanee, Shengwo-koose, etc.

the north shore of Lake Superior and the Canadian side of the St. Mary's River. The Commissioner on the part of the Government was Col. Henderson, of Montreal: and Pine, an Indian Chief, conducted it on the part of his tribe. The speeches of the Indians throughout have been represented to us as interesting and truly eloquent. Mr. Louis Cadotte, an intelligent half-breed, who acted as interpreter on the occasion, has politely furnished us with the following speech delivered by Pine, in answer to a question propounded by the Commissioner:

"You ask why we claim these lands as ours? We answer, because the Great Spirit, the Indians God, placed us in possession of them long before the white man ever came to this continent. Our ancestors then roved these forests independent of famine or want - because they had the animals of the woods for their food, and their furs for dress. But when the greedy white man first came to them, a stranger, he showed to our ancestors many goods which he had brought with him over the big water of the rising sun and which were very tempting to our fathers. The white-man knew that the furs worn by our nation were very valuable, and he said to them if you will give me the privilege of trading with your tribe, for their furs, you shall have annuities given you as long as the name of the Indian exists. Accordingly our ancestors consented to it - they then began to hunt, and before many years game began to grow scarce.

Such was the agreement which the French made with our ancestors, and the benefit we have received from this agreement is this - instead of using a stone to cut my wood, I use a sharp axe - instead of being cloathed in my warm ancient furs, I am now dressed in your own cloathing - instead of having plenty of food, I am always hungry - and, instead of being sober the Indians are always drunk. This last is a misery unknown to our ancestors. This land, where lie the bones of our ancestors, is ours! We have never sold it, nor has it ever been taken from us by conquest, or by any other way. When the Great Spirit placed us here - even before the whites came to this continent, where the sun so often sets upon them in its wrath - the Indian was living in ease; but now, wherever we turn our eyes, we behold nothing but poverty, sorrow and trouble; and worst of all, the miners are intruding upon our lands, without securing us a compensation.

The Great Spirit, we think, placed these rich mines on our lands for the benefit of his red children, so that their rising generation might get support from them when the animals of the woods should have grown too scarce for our subsistence. We will carry out, therefore, the good object of our Father, the Great Spirit. - We will sell you these lands, if you will give us what is right - at the same time, we want pay for every pound of mineral that has been taken off of our lands, as well as for that which may hereafter be carried away."

[Document No. 23]

20. In his covering letter dated October 9, Anderson transmitted to Campbell information received from his son, Reverend Anderson, who had reported a new development in the Indians' quarrel with the mining companies:

I have this moment received a letter from my son at the Sault St. Marys and as his information appears to me of importance, I hasten to communicate it to you as I have received it: It appears that Indians have lately taken the opinion of a Mr. McDonald *an attorney in Toronto on the subject of their lands who has recommended their notifying the occupants of the mining locations at Garden River, that they will not permit them to cut or remove any timber from the said Locations, (the enclosed is a copy of the proposed notification) - tho' I have nothing official on the subject I have written and requested my correspondent to tell the Indians they must be guided by what I told them on having their "trust on the the certainty that the Government will do you justice and await patiently for an answer to your speeches," this I have done in the mean time, and I would beg leave respectfully to suggest that they be written to in reference to their speeches and told; the subject is under consideration; but as they have requested a full answer will be sent them in the Spring and in the interim they must treat the whites kindly and not allow the voice of bad Birds, to enter their ears. - I also enclose a slip from an American paper in which it is said Louis Cadott acted as Interpreter in the Council - this is quite untrue! as I did not require an interpreter and pointedly refused his profered services because he is a notorious bad character and one who does not honestly under[stand] the words spoken by either party. I would take leave to add that the Indians in that part of the Country are not (with very few exceptions) under the influence of civilized control, and therefore are more apt to be influenced by every new idea they hear, and on the American side, which they often visit, there is no lack of councillors for evil.

[Document No. 22]

21. The hand written copy of the notice from the Indians to the miners enclosed in this letter of 9 October, 1848 read, as follows:

On the part and behalf of the Band of Chippewas occupying and inhabiting the portion of the country, I hereby give you notice that the lands now attempted to be occupied by you have never been surrendered to the Crown, and I hereby forbid you or any others entering thereupon for the purpose of occupation or for the purpose of cutting down or removing timber therefrom, inasmuch as the above named band are determined not to sell or surrender any portion of said lands upon any terms whatsoever; and being so resolved to reserve their lands solely for their own use and occupation they will resist any attempt on the part of others to occupy or possess the same.

A note at the bottom of the page, initialled T.G.A. (initials of Thomas Anderson) stated:

* The individual variously referred to as Allan McDonald or Allan McDonnell or MacDonnell appears to be the same person. See document No. 513 for his biography and cf. paras. 20, 23, 39A, 29B, 30, 36 (entries for Oct. 16 & 18, Nov. 16 & Dec. 10) 37, 40, 42, 43, 52 Appendix A, 61, 71, 74, 77, 133.

This was intended for Shing-quash-kance's Signature but has not been executed.

[Document No. 22 encl. a]

22. On December 2, 1848, T.G. Anderson replied to a request from J.W. Price of Crown Lands for detailed information for the Governor General about the Indians on the shores of Lakes Huron and Superior. In this reply Anderson explained as follows why "accurate information" could only be obtained by visiting and questioning the Indians in the different localities. Anderson wrote:

I have the honour to acknowledge the receipt of your letter dated "Crown Land Department Montreal 25th November 1848" directing me to give you "for the information of His Excy the G G in Council particulars concerning all the settlements and Posts occupied by Tribes or Indians of Tribes on the borders of Lakes Superior and Huron; the population of each place (-----) the period they come there and from whence; whether they desire to remain, and a reservation of Land to be made, the quantity or extent of country which they claim, &c"

In reply I beg leave respectfully to report to you that it is not in my power to afford accurate information on these points without visiting the different localities, and collecting the Tribes at their respective places of resort to classify and take their number, and at the same time to enquire from whence they come and their --- as to remaining &c - With regard to the Land claimed by each Tribe: as the Country has not been surveyed the distances comprising each Claim along the Lake Shore can only be computed by the supposed number of miles, usually allowed by voyaging from one given point to another. The extent or distance each Tribe may claim interior from the Lakes can only be determined by actual Survey at an ----- expense ----- sufficiently accurate for the purpose by Maps ----- by the Natives themselves; to accomplish this it would require to be with each Tribe from one to three Days, and, in order to form a more correct idea of the existing distance as laid down on their Maps, a reference to Captain Bayfield's Survey would be essential.

Anderson next explained what he felt should be done to avoid future disuputes over title to the territory:

Wishing to convey, for the information of His Exy in Council every information in my power on this subject, I beg leave further to state, that there

are also Claimants in the Interior and particularly in the vicinity of the inland Lakes, the principal of which as far as I have been informed, are Nipissing, White Fish, Temiscaming and Nippigon, but I am told the total population is very small and nothing in comparison to the tract of Country over which they roam in quest of Game and I believe the majority of the Inhabitants resort, during the Summer Season, to the Shores either of Lake Superior or Huron, thence it appears to me, the cost, to secure the whole unsurveyed Country, would be little more, than to extinguish their title, to a strip, round the borders of the Main Lakes and certainly it would obviate all after disputes on the subject which experience has proven would be important -

A fair Estimate might be made of the interested Indians by sending a Confidential person to visit the Lakes and take a Census at each.

[Document No. 24]

23. Seven months later, before the Governor General had acted on Anderson's information requested through Price, Price received additional information to pass on to His Excellency. On June 19, 1849, J.D. Cameron, a Baptist Missionary at Sault Ste Marie, concerned by "the great doings and sayings of those individuals who are speculating on the ignorance and simplicity of the poor Indians wrote Price as follows:

I most hesitatingly take the liberty and most unpleasant responsibility of communicating to you, for His Excellency the Governor General's information and consideration, the following facts and proceedings which have recently taken place at Garden River.

Mr. Allan McDonald of Toronto *held a council with the indians at the said Garden River on the 16th Instant. I was invited to attend it by a young chief (Waubimmama) To witness [sic witness] the proceedings. I went in compliance to his wish. I got there in season to see the whole proceedings, and to hear all that was said on the occasion.

A memorial, to His Excellency the Right Honourable James Earl of Elgin having been previously drawn up by the said Allan McDonald, was read by him, and interpreted to the Indians by Lewis Cadotte, a half breed. The Memorial meeting with the approbation of the Indians, the Rev. Mr. Anderson gave in the names of the chiefs, whose names he wished should be attached to the memorial, with their respective Totaims (their respective family coat of arms) to Mr. Jos. Wilson the collector.

* cf. paras. 11, 20

Furthermore I would mention that the said Allan McDonald obtained upon the same occasion, the chiefs' signatures to several leases viz One for the Michipicoton Island, another for a mining location in the vicinity of Pointe aux Mines, also a grant of one adjacent to or near the latter, as a remuneration for his services to the Indians. He stated that he had, for the one granted to him by the chiefs, paid to the B. Government one hundred and fifty pounds.* And in addition to those above mentioned, another one, leasing to him the islands on the Falls of St. Mary's for the purpose of cutting or making a road, as the Indians understood him, thro' the island from the foot up to the head of the said Falls of St. Mary's.

I would here beg leave to intimate to you that among the signatures to the Memorial and to the Leases are the names of two half-breeds viz Shingwauk (alias La Voie batte[?]) and John Bell. Nabinagoging, Puk-wah-pi-tak-sung, Ka-ba-o-sa and Mee-ghick- Kee-Vahoh are indians, but have no Title to the Island of Michipicoton, nor to the lands on which the location in question are at Pointe aux Mines. Consequently their signatures in point of law, are illegal. The only individual whose signature might have been of some weight had he been of age, is ogimahbenaise. He is an orphan boy, about thirteen or fourteen years. The late father had been a chief of Michipicoton.

And after Mr. MacDonald had accomplished his object the Revd Mr. Anderson obtained also of the chiefs a lease of a tract or lot of land situate on the west side of the mouth of Garden River, the lot to contain two hundred acres of land. That amount of acres will almost take up the whole Indian village. Of this the Indians do not suspect, and very likely the Rev. Mr. Anderson takes advantage of their ignorance to effect his own purposes and intentions.

Mr. Cameron next described the request an Indian deputation, led to Montreal by MacDonald, would make of the Governor General:

Mr. Allan McDonald purposes going down to Montreal in company with two or three chiefs, as a deputation on the part of the Indians. This course he has advised them to take, to urge the Government to make an immediate treaty with the Indians for their [lands sic], and to request the Governor General to commission some one to call a general council for that express purpose.

Again, at this council of the 16th Instant it was intimated to the Indians by Mr. McDonald that a large sum of money was now in the hands of Government. Money that Government received for the various and numerous mining locations on the north shores of Lake Huron and of Lake Superior.

* cf. para 11, doc. no. 180

This money said to be in the possession of the Government, was openly stated to them as belonging to the Indians. It is not improbable that this deputation above mentioned will make a demand for it. I am very apprehensive that some great evil will ultimately result from the great doings and sayings of those individuals that are speculating on the ignorance and simplicity of the poor Indians, to obtain metal at all risks and at the expense of the Indians.

Mr. Allan McDonald wisely told the Indians at the council that it would be unnecessary to have an interpreter to go with the deputation, as the chiefs would not be required to make any great speeches to their Great Father, the role of the deputation being openly to state that the chiefs had appointed him, Mr. McDonald, to transact for them, in their stead, their affairs to the best advantage, in the sale of their lands.

Cameron then expressed his views on the need for a treaty thus:

Thus the Indians, notwithstanding particular pains [illegible] to make them understand, that the B. Government acknowledge their claim, are putting at defiance their Great Father and the B. Government. The present state of circumstances and feelings of the Indians renders an immediate treaty with them for their lands expedient & very desirable. If Government cannot do it some measures ought at least be taken to keep the Indians within the bounds of good behaviour. It is also very desirable that some active steps be taken in order to prevent recurrences of such facts and of such proceedings as I have taken the responsibility to acquaint you of.

I sincerely wish that His Excellency the Governor General will forbear with the poor Indians for their misconduct. But to deprive them of their medals would be the most effectual way of humbling them, and of putting an effectual stop to such proceedings as they have been guilty of.

In justice to Mr. McDonald I must say that he intimated to the Indians at the council that he would return the leases to them providing the Government would allow them more than he has promised to do to them.

In conclusion I must entreat you to forgive me for the liberty I have taken. I am a native of this part of the country. That will account for my taking such an active part to promote the peace and welfare of the Indians.

N.B. Could I be of any service to the Government in endeavouring to allay the fears and suspicions, that interested and selfish individuals have created in the minds of the Indians, it would afford me much pleasure in doing so. Being a missionary, versed in their language, and also being a relative of the Indians in this region and likewise of those residing on the North Shore of Lake Superior, it may not be improper to suggest

to you that I might be of great service in preventing much evil that might result from the present stale feelings among the Indians. Confidence they have not in the Government Indian agent, as they have openly been told that they, agents, will study to promote the interest of Government and not theirs.

The present state of feelings among the Indians calls forth the above communication. I beg therefore you will excuse me for my "may be uncalled for" interference in this matter. I do it from pure motives.

[Document No. 25]

CHAPTER THREE: 1849: The Government Moves and Pressures Mount;
 The Vidal-Anderson Commission and the Incident at
 Mica Bay

24. Commissioner Price made the report a month after receiving Reverend Cameron's letter:

The Commissioner of Crown Lands has the honor to call the attention of His Excellency the Governor General in Council to the subject of the claims of the Indian Population inhabiting the shores of Lakes Superior & Huron to compensation in consideration of the cession which they propose to make to the crown of the Territory which they occupy bordering on those Lakes. The question of these claims has been before the Government in Reports from this Department of the 4th November 1847, 25th April & 16th October 1848 and 3rd & 10th July 1849 to which reference is requested. From the accompanying letter of the 2nd. December 1848 from Superintendent Anderson of the Indian Department it will be perceived that full information concerning the settlements & posts occupied by Tribes or divisions of Tribes, the population of each place (classed) the periods they came there and from whence, whether they desire to remain and a reservation of land to be made - the quantity or extent of country which they claim &c cannot be furnished by the Indian Department and without these particulars there is no sufficient basis upon which to found arrangements for a Cession of the Territory.

Commissioner Price then asked for the following authorization for the Commissioners:

It is however respectfully suggested that authority be given by His Excellency in Council to assure the Indians of the desire on the part of the Government of this Province to secure to them permanently such reservations of land in the vicinity of their present settlements as they desire to retain and to remunerate them in an equitable manner for the relinquishment of any just claims upon the section of Country alluded to which upon a careful investigation may be proved to exist.

To supply the particular information which it seems the Indian Department is unable to yield it is proposed for the consideration of the Governor General in Council to despatch a competent Special Agent at such fitting period as may be ascertained to be most desirable namely when the people are principally within the limits of their settlements who shall be commissioned to enquire into their claims and collect the statistical particulars referred to together with such other useful information as may tend to facilitate the adjustment of the difficulties which exist-- To learn from themselves such proposition as they may desire to make and while ascertaining the

degree and nature of their present expectations to secure a knowledge of the amount in each case in which they are recipients of the Public liberally whether from an Imperial or Provincial Source.

Upon the time being fixed for the visit of an Agent it is desirable that the officers of the Indian Department should be instructed to notify the Indians to be prepared to meet such Agent at some certain stations to be appointed for that purpose.

[Document No. 27]

25. Acting on the advice of the Commissioner of Crown Lands, a Committee of the Executive Council on Land Applications, recommended on 4 August, 1849, the appointment of Alexander Vidal, Deputy Provincial Surveyor, and Captain Anderson of Indian Affairs, to investigate the claims and expectations of the Indians of Lakes Superior and Huron and report fully. Their mandate was laid out as follows:

On the Report of the Commissioner of Crown Lands, dated 28th July 1849, relative to the compensation to be granted to the Indians of Lakes Superior and Huron in consideration of the surrender they propose to make to the Crown of the Territory bordering on those Lakes.

The Committee recommend that Mr. Alexander Vidal of Port Sarnia, Deputy Provincial Surveyor be deputed on the part of the Government jointly with Mr. Anderson Superintendent of Indian Affairs to investigate these claims and ascertain the expectation of the Indians with a view to the final action of the Government upon the same and to proceed at as early a period as possible this year to Lakes Huron & Superior to meet the Indians on their grounds and report fully upon their claims to the Executive Government with as little delay as possible.

The Committee Report was approved by the Governor General in Council on the 4th August 1849.

[Document No. 26]

26. The rumour of a council between the Government and Indians that season appears to have circulated at the trading posts at the lake. On August 21, 1849, John Swanston, H.B.C. trader at Michipicoton, wrote about it to Sir George Simpson, Governor of H.B.C.:

...

- The Nipigon, Fort William and Pic Indians, who went down to the Sault last month, all returned thither on their way to their homes, having got a fright while at the above mentioned place, by the breaking out of the cholera on the American side which in the course of a week I have been informed carried off 10 individuals, its to be hoped this fatal scourge will not extend to this quarter, if it does it will make a fearful havoc amongst the Indians. - It was reported that a council was to be held here this summer, between the Government and the Indians, on the subject of the later's claim to the lands in this quarter, but as the latter have all proceeded up the Lake, I suppose the holding of the council has been abandoned, or some other place has been appointed for the meeting, but if such is the case, I have heard nothing about it as yet, ...

[Document No. 29]

Swanston also mentioned the ill fate of a mining venture:

The British North American Mining Company and Prince's Bay near Fort William, I understand have this summer reduced their establishment there from 16 to 7 men, and as I believe they have met with no success in their excavations that have now been carried on for this three years, I would not be at all surprised if they were to abandon the location altogether in autumn.

27. Other mining companies, like the British North America, appear to have had similar difficulties. An entry of August 22, 1849, in the Minute Book of the Committee of Land Applications concerned the Quebec and Lake Superior Mining Company's problems: .

...

The Commissioner of Crown Lands reports as follows "A Statement of the Mining Tracts which have been assigned to parties of the Applications [Quebec and Lake Superior Mining Company] which have been received has been prepared and is transmitted herewith, from which it will be perceived that there remain thirty six locations upon which the balance of the first instalment is overdue and from the liberal terms upon which the locations were made it is quite obvious that it is mainly attributable to the mode practised by the Companies who hold the locations of absorbing and monopolizing an excessive number of Locations, that their operations have been impeded and that they have been unable to realize their engagements with the Government. *Should it be considered

advisable to grant any indulgence of a general character public Notice, or a direct intimation should be given that unless payment be made within the extended period, the locations will be resumed and be otherwise disposed of."

The Committee recommend that the time (upon all mining locations) upon which instalments are due be extended to one year and that public notification be given that the Lands will be resumed at the expiration of that period if upon which instalments are then due and unpaid.

[Document No. 30]

28. Some three weeks after he received news of his appointment, the provincial Surveyor, Alexander Vidal, acknowledged receipt of his instructions for "negotiating" with the Indians of Lakes Huron and Superior as follows and requested "any information ... which might throw any light on the Indian claim":

In acknowledging the receipt of your letter of Instructions for my guidance in negotiating with the Indians on Lake Huron and Superior, I cannot retain from expressing my sense of the honor you have done me in selecting me for the performance of so important and enviable a duty, and in confiding to me the guardianship of the public interests in a transaction of such moment as that of passing judgement upon the Indian claims. It will be my desire and constant endeavour to perform my duties with fidelity, and to show that your confidence has not been misplaced -

I have already made arrangements to meet Capt. Anderson at Sault Ste. Marie on a day appointed by him, and expect to leave this place in the next Steamer for the Sault.

It would be very desirable that I should be put in possession of any information relative to the Indian title which the Executive can furnish, or any of their petitions, addresses or other documents which might throw any light on the claim -

I have written to Mr. Vardon for a copy of their last address, as I consider it advisable to ascertain if possible, how far it is a true expression of their sentiments and wishes; - if he has not the document, perhaps a copy may be furnished from your office.

[Document No. 31]

- 29A. The Indian deputation to Montreal about which Reverend Cameron had informed Commissioner Price (see para. 23 and document No. 25) took place as contemplated. Chiefs Shinguakonce,

Nebenaigonching and Menissingowennie, the London Illustrated News, reported, had, accompanied by Allan McDonald (McDonnell) (see document 34) and Reverend Anderson [who had drawn up the petition (see doc. 25)] travelled to Montreal "to present an address to the Governor General". They affirmed, on this occasion, the paper confirmed, "that if the government does not make a fair treaty with them for their lands, they will, this winter, drive off the obnoxious miners".

[Document No. 35]

29B. The Chiefs, having heard the Governor General's reply (see document No. 40), returned the H.B.C. trader, W. MacTavish, reported on Sept. 14, 1849, with McDonnell to the Sault, "waiting the arrival of the gentlemen appointed to treat with the Indians for their Mineral Lands". In this letter MacTavish, in reporting the arrival of M.M. Vidal and Anderson, reflects as follows his understanding and that of the Indians at the Sault, of the commissiners's power and mandate:

...

Mr. Allan McDonnell arrived here, after his trip to Montreal with the Indian deputation, about a month ago, & since then has remained waiting the arrival of the Gentlemen appointed to treat with the Indians for the Mineral Lands in this section of the Country; one of the Commissioners Mr. Alex Vidal the Surveyor arrived here last week and the other Captn. Anderson of the Indian Department is expected today in the "Gore", Mr. Vidal does not know until he sees Captn Anderson what steps are to be taken but thinks that they will proceed up to Lake Superior to form a Council wherever they can find the Indians, it is thought from all the Indians being already inland that the treaty for this season at least will end in smoke, the Indians about are loud in their demands for money, and threaten to stop operations at the mining locations if they do not receive immediate compensation, of course it is only threats, as they are not in a position to take the high hand. The Quebec Mining Coy people seem to be a good deal alarmed & hint that Mr. McDonnell has given the Indians bad advice; & that he will yet find he is injuring himself. - Mr. Forsyth one of the Directors of that Company called here, & was talking of forming a railroad across this portage (St. Mary's) & that he intended seeing you on the

subject, of course I said nothing on the matter; Mr. McDonnell's railroad lies over for this season at least; I suspect from want of funds.

One of the Ermatingers (James) is up here just now bothering & Causing all shades of faces. he brought from Lapointe an Indian Chief, a brother of his mother, to speak to the Chiefs here for himself & family in the expectation of a payment being made this autumn, he claims for his family all the lands from a point or two below the Stone house to a considerable distance above (Pointe aux Pins). The Chief of this place repudiates the claim & distinctly says none hold land here from the Indians except the H.B.Co., it is said the Ermatingers have petitioned Government against forming a treaty with the Indians on some grounds connected with their own claims which when it comes out at the Council will injure them with the Indians, but it is not yet known what claim they have to this part of the country as their mother comes from Sandy Lake, however be that as it may their struggles after the loaves & fishes are pretty fair. -

...

- 15th Sept. '49 - Captain Anderson has arrived and intends going up the Lake but has not yet decided how ----- as yet come out concerning the treaty, but the Indians feel disappointed at seeing the commissioners arrive without money - A son of J. Dujald Cameron has come up it is said to remain at the Indian village below & Captain Anderson has also brought up with him a Carpenter a Protegé of his to share in the spoils - ...

[Document No. 34]

30. In his next letter dated 20 September, 1849, Trader W. Mactavish, informed the Company Governor about the movements of the Anderson-Vidal Commission. He marked this letter "private" - and included the following information about the Commission's instructions which he had received "privately" from Mr. McDonnell who, he said, had "the best information on the subject":

The Government Commissioners sent up to negotiate with the Indians for the sale of land have gone up the Lake with one of Livingstons propellers, they are to be landed at Fort William and have taken up craft & people to bring them down along the North Shore, where they are to confer with such Indians as they may find, I suspect they will not effect much, as Mr. Vidal is the leading man, Captain Anderson said nothing but after his long service he cannot but feel the slight, the plan of proceeding up the Lake was Mr. Vidal's & will prove an expensive one; Mr. Allan McDonnell had offered them his vessel for the voyage at \$14 per

day. Jas. Ermatinger has gone up with them with the avowed determination of bothering them; The Commissioners are to form a Council here with the Indians on their return, Mr. M^cDonell informed me privately that their instructions were to buy all the land about the Sault on the British side from the Indians, but that the chiefs were inclined not to include the lot which had been formerly granted to the North West Co. as they considered it already sold, the Indians here have chosen Mr. M^cDonell as their Agent, & stated that they will do nothing except through him, so that he has the best information on the subject.

...

[Document No. 36]

31. The next report on the movement of the Commissioners was made by the chief Trader at Fort William, John Mackenzie. The following entry in his journal concerned the visit of the Vidal-Anderson Commission at his post from September 24 to 27, 1849:

Monday Sept. 24. - About noon, Captn. Anderson, Indian Agent for Western Canada, a Mr. Vidal Surveyor of Port Sarnia, & a Mr. Sommerville an artist arrived at the post, the two former are employed by the Government to investigate certain claims made by the Indians for the Lands now in possession of the different Mining parties on the Lake. ...

Tuesday 25th - Mr. Anderson & the Indians were employed the whole day in investigating the different claims made by the latter for their lands.

Wednesday 26 - The Government Commission employed as yesterday. ...

Thursday 27th - Messrs. Anderson Vidal & Sommerville started early this morning for the posts below, ...

[Document No. 37]

- 31A. The Commissioners stay at Fort William was also recorded by Father Frémiot, the Jesuit missionary at this post. Frémiot described the meeting of Vidal and Anderson with the Indians in a letter to his Superior dated 18 October, 1849:

I am going to speak today about a ray of hope which has recently arisen on our mission. You are aware that for a long time our Indians have been hoping to be paid for the lands. Last spring a new deputation of Sauteux went down to Montreal to plead with

the Governor himself for this act of justice which until now the government has delayed rendering them. The Canadian press published their eloquent plea. Thanks to Mr. Mackenzie I read it in English in the Montreal Gazette of July 9. Since this remarkable text has perhaps not been available to you, I thought your Reverence would be agreeable to seeing a translation of it here.

... [Text of article the petition to Lord Elgin (doc. 15) & Elgin's reply translated into French are contained in paras. 2-19.]

20. I don't know which sale the Governor is referring to: no land, as far as I know, was sold, at least on Lake Superior. What has just happened is another proof of this fact; it is also, no doubt, the result of the eloquent complaints of the Sauteux.
21. On Saturday, September 22, we saw three envoys of the government disembark on Spar Island, Mssrs. Vidal, Anderson and *Sommerville: they had with them eight oarsmen who were to bring them to Fort William, to the Pic, to Michipikoton and afterwards to see other Sauteux some 200 miles past Sault-Sainte Marie, near Penetanguishene. They rested on Sunday on this deserted beach and on the Monday afternoon, they stopped over at the Immaculée-Conception en route to the Fort. As soon as the Indians learned that they were the government's envoys, you should have seen them run to the Fort: a group of schoolboys do not run as happily to recess after a long study period: a fire brigade does not run as fast at the sound of the alarm to put out fire. They heed neither their stomachs nor their ears: those just back from a trip do not even take time to eat. In vain we tell them that these gentlemen will no doubt want to rest awhile. To no avail; everyone leaves. There is not a single man left here. I also decided to go to the Fort to see what was happening and to make the acquaintance of these Gentlemen. But, just as I had expected, nothing happened that day. Except that Mr. Anderson asked the Chief for a map of their lands and set a meeting for the next day at ten o'clock. "My Father, the young men are hungry", said the Chief and they were given pork with a large quantity of tobacco. They used it immediately since there was a pipe smoking ceremony or council meeting that lasted well into the night.
22. Meetings were held for two consecutive days from 10 a.m. to 7 p.m. with a break approximately an hour and a half long, for lunch. A remarkable thing was that although these gentlemen were eating at Mr. MacKenzie's table, they did not sleep in his house; they spent the night in a tent put

* a newspaper illustrator. Illustrated London News; (see doc. 35)

up on the grounds inside the Fort. Captain Anderson always does that, the Indians said and it is, we must admit, a good example for the Missionaries, to adapt in all things to all men in order to win them over to Jesus-Christ.

23. I attended the meetings as a simple spectator, and I accepted Mr. MacKenzie's offer to dine with these Gentlemen. I can therefore, as an eye-witness, paint you an accurate picture of the physical appearance of the group at the meeting. Mr. Vidal is seated in an armchair in the centre and writes down everything that is said by both sides. Captain Anderson is seated on his right. He speaks English, French and Indian while his two colleagues speak only English. He is the one who puts to the Indians the government's questions and interprets their replies. Behind him is one of the oarsmen, Peter Bell, a young man from Sault-Ste. Marie to whom Captain Anderson turns when he is in doubt. Mr. Sommerville, seated at Mr. Vidal's left, has his desk to one side and hardly appears take part in the meeting.
24. Opposite these Gentlemen, on chairs or armchairs, are seated our two chiefs. Joseph, La Peau de Chat, is in the front row. He is dressed like the white men, as are all our Indians. He is about 40 years old, tall and handsome with a strong and vibrant voice. The Indians chose him as chief because of his dramatic eloquence and his strong impulsiveness. All he lacks is a quality of soul finely tempered in Christian life and virtues. The other chief is an old man in his seventies called Illinois. He is just one of the fur trade chiefs set up by the Hudson Bay Company. Every year he receives two uniforms, one of which is red, with stripes and metal buttons. That is why he received the nickname Miskouakkonaye (dressed in red). A few years ago a Baptist minister from the Sault immersed him and some members of his family in the river. That is all anyone taught him about religion because he knows absolutely nothing. This old man, whom the Indians wish to consider a Chief, but who does not hold the principal position of authority, is wearing today, as you would assume, his officer's uniform. Mr. Sommerville spends the first part of the meeting drawing him in his amusing dress, set off by the long peace pipe that he rests on his thigh, holding it in place with his hand. Poor pipe! What trouble he had to get you lit! During more than a good quarter of an hour, he worked at it with his flint to the silent amusement of the room. Behind the Chiefs, all around the room, the Indians are seated on the floor, leaning against the wall.
25. We start off by calling the roll based on a list drawn up yesterday by Mr. MacKenzie. The names of the Metis are not called since they do not have the right to speak at these

types of meeting. Is this wise? And are we afraid that because they are better educated than the Indians, they would know how to defend their rights in a better fashion? I leave it up to your Reverence to answer that question.

26. These preliminaries completed, we started on the long series of questions that these Gentlemen came to ask the Indians on behalf of the Government. "What is your origin? Your name? Are these your Chiefs? Who is first among them? - Joseph, la Peau de Chat, answered the Indians - What is the shape, the extent and the quality of your lands? What animals live on these lands? Do you wish to sell your lands? What do you estimate they are worth? - In addition to a reserve on both sides of the river where we live, we ask thirty dollars per head, women and children included, each year until the end of time, and that amount to be paid in money not goods. Furthermore, we ask that, at the Government's expense, there be provided a school-master, a doctor, a blacksmith, a carpenter, a farmer and a justice of the peace."
27. Before closing the first days proceedings, Captain Anderson said this to the Indians: "There are two things that do not please us and that we do not think will be looked upon favourably by our Father in Montreal. The first is that he does not know, and that he has not approved the chief you chose from the two candidates. The second is that you are asking too high a price for your lands. Look what Long Knife has done on the other side of the lake. There the Indians are to be paid for twenty-five years only and a lot less each year than what you people are asking for. And for you, it (the payment) would be until the end of time, and at thirty dollars per head! ... Furthermore, Long Knife, once the payment period has expired, is to ship the Indians off beyond the Mississipi; you, on the contrary, will remain here forever, in the peaceful possession of your lands. Finally, money would do you more harm than good: look what is going on in the Pointe. Indians are giving one dollar, even a blanket, for a glass of water with a bit of whisky in it: the same thing would happen here. You would be a lot better off with some clothing to cover yourselves. Therefore, think over these two points tonight and if tomorrow you still feel the same way, it will be written down. Now this is friendly advice we are giving to you because we do not think that the Great Chief in Montreal will grant you everything you have requested."
28. The following morning, after mass, Joseph, La Peau de Chat, came to tell me that the Englishman was afraid of him and wanted to strip him of his rank, but that he was going immediately to cross off his name. "My son,

I told him, the Englishman is not afraid of you, the Englishman is not afraid of any Indian. Also, the Englishman does not want to strip you of your rank, nor can he do so. The Indians have chosen you as chief and you will remain chief as long as they support you. If they answer the way they did yesterday, the matter will be closed; it will be dropped. Only the Englishman does not say the same prayers that you do; the Red Coat says the Englishman's prayers, that is why the Englishman would be really pleased to see him made first Chief. Do not be afraid of anything and be careful not have your name crossed out; you would lose everything. If you no longer wish to be chief, you will say so later on and the Indians will elect another. But today is not the right time.

I am the only one who stands to loose, he replied, and left for the Fort.

29. The Indians who had witnessed this conversation had taken measures to elect another chief should he do something impulsively during the meeting. But, apparently, he gave thought to the matter on his way to the Fort because, without saying anything about his resignation, he only said, quite wisely, "Neither the Great Chief who is in Montreal nor the Queen can presume to change Indian elections nor influence in any way their deliberations". This statement was written down. As for the price of the lands, the matter was not further discussed that day.
30. In the afternoon, thanks to some ridiculous personalities, we were witness to a quite amusing scene. La Peau de Chat told Captain Anderson that he had heard some very disturbing rumors on his account but which he nevertheless did not believe, namely that he had only come to undermine Mr. MacDonell (of Sault-Ste. Marie) who was supposed to bring the money with him that summer, etc. etc. Asked where he had heard these rumors, he pointed to, and named two young men from the Sault who were accompanying these Gentlemen as oarsmen. When questioned about this, these men declared that they were only repeating what they had heard. Captain Anderson replied that he was not Mr. MacDonell's enemy, that he had shaken hands with him on such and such occasion and he showed Joseph some paper or other which he said was signed by several Black Robes (he no doubt meant some protestant ministers). Dinner which was served then - and just at the right time - fortunately put an end to this little scene, so unpleasant for the Captain.
31. When the meeting was reconvened, the Red Coat or the old Chief, spoke for the first time. He began in these terms: "My Father, I do not know what I want to say. I no longer have all my wits, I am like you; I am very old." After that adroit opening, our indian

Nestor went back to Noah's Ark I believe, or maybe further than that: then, proceeding down through the ages he came to the white men's arrival in this land and the marvelous things that the Indians saw then for the first time. "It is not you, Englishman, who came first; we hardly know you; we called him Quémitikoji, Frenchman, the one who visited us first." As to the second half of the speech, I must admit that it escapes my memory; I can only recall some incomplete fragments. It was late and the Indians who were getting hungry were bored by these lengthy Homeric. One of the speaker's sons-in-law even went so far as to say "That is enough, father-in-law". "Patience", replied the other, I will not spoil anything." Finally, another one of his sons-in-law who was sitting at his side and who had sometimes charitably inspired his faulty memory, softly said in his ear that it was enough, and the docile speaker immediately used the formula "That is all I had to say", sat down and remained silent.

32. Then Captain Anderson stood up to make the closing speech. He praised the prudence and the ability showed by the Indians in the current deliberations. "The Indians of Nipigong, he added, those of the Pic and of Michipikoton will be asked the same questions: the Governor will see your answers and theirs and will settle the whole matter in his wisdom. You will probably receive news this winter and in the Spring, new deputies will bring you a Treaty drawn up in good order." Then he strongly exhorted them to embrace the white man's civilization, to devote themselves to agriculture and learning. Before long your forests will be without game: the only resource left for the Indians will be in agriculture... Listen to your Black Robe, do not do any harm to your white fellow citizen for the Great Spirit sees everything: but above all meditate often on eternal life.

After this edifying conclusion, we shook hands and parted as good friends.

33. The following morning, before the Gentlemen's departure, our Indians again went to bid them farewell. Since they were again told that they would not obtain everything that they had asked for, they replied "Well, cross off the doctor, the carpenter, the blacksmith, the farmer and the justice of the peace. We will only keep in our request for the school-master." I have just learned of this concession and I was as surprised by it as I was dissatisfied. I believe it is a straight loss. The Indians thought that by this gesture they would obtain their thirty dollars per head, in cash. But Mr. Anderson had already told me in private that they would not receive this amount, and especially not cash.

34. I mentioned to the Captain that if the Indians were forced to go to collect their payment far away from here, at the Sault for example, it would be impossible for them to do much farming. "They will be paid right here, he replied".
35. This, my Reverend Father, is the story of this memorable event for our Mission. Here are our poor Indians about to receive, not the unearned fortune that some innocently thought would, exempting them from having to work, but a meager relief that will at least help them to clothe themselves. Because here, the hard thing is not to stay alive but to clothe ones self. Farming and fishing will provide sufficient food, but clothing is more costly to obtain because the Hudson Bay Company has until now held a monopoly on furs, and therefore on trade.

Please remember me in your prayers and holy offices. I remain respectfully etc.

(signed) N. Frémiot, s.j.

[translated from the original French]

[Document No. 40]

32. John Mackenzie, H.B.C. officer at Fort William, also described for the Company's Governor the council between the Vidal-Anderson Commission and the Indians at Fort William:

...

Messrs. Anderson & Vidal two Gentlemen appointed by the Government to enquire into the nature & extent of the claims set up by the Indians for Lands in the possession of the Mining Parties arrived here in a Canoe in late September last & immediately got assembled all the Indians who were then at the place; I was not present at the Council, but I was informed afterwards that the Indians demanded an annuity of \$30, a head for a certain number of years. The services of a medical man, a Schoolmaster & I believe a Blacksmith, to be paid by Government, for the cession of all their Lands up to the Hudson Bay Territories, this the Commissioners at once said would not be given & after a good deal of harangueing on both sides for the space of 3 days, the Council broke up with the plan of meeting again here in June next, when all the Indians on the Lake will probably be present. I mentioned to Mr. Anderson that he would require to procure a large stock of provisions for the use of these people & it is likely that either he or some other person appointed by Government will address you on the subject.

[Document No. 54]

33. A letter from John Swanston, H.B.C. trader at Michipicoten, to Governor Simpson dated 12 October, 1849, gave details on Vidal and Anderson's visit to his post. It reads in part:

...

On the 9th inst. Captn. Anderson and Mr. Vidal Government Agents for the purchase of the Indian Lands, arrived here from Fort William, the Indians of which place I believe expect more for them than Government will feel inclined to give, as they ask I hear, an annual present in Goods and \$30 dollars in cash for each Indian, -- on Captn. Anderson's arrival here, he had some conversation, with the few Indians that were about the place but no decided settlement was come to, they having in a great measure agreed to consent to any arrangement that may be made between the Agents, and the Chief at the Sault, Shingan Konse (The Pine). Captn. Anderson expects to come up again next spring, and hopes to bring this treaty to a settlement; his intention is to have some 8 or 10 Indians collected at this place from the different posts in the District, and as the assembling of too many Indians, would cause a considerable expenditure of provisions, I enquired of him whther it was his intention to bring up a supply for them,...

[Document No. 38]

34. The H.B.C. trader at the Sault, W. Mactavish wrote a letter on 15 October, 1849 to Governor Simpson giving another account of Vidal and Anderson's meetings with the Indians of Lake Superior:

...

The Commissioners returned from Fort William on the 13th Instn. and appear to think that although in one or two instances they made somewhat unreasonable demands the Indians up the Lake will be very easily dealt with and at least said that they (the Commissioners) attributed this to the good management of the H.B. Co., Le Peau du Chat (a Fort William Chief) asked from Government in compensation for the Mineral Lands payment to every Indian of \$30 P. ann. in perpetuity and one of the Michipicoten Indians \$100 P. ann. Mr. Vidal thinks however that they will reduce the demand & take in lieu a small amount in annual presents besides Government supporting two or three stations, with schools &c. attached for the instruction of the Indians - at least this is the course he intends recommending in his report to the Government, he speaks a little bitterly of Mr. McDonell whom the Indians have chosen for their Agent, but whom Mr. Vidal has had private instructions not to recognise as such, Mr. Vidal

says, Mr. McDonell is doing all in his power to prevent a Settlement, it is said he sent up a message to the Fort William Indians that they should not have anything to say to the Commissioners as they were adverse to doing the Indians justice in consequence of which they were very averse to stating their claims to the Commissioners but that after some time they agreed to leave the matter in the Commissioners hands as they thought Mr. McDonell had given them ill advice, & had actually deceived them.

The Commissioners estimate the number of Indians on Lake Superior having claims on the Government at 750.

...

[Document No. 39]

35. Alexander Vidal kept a journal recording his observations during his "mission to the Indians", which began with his receipt of instructions from the Commissioner of Crown Lands, on August 16, and ended on November 10, 1849. The following extracts from the journal include all references to his dealings with Indians, and his mention of visits to the Quebec Mining Company locations and the Bruce Mines.

Sept. 8 - Spent most of the day examining Sec. of State papers on Public Lands (U.S.) with a view to ascertain the American mode of dealing with Indian claims and grants and to ascertain the extent to which Indians were acknowledged as possessors of territory...

Sept. 10 - Went out with S. Called at the Indian Agents and examined the book of Indian Treaties - obtained permission to copy one but on coming to do so afterwards was refused on (puerile) reasons. ...Mr. Ermatinger of Port Rowan called and presented the claim of his family as described from a head chief.

...

Sept. 13 - Spent great part of the morning at Mr. G. Johnstons obtaining valuable information relative to the Indians and their claims - writing extracts and memoranda...

Sept. 23 - ... - at 10 a.m. were landed at Spar Island near Princess Bay 25 miles from Fort William - pitched our tent and remained all the rest of the day - ... In the evening were called upon by some Indians who had seen our fire.

Sept. 24 - All hands astir at daybreak - our Indian friends came over and took on 3bbls of our load and afterwards accompanied us to Fort William ...Pitched our tent within the Fort. The Indians knowing we arrived paid us a visit and we appointed tomorrow for a talk. Cap. A gave them some Pork and Flour...

Sept. 25 - ... At ten summoned the chiefs and Indians into our council room and spent the whole day in talking with them except at short intervals at dinner time - the number present about twenty five including the priest M. "Frereiiaret (?)" a Jesuit. Peau de Chat was acknowledged as head chief by all the tribe and was the speaker. He appears to be shrewed intelligent or rather (a) cunning man. Never got on tolerably well with one business, and at sunset dismissed them with some words of advice and an appointment to resume business tomorrow....

Sept. 26 - ...we again called in the Indians who had again come to the Fort. Capt. "A" commenced by interpreting our addresses after which Peau de Chat spoke at some length and the old chief L'Illinois also -- the whole day excepting a short instant for dinner was thus spent and at sunset the business was closed with a short address from Capt "A" and with a general shake of the hands we separated...

Sept. 28 - ... at 12 stopped to dinner at the "Shanigan(?)" fishing Island - off again at 1.30 having stopped to talk with one of the Ne-Pigon Indians...

Sept. 29 - ...stopped to breakfast at 8 a.m. on copper Isle (Smiths) then having heard of some Ne-pigon Indians round the N.W. Pt. of St. Ignace went to talk with them for 1/2 an hour....

Oct. 4 - ...set sail and pushed on for the Pic River - arrived there an hour after sunset and took up our quarters in a room in "Mr. Larondes (?)" H.B. Co. establishment...

Oct. 5 - Finding no Indians at Pic and having last night appraised all the information we could from La Ronde we again started about 8.45 a.m....

Oct. 9 - ...reached Michipicoton Station at 2 p.m. Was hospitably received and entertained by Mr. Swanston - held a talk with the Chief and three others in the evening - got information also from Mr. S.

...

Oct. 11 - ... went to R. Aux Sables to take breakfast at 9. Proceeded on with paddles to Montreal Island when the wind sprang up from the NW and assisted us nicely across the traverse to Point aux Mines, went into(?) Bay and spent two hours visiting and inspecting the works of the Quebec Mine Co. ...

October 15 - [at the Sault] ...At 10:30 the Indians arrived according to appointment and our

business commenced and was continued to evening without trouble or interruption except momentarily one by Mr. McDonnell leaving the Question about selling their lands to be answered tomorrow. The council was closed....

Oct. 16 - ...The Indians came again at 11.00 and business was resumed but their dogged determination not to answer our queeries except through Mr. McDonnell rendered it necessary to break up the council. Mr. McD then addressed them in an inflamitory style. I left the room. Capt. "A" remained as a listener ...

Oct. 18 - ...at last leaving the Sault having a small and old canoe with 3 men. Rev. Anderson accompanied us as far as Garden River... Having learnt on our arrival that Ke Wa Konse of St. Josephs was there we wait for him to Mr. "A"'s where we took up our quarters. He came accompanied by Shinguukuse and the sub chiefs and in their presence we had a talk with him explaining the objects of our mission. He made a favourable reply and all left. After partaking of supper, Augustin Waubwaymay and another came in and asked éxplanation of some matters which was at once given, after some more conversation he retired to hold a council of his young men - Mr. "A" went too - ...

Oct. 19 - ...at 9 left Garden River having Ke Wa Kouse as a passenger by his request...crossed Lake George ... Reached L'Encampement d'ours at sunset and pitched tents...Ke Wa Kouse walked over to his family close by us...

Oct. 20 - ...reached the Bruce mines by 9, was coldly received by Mr. Campbell and Mr. Pilgrim on account of my letter to Mr. Cameron, but after having talked over the matter with Mr. C. he appeared quite satisfied and treated us with great kindness...

Additional entries concern the Indians of Lake Huron.

[Document No. 28]

36. Thomas G. Anderson also kept a journal of his journey to Lakes Superior and Huron, from September 5, 1849 to December 11, 1849. Pertinent extracts appear below:

Cobourg, Sept. 5th 1849

At half past One A.M. left on my journey to settle the Indian land claim on Lake Huron and Superior a rather serious undertaking at this season of the year when the north coasts of Superior are already visited by nightly frosts and where ere long ice in quantity may be gathered from the spray far East on the beach by the breaking of the mountain waves.

Sept. 13th - Reached Manatowaning at 10 the Indians had received the last of their presents yesterday, and were preparing to decamp, landed and immediately gave to Shingwaukonce and Tau --- each their War Medals for Fort Detroit.

14th - About 7 came to at Mr. Peck's settlement on the Island of St. Josephs where we heard the cholera was very bad at Bruce Mines.

...

At nine a boat from the Bruce Mines met us at a distance of 3 or 400 yards from the dock and forbid ours touching at the wharf - Cholera was bad 24 deaths had taken place, and more than one half of those in health had fled to various parts of the country -

...

After touching at the American Wharf, the Gore came to our side and we were kindly invited by Mr. Wilson to take up quarters with him for the night... At his house we found Mr. Wm. Earmintenger who professes to have a claim to lands on Lake Superior, but this cannot be as his Mother and her relations were originally from Lac La Pluie and his Grand Father or Uncle (Kaw-te-waw-br-tai) are or were American Indians - but it is not possible to describe, the many claims attempted to be set forth, or to explain the great excitement which prevails on this subject at the Sault, and still less practicable to commit to paper the unbounded expectations of almost all classes to participate in the benefit of the "Treaty Money" for they have persuaded themselves that a very large number of kegs containing \$1000 each will be distributed at this place and there will be fine pickings for the time being.

On September 15th, 1849, Anderson & Vidal met to plan their joint journey:

...

15th - Took an early breakfast and started to call on Mr. Vidal who I heard was on the American side - we met each other about half way across the river, and I returned with him to Mr. Wilson's and passing into a private room he gave me his instructions and I handed him mine to read after which we concluded the most expeditious and cheapest plan would be to take an American propeller which would leave on Monday for Fort William embarking a canoe, provisions and hands to bring us back from thence - this concluded Mr. Vidal went to make the necessary arrangements and I proceeded to Garden River to inform Shingwaukouce and to direct his collecting all his people by the time we return from Lake Superior also to engage hands for the voyage ...

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On the 21st of September 1849, Vidal & Anderson arrived at Eagle River. Anderson made the following entry regarding mining in the area:

...

A new Copper mine fever has lately been caused by the finding of old diggings supposed to have been made not less than three hundred years ago - pits have been opened over veins at distances of five or six hundred yards from each other for a distance of 20 miles. Some of these old pits, which had either been covered up by the original diggers or the sides fallen in from the action of the weather have lately been opened and at a depth of from 4 to 20 feet are found immense masses of pure copper, weighing many tons each. Large stone hammers, copper chisels hardened as steel, and other tools of the kind, some masses of this copper have been raised from their original beds and then abandoned, others of smaller size appeared to have been moved to some distance from where they had been dug up &c.

The stone hammers would indicate there having been used by a rude people unacquainted with the use of iron, while on the other hand, the chisels being brought to the consistency of steel is an art not known in the present day - however this may be there can be no doubt, but the metal as well as mineral is found in endless quantity and much excitement is abroad to acquire the locations and shares. At this place several passengers came on board mostly bound for Onondaunawan River among whom was a Doctor Pettis who had cleared \$100,000 by selling and is now in quest of more "small specks" - considerable quantities of silver are also found.

...

Upon arriving at Andowagan River on September 21, 1849, Anderson made the following entry about the cash payment received by American Indians subsequent to a land treaty they had made:

...

By way of a change and as it is not yet 12 o'clock I may inform you that about \$50,000 in specie were brought here and nominally paid to the Indians on account of their land treaty; of this large amount the American Fur Company got 8,000 other traders smaller sums leaving distributed in the hands of the assembled and cheated Indians about \$500., this sum was also ultimately taken from them for whiskey and even many of their blankets were purchased from them for one or two pints of watered whiskey. Mr. Ermatinger who was present informs me such scenes of iniquity were never seen in any part of the civilized world- robbing, drinking, fighting and even murder was committed.

I hope our Indians may never be thus served.

...

On September 24, 1849, Anderson's party arrived at Fort William:

... at 1 o'clock arrived at Fort William.
Mr. McKenzie in charge of the establishment who received us most cordially - we dined and tea-ed with him and at 10 went to be in our tent.
Mrs. McKenzie could not be seen because the infant was not very well- Gave some pork, flour and tobacco to the Indians and invited them to meet us at 10 o'clock in a room kindly appropriated by Mr. McKenzie for the purpose.

...

The entry for the following day, September 25, 1849, describes Vidal and Anderson's meeting with about 25 Indians at Fort William, and Anderson's perception of the role being placed by the Jesuit missionary, at the post, Father Frémiot:*

25th.- Up and dressed by chimes (sic) -
Breakfasted at 9 and shortly after the Indians began to assemble, about 25 were all that could be mustered they were accompanied by a Jesuit named Frimeault (sic Frémiot) and finding he meddled with our business I could not forgo the pleasure of informing him, he had no business to interfere with them - &c.- but still he did not move his body though his tongue was less busy- Mrs. McK. dined with us she is a very nice lady from Montreal- At 6 closed our Indian Council for the day.

The Jesuit here as well as elsewhere tries to influence the Indians with his way of thinking not only as regards his erroneous creed, but also as regards the duties of our mission, not because he is familiar with our object but because he fancies he can direct the Indians and thus influence the Government into what he considers a good bargain for the natives and ultimately that he might, [illegible] their case to the exclusive benefit of his Priest craft, but of this the Government must be on their guard.

...

Sunday 26th - There is nothing to record except that we finished our business with the Indians - and a heavy rain during the night to which I attributed my having caught a severe cold -

...

*(cf. doc. 40 & para 31A)

Anderson arrived at the Pic Trading Post on October 4, 1849:

4th - Made an early start the wind partly ahead and partly off land - we only made 25 miles and at 6 reached Mr. LaRonde in charge of the Pic Trading Station or Post - Mr. Lakord received us very kindly took us up to his house where we had a good supper and a good night's lodging - besides gaining much information on the subject of our mission - Among other things he informs us that, the Nepegon Indians almost to a man have a plurality of wives and some to the number of seven - the man we met yesterday had three viz., The old woman, her daughter by a former husband, and again a daughter of the second wife by another father. Mr. LaRonde further informs on this subject that parents refusing to give their daughters in marriage are almost certain of being murdered by the party applying - murders for other trifling causes are not infrequent among those Indians - surely no pains should be spared to civilize them!!

On October 11, 1849, Anderson visited the Quebec Mining Co.

location at Pointe Aux Mines:

11 - Left our Camp at 5 - at 8 put in to breakfast then embarked up sail and had a fine run to Pointe aux Mines [sic Pointe aux mines] (A Quebec Mining Co. Location) here we met that excellent man Mr. Bonner the superintendent, Dr. Newton and Mr. Price who conducts the smelting operations - here they have a stamper and smelting machinery, and will in a few weeks begin to cast pigs of Copper for exportation - we remained here two or three hours examining the works which Mr. Bonner most kindly showed us - there does not appear to be over 50 men here, but besides stores &c., there are about 40 houses nearly all of the same size, viz., cottages of 16 to 20 feet square - Mr. Bonner himself is providing something better for his own residence, saw a few Indians here and we left after 5 tho' much pressed to stay, but wishing to make an early start we chose a camp about 1 1/2 miles from the mine.

On October 15 and 16, 1849, Anderson and Vidal held a Council with the Indians at the Hudsons Bay Fort at Garden River. The following entries from Anderson's diary describe the proceedings:

15th - At 9 started for the H.H. Bay Fort and got there at One - Council with the Indians - Mr. McTavish read me that part of Sir George Simpson's letter in which Gusty is invited to live with Mr. McTavish to 1st May next free of expense

- has a large drawing room and bed-room adjoining with stoves & carpets &c. &c. all first rate - here also we have the use of a large room for our council - and each a bed-room viz. Mr. Vidal, Mr. Somerville and myself - all feeding with Mr. McT - The council broke up at 4 and soon after a heavy rain began -

16th - Slept well - heavy rain all night - at 10 the Council again commenced tho' torrents of rain was falling - on asking Shingwaukonce party whether they were inclined to sell their land and what they expected for it - they obstinately refused to answer except thro' Allan McDonnell, Esq., - we objected to his acting as their Agent and closed our proceedings with them - after which he made a most inflammatory speech to the Indians in my presence which astonished me not a little - as soon as he had done the Indians retired.

On October 18, 1849, Anderson met Chief Ke-Wah-konce at Garden River where they had stopped to repair their canoe:

... Here we met the old Chief Ke-Wuh-kance who had been sent for by Mr. McDonnell, for the purposes of entering into an engagement with Shingwaukouse not to sell their lands to the Government except at such price as Mr. McD. would fix upon - but when I had explained to him the folly of such an arrangement - he got up and in presence of Shingwaukouse and several of his young men declared he would not listen to them S. & McD. - the government had always been his friend and he would sell his land to his great father - then requesting that we could give him a passage back to his home where he had been sent for no good, we parted for the night.

Sunday 21st ... Arrived at Mississaga at 1 ... sent off into the country for the Indian Chief Paw-taw-so-way.

October 22nd, The Indians did not arrive until late in the day, we however soon finished our business with them and took our leave of Mr. Sayers ...

23rd. Made an early start, with our snug boat - half a gale with mountain billows, with lots of spray sprinkling, we dashed and foamed through 30 miles by 3 o'clock and landed at Hospitality Hall (Mr. & Mrs. Buchanan, LaCloche) where, as usual at the Hudson Bay posts, we were bedded and boarded with the greatest kindness. Had to dispatch Indians to bring in the Chiefs.

26th. We now have a bark canoe and a crew of 4 Indians to take us to Penetanguishene.

Sunday 28th. High wind prevented our going to the open lake, but by dint of hard work and passing among the islands we reached Wa-ge-mah-kay village of, one school house and 8 miserable dwellings at

the French River at sunset. The Chief not at home - saw one drunken Indian here - a most miserable place for a settlement being little else than bare rock - The Revd. Mr. Herchmer whose station is at Beausoleil Island visits them about twice a year.

...

...they say their gardens are at the distance of a mile where the land is good - this I consider, from the nature of the country, very unlikely, and that no encouragement should be given them to remain here.

30th ... made a start at 9, ... and by the adroit guidance of our crew succeeded in doubling Point Aux Bain where the sea and breakers were rolling awfully - and we encamped near Shaw-aniga.

31st Rose with day-break and went in quest of Indians which I had directed to await our arrival at this point, but after we paddled for many hours among the Islands to no purpose, ... we put ashore to breakfast...

Continuing our route under a smart breeze aft reached Sandy Island here we met one of the late Me-twa-aushes sons, who informed us the Indians we had been looking for in the morning were at Penetanguishene...

Nov. 1st - ... We continued our route but do not recollect in all my journeys to have forced my way thro' such breakers and against so strong a wind - we however, cold and hungry and after being cramped up in a Bark canoe for 20 hours upon a stretch except stopping to throw the water out of our canoe at short intervals which had been shipped over the bows, we landed at Ptg. at midnight. . . .

2. Remained quiet all day - expecting the Gore - -

3rd. Mr. Vidal & I finished our commission business with the Indians and we parted, I went to Dr. Bawtres - and I remained waiting for the steamer.

The entries from this day onward concern Anderson's pursuit of his own business as Superintendant and the events he witnessed on this leg of his journey:

Sunday 4th - The Gore came in at 5 and Mr. Vidal embarked - saw Keating who is looking pretty well -

...

5th - The Gore came in from Sturgeon Bay about 12 and Comr. Lee and myself went on board with the presents for Owen Sound...

7th - Up by chimes and delivered the presents to the Indians - then wrote the following speech to the Indians on delivering to them their war medals

- and the annual presents - "My friends - Very many years ago when the English first took you by the hand and smoked the pipe of friendship with your ancestors they were told that so long as the sun would shine the "Red Coat" would be your friends and they the "Red Skins" should be "Their children".

...

- this you witness every Canoeing Season when your hearts rejoice to receive the good presents sent to you by our Great Mother -

...

My friends - Most of you are too young to have seen these days - but here is Mantowaube, who was at the battle of Detroit - he can tell you how fast the "Big Knives" can run when threatened with the Indians "War Club" or the steel of the "Red Coats" - Though many snow seasons have melted away since the Indian Warrior was amused at the flight of the "Big Knives", the Red Coat never forgets that, but ever loves the brave.- Manatowaube - You were but a young warrior when you helped drive the Big Knives from their strong place, Detroit, but, the Red Coats saw how brave,- how fearless and how obedient you were to the Great Red Coat who commanded you- your name with the names of many equally brave have not been forgotten, here is a mark of distinction (holding up the war medal) which I have been commanded to give you, as a proof of your great mother's approbation of your conduct and bravery at Detroit- be proud of it - be careful of it - let it be handed down to your children's children that they may know how brave a man, their ancestor Manatowaube was. ...

Young men, you see that the warriors of the "Red Coats " are never forgotten - you see their reward - if ever any of your should be called upon to sing the war song and grasp the war club, Let Victory be your cry - and your reward will be honorable as is that of Manatowaube this day.

On the evening of November 16, 1849, Anderson first learned of disturbances at Pointe Aux Mines, referred to in the relevant entry as "the Indian war":

Now it became calm and we did not move, about this time the Gore passed us going into the Bay, at six she returned and we embarked on board of her, and was immediately informed that Mr. McDonnell had raised a force of 100 men armed them, stolen several boats to convey his party to the Point Aux Mines to take possession of it and Michipicoton Island - a heavy gale from Nautawesarger Bay - Wrote to Mr. Baldwin on the subject of the Indian war* - Mr. Charles Thompson, Gusty, Doctor Lawless and several other passengers on board.

17th. Arrived at Ptg. at two in the morning and immediately Capt. Fraser started on horseback to convey the war news with as little delay as possible to the Govt. - got my luggage up to William's store - On our arrival heard of poor Keating's death - Great excitement about the Indian war - and not a little speculation about troops being sent up with the Mohawk, &c. &c.

A few days later, Anderson heard that soldiers were, intact, on their way to Sault Ste Marie:

21st - About 5 this morning a note was brought to Mr. Thompson from Mr. Fraser, Capt. of the "Gore" informing him that 90 men (soldiers) would arrive at Orillia to-day at 12 on their way to the Sault St. Marys and to make the necessary preparations for their reception on board the "Gore" - All was bustle and hurry -

...

Reports on the comings and goings of the soldiers were entered by Anderson over the next few days:

22nd - Rose early in breathless expectation of soon seeing the "Gore" with her cargo of soldiers - The whole day passed in like manner and not a word from Sturgeon Bay - the anxiety of all the officers and ladies in any way connected with the Govt. is intense. Mail arrived as usual at 7 P.M. but not a word about the expedition.

...

23rd ... - No "Gore" yet, or news from Sturgeon Bay. A report was brought from Barrie by Jeffrey, who took Dr. Bawtres to that place on his way to Montreal - that the steamer "Beaver" had on Thursday taken one load of soldiers over to Orillia and was gone back for the remainder - therefore they may be expected on Sunday -

...

Sunday 25th - "The Gore" came in about 10 o'clock with, they say, 90 soldiers on board on their way to the Sault with months provisions &c. &c. She started about One enroute for that place.

On December 10, Anderson recorded that Captain Fraser returned from the Sault with McDonnell, Shingwakonce, and three other prisoners.

*See para. 40 for text of letter.

10th - Captain Fraser of the "Gore" arrived bringing with him 5 prisoners from the Sault viz: Allen McDonell, Shingwakouce, Nabinacochin, and two other half breeds - in the evening received the "Report" from Mr. Vidal.

The entry for the following day, December 11, 1849 concluded Anderson's account of his journey:

11th. Delivered the "Report" to the Honble J.H. Price - all very sweet.

On the last page of his diary Anderson subsequently added this comment on his dealings with the Indians in 1849, and Robinson a year later.

During the foregoing journey without one dollar in money to pay my expenses, or a plug of tobacco to give the Tribes a smoke I succeeded in getting the Indians to cede all their Land to the Crown from Pentanguishene along Lake Huron and Lake Superior and back to Nippegon* without the slightest reserve because they had full confidence in me and did not doubt but that the Government would deal honestly with them.

Next spring the Hon. W.B. Robinson was sent up with boxes of American silver to obtain the signatures of the Tribes without extending to me the common courtesy, my being directed to accompany him would have convinced the Indians of my truthfulness to them.

[Document No. 32]

37. Other accounts of the disturbances at Pointe aux Mines reported by Anderson are on record. On November 12, 1849, Frank O'Meare, a missionary at Sault Ste-Marie, wrote to Major Campbell, informing him of the incidents at Mica Bay, the Quebec Mining Company location. He described in detail the role being played by three whitemen, "Mr. Allan Macdonald, ... his brother and a person of the name of Medcalf" in these terms:

...

On the night of Friday the 9th inst., a party of half breeds accompanied by two Chiefs from our side of the river, namely Shengwokouse and Nahwagoocheng and a chief from the American side who was accompanied by a number of United States Indians, the whole party numbering it is said about one hundred, left this place for Mica Bay

*cf. pa. as. 24 & 28

the Location of the Quebec Mining Company on Lake Superior with the intention of forcibly dispossessing the Agent of that Company of the Works & premises and obliging him to leave.

This party of Indians and half breeds is accompanied by three white men, namely Mr. Allan Macdonald late Sheriff of I believe the Gore District, his brother and a person of the name of Medcalf who is said to be from Montreal, who are known to have victualled & armed the party and are universally believed by the white inhabitants at both sides of the River to be the instigators of the whole proceeding, which impression I have found to be fully borne out by information which I have gained from some of our Indians none of whom I am happy to say except the chief Shengwokouse accompanied or had anything to do with the expedition; from them I have learned that the Macdonalds went down the River a few days ago to Point Tessalon below the Bruce Mines in order to bring up the Indians who have gone there to fish, but returned without any of them except an old heathen Indian named Nahwahquakehboo. On inquiring from a Member of old Shengwokouse's family, a married daughter what had induced her father to take such an improper step, she at once said that the elder Macdonald had taken him with him.

It is also believed that the same gentleman had taken measures to incite the Indians of Lake Superior to join in the same disgraceful expedition of which he is the reputed Leader. My principal reason for communicating these circumstances to you, besides the sense of duty which I should under any circumstances feel, is my earnest concern for the peace and welfare of a band of Indians with whom I have been so long and so intimately connected, which I feel assured is not only jeopardized by the residence of these gentlemen in their neighbourhood but even sure to be destroyed should they be permitted to carry on their practices with them during the coming winter to the ruin of their poor dupes and the serious injury of individuals interested in Mining property on the two lakes.

I trust it may not yet be too late in the season for such steps to be taken by Government as shall be deemed necessary to put a stop to such outrages on property for the future.

Will you do me the favour to inform His Excellency that should he deem it necessary to order steps to be taken with reference to this matter I shall feel great pleasure in rendering any assistance which any influence with those Indians or my knowledge of their language would enable me to give.

I took care in speaking with the Indians whom I found at home on my arrival at Garden river to impress them with a sense of the enormity of the transaction in which one of their chiefs had allowed himself to be implicated and mentioned to them the treasonable designs which are held by some of the whites under the name of "annexation"

and mentioned my suspicions as to the present effort to mislead them being a badly concealed attempt to involve them in the guilt of those unquiet men who so lately grossly insulted their great Father and are now attempting to revolutionize the Province.

I have since seen those of our Indians who were absent when I was at Garden river having on my way home visited them at their fishery at Point Tessalon and found all that I had heard at the Sault and Garden River with regard to the object of Mr. Macdonald's visit to Tessalon fully corroborated by the Indians whom I saw there. I am happy to say that all without exception have expressed their dislike of the proceedings countenanced by one of their chiefs and their regret for having allowed themselves to be so far duped by Mr. Macdonald as to refuse to treat in their own persons with the Commissioners whom His Excellency was kind enough to send to them and I feel fully persuaded that I could now if necessary procure from them a formal expression of the same.

I trust therefore that His Excellency will see that those poor people have been duped by interested white men and not visit them with the just consequences of the foolish part they acted at the late visit of the Commissioners to them. They are in all respects children and require to be dealt with as such. I feel assured that His Excellency will on the present occasion show them that they have an indulgent father to deal with rather than an unrelenting judge.

I hope I will not be considered to have overstepped my line of duty in communicating the above circumstances as I thought that the lateness of the season and the apparent importance of the matter would warrant some departure from the strictly official mode of putting the Government in possession of the information I have obtained.

[Document No. 41]

38. Another account of the events surrounding the expedition of Lake Superior Indians from Sault-Ste-Marie to Mica Bay is provided in a letter dated November 14, 1849, which Charles Thompson wrote to the Honorable Robert Baldwin:

Having had occasion to go to the Sault Ste Marie by the last trip of the Steamer "Gore", I was astonished on my arrival at that place to hear that the night before our arriving there, an armed party of Indians and halfbreeds, under the guidance of Mr. Allan Macdonald and his brother, assisted by a person of the name of Metcalfe from Montreal, had in the dead of night, started in two boats, one of which was stolen away from its moorings at the establishment of the Hon: Hudsons Bay Co., and the other taken from the American

side of the river, with the avowed intention of taking forcible possession of the Location of the Quebec Mining Company at Mica Bay, Lake Superior, and the works and premises on it, and obliging the agent of that company to abandon the place. As I found much excitement prevailing on both sides of the river in consequence of this extraordinary expedition I ascertained from some merchants at the place that a quantity of provisions and whiskey had been sold to Mr. McDonald, as also a quantity of muskets and scalping knives and on further enquiry I learned that about thirty five Indians from the American side with their chief had joined the expedition, which is supposed to consist of one hundred men, halfbreeds & Indians. I was also credibly informed that measures had been taken to incite the wild Indians of the head of Lake Superior to join in this expedition and that some of them were expected to join it at Mica Bay, so that it is impossible to say what will be the exact force which will present itself at that place. The Revd. Dr. O'Meara of Manitowaning, who arrived at the same place in the "Gore" on Missionary business to the Indians at the Sault & Garden River, and has been engaged for some days in making enquiries of them as to the cause, intention, and instigators of the expedition, has informed me that he had from them obtained abundant confirmation of the statements which I have made. As one deeply interested in the peace and security of the Province, and especially in the security of property on these Upper Lakes, and also from a desire to prevent the bloodshed which a repetition of proceedings will be likely to produce, I consider it to be my duty to inform you of the state of things in the Mining region as soon as possible and for that purpose have no hesitation incurring the expense of sending a messenger to town with this, and beg to inform you that I have given orders that the "Gore" should not be laid up 'till I have an answer to inform me whether she will be wanted for His Excellency's Government for any purpose connected with this intelligence. Dr. O'Meara informs me that he has written to Major Campbell, Civil Secretary, informing him of this expedition and of the results of his enquiries among the Indians concerning it.

[Document No. 42]

39. J.A. Williams, Clerk of the Steamer Gore, added the following information to Thompson's letter:

I beg leave to enclose this note in Mr. Thompson's letter to you, relating to the late proceedings of the Indians on Lake Superior. I consider they have taken most unwarrantable measures and assure you that I was informed by a Mr. Palmer, residing near the Sault, whose word can be relied upon that they have been stealing powder from the Echo Lake

Mining Co. for the last twelve months, and have also taken cannons from the Hon. H. Bay Cos. Fort for their expedition to Mica Bay.

[Document No. 43]

40. On November 16, 1849, Thomas Anderson wrote to the Honorable Robert Baldwin,* expressing his misgivings about the Indians' perception of Mr. McDonnell's role thus:

I have the honour to report to you for the information of His Excellency the Governor General in Council, that Mr. Alexander Vidal and myself closed our duty as Commissioners at the Sault St. Marys on the 17th of last month when it appeared to us that the Indians were all peaceably disposed. But I have this moment been informed by Charles Thompson, Esquire and Captain Fraser (the bearer of this letter) that Mr. Allen McDonnell has collected a party of about 100 half-breeds and Indians from the American as well as from the British side of the water, that he has supplied them with arms, ammunition, &c,&c, and has actually proceeded to Lake Superior for the purpose of dispossessing the Quebec Mining Company, by force or otherwise, of the locations sold to that body by the Government. Having heard this report I feel it to be my duty to communicate it to you, and I further feel it my duty to submit that if immediate steps are not taken to arrest such proceedings and to intimidate the Indians and half-breeds, they will be likely to suppose Mr. McDonnell has overawed the Government and the consequences may be most lamentable.

[Document No. 44]

41. On November 20, 1849, the Civil Secretary's Office informed George Ironsides, Superintendent at Manitowaning, of the military action being taken to protect the "lives and property of Her Majesty's subjects", and Ironsides, as the civil magistrate, was charged in the following terms with "preserving the peace and bringing the "violators of the peace to justice":

Information having been received from the Sault of St. Mary of an armed expedition consisting of a few whites with some Indians and half breeds to the number of about a hundred having left that neighbourhood for Mica Bay on Lake Superior with the intention of attacking the Mining station of the Quebec Mining Company at that place His Excellency the Governor General has directed that a detachment of military should proceed at once

*cf. para. 36, entry for this day

from this to Lake Superior for the purpose of protecting, in conjunction with such civil force as can be got together there, the lives and properties of Her Majesty's subjects in that remote quarter of the Province, disarming and dispersing the force which has undertaken this illegal expedition and bringing to justice such of the parties concerned in it as shall have been found most culpable in instigating or conducting so criminal an enterprise.

It is proper, however, that a civil Magistrate should accompany the Military. And His Excellency has thought that, from your being an officer of the Indian Department well known to the Indians and acquainted with their language, you were well qualified for undertaking this duty. He has accordingly directed the Superintendent of Indian Affairs to signify to you His pleasure that you should do so.

His Excellency has also added to the Commission of the Peace for the remote and unorganized parts of the Province, Joseph Wilson, John Greenfield and William McTavish, Esquires, in order that in this emergency no inconvenience may be felt from the want of Magistrates to exercise civil authority in enforcing the Law.

How far it may be necessary or desirable that you, and whatever civil force you may find it necessary to take with you should be accompanied to Mica Bay by one or more of your brother Magistrates; as well as what other steps it may be necessary or expedient to take to accomplish the object of preserving the peace and bringing the violators of it to justice, His Excellency necessarily leaves to the sound judgment of yourself and such of your brother Magistrates as you may be able to consult upon the subject; His Excellency being ready to afford you and them all just support in the prompt and vigorous discharge of your duties on this occasion.

Copies of such communications as have been received upon the subject are inclosed for your information, and Captain Fraser of the Steamer "Gore" will be able to afford you some further particulars relating to it.

[Document No. 45]

42. On December 3, 1849, George Ironside, acting as Justice of the Peace, issued a warrant for the arrest of the parties accused of attacking and taking possession of the Mica Bay mines:

Whereas John Bonner junior of the city of Quebec in the District of Quebec hath yesterday made information before me George Ironside one of Her Majesty's justices of the peace in and for the district aforesaid called the district of Lakes Huron and Superior that the Quebec & Lake Superior Mining Association had been violently dispossessed

of the works and land occupied by them at Mica Bay, Lake Superior and whereas Joseph Wilson of Sault Ste Marie aforesaid hath upon oath before me declared that Allan McDonald of Sault Ste Marie Wharton Metcalfe now residing at Mica Bay Angus McDonald of Toronto Chinguawkouse and Naquaikaboc of Garden River Nebenagoging otherwise called Joseph Sain Pierre Lesage, Joseph Lesage & Charlot Boyer and others the four last mentioned of Sault Ste Marie did violently dispossess the Quebec mining company of the mines and land held by them at the place called Mica Bay on the north shore of Lake Superior. We are therefore to command you in Her Majesty's name forthwith to apprehend and bring before me or some other justice of the peace for the said district the bodies of the said Allan McDonald Wharton Metcalfe Angus McDonald Chingwaukouce Maquakaboc Nebenagogocq otherwise called Joseph Sain Pierre Lesage Joseph Lesage and Charlot Boyer to answer unto the said accusations and to be further dealt with according to law. Wherein fail you not.

[Document No. 45]

43. On December 15, 1849, Captain A.P. Cooper, commander of the detachment ordered to Mica Bay, provided George Ironside with the following letter of certification for his records:

This is to Certify that Captain Ironside joined the Detachment under my Command ordered to Mica Bay, at Manatouline Island, and has remained with us up to this date- The Detachment being unable to reach Mica Bay, owing to the tempestuous weather and the lateness of the season has been obliged to put back to the Sault Saint Marie, at which place Captain Ironside leaves us to return to Manatowaning with the three Indians that he had engaged his services with us being no longer required.

...

44. On December 19, 1849, Allan Macdonell wrote to Colonel Bruce, the Civil Secretary, on behalf of the Indians arrested at Sault Ste. Marie:

Shingwakouce and Nebenagoging Chiefs of the Chippewa tribe, Pierre LeSage and Charlot Boyer men of the same tribe have been illegally brought from the Sault de Ste Marie to Toronto under a warrant issued by the special Majistrates sent up by the Government.

I am instructed by the above named parties respectfully to submit to His Excellency the Governor General that they have been brought this great distance from their home at a season of the year when their families most require their care,

they were brought away at so short a notice that no time was afforded them to make provision for themselves or families. Bail was offered for them and refused. Under these circumstance they pray that a sum of money be awarded them necessary to defray those expenses which their absence from Home must incur and as well for their expenses here as in returning.

[Document No. 50]

45. The Provincial Secretary answered Mr. Macdonell's letter to Bruce on December 21, 1849 as follows:

I have the honour to acknowledge the receipt of your letter of the 19th inst. addressed to Lt. Colonel Bruce and I am commanded by His Exy the Governor General to say that it is not for His Exy to admit for a moment that parties brought in custody to this City and bound over by the Chief justice of Upper Canada to answer a charge of a very heinous character have been so brought down or bound over illegally.

Whilst therefore His Exy has every desire as far as it is in his power to do so consistently with the respect which he owes to the Laws of the Land to look with indulgence upon such of the Indians as may have been misled into the violation of order.

His Exy feels that it is impossible for him to communicate with them through one [alleged] to be himself a party in the outrage charged to have been committed.

[Document No. 52]

46. Meanwhile on December 20, 1849, Justice of the Peace Ironside had issued another warrant for the arrest of Warton Metcalfe, charged with several others in the Mica Bay incident.
47. Allan Macdonell replied to the Provincial Secretary on December 23, 1849, setting out as follows own understanding of the dispute between the Indians at Sault Ste. Marie and the Government:

I have the honor to acknowledge the receipt of your letter of the 21st. instant in reply to one addressed by me to lieutenant Colonel Bruce the Civil Secretary: Through your reply I am informed "That it is not for His Excellency to admit for a moment that parties brought in custody to this city and bound over by the Chief Justice of Upper Canada to answer a charge of a very heinous character have been so brought down or bound over illegally."

In my letter referred to, no allusion whatever was made to the fact of parties having been bound over nor can an interpretation be given to my letter whereby any impression can be gathered that an objection was taken to the legality of being bound over by the Chief Justice of Upper Canada. My letter simply states that the parties had been brought down illegally: - I will not presume to call in question the right of His Excellency to decline to admit the allegation there made: But that such was the fact is established by the act of the Chief Justice of Upper Canada who declared it to be illegal and discharged the parties from the arrest. - By the fact that the Attorney General found it necessary to file new information upon which to ground his application for new arrests for this the parties sought no indemnity.

That they were illegally brought down cannot be denied and that for a simple misdemeanor bail was refused at the Sault; the parties were informed that the Magistrate had their instructions to act as they did, for all this wrong there must be a remedy some where - if the Magistrate acted in accordance with their instructions where is the impropriety of demanding reparation from the Government that issued those instructions;

When His Excellency commands you to express his desire to look with "indulgence upon such of the Indians as have been misled into a violation of order," - It surely would have been but common justice upon the part of His Excellency first to have ascertained if any one had misled them and whether they had in any way outraged the laws of the land.

His Excellency "declines to communicate with them through one alleged to be himself a party in the outrage". - If His Excellency can consistently communicate with those men who are under the same charge how can he draw the distinction with regard to me; If he does then he must act upon some prejudgement as to the culpability of parties and I humbly submit that His Excellency has no right to charge me with any culpability until it shall have been proven; And I maintain that upon my part I would have been perfectly justifiable in uniting with the parties in their demand, I can not perceive how I could be precluded from making a demand for a wrong done me because I was charged with a misdemeanor.

The whole tenor of your communication implies that the Indians and particularly myself have been guilty of a very heinous offence you will pardon me if I deny the fact and charge upon the Government itself the wrong and outrage which the tendency of your letter has to fix upon the Indians you are well aware that about four years ago the Government took possession of the lands of these people without their consent and received for those lands a large sum of money; The Indians did nothing then but intimate their right to be paid, Every year from that time deputation after deputation has gone to the head of the Government urging their rightful claims, They received

promise only to be broken again, and again, harrassed and wried out by constant but fruitless applications for common justice witnesses of the different treatment extended to their brethern, living within the American lines who receive yearly a large sum of money for their land. Can you be surprised that discontent and irritation should prevail among these people. A year ago it was resolved among them to drive the miners from their lands,* They were induced again to send a deputation to Montreal. A treaty was at length promised. Faith was again broken with them and insult added to the wrong. The resolve that had been theretofore made was carried into effect under the peculiar circumstances in which I was placed, I deemed it right and advisable to accompany them. They repossessed themselves of that land to which they had never lost the right, and possessing themselves of it, they committed no violence, were guilty of no outrage whatever, The party upon the ground admitted the Indian right, and yielded possession. The land was their own. If the Indian committed a wrong in taking possession of their own property they were driven to it by the acts of the Government - they had no other resource for there was no tribunal to which they could apply for redress.

Has not the Government committed a far more outrageous act in sending up troops with all the requisites of war for the purpose of driving from their own soil the Indians there in quiet and peacable possession, and why are those troops not liable for forceable entry and detainer. The Government cannot deny the right of the Indian to the land.

Should unfortunately blood be shed or life lost where will rest the blame? or which will be the guilty party? the Government that sends troops to drive its possessor from the land of his fathers or the Indian who defends that land from the Spoiler.

With respect to myself I will add but a few words. I have lived among these Indians some little time am received among them as one of their own people. The Chiefs of the different Bands upon the Lake have reposed a trust and a confidence in me, which I deem worthy of attention and respect, and feel, that in importance they are inferior to no other in the Various and diversified duties of life, They have invested me with a power to act for them. I have done so heretofore. I will continue to do so still.

[Document No. 53]

48. George Ironside wrote to Meredeth that the Secretary's Office on January 11, 1850, reporting in these terms the arrest of the Indians and Wharton Metcalfe:

* cf. document no. 35 para. 29A

In acknowledging the receipt of your letter of the 20th November last with the documents which accompanied it on the subject of the illegal expedition to Mica Bay, I beg leave to state in reference thereto that, agreeably to the desire of His Excellency the Governor General, I left this [place] on the 1st of December with the detachment ordered to Lake Superior; on the route up H.H. Campbell J.P. joined us at the Bruce Mines and we arrived at the Sault Ste. Marie on the 11th. - Having ascertained there that Mr. Macdonnell and all his party (with the exception of Mr. Wharton Metcalfe and another person left in charge of the Mines) had returned to that place from the Quebec mining Station, Mr. Campbell and myself immediately proceeded in the discharge of our duties as Magistrates - After getting through which [illegible] assistance being required in arranging matters for forwarding the Troops on to Mica Bay, I requested Mr. Campbell to report to the Attorney General on proceedings on the occasion and he did so on the 5th of the same month after returning to his residence at the Bruce Mines.

The necessary preparation having been made the Troops embarked at the Sault for Mica Bay on the 7th but the attempt to reach our destination proving unsuccessful, in consequence of tempestuous weather and the lateness of the season, we were under the necessity of returning to the Sault Ste. Marie where we arrived on the 12th, and being informed that Mr. Metcalfe had come down there the day previous and intended going back immediately to the Mines, I lost no time in having him arrested.

Mr. Metcalfe is now at the Sault in Mr. Wilson's charge and so soon as the ice becomes safe for travelling on he, as Especial Constable, is to take the prisoner to Toronto, they will therefore probably leave the Sault some time during the present month, Mr. Metcalfe having consented to travel on foot as far as Penetanguishine. In reference to the necessary expences of this journey down as well as the cost of the prisoner's board, in the meantime, at the Sault, I beg to say I mentioned to Mr. Wilson that I thought, under the peculiar circumstances of the case, they would all be paid by the Government.

I also beg leave to state for the information of His Excellency the Governor General, that Capt. Cooper having intimated to me that my services were no longer required by him, and as I had Ended my Majisterial duties there I set off from the Sault on the 17th Ult. accompanied by those Indians whom I had taken up with me from this, and we arrived here on the 28th. -*

The three above mentioned Indians were with Captain Coopers Sanction, engaged by me to act as guides and _____ had there services as such been required & as these people _____ to be far from home I beg to be _____ to _____ applying _____ it farther. Herewith, I would beg to enclose a copy of a Certificate which was handed me by Captain Cooper on my leaving him at the Sault.*

* cf. para. 43

It is proper for me to mention that Mr. Wilson who is now acting especial constable, was most active in rendering us every assistance in his power during the whole proceedings at the Sault.

[Document No. 60]

49. When Alexander Vidal submitted the commissioners' Report* to J.H. Price, the Commissioner of Crown Lands, his covering letter, dated December 7, 1849 explained as follows why it was first transmitted to Anderson and why the report was not "so full as we could have desired":

As I understand that Captain Anderson is now at Toronto I have considered it desirable to inclose our joint report to you for transmission to him for signature, and filling up where I have left blanks:- it is my intention also to write to him advising him of its being forwarded to your office -

The lateness of the season and consequent absence of the Indians at the time of our visit have prevented us from making our report so full as we could have desired:- I trust however it may be found to contain as much information as could be expected under the circumstances, - and that it may meet your approbation.

The Special Reports I have yet to make on Mr. Henry's claim at the Sault Ste Marie, will be repaired without unnecessary delay.

Vidal then asked the Commissioner whether a report on the quality of the "lands now occupied by the Indians" would be necessary:

Do you require any special report upon the lands now occupied by the Indians? - The information I have obtained is scanty and scarcely to be depended upon, but leaves a general impression of the sterility and worthlessness of the whole:- it would probably be necessary to cause an exploration to be made before any accurate description could be obtained.

[Document No. 48]

*See paras., 50 & 51 below.

50. The Vidal-Anderson Report, dated December 5, 1849, detailed the activities of the Commission during which the two men had covered a distance of some 700 miles and had met with 16 of the 22 chiefs on Lake Superior and Lake Huron. The report begins by restating their mandate* and then reads as follows:

...

As soon as practicable after the receipt of their instructions, your commissioners met at Sault Ste. Marie and having there arranged their plan of proceedings, went on direct to Fort William on Lake Superior, the most western of the Indian settlements in Canada. From this point they proceeded eastward by Canoe or boat down the entire length of the coast of both Lakes to Penetanguishene, a distance of about 700 miles calling at all the places to which the Indians usually visit, and adopting such other measures as they conceived would facilitate the accomplishment of their object, that of seeing and conversing with all the chiefs and as many of the Indians as could conveniently be assembled. The advanced period of the season at which the instructions were received precluded the possibility of gathering any large number of the Indians together as the greater part of them had already left the shores of the Lake and scattered themselves through the Interior on their several hunting grounds, before your commissioners arrived.

Many of them having been informed that it was the intention of the Government to send Agents to treat with them and in expectation of receiving payment had come from a considerable distance to meet them but some became alarmed at the prevalence of the Cholera at Sault Ste. Marie and immediately returned, and others after waiting some time in expectation had abandoned the hope of any thing being done this season, and had also dispersed.

From those causes it was not possible to summon the chiefs and to hold formal councils, even had it been desirable and your commissioners therefore held conferences with the chiefs separately, or in company with a portion of their respective bands, as circumstances permitted, in every case publicly and getting together as many as could be collected: - By this means they have had the opportunity of conversing with sixteen of the twenty-two chiefs among whose bands the entire territory is divided, and have been thus enabled to form a tolerably good idea of the general desires and expectations of the whole.

...

[Document No. 47]

*cf. para 24

51. The Vidal-Anderson Report then described the proceedings and findings of the Commissioners' meetings with chiefs and bands, and expressed as follows the Commissioners understanding of the Indian title, the custom which divided bands among the various tribes, the chiefs from who a surrender should be taken and the conditions on which they might agree:

...

At all these meetings a uniform system was acted upon, - the nature and object of the mission were first explained, - then inquiries were made relative to the various subjects on which information was needed such as the nature of the title, the extent or boundaries of the land claimed, - its character, - productions - and capabilities of improvement; - the number of individuals in the band, - their mode of subsistence - moral condition, - future prospects, - &c; - and next their wishes and expectations concerning the proposed cession of their territory, were, as far as possible, elicited.

They were then cautioned against making any engagements about their territories with any other persons than those sent and authorized by the Government to treat with them, as such engagements would not be sanctioned and might only serve to throw difficulties in the way of the final settlement of the business.

Your Commissioners were received in a friendly manner by all the natives with whom they had intercourse, and found no difficulty in obtaining answers to their inquiries except in two instances, - that of the Fort William Band, to whom a message had been sent from Sault Ste. Marie telling them not to trust the Government agents, (which however was soon disposed of and confidence established;) - and that of the Sault Ste Marie and Garden River Band whose chiefs after replying to the preliminary questions, refused to speak themselves about the cession of their lands, but desired to employ as their Agent for expressing their sentiments, an individual (not an Indian) whom your commissioners could not consistently with their instruction, recognize as such conceiving it to be their duty to speak directly with the Indians themselves, and not to employ the intervention of any white man, even should he not be an interested party as this person unquestionably was.

The conduct of your commissioners with reference to this council having been misrepresented, it has been deemed advisable to append to this document some extracts from the notes taken by them at the time, and also from those taken at the Fort William council, which may serve to explain the matter more fully. (See Appendix A.)

It is not considered necessary to enter upon any detailed account of the various replies and statements made by the several parties with whom communication was held; - they were nearly all of similar import, and the subjoined general statements embody the information acquired, and contain the view of your commissioners relative to the various matters to which their attention was directed.

The extensive tract of country lying on the north shores of Lakes Huron and Superior and being bounded by them on the south, by the Hudson's Bay Company's territories on the west and north and by the Ottawa River and surveyed lands of the Province on the east, - is now, together with its adjacent islands, - the only territory within the limit of Canada west to which the Indians' title or right of occupancy has not been either extinguished or specially reserved to them by treaty, by the British Government. The claim of the present occupants of this tract, derived from their forefathers, who have from time immemorial hunted upon it, is unquestionably as good as that of any of the tribes who have received compensation for the cession of their rights in other parts of the Province; and therefore entitles them to similar remuneration, would the Government require the surrender of the whole or any portion of the lands; but while this is admitted, it must be observed with reference to this Right, that the Crown has always claimed "The Territorial Estate and Eminent Dominion" in and over the soil, and although in Canada West, ever since its possession by the British Crown, the surrender of the right of hunting and occupancy has been purchased from the Indians, in other parts of British North America it appears not to have been regarded, as for example, in the Charter grant of the Hudson's Bay Company, and in the treaties made with the United States and Russia, by which boundary lines were established and lands transferred, without any reference to Indian claims:- it is also upon this assumption that the Crown reserves to itself the exclusive privilege of treating with the Indians for the surrender or purchase of any portion of the land.

This conceded Right of Occupation which is general and common to all being admitted, the tribal or individual interest in it becomes the subject of consideration:- long established custom, which among these uncivilized tribes is as binding in its obligations as Law in a civilized nation, has divided this territory among several bands each independent of the others having its own chief or chiefs and possessing an exclusive right to and control over its own hunting grounds, the limits of these grounds especially their frontages on the Lake are generally well known and acknowledged by neighbouring bands; in two or three instances only is there any difficulty in determining the precise boundary between adjoining tracts, - there being in these cases a small portion of disputed territory to which two parties advance a claim.

Of these bands there are fourteen located upon the shores of the lakes and three which are confined to the Interior; - there are also two bands having their hunting grounds partly in the Hudson's Bay Company's territories and partly within the limits of the province, whose boundaries cannot be accurately determined:- The aggregate number composing these bands, as nearly as could be ascertained, is about Two thousand, but it was found impossible to obtain any complete census on which reliance could be placed.

More particular information on these subjects may be found in the Schedule and maps appended hereto (see Appendix B).

The same law or custom which has thus apportioned out the territory to the various bands has vested one or more persons in each of them with a species of authority and control over its individual members and its property, - which though neither well defined nor regulated is generally submitted to when circumstances require its exercise: those persons are the chiefs, and with them either individually for their respective lands or collectively for a larger tract, negotiations for cession must be entered into in order to give general satisfaction.

It occasionally happens that a chief possessed of superior information, intelligence or cunning assumes or obtains authority to act for others; - this had been the case with two of those whom your commissioners have met, but those delegates were evidently influenced by selfishness and acted with such utter disregard to the interests of the others that it was obvious the arrangements they wished to make would not have satisfied those whose sentiments they professed to express.

A list of the names and places of residence of all the chiefs whose personal sanction and signature it would be necessary to obtain in order to make a treaty that would be generally approved of, and leave no just ground for complaint in future on the part of any band, is given in Appendix B.

There is a general wish expressed by the Indians to cede their territory to the Government provided they are not required to remove from their present places of abode, - their hunting and fishing not interfered with, and that the compensation given to them be a perpetual annuity, but some diversity of opinion exists as to the amount and mode of payment desired. Where they are not influenced by the counsels of designing whites, the chiefs candidly declare their perfect ignorance of the value of their land and are quite contented to leave it to the Government to determine what shall be given for them, expressing their confidence in the wisdom and justice of their Great Father; This was the case with all the bands on Lake Huron from St. Joseph's to Penetanguishene, and with them, it is apprehended there would be no difficulty in making a treaty on just and mutually advantageous terms. With those on Lake Superior it may possibly be a less easy task on account of their having been led to form most extravagant notions of the value of the lands, and advised to insist

upon unreasonable terms; yet even with them should an equitable arrangement paying due regard to their wishes in reference to reserves, be proposed and insisted upon as the ultimatum of the Government, it would most probably be agreed to.

Vidal and Anderson commented next on the role being played by Allan MacDonnell:

The Sault Ste. Marie Band alone appears to assume a position in which it would be impossible for the Government to treat with them; - they refuse to hold communication with it except through a Mr. Allan Macdonell (formerly of Hamilton) and, acting under his advice insist upon reserving for their own use tracts of land embracing no less than nineteen of the mining locations for which the Government has already issued "location tickets". - Of nine of these this individual has obtained from the chiefs a lease for 900 years and the confirmation of this transaction is of course a primary condition in the arrangements he would make for them.

These simple minded Indians have been led to believe that this person is more desirous and better able than the Government to protect their interest and promote their welfare, and that he can set it at defiance and maintain their right to dispose of their lands as they see fit: so long as they retain these sentiments there is but little prospect of a satisfactory adjustment of their claims being effected, but as they have been informed that the insisting upon such an agency is virtually a rejection of the Government, and might prevent them from participating in the benefits of a treaty, should one be made with other bands, it is probable that upon further reflection they may see the folly of opposing the plans of the Government for the improvement of their condition, and become more disposed to accede to the terms which may be offered to them; indeed one of the three chiefs had done so before your commissioners left the neighbourhood, and waited upon them to state that he had been deceived and would have no further dealings in these matters with any other individuals than those who might be sent by the Government (see Appendix C.)

The Commissioners now remarked on the need to resolve the complaint of the Garden River band:

One ground of complaint on the part of this band deserves consideration, - it is that the government has sold as a mining location, the tract of land at Garden River on which their village is built and they have cultivated the soil to some extent for many years; and although this has been several times represented to the Government, no relief has yet been afforded.

This circumstance, together with the delay which has taken place in treating with them for the relinquishment of their general claims, has given rise to suspicion in the minds of the Indians, and caused them to listen the more readily to those who tell them they may look in vain for justice to be awarded them by a Government which has heretofore paid so little attention to their rights: it is of importance that a treaty should be made, or the claims otherwise attended to, as soon as possible, - as the longer it is delayed the greater will be the difficulty of securing an amicable arrangement, - and the more will their attachment to and confidence in the British Government, be weakened or destroyed.

The visit of your commissioners had it is believed, the beneficial effect of serving to arrest the further progress of disaffection, and to shew the desire and intention of bringing the business to a satisfactory conclusion without unnecessary delay.

The Commissioners turned next to the problems inherent in regaining a treaty with these Indians and of valuing the still unexplored lands accurately:

With reference to the terms on which the treaty of cession should be made; - your commissioners are of the opinion that the Indians themselves are quite incompetent to negotiate them:- confessedly ignorant of the value of the lands, and having no proper idea of large sums of money, (as an instance of which it may be mentioned that one of "their" chiefs demanded as compensation thirty dollars, another sixty, and another a hundred per annum for each man, woman and child for ever) - they are equally deficient in knowledge as to the way in which payment should be made so as to be of the greatest possible advantage to them; for although some had judgement enough to consent to an appropriation of a portion of any payment they might receive to education, instruction in agriculture, and the purchase of farming stock and implements many would prefer getting all in money.

This incapacity on their part while it renders it necessary for the government to fix the terms entitles the Indians to the most liberal consideration and a scrupulous avoiding any encroachment upon their rights.

It will not be easy to ascertain the actual value of the vast but sterile territory, on account of its being so little known, but while making terms in accordance with present information of its resources, provision might be made if necessary, for an increase of payment upon the further discovery and development of any new source of wealth. - The sums received, or likely to be received, for the several mining locations, and the surveyed lands at Sault Ste. Marie, form the only data for calculations of value, at present

nor does there appear to be any probability of an increase of revenue from further sales, as it is very doubtful whether as much as a single Township of good land, available for agricultural purposes, can be found in any one spot throughout the whole region; - and, if it should, whether the length and severity of the winter season will not prove an insurmountable obstacle to any extensive cultivation of the soil.

The Commissioners now set down the arguments for and against the government purchasing these lands and the alternative to purchase:

The policy of the requisition by purchase of a territory so comparatively valueless, might be considered as questionable were there no other than financial considerations to be regarded, - but the necessity of giving compensation for the lands already taken possession of, - the advantage of extinguishing the whole Indian title, by which the Government could act without embarrassment in the future disposal of the land, - and especially the claims of this poor neglected people upon the benevolence and care of the Government whose subjects they are, - all demand to be attentively considered, and seem to render such an arrangement eminently desirable.

Should it be deemed inexpedient or found impracticable to obtain the surrender of the whole territory, the only alternative would appear to be the investment of the proceeds of sale of such portions of it, as are or may be required for mining purposes, - in the funds, - and the application of the annual interest of the sum to the general benefit of all the Indians occupying it, - not regulating the distribution by the accidental circumstance of the mineral locations being within the limits claimed by any particular band, but by a regard to the joint interest in the soil in which all may be considered as participating.

The Commissioners defined next the area advisable to obtain by cession, the area in which the Indians would continue to hunt:

It will not be advisable to propose the cession of a narrow strip upon the Lake shore merely including the present mining tracts, as there is a general wish on the part of the chiefs to cede the whole, with the exception of small reservations for the use of the respective bands. Little if any difference need be made in the terms offered, for all that is known to be of value is situated on the front, and they will still retain undisturbed possession of their hunting grounds in the interior:- in fact, whatever may be given to them for the surrender of their right, they must be gainers, for they relinquish nothing but a mere nominal title, they will continue to enjoy all

their present advantages and will not be the poorer because the superior intelligence and industry of their white bretheren are enabling them to draw wealth from a few limited portions of their territory, which never were nor could be of any particular service to themselves.

The Commissioners now commented on the Indians' expectations of settlement and payment and recommended this "method and place of treating with them":

The importance of immediately taking measures to obtain a settlement of the claims has already been mentioned; - it may be stated in addition that the Indians expect to receive a payment next season, - and that, if such an arrangement could possibly be made, it should take place at the time the treaty is concluded; - it would doubtless greatly facilitate the bringing of the negotiations to a satisfactory termination.

It will also be necessary to give the earliest intimation of their appointment to the person or persons to whom the Government may entrust the management of the business, in order that the requisite preparations may be made in time to admit of their proceeding to the work at the opening of the navigation, and that they may take steps to assemble the chiefs or bands at such times and in such places as may be determined upon, in carrying out the plans the Government may see fit to adopt.

The method and place of treating with them so as to afford the best opportunity of securing a peaceable and satisfactory arrangement, has been a subject of careful consideration, and as the result it is recommended, that all the Lake Superior bands or chiefs should be assembled at Michipicoton River, - and those of Lake Huron and the River St Mary at Manitowahning, - and that a first payment should be made wholly or in part in money. - Whether this or any other plan be adopted, no unnecessary publicity should be given to it, as, should it become generally known amongst the whites, the proceedings would most likely be embarrassed by their interference, and the bringing of ardent spirits will cause confusion and result in the intoxication and robbery of the poor Indians, - who will be thus made the victims of unprincipled and avaricious men and, instead of being benefitted, be greatly injured by the payment.

That money payments are highly prejudicial to the interests of the Indians is an almost universally admitted fact, - and while, under the peculiar circumstances of the case, it is considered unavoidable for the first Your commissioners would strongly urge that all subsequent payments should be made in useful articles of clothing, provisions, goods and implements, and that this, together with a suitable annual appropriation for

their instruction and for the establishment and maintenance of industrial schools, should form a condition in any treaty that may be made.

The Report now turned to the eligibility of half-breeds and of Indians receiving annuities from the Americans for treaty benefits:

Another subject which may involve a difficulty is that of determining how far Half breeds are to be regarded as having a claim to share in the remuneration awarded to the Indians - and (as they can scarcely be altogether excluded without injustice to some,) where and how the distinction should be made between them: - many of these are so closely connected with some of the bands, and being generally better informed, exercise such an influence over them, that it may be found scarcely possible to make a separation, - especially as a great number have been already so far recognized as Indians, as to have presents issued to them by the Government at the annual distribution at Manitowaning.

The majority of the Lake Huron Indians have been receiving these presents for several years, but they are issued gratuitously and not given as compensation for surrender of title:- many of the Sault Ste. Marie band receive an annual payment from the United States Government, under a treaty of cession of lands lying within their limits, - and on this account have been by some regarded as United States Indians:- having been, however, always or at least for many years, - and still continuing, bona fide residents in the British Territory, and possessing a joint interest with the rest of the Band in the lands required to be ceded, - Your Commissioners do not consider that the circumstance should exclude them from sharing in any annuity that the British Government may give to their Brethren.

The Commissioners dealt next with the reserves desired by the Indians:

A list or description of the reserves which the Chiefs have expressed a wish to make, is furnished in Appendix D:- they are generally of limited extent and intended as places for residence and cultivation:- there are however three which they desire to secure to other parties, one at Fort William, Lake Superior ... *

*List of properties already granted by the bands at Fort William, Sault Ste. Marie and Mississaga River.

The reservations selected by the Indians for themselves, seem to be generally chosen by a regard either to the capabilities of the soil for cultivation, or to the convenience of the position for fishing; they are all convinced that their hunting grounds afford a most precarious supply of animals either for food or furs, and say that they expect in a few years there will be none, as they have been gradually diminishing in number for the last forty years or more:- on this account the greater part express a desire for learning how to cultivate the land, and for receiving aid from the Government, that they may obtain food for their children.

The Commissioners then made the following observations on the Indian condition:

They frequently suffer much from hunger in many places, and in others are dependant upon the bounty of the Hudson's Bay Company for subsistence during the extreme severity of the winter:- a few only raise some corn, potatoes and other vegetables for their winter supply; - the large majority live upon Fish, Rabbits and other small species of game, - the deer and other large animals being extremely scarce.

With but very few exceptions the Indians of the North west are in a very low moral condition; - those who are in the immediate neighbourhood of the whites have generally forsaken their old heathenism and some of them have nominally embraced Christianity; - the great body of the Indians however yet retain their ancient faith and customs; - very little having yet been accomplished even in the limited field to which Missionary efforts have been directed.

Unless something be soon done to ameliorate their condition, their future prospects are gloomy indeed; - the increasing scarcity of food and clothing will soon be fatally experienced and reduce yet more their already diminished numbers, - the remnant will linger on for a time in helpless and hopeless ignorance and misery, and in a few years these poor neglected people, long since taken under the special guardianship and protection of the British Crown, will be no more.

The Commissioners concluded as follows:

Having now by the submitting of this Report fulfilled the duties of their mission, Your commissioners feel it incumbent upon them to acquaint the Government with the uniform kindness and assistance they have received at the hands of the Honble. Hudson's Bay Company's Agents and Servants, who have on all occasions afforded them every facility for the performance of their work, and taken a deep interest in the forwarding an amicable settlement of the Indians claims.

signed Vidal & Anderson

52. Appendices A and C of the Vidal-Anderson report contained these notes from the councils with Chiefs at Sault Ste. Marie, Fort William and Garden River:

Appendix A

Extracts from notes taken at the conference with the Indians at Fort William, Lake Superior, Sept. 25th and 26th 1849. -

1st. Day - In reply to an inquiry relative to the willingness of the Indians to dispose of their lands, and what they expected to get for them, Peau de Chat, the principal chief said "We have come to the conclusion to go to Montreal next year to see our Great Father:- If he had given you power to act, so that you might make terms with us, and that he would be found to fulfill them, we might now finish the business, but as he has not done so, we must go to him."

"I said in my speech last year at Sault Ste. Marie, that I was willing to sell my lands:- I decline telling you what I ask for them:- I have not full confidence in your honesty and am afraid you will turn sic twist my words."

"He was then informed that the Government had sent the commissioners for the purpose of ascertaining the wishes of the Indians, and that if he would not answer the inquiry, it was very probable that the Governor would not answer him if he went to Montreal: he then said "If I knew how long the world would last I could answer, but now I can not;" - Being reminded that he would not know this any better next year than at present, after some desultory remarks he said "I require for my lands that there shall be given to each man woman and child of my people, the sum of thirty dollars each year, as long as the world lasts." -

2nd day - In the course of the days proceedings the same chief said "It was not with myself that the idea of your turning my words originated; - when I first met you at Manitowaning, (addressing Captain Anderson) I thought I saw a good chief, - when I met you at Sault Ste Marie last year I thought the same; - but shortly after I returned, I heard many strange bad reports; - many people said you spoke smooth things but not as your heart felt; and it was reported that you did not take to Montreal our words about our lands, spoken last year at Sault; - My young men told me that Macdonell had said so, and that he had also said that you were interfering with, and endeavouring to defeat his good intentions and exertions on our behalf, - and that we should get nothing for our lands through you."

At the conclusion of his last speech, the same chief said "I am now not afraid to give up my land to you two tomorrow, if arrangements can be made:- you said today that we should become civilized, -

I agree to that; - you said it would be better for us not to go to Montreal, - we take that advice and will remain at home, and if we give up the land tomorrow, we shall look for something next year; - I wish my demand for thirty dollars to go to the Governor as it is, if he thinks fit to take from it, let him do so."

The conference ended in cordial expressions of confidence and good will, and desire to see us next year to finish the negotiations.

Extracts from the Notes taken at the conference with the Indians at the Sault Ste. Marie - October 15th & 16th, 1849.

"Present, chiefs Shinguakouse, Augustin and Nabenagogking and 26 other Indians and Half breeds: The Revd. Mr. Anderson and Mr. Allan Macdonell formerly of Hamilton, also in the room."

"Business commenced by the Commissioners informing the chiefs that they were authorized and sent by the Government to speak with them about their lands, and to obtain information on certain subjects preparatory to the settlement of their claims."

Several inquiries were then made relative to the nature and extent of their claim, - the number and origin of the band, - their means of subsistence, - the presents and annuities received, - their desire for the improvement of their condition, - the character and productions of the soil in the Interior, Reserves, and other similar subjects all of which were readily answered.

"Being asked about their disposition to cede their land, and their expectation with regard to the compensation to be received for it, Singuakouce replied, 'The question of selling our lands is a very important one. - We have not yet made up our minds to sell, - we wish to have till tomorrow to consider it'."

No objection was made to the request. Next - "In reply to questions on the subject, Shinguakouse said 'All the children of the tribe admit the claim of the Hudson's Bay Company to a tract of land at this place, held by lease from their fathers; but the conditions have not been exactly fulfilled.'

'I have lent the Island of Michipicoton to a white man for some time, and I intend to reserve it in the treaty with the Government; - a lease for 5 years only has been given; at the end of that time if we are satisfied, a new one will be made:- I have also lent to the same person a piece of land near Pointe aux Mines (Lake Superior) not including the mine now worked by the Quebec Mining Company:- The white man to whom they are leased is Mr. Macdonnell."

"A lease for 200 acres has also been given to the Revd. Mr. Anderson our Missionary, on the west side of Garden River, for the use of the Mission."

"The Indians were then told that the Government would not sanction or allow such transactions and that the leases were of no value to the holders. - They were then cautioned against entering into any engagements of a similar nature with any other than persons authorized by the Government to treat with them."

"Mr. Macdonell then rose and said that 'the Government had no power over the land; - that the Indians had a perfect right to work the mines, cultivate the land or employ any Agent or several to do it for them, - that they were partners with him, - that he had good legal advice on the subject and the Indians were not regarded as minors in Law, - and that he would hold his lease and maintain the right of the Indians to give it, in spite of the Government."

From notes of Second day's proceedings -
(MacDonnell and the Indians having held a council in the interval.

"In answer to a question on the subject, Shinguakouse said 'we have lent Macdonnell a piece of land for a Rail Road at the Falls here; - a small piece and for an indefinite period, on condition that the road be not made at our expense, but that we shall receive a toll upon all that passes over, when it is made.'- They decline telling its exact position and limits, evidently knowing but little about it."

"Having been informed that there was some mistake or misunderstanding about the time for which the Lease had been given to Mr. Macdonnell, Nabenagogkig said "we have lent the Island of Michipicoton to Macdonell forever, but if he does not begin to work in five years it is forfeited."

"Shinguakouse, and Augustin and his brother confirmed the statement made yesterday, and added that at the end of five years they would reflect, and if they found Macdonell did right they would renew the lease."

Note. The lease is drawn out for 900 years, - 5 years being allowed for commencing operations: it would appear therefore that some of the chiefs were deceived in signing it.

"In resuming the subject of yesterday's questions Shinguakouse said 'The Governor has sent you up to see what is going on here, - we have appointed Macdonnell to arrange our affairs and have told him all our desires; hear him for us; - you do not understand what we say, you understand one another; - we will not make replies talk to Macdonnell."

"They were then asked if they thought Mr. Macdonell would act more justly or liberally, or prove a better friend to them than the Government; to which Augustin replied that they did think so."

"Shinguakouse again spoke and after complaining of the treatment they had received, continued 'I knew nothing of the value of my lands; - we thought of

our ignorance and employed Macdonell; - we wish you to hear him and do not think it right in you to put him aside - turning to Mr. Macdonell he said 'come my friend get up and speak'".

"The Commissioners then stated that they were sent to speak with the Indians, not with the Whites, - that the questions though important were quite simple and might be easily answered, - that the answers were required from themselves, - and that they could express their desires as well to the Commissioners, as they could to Mr. Macdonnell."

"Mr. Macdonell then commenced a speech, and though requested to remain silent for a time, - persisted, when it was judged necessary to close the conference; it was therefore done, by explaining to the Indians that it was rendered unavoidable by their refusal to speak to the commissioners."

"The council being formally closed Mr. Vidal left the room, Captain Anderson remaining as a Spectator; Mr. Macdonell continued to address the Indians in a most inflammatory style."

Appendix C

Extract from Memoranda made at the Indian Village, Garden River, on the second day after the conference at Sault Ste. Marie.

"In the evening chief Augustin (the oldest son of Shingwakouse) John Bell and two or three of the young men of the band came to talk with us, and sought an explanation of some matters spoken of at the Sault:- we conversed freely with them on the position in which the Indians were placing themselves by refusing to talk with us, and insisting on Mr. Macdonell's agency, - and pointed out the folly of such proceedings.

Augustin said that he altogether disapproved of Mr. Macdonell's saying anything against the Governor as he did at the Council, that the person who had interpreted his speech had not done so correctly, and further that he had misunderstood the question about Macdonell's being a better friend than the Government, to which he had replied in the affirmative; - he thought we had asked if they considered him better able to manage their business than they themselves were.

He did not wish us to tell Macdonell's words to the Governor as the words of the Indians for they were not so: - He was then reminded that they had desired Mr. Macdonell to speak for them, and that they had already in the address presented to His Excellency last summer, spoken very disrespectfully to him themselves.

Some portions of that address were then interpreted as literally as a composition containing ideas and words for which there are no corresponding expressions in their language, could be, - upon which, with great earnestness, they denied having said such things and wished their

names rubbed out from it, saying that Macdonell had written the address and if it were the same that had been interpreted to them before, - they had not understood it, - Augustin shrewdly remarking "an Indian could not speak such words."

Before leaving us he sent to call a council of his young men that night, - and when we parted we told him that we intended to proceed on our journey early on the morrow, but that as they said there had been misunderstanding at the council, - if they asked us to listen to any further statements or inquiries, we would do so."

"On the following morning Augustin waited upon us and said that he and his young men had consulted together, and had determined on having nothing more to do with Macdonell, nor with his Father so long as he continued to be guided by him and to oppose the Government, - but they would regard the government as their friend and deal only with its authorized agents.

[Document No. 47]

53. The section on the Lake Superior chiefs in Appendix B, of the Vidal Anderson Report listed as follows the chiefs "whose personal sanction and signature it would be necessary to obtain in order to make a treaty that would be generally approved of":

Designation or Locality bands	Chiefs' Names	Residence	Total No. of individuals in band	Boundaries and remarks
Fort William	Joseph Peau de Chat L'Illinois	Fort William	175	From Pigeon River (the boundary between Canada and the United States) along the lake eastward to Puckuswaw Lake in which the Nepigon and Pic Bands are included; - the division between the bands not known, and extending northward and westward to the Height of Land, the Provincial boundary
Nepigon	Mishemuckquaw	Lake Nepigon	357	
Pic	Shong Shong Louison (or Mistoche)	The Pic River	165	
Long Lake	(unknown)	South side of the Height of Land	40	Part of a large band adjoining the Pic Band on the North

Among the above, the "Chiefs with whom the commissioners have conversed" included Joseph Peau de Chat and L'Illinois of Fort William, To to one meh and Chick e noss of Michipicoten, but not Mish e much quaw of Lake Nipigon, Shong Shong and Louison of Pic River, or the unnamed chief of Long Lake.

[Document No. 47]

54. Appendix D of the Vidal Anderson Report listed as follows the reservations which the Lake Superior Indians had asked for and those which the Commissioners anticipated the Indians of Lake Nipigon and the Pic River would desire:

Reservations which the Indians wish to make.

The Fort William band, - a tract on the banks of the river at about a mile from its mouth (note - this is included in the old grant to the North West Company - see Appendix E).

The Fort William chief wished the Nepigon and Pic bands to be brought to this reserve, but their chiefs (whom we did not see,) would probably desire a reserve at their respective haunts.

The Michipicoton band, wish to reserve the tract about the Bay adjoining the Michipicoton River on the west, and extending from that River, to Rivière aux Dorées, about 4 miles.

[Document No. 47]

55. A map enclosed with the Vidal-Anderson Report indicates the approximate boundaries of the Fort William, Nipigon and Pic Bands, the location of part of the Long Lake Band, and the locations of the Sault Ste. Marie, Michipicoten and Batchewana Bands. This map from the Crown Land Department Surveyors Office West, is dated August 1849. [Map No. 1.]

56. A letter dated 7 January, 1850 from James Anderson, a missionary at Lake Nipigon, to Capt. T.G. Anderson responded - too late, unfortunately - to Capt. Anderson's October 1849 request for information to include in the Commissioners' report.* It provided a census of the Nipigon Indians, by sex and marital status. The total was 357 people. It also replied as follows to Anderson's queries about the extent and nature of lands claimed and the desire to cede them, and the Nipigon's relations with Peau de Chat:

...

To your second question as to the extent and boundaries of the country claimed by the Nipigon Indians - I cannot give a correct reply. I may however say that it extends on the SW. W. N. & NE to the height of land separating the Hudsons Bay Co. Territories (Albany District) from Upper Canada on the E it is bounded by the Pic lands and to the S it extends to the borders of Lake Superior.

Third, I have never heard the Indians express a wish to cede their Lands to the crown. I have put the question to several of them and they all reply in the Negative. As to the amount of remuneration it would be a difficult point with them as they are unacquainted with the Value of Money - their only standard is Made Beaver.

Fourth. As to empowering the Peau de Chat of Fort William to act for them in treating with the Government for their Lands. I have put the question to several of the most respectable Indians - including the Indian the Company acknowledges as Chief - and who were all at Fort William last summer. They all positively deny having empowered him in any way to treat with the Government or act for them - not one half of the Nipigon Indians have ever even seen the Peau de Chat - I may add that two Years ago he sent word to these Indians that the Government had made him Chief over the whole of L Superior included between Mishipicoton - Pigeon River and the height of Land - he was however too well known to the Indians to be believed.

*Captain Anderson's letter has not been located

5thly I regret to say that these Indians are sore averse to receive religious Instruction and they are equally disinclined to cultivate their Lands. Though I have repeatedly offered them Seed and Agricultural Implements Gratis only two have accepted my offer so far as to cultivate small patches of Potatoes - It would in fact be out of the power of most of them to attend to their Gardens properly - as they never remain many days on the same spot, but continually move about in search of Rabbits, Deer and other Beasts of the field - As to the fitness of the Soil for Cultivation and to what Extent. - It is one of the most unpromising Tracts I have ever beheld - ... I have travelled these lands, during the Winter, to the height of Land both to the Eastward & West - and as far as I could then judge they were of the same barren character as the borders of the Lake - ...

I have told the Indians that you wish to see them at Fort William next spring - I think that they will not all be able to reach Fort William before the 18th or 20th June as the Ice breaks up late in this Lake.

The Indian who the Company acknowledge for Chief is called Mishemuquah* and is a most respectable character - he is also a wise man and speaketh little - an invaluable quality - Master Peau de Chat wishes much to oust him and get a relative named Manitooshamse* made chief - he is also a respectable Indian - but has unfortunately the Gift of the Gab - the Canadians very aptly call him L'Avocat. He would be a tool in Peau de Chat's hands and the change would in every way be for the worse - and give you additional trouble.**

I would humbly advise you not to let the Peau de Chat have anything to do with the Nipigon Indians. He wishes to assume an authority over them and be the Great Man - the fellow is a cunning rogue with a dreadful tongue - if you treat with him you treat - with the Jesuit Missionary - as he is completely under his influence.

When Isle Royale was sold by the Indians to the American Govt Peau de Chat wished to make it appear that he had a chief right to the proceeds of the sale - Brother Jonathan was however too knowing for him and he got nothing - I believe that you would have much less trouble at Fort William were you to acknowledge Old Illinois as the principal Chief there - he has I conceive the best right.

The Indians of this Lake differ very much - those to the E & SE are a dirty, lazy spiritless set - while those to the N & W. are on the contrary a high spirited, clean and intelligent race - ...

[Document No. 56]

*of para 73, signatories

**of para. 64

CHAPTER FOUR: 1850: The Negotiations, Conclusion and
Confirmation of The Robinson Treaties

57. The Hon. W.B. Robinson was notified informally* of his appointment to treat with the Indians of Lakes Superior and Huron in a letter dated 11 January 1850 from Col. Bruce, Superintendent of Indian Affairs. The letter in part reads:

... Having reference to ... a late report on the subject from the Commissioner of Crown Lands, His Excellency in Council is prepared ... to authorize you on the part of the Government to negotiate with the several Tribes for the adjustment of their claims to the lands in the vicinity of Lakes Superior and Huron or of such portion of them as may be required for mining purposes.

It is His Excellency's desire that you should communicate to the Indians the fact of your appointment and that it is your intention to proceed to Lake Superior at such time as may be found most convenient for meeting the Chiefs and that you should impress the minds of the Indians that they ought not to expect excessive remuneration for the partial occupation of the territory heretofore used as hunting grounds by persons who have been engaged in developing sources of wealth which they had themselves entirely neglected.

[Document No. 58]

58. An Order in Council dated 16 April, 1850, gave further instructions to Robinson on the matter of treating with the Indians for the surrender of land in the vicinity of Lakes Huron and Superior:

...

And the Committee of Council are respectfully of opinion that Mr. Robinson should be informed that the amount of money actually circulable for the purposes of the negotiation is about 7500, that it is not considered expedient that any portion of the compensation money should be paid in presents; that the most desirable mode of compensation would be by perpetual annuities, and that any sum paid in cash which ought not to exceed 5000, and which the Committee of Council, in view of the interests

of the Indians, I think should be as small as possible, would be considered as a deduction from the Capital Sum of which the Annuities would be the interest; - that the Capital Sum to which Mr. Robinson should consider himself limited should not exceed 25,000, the interest of which payable as a perpetual annuity, would be 1500, it being understood that the number of claimants should be not less than 600, and that if reduced below that number a deduction of 2.10.0 per head should be made. The Committee of Council are of opinion that Mr. Robinson should endeavour to negotiate for the extinction of the Indian title to the whole territory on the North and North-Eastern Coasts of Lakes Huron and Superior - And that in case that be unattainable that he should obtain a cession of the territory as many miles inland from the coast as possible, and if it should be found impracticable to obtain a cession of the entire coasts in the terms prescribed that Mr. Robinson should negotiate for the North Eastern Coast of Lake Huron and such portion of Lake Superior Coast as embraces the location at Mica Bay and Michipicoton where the Quebec Mining Company have commenced operation.

The Executive Council then replied to Robinson's query on the mode of distribution of presents, by making the following distinction between the affairs of the Imperial government and "the present negotiations":

With reference to that branch of Mr. Robinson's enquiry which relates to the mode of distributing presents, the Committee of Council are of opinion that Mr. Robinson should carefully abstain from expressing any opinion on a subject with which Her Majesty's Imperial Government can alone deal, and which ought not to be mixed up in any way with the present negotiations. The Committee of Council are of opinion that the Commissioner of Crown Lands should be authorized to make such advance to Mr. Robinson on account of his expenses as he may think reasonable and that he should communicate the substance of this Minute to Mr. Robinson.

[Document No. 61]

59. On May 3, 1850, W.B. Robinson wrote to Governor Simpson to explain arrangements he had made directly with the Hudson's Bay officers on Lake Superior for meeting with the Indians:

I have taken the liberty of writing to some of your Gentlemen on Lake Superior* respecting the

*Unfortunately no copies of these letters to which Robinson refers were found in the records.

arrangements I have made for visiting the Indians in Augt. - & trust in doing so I have not "sinned against the Charter". McTavish said he was sure they could second my plans & that they were used to being thus called upon.

[Document No. 63]

60. On May 8, 1850, Robinson wrote another letter to Simpson. After discussing the development of better facilities for the Lake Superior mining locations, Robinson continued as follows:

I find there is good land in the immediate vicinity of the Sault on our Side, and I hope soon to see it in the Market ... I would undertake to introduce the right sort of people - the market is good for all sorts of produce & Cash paid - And there are plenty of people who would come here if it were properly explained to them -

...

I have made all the preliminary arrangements for meeting the Chiefs in Augt after they get their presents at Garden River & hope to succeed in closing a treaty with them -

As you go up, and if it occurs to you I should feel much obliged by your telling Mr. McKenzie & Mr. Swanston to give Peau de Chat and such other Chiefs as accompany him a barrel or two of Flour and a few pounds of Pork it may keep them in a good humour and I will pay the cost to McTavish when I come up again.

[Document No. 64]

61. On May 10, 1850, Governor Simpson replied to Robinson, informing him he would notify his posts to give "every assistance" to Robinson's forthcoming treaty meetings. The letter reads in part:

On my arrival here yesterday morning, I had the pleasure to find your letters of 3 and 5 inst. & on my way through Lake Superior shall give instructions to the gentleman in charge of the Company's Posts to render you every assistance in their power in carrying out your arrangements for meeting the Indians in August, & I shall request Mr. Swanston & Mr. McKenzie to give Peau de Chat & the other Chiefs a little flour and pork, by way of keeping them in good humour as you desire. As far as my information goes, you will have but little difficulty in making a treaty with the Indians, who begin to find they have been misled as to the views and intentions of the Government, while they have the most entire confidence in

yourself individually, knowing that your only desire is to have justice done to all parties.

Simpson then remarked that he disagreed with Robinson: industrious settlers were attracted to more favourable areas than Lake Superior where soil and climate were poor, and crops precarious.

[Document No. 65]

62. William B. Robinson made two trips to discuss a treaty with the Indians. The first lasted from April 19, 1850 to May 13, 1850. The following extracts from Robinson's diary record events during that first trip, including his meeting with the Indians of Garden River, and with various individuals who he hoped would use their influence to further reaching an agreement:

...

- Wednesday
1 May - Went to Garden River. Met the Chiefs & Indians & explained the object of my coming & fixed the time of meeting at Garden River immediately after issue of the presents, & took their agreement in writing to that effect. They all expressed themselves satisfied & promised in presence of Capt. Ermatinger & others to offer no opposition to mining operations by the diff't comps, relying on being settled with at the time appointed. 7 P.M. left & went to Church's to sleep. Cold night, froze ice.
- Thursday
morning - Very fine & warm. Left for Sault & arrived 2 P.M. Saw propeller Manhattan in Lake George below Church's, stopped by the ice. Wrote letters to Mr. McKenzie, Fort Wm. & to Mr. Swanston, Michipicn, explaining cause of not meeting Indians before Augt. Sent him copy of agreement to meet them, signed by 6 Chiefs.
- Friday 3rd - Left letters with Mr. McTavish to forward by first express, & a note for Sir Geo. Simpson, Steamer Franklin came in 1 1/2 P.M. & left at 5 P.M. for Bruce Mines &c &c Embarked in her. Left 3 bls flour & 10 ft. tobacco for the Indians. Get to Church's at 6 ft. tobacco for the Indians. Get to Church's at 6 1/2 (Wooding) and remd there all night.

...

Monday 6 - Fine morning. Went to see Doughld Cameron & others. All promised to use their influence with the Inds for good.

...

Tuesday 8 - ... Crossed to Amn side in afternoon & saw Pères Kohler & Menai, who will see Upper Lake Indians & exhort them to order &c. Saw Doughld Cameron who promises to do all he can in the right way with the Nipigon Inds,

- Wrote to Sir Geo. Simpson and Mr. McKenzie and Swanston, also to Ironside about Ind. affairs.

Thursday 9 - Wrote to McDo respecting expedition to Michipicoten &c &c, warning him of the trouble he wd bring on himself. Let 10 A.M. in Franklin for Dett. Met the Mohawk Capt. Herbert at Wards. Wrote Mr. Campbell & Lamorandiere of the arrangement made with the Indians for meeting in Aug.

...

...

Monday 13 - Left Niagara 2 P.M. arrived Toronto 5. Wrote to Col Bruce the result of my trip. 14th also to Mr. McIntyre (?) & Forsyth. Saw Sir Geo. Simpson on board the boat & informed him of my having written to his people. He said he wd do all he could to further my business with the Indians.

[Document No. 62]

63. A census of the population of Long Lake Post made in June of 1850* is found in the records, stored with the pay lists of the Robinson Treaty. This census lists individuals by name, sex, and marital status. The Chief was listed as Tabasash. The total population was 216.

*cf. para. 81, document 83, 1st paragraph

A note at the bottom of the page stated that

"only 80 of the above 216 inhabit the territory surrendered in the Treaty, the remainder reside beyond the "Height of Land" in the Hudsons Bay Territory".

This note was initialled WBR, presumably when Robinson was preparing the paylists for the distribution of the treaty money at the time the agreement was signed.*

[Document No. 66B]

63A. Another census, also stored with the paylists was taken at the Lake Nipigon Trading Post.* The population, total 385, is listed by clan, or totemic hunting group and includes halfbreeds and company servants. In addition to the Chief of each clan, there is indicated at the end of the list of clans: "Chief: Mishemuckquah".** The following comments were made by the trader:

- + Indians marked thus are attached to this Post _____ others on Albany.
- ++ D^o D^o
but have married Nipigon Women
- x Indians marked thus claim a right to share in the proceeds of the sale of the Fort Williams Lands, on the grounds of being descended from the Indians of the Grand Portage, or on the post of their wives being descendents of those Indians - I may have omitted some. [illegible signature with decorative line under]
- A The Nipigon Servants marked thus formerly belonged to this Lake - they were _____ Fort William and may perhaps be included in the census of this post.
- B Formerly belonged to this Lake - this is now attached to Michipicaton and may perhaps be included in the census of this Post.

[Document No. 66A]

*cf. para. 81, document 83, 1st paragraph

**cf. document 56, para. 56; document 75, voucher #1, para 83 and document #76, para. 73

64. In a letter to W.B. Robinson dated 10 June, 1850, J. MacKenzie, Chief H.B.C. officer at Fort William, described how he had alerted the Indians to the forthcoming treaty negotiations:

I have much pleasure in acknowledging the receipt of your favor of the 2 Ult - which came to hand on the 30th - together with the agreement entered into between yourself and the Sault Chiefs as to the meeting to take place with the Indians interested in the sale of their lands on the North Shore of Lake Superior to the Government,

So soon as I had a leisure moment after dispatching the canoes for the interior, I got all the Indians assembled and read to them the contents of your letter together with the agreement entered into with the Sault Chiefs, at which some of them expressed some surprise that the place of meeting should have been changed by Government, as Messrs. Anderson & Vidal had informed them that the Council would be held here this Summer. I told them, however, that your official duties could not possibly admit of your performing any promise of the kind which might have been made by Messrs. Anderson & Vidal who naturally thought that they themselves would have been employed to conclude the Treaty - that if they (the Indians) were really desirous of selling their Lands, they should by all means attend at Garden River by the time appointed even at a little sacrifice of time and trouble. They then told me that they would take a few days to consider the proposal, & I accordingly broke up this meeting.

Mackenzie next described the two positions in the Indian community at the Fort and their two chiefs as follows:

I must inform you that there are two Chiefs here Old Illinois and Peau du Chat, the former a very decent honest old man, and the other a character of a somewhat contrary disposition and both have their adherents and the spirit of "party" has found its way even amongst them - Peau du Chat prides himself upon his abilities as a "Public Speaker" and for some years back has been busying himself about the sale of the lands, and has claimed an authority to act as sole agent, which however the Indians of the other Posts and some of those residing here do not admit. He & his friends naturally, therefore, felt piqued that the Sault Chiefs would have entered into an agreement of the kind without his being consulted in the matter.

We again met the other day in order to come to some determination, when the Peau du Chat came up and stated that some of the Indians were dissatisfied with the conduct of the Sault Chiefs in thus making an agreement without the consent of the other Indians, & that Government appears to be

partial to them, on which I stated that he was quite mistaken, that Govt regarded all the Indians with the same friendly feeling, and as I stated on a former occasion, that your official duties prevented your seeing them all at that time & since they had been for years back desirous of selling their lands, they would be fools if they did not embrace the opportunity now offered of doing so; to cut the matter short I at once told them that I should be writing you in a day or two & would inform you that the Indians of this Post could not come to a decision on the matter. This had the desired effect, and the result of the Councils operations were, that the Chiefs and the more influential Indians will be at the Sault by the 1st August, so as to meet you at Garden River by the 15th of the same month. I do not think that any of them will go to the "Presents". They have disclaimed all connection with Mr. Allan McDonell.

Should you succeed in making a Treaty with them I would recommend that their annual payments be made principally in clothing, for if cash be given as at Lapointe, Rum will in spite of the utmost vigilance, on the part of the Custom House be introduced amongst them, by swarms of petty traders, and the sale of their lands in place of becoming beneficial will in consequences become injurious to them - I throw out this suggestion merely for your own private information; none of the Indians have spoken to me on the subject.

I would also recommend your hearing what all the chiefs have to say - that is the chief of each post. Peau de Chat will no doubt be assuming an authority to speak for the whole chiefs on the Lake, but this should not be admitted as the other Indians might afterward say that they were ignorant of what was done, or that the Peau de Chat claimed & exercised a right at the Council which they did not give him - except himself* none of them can I believe make a "Speech", but they ought to be encouraged to do their best.

[Document No. 67]

65. John MacKenzie made the following entry in his post journal concerning the deputation of Fort William Indians that went to the Sault to treat with Robinson.

Tuesday 23rd [July 1850] - ... I forgot to mention that about 15 of the principal Indians left yesterday morning for the Sault to meet Mr. Robinson the person appointed by Government to negotiate a Treaty for the sale of their Lands & who is to be at Garden River by the 15th August.

...

[Document No. 69]

*cf. para. 56

67. Governor Simpson wrote to Robinson on 24 July, 1850 describing efforts similar to Mackenzie's made by other H.B.C. personnel to notify the Indians of the forthcoming treaty council at the Sault:

...

On my way up Lake Superior in Spring I spoke to many of the Indians on the subject who promised to assemble here [Sault Ste. Marie] at the time appointed, and I also gave directions to the Company's Officers to carry out your views & wishes contained in the letters you wrote them. - Among some of the Indians, however, there appears a disinclination to come down to the Sault, indeed, those of Michipicoton only consented to do so on condition that their trader Mr. Swanston, should accompany them, and believing that from that gentlemen's long acquaintance with and personal influence over the natives of all parts of this lake his services might be very useful to you, I have arranged that he shall attend the Council.

Governor Simpson now renewed his offer of the services of the H.B.C. traders in distributing money and presents to the Indians:*

You will find Mr. Swanston anxious to promote the views of the Government, toward effecting a settlement with the Indians, & should you make a money payment, I think you would consult the best interests of the natives by making Mr. Swanston & the Company's other officers on the lake treasurers, & if intrusted with the funds they would render a faithful and exact account of their disbursements, agreeable to any instructions that may be given by Government. Such services would of course be rendered gratuitously - if you decide on making annual presents I am decidedly of opinion those presents ought to be delivered to the Indians at the Company's posts on the Lake (under the direction of the Company officers) thereby saving the unfortunate natives the necessity of going all the way to Manitoulin for them. The Indians themselves are anxious for such an arrangement, knowing as they do by experience that, presents received at Manitoulin are of no real benefit to them, as they get fleeced of them by the petty traders who make it their business to follow the Indian Agents from place to place to barter the presents for liquor, while they are apt to contract disease that, year after year, proved very fatal to them. From Mr. Swanston you will learn the real sentiments of the natives on this & other points which you may not so easily get at in a formal Council, when it is probable they may be under the influence of parties who have interested motives in the advice they give them. - In

*cf. para. 2

yourself the Indians have every confidence, & I believe Mr. Swanston is popular with them, having been among them for the last 25 years, -

...

[Document No. 68]

67. On August 7, 1850, Superintendent Ironside also wrote to Robinson regarding arrangements for the treaty making.

Your letter of the 30th Ult. is only just this moment received it having been absent (?) to St. Mary's from Penetanguishene consequently I only have a moment to reply to it.

It will be the last of this month before I get through the issue here so you will be quite safe to remain another week. - Bring specie by all means instead of paper as the Indians will think more of it.

If you are here by the 1st Sept. You will be in good time. I am glad Col. Bruce is coming up to attend the treaty. I shall be glad to accompany you too.

[Document No. 70]

68. A letter from Col. Bruce to Robinson on 12 August, 1850, formally authorized Robinson to treat with the Indians:

Having reference to my letter of the 11th January last I am directed by His Excellency the Governor General hereby to authorize you to treat with the Indians on Lakes Superior & Huron for the Surrender of their claims to the territory on the Northern shores of those Lakes. With respect to the terms of the said treaty you will be guided by the approved Minute of the Hon. the Executive Council dated the 16th April 1850 and such further instructions as you may receive from the Secretary of the Province.

[Document No. 71]

69. A Report of a Committee of the Executive Council dated 13 August, 1850, recommended that Robinson have authority to distribute 5000 "amongst the Indians on Lake Superior on account of the Lands taken by the Province and sold for mining purposes". An

extract of that Report - which was approved the same day and sent to Robert Bruce - appears below:

On a letter from the Honorable the Receiver General dated 13th Instant representing that it being deemed expedient that the sum of 5000 Currency should be distributed amongst the Indians on Lake Superior on account of the Lands taken by the Province and sold for mining purposes [etc] he requests that your Excellency would be pleased to cause a Warrant to issue on the consolidated Fund in favour of the Honble. W.B. Robinson Commissioner appointed for the settlement of the Indian Claims on Lake Superior for the above mentioned sum say 5000. cy and 3/4 00 per Cent for freight of 4000 of same in specie

30
5030 - cy

and for the distribution of which he Mr. Robinson will hereafter account.

[Document No. 72]

70. H.B.C. trader Swanston wrote to Sir George Simpson on August 21, 1850, regarding a variety of matters connected with the upcoming purchase by the Government of Lake Superior lands: He referred first to the claims of halfbreeds in the area:

Your much esteemed favor of the 24th Ulto from the Sault S Marys, together with accompanying Power of Attorney, and receipt to be signed by Edward Heron, was handed to me at the 5th Inst. by Mr. C----- Wi----- - in regard to the former I shall use my best endeavours in trying to secure something for [illegible], but at present I am not certain whether the Government will acknowledge the rights and claims of the half breeds, to a share of the payments to be made for the lands about to be ceded by the Indians of Lake Superior, but I would hope they would, as many of them have much juster claims than the Indians, they having been born and brought up on these lands, which is not the case with many of the Indians, particularly the Sault Chiefs Shin gwa kouse and Neh bai ni co ching, whose lands are situated on American Territory.

...

Swanston then explained his provisions of merchandise in relation to the payments the Indians wished to receive at Michipicoton:

With regard to the goods sent here for our sale shop from the Sault, I have returned none of them as yet, as it is probable that the whole may be required, should the Indians of this place, be paid this summer the first Installment for their lands, as nearly all of their funds will be brought hither, as I cannot prevail upon more than 6 or 8 of our hunters to go down to the Sault, but after my return from thence if I find we have any stock on hand, not likely to be disposed of this season, a portion of them shall be forwarded as you advise, in the meantime I hope you will under the circumstances approve of my having temporarily deviated from your instructions. - ... and as our Indians intend to apply to the Government commissioners that their annual presents and payments be in future made to them at this place, I have advised Mr. C.T. Miles that it would be desirable that a supply of goods for Sale Shop to the amount of 4 or 500 be provided, in case it should be found necessary to call for them, but as I mentioned this under private cover, it is quite optional with that gentleman whether he will make the provision or not.

...

As the period for the arrival of the Hon. W.B. Robinson at the Sault S Marys is fast approaching, I propose starting for that place tomorrow, with the few Indians I can muster to attend the meeting, after my return thither, I shall afford myself the pleasure of communicating to you, the terms agreed upon for the cession of the Indian land to the Government. - I have so arranged matters that acting Postmaster Alex Robertson will have no difficulty in attending to the affairs of this place during my short absence.

Swanston reported finally on explorations by the Quebec Mining Company at Michipicoton Island, and by the Nipigon Mining Company on St. Ignace Island.

The affairs of the Quebec Mining Co. I suspect are not so promising as they are reported to be, as I understand they have lately reduced their Establishment of servants very considerably, they have a party on the Mishipicoton Island exploring for copper veins, but whether they are likely to meet with any success in that quarter, I have not heard, - Mr. Smith has also a party at work for the Nipigon Mining co. on St. Ignace Island, but they have not as far as I can learn been more successful than their neighbours, nevertheless it is reported that they are to have a party at work during the winter, and as they may probably be inclined to combine the fur trade with their mining operations, I shall advise Mr. C.T. Peter McKenzie and Mr. ----- to watch their matters closely, if I find they have a party at work during the winter.

...

71. On 25 August, 1850, A.W. Buchanan, H.B.C. officer at Sault Ste. Marie, wrote to Governor Simpson. Included in his letter was the following account of people arriving at the Sault for the treaty:

...

The "Gore" arrived here this forenoon having on board Colonel Bruce, and a number of other gentlemen; she is to leave again tomorrow morning; remaining here only one night, instead of two as she generally does. A number of the Indians belonging to this place and Garden River are to take their passage in her as far as Manitowahning, where the Indian Agent is waiting their arrival to distribute the presents, some of which have already been given, and this is the reason why the "Gore" remains here a shorter time than usual.

The Honble Mr. Robinson arrived here by last trip of the boat, and shortly after his arrival some of the Indians from Ft. William and Nipigon dropped in, Peau de Chat, the Chief, being one of them.

These Indians do not go down to Manitowahning being afraid of catching diseases but will here await the return of the others from that place. Peau de Chats band evince no inclination to side with McDonells party as yet, but seem rather averse to them.

Mr. Robinson has spoken to me about supplying them and other Indians with provisions from the Cos. Stores here during their stay at the Sault, and as we have a large quantity of flour, rough Corn and pork on hand, I told him I could do it.

The treaty will take place immediately after the return of the Indians from below, and Lord Elgin is expected here tomorrow or next day in the 'Mohawk' Government schooner to be present at it. Among the gentlemen who came today is one who is said to have been sent to look for the best place for erecting buildings for the troops; it is also spoken that those now here are to be relieved by a detachment of the Canadian Rifles, but I have no certain information on this hand.

... I am expecting Mr. Swanston here early this week with such of the Michipicoton Indians as intend coming to the treaty, which few of them, he writes me, evince any inclination to do, not having got over their fright of last year from the Cholera.

...

[Document No. 74]

72. Robinson's second trip lasted from August 14, 1850 to September 19, 1850. During this trip he concluded a treaty with the Indians of Lake Superior. The following extracts from Robinson's journal described his conversations and bargaining with the Chiefs, prior to and during the negotiations, about the terms of the proposed treaty:

- Sat. 17 - Manitowaning at 9 1/2 A.M. Saw Ironsides & one of the Chiefs. Few Indians there. Left in Gore 11 A.M. for Sault.
- Sunday 18 - Arrived in Sault P.M.
- Mon. 19 - Crossed to other side & saw Nebenagoching & other Indians. Wrote to Ironsides & Keating.
- Tues. 20 - Rained nearly all day. Crossed to other side. Saw H. Bay Officer. No news yet of Mr. Swanston & his Indians.
- W. 21 - Went to Gros Cap on Lake Superior. Peau de Chat, arrived this day.
- Th. 22 - Rained all day. Saw Indians from other side.
- Fri. 23 - Crossed to other side. Saw Peau de Chat & Chiefs. All seem well disposed to treat on fair terms.
- ...
- Sunday 25 - Gore arrived at 1 P.M. Col. Bruce came. Crossed over & saw Chiefs.
- Monday 26 - Went over to see the Chiefs with Col. Bruce. Left with Mr. Buchanan, H.B. agent. Cheque on Bk for 933.6.8 and got 100 for Mr. Clissold & took his cheque therefore on B-- Did this on Col. Bruce's letter of introduction to me.
- Tu. 27 - Saw Indians with Col. Bruce & wrote
- W. 28 - Col Bruce went to Gros Cap. I went over to see the Chiefs. Peau de Chat very ill. I sent Dr. to see him.
- Th. 29 - Went to see Indians & wrote all morning.

...

- Sat. 31 - Went to see Peau de Chat & took Dr. Newton to see him. Took him shoes & warm socks & flannel shirt by Dr. Howard's advice. He is very ill & low spirited. Called going & coming at the Mohawk & saw Gov Genl, told him my intentions as to the treaty, which he approved of, Rained hard all day.
- Sunday
Sept. 1 - Rained all day. Went to Church at Fort (McMurray). Gov. Genl there. After ch. went with him to see Chiefs; Peau de Chat & others. Latter too ill to leave his lodge. he addressed Gov. Genl & expressed his disappointment of proceedings with Mica Bay. He professed much respect and attachment to Queen and her representatives. Gov. Genl told him he had left full power with me to settle this matter & he & the other Chiefs were satisfied. Geo. Johnson interpreter ...
- Monday 2d - ... Gore arrived 12 1/2 P.M. & brot up Indians to treaty. Left them at Garden River.
- Tu. 3d - Went in Gore to Garden River to see Indians. Gov. Genl called them and met them at the Chief's house while Tegawinini (?) & Shinguacouse addressed his Excy. Stated they had all perfect confidence in "Mr. Robinson" & would settle their differences with him. His Excy answered them, expressed his satisfaction as their declarations of attachment to the Queen & Govt. & bade them farewell. The Indians saluted him coming & going. & the Mohawk fired two big guns at parting. I then met them in Council, explained to them that Peau de Chat was too ill to come to Garden River & it was settled to meet at the Sault on the morrow (Wednesday) at noon in the H.B. Cos warehouse at head of portage. Returned same evg to Sault in boat with Indians. Rained arrived 10 p.m.
- Wedn. 4 - Rained very hard in the morning & could not get out before 10. Found no Indians arrived. Put the house in order for the Council. About noon the Manitowaning Indians arrived & soon after Shinguok's son Paqutehinini (?) came to say the Indians had arrived at the storehouse very wet & as it was then raining very hard they wanted the Council put off till next day, Th. Consented to this, gave them provisions & ret'd to my lodgings. Capt. Ironsides came with the Indians in the Gore & brot them presents for Peau de Chat & those who were with

him. I delivd them this morning.
Left Assiginack at the store house in
charge of the pro--- &c. Indians slept
in the Cos store house. Rained all
-- .

Th. 5 - Went over early. Still raining hard.
Met the Indians at 11 A.M. in Council
- addressed them, explaining my appt
to them, & finished by proposing to
pay them 16,000 (4000) down in
specie & an annuity forever of 1000.
Explained to them the benefit of a
perpetual annuity instead of a present
payt only. Also told them they might
make reasonable reservations for their
own use for farming &c &c, & that they
would still have the free use of all
the territory ceded to H.M., to hunt &
fish over as heretofore, except such
places as were sold to white people
and others by the Govt. & occupied in
a manner to prevent such hunting, &c
Peau de Chat first spoke, expressed
his satisfaction at what he had heard
& willingness to treaty & wd speak
further on the morrow (Friday). Asked
1/2 the money for Lake Superior &
[sic] might do what his great Father
pleased with the remainder.

Totomenaise said in a few words he
would not consent to give Michipicoten
to the whites who asked for it, but
would cede it to the Queen.

Shinguacouse said the business was
important & asked till tomorrow to
consider his reply to my proposition.
Agreed to this & after giving order to
Capt. Ironsides respecting provisions,
went to my lodgings, 4 P.M. Rained
hard all day & late in the evg with
short intervals between the showers.

Friday 6 - Went over early to the Council. Heard
Shinguacouse as agreed. Said he
wanted \$10 per head annuity forever &
to retain from Partridge pt below the
Sault to Garden River & thence to Echo
Lake for a reserve (abt 15 miles
front). Rained very hard & place
uncomfortable. Told him I could not
agree to his demand for so large an
anny & again explained to all present
that they wd have same privileges as
ever of hunting & fishing over the
whole territory & to reserve a
reasonable tract for their own use.
Told them that as a large majority of
Chiefs present yesterday were in
favour of settlmt on the basis of a
perpetual anny, I shd prepare the
treaties with that view & bring them
back on the morrow for signature.

Saw Peau de Chat & his Chiefs, who all agreed to sign a treaty for Lake Superior when ready. Returned after dark to my lodgings & wrote sketch of the Treaty till 11 P.M.

SatdY 7 - From 6 to 10 A.M. busy making two fair copies of the treaty for Peau de Chat. Crossed over to the Council. Had Peau de Chat & his Chiefs & principal men in the former's lodge & the treaty was carefully read over & translated to them by Mr. G. Johnson & Mr. Keating. Made them fully comprehend all the provisions of it. They were all perfectly satisfied & said they were ready to sign it. Opened the Council about 11 1/2 A.M. Peau de Chat & his Chiefs & the other Chiefs present. The former made a short speech, acknowledged he understood the terms of the treaty & was satisfied. Said the amt he was to receive made no difference with him. He was already [sic] to obey the wishes of his Queen now, as he had always been. Did not wish to dictate to the Chiefs of the other Lake how they were to act. Was appointed by the tribes of Lake Superior to settle the business & had done what he thought for the best. He & 3 other chiefs & 5 principal men then signed the two copies to [sic in] open council, in presence of Capt. Cooper, Lt. Balfour of the Rifles; Capt. Ironside, John Swanston, Geo. Johnson & J.W. Keating. Delivered Peau de Chat his copy & told him the other would be lodged in the Indian office in Toronto, & copied into a Book where all the Indians could at anytime see it. I would report his good conduct to his great Father the Gov. Genl & Col. Bruce who would be glad to hear it. &c &c &c.

Shinguacouse then addressed me at some length, repeating his former language. I told him I could not alter my determination & as the majority of the Chiefs were in favor of my proposition I shd prepare the treaty & bring it over on Monday, that those who choose might sign it. I wd not press anyone to sign. Those who signed wd get the money for their tribes & those who did not sign wd get none, & I shd take the remainder of the money back to Toronto, give it to the govt to [sic and] take no further trouble about the treaty matter.

3 1/2 P.M. left the Council, went to H.B. office & wrote out the treaty until 6. Then separated Peau de Chat's money, 2000. from the other,

showed him the packages & explained how many dollars each contained. He left it in Capt. Cooper's charge till he was ready to embark in the schooner. Got back to my lodgings at 9 P.M. Memo: Peau de Chat said he wanted his reservation surveyed & marked out by a proper surveyor & a plan made. Told him I would make known his wishes to Gov. Genl.

...

The treaty was signed on September 9, 1850. Robinson's diary recounts from this day on manner in which he disbursed the treaty money:

Monday 9 - Went over to the Council early with the treaty prepared for signature. Explained it to all the Chiefs present, who were satisfied & ready to sign. Shinguacouse & Nebenaigoching's came later in the day, objected to sign unless I pledged the Govt to give the halfbreeds mentioned in the list handed to me free grant of 100 acres of land.* I confirmed certain old residents in the free & full possession of their lands on which they now reside. I told them I had nothing to do with anybody but the Indians & could not make a promise of land. The Chiefs had kept a large reserve & might if they pleased give their locations. Govt itself had no power to give free grants. I then had the treaty again read over aloud to them all & explained, when they all signed it, Shinguacouse & Nebengoching signing first.

In the evening went on board the HB. Schn. White Fish & took Peau de Chat's & other Chief's money (2000) to them got their rect & gave money in charge of Mr. Swanston. Gave the 10 kettles to them.

Tuesday 10- Went over at 9 A.M. to pay Nebenaigoching's Band. Paid them & took rects - 1190 - pd Hudson's Bay A/C for provisions &c & all other demands & left at 4 1/2 P.M. For Garden River in canoe, leaving the money to come in Mr. Wilson's boat in charge of Mr. Ironsides. Saw Shinuacouse & got a room to put money in &c. Crossed over to sleep at Payment [sic Paymast's] being no accommodation at Garden River. Rained in the night.

- Fr. 11 - Crossed over 7 1/2 to Garden River & prepared to pay the Indians. pd Shinguacouse and Keokosis Band, about 300, & Naoquagabos band of 30. Finished paying by 2 P.M. & went in canoe 4 miles up Garden River to rapids. Some good land on the banks. Banks too low & far apart for damming, plenty of water for miles & said to be good pine in close vicinity. Saw Shinguacouse & other Indians in evg. Gave them advice as to taking care of their property & some flour (3 bls.) Left them 8 P.M. well satisfied with their treaty & gave Shingacouse a copy of it. Crossed over to Paymast's to sleep. Indians drinking all night, whiskey from Sault.
- Th. 12 - Went early in morning to Echo Lake. Retd to Church's at noon & got on board the Gore to return home. Stopped an hour at Bruce Mines, left at dark. Great part of the reservation made by Shinguak is of little value - land low and swampy or hilly & rocks. Around Garden River is the only part worth anything.

...

Robinson's last two entries describe the matters he attended to in Toronto:

- Th. 19 - Gave the treaties to Mr. Lafontaine. Saw Mr. Price & told him of my settlement with the Indians. Left at Bank of UC with the Payt.

specie	\$709	177.5
1 parcel bills		500.
in bills		<u>22.15.0</u>
		700.0.0
cheque for		<u>100</u>
		800.00

- Th. 24 - sent in report +27th acct. current to Rec. Gent. Office.

[Document No. 62]

73. The Lake Superior treaty, signed 7 September, 1850, described as follows the territory ceded, the terms of future use of ceded territory and reserved land, mineral rights and indexed annuity* payments:

*cf. para. 51, page 93, and also document 98

"The Honorable William Benjamin Robinson of the one part on behalf of Her Majesty the Queen and Joseph Peau de Chat, John Ininway, Mishemuckque*, Totominai Chiefs and Jacob Wassiba, Ahmutchewagaton, Michel Shebageshick, Manitoshainai* and Chigenans, principal men of the Ojibway Indians inhabiting the northern shore of Lake Superior in the said Province of Canada from Batchewaning Bay to Pigeon River at the Western extremity of said Lake inland throughout that extent to the height of land which separates the territory covered by the Charter of the Honorable the Hudsons Bay Company from the said tract, and also the islands in the said Lake within the boundaries of the British possessions therein of the other part Witnesseth. That for and in consideration of the Sum of Two Thousand pounds of good and lawful money of Upper Canada to them in hand paid, And for the further perpetual Annuity of Five hundred Pounds the same to be paid and delivered to the said Chiefs and their Tribes at a convenient Season, of each Summer not later than the first day of August at the Honourable the Hudson Bay Companys Posts of Michipicoton and Fort William they the Said Chiefs and Principal Men do freely, fully and Voluntarily Surrender Cede, grant and convey unto Her Majesty, Her Heirs and Successors forever all their rights title and interest in the whole of the territory above described. Save and except the reservations Set forth in the Schedule hereunto annexed, which reservations Shall be held and Occupied by the Said Chiefs and their Tribes in common for the purposes of residences and cultivation. And should the Said Chiefs and their respective tribes at any time desire to dispose of any mineral or other valuable productions upon the said reservations the Same will be at their request Sold by Order of the Superintendent General of the Indian Department for the time being for their Sole use and benefit. And to the best advantage. And the Said William Benjamin Robinson of the first part on behalf of her Majestys and the Government of this Province hereby promises and agree to make the payments as before mentioned, and further to allow the said Chiefs and the Tribes the full and free privilege to hunt over the territory now ceded by them and to fish in the Waters thereof as they have heretofore been in the habit of doing, Saving and excepting only such portions of the said Territory as may from time to time be sold or leased to Individuals or Company's [sic] of Individuals and occupied by them with the consent of the Provincial Government - The parties of the Second part further promise and agree that they will not sell lease or otherwise dispose of any portion of their reservations without the consent of the Superintendent General of Indian Affairs, being first had & obtained nor will they

*cf. para. 64 and sketches of Indian Life, Reverend F. Frost, 1905, quoted in Band Submission, Vol. 3

at any time hinder or prevent persons from exploring or searching for Minerals or other Valuable productions in any part of the territory hereby ceded to Her majesty as before Mentioned. The parties of the Second part also agree that in Case the Government of this Province should before the date of this agreement have sold or bargained to Sell any Mining locations or other property on the portions of the territory hereby reserved for their use and benefit, then and in that case Such Sale or promise of Sale shall be perfected if the parties interested desire it by the Government, and the amount acccruing therefrom Shall be paid to the Tribe to whom the reservation belongs.

The Said William Benjamin Robinson on behalf of Her Majesty who desires to deal liberally and justly with all Her Subjects, further promise and agrees that in case the territory hereby Ceded by the parties of the Second part shall at any future period produce an amount which will enable the Government of this Province without incurring loss to increase the Annuity hereby secured to them then and in that case the same Shall be Augmented from time to time provided that the Amount paid to each individual shall not exceed the Sum of One pound Provincial Currency in any one Year or such further sum as Her Majesty may be graciously pleased to order, And provided further that the Number of Indians entitled to the benefit of this Treaty shall amount to two thirds of their present Number (which is twelve hundred and forty) to entitle them to claim the full benefit thereof and should their number at any future period not amount to two thirds of twelve hundred and forty, the Annuity shall be diminished in proportion to their actual numbers -

Three reserves set apart for the Lake Superior Indians were described as follows in the schedule to the treaty.

Schedule of Reservations made by the above named and subscribing Chiefs and Principal Men.

First - Joseph Peau de Chat and his tribe this Reserve to commence about two Miles from Fort William (inland) on the right bank of the River Kiminitiquia thence Westerly Six mile parallel to the shores of the Lakes thence Northerly five Miles: thence Easterly to the right bank of the Said River so as not to interfere with any acquired rights of the Honble the Hudson Bay Company -*

Second - Four Miles square at Gros Cap being a Valley near the Honorable Hudson Bay Companys post of Michipicoton for Totominai and tribe -

Third Four Miles Square on Gull River near Lake Nipigon on both Sides of Said River. For Chief Mishemusqua and tribe -

*cf. document no. 133, pp. 2 & 3

Signed Sealed and delivered at Sault Ste Marie the day and Year first above written in presence of -

Wis George Ironside V.S.I. Affairs
 Arthur P. Cooper Capt. Com. Rifle Br.
 H.N. Balfour 2 Lejut. R.B.
 John Swanston C.T. Hon H.B.C.
 George Johnston Interp:
 J.W. Keating

[Signed by]
W.B. Robinson
Joseph Peau de Chat
John Ininway
Mishe Muckqua
Totominai
Jacob Wassaba
Ah Mutchinagabow
Michel Shibagishick
Manitou Shanise
Chigenans

[Document No. 76]

No map was attached to the treaty.

74. Several other accounts of the treaty negotiations, terms and disbursements are found in letters from Hudson Bay officers. The first, dated 11 September, 1850, from Mr. Buchanan at Sault Ste. Marie, to Governor Simpson, describes events between September 5th and 9th as follows:

...

The treaty was held on the 5th inst. by Mr. Robinson at the Company's store at the Upper end of the portage, and continued till the day before yesterday when all was settled. The Indians of Lakes Superior and Huron agreed at once to the terms proposed but those of this place, namely Joe Sayer and Shingwauk declined the offers made, and caused a delay of two or three days; but at last, seeing there was a large majority against them, and that they were likely to be set aside altogether gave in and signed the paper. Macdonell had nothing to say for himself indeed he would not have been allowed to speak, and is completely defeated.

The terms of the treaty are that the Indians are to receive 4,000 now to be divided amongst the whole of them, and 1,000 are to be paid them annually for ever, liable to be increased until the sum amounts to 1 for each Indian should sales of land be made to afford that sum, and in return they are to give up the whole of the country to the height of land, including Michipicoton island reserving a small portion &c at various places for each Chiefs party, the largest reserve by far being at Garden River, and the Indians of Lake Superior are to receive their presents, and annual payment for their lands at Michipicoton.

Mr. Swanston arrived on the 27th ulto: with a few of the Michipicoton Indians, and left in the Whitefish yesterday morning taking the Indians with him. Mr. Robinson with the sanction of the Chiefs, has placed 2,000, the portion paid the L. Sup: Indians in Mr. Swanston's hands for distribution at Michipicoton, which is thus saved from the grasp of the American traders, who are much vexed at losing their prey. I have given Mr. Swanston a few more goods from the store here in expectation of large sales taking place at Michipicoton and he was afraid he should not have sufficient. If not disposed of they will be returned.

Joe Sayers party were paid in this office yesterday, and Shingwauk with his band are receiving their payment today at Garden River. The Lake Huron Indians will be paid at Manitowahning by the Indian Agent there.

Buchanan continued his letter with these remarks on the troops stationed at the Sault Since the Mica Bay incident:

Mr. Robinson's management of the whole business seems to have been good and has given satisfaction to all except Macdonell and his allies among whom may be included the Ermatingers and who seem grievously disappointed at the issue of the treaty. It depends upon Mr. Robinsons report as to whether the troops are to be kept here, or removed, and I think they will be recalled about the beginning of October, as he told me yesterday they would be sent down as soon after he reached Toronto as possible, so that I shall not require to do anything in the way of building this autumn. He leaves in the Gore tomorrow morning.

...

[Document No. 77]

75. On September 18, 1850, Peter McKenzie, another H.B.C. trader, also wrote to Governor Simpson about the treaty-making and the Lake Nipigon Indians:

... We got in, in safety and earlier than last year thanks to Mr. C.T. McKenzie Fort William who promptly sent back the Nepigon Indians (gone out to Fort Wm. on a false report spread by one of themselves to the import that a Government Commissioner arrived at Fort William for the express purpose of treating with them for their Land) back [sic] and overtook us in time to render the usual assistance in the Nepigon River.

About two thirds of the hunters of the post are now equiped for the Winter and left us apparently satisfied with our treatment of them. The remaining third are yet out on Lake Superior waiting the return of their deputies** sent to the council** to treat for their lands. I am anxious to see them back and equiped in the usual way. Their visit to St. Maries more especially if they are indulged with a little cash will do them no good, neither will we reap any benefit by it. Our look out should be to make as many cash Sales at a reasonable profit as we can, and by so doing reduce the credit advances in Autumn. Tho: on the whole, I do not expect to see much cash come this far north.

...

[Document No. 78]

76. Another letter, dated September 18, 1850, from trader John Swanston informed Duncan Finlayson of the terms of the Treaty and described thus the responsibility he had been given for paying out the Treaty money and the annuity:

... These documents would have been forwarded by the down going canoes, had it not been that I was absent, when they passed this place, having proceeded to the Sault, with some of the Indians of this district in order to attend a council, to be held there for the cession of their lands to the Government, which was brought for a satisfactory settlement on the 10th inst. - the Indians of this Lake receiving for their share of the Treaty money 2000. and an Annuity for ever of 500, which latter sum is to be forwarded annually to this post [Michipicoton] and Fort William, at a period not later than the 1st of August in each year, - The former sum of 2000 I brought up with me, in order to distribute it amongst the Indians of the different posts, but I am afraid we may lose some portion of it, as our supply of Goods is not sufficiently abundant to meet the calls that will be made upon us, but as some of the Indians cannot be paid until the Spring, for instance, those of the Pic and Lake, [sic Long Lake ?]* - I shall as soon as I can command a little time forward You a small Requisition of some articles I think it would be advisable to procure in Canada and forward hither by the ingoing canoes, or any other early opportunity ensuing.

[Document No. 79]

*cf. para. 77, document 81

**underlining in original text

77. John Swanston also wrote to Governor Simpson on 21 September, 1850, outlining thus the treaty provisions and money arrangements for the Pic and Long Lake Indians:

As I advised you in my respects of the 20th ult I left here on the following morning for the Sault Ste. Mary's, accompanied by our chief and a few other Indians, and returned hither on the 15th inst. where I found that Alexr. Robinson had managed the affairs of the place during my absence very satisfactorily.

The Indian Treaty was brought to a final settlement the 7th Inst. The Government having paid for the cession of their land the sum of 4,000, and guaranteed to them a perpetual annuity of 1,000. -- one half of these sums to the Indians of Lake Superior from Batchiwana Bay to Pigeon River, and the other half to the Indians from Batchiwana Bay to Lake Huron, - The Lake Superior Indians annuity is to be paid to them every summer at a period not later than the 1st Augt at this place and Fort William, and Mr. Robinson has also promised to use his best endeavours to get their annual presents from the Government distributed to them on Lake Superior instead of them having to go all the way to Manitowahning. Should he succeed in this matter it will be a very great benefit to the Indians of this Lake.

The 2,000 paid by the Government to the Indians of the Lake I brought up with me on the Schooner, and since my arrival have been busily employed in distributing to those of this post, the share of every man, woman and child including halfbreeds is about 31/ each, and as they immediately go with their cash to our shop, our stock of goods is getting very low, and before the spring arrives, I expect our shelves will be quite empty particularly as I have still the payments of the Pic and Long Lake Indians by me, and which cannot be made to them until next spring. - Under these circumstances, I purpose as soon as I can command a little time to forward to Mr. C.F. Dun: Finlayson a small Requisition for sundry supplies that I think it would be possible to provide and forward from Canada by the ingoing Canoes next spring, or any other early opportunity, as in the event of our being out of goods when the Pic & Long Lake Indians arrive here, they may be induced to go on to the Sault with their money - Messrs. C.T.'s John and Peter McKenzie will also be much in want of goods to trade the cash sent to their posts, as the Fort William share was 321.16.6 and Lake Nipigon 553.7. which sums were forwarded to the above posts in charge of the Chiefs and I am certain their present outfits are very insufficient for the Indian trade and cash sales. Hence I trust that you will approve of a few bales of goods being forwarded to us next spring from Canada, as they can reach us much earlier by that route, than from Moose Factory (?).

...

78. On September 20, 1850, Hudson Bay Governor George Simpson wrote to Robinson: He began by congratulating him thus:

By a letter received from the Sault de Ste. Marie yesterday, I learned with pleasure that your negotiations with The Indians had been brought to a termination which has proved satisfactory to all parties concerned, with the exception of McDonnell & his aiders & abettors, & I think you have good cause to congratulate yourself on the success which has attended your excellent management of this affairs. - The arrangement by which The Lake Superior Indians are to receive their first grant & subsequent annual payments at Michipicoton is most considerate & will prove of inestimable benefit to them, but I understand from Mr. Buchanan it has been a heavy blow & sore discouragement to the American traders at the Sault, who fully counted on pocketing the whole of the 2000 which Mr. Swanston carried up the Lake with him.

Simpson then asked Robinson for the following assistance in regard to rent for and damages done by the troops billeted in Hudson Bay premises:

Peace & good order will no doubt now prevail in the mining region & I presume, as a consequence, the military force will be withdrawn from the Sault; - under these circumstances, I am induced to ask your good offices on behalf of the Company to affect a settlement with the Government of their claim for rent during The time their premises have been occupied as barracks. I have made a claim for 300 up to the 1 June and 50 p month from that date till the troops are withdrawn, but we should be satisfied with 50 p month, for the whole period, & that I am sure is moderate enough when the damage done to the premises and the inconvenience & injury to our trade are taken into account, in fact, the rent would barely put the place in thorough repair which is, indeed, all we require, as we did not look at making a profit out of the Government when we placed the establishment at their Command on a sudden emergency, without which they would have found themselves in a very awkward position, with the troops left at the commencement of the Winter on the shores of Lake Superior without a roof to shelter them, there being, as you are aware, no other building than the Company's fort which could have been converted into even a temporary barrack. I have written a great many letters on this subject to General Rowan, to which I have received no other reply than that they have been transmitted to the Governor General. Your [illegible] offices in this matter would soon bring it to a satisfactory close - Pray can you

tell me if the troops are to remain or to be withdrawn? In the former case we must erect additional buildings as our business is going to rack for want of this necessary accommodation.

[Document No. 80]

79. On September 21, 1850, Governor Simpson acknowledged trader Buchanan's letter:

I have to acknowledge receipt of your letter of 11 Inst, and am glad to find that the Indian treaty has been concluded on terms which I think must be satisfactory to all parties interested - the arrangement by which the Indians up the Lake are to receive their payment & annual grants at Michipicoton will prove of great benefit to them & as the money will no doubt be principally expended at that place it may be well for you to send to Mr. Swanston any articles you can spare from the Sault Shop, which are likely to be in demand with him.

...

I have no information as to the intention of Government respecting their troops at the Sault; if I can learn anything on the subject, I shall duly advise you thereof.

...

[Document No. 82]

80. On 23 September, 1850, Sir George Simpson passed on to Archibald Barclay the information he had received from John Swanston about the distribution of the Treaty payment shares to the Lake Superior Indians.

...

By a letter just received from the Sault de Ste. Marie I am glad to learn that the differences between the Government and the Indians respecting the mineral Lands have been satisfactorily settled by The Hon: Mr. W.B. Robinson, the Commissioner appointed to negotiate a treaty between the parties, which was concluded a few days ago, the Indians ceding the whole of the territory up to the height of land for the sum of 4000 down & an

annuity of 1000 for ever, to be issued from the proceeds of land sales to 1 p. ann: for every Indian, - small reserves being made at various places for the bands of the different chiefs. As a large proportion of the Indians reside on the northern shore of Lake Superior, frequenting the Company's establishments, Mr. Robinson placed in the hands of Chief Trader Swanston, who attended the Council, the sum of 2000 to be paid to the Indians at Michipicoton, at which place, also, their annual presents will be hereafter distributed by the Company's Agents*. This will be a great boon to those Indians, saving them the necessity of making a long journey to receive their presents, & I think will be advantageous to the Company, as the bulk of the money so distributed will no doubt be expended in their sale shop.

[Document No. 84]

81. Robinson replied to Sir George Simpson on September 23, 1850:

... I fully intended writing this very evening, to say how much I was indebted to Your Mr. Swanston & Mr. McKenzie for their judicious assistance ever since I took the Indian quarrels in hand - They furnished me with a very perfect census of the Indian population of Lake Superior**, & Mr. Swanston arrived in good time to keep Messrs. Peau de Chat & Co. in good order - Mr. Buchanan also gave me every assistance in his power & I fear he found me a troublesome customer as we used your Upper Ware House for a Council Chamber besides making very free with all the house that the Military men left him in possession of -

I will immediately call on some one of the Govt about Your demand for rent & it will give me much pleasure if I can be useful in bringing about a settlement of the account - They forget that they occupy not one, but half a dozen Houses, & this to your very great inconvenience - All this, I can from personal observation testify to & shall not be modest in doing so -

I will write you again as soon as I see the Govt about Your business -

I was much pleased with Mr. Swanston, he is a fair manly, straightforward fellow & was a great assistance to me - & it is lucky for the Indians they had such a friend with them - They all went up in the White Fish together & I hope got home safe -

*cf. para. 77, document 81, 2nd para.

**cf. paras. 63 & 63A, docs. 66A & 66B

Simpson then made the following request concerning the annuity payments to be made as a result of the treaty:

By the way before I forget it, Can the Govt not make some arrangement with your Hon: Company to pay the Annuity of 500 every year to the Indians on Lake Superior. - it will cost a good deal to sent a gentm. up with it every year - it is to be paid by the first of Augt. in each year, & if you were authorized to pay it & draw on the Govt. for the Amt: it would save much trouble & expense - If you allow me to suggest it, I will do so - for I fear in the multitude of their political affairs the poor Indians may be again forgotten - & the next thing we hear will be complaints of a breach of faith & tho' innocent of the offence I shall be blamed -

...

[Document No. 83]

82. Robinson submitted the treaty and his report to Colonel Bruce, Superintendent General of Indian Affairs, on 24 September, 1850. In this report he first described the reasons why, initially, he had "some difficulty" in obtaining unanimous Indian consent to his terms:

I have the honor herewith to transmit the Treaty which on the part of the Government I was commissioned to negotiate with the tribes of Indians inhabiting the northern shore of Lakes Huron and Superior; and I trust that the terms on which I succeeded in obtaining the surrender of all the land in question with the exception of some small reservations made by the Indians, may be considered satisfactory. They were such as I thought it advisable to offer, in order that the matter might be finally settled, without having any just grounds of complaint on the part of the Indians.

The Indians had been advised by certain interested parties to insist on such extravagant terms as I felt it quite impossible to grant; and from the fact that the American Government had paid very liberally for the land surrendered by their Indians on the south side of Lake Superior, and that our own in other parts of the country were in receipt of annuities much larger than I offered, I had some difficulty in obtaining the assent of a few of the chiefs to any proposition.

Robinson then set out as follows the explanation he gave the Indians for the price he offered for their lands:

I explained to the chiefs in council the difference between the lands ceded heretofore in this Province, and those then under consideration, they were of good quality and sold readily at prices which enabled the Government to be more liberal, they were also occupied by the whites in such a manner as to preclude the possibility of the Indian hunting over or having access to them: whereas the lands now ceded are notoriously barren and sterile, and will in all probability never be settled except in a few localities by mining companies, whose establishments among the Indians, instead of being prejudicial, would prove of great benefit as they would afford a market for any things they may have to sell, and bring provisions and stores of all kinds among them at reasonable prices.

Neither did the British Government contemplate the removal of the Indians from their present haunts to some (to them) unknown region in the far West, as had been the case with their brethren on the American side.

Robinson explained next how he dealt with the objections presented by ShingKwaKouse and Nebennigiching:

I told them that the two chiefs who were in Toronto last winter (Shinguacouse and Nebennigiching) only asked the amount which the government had received for mining locations, after deducting the expenses attending their sale. That amount was about eight thousand pounds which the Government would pay them without any annuity or certainty of further benefit; or one-half of it down, and an annuity of about one thousand Pounds.

There were twenty-one chiefs present, about the same number of principal men, and a large number of other Indians belonging to the different bands, and they all preferred the latter proposition, though two of them (Shinguaconse and Nebennigiching) insisted on receiving an annuity equal to ten dollars per head. -

The chiefs from Lake Superior desired to treat separately for their territory and said at once in council that they accepted my offer. I told them that I would have treaty ready on the following morning and I immediately proceeded to prepare it, and, as agreed upon they signed it cheerfully at the time appointed.

I then told the chiefs from Lake Huron (who were all present when the others signed) that I should have a similar treaty ready for their signature,

the next morning, when those who signed it would receive their money; and that as a large majority of them had agreed to my terms I should abide by them.

I accordingly prepared the treaty and proceeded on the morning of the ninth instant to the council - room to have it formally executed in the presence of proper witnesses - all the chiefs and others were present. I told them I was then ready to receive their signatures; the two chiefs, Shinguacouse and Nebennigiching, repeated their demand of ten dollars a head by way of annuity, and also insisted that I should insert in the treaty a condition securing to some sixty half-breeds a free grant of one hundred acres of land each. I told them they already had my answer as to a larger annuity; and that I had no power to give them free grants of land. The other chiefs came forward to sign the treaty and seeing this the two who had resisted up to this time also came to the table and signed first, the rest immediately following.

Robinson referred next to the terms of the annuity payments:

I trust His Excellency will approve of my having concluded the treaty on the basis of a small annuity and the immediate and final settlement of the matter, rather than paying the Indians the full amount of all moneys on hand, and a promise of accounting to them for future sales. The latter course would have entailed much trouble on the government, besides giving an opportunity to evil disposed persons to make the Indians suspicious of any accounts that might be furnished.

Believing that His Excellency and the government were desirous of leaving the Indians no just cause of complaint on their surrendering the extensive territory embraced in the treaty; and knowing that there were individuals who most assiduously endeavoured to create dissatisfaction among them, I inserted a clause securing to them certain prospective advantages should the lands in question prove sufficiently productive at any future period to enable the Government without loss to increase the annuity. This was so reasonable and just that I had no difficulty in making them comprehend it, and it in a great measure silenced the clamor raised by their evil advisers.

Robinson now turned to the reservations and hunting and fishing rights provided for in the treaty:

In allowing the Indians to retain reservations of land for their own use I was governed by the fact that they in most cases asked for such tracts as they had heretofore been in the habit of using for purposes of residence and cultivation, and by securing these to them and the right of hunting

and fishing over the ceded territory, they cannot say that the Government takes from their usual means of subsistence and therefore have no claims for support, which they no doubt would have preferred, had this not been done. The reservation at Garden River is the largest and perhaps of most value, but as it is occupied by the most numerous band of Indians, and from its locality (nine miles from the Sault) is likely to attract others to it, I think it was right to grant what they expressed a desire to reclaim. There are two mining locations at this place, which should not be finally disposed of unless by the full consent of Shinguaconse and his band; they are in the heart of the village, and show no indications of mineral wealth, they are numbered 14 and 15 on the small map appended to Messrs. Anderson and Vidal's report. I pledged my word on the part of the government that the sale of these locations should not be completed, and as the locatees have not, I believe, complied with the conditions of the Crown Lands Department there can be no difficulty in cancelling the transaction.

The chiefs are desirous that their several reservations should be marked by proper posts or monuments, and I have told them the government would probably send some one next spring for that purpose. As I know many of the localities I shall be able to give the necessary information when required.

Robinson now explained the manner in which he established the pay list and the list of members of all bands "as recognized by me":

When at Sault Ste. Marie last May, I took measures for ascertaining as nearly as possible the number of Indians inhabiting the north shore of the two lakes; and was fortunate enough to get a very correct census, particularly of Lake Superior.* I found this information very useful at the council, as it enabled me successfully to contradict the assertions (made by those who were inciting the chief to resist my offers) that there on Lake Superior alone, eight thousand Indians. The number on that lake, including eighty-four half-breeds, is only twelve hundred and forty - and on Lake Huron, about fourteen hundred and twenty-two, including probably two hundred half-breeds, and when I paid the Indians they acknowledged they knew of no other families than those on my list.

*cf paras. 63 & 63A

The number paid, as appears on the pay list, does not show the whole strength of the different bands, as I was obliged at their own request to omit some members of the very large families. I have annexed to this Report the names of the chiefs, their localities, and number of souls in each band as recognized by me in apportioning the money, thinking it will be useful when paying the annuity hereafter.

This information may I believe be fully relied on for Lake Superior, but the census for Lake Huron is not as perfect; and I would suggest that Captain Ironside should be furnished with copies of that document and also of the pay lists in order that he may correct, in time, any errors that are found to exist.

Robinson dealt next with the responsibility he delegated to the Chiefs for distribution of payments:

As the half-breeds at Sault Ste. Marie and other places may seek to be recognized by the Government in future payments, it may be well that I should state here the answer that I gave to their demands on the present occasion. I told them I came to treat with the chiefs who were present, that the money would be paid to them - and their receipt was sufficient for me - that when in their possession they might give as much or as little to that class of claimants as they pleased. To this no one, not even their advisers, could object, and I heard no more on the subject. At the earnest request of the chiefs themselves I undertook the distribution of the money among their respective bands, and all parties expressed themselves perfectly satisfied with my division of their funds.

Robinson referred next to sundry matters - claim of some Lake Simcoe Indians, settlers' titles, his accounts:

On my arrival at Penetanguishene I found the Chiefs Yellowhead and Snake, from Lake Simcoe, and Aissance from Beausoliel Island, waiting to see me, to prefer their claim to a small tract of land between Penetanguishene and the vicinity of the River Severn. I was aware of their intending to make such a claim and took the precaution of asking the chiefs assembled in council at the Sault whether it was well founded, they emphatically declared that those chiefs had no claim on Lake Huron, that they had long since ceded their lands and were in the receipt of a large annuity, this I believe to be the case, and Captain Anderson, whom I met there, is of the same opinion; but I promised to enquire into it and give them an answer, and I will therefore thank you to cause the necessary information from your office to be forwarded me on the subject. Should it appear that these chiefs have any claim, I

think I could get their surrender of it for a small amount and there remain sufficient funds at my disposal for the purpose.

The Canadians resident on the lands just surrendered at Sault Ste. Marie are very anxious to obtain titles to the land on which they have long resided and made improvements; they applied to me after the treaty and I advised them to memorialize the Government the usual way, setting forth the manner in which they were first in possession by the military authorities of the time, and that I had little doubt that the Government would do them justice. I think the survey of the tract should be made so as to interfere as little as possible with their respective clearings and that those who can show a fair claim to the favorable consideration of the Government should be liberally dealt with.

It will be seen on referring to the treaty that I have kept within the amount at my disposal of the 4,160 agreed by me to be paid to the Indians of both lakes, there remains 75 unexpended. I could not from the information I possessed tell exactly the number of families I should have to pay, and thought it prudent to reserve a small sum to make good any omissions, there may still be a few who will prefer claims though I know of none at present. If not the amount can be paid next year with the annuity to such families as are most deserving, or it may be properly applied in extinguishing the claim made by the Lake Simcoe Indians, should it appear on enquiry to be just.

The whole amount given to me in August was 5,033.6s 8d, of this sum there remains 800, which I have placed in the Bank of Upper Canada to the credit of the Receiver General and I have prepared a detailed account of the whole which, with the proper vouchers, I shall deliver to the Accountant of the Crown Lands Department.

Robinson concluded his letter acknowledging the assistance he had received as follows:

I have much pleasure in acknowledging the valuable assistance afforded me by all the officers of the Honourable the Hudson's Bay Company resident on the lakes; and the prompt manner in which their Governor, Sir George Simpson, kindly placed their services at my disposal.

The report made last year by Messrs. Anderson and Vidal I found of much use to me, and the long services and experience of the former gentleman in Indian Affairs enabled him to give me many valuable suggestions.

Captain Cooper and his officers by attending at the Council, and otherwise, gave me most cheerfully all the aid in their power; and Captain Ironside of your Department with his assistant, Assickinach, were of essential service to me.

I found it absolutely necessary to have the aid of some one in taking the census of the Lake Huron Indians at the time they were receiving their presents at Manitoulin and as Captain Ironside was fully occupied in attending to his own duty, I requested Mr. Keating, who had long known the Indians on that lake, to give me his assistance. This he cheerfully and very efficiently did and afterwards was with me in distributing and paying out the money.

I have in course of my negotiations with the Indians on the present occasion, collected some information which may be useful to your Department and will at an early day send it to you.

I will thank you to lay the two treaties accompanying this Report before His Excellency and trust they may meet with his approval.

[Document Nos. 85 and 86]

83. Robinson's accounts for the payments made when the treaty was signed included this receipt for £2,000 paid to Peau de Chat at Sault Ste. Marie on the 7th of September 1850, and the other chiefs who signed the Lake Superior Treaty:

Received from The Honorable W.B. Robinson the sum of Two thousand Pounds provl. Currency, the same being in full of the amount paid at this time pursuant to a Treaty signed and concluded this day by us on behalf of our respective tribes or Bands; and by the said W.B. Robinson on behalf of Her Majesty.

[signed by]
Joseph Peau de Chat
John Ininway
Moshe Muck qua
Toto me nai
Au Mutchiwagabow
Michel Shebageshuk
Memeloshanis
Chigenaas

In the presence of
George Johnston, Interpreter

Mr. Swanston & Capt. Cooper were also present.
[initialled] W.B. R.

[Document No. 75, Voucher #1A]

84. As well as the above receipt of payment from Peau de Chat and the other chiefs, there are a number of receipts from specific bands with the names of individual recipients attached. The chiefs of these bands were signatories of the Lake Huron Treaty.* These receipts, which add up to 1290.30.0 [pounds], included:

To Chiefs Mackamushquat (Isle au Sable), Mekis, and Mishequitta and bands - 184.0.0 pounds paid at Penetanguishene on September 16, 1850. T.G. Anderson and William Solomon, witnesses. (archive pp. 165,993 - 995)

To Chief Shabokishick (Lake Nipissing) and band - 57.0.0 pounds at Manitowaning on September 13, 1850. George Ironside, witness. (pp. 165,996 - 997)

To Chiefs Wagemake and Kechebaskiseg and bands - 117.0.0 pounds at Manitowaning on September 13, 1850. George Ironside witness. (pp. 166,002 - 003)

To Chiefs Mishequaggai and Showonosowai and bands - 147.5.0 pounds at Manitowaning September 13, 1850. George Ironside witness. (pp. 166,005 - 004)

To Chief Paimaquonaish Koning (French River) and band - 72.15.0 pounds at Manitowaning on September 13, 1850. George Ironside witness. (pp. 166,006 - 007)

To Chief Nubenaigooching and band - 297.10.0 pounds at Sault Ste. Marie, September 10?, 1850. George Ironside and George Johnson witnesses. (pp. 166,010 - 011)

*See document 76B

To Chiefs Shingwakonse and Naoquagaboo and bands - 418.0.0 pounds at Garden River, September 11, 1850. George Johnson and Keating witnesses. (pp. 166,012 - 013).

[Document No. 75, Vouchers 1-7]

85. Captain Ironside, the Superintendent at Manitowaning, submitted a numerical return of "the resident and visiting Indians who [receiv]ed Presents at Manitowaning and at the Sault St. Mary in year 1850." On the return which indicated the total number who received presents as 1984 "not including 214 Boys and 240 Girls from 1 to 4 Years," Ironside included the following comments:

Of the above total, 1955 received their Presents at this place [Manitowaning], and at the Sault St. Mary - 29 got theirs.

The total number of Indians resident on Manitoulin Island that year is shown as 1248. Therefore only 736 people receiving presents were "visiting Indians" from around Lakes Huron and Superior.*

[Document No. 88]

86. On September 26, 1850, the Fort William Post Journal entry recorded as follows the return of a group of Fort William Indians from the treaty making at the Sault:

*cf. Vidal and Andersons estimate of Indians on Lake Superior, para. 49, doc. No. 47, Appendix B, and other census returns in paras. 56, 63 & 63A.

... the Schooner arrived from the Sault with a quantity of provisions for Out 1851, having also on board all the Indians who went to the Sault this Summer for the purpose of selling their Lands to the Government, which they effected they are to receive this year a sum of 2000, & in future an annuity of 500 - the proportion of the former sum appertaining to the Indians of this place & Nipigon was brought up by the Schooner. ...

[Document No. 69]

87. On September 26, also, Sir George Simpson wrote to William Robinson concerning the annuity payments and the annual presents. He referred first to the proposal that the Company officers distribute the 500 annuity to the Lake Superior Indians: He also pointed out that the H.B.C. would require a detailed nominal list of those Indians who were entitled to receive money and presents.

I have much pleasure in acknowledging receipt of your valued favour of 23 Inst. by which I am glad to find that the Hudson's Bay Company's officers were enabled to render themselves useful to you in your late negotiations with the Indians. I feel much indebted by your intention to urge the Government to make a settlement of the Company's claim for the rent of their premises at the Sault, & I have little doubt your intervention in the matter will be the means of bringing about a speedy arrangement.

With reference to your suggestion that the annuity of 500 to the Lake Superior Indians should be paid them by the Company's Agents, I quite agree with you on the advantages that would arise from such an arrangement both to the Indians & to the Government. I have long been aware of the many evils which resulted from issuing at Manitowaning presents to the Lake Superior Indians, many of whom are occupied all summer on the journey to and fro, the loss of time, expenditure of provisions, labour ca. leaving many inadequately repaid by the value of their presents, to say nothing of them being exposed to the risk of contracting disease, & to the merciless plundering of the petty traders who lay in wait for them with liquor & baubles, & send them back to their homes poorer than they started.

Simpson now renewed as follows his proposal thus the Company traders distribute the presents:

Some years ago, in consequence of a serious loss of life resulting from one of these visits to Manitowaning, from disease contracted by the Indians while there & conveyed to the interior Country I was induced to communicate with Mr. Higginson, Civil Secretary to Lord Metcalfe, on the subject, pointing out the advantage that would arise from an arrangement such as you now propose, & offering to undertake gratuitously the distribution of Indian presents on Lake Superior but, in consequence of changes of Government etc., the matter dropped, although Lord Metcalfe was favorable to the plan. For your information, I enclose copy of the correspondence that then passed on the subject, and I now beg to repeat the readiness of the Company to enter into an arrangement for distributing both the Indian presents & the annuity in Lake Superior, & to offer the Government the fullest guarantees for the faithful & impartial performances of the duty entrusted to us. We should require, however, particular instructions for our guidance, with the names of all the Indians entitled to presents or a share of the annuity, & at the close of every season an accurate detailed account would be furnished the Government. As regards the annuity, we could draw for the amount disbursed by us after our accounts had been passed by the proper officers; & as respects the presents, we would provide freight for them, free of charge from the Sault to the posts where they would be distributed.-

Your opinion on this subject ought to have great weight with the Government, who, having every desire to benefit the Indians, will no doubt act upon it.-

[Document No. 89]

88. On September 30, 1850, the Hudson's Bay Officer at Fort William made the following entry concerning payment of the Treaty money in the Post Journal:

Today I was employed paying the Indians their Government money & advancing them Goods out of the Shop.

...

[Document No. 69]

89. The entry for the following day, October 1, 1850, reads in part:

Early this morning the Nipigon Canoe was sent off, having on board the Nipigon Cash belonging to the Indians which was given in charge to the Chief Menvatusuinie, I offered to take charge of this Cash till Spring in case of any accident en route - but this the Chief declined & took it along with him. - ...

[Document No. 69]

90. Robinson wrote to Simpson again on October 2, 1850, referring first to the troops and the rent for their accommodations:

...

The Govt people here have been so taken up with Sir Edmund Head & New Brunswick affairs that there was no seeing them on your business until today though I had spoken to Mr. Baldwin before & got his promise to attend to your request -

Today he told me that the necessary notice had been given to the Military Authorities that the troops might be withdrawn immediately, & that your amount should be paid as soon as they knew the time up to what it was to run - This will soon be known & then if you cause the amount to be sent in I will if necessary see further to it - I am going away for a few days, & may not be back till the latter part of the month - I mention this in case you should write & be surprised at not getting an answer - I am going to Owen Sound & it is possible may go as far as the Sault on some private business the next trip to Gore (7th) - if so, I will know the time the Troops leave & tell Mr. Buchanan to write up the Acct: at once & bring it down with me or inclose it to the Secy: with a Letter -

Robinson then responded in these terms to Simpson's proposal to have the Company distribute the annuity payments:

I read both your letters & Ballendens with much interest & quite agree with you that the payments should be given to the Lake Superior Indians at Fort Wm. & Michipicoton - & think your offer an advantageous one & when I return & the people here are at their posts (which is not the case now) I will address a Communication to Col Bruce on the subject & use your Letters I hope with effect. Town changes must be made -

I forgot in my letter to ask if you could undertake to pay the Indians their Annuity in money - this would be necessary as nothing else would convince them they were honestly dealt with

- I take it for granted that this is what you meant - I have said nothing about it yet & shall not until I return - I suppose the four Dollar Notes & a little silver for change wd. answer the purpose -

I paid all in half dollars, which pleased them much - It is stipulated in the Treaty that they shall be paid by 1 t. Aug in each year - at Michipicoton & Fort Wm.

I am happy to say the Govt. people are all very fully satisfied with my Treaty - this is satisfactory -

...

[Document No. 90]

91. In a letter to W.B. Robinson, dated 15 October, 1850, Sir George Simpson formally tendered his company's services in distributing the annuity payments and presents to the Indians of Lake Superior, and conducting a census if required:

With reference to my letter of 26 September on the mode of paying the Indians of Lake Superior the annuity granted by Government as compensation for their mineral lands, and the distribution of their presents, I beg, through you, to tender to the Government the services of the Hudsons Bay Company in making those payments and distributions at their establishments of Michipicoton and Fort William on the 1. of August every year, agreeably to the terms of the Treaty, - free of any charge or outlay to the Government, the annuity to be paid in money. It would be necessary, however, we should be furnished with particular instructions as to the parties entitled to participate in the annuity and presents; but should the Government be unable to furnish us with the names of the Indians, we will procure, for their information, in the course of the present winter, a census of the native population of Lake Superior, after such form as may be pointed out.

[Document No. 92]

92. Simpson again wrote to Robinson on October 16, 1850. He followed up on his first concern, the proposal that the H.B.C. to distribute annuity money and presents as follows:

My dear Sir, I have the pleasure to acknowledge your valued letter of 2 inst, and agreeably to your Suggestion, have in the accompanying letter,

tendered our good offices to the Government for the payment of the annuity & distribution of presents on Lake Superior, - which letter, as well as mine of the 26 Sept & the correspondence with Mr. Higginson You may make use of as you consider expedient.

Simpson turned next to his second concern: obtaining compensation for the damage the troops had done to H.B.C. property during the ten months they were stationed at the Sault:

I likewise forward copy of a letter I have addressed The Hon. James Leslie on the subject of our claim for the occupation of our premises at the Sault de Ste marie by the detachment of Rifles. You cannot fail to be aware of the serious inconveniences & injury to the Company's interests occasioned by the occupation for upwards of ten months, of their establishments by a body of troops who were so little under control as to lead to constant apprehension to the Gentleman in charge that the place would be burnt or robbed. Our whole charge is 525 cy, 300 of which will be insufficient to make good the actual loss of property injury to the establishment. Mr. Secretary Leslie, however, seems to demur as to the payment, requiring detailed information, which, at this distance of time & place it is difficult to give:- To put an end to further discussion, you will see I propose referring the matter to your arbitration & shall be quite willing to abide by the result.

...

[Document No. 93]

93. The treaties submitted by Robinson were ratified and confirmed by the Executive Council on Land Applications on 12 November, 1850. The certified extract sent to the Provincial Secretary reads as follows:

On the letter of the Honble. W.B. Robinson, submitting for the Approval of Your Excellency two Treaties of surrender by the Indians inhabiting the Northern Shore of Lake Huron and Superior which he was Commissioned on behalf of the Provincial Government to negotiate.

The Committee recommend that the Treaties be ratified and confirmed that they be entered at length on the records of the Executive Council; and further that they be registered in the Office of the Provincial Registrar.

Certified

[Document No. 94]

CHAPTER FIVE: 1850-1852: The First Annuity Payments

94. A letter dated 20 November, 1850 from George Ironside who had witnessed the Lake Huron Treaty and was in charge of the Northern Superintendency at Manitowaning, to Colonel Bruce of the Indian Department reported the dissatisfaction of Chief Shingwankouce of Garden River*:

... The old man [Shingwankouce] has been led by designing persons to [illegible] become very much dissatisfied indeed with the late Treaty, and to imagine that the Indians generally, have been most shamefully deceived thereby, and that by a Deputation with himself, Shingwankouce, at its head, going to England and representing their Case to the Authorities there, they, the Indians, will be sure to succeed in having the terms of the said Treaty altered in their favour, particularly as regards the amount which they are to receive Annually and which they say is at present so trifling that it is hardly worth the while of the Indians to go for it.

[Document No. 95]

95. On December 17, 1850, Peter McKenzie, the H.B.C. trader at Lake Nipigon, wrote thus to Sir George Simpson, describing disastrous hunting conditions in the area and his plan to induce the Indians to spend all their annuity payments at his post:

... We arrived here safe 30th August, Equiped our Indians at the usual time all of whom left us apparently well pleased with our treatment of them but I am much grieved to find that the few individuals of them who returned from inland within the last three days brought very poor hunts

*cf. doc. 98

with them, and are starving Rabbits being unusually scarce drove them out to the Lake to fish for their living and I expect the most of them will be here in a few days similarly situated; So, there will be an end to the hunt (the poorest Winter hunt I have cause to fear that has been made here for some years) - until the month of march when they will be returning inland again. They not only complain of a scarcity of Rabbits their chief dependence for subsistence - inland - but also that Martens and Cats are much more so than last year. I regret that their Land money arrived too late after the most of them were equiped and off inland so, that about three fourths of it is still hence in bulk whereas if it had arrived before they were equiped I might have got nearly the whole of it at a good hundred per cent return, before a skin was given out in debt which of itself would be something independent of its diminishing the credit advanced considerably, Now it cannot be so easily or cheaply got from them - In short, if we do not get a few Goods early enough next summer and that the Indians make ordinary Spring hunts it must slip out of our hands. - With my present resources if I get \$800 - it will be the _____ when my share will be _____ I have already got \$400. - of the latter sum out of better than 500 paid out. - I am applying to Mr. Swanston this time for an assortment of Goods but cannot imagine how he can get them early enough - unless that a light assortment of fancy cheap cotton Goods could be sent from Lachine by the Spring canoe - or even by the Lakes, the transport of light Goods would not come very high - and providing a few for this place were at Fort William by 30th May, or earlier if possible, I could have them hence in time to Trade the cash on account of current Outfit, and send out the Returns about the usual time. It will be most provoking if we cannot secure this little money. -

...

[Document No. 96]

96. On December 27, 1850, John MacKenzie, trader at Fort William, wrote to Sir George Simpson describing conditions at the Fort. He also commented on the very poor Fort hunting season, and explained thus the need to ensure sufficient goods to trade for the treaty money:

...

I secured nearly all the Treaty money given the Fort William Indians last Fall about 300, but not expecting that they would have received any Cash I had to dispose of nearly all the Goods in the

Trading Shop, fortunately however nearly all my Hunters had taken their departure inland before the money was paid so that I expect no great inconvenience will result from the circumstances if I have a Stock of Goods on hand in the Spring to meet the demands of the Trade. - The Portion of the Treaty money belonging to the Nipigon Indians I forwarded to Mr: MacKenzie last Fall but I expect he will not be able to spare any of his Goods for Sale for Cash as the greater part of his Outfit would have been dealt out to the Indians before he received the money, & as it is likely that all his Indians will be out here next summer to meet the Indian agent who distributes the presents, it is the more necessary that I should have a Stock of Goods on hand here for Sale in order to secure any money which may be among them.

There is nothing new here at present every thing goes on in the usual Routine I have yet seen but a very few of my inland Indians & these give but a poor account of the Trade so far as they are concerned. Rabbits & Lynx have almost entirely disappeared in this quarter, & I fear there will be much starvation among the Indians this year; about the House here there is not a Lynx to be seen whereas last Season about this time I had about 50 which were trapped 3 or 4 Miles from the House.

Mr. Chone is getting on but slowly with his Mission, there seems to be a want of union among the Indians, which prevents them from doing any thing for the promotion of the objects of his mission & as he is himself somewhat of a hasty temper it tends to embroil matters more, Michel Colin & Lambert who left the service last Summer have both built Houses on the Indian Lands & are employed assisting the Priest in building his House. There has been a great mortality this Season among the Indians principally among the younger portion, & they are now beginning to look upon the Priest as the cause of it, as they say, before his arrival amongst them, they were comparatively free from sickness of any kind.

...

[Document No. 97]

97. On 22 January, 1851, John Swanston, H.B.C. trader at Michipicoton, wrote to Simpson justifying his requisition for goods on the basis of the treaty money for the Pic and Long Lake Indians he was holding:

... although my demand is rather larger than I originally intended still I do not think more is asked for than will be absolutely required as I have still 750 on hand belonging to the Pic and Long Lake Indians, besides the sum of 870 000, sent in last fall to Fort William and Lake

Nipigon, and as the outfit for these posts, did not exceed the ordinary demand for the trade, but little goods can of course be afforded for cash sales, consequently I anticipate demands will be made upon me for a supply, both by Mr. C.T. John as well as Mr. C.T. Peter McKenzie, when I hear from them by our Winter Express and as it is more than probable that the 500 annuity will be paid to our Indians before the arrival of our outfits from Moose next summer, - I trust that under the circumstances you will be pleased to sanction the completion of the requisition now forwarded, and also that the supplies may be forwarded to the Sault as early as possible after the opening of the navigation next spring.

...

[Document No. 99]

98. A letter from George Ironside of Manitowaning to Colonel Bruce, dated 13 March, 1851, listed by Band the names of individuals "unintentionally" left off of the lists of Indians adhering to the Lake Huron treaty. The vast majority, Ironside observed were families settled on Manitoulin Island.

[Document No. 100]

99. Sir George Simpson informed W.B. Robinson on March 28, 1851, that the H.B.C. claim against the Government, for damages done by the troops stationed at Sault Ste Marie, had finally been settled:

I have the pleasure to acknowledge your two favors of the 2 & 14 inst and have now to acquaint you that the matter of the Company's claim in reference to the use of and damage done to the establishment at the Sault de Ste. Marie is finally disposed off by the acceptance of the amount fixed by you, namely 25 Sterling and 400 Currency. Had it been of sufficient importance to argue the question of our claim I have little doubt I could have proved that we were fairly entitled to our whole demand, but as it was at my own suggestion that the question was referred to your decision I felt bound to adhere by it, and I beg to assure you I feel very much obliged to you for your good offices in the whole matter, had you

thought it likely your opinion would be required as to the compensation to be made the Company for the injury done to their property and the derangement of their business, I have no doubt you would have gone more minutely into the question on the spot. I am, however, satisfied you acted upon an honest conviction that you were doing justice between the parties and therefore we have you to thank for recovering as much as we have got, and without your kind assistance the claim must have been shuffled off continually and most likely finally.

We took the troops into the establishment as an act of humanity, otherwise they would have been exposed to the inclemency of a lake winter or at least miserably sheltered in the huts of the settlers; this is not the first time we have suffered for our humanity and it is to be hoped that if our good deeds are not rewarded here they may be placed to our credit in the next world - such payment however, being to say the least of it precarious, we shall take the liberty of striking a bargain with Government in advance, in any future dealings we may have with them.-

Simpson then raised again the question of the Company distributing the annuity:

Is it decided yet whether the Company's officers are to be employed in distributing the annuity to the Lake Superior Indians? Early information on the subject is very desirable. ...

[Document No. 101]

100. In April of 185^fX Governor Simpson replied to the letters from his traders requesting supplementary supplies. On the 10th he wrote to John Swanston at Michipicoton:

...

I notice by the letters that have reached me from Messrs. John & Peter McKenzie as well as by your own that a large amount of the cash paid to the Indians last year under the Treaty remains on hand which I agree with you we should be in a position to draw in by furnishing from our posts to the Indians not only their necessary supplies, but such luxuries & other articles as might tempt them to visit the Sault St. Marie and other posts, if not to be had from the Company.

...

[Document No. 102]

101. Sir George Simpson wrote to Peter McKenzie, at Nipigon, on April 15, 1851:

... I am sorry to find rather gloomy prospects as to the result of the current outfit at Lake Nipigon, but as the season advanced, I hope matters improved, and that you will make a fair share in the way of returns which is the more desirable...

I notice that you had applied to Mr. Swanston for a further supply of goods this Spring to enable you to draw in the cash in the hands of the Indians - part of the treaty money. Every endeavor will be used to meet your demand and to enable Mr. Swanston to do so we are now posting an assortment of useful and saleable goods at this place to be sent to the Sault at the opening of the Navigation for the use of Lake Superior, and I have no doubt Mr. Swanston will make arrangements to get your supply ---- at Nipigon at the date you appoint, say on, or before the 30. May. It is very desirable you should obtain the cash from the Indians otherwise it is to be apprehended that petty traders and interlopers will be induced to visit them with supplies of liquor trumpery which will be bought with avidity - or that the natives will proceed to the Sault Ste Marie or other settlements there to squander their money in folly or dissipation.

Simpson now mentioned the question of distributing the annuity payments and presents:

... I shall in all probability pass Michipicoton before the date it is customary for the Gentleman in charge of Nipigon to be there, and for reasons above given, it would be injudicious that you should be absent from your post this season. On the 1 August the Annuity is to be distributed on Lake Superior when your presence will be required to watch the proceedings of the Indian Agents and other followers. The petty traders who despoil the unfortunate Indians - should the government send their own officers to make the payments instead of employing the Company's officers for that purpose - a measure which is at present under consideration.

...

PS I will leave this about the 10 May for Moose and expect to reach Michipicoton on my way out about the 20 Inst, and if it should so happen that you were there at the same time it would afford me much pleasure to meet you but I give no instructions on the Subject, leaving you and Mr. Swanston to arrange whether you come and at all, and if so the most convenient date, which must be determined entirely by a consideration of what is most advantageous to the Companys

interests under any circumstances you must be at your post when the Indian presents and annuity are to be distributed.-

[Document No. 103]

102. A letter from W.B. Robinson to Colonel Bruce dated 19 April, 1851, enclosed Governor Simpson's offer to make annuity payments through the H.B.C. posts. Robinson made his suggestion that the paylists from the treaty be used for the 1851 distribution in these terms:

...

I would respectfully direct your attention to Sir Georges letter of 15 Oct: last, on the subject of paying the annuity to the Lake Superior Indians, in order that any communication with him on the subject may be made at once, and before he will probably be leaving Lachine for the interior -

You will observe that Sir Georges offers to pay in money the Amt. of the Annuity free of any charge for Agency, on being furnished with a list of the Indians entitled to claim it -

The pay lists left me in the Crown Land Office will I think enable you to prepare such a list as will answer the purpose -

You will please bear in mind that according to the terms of the Treaty the money is to be paid in the month of Augt. every year to the Lake Superior Indians.

Robinson now reiterated the wishes of the Chiefs as to the place of distribution of the presents:

With respect to issuing presents to the Sault Ste Marie Indians & those of Lake Superior, you are aware I think, from what you heard from the Chiefs last Summer, of their great Anxiety to receive them at their respective places of residence, that is, at Garden River, for those residing near Sault Ste Marie, & Michipicoton & Fort William for the Indians of Lake Superior - This subject was repeatedly urged on me by the Chiefs, who wished a promise to that effect should be inserted in the Treaty - I explained to them that I had no power to do any thing of the kind - but that I would represent their wishes to the head of the Indian Department -

I believe that the evils set forth in the documents I now enclose are by no means exaggerated; And I hope the wishes of the Indians

may be complied with this year, it would give great satisfaction to them, & I trust, not add very much to the expense of distributing the presents.

There being now a regular conveyance by Steam to Sault Ste Marie & the Officer residing at Manitowaning having the names of all the families entitled to presents; could easily set apart the goods intended for them, & after finishing the issue at the Island go himself to Garden River in the Gore, take the presents with him, & distribute them there - this would be a great blessing to the Indians by preventing the necessity of them leaving their farms & Crops at the very time when their presenece at home is most needed -

Neither would it cost much for Capt Ironside to go to Michipicoton with the presents for the Lake Superior Indians, where those belonging to Fort William could meet him, - if it should be thought inexpedient to send further up the Lake -

- The Goods may be sent by the Hudson Bay Cos. Schooner free of charge & the Indians themselves would take up Capt. Ironside in their canoes -

- These matters have no doubt already engaged your attention, but as the time is approaching when you will be making arrangements for this years issue of presents, I have ventured (in the fulfilment of my promise to the Indians) to bring the subject to your notice -

[Document No. 104]

103. A letter from the Crown Land Department to Colonel Bruce, Superintendent General of Indian Affairs, dated 7 May, 1851, stated that a list of the chiefs of Lake Superior and Lake Huron, made up from Robinson's paylists, were enclosed. Unfortunately the lists are no longer attached to the letter in the record.

I have the honor to transmit herewith Statement No. 1 Containing the names of the Chiefs of Lake Superior Indians, and also Statements 2 to 13 of the names of the Chiefs and their Bands of Lake Huron. these documents are made from the accounts of the Honb. Wm. Robinson who has been lately engaged on a mission to these people.

[Document No. 105]

104. A letter from Colonel Bruce to George Simpson, dated 13 June, 1851, concerning the details of his Company's offer to distribute the annuities at H.B.C. posts. It read:

I am directed by the Governor General to acquaint you that a letter which you addressed to the Honble Mr. Robinson under date the 18th October 1850 respecting the mode of paying the Indians of Lake Superior the Annuity granted them by the Government in compensation for certain lands has recently been communicated to me by that gentleman for His Excellency's information. You therein tender the services of the Hudson's Bay Company in making those payments at their establishments of Michipicoton and Fort William on the 1st of August every year agreeably to the terms of the Treaty free of any charge or outlay to the Government the annuity to be paid in money.

His Excellency understands your offer to imply that you will guarantee the payment of the Annuities in question in money without deduction to the Indians entitled to receive them. If he is right in so understanding it he considers that it is a liberal one on your part and that the interest of the Indians will be promoted by accepting it. Before finally determining to do so however His Excellency desires to know whether he has correctly interpreted your proposal and to observe that in order effectively to protect the interests of the Indians and to prevent complaints or cavie on their part proper vouchers of the payments, the nature of which may hereafter be agreed upon, will be required and the Government will reserve to itself the power of sending an officer of the Indian Department to be present at the the distribution when it shall think fit to do so. I shall feel obliged by an early reply to this communication as some time will be required to prepared copies of the necessary lists and other documents in relation to the subject should the proposed arrangement be carried into effect - And I should further be glad to learn where in that case you would wish the amount of the annuity to be deposited by the Government.

[Document No. 106]

105. On June 16, 1851, Duncan Finlayson replied to Colonel Bruce's letter of the 13th to Governor Simpson:

I have the honor to acknowledge the receipt of your letter, of the 13th Instant to the address of Sir George Simpson - who is now absent on his annual tour to the Indian Country - intimating that, his letter, of the 18th Octr. last, to the Honble. Wm. B. Robinson, was laid before the Governor General, who was desirous to know, whether the tender which Sir George had made, in that letter, of the services of the Hudson's Bay Company to facilitate the mode of paying the Indians of Lake Superior, the annuity granted to them by the Government, as compensation for certain lands ceded by them on the north Shore of that Lake, implies a guarantee of the payment of the said annuities, without deduction to the Indians entitled to receive them.

In reply, I beg to state, for His Excellency's information that, I think such a construction to be in accordance with Sir George Simpson's views and intentions as conveyed in that letter, and that under this impression, I shall this season, be prepared to carry out his proposal, by guaranteeing the payment in money, of the annuities granted by the Government to the Indians, both at Michipicotton and Fort William without any deduction to, or making any charge against the Indians for the service, which is calculated to protect their interests; leaving to Sir George Simpson, when he returns to conclude a final arrangement with the Government for the future payment of those annuities, in the like conditions, or to modify and alter the present one, in such a way as may be considered expedient.-

With reference to the mode of making these payments, I am at a loss what to suggest, not knowing whether the annuities are payable in specie, or in Bank Notes; if payable in the former, the necessary sum will, I fancy, have to be forwarded from Toronto to the Sault de St. Marie, and thence, by our Craft to Michipicotton and Fort William; but if in the latter, a sufficient sum with some silver for change, - can be procured at the branch of the Bank of British N. America, at the Sault de St. Marie, which may be returned by a cheque for the same amount payable in Montreal.-

I hope, it is unnecessary to add that, every facility will be afforded by the Hudson's Bay Co: for sending an officer of the Indian Department to be present at the distribution.

[Document No. 108]

106. On June 23, 1851, Simpson informed James Hargrave at Sault Ste. Marie that the Government had finally agreed to let the H.B.C. distribute the Indian annuity at Lake Superior, and sent the following instructions regarding the cash required:

When I passed Michipicoten, I gave instructions that all specie on hand in Lake Superior district should be forwarded to Sault for general service. I have just had an interview with the Honble. Col. Bruce (the head of the Indian department) & the Honble. Mr. Robinson (the Commissioner), at which it has been finally arranged that the annuity shall be paid by the Company's officers, & I have undertaken that the Company will provide the necessary funds at the Sault; I have therefore, to beg you will retain seven hundred pounds (700) in specie at the Sault subject to further instructions; which will be given in due course with forms of receipt &c.

Mr. Hargrave or Mr. Simpson will please forward copy of this letter forthwith to Mr. Swanston. The annuity is to be paid on the 1 August, as stipulated in the Treaty.

[Document No. 110]

107. Governor Simpson wrote to Colonel Bruce on June 23, 1851, informing him that the H.B.C. had sufficient cash on hand to pay the annuity to the Indians of Lake Superior:

With reference to your recent correspondence with Mr. Finlayson on the subject of the payment of the Annuity to the Lake Superior Indians, I beg to state for your information that the Hudsons Bay Company have sufficient funds for the purpose, which are quite at the disposal of the Government, so that it will be unnecessary to send up specie for that object.

[Document No. 109]

108. Colonel Bruce sent further instructions to George Simpson on 27 June, 1851, for distributing the annuity and enclosed a list of those eligible to receive it, made up from Robinson's paylists: (The list is no longer attached to the letter in the record.)

... Your offer appears to His Excellency to be advantageous both to the Govt and to the Indians in ensuring the distribution of the full amount of the annuity in specie to the proper recipients without risk to either party. - I enclose herewith for your information copies of the Treaty, A. of the census Lists B furnished by Mr. Robinson and a List C of the Chiefs to whom he made the payments last year. It is of course necessary that sufficient vouchers of these payments should be furnished to the Government and with that view His Excellency directs me to request that the head of each family may be required to attach his signature or mark to a receipt for the amount paid to his family such receipts to be witnessed and attested by the Chief of each band respectively and by the resident Missionary.

The actual amount for distribution this year will be 485 there being a deduction of 15 to refund one half of an advance of 30 which was made by the Government to a deputation of the Lakes Huron & Superior Indians who visited Montreal in 1849 on business connected with their land claims - You are therefore hereby authorized and requested to take the necessary steps to effect the payments in question the amount to be returned to you as

proposed by Mr. Finlayson by a cheque for the same payable in Montreal.

[Document No. 111]

109. In a letter dated 30 June, 1851, Governor Simpson sent instructions to John Swanston, H.B.C. trader at Michipicoten, regarding Colonel Bruce's instructions for paying the annuity:

Herewith I transmit copy of a letter to my address from the Honble. Col. Bruce, acting Superintendent General of Indian affairs under date 27th Inst. together with sundry papers therein inclosed, and of my reply, in reference to the payment of the annuity to the Lake Superior Indians to be made on or before the 1st August next at the Company's posts of Fort William and Michipicoton.

You are so perfectly conversant with the subject that I have little to add to the instructions contained in Colonel Bruce's letter, beyond drawing your attention to the circumstance that only 485 is to be distributed this season (15 being deducted by Government to refund expenses incurred by a deputation of Indians in 1849) that the payments are to be made in specie and that receipts are to be taken from every head of a family attested by the Chief of his band, and the resident Missionary. These instructions may be literally complied with at Fort William but as there is no resident Missionary at Michipicoton I have proposed to substitute for his signature that of two of the Company's officers, - The Receipts must be taken in duplicate and sent to Lachine. The originals by one Conveyance, and the duplicate by another - You may have been furnished with a form of receipt last year by government, when you paid out the 2,000, but if not, I think the annexed form might be adopted.

...

[Document No. 112]

110. Governor Simpson answered Bruce's letter of the June 27 on 1 July, 1851. He explained as follows the instructions he had forwarded to the officer at Michipicoton where the people of Michipicoton, Long Lake and the Pic would be paid:

I have the honor to acknowledge your communication of 27 ulto, copies of which and the accompanying documents have been already transmitted to Mr. Swanston at Michipicoton, the Hudsons Bay Company's principal officer on Lake Superior, with directions to carry out the wishes of the

Government in reference to the payment of the Indian annuity, agreeably to the instructions you have given on the subject.

There is only one point on which a strict compliance with the letter of your instructions may be impossible, & that is in obtaining the attestation of the "resident missionary" to the receipts. At Fort William, where the Indians of that place and Nipigon will be paid there is a resident missionary whose signature will be obtained as directed, but at Michipicoton, where the Indians of that place; the Pic and Long Lake will be paid, there is none; it is, therefore, proposed to substitute for his signature that of Mr. Swanston & another officer of the Hudsons Bay Company who will be on the spot, as being the most credible.

[Document No. 113]

111. John Swanston wrote to Sir George Simpson on July 3, 1851, expressing his concern about the government's plan to postpone the date for paying the annuity:

...

I am rather surprised at the breach of the Indian Treaty on the part of the Government, in regard to the payment of the annuity, which was to be made at a period not later than the 1st Augt. the putting it off till the middle of September, will be attended with very great inconvenience, and risk of starvation in the Winter to the Indians if they wait for it till that period about the Establishment, as they will lose all the inland fishing - I have mentioned the circumstances to those about the place here, who do not appear very well pleased on the subject, but whether they will speak out _____ their sentiments when Capt. Ironsides comes up to distribute the annuity; I do not know. At all events I shall advise my Indians to proceed to their hunting grounds about the usual period and if they will empower me can draw their annuity and deliver it to them, when they come out in the winter.

...

[Document No. 115]

112. Colonel Bruce sent approval of the method of witnessing the payments at Michipicoton to Simpson in a letter dated 5 July, 1851. The letter reads:

In reply to your letter of the 1st instant I am directed by the Governor General to state that there being no Missionary at Michipicoton the attestation of the Gentleman named in your communication will be satisfactory to His Excellency.

[Document No. 116]

113. John MacKenzie, the trader at Fort William, wrote to Simpson on July 17, 1851, first expressing the following concerns about white men settling on the Indian reserve:

...

With regard to the Freeman at this place, the greater part of them are not well disposed toward the Company & will give trouble very soon they are settled on the Indian Reserve where I believe they have no right to be as there is a recent Statute passed in Upper Canada prohibiting all Whites from settling among Indians, this I saw in a Newspaper last Winter & brought the subject under the Priests notice & when the Government agent comes here this fall will mention the circumstances to him also. - Lambert wished to have a piece of the Cos. Land to settle upon but this I refused him & he is with the others located on the Indian Reserve. The Priest no doubt encourages the Men to settle upon the reserve as he gets his work done for a third of the cost it would amount to if performed by Tradesmen from the Sault. - He has got his house built & intends commencing his Church this Winter. - He got into a quarrel with the Chief last Winter [1850], about the Land. The latter accused him of acting both as Chief & Missionary at same time which is quite the case, he is desirous of collecting around him a large number of people without giving himself much consideration as to the manner in which they are to be fed. - One of his plans last winter was to induce a great many of the Fond du Lac Indians to come here this Fall for the purpose of settling but I told him that he must be prepared to support them for the Winter. If he did so, I am not sure yet whether he has abandoned the idea or not. - He was called down in Spring to meet his Superior at the Sault & the very last thing he did previous to his departure was to collect the few Indians who were then here & told them that unless they would consent to deprive the Peau du Chat of his Office* he would move off bag & baggage they did as he told them & just as he was embarking on the Schooner told me that the Indians had deprived the Chief of his Office, his object is to have every thing done in his own way & by attempting too much at once he runs great risk in ruining his Mission entirely as I have told him. - In future I will endeavour to prevent our Servants settling there

*cf. para. 28 of document No. 40

but it is no easy matter except with those who have Funds in the Cos. hands.-

MacKenzie then observed that the Chief had paid some Indians of Lac La Pluie shares of the annuity:

...

I have about 30 Families of Lac la Pluie Indians at the place some of whom are entitled to a share of the Treaty money & which was paid to them by the Chief the other day both them & the Indians of the Post I have supported for nearly a month by the produce of the Seine but now that resource has failed us. - I will endeavour to send the Lac la Pluie Indians back as soon as possible.

...

[Document No. 117]

114. On July 23, 1851, John Swanston wrote to Simpson, pointing out why it might be difficult to obtain the Chiefs' signatures as witnesses to all payments:

I have now the pleasure to acknowledge the receipt on the 19th Inst. of your much esteemed respects of the 30th June, also copy of the correspondence between Yourself and the Hon: Colonel Bruce together with the other documents, and in reply beg to assure You, that in the payment of the annuity to the Indians of this Lake, we shall do our utmost to meet the wishes of the Government which can be fully complied with at Fort William, but as the Indians of this place, the Pic and Long Lake, generally come in, in small parties, it appears rather doubtful to me, that the Chief will be always upon the ground, to witness the receipt required, but in the event of his or their absence the most credible witness on the Spot will be made available. -

Swanston then referred to 2000 of treaty money for the Lake Superior Chiefs:

The receipt for the 2000 paid to the Indians last fall by the Hon: W.B. Robinson was only signed by the Chiefs*, consequently, I have nothing to do, but distribute the same according to their

*cf. document No. 75, voucher #1

request, but to save myself harmless, I caused every Indian to sign a general receipt, for the amount paid to him and his family, in case of any after complaints, but in the present case I shall adhere strictly to the form, annexed to Your respects. -

_____ next requested instructions about what to do with any treaty signing money he had left over after all the Long Lake Indians had been paid:

There are still some 30 of the Long Lake Indians, who have not been, as Yet paid their share of the Treaty money of last Fall, but I expect they will be here for it in the course of this season. There are also some Indian families who reside at Batchewana Bay and its vicinity belonging to and included in the Census of the Population of the Post but who were [word missing 'Paid'?] their share of the Treaty money last Fall, by the Sault Chief, and as they may also be paid their annuity there this season, I would be glad to know, in such a case, if we would be justified, after all the other Indians who come to this post, have been settled with, if the cash remaining on hand, might be divided amongst them, and the others of Fort William, or whether it should be returned for those of Bat: Bay. - a statement of the amount remaining on hand along with the receipts will be forwarded to Lachine, for the information of the Government if required.-

The share of the annuity for the Fort William and Lake Nipigon Indians, amounting to 272.5. with full instructions on the subject of the receipts to be taken was forwarded to Mr. C.T. John McKenzie today.-

According to your instructions, I intended to have sent all the cash collected in the district down to the Sault, but when, Mr. Buchanan passed this on the 25th Ult. he indicated that he thought it would be safer here, and was of opinion that about 400 would be sufficient for the moment, consequently only 425 was forwarded thither, but the remainder 450 and upwards, exclusive of the 485 for the payment of the annuity in this Lake, will now be sent to the Sault, and will be there in due time for the payment of the annuity on the 1st-.

...

[Document No. 118]

115. A month later Chief Trader Swanston again wrote Sir George Simpson from Michipicoton, informing him as follows about the annuity payments which had been made by H.B.C. officers to individual band members, or to Chiefs for distribution, at the Fort William and Nipigon posts, as well as his own:

Mr. C.T. James Hargrave arrived here yesterday for York Factory en route for the Sault St. Mary's for which place he continued his voyage this morning; - by him I received a few lines from Mr. C.T. John McKenzie advising me that he had paid the annuity to all the Indians of his place and Nipigon, that were within reach as we have also done here, there was however only few of the Indians including the Chief from Nipigon, who visited Fort William this summer, and as the other Indians of that post did not intend to come out to Fort William this season, their annuity amounting to 137.2. was paid over to the Chief and his aid, who signed a receipt for the same, and who would on his return home distribute the above amount amongst the proper claimants. - Those of this place the Pic and Long Lake are very tardy in coming in for their payments as Yet only 78.15. has been paid leaving the sum of 134 on hand, for which amount a receipt will be taken from the Chiefs of this place, Tootoominaie and Tehikinep, this Voucher together with the one for 137.2 are apart from the others; and marked No. 1. - the receipts of the Annuitants paid at Mishipicoton No. 2 and those of Fort William No. 3, all of which I hope will be found correct and satisfactory. - The duplicate receipts according to instructions will be forwarded by another opportunity, as also the Vouchers taken from the Indians, on payments being made to them out of the sum on hand at this place as abovementioned.-

Swanston now informed Simpson that the Chiefs of Fort William and Nipigon were gravely disappointed not to receive their annual presents on their own lands and planned the following action:

Mr. C.T. John McKenzie informs me that the Fort William and Nipigon Chiefs are very much dissatisfied that Government agents were not sent up, the cause for them not coming they say, arises from them not wishing to perform their promise of giving to the Lake Superior Indians on their land, their share of the presents annually distributed at Manitoulin Island. - they have some intention of Petitioning Government or of sending down a deputation to Toronto, to communicate with His Excellency on the subject, but I do not suppose they will be much benefited either way nevertheless, altho no direct promise was given to the Indians, that they would receive their

presents annually in Lake Superior, the Hon. W.B. Robinson told the Chiefs when they spoke to him on the subject that he would do all he could for them in regard thereto, but could not promise them that his endeavour would be rewarded with success. - if you could put in a good word for them when You see His Excellency or the Hon: Coln. Bruce, it might in conjunction with the Hon: Mr. Robinson endeavours have some effect.

...

[Document No. 119]

116. The following day, August 26, 1851, Swanston wrote to Simpson explaining why he could not comply strictly with his instructions for the payment of the annuity money, and the alternative arrangements he had made:

...

I have used every endeavour to comply with Your instructions respecting the payment of the Indian annuity, but as Yet not quite one half of the claimants have been settled with, as they appear quite careless on the matter, between this place the Pic and Long Lake there is still about 300 persons to pay and at Nipigon 320, but as the Chief of the latter place with a few Indians was at Fort William this summer, and as they informed Mr. C.T. John McKenzie that the other Indians would not be out this season, he paid over to the Chief the annuities of those who remained inland, to the amount of 137.2. taking his receipt of the same, here we have 134 on hand, for which a receipt will be taken from the Chiefs of this post, which together with the receipts of the individuals paid here and at Fort William, will be forwarded to Lachine by the first outcoming canoe, and the duplicates by another opportunity. - These arrangements are not in strict accordance with Your instructions, but they are the only ones we could adopt in order to bring matters to a close this season and under the circumstances I hope they will be both satisfactory to You as well as to the Hon: Coln. Bruce, - All the Vouchers taken from the Indians, on payments being made to them, and of monies in hand, will be forwarded to Lachine as opportunity offers.-

...

[Document No. 120]

117. The vouchers referred to have not been located. The H.B.C. trader at Fort William, John McKenzie, also wrote to Simpson on September 1, 1851, relating the details of that year's annuity payments to the Indians of Fort William and Nipigon:

...

Early last month I paid off all the Indians within my reach their Share of the Treaty money allowed by Her Majesty's Government but of the Nipigon Indians not more than 77 came here the others having remained inland as they were told that their annuity would be paid at Nipigon as usual. After satisfying the claims of the Indians who were assembled here I handed over the Balance of Cash about 200 to the Chiefs to be distributed by Mr. Laronde at Nipigon taking their receipts for the money but whether this will be satisfactory to the Government or not I am unable to say. The different Receipts were signed by the resident Missionary & could he have gone with me to Nipigon, it was my intention to have proceeded there to settle with the Indians, altho it would have been a very inconvenient time to be absent from the place. - By this opportunity I forward the Dup: Receipts for the payments, the originals having been forwarded sometime ago, by Mr. Hargrave.

...

[Document No. 121]

118. On September 10, 1851, John Swanston sent duplicate receipts to Duncan Finalyson for the payments made that season:

Herewith I beg to hand You duplicate receipts of the payments made this season to the Indian Annuitants in this district, together with the same of the Cash remaining on hand. - ...

[Document No. 122]

119. Sir George Simpson submitted returns for the payment of the 1851 annuity at Fort William and Michipicoton to Colonel Bruce in a letter dated 27 September 1851. He first set down his information on how, why and to whom disbursements had been made:

... I have now the honor to advise that the Annuity for the present year has been paid and that the instructions given by you on the subject

have been followed as closely as circumstances would admit.

Fifty one heads of families were paid at Michipicoton and seventy two at Fort William, but a great number of Indians inhabiting the more remote parts of the lake found it inconvenient and in many cases impossible to leave their "lands" to visit either Michipicoton or Fort William for the purpose of drawing their annuities, the shares of these Indians were, therefore, paid to the two leading Chiefs of the bands to which they respectively belonged, who have promised to distribute the money agreeably to the instructions given them. - I trust this arrangement, which I understand is entirely satisfactory to the Indians themselves, may be so to you.

I herewith transmit vouchers for the payments made by the Hudsons Bay Company, as follows:-

51	Receipts from heads of families paid at Michipicoton - amounting to	78..15-
72	Receipts from heads of families paid at Fort William - amounting to -	135..3.-
1	Receipt for 309 individuals of Michipicoton, the Pic and Long Lake signed on their behalf by the two leading Chiefs of their band and paid to them at Michipicoton	134...-
1	Receipt for 322 individuals of Nipigon Region on their behalf by the two leading Chiefs of their band and paid to them at Fort William	<u>137..2.-</u>
	Hx. Cy.	<u>485...-</u>

Simpson then offered, once again, to distribute the annual presents to the Indians at the H.B.C. posts on Lake Superior:

...

I am informed that considerable dissatisfaction was expressed by the Indians that their presents had not been sent to Lake Superior for distribution, instead of their being required to go for them to Manitoulin Island. It appears that they urged that measure on The Honble. W.B. Robinson at the Sault Ste. Marie last year & that that gentleman promised to use his best endeavours to further their wishes in the matter. - I had the honor to bring this subject under the notice of the Indian Department during the administration of Lord Metcalfe, as will appear by my letters to W. Higginson of 17. September and 2. October 1845 and that gentleman's reply of 26. September of the same year. I also renewed representations on the subject to The Honble. W.B. Robinson which, acting as Commissioner to adjust the Indian claims, in my letters of 26. September & 18. October 1850. In these various

communications I pointed out the many evils arising from the System of requiring the Lake Superior Indians to proceed all the way to the Manitoulin Island, some of them from a distance of nearly 700 miles, to receive their presents. During the journey to & from Manitoulin, which occupies them nearly the whole summer, their gardens and home pursuits are neglected, while they are exposed to sickness & the demoralizing influence of the half civilized communities at the Sault Ste. Marie & other settlements on the route, & carry back with them from year to year the seeds of various diseases which have proved very destructive. They invariably return poorer than they went, falling a prey to the petty traders who follow in the wake of the Indian Agents, & who for a few trinkets or a little rum barter from the natives, often before they leave the spot, the presents which it has cost them so much time and labor to procure. - A personal knowledge of all these circumstances, had induced me so strenuously to urge, from time to time, a change of system, and I once more beg leave to draw your particular attention to it, and to repeat the offer already made in my letters of 17. Septr. & 2. October 1845 and 26 September 1850 - that if the Government be pleased to entrust the distribution of the Indian presents on Lake Superior to the Hudsons Bay Company, that duty shall be performed by their officers without any charge and in strict accordance with such instructions as may be given on the subject. -

[Document No. 124]

120. In a letter to Sir George Simpson, dated 25 October, 1851, Colonel Bruce referred first to the method of paying absentee families in the 1851 annuity payments:

With reference to your letter of the 27th ulto. the Governor General directs me to convey his thanks to you and to the subordinate officers of the Company for the care that has been taken in the distribution among the Lake Superior Indians of their Annuity from the Provl. Govt. for the current year. His Excellency feels assured that every precaution has been adopted by the Gentlemen charged with this duty to prevent misappropriation of that portion of the funds which in the absence of the heads of the families entitled to participate in the Grant was entrusted to the leading Chiefs of those Bands, and that should they have abused their trust some other method of payment will be discovered.

Colonel Bruce then informed Simpson why the Imperial Government did not want to change the present method of distributing presents:

His Excellency desires me also to state that he has carefully perused your remarks respecting the distribution of Her Majesty's Bounty among the Indians: The subject has already received much consideration from the Governor General but as it is the intention of the Imperial Government to discontinue the Present system as early as may be found convenient he is not of opinion that it would be expedient to make the proposed alteration in the existing arrangements and he is convinced that the proposition would not meet with the concurrence of the Secretary of State for the Colonies.

[Document No. 127]

121. On March 10, 1852, R.D. Lee wrote from the military commissariat at Niagara to the Deputy Commissioner, General Robinson, transmitting Ironside's letter regarding deficiencies in the issue of presents to Indians at Manitoulin Island the previous year:

With reference to my letter No. 19 - of 8th February and your reply 4,395 - I have now the honour of forwarding a letter received this day from Mr. Ironside Superintendent of Indian Affairs respecting the deficiencies arising on issues made to the Indians at the Manitoulin Island last August under his Superintendence - which observation, I trust, will prove sufficiently satisfactorily in support of the Certificate of said deficiencies.

[Document No. 130]

122. In March 1852, Captain Ironside also wrote from Manitowaning to R.D. Lee regarding the issue of presents: (Unfortunately the letter is largely illegible.)

I have the honor to acknowledge the receipt of yours of the 7th Ulto enclosing a copy of the letter to you from Deputy Comm. Genl. Robinson as also that of _____ from the Honble. the Superintendent General of Indian Affairs on the subject of the deficiency _____ received on the issue made by you in August last to the Indians under my Superintendence and requiring of me to furnish such information thereon as I may be able to afford.

In compliance not the above request I now beg to say that when you discovered the deficiency after the completion of the issue You mentioned the

circumstance to me and I at the time attributed it to an over charge and by my _____ some _____ are as follows.

The Indians with having _____ at the proper _____ it became necessary _____ the distribution by the 5th _____ issue to them from the general census (?) taken on _____ Band _____ showing each family separately which _____ under the circumstances obliged to do in a hurry (?) Some Children _____ age must have received presents which _____ would not have been made had sufficient time been afforded for issuance (?) the Estimate _____

I would beg to remark here that on _____ the _____ I am aware _____ form was taken by you to _____ in the distribution of the presents and that it was only from the _____ manner in which you were necessarily compelled to make the issues that the _____

[Document No. 129]

123. On March 18, 1852, the Deputy Commissary General transmitted to the Superintendent General of Indian Affairs, a report from Captain Ironsides on the problems with the issues made to the Indians at Manitoulin the previous year. The report is no longer attached to the letter on record. See document No. 131.

CHAPTER SIX: 1852-1854: Problems with Annuity Payments
and Presents and the First Reserves

124A. On June 14, 1851 a Committee of the Executive Council made the following recommendation which was, on the same day, approved by the Governor-in-Council:

On the report of the Commissioner of Crown Lands dated 6th June 1851, submitting the expediency of organizing the Territory on the North Shores of Lakes Huron and Superior recently surrendered by the Indians, with the view to raising funds to pay the Indian Annuity - and stating that, as a preliminary step, the reserves made by the Indians should be surveyed to prevent the encroachment of Squatters, and to enable his Department to decide on applications for Timber Locations now before it; and as the exact position and extent of the reserves are not defined in the Treaty, he suggests that some person in whom the Indians confide, be appointed to accompany the Surveyor to point out the limits thereof on the ground:

The committee recommend that the above suggestions be approved and carried out.

124B. John Rolph, Commissioner of Crown Lands, confirmed in a letter to Colonel Bruce dated 19 March, 1852, the appointment of Mr. Keating and Mr. Dennis to survey the Indian reserves in the Robinson treaty area:

I have to acknowledge the receipt of your letter of the 16th instant recommending the appointment of Mr. J.W. Keating to accompany Mr. Dennis on the survey of the Indian Reservations on the north shores of Lakes Huron & Superior in conformity with the Order-in-Council of the 14th June 1851* and to inform you in reply that Mr. Keating will be instructed to accompany Mr. Dennis on that services.

[Document No. 132]

124C. On April 9, 1852, Allan MacDonnell wrote the Honable M. Cameron, m.p., "on behalf of the bands of Indians on Lake Superior". The first part of his letter concerned the articles of the treaty pertaining to the reserves:

*See document no. 107B

I take the liberty of thus addressing you in a friendly and unofficial kind of communication because I know that you take a deep interest in all that relates to the advancement of the Country. Generally and trust through you to direct the attention of the Government to certain matters which sometime since were laid before it, which merit consideration and claim attention. Justice demands its adjustment, I have been written to on the behalf of bands of Indian upon Lake Superior wishing me to urge upon the Government certain matters in relation to the treaty entered into last year 1850 at the Sault de Ste-Marie they inform me that they have forwarded a Petition on the subject they allege that they were deceived in the description set forth in the article of treaty as to the reserves that they had desired to make; the lands reserved then by those articles not being in accordance with that they have given to understand was encribed therein, - I was present at the treaty. I know that the reserves as therein described are the reservation as pointed out by the Chief La Peau de Chat, (who is since dead) and that Chief said the Agent of the Government is to blame. At the time I knew that the reservation so made by him as not in accordance with the views of his band. Yet I did not like to raise any question lest it might be imagined that I desired to thwart the Government in its wishes to settle the matter after all that had occurred any motive but the true one would be ascribed to me, should any new difficulties arise. I was therefore silent upon the subject but foresaw that future difficulty would arise respecting this surrender to the Crown. . . .

125. On April 13, 1852, W.B. Robinson wrote to Colonel Bruce, enclosing a note from Mr. Swanston regarding the delivery of presents to the Indians:

I read the inclosed note from Mr. Swanston a short time ago - You will please see what he says regarding the Indian presents. - I never made any promise whatever further than that which I performed, namely to urge upon the Govt. their request - I was particular in doing as I did from what you told me - I did not keep a copy of my official letter to you on the subject, but I will be much obliged by your letting out of your youngsters [sic?]* copy that part of it which relates to this point that I may enable my friend Swanston to speak more positively to all further grumblers-

I really wish you would persuade the Govt. to grant the request of these poor distant Indians - ie. from Bruce Mines upwards - a smaller amount of goods delivered to them at convenient places would be of far more benefit than all they now get, or can get, if they chuse [sic?] to come for them - The expense therefor need not be much, if any greater & if properly represented I really think it would be conceded - As I mentioned before - the

reasons that once prevented such a course no longer exist to the same extent - there was then no weekly conveyance to the Sault by Steamer - nor vessel on the upper Lake (Superior) at your command - Now there are both these facilities - for the Hudsons Bay Co. have offered to take up the goods - & distribute them too if you wished - free of charge - I am aware that a disinclination prevailed to profit by the offer of the H.B. Co. but I really think there should be none now - for I believe its Officers would most scrupulously carry out the wishes of the Govt.-

Mr. Ironside might after finishing at the Island take what is necessary to the Sault for that place; & if no more can be done then from that to send a few packages of the most useful goods to Michipicoton & Fort William addressed to the principal chiefs for their bands & let them distribute them in presence of some reputable Officer of the Co. it would be a great benefit conferred -

What I confess puzzles me a little is - that every year presents are asked for & obtained for the Upper Lake Indians & others - the Upper lake Indians seldom come for them & yet all the goods are given away. - Surely it would be better to send the poor creatures a portion of what they ought to have & retain the value of the balance to pay expenses of transport - half a loaf would be better than no bread - but I should rather see them get a whole one.

I also heard complaints from the Indians in 1850 that ammunition was not now given to them as it formerly was - why this is so I cannot imagine for surely nothing is more essentially useful to them - & more guns should also be given -

Were the presents given to the Indians at the places desired there would not be so much danger of their selling them - for they would not be forced to sell them to keep them alive on their long journey home as they have always been when they did come for them.

Trusting you will do all you can for our red brethren.

[Document No. 134]

126. On June 16, 1852, Governor Simpson wrote to Colonel Bruce regarding confirmation of the previous year's arrangements for the cash payment of the annuity to the Lake Superior Indians:

*double underlining in original

As the time is now drawing on for the payment to the Indians of Lake Superior of their Annuity under the treaty concluded with them in 1850, I have to beg the favour of your informing me whether it be the desire of Her Majesty's Government that the annuity in question should, as last year, be paid at Michipicoton and Fort William by the officers of The Hudsons Bay Company stationed at those posts. - Thinking it probable the arrangements of last year would be followed up, provision has already been made by the Company to that end, by depositing the necessary amount of specie at Michipicoton and Fort William.

...

[Document No. 138]

127. On June 25, 1852, Governor Simpson again wrote to Colonel Bruce to request printed receipt forms:

... By a letter I had the honour of addressing you on the 16. inst. from the Sault Ste. Marie, you will have learned that we are willing to perform this duty and that we have already deposited the necessary amount of Specie at Fort William and Michipicoton. - If you will transmit to me the printed forms of receipt desired by the Government, I will send them forward to Lake Superior without loss of time, in order that the payments may be made on or before the 1 August, as stipulated by the terms of the Treaty. -

[Document No. 139]

128. On June 26, 1852, printed receipts to be used when paying out annuities to the Indians of Lake Superior in August of that year were transmitted to the Hudsons Bay Company. (See Document No. 140.)

129. In a letter of 30 June 1852, Governor Simpson sent John McKenzie, H.B.C. trader at Michipicoten, the following instructions for making the for that year annuity payments at his post:

At the request of the Hon: Colonel Bruce, Superintendent General of Indian Affairs, I have undertaken that the annuity to the Lake Superior Indians shall be distributed this year by the H.B.Co's. officers at Michipicoton & Fort William in specie on or about the 1st August.

The amount payable is 500 currency less 25.7.6

the shares of the Batchewana Bay Indians, who at their own request will receive payment at the Sault. The census lists of last season are to be followed again, modifying them as deaths & other changes in the interval may render necessary. To save the trouble of writing duplicate receipts for every head of a family, Colonel Bruce has handed printed forms for the purpose, one of which I enclose, and have also forwarded to your address at the Sault Ste. Marie 30 sheets more, which I hope may safely reach you. I also enclose copy of correspondence between myself & Colonel Bruce on this subject, to which I beg reference for further details.

You will be pleased to transmit to me here the receipts in duplicate, one copy to be forwarded to the Indian Department & one copy left in this office.

[Document No. 141]

130. On August 10, 1852, J. Mckenzie reported to Colonel Bruce on the status at all posts for 1851 and 1852 of the annuity payments to Indians from Batchewana Bay, Pic, Michipicoten, Fort William and Long Lake:

J. Mckenzie is writing this from Michipicoten because Swansson has gone to England

... I have the honour to acknowledge the receipt on the 23rd July of your letter to this address of the 14th June & to state that in terms of the instructions therein contained, the annuity for 1851 still due to the Batchewana Bay Indians will be paid to them by the Companys Agent at the Sault St. Maries on application, or to the Chief on their behalf & his Receipt handed over to Mr. Ironside; the matter is probably by this time settled.-

I have further the honour to inform you that I have commenced paying here the annuity for 1852 payable to the Indians of this place, the Pic &

Long Lake & by recent accounts from Fort William, from the Companys Agent there, I am informed that he would pay all the Indians there on the 1st. Instant.

Mckenzie then explained the reason for delays in completing all the annuity payments to interior Indians:

- It will however be sometime yet before the whole are paid off, in fact it is doubtful whether we can do so this Season as the Long Lake Indians live at too great a distance, and the sum payable is so small, that they do not consider it an object to come for it, it was only this Spring that many were paid their annuity for 1851.

[Document No. 142]

131. Details of money paid out to individual heads of families and/or chiefs were recorded in the Hudson's Bay Company's account book for Michipicoton. Some of the lists indicated names of chiefs and the areas that people came from; half-breeds were also identified. The following examples* are illustrative. In many cases, the accounts simply recorded that bulk payments were made to traders at other posts or to chiefs for distribution to the annuitants. The accounts also show that, as indicated in document No. 142 above, people often received their annuities several years after the year for which they were due.

Indian Payments made at Michipicoton by J. MacKenzie - 1852

Account

22 Pic Indians paid, balance for 1850 and 1851;
276 Nipigon Indians paid by trader at that place for 1851;
205 Michipicoton Indians paid, balance for 1850, 1851 and 1852.
Three individuals are identified as chiefs.
An additional record of 1851 annuity payments includes:
90 Pic Indians, and 91 Long Lake Indians.

*Not a complete list

Payments to Long Lake Indians - 1852 Annuities

88 (i.e. annuities for 88 individuals) paid to Chief Tabaischash; and 33 paid to his son Swaswaczojick, in August 1853. - Total 121 people.

The payment to Long Lake Indians of 1853 annuities listed 23 families, 105 people.

The accounts for 1854 showed: 126 Pic Indians paid;
51 Long Lake Indians paid.

The accounts for 1855 showed: 132 Pic Indians paid;
49 Long Lake Indians paid.

[Document No. 123]

132. The Pic and Long Lake Indians appear on the same annuity paylist for the year 1852, both being paid by trader John Mackenzie. The Pic were paid on 12, 13, and 14 August. Names of interest that appear on the list include Shonshon Chief, Little Chief Kekistwauk, and Atikonse. The total of Pic Indians paid on the list was 73, and their marks are witnessed by Charles Begg, Methodist Missionary at the Pic Post, Alex Robertson or Tootoomine.*

The Long Lake Indians were paid on August 12, 14 and 16, 1852. Smokesnase is designated Chief. The annuitants' marks are witnessed by Alex Robertson or Tootoomine, and the total of Long Lake Indians paid was 43.

*cf. document 76, signatories and schedule of reserves.

The annuity pay lists show that 498 individuals were paid at Fort William some on August 3 and 4, 1852, and others between September 1852 and May 1853. Attached to the lists are two general receipts from Tootoominau at Michipicoton for the balance of 1852 and '53 annuities. See pages 6 & 7 of doc. 145). A largely illegible list of 40 individuals paid 1852 annuities at Michipicoton on 15 August 1853, included Tabaishaish, the Long Lake Chief. (See p. 8 of document).

[Document No. 145]

133. On September 24, 1852, John Mackenzie replied to Simpson's letter of June 30, 1852, enclosing receipts and informing him of the changes he had made in distributing the 1852 annuity, and what he had done with "Government money" left over from 1850 and 1851:

In terms of the instructions contained in your Letter of the 30th June last regarding the distribution by the Hudson's Bay Co. Officers at Michipicoton and Fort William of the Government Annuity for 1852 to the Lake Superior Indians, I have now the honor to inform you that at both places the distribution has been made so far as practicable for this Season, the Lists of the payments are herewith transmitted V.

General Receipt from Fort William Indians	66.18.9	
General Receipt from do. Widows & Half Breeds	45.18.9	
General Receipt from Nipigon Indians	<u>66.10.0</u>	179. 7.6
General Receipt from Michipicoton Indians	87. 2.6	
General Receipt from Pic & Long Lake Indians	<u>49. 6.0</u>	<u>136. 8.6</u>
		<u>315.16.0</u>

the amount payable to the Indians
this year being 474.12.6

there still remains in our hands a sum of 158.16.6 to be hereafter accounted for & which will be paid to the different parties entitled to the same whenever they appear, there is no likelihood however of our being able to make any more payments before next Spring, the Nipigon & Long Lake Indians & some of those of the Pic being at present far in the Interior. - The Fort William & Michipicoton Indians have I believe been nearly all paid & those of Batchewana Bay who are on the Michipicoton List receive this year their Annuity from one of the Government Agents at the S S Marys.-

Mr. Swanston previous to his departure for England handed over to me all the Government Money in his possession, classed as follows - V.

Indian Treaty Money 1850	140.4.3
" Annuity Money 1851	<u>32.1.3</u>
	172.5.6
I received also from Nipigon	26. 7.6
" Fort William	<u>1.17.6</u>
In all	<u>200.10.6</u>

As I considered it unnecessary to retain this money in our hands & believed that all Individuals entitled to Government pay had nearly all received a share of the Treaty money of 1850 and Annuity Money of 1850, I determined to augment the annuity of each Individual this year to $\frac{2}{4}$ being from $\frac{2}{6}$ to $\frac{2}{9}$ more than they otherwise would receive were there no Balance on hand, the Receipts now transmitted however being for the Annuity Money of 1852 only. - I may mention that Wuchiskonse an Indian of Lake La Pluie whose band numbers 28 Souls has this year for the first time been placed upon the Fort William List. He formerly was resident at this post but removed to Lake La Pluie some years ago, his Lands however are included in the Territory ceded to Government & he is therefore entitled to the payment.-

The Fort William Receipts are nearly all witnessed by the resident Missionary, but at this place there was no Missionary when the payments were made, the Receipts however were witnessed by the Chief or when he was absent by some other party who could sign his name.-

In a separate packet to your address I forward a List of payments made to the Lake Superior Indians on acct. of the Treaty money of 1851 (in addition to the Lists forwarded last season by Mr. Swanston) together with the Receipts of the Individuals to whom the money was paid. - I believe that Mr. Swanston transmitted to you last year the Receipts of the Chiefs for the Balance of the Treaty Money for 1851 remaining unpaid & the Lists now sent are intended to shew the distribution of that Balance but whether or not the whole is accounted for is more than I can at present say; some of the Long Lake Indians remain yet I believe unpaid. - In the packet is a General Receipt from the Nipigon Indians for their share of the Treaty Money for 1851, which was distributed at that place by Mr. Laronde in September & which is certified by him as correct. - Last year each Individual received $\frac{8}{6}$ as his share of the annuity for 1851 & an additional sum of $\frac{4}{0}$ of the Balance of the Treaty money for 1850, making in all $\frac{12}{6d}$ - In the Receipt taken by Mr. Laronde both are included, altho I believe the Receipts transmitted last Season were for the annuity money only.

I may further mention that according to the instructions received from the Honble: Col. Bruce in a Letter addressed by him to Mr. Swanston dated 14th June last I forwarded to Mr. Hargrave at the Sault St. Marys the sum of 25.7.6d being the share of the Batchewana Bay Indians of the annuity for 1851 to be paid there to the Chief & which I suppose he has done; Mr. Hargrave does not however approve of the Annuity being paid there in future as the whole of it would to a certainty be expended in Liquor on the American side which I consider right to mention to you, in order that it may be communicated to the Indian Department.

Trusting that the different Documents now forwarded will be found correct.

[Document No. 144]

134. On November 2, 1852, Governor Simpson sent Colonel Bruce, a complete set of vouchers for the payment of the 1851 Annuity,* and the following details regarding the payment of the 1851 and 1852 Annuities:

I have the honour to acknowledge your letter of 26 June last, transmitting printed forms of receipt to be taken from the Lake Superior Indians by the Hudsons Bay Company on payment of their Annuity. I now beg to inform you that the Annuity was paid at the Company's posts of Michipicoton and Fort William to such Indians as presented themselves to claim it, at the time fixed by the Treaty, Say 1. August. By your letter of 14 June Last the amount to be distributed at Michipicoton and Fort William is fixed at 474.12.6 (being 500 less 25.7.6 the shares of the Batchewana Bay Indians); herewith are forwarded receipts to the amount of 315.16.0, leaving the sum of 158.16.6 yet to be paid, being the shares of Indians whose hunting grounds are in the interior country & who will not make their appearance at the Lake before next Summer. The shares of these people will, as last year, with the concurrence of the Chiefs of their respective tribes, be held by the Company until they make their appearance to receive payment when their receipts will be transmitted to you. This arrangement proved satisfactory last year & I trust may meet your approval on the present occasion, in which case I have to beg that a warrant may be issued by the Government in my name for payment of the sum of 474.12.6 Currency.

I forward herewith receipts for the balance of Annuity of 1851 left unpaid last Season, which has been distributed in the course of the present year. With these receipts you have a complete set of vouchers for the Annuity of 1851.-

By your letter of 14 June it appears the Batchewana Bay Indians were, at their own request to be paid at the Sault Ste Marie. This arrangement, I regret to say, is by no means conducive to the welfare of those Indians as by the report of the Company's Agent at the Sault, I learn that the money received by them at that place was forthwith expended in liquor on the American side & squandered to the last farthing before they returned to their homes. The apparently unconquerable propensity for the use of intoxicating liquor & the many temptations & diseases to which the Indians are exposed at the Sault Ste Marie, render it highly desirable to discourage their visits to that place & this was the chief motive that induced me on behalf of the Company to undertake the distribution of the Annuity on the Lake free of charge to Government; and I shall, therefore, be glad to learn that your instructions relative to the place at which the Batchewana Bay Indians are to be paid, are cancelled.

A note on the docket states "Paid by Warrant 1074".

[Document No. 146]

135. On November 24, 1852, Governor Simpson wrote to Colonel Bruce submitting duplicate voucher* to explain an apparent discrepancy between the payments of the Annuity to Lake Superior Indians and the receipts, themselves:

The only mode in which I can account for the discrepancy between the payments on account of the Indian Annuity & the receipts you have, noticed in your note of yesterday, is that one of the Vouchers for the sum of 45.18.9 must have been mislaid. - Duplicates of all the receipts sent to you were kept in this office & they amount to 315.16.0; I therefore transmit the duplicate of that which you appear to have omitted in the statement given in your note.-

[Document No. 147A]

*The vouchers are no longer attached to the letter in the record, and have not yet been located.

136. On December 2, 1852, J.W. Keating submitted his report to Colonel Bruce on the Indian Reserves on Lake Huron. Besides describing the surveying of these reserves Keating included many general comments applicable to the Indians and the reserves on Lake Superior as well. (See document 147B). In consequence, a Report of a Committee of the Executive Council on Land Application dated 29 January 1853 and approved by the Governor General in Council on the 31st, recommended as follows that the reserves as laid out by Mr. Keating and Mr. Dennis be approved and confirmed:

On a Communication from the Honorable the Superintendent General of Indian Affairs dated 20th January 1853, submitting for the consideration a Copy of a Report addressed to him by Mr. J.W. Keating, who, under instructions from the Crown Land Department, accompanied Mr. Surveyor Dennis while employed last summer in laying off the Indian Reserves on the Shores of Lake Superior and its Tributaries from which it appears that these Gentlemen felt themselves constrained, for reasons explained by Mr. Keating, to deviate in some cases from the strict letter of the Treaty with reference to the extent & limits of the Reserves - that as these deviations seem to be made in a spirit of Justice towards the Indians & with the view to supplying omissions which originated from their inability to communicate their wishes in an intelligent manner to the Commissioner Mr. Robinson, the Superintendent General hopes that they will be confirmed by the Provincial Government.

The Committee then dealt with the Indian's request for exclusive fishing rights in waters immediately fronting their reserves:

The Superintendent General also invites special attention to the desire expressed by the Indians & advocated by Mr. Keating, that they should have the exclusive right of fishing in the waters immediately fronting the Reserves, which Reserves are represented to be barren & unproductive & except for fishing purposes, seem to be of very little value.

The Committee recommended that the proceedings of Messrs Dennis & Keating above alluded to be approved and confirmed - As regards the exclusive right of fishing in front of the Reserves prayed for on behalf of the Indians, the Committee advise that the Superintendent General be informed that, in the event of any attempt being made by other parties to trespass upon the Deep water frontage for the purposes of fishing the Government will then consider the expediency of giving the Indians such a Title thereto, either by lease, License of Occupation or otherwise, as will effectually protect them from future interference - the granting the exclusive right of fishing is a subject involving legal questions which the Committee do not think it will be advisable or necessary to raise.

137. On June 27, 1853, Duncan Finlayson, agent of the H.B.C., wrote Colonel Bruce about whether the Indian Department intended the H.B.C. to distribute the annuity payments again:

I take the liberty of addressing you for the purpose of ascertaining whether it is the intention of the Indian Department to pay the annuity due this season to the Indians of Lake Superior in like manner as last year, through the Officers of the Hudson's Bay Company - and if so of requesting that you will be pleased to enclose under cover to me at this place, the proper Receipts and such instructions relative to the mode of making the payment as you may consider expedient, in order to be forwarded to the Stations where the annuity is usually paid, and where the requested amount of specie, say Five Hundred pounds Currency, is already provided.

[Document No. 149]

138. On June 29, 1853, the Indian Department replied affirmatively to Finlayson's letter, referring him to these previous instructions on the mode of payment:

In reply to yr. letter of the 27th inst I am directed to state that it is the wish of the Gov Genl again to avail themself of the offers of the Hudson Bay Company to distribute in cash the Annuity of the Lake Superior Indians-. With regard to the mode of making the payment and the details connected with the distribution I beg to refer you to my letters of the 27 June 1851 and the 14 June 1852.

The Batchewana Indians will again as last year receive their share of the Annuity 25.7.6 at Sault St. Marie which sum will accordingly be deducted from the amount of the Annuity 500 to be paid(?) through the Company.-

Referring to your letter of the 20 Nov. last you will perceive (?) that the sum of 158... [the rest of this document, about two lines is totally illegible]

[Document No. 150]

139. On July 1, 1853, Finlayson acknowledged as follows Colonel Bruce's letter and the receipt of blank forms on which to account for the outstanding balance of the previous year's annuity payments:

I had yesterday the honor of receiving your letter of the 29th Ultimo, together with the blank forms of Receipts, which have today been forwarded to Lake Superior, and which, when filled up and signed by the Indians entitled to the annuity, will be returned as requested, when the sum of 158.16.6d (say one Hundred and fifty eight pounds sixteen Shillings and six pence currency-) remaining of last year's annuity unaccounted for, will be satisfactorily settled.

[Document No. 151]

140. On August 3, 1853, Keating wrote to the Superintendent General.

The covering note on this letter, which is unfortunately illegible, reads as follows:

Reports the difficulty and expense of reaching the Reserve of the Nipigon Indians and requests instructions re: the laying it out and marking its boundaries. A second note at the bottom of the page indicates that a copy of Keatings letter was sent to the Commissioner of Crown Lands on August 23, 1853. (See paragraphs 144 and 146 below).

[Document No. 152]

141. On August 12, 1853, Swanston conveyed to Finlayson these arrangements for paying the Annuities due that year:

I have the pleasure to acknowledge the receipt on the 25th Ultio. of Your much esteemed respects of the 1st. advising me that the Governor General had decided on paying the annuity due this season, to the Indians of Lake Superior in like manner as last Year, through the officers of the Hudson's Bay Compy. and that a parcel containing some blank forms of Receipts had been forwarded to Mr. Hargraves address who immediately transmitted them hither, when according to your instructions a portion of them was sent on to Mr. John McKenzie at Fort William, with instructions to pay the annuity for the present year to the Indians of Fort William and Lake Nipigon, for which purpose the sum of 260 Currency was placed at his disposal retaining here 214.12/6 for the payment of the Indians of this Post the Pic and Lake Long, of which latter sum about 120. has already been paid out as will be seen by the accompanying receipts from hence.

With regard to the balance of last Years Annuity amounting to 158.16/6 Currency - the cause of it not having been accounted for at an earlier date arises solely from tardiness of the arrival of the Indians from a distance to whom it is due, -

Herewith, however, I forward to You receipts of Sundry payments out of the above Sum, at Fort William to the amount of 49.10.0, at this post of 26.7.0- with a receipt from the Chief Tootoomimaic of this place for 71.3.3 leaving a balance of 11.16.3 which amount is in hand at Fort William - from whence I expect by the first opportunity receipts from the proper Recipients, or a receipt from the Chiefs of the Establishment, of the sum 71.3/3 I have paid out to different families since the date of the Chiefs receipt the sum of 17. leaving a balance in hand of 54.3/3 still to be accounted for from hence. Hoping the above statement will be satisfactory and the accompanying Receipts found correct.

[Document No. 153]

142. On August 18, 1853, John Swanston wrote to Sir George Simpson, informing him of the manner in which there had been provided from the H.B.C. funds the necessary amounts to pay the 1853 Annuity to the Indians of Michipicoton, Pic, Long Lake, Fort William and Nipigon:

...

Mr. C.T. Duncan Finlayson having advised my under date the 1st Inst that His Excellency the Governor General had decided upon paying the Indian Annuity out this season in the same manner as last Year. - namely through the Hon. Compys. officers, in order to provide the means for so doing, I have taken from the Funds here belonging to the Company the sum of 214.12/6 for the payment of the Indians of this post the Pic and Long Lake, and I have instructed Mr. C.T. John McKenzie to take from those he has at Fort William the sum of 260. for the payment of his Indians and those of Lake Nipigon:- The above two sums forming 474.12/6 Currency being the amount payable this Year, and with which I have debited Her Majesty's Government. - By this opportunity are forwarded under cover to Mr. C.T. Duncan Finlayson the Receipt for the Amount already paid out, which I hope will be found correct and satisfactory...

...

Mr. Swanston then referred as follows to the arrival of the survey party:

Keating with a couple of surveyors and a party of Men came up last month on the part of the Provincial Government, for the purpose of running the lines of the Indian reserves on this Lake, and any locations that might be settled by any mining parties, - I mentioned to Mr. Keating the probability of the Hon: Compy wishing to secure a

square Mile on each side this river from the shores of the Lake, which will take in I think the Water power on the Magpie river, should it not do so, I shall get the line run right across from the Lake to the river, as the distance cannot be much over the Mile, and the Water power is worth securing.

[Document No. 154]

143. On August 23, 1853, John MacKenzie also wrote to Sir George Simpson from Fort William, informing him first about Keating's investigation of Indian complaints about their annual presents:

...

Mr. Keating arrived here on the 13th he was not employed to survey the Indian reserved Lands, but I believe was sent up principally with the view of enquiring into some complaints made by the Indians in a Petition which they forwarded to the Governor General in the Month of March 1852 - & in which they accused him openly of a breach of faith in withholding from them the "Annual presents" which they alleged were promised them on signing the Treaty ceding their Lands in 1850.

The Priest I have no doubt got up the Petition* & without my knowledge forwarded it to the Catholic Bishop at Toronto, by whom it was sent to the "Journal de Quebec" for publication before being sent to the Governor General. - I believe Mr. Keating was sent here by Government to enquire into the truth of its allegations & 2 or 3 days after his arrival held a Council here of the Indians at which the Priest was present, but not one of them could assert that the Government had promised them the presents & were obliged to acknowledge that such was not the case; old Illinois the Chief stated that he never signed the Petition & that his name was forged to it.

MacKenzie then reported as follows on the activities of the surveyors sent up to lay out the reserved lands and the Indians' views on the question:

*cf. paragraph 34 of doc. 40

2 Surveyors, 2 Brothers by the name of Bridgeland arrived here a day before Mr. Keating & are now employed surveying the Indian reserved Lands, but the Indians are not by any means pleased with their share & have thro Mr. Keating claimed as high up as the Falls on the right bank of the River & a Line extending from the Little Forks about a mile on the right back from this post to Sturgeon Bay a distance of about 13 or 14 Miles, this I protested against as being against the Treaty - it being distinctly stated that the reserve was to commence about 2 Miles from the post - where accordingly I got the Surveyors to commence the Survey* The Companys Lands being all on this side. - It is not likely that the Indians will succeed in their object.-

...

[Document No. 157]

144. On August 23, 1853, Superintendent General Bruce sought the following assurances from then provincial Commissioner of Crown Lands:

With reference to the annexed copy of a letter from Mr. Keating** I am directed to state that if the Crown Land Department can give an assurance that no Grant in the neighbourhood of the Reserve in question [ie Nipigon (see doc. 151)] shall be made by the Provincial Government without first ascertaining by actual survey the rightful limits of the Reserve the Lieutenant General administering the Government is willing to adopt Mr. Keating's suggestion.***

[Document No. 156]

145. On August 25, 1853, John Swanston wrote to Sir George Simpson, dealing first with the annuity and the proposed H.B.C. reserves around Lake Superior:

...

The Indian forms of receipt reached me from the Sault towards the latter end of last month, and the statement of payments made by me at this place, I have forwarded to Lachine by Mr. C.T. Boncher, who arrived here Yesterday from the North.

* See document no. 133, pp. 1 & 2
** See para. 140 above
*** See para. 146 below

On the receipt of Your respects, I immediately wrote to Mr. C.T. John McKenzie advising him of Your wish in regard to securing a reserve at Fort William say the North bank of the river with a frontage of 5 miles on the Thunder Bay and a depth of 12 miles; I also mentioned that it would be well to get the islands on the opposite of the river below the Mission if possible ---- with only a frontage on the Bay of a couple of Miles; as the soil is pretty good for agricultural purposes, - this intimation I was in hopes he would have received before Mr. Keating departed from Fort William, but on the arrival of Mr. Boucher, I heard that that gentleman had left.

He also mentioned that Mr. Keating and the Fort William Indians could not agree about their reserve. Swanston then reported, as MacKenzie had (see para. 143), on the problems Keating encountered at Fort William in trying to layout the reserve:

On his return down, from what I could learn from Mr. Boncher, it would appear that Mr. K. had not been able to come to any satisfactory arrangement with the Indians of the above Establishment - but on what point they differ I do not exactly know, but I strongly suspect it has reference to the reserve as I am aware that the Indians want to claim leagues instead of Miles,* and also to have the Pie Island made over to them as a fishing station.** - I will however when Mr. K. reaches this [place] endeavour to ascertain this matter, as also what he intends to recommend relative to our reserves, which he might probably be able to mark off on his chart sufficiently accurate so as to enable us to secure them, - In my respects under date 18th inst. You will notice my intention of securing the water power on the Magpie River, and I shall also take care that we secure in the land we may require both here and at the Pic as

* See document no. 147B, pp. 3 & 8

** See document no. 148

well as Batchewana Bay, at the Pic 2 or 3 Miles frontage (say half the distance on each side the river) with a depth of 1 or 1 1/2 Mile, will be all we would require at that place and at Batchewana Bay 1 Mile in front by 2 in depth would be as much land as we need care about there, as it is not of a very good quality, the Island being swampy I am told, as well as rocky. But I hear that there is some good Pine timber on the same; the sale of which might in part help to pay the purchase. - But on these matters I will do myself the pleasure of addressing You after I have seen Mr. Keating.

...

[Document No. 158]

146. On September 3, 1853 Superintendent Bruce wrote thus to Mr. Keating about his proposal to postpone the survey of the Nipigon Reserve on Gull River:

In reply to your letter of the 3rd. ulto I am directed to inform you that having received the assurance hereunto annexed from the Crown Land Department the administrator of the Government is pleased in pursuance of your suggestion to authorize the postponement of the Survey of the Nipigon Reserve on Gull River.***

[Document No. 159]

147. On September 15, 1853, John Swanston wrote as follows to Sir George Simpson about the conflict of the reserves the Indians wanted with those the Hudsons Bay Company wished surveyed and secured at its various posts on Lake Superior:

*** See paras. 140 & 144 above

My last respects to your address was dated on the 25th Ult. since when little or nothing has transpired out of the usual routine worthy of your notice, beyond the arrival on the 1st Inst. of Mr. Keating on his return to Canada, for which place he continued his voyage in company with Mr. G.K. Smith on the morning of the 3rd - during Mr. Keating's stay here I spoke to him regarding the reserves you wished secured at all the Cos. posts on this Lake, particularly of the one at Fort William, and altho' Your instructions reached me too late, to get that one and the one at the Pic surveyed this season, Mr. Keating said he thought there would be no difficulty in your getting a grant of all the land you might require at the above places, and Elsewhere from the Government. - At this place the Indians applied to have their reserve at Gros Cap changed from thence to the opposite side of this river, commencing from the shores of the Lake to the Magpie river, this of course I objected to, but eventually consented to their having from the portage opposite this house to the Lake, by this arrangement the Water power on the above mentioned river is secured, which I presume is the principal object You had in 'View, as the land in this quarter is of little or no value for agricultural purposes. - Hence should the Messrs. Bridgeland call in here on their way down, I shall apply to them to run the lines both here and at Batchewana Bay this season - With regard to the Indian reserve at Fort William, you will see by the Extract from Mr. C.T. McKenzie's letter to me under date the 7th inst. copy of which I now forward for your information, that it does not embrace any portion of the lands You wish to secure, hence I need say no more on that subject here, but I may mention that the Indians have made a demand upon the Government thro' Mr. Keating for various kinds of Tools and agricultural Implements which they expect will be furnished them as presents, but in this respect Mr. K. is of opinion that they will be disappointed, should the articles required be supplied them, and the cost deducted out of the annuity money, but a very small amount of cash will be sent to Fort William next summer, - I am quite in the dark as to what Mr. Keating may intend to recommend to the Government relative to our reserves as on this matter he was quite silent, beyond stating that he should suggest the [illegible] of the Lands being sold for 1/p acre, I am however strongly of the opinion that he is not at all unfriendly towards us.

...

This extract from C.T. John MacKenzie, Fort William, which was attached to the above letter, described as follows the reserve laid out there, and the Indians' reaction to it:

I notice what you say in regard to the Company's reserve at this place, and Sir George Simpson's instructions regarding it, they were however received too late to be acted upon this season, as I did not take upon myself the responsibility of getting our reserve surveyed without instructions to that effect, moreover the Surveyors were anxious to leave this, having all the locations on Mishipicoton Island to survey this Season. - They were occupied about a week in marking out the Indian reserve, no part of which is included on ground which the Co. would wish to have, the Line commences at the Mission on the Big Forks, or rather at the mouth of the Big Forks, extends in a S.W. direction parrallel with the shores of the Lake, to a distance of 6 miles, then goes N or NW 5 miles till it strikes the Fort William river which is the western boundary of the reserve, - They have no land on the left Bank and are also excluded from the 2 Islands on the right bank. - The Indians are very much dissatisfied with their reserve, and have claimed Pie Island for a fishing station and a reserve on the mainland extending from the mouth of the Little Forks of the Fort William River in a direction parrallel with the shores of the Lake to Sturgeon Bay a distance of about 15 miles and from thence on a line extending N. Westerly to the Mountain portage, I protested against the Little Forks being considered the commencement of the reserve as they were obliged by the Treaty to commence 2 miles above Fort William. - They have however very little chance of success.

If the Government confirmed the company's right to what is now in their possession, Land under cultivation and under grass, extending on left bank from the shores of the Lake to McKay's clearing, a little above the Mission, and on the right bank extending from the lake to the Little Forks thereby securing all the Land which will ever be required here, we may be well satisfied if we have to pay for it, it will be found probably too much, the Big Forks might however be the Boundary on the right bank which would secure the 2 Islands, that is to say if we were not to pay for the Land.

[Document No. 160]

148. On September 21, 1853, the Executive Council approved the following changes to regulations:

On the Communication from the Crown Land Department, dated 15th September instant: representing that the existing System relative to

the allotment of Mining Tracts not having realized the anticipations formed by the Government, at the period of their promulgation, nor, on the other hand, enabled individuals desirous of engaging in Mining pursuits to effect their objects, without compelling them to purchase Locations of so extensive an area, as to occasion a needlessly large expenditure of Capital, in acquiring a right to explore and mine, where the indications were favourable, it is respectfully submitted by the Department whether it may not be desirable, in substitution of the system laid down in the Orders in Council of 18th April 1846 - 9th May 1846 and 7th October 1846, to devise regulations combining, with a right to explore during a limited period on favourable terms, the privilege of purchasing tracts of very moderate extent, provided the exploration proves satisfactory.

The Committee recommend that on payment, into the hands of the Commissioner of Crown Lands, of the sum of Twenty five pounds, that Officer be permitted to issue a License to any Individual, authorizing him to explore upon any unconceded lands within the limits of any such Country, or section of Country, as he may desire to be inserted(?), situated within the boundaries of Upper Canada, for Copper, Lead, Iron, Tin, Marble, Gypsum, Earths or Minerals. - Such Licence to remain in force for a period of two years, and to authorize the Individual in whose favor it is issued, to take possession of a Tract, not exceeding four hundred acres, and not already occupied by any other person - such Tract to be in the proportion of forty chains front, by one hundred chains in depth - The Licence holder to report his discovery and selection accurately by Letter and Map, within six months from the issue of his Licence, accompanied by an Affidavit made by himself and some other credible person, proving that no counter occupation or workings exist - And at the expiration of the said term of two years, during which the Licence shall have force, he shall complete a purchase, paying the consideration money, in one sum, at the rate of seven shillings and six pence per Acre - or failing to do so, he shall be regarded as having abandoned such right to purchase.

[Document No. 161]

149. On September 23, 1853, Swanston sent Finlayson the receipts* and accounts of Annuity payments for 1853, and outstanding payments for '52, made to the Indians of the North Shore of Lake Superior:

*The receipts are no longer attached to the document in the record.

Herewith I beg leave to hand You the duplicate receipts of payments made to the Indians of the North Shore of this Lake on the Part of the Provincial Government of the Annuity for the Year 1853 Namely.

Paid at Michipicoton	122.16.6
D° Fort William	175.19.0

together with the Receipts of the Chief Tootoominaic of this place for 19.16.0 and of the Chiefs of Fort William for 84. 1.0 making a total of 474.12/6 Halifax Currency the amount of the Indian Annuity for the current Year 1853.-

I now also forward the duplicate receipts of sundry payments made on account of the Indian Annuities for the Year 1852, namely

Paid at Michipicoton	26. 7.0
D° Fort William	49.10.0

these two sums together with the receipts already transmitted for 71. 3.3 and the one now forwarded for 11.16.6 makes the total of Hx. Cncy. 158.16.6 the sum to be accounted for of the past Years (1852) Annuity. - deducting from the above amount the payments at this place and Fort William, and the payment subsequent of 17 on[?] receipt now forwarded, leaves a balance for the said Year still to be accounted for of 65.19.6 Halifax Currency, which sum I have on hand at this place, and which will be paid to the proper recipients whenever they may come in for it. - Hoping that the documents now forwarded may prove correct and satisfactory.

[Document No. 162]

150. Keating submitted his report on the nature of the landscape and the Indian Reserves of Lake Superior on October 24, 1853. He had met Mr. Bridgeland, the surveyor, at Sault Ste. Marie and reported that he set out for Lake Superior on the 29th July, 1853. His remarks on the agricultural and mining prospects in the area, the Indians' criticism of their annuity and the survey of the reserves at Michipicton and Fort William, are quoted below.

...

The next morning [July 29] at an early hour We were again under way, accompanied by three Indians sent by the chief to point out the Boundaries of the 1st Location which we reached about noon. This Reserve commences a few miles North of Gros Cap [this is near Sault Ste Marie, not the Gros Cap at Michipicoton Bay] a high wooded mount (700 feet) immediately at the entrance of Lake Superior, whence a most extensive view is obtained and when commences that long series of barren rock

which reaches to the furthermost limits of the coast Inland, however both from Goulay and Batchewanany bays runs a fine Tract of Maple land, covering a surface of many acres, and reaching as our guide informed as, fully two days Journey into the interior. This Reserve ends at the point of the latter named Bay and is nearly thirty miles along the coast by ten inland; a tract far too large for so small a Tribe as that at the Sault, containing much valuable Timber Pine and other and I really believe including an extent of Territory larger than the chief could ever have had a claim to.- The treaty however secures it to the present holders who are desirous I believe of offering an asylum upon it to the numerous Indians of the South Shore whom the Americans are about removing.

Many persons the Indians indeed themselves point to the large sums paid annually by the Government of the United States, and contrast them with the limited amounts they receive from us: they forget that these payments are only for a period of years, and that they are not allowed quiet possession of Reserves within their former limits but are driven away among hostile Tribes West of the Mississippi so soon as their Lords and Masters see fit. The next place requiring our attention was Michipicoton, a post of the Hudson's Bay Company about one hundred and fifty miles from the Sault for which we started the following day - The whole coast similar to that of Lake Huron, consists of barren precipitous rocks covered with stunted firs whilst high ridges, of the same material and appearance, five or six miles inland, seem almost to hang over the Lake landing places for boats are scarce indeed on that iron bound shore, and were it not that a few hospitable rivers open their shelter to the weary voyageur many would be the casualties of that.

We passed the at one time famous Quebec Mines now abandoned, the grave of 40.000 a monument of rash and ill directed enterprise - ...

Michipicoton River is situated at the bottom of a deep Bay, and with benefit of water over the "Bar" affords ready entrance to vessels of light draught. The beach around it is sand.... This is the most considerable of the posts of the Honble Hudsons Bay Company and is exceedingly neat and well kept. ...

We here met the chief Totomme who pointed out the limits of his Reserve which We duly marked the terms of the Treaty specifying so as not to interfere with the lands of the Company. Not having been furnished with any description of Boundaries I applied to Mr. Swanston the Gentleman in charge of whose kindness, and hospitality I cannot say enough and he informed me that the Company wished to occupy 1 1/2 miles on either side of the River, but on my return at the urgent request of the chief, he agreed to give up the right bank as far as the First tributary which rushes down a broken fall some hundred feet in height immediately opposite the Establishment, and affords a most valuable Water power.*

* cf. para. 147

With the exception of a small tract adjoining the Fort, the Land at Michipicoton is worthless, nothing but sand and rocks with here and there within the limits of the Reserve a few acres of hay prairie which may be cultivated - Indeed were it not for the prospect of Mineral wealth which the experience of the South Shore, and partial exploration of the North promise to future researches, the whole extent from the Sault to Fort William is not worth the expence of one survey. About midway of the Reserve is a high bluff called "Gros Cap" which contains three veins of oxide of iron of considerable value of which the Indians are anxious to dispose.

Having concluded our business at Michipicoton we departed for Fort William, ...

This day we passed Michipicoton island upon which one company of whose success report speaks favourably are now busily employed in Mining. ...

... We reached "Le Pic" a fine river and station of the Honble Hudsons Bay Company. It is deep inside but the shallowness of the water over the bar only five feet renders it inaccessible to any thing but boats.

"Le Pic" supplies the Indians of Long lake and other posts inland with the goods they require for the hunting season, and is for that reason kept up by the company but in all other respects it is the most miserable place on the Lake. For several miles up the River Nothing is seen but an utterly unproductive white sand, and after that interminable swamp. Unlike almost every other River on the Lake, there are neither rapids or falls for a space of fifty miles tho on its Tributary there is a considerable Fall about two leagues from the Fort. ...

...

At Fort William we were most kindly received by Mr. MacKenzie of the Honorable Hudsons Bay Company; and I immediately issued orders to the Indians to assemble in Council but owing to the absence of many of the leading men, I could not accomplish it until Wednesday 17th August. In the mean time Mr. Bridgeland, and myself having consulted together, we determined in accordance with the Treaty to commence at a Point two miles distant from the "House" but on the Lake Shore instead of up the River, as otherwise they would have had no Lake front whatever: and we accordingly commenced enclosing a Tract of six miles by five M: the river forming the Eastern Boundary.

To this Survey the Indians demurred, and claimed sixteen miles by twenty, but I could not of course sanction or recommend so wide a departure from the original agreement, - one of their statements is however worthy of notice, and I have referred with my respectful recommendation to the Superintendent General Indian Affairs their demand to be permitted to hold an Island for the purpose of camping during the Fall and Spring fisheries.

The land at Fort William is excellent on both sides of the River, being a most productive clay loam. The Hudsons Bay Company have there a very extensive farm in most flourishing condition, and a large dairy. I saw fields of Barley, Peas, Potatoes, and turnips, which could not be surpassed, the two latter vegetables they had been using from the garden since the 7 August.

The Roman Catholic Missionary Mr. Chône, has formed an establishment within the Reserve about a mile above the Fort, on the opposite side of the River although still in its infancy promises to succeed extremely well. The land is of the same excellent quality, and the small crops of potatoes looked most flourishing.

...

... The Indian Reserve as at present constituted, commences at or near a small brook six miles from the Fort, and river, up which it ascends five miles including their small sugar bushes and a tract of good land amply sufficient for all their agricultural wants.

My duties with Mr. Bridgeland being now completed, I prepared to retrace my steps towards Sault Ste. Marie - The limits of the Reserves were all established and in accordance (?) to that part of my instructions from the Indian Department commanding me to examine the Reserves, and the adjacent coast, I found it necessary to leave that gentleman who intended proceeding direct to Michipicoton Island where he had to lay off a Mining Location, which [sic] which the service I was on was totally unconnected. ...

Tho the shores of Lake Superior offer no encouragement to agricultural pursuits, its fisheries must soon command considerable attention. Whitefish, trout, pickerel and to a less degree Sisca-ouit abound along the whole line of the coast, and though the fishing stations be now but few in number, I anticipate a very different result when the Canal is completed and vessels from the Lower Lakes can have access to that at present "terra ignota".

The very rapid progress made by the south shore ... affords sufficient proof that the resources of the North only require to be developed to afford similar results - That copper and other minerals exist there in abundance . . . Our very partial and superficial explorations, tho not sufficient to determine its value, have placed the fact beyond a doubt. . . .

[Document No. 163]

151. On 24 November 1853, Sir George Simpson transmitted to Colonel Bruce the receipts* for outstanding amounts for 1852 and annuity payments for 1853 to the Lake Superior Indians:

I have the honour to inform you that in accordance with the wish of the Governor General conveyed in your letter of 29 June last to Mr. D. Finlayson, the officers of the Hudson's Bay Company at Michipicoton and Fort William paid to the Lake Superior Indians in specie their annuity for the year 1853. Herewith I transmit receipts for the said payment amounting in all to the sum of Four Hundred and Seventy four pounds twelve shilling and sixpence 474.12.6 Hx. Cy. - and I have to request the favour of your causing a warrant for that sum to be issued as early as convenient, in the name of Robert Cassels Esqr. Manager of the Quebec Branch of the Bank of British North America, which I think will occasion less trouble than issuing it in my own name.

With reference to the vouchers I would observe that as all the Indians did not present themselves to receive payments the Chiefs at Michipicoton and Fort William gave receipts on behalf of the absent members of their respective bands. As the parties claim payment of their shares, receipts will be taken from the individuals and transmitted here after to be fyled with those now forwarded - I herewith hand you vouchers for the sum of 158.16.6 on account of the annuity for 1852 - the amount which was not accounted for last year.

[Document No. 164]

152. On December 8, 1853, Sir George Simpson replied to a letter from Colonel Bruce. He dealt first with his question about vouchers for very large payments made to individual chiefs. Simpson insisted that Mr. Keating's plan of substituting goods for specie was not what the Indians wanted, and that, even if it were, the Hudson's Bay Company would charge so much for transporting goods to the Indians that it would make the annuity payments practically worthless. Simpson also suggested that the Indians really wanted their annual presents to be distributed along with the annuity payments, and offered to undertake this task as well as distributing the annuities.

* The receipts are no longer attached to the letter in the record.

I have the honour to acknowledge your communication of 29. ulto. advising the issue of a warrant for the sum of 474.12.6 in payment of the annuity distributed last summer by the Hudson's Bay Company officers to the Lake Superior Indians.

With reference to your remarks on the payment of considerable sums to individual chiefs for the purpose of being apportioned by them among their respective bands, that is, as you suppose, unavoidable owing to the distance at which some of the Indians reside rendering it inconvenient for them to receive their shares at the particular date fixed by the treaty and it is their own wish and a decided advantage for them to be enabled to obtain payment at any period of the year they may find it necessary to come out from inland - Some of them confining themselves to one annual visit to our posts. When they are paid receipts are taken from the individuals and transmitted to you as was done this year to a considerable amount in reference to the warrants of 1852. The general receipts from the Chiefs are merely taken temporarily As vouchers to enable us to settle accounts with the Government.

Simpson then outlined his objections to Keating's suggestion of substituting goods for cash as follows:

I am at all times very anxious to co-operate with the Government in any arrangements tending to promote the welfare of the Indians but I fear I cannot render assistance towards carrying out the plan suggested by Mr. Keating, of substituting goods for the specie payment of the Annuity to the Lake Superior Indians a deviation from the terms of the treaty which I have never heard they desired & which I am very doubtful would be generally satisfactory. The transport of numerous small packages of goods to the wintering grounds of the Indians would be attended with considerable expense & great liability to loss & damage. That expense must either fall on the Government or be a deduction from the annuity - While the company could not be responsible for loss or damage to the property. The charges would consume so large a

portion of the Annuity that I feel satisfied the Indians under this arrangement, would get less for their money than at present, when, with specie in their hand, they purchase what they require principally from the Company Stores, at which assortments of all essential goods are constantly kept to meet their wants, they can of course go elsewhere if they can get their supplies better or cheaper.

It occurs to me that Mr. Keating may have misunderstood the object of the Indians, as I am informed their desire was not the substitution of goods for specie, but the distribution of their presents along with the Annuity, so as to save them the necessity of proceeding to Manitowaning and such an arrangement they assert was promised them at the time the treaty was made.* - I have frequently urged this subject on the consideration of the Government offering on behalf of the Hudson's Bay Company, to undertake the transport & distribution of the presents free of all charges - an offer I now beg to repeat.

[Document No. 165]

153. Simpson wrote Colonel Bruce a second letter on the same day -
Dec. 8, 1853 - expanding on his objections to Keating's proposal:

I do not think the proposed change in the mode of paying the Lake Superior Indians, would be to their advantage, the charges would be heavy & the difficulty of carrying the arrangement into effect very great. - Without wishing to impute motives, I must say it looks something like a job, to secure the purchase & packing of the goods in Toronto.-
or Mr. Keating may have felt he must say something and proposed the scheme as a novelty.-

* cf. para. 143, doc. 157 and doc. 40

In case an impression may have been received that the Company make a good thing out of this Annuity by drawing in the Cash at their Stores in payment of goods at exorbitant prices - I may state for your information that at all our posts goods are sold at fixed prices & that none of our people are at liberty to vary those prices so that they are prevented driving hard bargains with the Indians who know the prices of everything in our shops as well as the person who sells to them - I am of opinion the Indians get their goods from us considerably cheaper than they would under Mr. Keatings scheme.

The present arrangements give satisfaction & I am ready to continue our agency but the expense & responsibility of transporting numerous small parcels to the wintering grounds would be so great that the Company could not undertake it.

[Document No. 166]

Description of various Indian Reserves on the border of Lakes Huron, Superior, Nipissing and Nipigon and contiguous thereto.

...

18th Chief Peau de Chat and his Band a Tract of Land commencing about two miles from Fort Wi[lliam] (inland) on the right Bank of the River Kiminitiqua Thence Westerly Six Miles parallell to the shores of the Lake Thence Northerly five Miles Thence Easterly to the right Bank of the said River, So as not to interfere with any acquired rights of the Honble the Hudsons Bay Company.

19th Chief Totomunai & his Band, Four Miles Square at at Gros Cap Being a Valley near the Honorable Hudsons Bay Company's post of Michipicoton.

20th Chief Mishimukqua & his Band, Four Square on Gull River near Lake Nipigon on sides of said River.

[Document No. 167]

155. Surveyor Bridgeland submitted his report to the Commissioner of Crown Lands on February 25, 1854. His report, which, like Keatings', focussed poetically on the nature of the land along the shores of Lake Superior, also gave these additional reasons for altering the location of the Fort William reserve:

It is necessary here for me to remark, with reference to the coincidence of the above description, with that contained in the Schedule of

Treaty 1st. That it is, owing in part, to the fact that natural features rendered it impossible, to comply exactly with its terms; as for instance the first course is described as westerly parallel to the shores of the Lake, which course (or a parallel to the Lake), would be in fact nearly due South and if (as I suppose was intended) remain courses were to be at right angles, they would all, of course, be as far from the description, as the first. 2nd. The description in the Schedule would not give the Indians their improvements; (which have been made to some extent upon the Big Pork), this was doubtless the intention of the Govt & the understanding of the Indians. 3rd. The isolated portion of broken coast which would be thus cut-off, by literally following out the Treaty description) in running a line from the point mentioned, & parallel to the shore of the Lake, would be of no considerable value. ? equal to at least to that of land ?stward. and higher up the river, which was (?) retained by the course pursued, doing no injustice at the same time to the Indians, who were anxious to have the south coast included for fishing purposes. For these reasons, and with the advice and consent of Mr. Keating I ventured to make the alterations indicated in the above description.

[Document No. 169]

156. On February 1, 1854, William Rowan, the Administrator of the Province of Canada, issued a proclamation extending the provisions of the Act 13 & 14 Vict. protecting Indian lands. Of the twenty reserves protected by the legislation, three, numbers 18, 19 and 20, as described below were those set aside for the Lake Superior Indians:

Whereas in and by an Act of the Parliament of this Province passed in the Session there of held in the thirteenth and fourteenth years of Our reign chaptered amongst the Public General Acts of the Session in which the Same was passed in Chapter Seventy four and intituled "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," it is amongst other things in effect enacted, That the provisions in the tenth eleventh and twelfth Sections in the said Act contained should extend and be construed to extend to such Indian Lands only in Upper Canada, as the Governor of this Province for the time being should, from time to

time, by Proclamation under the Great Seal thereof, think fit to declare and make subject to the same, and so long only as such Proclamation should remain unrevoked and in full force - And whereas it has been deemed expedient by Our Administrator of the Government of Our said Province that this said Provisions should be extended to the following Lands, that is to say, the various Indian Reserves on the borders of Lakes Huron, Superior, Nipissing, and Nipigon and contiguous thereto and described as follows:

1. A tract of land reserved for Chief Paniguouaish and band, . . . [side of Maganitawang River]

2. Chief Wajamake and band, . . . [south east of Henvey's Inlet]

3. Chief Kitchiposkissigun and his band. . . [near Point Grondine]

4. Chief Wabakikik and his band. . . [near the mouth of the Whitefish River]

5. Chiefs Namassing and Nokewagabo and their bands. . . [near the mouth of the La Clocke river]

6. Chief Shawenakishick and his band. . . [between White Fish river and Wanabetaseve]

7. Chief Windowbegoninni and his band. . . [on the Serpent River]

8. Chief Pone-Keosh and his band. . . [on the Mississaga river]

9. Chief Dokis and his band. . . [two islands in Lake Waquikamincong and French River]

10. Chief Shabokishick and his band. . . [on Lake Nipissing]

11. Chief Tagawinini and band. . . [at Wanabitibing near Lake Nipissing]

12. Chief Keskouse and band. . . [at Point Thessalon]

13. Chief Misheguga and band. . . [on the Petit Recollect Channel of the Ogawananog or Picket River]

14. Chief Chingwakouce and his band. . . [at Garden River]

15. Chief Nebiuaigoching and band. . . [near Batchawanna Bay]

16. Chief Mekis and band. . . [Parry Island]

17. Chief Muckatanushegait and band. . . [on the Naisoneteng River and on the Shawanaga River]

18. Chief Peau-de-Chat and his band. A tract of land commencing about two Miles from Fort William (inland) on the right bank of the river Kiminitiquea; thence Westerly six Miles, parallel

to the shores of the Lake; thence Northerly, five miles; thence Easterly to the right bank of the said river, so as not to interfere with any acquired rights of the Honorable the Hudson's Bay Company.

19. Chief Totomunai and his band. Four Miles square at Gros Cap being a valley near the Honorable Hudson's Bay Company's post of Mishipicoton.

20. Chief Mishimukqua and his band. Four Miles Square on Gull river, near Lake Nipogon, on both sides of said river.

Now therefore know Ye, that We, taking the same into Our Royal Consideration, and approving of the extension of the said provisions of the said Act to the said lands hereinbefore described, do hereby declare and make all and singular the said Lands hereinbefore mentioned, and every part thereof, subject to the said provisions in the said tenth, eleventh and twelfth Sections of the said Act contained, according to the form of the Statute in such case made and provided. Of all which premises, the Superintendent General, the Assistant Superintendent General, and every subordinate Superintendent of Indian Affairs, the Commissioners in the above recited Act mentioned and referred to, and all our Justices, Sheriffs, Bailiffs, Constables and other Officers of Justice and all other Our Liege Subjects, are hereby required to take notice and govern themselves accordingly.

[Document No. 168]

CHAPTER SEVEN: 1854-1874: Continuing Problems with Annuity

Payments and the Pennefather Report

157. On December 13, 1854, Sir George Simpson made his annual report to the Superintendent General on the Company's payment of the Annuity for that year and explained in the following terms the enclosed receipts.*

With reference to the letter of the late Superintendent General to Mr. Finlayson dated 29 June last, I have now to inform you that agreeably to the Governor General's desire the Hudsons Bay Company have paid the Lake Superior Indians their Annuity for the present year.-

I hand enclosed the receipts taken from the Indians on the printed forms provided by the Department, as follows:-

No. 1	-	Payment to Michipicoton Indians	42. 1.6
2	-	d° " d° Half Breeds	26. 7.-
3	-	d° " Pic Indians	53.11.-
4	-	d° " Long Lake d°	21.13.6
5	-	d° " Nipigon d°)
6	-	d° " d° d°)	127. 1.6
7	-	d° " Fort William d°)
8	-	d° " d° d°)	102. --
9	-	d° Chiefs of Shares of Absent Indians	101.18.-[107.18-?] 474.12.6

As usual, it was impossible to pay all of them immediately, many families being absent at their hunting grounds, from whence they will only come out to visit the Company's posts in spring, when their respective shares will be handed them; in the meantime they have been placed in the hands of the Chiefs in trust, whose receipts for the same, No. 9, is enclosed: and I have now to request that a warrant be issued in my name to reimburse the Company for the amount they have expended - say Four hundred and Seventy four pounds twelve shillings sixpence (474.12.6) Cy -

I forward herewith a packet of receipts in reference to the Annuity being for payments to Indians whose shares were included in the general receipt given by the Chiefs on behalf of absentees last year.-**

[Document No. 171]

* Receipts are not attached to the document in the record.

** cf. document 165, 2nd paragraph of letter

158. On August 19, 1856, John Mackenzie sent the accounts for Annuity Payments for that year to Sir George Simpson, explaining as follows the sum drawn by the Nipigon Chief:

Having got thru nearly with all the Annuities paid to the Indians of Lake Superior for the current year, I beg to transmit the Receipts** herewith & which I trust will be found all correct. I have to mention that the Nipigon Chief appears to have drawn for all the Annuity payable to the Indians of Nipigon, it appears however he was authorized to do so, as many would not come the length of Fort William for the money.-

The papers now forwarded are the following.

1.	Receipts of Michipicoton Indians	87	36.19.6
2.	d° " " Half Breeds	77	32.14.6
3.	d° " " Pic Indians	126	53.11.0
4.	d° " Long Lake d°	76	32. 6.0
5,6,7.	d° " Fort William Indians	266	108.16.0
8,9,10,11	d° " Nipigon Indians	377	160. 4.6
	No. of Persons	999	<u>424.11.6</u>
12.	Receipt of Fort William Chief		2. 2.6
13.	d° " Michipicoton d°		<u>47.18.6</u>
			<u>474.12.6</u>

Trusting that the whole will be found correct and satisfactory.

[Document No. 172]

*The receipts are no longer attached to this document in the record.

159. On September 15, 1856, Simpson again made his usual report to the Superintendent General (now Pennefather) on the payment of the annuity of Michipicoton and Fort William Indians:

With reference to your letter of 27th May last addressed to Mr. Finlayson. I have now to inform you that in accordance with the desire of the Governor General, the Annuity to the Indians of Lake Superior under the Treaty of 1850 for the present year was paid to them at the appointed date at the posts of Michipicoton and Fort Wm.

I transmit herewith the usual vouchers* for for the payments and have to request the favor of your causing a warrant to be issued in my name for re-imbursing to the Hudsons Bay Company the amount expended by them Say Four hundred and Seventy four pounds twelve shillings and six pence (474.12.6) Halifax Currency.

[Document No. 173]

160. On September 19, 1857, J. Wilson, Indian Commissioner, reported as follows to the Superintendent General the Fort William Indians refusal of a seine and their annuity:

I have the honour to inform you, that the Seine which I forwarded early on June last to the Indians at Fort William, was yesterday returned to me, with a note from Mr. McIntyre in charge of that Post, informing me, that the Indians had "refused to take it" & that the Indians of the R. Catholic Mission (referring I suppose to the same Indians) had also refused to "take their annuity for this year."

I have received another letter from the Rev. P. Chone in which he makes use of very strange language & again demands "the 10". I have every reason to believe that all the difficulty has arisen from the interference of Mr. Chone and who has some time past caused considerable dissatisfaction among the Fort William Indians.-

I will thank you to inform me, what I am to do with the Seine, perhaps the Indians at Batchewanany Bay or Garden River might be glad to get it.

[Document No. 175]

*The vouchers referred to are no longer attached to the letter

161. On November 20, 1857, Sir George Simpson transmitted to Superintendent Pennefather the accounts for the annuity paid that year to the Lake Superior Indians. In his letter Simpson provided the following information on why some of the Fort William Indians had refused to accept their Annuity payment for 1857:

I beg to transmit herewith receipts for the Annuity paid the Indians of Lake Superior for the year 1857 by the Agents of the Hudsons Bay Company, at their posts of Michipicoton and Fort Williams as follows:-

Paid Michipicoton and Pic Indians - whose receipts are herewith	148.10.6
Paid Fort William & Lake Nipigon d° d°	223. 2.6
Paid Tootoomunaie, Chief, as follows:-	
Amount indemned(?) by Michipicoton Indians	69. 7.-
Amount refused by Fort William d° <u>40.12.6</u>	
Total	<u>474.12.6</u>

for which sum disbursed by the Company, I shall be glad to receive payment in the usual way.

With reference to the refusal of some of the Fort William Indians to accept their shares of the Annuity, I transmit herewith some correspondence on the subject, which conveys all the information I possess thereon. The Indians who have refused being exclusively those attached to the Roman Catholic mission, it is inferred by the Company's agents that possibly the missionaries are throwing impediments in our way, in the expectation that hereafter the payments may pass through their own hands. On this point, however, nothing reliable has reached me; nor am I disposed to believe in any such covert designs on the part of the missionaries.

I visited the mission twice this season, and had much conversation with the missionaries on the affairs of the station, but no reference was made to the Annuity; nor has any complaint ever been heard up to this time of the manner in which the Company's Officers have acted in the matter. It will be obvious that one of the missionaries is the witness to a large number of the Fort William payments: this is in accordance with our usual practice of getting any missionary or other disinterested stranger who might happen to be on the spot, to sign the receipts as witness, so that we might have the best possible evidence of the regularity of our mode of proceeding.

Simpson now dealt with another problem; the amount of the annuity remained uncollected year after year. Simpson suggested that this amount be distributed among those Indians who showed up in 1858:

You will observe by the enclosed correspondence that, another question has arisen respecting the Annuity, connected with certain arrears due to Indians whose names appear on the census upon which we are acting, but who being absent, and some probably dead, have not claimed payments. It has been usual to retain those unclaimed shares, the Chief giving a discharge for the amount, the intentions being to hold the money in trust until claimed. It appears now to be the wish of the Chief, and I believe of the Indians generally, that, as claimants do not appear, those arrears should be distributed among them. I see no objection to that course, provided it has the authority of the Indian Department. In my opinion, it would be very desirable to get rid of these arrears, so as to remove any possible pretext for designing persons to agitate the minds of the Indians by suspicions that, it was intended to deprive them of a part of their annuity, under the plea of holding it for absentees: indeed, rumours to that effect have already been circulated. Simpson then sought authority to proceed as follows: - I therefore, beg to suggest that, authority be given to divide the fund which has accumulated from the foregoing cause (now

amounting to 136.17.10 1/2 - Cy, exclusive of the sum not paid this season) among the Indians generally, on the occasion of the next annual payment, say in August 1858.

[Document No. 176]

162. The Governor General subsequently granted the authorisation requested by Simpson to divide the fund with the proviso that the Company:

distribute the unclaimed shares, of absentees or persons who have died, among the other Indians, after holding them for one year, subject to be claimed by the parties to whom such shares belong.

[Document No. 177]

163. Sir George Simpson wrote to Superintendent General Pennefather on November 28, 1857 acknowledging reimbursement of the 1857 annuity payments, as well as the Governor General's above-noted instructions:

I have to acknowledge your letter of 24 inst: transmitting a cheque in my favour by the Receiver General for the sum of Four hundred and seventy four pounds twelve shillings and six pence (474.12.6) Currency, to reimburse the Hudsons Bay Company a like amount paid by them to the Indians of Lake Superior, being the annuity for the year 1857.

I shall transmit a copy of your letter to the Company's agents in Lake Superior, calling attention to the payments you notice to two Indians on account of 1856, included in this year's disbursements; and also to the instructions of His Excellency the Governor General ...

[Document No. 177]

164. The 1858 Pennefather Report, more formally called the Report of the Special Commissioners described as follows the discontinuation of the issue of presents by the Imperial government.

RELATIONS WITH THE GOVERNMENT

The position in which the Imperial Government stand with regard to the Indians of Canada, has changed very materially within the last fifteen years. The alteration however is rather the working out of a system of polciy previously determined on, than any adoption of new views on the part of the English Cabinet.

As the object of this system was gradually to wean the Indians from perpetual dependence upon the Crown, successive years show an increasing loosening of the ties to which the Aborigines clung. Many of the Officers appointed to watch over their interests were removed, vacancies were not filled up, the annual presents were first commuted, and subsequently withdrawn, and the Indian Department is being gradually left to its own resources. Such being the case, our sketch of the relations of the English Government with the Indians may be very brief.

We regret however that it must necessarily be also imperfect, as in the various removals and changes of the Provincial Government the correspondence on this subject has been in part mislaid, and was only placed before us in an incomplete form.

On the 30th January, 1844, the Secretary of State for the Colonies conveyed his approval of the Commissioners' Report, and called for a detailed scheme for the remodelling of the Indian Department. He recommended that measures should be taken for securing to the Indians their annuities, provisions for which had been overlooked in the Imperial Act for the reunion of the Provinces. He suggested that if there could not be made a fresh deduction from the gross proceeds of the Crown Revenues, the Provincial Legislature should be called upon to remedy the defect.

In replying to this despatch on the 25th of April, 1845, Lord Metcalf, intimated his concurrence generally in the recommendations made by the Commissioners in their Report, but expressed his opinion to the Secretary of State, that the reductions therein proposed were more sweeping in their character than could then be carried out with propriety. He also stated his willingness to aid the foundation of such Schools as might appear best suited to the Indian youth.

He signified his belief that the Indian Tribes would not object to apply a portion of their annuities for the furtherance of this object, and desired to be informed to what extent he would be authorized to contribute from Imperial Funds, without which aid he was apprehensive that any educational operations would be much restricted. He also said that the Executive Council had considered the propriety of providing for the Indian Annuities by fresh Legislative Enactments, but that it was understood in the Colony that they had been secured by the Imperial Act.

In 1846, the Legislative Assembly voted an humble address to Her Majesty, praying that she would be "graciously pleased to interpose and prevent the discontinuance of presents to the Aborigines of British North America and their descendants."

The reasons for making this Petition, are set forth in the Address itself, and are as follows:

"On enquiry and examination of the subject, it seems to us that a pledge was given and renewed from the remotest period of British Supremacy in North America, on which the Indians have relied in advancing their past claims, and that these presents contribute most especially to their comfort, and even necessary support.

"We further humbly submit to Your Majesty, that in our opinion the discontinuance of their allowances will be regarded by the Indians as a breach of a sacred compact entered into for their benefit, and that it will render them discontented, and we fear will affect their loyalty and present devotion to the Crown of England, and the person of Your Majesty."

The Earl of Cathcart, then Governor General, in forwarding the address to be laid at the foot of the Throne, expressed his entire concurrence in the sentiments conveyed therein, and earnestly recommended that the subject should be brought

under the favorable consideration of Her Majesty, and his Lordship also transmitted at the same time a copy of the Report of the Committee of the Assembly on which the address was founded.

On the 30th of July, however, in the same year, the Secretary of State for the Colonies announced the decision of the Imperial Government not to reverse the decision already arrived at respecting the stoppage of the presents.

In this Despatch Earl Grey goes into the reasons for adhering to their determination, and states that "there appears to be no ground for regarding the continuance of the presents as guaranteed on the part of the British Crown. In the Report of the Committee of the Assembly references are made to "a pledge"; But of the existence of any direct pledge of the nature alluded to no evidence is adduced, and the Report seems to reply rather on the general conduct of the Local Executive as implying a pledge, which I do not find from the records of this Office has ever received the deliberate sanction of Her Majesty's Government. I can therefore only look upon this as a question of policy, and as such, I am constrained to state that neither on the ground of securing the defence of the Province against external enemies, nor on the ground of the interests of the Indians themselves, can I regard it as desirable to depart from the intention of effecting a gradual deduction of these presents."

Other Petitions were subsequently presented by isolated Bands of Indians praying that the boon might be continued to them, but no change was made in the resolution thus announced by Earl Grey.

On the 30th of January, 1849, the Earl of Elgin reported the arrangement made by Lord Metcalf in 1845, with most of the settled Tribes, where by the annual issue of gunpowder was withheld on the understanding that the sum thus saved would be applied in promoting education among them. His Lordship proceeded to state his views regarding the Aborigines as follows: "While on the one hand the lamentable experience of this Continent proves that they cannot in their present condition cope with the whites successfully, and especially with the reckless adventurers who gather around the promising settlements, it is in the other no less certainly their truest interest, that habits of independence and self help should be fostered among them, and the period of tutelage as much as possible curtailed. With this view, I am disposed to think it advisable that the system of withdrawing from such Indians as can dispense with them all presents which tend to perpetuate a hunter's life, of requiring those which have reserves to make roads through them, and generally to assume their share of the duties and burdens of civilization, and of setting apart in the said Reserves lots for each family, should be persevered in; I attach however more importance to the establishment of Industrial Board Schools, for the children of both sexes, than to any other measure of this class, I trust that it may soon be in my power to report that these useful establishments have been multiplied in the Indian Settlements without cost to the Government."

...
In 1851, the urgent Instructions of the Imperial Government for the more speedy reduction of the Indian Grant, gave rise to a scheme for this end which was originated by the Honorable Colonel Bruce, then Superintendent General of Indian affairs. It applies almost exclusively to the issues of presents, which he proposed to diminish among the settled Tribes of Western Canada in a more rapid ratio than had been contemplated. He proposed to hand over to the New England Company the charge for the support of those Clergymen then maintained by Government, but made no provision for the continuance of an Indian Department after the Imperial Grant should be withdrawn.

On the 15th of March, the Secretary of State in reviewing the expenditure of the English Parliamentary Grant, came to the conclusion that the gradual extinction of this vote would not conflict with any just claims on the part of the Indians. In announcing the decision of Her Majesty's Government that the issue of the presents should cease in the year 1858, he expressed his confidence that the Provincial Legislature "would never be insensible to the claims which the former occupants of the Canadian Territory have upon the consideration of the great and flourishing European Community by which it is now inhabited."

In a subsequent despatch in the same year, His Lordship pointed out that although the ammunition had been stopped by Lord Metcalf, the pledge given by him in 1845 had never been carried out, that the value of the gunpowder so withheld then amounted to 2,465 13s 1 1/4 d. which, he considered was due to the several Tribes who had concurred in that arrangement, and it was proposed that this item should be made the first charge upon the unexpended balance of the Imperial Grant then standing to the credit of the Indian Department.

In consequence of these representations, a part of this sum amounting to 1,456 0s. 0d., was placed at the disposal of the Governor General to be divided between the Industrial Institutions at Alderville and Mount Elgin.

In 1854, Lieutenant General Rowan, then administering the Government, in replying to His Grace the Duke of Newcastle, who directed his "attention to the gradual reduction of the Indian Establishment itself now that the object for which it was organized (the annual issue of presents) is in course of rapid extinction," forwarded a memorandum in which the Superintendent General of Indian affairs pointed out the necessity for such a Department, even after those bounties had ceased to be distributed. In doing so Colonel Bruce adverted to the regulations then existing by which the appointments held by Missionaries and School Masters, except those on Manitoulin Island, would be discontinued on the death or removal of any of the then Incumbents.

He also gave a concise summary of the duties of the several officers attached to the Indian Office, and urged the impropriety of annulling these appointments on the cessation of the presents; He continued:

"Indeed I am inclined to think that the discontinuance of their allowances will, for a time at least, render the presence and intercourse of these Officers with the Indians of more than usual importance. The simultaneous abolition of the Department to which they have long been accustomed to look for protection and support, would aggravate the feelings of regret and disappointment, with which the Indians naturally regard the serious loss to which they are subjected by the recent reductions, and while suffering at first under this privation, they will more than ever require the aid and counsels of the Local Superintendents in husbanding and administering their limited resources - moreover, the saving to be effected would be very trifling." ... "And it is to be presumed that in conformity with the uniform practice in this Department, suitable provision would be made for any of those old and deserving public functionaries whose services might be dispensed with."

At the same time Colonel Bruce submitted the possibility of gradually centralizing the duties of the Department, and of making more economical arrangements as vacancies occurred.

...

Viscount Bury, accordingly, by Your Excellency's desire, made a careful personal inspection of various Tribes of Indians scattered over the Province, and in the Report made on his return, analyzed the scheme propounded by Mr. Oliphant. He points out therein that a very large portion of the funds derivable from Western Canada, which were relied on by that gentleman for the support of the Indian Department, exists only in anticipation, or are otherwise unavailable; In like manner he shews the impropriety of diverting to other purposes a sum of money voted annually by the Colonial Legislature for Charitable and Educational purposes in Lower Canada: While thus exhibiting on the one hand the necessity for deductions from the amount calculated on by Mr. Oliphant, Lord Bury unfolds a statement, on the other, of further charges for which no provision had been made in that scheme. His Lordship then proceeds to develop a mode in which he proposed to provide in future for the support of the Department; namely, by procuring from the Imperial Government a Grant of 80,000 stg. representing the average payment for seven years, which might be invested in this Country in Provincial Debentures standing in the name of Her Majesty's Secretary of State for the Colonies. The interest arising therefrom would be placed to the credit of the Governor General, and would, he conceives, meet all the necessary expences connected with the Indians, including the extraordinary charges of pensions, provisions, and gratuities, in lieu of presents. The Indian vote would thus disappear in future from the estimates of the English Parliament.

The gratuities so provided for were a limited number of blankets to be annually distributed among the aged and well deserving Indians.

...

The Secretary of State in 1856, when reviewing the two schemes thus laid before him for the extinction of the annual grant from Imperial funds, gives his decision that the question respecting presents could not be reopened, but that the British Government would not object to continue the small grant requisite for the bounty of the blankets, as recommended by Lord Bury, and would also pay the Pensions then chargeable in the Imperial Grant during the lives of the holders.

...

The Secretary of State considers that the establishment at Manitoulin is not a matter of Imperial concern more than any other branch of Indian management, and expresses an opinion in favour of placing the Aborigines within reach of civilized communities. He then consents to apply to Parliament for a sum not exceeding 3,000 per annum in aid of the Indian Department during a period of two or three years, subsequent to the cession of the presents, and concludes with the following words: "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, and I have no doubt that with the notice afforded in the present despatch, you will take the necessary steps for securing their early attention to the subject, and for obtaining from them well-considered proposals for the future maintenance and administration of this department."

[Document No. 178]

165. Part II of the above Report of the Special Commissioners to Investigate Indian Affairs in Canada dealt with the "Present Condition of the Indians in Canada". The chapter entitled "Scattered Bands on the Northern Shores of Lakes Huron and Superior" expressed the following opinion on the compensation paid for land surrendered under the Robinson-Superior Treaty:

Until the year 1850, the whole of the northern coasts of these Lakes remained in the occupancy of the Nomadic Bands of Chippewa Indians, who claimed them as their hunting grounds. Civilization had hardly extended so far, except in spots, where a few houses might be found clustered round a post belonging to the Hudson's Bay Company, or in the vicinity of one of the freshly discovered Mines.

In the above mentioned year they surrendered, with the exception of certain reserves, the whole of this vast extent of Country in consideration of a sum of \$16,640 paid down, and a perpetual annuity commencing at the rate of \$4,400, of which \$2,400 is payable to the Tribes on Lake Huron, and the balance of \$2,000 is divided among those inhabiting the shores of Lake Superior.*

The \$16,610 was divided \$8,000 to the last mentioned Indians, and \$8,610 to those on Lake Huron.

The Treaty of surrender provided that should the Territory so ceded at any future period produce such a sum as will enable the Government of the Province without incurring loss to increase the annuity hereby secured to them (i.e. the Indians) then, and in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order. And provided further that the number of Indians entitled to the benefit of this Treaty shall amount to two thirds of their present number which is 1,422 to entitle them to claim the full benefit thereof. And should they not at any future period amount to two thirds of 1,422, then the said annuity shall be diminished in proportion to their actual number.

In the case of the Lake Superior Indians, the minimum fixed is two thirds of 1,240, which was their number when the Treaty was signed.

Enquiries at the Crown Land Department show that no increase in the annuity is yet warranted by the sums realised from the surrendered lands.

If we considered that it came properly within our Province, we should not hesitate to express our decided regret, that a Treaty shackled by such Stipulations, whereby a vast extent of Country has been wrung from the Indians for a comparatively nominal sum, should have received the sanction of the Government.

...

* Pennefather's report translates Sterling into the equivalent dollar sums as follows:

\$16,640 =	4,160.	\$8,000 =	2000.
\$ 2,000 =	500	\$4. =	1

[Document No. 178]

166. The Pennefather Report also described as follows the people and the reserves that were set aside for the Lake Superior Indians:

bands without reserves who continued to hunt and fish on the ceded territory. This included 138 people from Pic River and three families from Long Lake.

...

The Reservations made on Lake Superior are as follows:

For Joseph Peau-de-chat and his Tribe, the Reserve to commence about two miles from Fort William (inland) on the right bank of the River Kimitiquia, thence westerly six miles parallel to the shores of the Lake, thence northerly five miles, thence easterly to the right bank of the said River so as not to interfere with any acquired rights of the Honorable the Hudson's Bay Company.

The Reserve so laid out comprises 18,778 acres, but the Indians also claim the Islands at the mouth of the River, on the ground of their having been used as a burying ground, and being necessary to them for a Fishing Station.

The number of Indians occupying this Reserve is at present 256. They enjoy the advantage of a R.C. Missionary resident among them, under whose instruction they are making a steady though not a very rapid progress. They have a Village containing several substantial houses, and regularly fenced fields have taken the place of their former irregular patches of clearing at the edge of the forest. They have also several head of Horned Cattle. For want of implements however they are still obliged to rely to a certain extent on the produce of the Chase, and their Fisheries. Even with these additional resources they are occasionally pressed by famine. The Missionary himself labours for their education by teaching a School, in which he numbers 25 to 30 pupils. Most of the Indians at this Station have renounced Heathenism but about 70 still cling to the superstitions of their ancestors.

Apart from accidental causes, the health of the Indians on Lake Superior is nearly if not quite as good as that of the Whites, although they are supposed to be gradually diminishing in numbers. The decrease however is chiefly due to emigration, many of them having been induced to remove to the American side.

The second Reserve is four miles Square at Gros Cap, being a valley near the Honorable Hudson's Bay Company's post of Michipicoton for Totomenai and his Tribe.

This Band now consists of 41 families containing 169 individuals; of these 11 families, 52 persons, are of mixed descent, and two families have no further claim to share in the Annuity than their father, a Canadian having married an Indian woman of the Band. Six families seem to be Whites, and to be borne on the Rolls by mistake.

On this Reserve at Gros Cap, is a valuable iron mine, which has been sold for the benefit of the band, and the money is now accruing to their advantage.

Some of the Wesleyan Missionaries have visited these Indians, but have no means of ascertaining what fruit has attended their labours.

The third tract set apart by the treaty is four miles square on _____ River near Lake Nipigon on both sides of said River, for the Chief Micmuchqua and tribe.

These Indians number about 430, and are almost without exception heathens. About 50 have joined the Roman Catholic Church by the exertions of the Rev. Mr. Chonet. The only attempt at agriculture made by them is to scratch up a small patch of ground wherein to plant a few potatoes. They are principally employed as trappers and hunters, and dispose of their peltries at the Hudson's Bay Company's Posts.

The Chapter also mentioned Lake Superior Indians who did not live on reserves:

Besides the Indians residing in the above mentioned Reserves, a considerable number are still to be found in the lands ceded by them to the Crown. About the Pic River 30 families of 138 individuals still occupy their old hunting grounds. One white man has attached himself to this band, and claims a share of the annuity for his family, through his wife. Three families too from Long Lake come annually to Michipicoton to receive their money.

The Report dealt also with Indian criticisms of the annuity and the problem of the unclaimed annuities.

Some dissatisfaction has arisen among these Indians and those near Fort William at the smallness of their annuity. As is to be expected among a people of their wandering habits, they do not all come to receive their money on the same day; so it happens, that from the death or migration of individuals, some shares of the annuity are unclaimed at the end of each year. It has been usual to reserve these portions, as it is almost impossible in so wild a Country to

ascertain accurately the fate of those who have a right to them. The accumulations of several years have now amounted to a considerable sum. The Indians could not understand why this money was not distributed among those who presented themselves, and conceive the idea that the Government and the Hudson's Bay Company (through whom the Lake Superior annuities are paid) wished to defraud them of part of their due. Acting under this impression many of them refused to receive this year their money. As they all belonged to the Roman Catholic Missions, it is by no means impossible that they acted under the guidance of their spiritual advisers. It has therefore been deemed expedient to authorize for the future the distribution of all arrears after they shall have lain unclaimed for a whole year. The Commissioners take this opportunity of testifying to the fidelity with which the Honorable the Hudson's Bay Company discharged their voluntarily assumed task of distributing their annuity. The service is performed by them gratuitously and most punctually.

[Document No. 178]

167. Several paylists for the year 1859 are on record. One is a partial list of 74 persons from the Pic and 24 from the Long Lake Band, paid by George Barnston or Charles Begg, the Methodist minister at the Pic River. The first band was paid on July 18, 26, 27, 28 and the 2nd of August, their marks all being witnessed by Ironside. Included with the Long Lake Indians are four half-breeds and Tanan ... Weskane is listed as the Long Lake chief. These people were paid on July 20, 1859. One Nipigon

Indian listed was also listed. (list c of document)

A second list of Pic Band members paid in 1859 by George Barnston totals 40 persons. They were paid on 3rd and on the 20th of August, some were signed "per Charles Begg", others "per Edward Heron". Ironside witnessed all payments. (list d of document)

Two other 1859 lists showed 412 Nipigon Indians (list b) and 256 Fort William Indians (list a) paid by John MacIntyre.

[Document No. 179]

168. Annuity paylists for 1866 showed a total of 1223 individuals paid as follows: 696 people at Fort William - bands unspecified; 187 Pic Indians, 87 Long Lake Indians, 171 people from Michipicoton, and 82 people whose bands or localities were unspecified.

[Document No. 181.]

169. On July 19, 1867, Charles Dupont, officer in charge of the Northern Superintendency, wrote to the Deputy Superintendent of Indian Affairs, William Spragge, about a change that several bands had requested regarding payment of their annuities:

170. An 1870 annuity payroll showed 367 persons, including a Fort William and a Nipigon Chief, paid by John McIntyre, Indian Agent at the Fort, 203 people were paid by P.M. Bell.

[Document No. 184].

I have the honor of reporting my return from visiting Lake Nipigon, Lake Superior, in accordance with the instructions contained in your letter of 25 July 1866. Upon arriving at the Hudson Bay Post at Red Rock on the Nipigon River I learned that the American Traders for whose expulsion the Indians had petitioned having learnt of my coming had ten days previous to my arrival left with all their goods by schooner for the American Side of Lake Superior, and the Indians

informed me they did not expect they would return - The principal object of my journey was thus accomplished but as the Indians were assembled in large numbers to meet me & Mr. William Armstrong E.S. of Toronto was with me by instructions of the Honble. Alexr Campbell, for the purpose of examining & reporting upon Lake Nipigon, & that there was a fortnight to wait for the return of the Steamer Algoma. I proceeded up to the Lake & visited the Indians settling several matters of local interest amongst them - They as well as the Indians of Fort William - Michipicoton - Mocetai memma Sebe & Red Rock whom I subsequently saw, are very desirous of receiving their Annuity money through me instead of as at present through the Hudson Bay Company and they have offered to meet & convey me by canoe from one settlement to the other without payment of any wages if I should go up for this purpose. I promised them to submit the matter to you - It would entail an expenditure of not less than \$100(?) to do this although they would not require wages they would have to be fed & as I should have to take one man as guide and interpreter this with fares on the Steamboat would consume this much.

...

[Document No. 183]

171. Remarks on the 1874 Census return of Nipigon Indians indicated as follows the manner in which the people of the area divided into at least six bands, moved from band to band and place to place - three families even being listed separately from any band:

	Total Number	Remarks
Windjab's Band	163	This includes Windigo's band, as the old Windigo is dead and the two bands are mixed up
Samono's Band	49	Naiawangeang is now chief of this band
Stonehead's Band	16	
Shigagotchish's Band	51	
Papashkin's Band	73	
De Lalonde family	4	Resides permanently in Nipigon District
Deschampes "	5	" " " "
Ed Pig's family as follows		Have been paid for the last few years by
Abisikung	5	
Habokung	4	McCrawford and charged
Oshkinawe	7	in Fort Wm. Transfer -
His Mother		This man and his family
Andamikok	1	same remarks as Red Pig better to enter them for the future on Nipigon list as they all live near Red Rock.

The last page of the list shows 32 persons under the name of Chief Manitoshens and adds 11 persons to Papashkin's Band, making a total of 421 people on the Nipigon payroll of 1874.

[Document No. 186]

CHAPTER EIGHT: 1875-1885: The Indian Agent's Annuity
Payments and Attempts to Secure Land

172. On September 15, 1875, Chief Factor Bell transmitted vouchers for the 1875 annuity payment to the Ministry of the Interior and acknowledged thus the appointment of Indian Agent Wright:

I beg to advise having this day enclosed to your address the Vouchers (complete) for annuities due under the Robinson Treaty to the Tribes of Indians inhabiting the North Shore of Lake Superior: also Voucher for the interest money due Tootoominaie Band as well as Wm. Crow and Jacob Magatrah's Band at Fort William.

I recd. a letter from Mr. Amos Wright some time ago from P.A. Landing stating that he has been appointed Indn. Agent for "Lake Superior". We shall be most happy in transferring the Indian payments to Mr. Wright another season; and will willingly grant him every facility for accomplishing such.

[Document No. 187]

173. On March 14, 1876, James Bissett of the H.B.C., sent Meredith these details of both the basic annuity payment made to the Ojibwa of Lake Superior for 1875, plus the increase in the annuity to one pound (\$4.00) per person allowed for in the treaty*:

I have the honour to acknowledge receipt of your letter No. (?) dated 13th inst, requesting me to furnish your Department with the distribution lists of the payment to Ojibwas of Lake Superior, of the sum of \$3058.48 sent me in your letter of 1st Sept last.

This sum was, with a sum of \$2000.00 transmitted to me in your letter of 3rd April 1875, to be applied to the payment to those indians of a total amount of \$4 per head.-*

Copies of your instructions were sent to Mr. McIntyre at Fort William, and Mr. Bell at Michipicoton, and from the former I have received the enclosed payroll**, vouching for the distribution of \$1032.00 among 258 persons being at the rate of \$4.00 each; and by the latter I was informed under date 22nd Dec. 1875, that the vouchers complete for the payments made under your letter of 3 April, were enclosed to you on the

* See doc. no. 76A

** The payroll is no longer attached to the letter in the record.

16th Sept. last, and in regard to the additional payment authorized in that of 1st Sept. he says "It is quite impossible to pay them at this season of the year, as they are all away to their several hunting grounds, more than a month ago, nor are we likely to see them (unless -- few stragglers coast guards) until the opening of navigation. We can pay each family as they make their appearance, and have the list complete as the payments due in August 1876 take place."

I will write to Mr. Bell and urge him to complete and send me the paylists as soon as possible.

[Document No. 189]

174. Annuity paylists from 1876 or 1877 drawn up by Agent Amos Wright show the following numbers of people paid:

Fort William	-	353	
	Pays Plat	-	41
	Pic	-	203
	Long Lake	-	114
	Nipigon	-	441
	Michipicoton	-	267
	Total	-	1419

[Document No. 190]

175. On March 12th, 1876, Agent Amos Wright wrote to Meredith from Ottawa regarding the expenses he incurred in supplying provisions to the Indians under his supervision:

In dealing with the Indians under my supervision I am frequently compelled to spend money in a way that is not in strict accordance with my instructions, yet such expenditures come to be absolutely essential to discuss. Occasionally a Chief with two or three of his men will come from the Interior a distance probably of one or two hundred miles without any means to subsist upon and apply to me for assistance.

And I may also state that when called upon to meet them in the Interior for the purpose [sic of] giving out their usual supplies I have observed that they will not enter into business until furnished with a certain amount of provisions and as there are a large number to be provided for two or three days it requires a considerable amount to supply them. If the Minister of the Interior would place at my disposal two hundred dollars for the purpose above named I will see that it is properly accounted for.

I have to meet the Indians in places in the Interior where there is no accommodation for board and lodging. I therefore require a tent with the necessary bedding and a revolver for self defense.

I would also ask for a flag to be used on special occasions.

An addendum at the bottom of this letter, initialled EAM, states:

Mr. Wright says that he has already expended about \$50. in supplying provisions to Indians in the manner above indicated.

[Document No. 188]

176. On September 30, 1877 H.B.C. Officer Bell informed Meredith in the following terms that the Pic and Long Lake Indians had not received their annuities for the year 1876 from Agent Wright:

During my visit at the Pic on the 6th Ulto. I was interviewed by both the Pic and Long Lake Indians requesting me to write in their behalf as regarding their annuity money for the year 1876 & only part of which was paid.

I refused to do so as Mr. Wright was at the time momentarily expected from P.A. Landing.

I recd. a letter from Mr. Ironside (the officer in charge) the other day stating that the Indians begged of me to enquire into the matter: as Mr. Wright had paid them for the present year but granted nothing of their dues of 1876.

The Balance still owing the Indians for the above years stands thus:

Amt. due the Pic Indians	340.00	
" " " Long Lake "	384.00	Total \$724.00

May I be permitted to intercede on their behalf, as let me tell you this amount would prove a great boon to most of the families at the approach of winter.

[Document No. 191]

177. Meredith replied to Mr. Bell on October 5, 1877 as follows:

In reply to your letter of the 30th ulto. I have the honor to inform you that the Distribution money to which the Pic and Long Lake Indians are entitled for the year 1876 was sent to Mr. Amos Wright Indian Agent P.A. Landing on the 13th Inst.

[Document No. 192]

178. On July 29, 1878, the Indian Department forwarded a petition from the Pic Indians to their Agent, Amos Wright, asking for his comments:

I enclose a Petition purporting to be signed by certain Indians & Halfbreeds residing at Pic River Lake Superior, praying that Antoine Morriseau be appointed as their Chief and John Baptiste DesMulons 2nd Chief.

You will please report in the matter at your early convenience with a view to the application being considered by this Dept.

Please return the Petition with your report.

[Document No. 193]

179. The enclosed petition, addressed to D.A. Macdonald, Lieutenant Governor of the Province of Ontario, reads as follows:

The humble Petition of the undersigned Indians and half-breeds, residing at Pic River Lake Superior, in the District of Algoma, sheweth:

That at the time of the payment of their annuity, last year, they were kindly advised by Amos Wright, Esq, their Agent, to meet in an assembly for the purpose of selecting one among them, whom they might point out to the proper authority as being, in their opinion, the best qualified to be appointed their Chief.

That according to said advice, they assembled together, on the twelfth of June last and that they unanimously resolved that Antoine Morriseau, of said Pic River, should be pointed out to be their Chief, as possessing in a greater degree than any other, the qualities required in an Indian Chief.

That consequently the present is to petition the Honourable Lieutenant Governor favorably to consider the choice of said Antoine Morriseau to fulfil said office, and to be pleased to appoint him to be so that at said meeting they also selected to be a second chief John Baptist des Mulons of said Pic River and that they now petition for his appointment to that office and the Petitioners shall ever pray.

[The petition was signed by 41 individuals]

[Document No. 193]

180. On August 5, 1878, Agent Wright sent Deputy Minister Meredith his recommendation:

I have the honor to acknowledge the receipt of your letter of the 29th ult. No. 10,085 together with a petition signed by certain Indians and half-breeds residing at Pic River Lake Superior, praying that Antoine Morrisseau be appointed as Chief and John Baptiste des Mulons 2nd Chief.

My attention was called to this matter at the time I paid these Indians their annuities. I was informed that they were unanimous in their choice of these two men. Antoine Morrisseau is a very clever half breed having a fair education speaks both languages quite well English & Indian. John Baptiste des Mulons is an active young man; he is not equal to Morrisseau but seems to have considerable influence over the Indians, and sociated as he will be with Antoine Morrisseau would I think be a judicious appointment.

[Document No. 194]

181. On August 17, 1878, Agent Wright was informed that the Department approved and confirmed the appointment of the Chief and Second Chief for the Pic River Indians. (See Document No. 195).
182. In a letter dated 13 March 1879, Agent Amos Wright supplied Colonel Dennis, the new Deputy Minister of the Interior, with these details about the various traders who accompanied him on his trips to distribute annuity payments to bands on Lakes Superior and Nipigon:

I have the honor to acknowledge receipt of Departmental letter of the 12th Ultimo No. 10711 asking for explanations respecting certain Traders who it is alleged accompany me in making the annual payments for the last two or three years to the Indians.

The merchants who engage in the Trade are Tos. Marks who is Reeve of this place Mr. Sproule brother to the member for East Grey(?) Mr. Preston who was formerly Partner with Mr. Sproule Mr. Burke brother to the manager of the Ontario Bank here Mr. Stout the McKellar Brothers of Fort William together with the Hudson Bay Cos Trader from Fort William these are the principal Merchants of this place these Merchants furnished the Indians with Flour Pork groceries Shoes and Boots ready made clothing and such other articles as the Indians Required, and at very reasonable prices. Wright then described how he had made the payments of 1876, '77, '78 to the Pic and Michipicoton Indians:

In 1876 I went to Red Rock on the Tug "Reff or Jenny Rivers" and after paying the Indians there returned to P.A. Landing intending to take the Manitoba then the only one of the steamboats that coasted that year on the North Shore and was informed by the captain that there was no certainty of the boat calling at Michipicoton Island, and if so it would be 20 or 30 miles from the Hudson Bay Post at Michipicoton where I was expected to meet the Indians consequently I remitted the balance of the money to Mr. Bell, the Hudson Bay Cos Agent at Michipicoton.

In 1877 there were two Tugs that went down the north shore at the time the Indians were paid and I took passage on Pritchards Tug with the understanding that he was to take me as far east as the Pic River when we arrived there we found Mr. Stockaud Surveyor of the CPR Survey who engaged Mr. Pritchard to convey CPR supplies for the surveying party from that place to Michipicoton river I availed myself of the opportunity and went on with them and met the Indians at that place.

In 1878 Captain Pritchard on the Tug Three Friends and Captain Trethewey (?) on the Tug Reff went down the Shore I again took passage with Captain Pritchard.

I know of no otherway of my getting to these places to pay those Indians. I have no interest or connection with these Traders with the Indians and I know of no means by which this trade can be prevented.

Mr. Bell in 1877 forbid Mr. McLaren the HBCo Factor at Red Rock receiving any money from the hands of the Agent for the Indians.

Again in 1878 Mr. Bell proposed to me by letter to pay out this money if I would transmit the same to him but as my instructions are that in all cases I shall meet the Indians if possible personally at their various stations I declined Mr. Bells offer.

I may mention that I have before this heard no complaint by any person except by HBCos people and the Indians are not only anxious that this Trade be continued but would view it as a misfortune to be deprived of it.

I am aware, that the Hudson Bay Company claim a sort of vested right in this Trade but the merchants here maintain that this is a Trade alike open to all.

I may further add that in paying the Indians at the Height of Land where there is no HBCo post these Traders regularly appear on the ground and the competition is such that the goods are supplied satisfactorily both as to quality and price.

In 1877 they sent up their goods through the Lakes on the Government Tugs.

In 1878 they then sent them up on the Pacific Route by Savanne and thence accross the Lakes on the Government Tugs to the Height of Land, where the Indians received their annuities.

I am glad this subject has been brought under the notice of the Government and hope that I will receive such instructions as will enable me to understand my duty on the matter.

[Document No. 196]

183. Windjab, Chief of a Lake Nipigon band, wrote S.J. Dawson, the Member of Parliament for Algoma on September 3, 1879, voicing the following complaints about the annuity payments, promised farming tools and the clothing usually issued to chiefs:

I am about touching upon a delicate subject and as we are here situated without any power to receive redress beg to apply to you to assist us in our cause. Mr. Wright the Indian Agent has treated the Indians very unjustly, last summer Two families never recd a cent of their pay and this last summer Twenty families have not been paid, these families always received their payments.

I am therefore anxious to know why are we thus treated? Is it the wish of the Government? or simply the transaction of the Agent? and why should we be the innocent suffers. I am telling you nothing but the plain truth.

Another matter it is impossible that all the Indians from "Lake Nipigon" can go to Red Rock for their annuity money: and those that do go down are generally starving for want of food: the truth is the amount due them is all consumed for provisions while waiting 3 or 4 weeks for the Agent; who, has so far never kept his appointment with the Indians.

On the Indian reserve we have not as yet commenced cultivating the land as, the tools and implements promised us by the Government have never been forwarded to us.

The payments to each individual is four Dollars my portion the same: the Chief or Head in other places receive a higher remuneration from Government, why should I be debarred from such participation!

I was promised clothing for myself and I have never received a single article. I am half naked and cannot exhibit myself as a Govt. Chief.

Will you please return me an answer as soon as possible, also, return the list of Indian names now forwarded. These names with the x before them are those the Agent refused to pay.

We know the Govt. always desire to treat the Indians with justice, therefore it is only right that the should be aware of the uncalled for treatment of their Agent.

Praying you to forgive me addressing you and hoping you will kindly intercede for the poor Indians.

[Document No. 198]

184. The same day, Trader Laronde sent the same complaint about the payment of the 1879 annuities to Factor Bell to forward to M.P. Dawson*. An extract of his letter which is on file reads thus:

"I am sorry to say that Mr. Wright has again made his own out of the poor Nipigon Indians: he has refused to pay 19 different families & the few he has paid he has left 2 or 3 Individuals out of each family using a pay list of six & seven ___yrs ago as a guide to the present number in this section. The old chief Windjab dictated the names of all the Indians entitled to annuity this spring. I put them down on a sheet of paper. This he took to Red Rock with him as a ____ The Agent (Windjab says) looked at it and would not follow it out: simply because it was made by a "H. Bay Officer" at Nipigon.

The chief wishes to lodge a complaint to the Govt that a stop might be put to this downright theft and rascality. After he had paid the few he did threatens that he will not pay them next year unless each individual presents himself and draws his money.

He begs me to enclose a rough draft of a letter which he and his band will ever thank you ___ forwarding to Mr. Dawson - Member for Algoma and who has always shewn a kind interest in meeting the views of his Constituents.

Windjab also forwards you a list of all those entitled to pay. Those with the x before their names are those who have been short paid or, not paid at all: while the others not having the x some have been paid here and some at Red Rock."

[Document No. 199]

* cf. document 202, 3rd paragraph

185. The 21 heads of Nipigon families who had not been paid in 1879 (84 people representing 1/5 of the band), were indicated with an x on the list enclosed with Chief Windjab's letter. At the top of the list is written:

We, the undersigned are the (heads of families) of the different Tribes of Indians inhabiting the shores of Lake Nipigon who receive pay from the Indian Department, being the proportion of the Annuity payable to us, by the Provincial Government for this Year 1879.

[Document No. 197;
enclosure with No. 198]

186. Agent Wright wrote the Superintendent General of Indian Affairs on January 5, 1880, explaining as follows his uncompleted expedition to pay the Long Lake Indians in 1879:

I have the honor to acknowledge your communication of the 6th Ultimo respecting matters connected with the Long Lake Indians.

Agreeably to instructions to the effect that I was to meet the Indians and pay them their annuities at Long Lake, I took with me provisions from here which were necessary to supply the Indians expected to be employed on the said trip, but, when, on arrival at the Pic, was informed by the Hudson's Bay Officer, that if I went up would not meet with more than three or four Indians consequently I abandoned the idea of going to Long Lake, and stored the said provisions with the Hudsons Bay Company at the Pic.

After my return home, I received a letter from the Hudson Bay Company's officer at the Pic, stating their desire to purchase the said provisions, and, naming the price they would give, and, I accepted their offer.

As no part of these provisions were used by me for the purpose intended, consequently, no charge was made to the Department.

I carry on no trade in the provisions line, or, in any other line. In every instance, I have met the Indians at points named by themselves.

P.S. By refering to my annual Report you will find a statement of the case.

[Document No. 201]

187. Hudson's Bay Trader Bell again complained to Dawson the Member of Parliament for Algoma, on February 3, 1880, about the conduct of Indian Agent Wright:

Yours of yesterday just to hand.

You will excuse my again troubling you upon a matter touching on Lake Superior Indians & which must necessary [sic necessarily] clash more or less with our interests.

It is high time Mr. Wright should be removed from a position for which he is totally unfit. He is simply playing into the hands of the Petty Traders that follow him from the "Landing".

In a letter addressed to you on the 30th Sept. I had copied and forwarded an extract of a letter to me from Mr. Laronde on the subject in question, on the same occasion I also at the request of the Nipigon "Chief Windjab" forwarded you his letter with a list of all the Nipigon Indians entitled to receive pay: this incomplete list speaks for itself and once known to the government cannot certainly receive their sanction. The query is how can he account for this nonpayment? and are the poor Indians to lose their pay simply because an unjust agent refuses to ratify the desire of the Govt?

His constant cry that all the Indians must individually make their appearance from the distant "Inland Stations" is to have more money paid into the hands of these "Traders".

Just fancy 100 or 150 Indians arriving at either the Pic or Red Rock and there awaiting Mr. Wright for 3 or 4 weeks: in the meantime fed and clothed by the H. Bay Coy, under the circumstances we surely are entitled to any sum there expended, and cannot repress our annoyance that such should with Mr. Wright's connivance pass into the hands of these Petty Traders.

It will be only justice that the Govt. strenuously take up the matter and see that the poor Inds. do not lose the arrears of pay to which they are legally entitled.

Pray, forgive my troubling you in the matter but I consider it my duty to do so, since the Indians have begged of me to intercede in their behalf.

Wishing you every possible success with your official Engagements.

[Document No. 202]

188. The Member of Parliament for Algoma, Mr. Dawson, transmitted to the Deputy Superintendent General of Indian Affairs on February 4, 1880, the letters he had received from Bell and Chief Windjab regarding the conduct of Agent Wright:

I had a letter in the fall from Chief Windjab of the Nipigon Indian Bands complaining of the Agent of your Department; and drawing attention to some apparent irregularities in the matter of payments &c. but I hesitated about sending it in because the charges were so grave. I have now, however, a letter from Chief Factor Bell of the Hon. Hudsons Bay Company, in which he draws attention to Windjabs letter and makes further statement in reference to the Agents proceedings, and in order that you may be fully informed in the matter, enclose the whole of the documents and would invite to them the serious consideration of your Department.

[Document No. 203]

189. On the 17th of February 1880; Deputy Superintendent General Vankoughnet requested the following verification from the Department Accountant: the names marked by Chief Windjab had not been paid their annuities.

Please refer to Mr. Wrights Paysheets of the Lake Superior Indians and state whether all of the Indians (of whom a list is enclosed in Mr. Danson's letter of the 4th.) are returned by him as having been paid during the year 1879 - opposite the names of those alleged to be still unpaid appear the mark x.

The accountant's reply, written at the bottom of the memo, stated:

The names on the _____ list with the mark x do not appear on the Nipigon Pay Lists received from Mr. Agent Wright for 1878 - or 1879.

[Document No. 204]

190. On March 20, 1880, the Deputy Superintendent General of Indian Affairs instructed an employee to write to Agent Wright as follows about the complaints of the Lake Nipigon Indians:

Please write to Agent Wright Prince Arthurs Landing informing him of the purport of the complaints contained in the correspondence which accompanies Mr. Dawson's letter of Ultimo, _____ (without giving the names of the informant or informants) & request him to give explanations in regard to these complaints at his early convenience - Also send him a list of the Indians of Lake Nipigon by whom complaints have been made that they have not received their annuity money under the Robinson Treaty.

[Document No. 205]

191. The proposed letter to Agent Wright was sent on March 22, 1880:

I have to inform you that it has been represented to the Rt. Hon. the Supt. Genal. of I.A.; -

1st. That the Indians of the Lake Nipigon Band complain that it is impossible for all of them to go to Red Rock in compliance with your demand, to receive their annuities; and that those who do go are generally starving for want of food and the amount due them is all consumed for provisions while they are kept 3 or 4 weeks for you to keep your appointment which it is alleged yo have never yet done.

That last year the same thing was repeated and 100 or 150 Indians arrived at the Pic or Red Rock and there awaited your arrival for 3 or 4 weeks and during that time were fed & clothed by the H.B.Co.

2 That the families whose names are given on the enclosed list did not receive any Annuity money last year and that of those you paid you left 2 or 3 out of each family, using a Pay List dated six or seven years back as a guide to the present number. That Chief Windjab took to Red Rock with him a list of all the Indians entitled to receive Annuities but you refused to guide yourself by it because it was made out by a Hudson Bay Co Officer. That you threatened that you would not pay the Indians next year, unless each individual presented himself to draw his own money and that your constant cry that all the Indians must individually make their appearance from the distant inland stations is to have more money paid into the hands of the traders.

3. That the Chief of the Nipigon Band was promised clothing for himself but has never received it.

I am to request that you will report on the above complaints at your earliest convenience for the information of the S.G.

[Document No. 206]

192. Agent Wright responded thus to the complaints against him in a letter to Colonel J.S. Dennis, Deputy Minister of the Interior, on April 20, 1880:

I have the honor to acknowledge your communication of the 22nd Ultimo No 10.711, respecting the payment of the Annuities of the Indians of Nipigon and Pic.-

In answer to paragraph No 1.
I have invariably met these Indians at Red Rock, at their own request, and, have never stated to the Indians, that they must all meet me at Red Rock. - My practice, has uniformly, been, to pay all that were present, and, then, to enclose in Envelopes, the amount due to each individual or family, not present, placing the same in the hands of Chief Windjab, who deposited them for immediate safe keeping in a Cash box, furnished by me for the purpose.

Immediately, on the receipt of the annuity monies, I have invariably proceeded to my work of paying annuities, at the earliest possible moment.

As to appointing the time for meeting the Indians, I have distinctly told them it would depend upon the time I received the money from the Government, and, consequently, that, I could not appoint, any definite [sic] date for meeting them.-

In regard to paragraph No 2
A list of names was given me, said to have been made out by an employee of the Hudson Bay Company, in the Interior; which, I have accepted of so far as approved by Chief Windjab, and, the leading men of the Band, who were present, at the time of each payment, and in no instance, have I refused to act upon their recommendation, therefor, the statement, that, I have, knowingly, left out two or three members of each family, is not true.

The Indians alleged, that some of the names, given on said list, were those of families, not included in the Robinson Treaty, but, connected with Bands beyond the height of land.-

With reference to paragraph No 3.
I never promised Clothing, to the Chief of the Nipigon Band, well knowing, that, no provision was made under the Robinson Treaty, for such expenditure, I have however, given a suit of Clothes to a very old Chief who resides at Pays Plats, at my own expense.-

I may state, that, for the last two years I have been assisted by Chief Morrisseau of the Pic Band, in paying the Indians at Red Rock; he being an intelligent Indian understanding both the English and Indian languages, who, in connection with their Chief Windjab, assisted me in correcting the said list of names, along with the leading members of the Band, and, the Indians, seemed to be thoroughly satisfied with it. Of course, I am not ignorant of the source, from which this, and, other, similar complaints emanate.-

The question of trade between the Hudson Bay Company, and the traders, I have no interest in.

The correspondence on this subject, last year, appears to show, that, the Indians are nervously anxious not to lose the privilege of having opposition for their trade.

A similar explanation will apply to the case of the Indians at the Pic.-

Trusting, this, will be satisfactory, to the Right Honorable T Superintendent General of Indian Affairs.-

...

[Document No. 207]

193. Agent Wright requested from the Ministry on May 5, 1880, the distribution money and enclosed a list of additional people asking for the following instructions about them:

Agreeably to instructions I have the honor to request you will send the Annuities for 1880 for the Indians in this District under the Robinson Treaty, viz, at Fort William, Nipigon, Pays Plat, Pic, Long Lake, and Michipicoton.

These last year amounted to \$6,348.00

If you add to this, the list, a copy of which accompanied your letter of the 22nd March last 88, together with the list received by me last week from the Hudson Bay Coy's Agent at Long Lake, and herewith sent, 40 agregating about 128 or \$512.00 independent of their alleged Claim for back pay.

I am not certain of these being connected with the Robinson Treaty and am therefor anxious to get definate instructions as to how I shall deal with these names.-

The list dated Long Lake 30th March 1880, naming 13 heads of families which accompanied Mr. Wright's letter was titled as follows: No. of Indian those that has not received their annuity Money last summer, and some for several years never received one cent.

[Document No. 208]

194. On June 4, 1880, Indian Affairs requested more information from Wright about his reply to the charges made against him by the Nipigon Indians:

In reply to your letter of the 20 ultimo giving explanations in regard to the complaints made against you by the Indians of Nipigon I have to

enquire what was the date of the list of names which you state was made out by an employee of the Hudsons Bay Co. and which you have accepted, insofar as the same is approved by Chief Windjab and the leading men of the Band who were present at the time of each payment, also whether any additions to or any deductions have been made from the list in question since it was handed to you.

[Document No. 209]

195. Agent Wright replied on June 4, 1880, explaining thus his use of the Hudson's Bay officer's list of Nipigon Indian names:

I have the honor to acknowledge your communication of the 4th instant respecting the date of the List of names of the Nipigon Indians, produced some two years ago by an employee of the Honble. Hudson's Bay Company, at the Red Rock, for my inspection.

The only use I made of said List was to accept such of the names thereon, as the Indians and their Chief, recommended, and it was left in their hands.

[Document No. 209]

196. The Indian Department on June 7, 1880, asked Wright to report on similar complaints from the Long lake Indians:

I have to inform you that the Indians of Long Lake have intimated to the Dept. that you should go to Long Lake to pay them. They consist of 20 families and complain that they were not paid at all last year.

Their money they supposed was left with Chief Morriseau at the Pic; at any rate they state that they have not received it.

Will you be good enough to report on this matter with the least possible delay for the information of the Right Hon the SG of IA?

[Document No. 210]

197. On June 24, 1880, Agent Wright replied to the above inquiries with the following promise to report and this explanation of the difficulties of travel:

I have the honor to acknowledge your communication of the 7th instant, respecting the payment for 1880, of the annuities to the Indians at Long Lake, and that these parties seem to wish I should

go into the interior to pay them, and asking for a report on this matter for the information of the Department. - Stating, also, that there are several Indians there who complain of not receiving annuities, on which on my return I will have the honor to report.-

Hitherto I have been in the habit of employing a Steam Tug, when making payment of annuities, along the north Shore of Lake Superior as being the most economical.

The Indians from Long Lake have up to this time expressed a wish to meet me at the Pic, and never made a complaint on the subject, but quite the contrary.

If however the Department require me to go into the interior, which no doubt would take considerable time and be expensive, I would be much obliged by your instructing me how I should go and return, as it would be an expensive matter to retain the Tug at the Pic for so long a time.-

Only one boat of one of the lines of Steamers goes along shore occasionally sometimes in coming up the Lake, and, at other times in going down.-

[Document No. 212]

198. The Indian Department instructed Agent Wright to pay the Long Lake Indians at their preferred location, in this letter dated July 12, 1880:

In reply to your letter of the 24 ultimo I have to inform you that it is for you to ascertain the route which you would take in order to reach the Indians at Long Lake as economically as possible.

There can be no question as to the desirability of you paying the Indians at the most convenient points for them, and as these Indians have expressed a wish that you should take their money to Long Lake you will be good enough to do so, taking care that your journey is attended with the least possible expense to the Dept.

[Document No. 213]

199. On 22 July 1880, Amos Wright acknowledged as follows the receipt of the funds for the 1880 annuity payments, the same amount as was sent to him in 1879:*

I have the honor to acknowledge the receipt of your communication of the 8th instant, enclosing official cheque No. 9255 for \$6,348.00 to pay annuities to the Indians under the Robinson Treaty for 1880, viz. 1587 at \$4.00 each, and enclose receipts for the same.

[Document No. 214]

200. On July 28, 1880, the Indian Department which had not sent Wright any additional funds to pay excluded families listed in Mr. Wright's letter of May 5, 1880, requested further explanation of the H.B.C. list of Nipigon Indians eligible to receive annuities.

With reference to your letter of the 29 ultimo,** which purports to be an answer to mine of the 4 ultimo respecting the date of the list of names of the Nipigon Indians referred to therein I have to inform you that the explanations given by you relative to said list is not satisfactory.

[Document No. 218]

201. An annuity payroll shows 1879 arrears paid in 1880 to individuals from the following bands:

Fort William	-	48
Long Lake	-	14
Nipigon	-	15
Pays Plat	-	5
Pic	-	8
Michipicoton	-	12
Total	-	102

[Document No. 200]

* cf. document no. 208 concerning the families excluded
** correct date was 23 June; see doc. no. 211

202. On July 28 also Bishop Jamot forwarded a petition of the Pic River Indians for a reserve. This petition, dated June 23, 1880, and signed by 45 individuals, stated as follows the reason these Indians had not received a reserve in 1850 at the time the Lake Superior treaty was signed:

The petition of the Indians and half-breeds of the Pic River Lake Superior, humbly shewth:

That your petitioners have settled in good number; or prepare to settle on land on both sides of the Pic River, near its mouth, immediately north of the property of the Hudson's Bay Company.

That those who have already given their attention to the cultivation of the soil, have been amply repaid for their work by fair crops of various kinds, and consequently enjoy already a greater comfort .

That many others of our Band have determined to settle on land near us, expecting thereby to better their condition.

That we beg of Your Excellency, as the worthy Representative of our Beloved Queen, the kind mother of Her Indian Subjects, to give us as a Reservation said land on both sides of the Pic River, immediately north of the land belonging to the Hudson's Bay Company from its mouth, northwards for a distance of fifteen miles with a width of one and a half miles on each side of the River.

That only three small Reserves were left by the Robinson Treaty to the Indians on the north Shore of Lake Superior, that the nearest Reserve is fully one hundred miles from this place, and that our number has more than doubled since 1850, when the Treaty was made.

That though our number was considerable at that time, no Reserve was secured to us by said Treaty owing to the conduct of our chief, who instead of going to Sault-Ste-Marie, withdrew to the interior of the land, being afraid of falling into a snare.

And Your Petitioners as in duty bound will ever pray.

Pic River June 23 1880

[Document No. 217]

203. In his accompanying letter to Sir John A. MacDonald, P.M. and Minister of the Interior, the Bishop wrote as follows:

I beg to forward to you

1. Four petitions from the Indians of Michipicoton, Pic, Red Rock & Nipigon, Lake Superior by which they beg of you to give them the benefit of schools. They are so anxious about it, that they have already built school houses with their share of the money allotted to them by the Government of Ontario.

I have visited this summer the north shore of Lake Superior from Fort William to Michipicoton. Nowhere are there schools supported by the Government except at Fort William.

Until these last few years, those Indians of the North Shore had no fixed residence. They lead a miserable life roaming in the woods, badly fed & badly clad.

The missionary priests who attend to their spiritual interests have at last succeeded to induce many of them to form settlements. The five principal ones of those already mentioned, and also Fort William I must add that the greatest majority of those Indians belong to our church. The Catholic Indians of the north shore number at least 1600 souls. There are very few belonging to any other church. However, any of them, Catholics, Protestants or Infidels, may send their children to our schools, but I beg to be allowed to have the appointment of the Teachers.

I beg also to bring to your consideration that the two school teachers at Fort William, one male, the other female, have received only \$150. each for a number of years. They have been keeping the schools for a long time already.

I beg to ask that they receive also \$200 each a year, as is the case for every other teacher. This sum is small enough, considering the work they have to do, and I think that I may say in all justice that they have given satisfaction.

2nd. The Indians of the Pic send also a petition respectfully requesting you to grant them a Reserve on the Pic River. These Indians form the largest settlement on the North Shore, with the exception of Fort William.

I hope that they will not have to suffer from the cowardice of their Chief, who would not go to Sault Ste. Marie in 1850 to look after the interests of his band, but made for the woods imagining that he would be entrapped into a snare at that meeting. They send also a petition to the Lieut. Governor of Ontario to the same effect.

[Document No. 215]

204. Bishop Jamot supported the petition of the Pic River Indians for a reserve in a letter addressed the same day to Vankoughnet, Deputy Minister of the Interior:

...

By what I know of the Indians of those various localities I consider that all the statements made in the petition are correct.

If it is considered necessary the Agents of the Hudson's Bay Company of the various places may be written to. I am, sure that they will collaberate the statements made ...

I hope also that the Indians of the Pic will obtain a Reserve. They are very anxious about it. Then again only three small reservations were secured to the Indians of Lake Superior by the Robinson Treaty, whilst as many as twenty are set aside for the Indians of Lake Huron.

Hoping soon to receive a favorable answer.

[Document No. 216]

205. On August 13, 1880, Reverend Thomas Appleby wrote the Commissioner of Crown Lands: Unfortunately only a torn scrap of Reverend Appleby's letter appears in the record (see document No. 219). His signature has however, survived and the date and details of the letter can be inferred from the reply from the Department of Crown Lands.
206. An Assistant Commissioner of the Department of Crown Lands answered Reverend Appleby's letter on August 24, outlining as follows the provincial government's policy on granting land:

I am directed by the Commissr to acknowledge the receipt of your letter of the 13th inst. setting forth that you have established a mission for the instruction of the Indians on Lake Nepigon & asking for a grant of some 4,000 or 5,000 acres of land situated on the Big Bay of the lake in order that it may be apportioned out to the Indians in farms of from 40 to 50 acres to each family and to say in reply that it is contrary to the policy of the Government to make such grants of large Blocks of land to church corporations even when required for the purpose of parcelling out to the Bands of

Indian families as proposed in your communication. If however any individual families enter into possession of any lands with the view of clearing and making a home for themselves and are found in occupation with substantial improvements at the time the survey of the land takes place and are so reported by the Surveyor, I apprehend there will be no difficulty on an application to the Department in procuring the lands for them as the policy of giving lands to actual settlers is most liberal.

[Document No. 220]

207. The Secretary of the Indian Branch asked the Under Secretary of State, E.J. Langevin, to comply with Rev. Appleby's request in this letter of 18 December, 1880:

... that gentleman applies for a grant of four or five thousand acres of land at a place called Big Bay on the South of Lake Nipigon with the object of locating certain Indian families on the tract.

I have to request that His Honor the Lt. Governor of Ontario may be moved to bring Mr. Appleby's application under the consideration of his Government with a view, if possible, of the request made on behalf of the English Church Missry Society being complied with.

[Document No. 226]

208. In reply to a letter from Agent Amos Wright enclosing a letter from Reverend Appelby*, Under-Secretary of State, Langevin wrote on December 18, 1880, to explain as follows provincial jurisdiction over the land requested:

...

In reply I have to inform you that the land referred to is not under the control of the Dept. but belongs to the local Govt. It will therefore be necessary that application be made to that Govt. and with this object in view a copy of the Revd. Mr. Appleby's letter will be forwarded through the proper Dept. to His Honor the Lt. Governor of Ontario.

[Document No. 225]

* This correspondence is no longer in the record.

209. John Beverley Robinson, Lt. Governor of Ontario, sent his reply to Under Secretary of State Langevin on January 3, 1881:

With reference to your Despatch of the 24 December last transmitting a copy of a letter from the Deputy Superintendent General of Indian Affairs with a copy of a letter from the Rev. Thomas Appleby applying for a grant of four or five thousand acres of land at a place called Big Bay on the southern side of Lake Nipegon for the purpose of locating thereon Indian families under the supervision of the Church of England Society of Missions, I have the honor to inform you that the proposal has already been submitted to my Gov't that a Departmental letter (a copy of which is transmitted herewith) was addressed to Rev. Mr. Appleby*. After a careful reconsideration of the situation, my ministers see no reasonable grounds for altering their views therein expressed.

[Document No. 227]

210. Under-Secretary of State Langevin transmitted the Lt. Governor's reply to the Deputy Superintendent General of Indian Affairs, on 7 January 1881:

With reference to your letter of the 18th Ult. and its enclosure I am directed to transmit to you herewith a copy of a Despatch & of its enclosure from His Honour the Lieutenant Governor of Ontario in answer to the application of the Reverend J.H. Appleby of Sault Ste. Marie, for a Grant of four or five thousand acres of land in the vicinity of Lake Nipigon for the purpose of an Indian Settlement.

[Document No. 228A]

211A. On 9 October, 1880, Bishop John Francis Jamot wrote again to Sir John about the petition from the Pic River Indians which he had forwarded two months earlier:

...
I had furthermore the honor to forward to you another petition from the Indians & halfbreeds of the Pic River by which they ask for a reserve and assign their reasons for doing so.

I hope Right Hon. Sir to hear now that you have given your kind attention to the above petitions & that you have conferred another kindness to those poor and destitute children of the forest.

[Document No. 222]

* No longer attached to the letter on file.

211B. A few months later Agent Amos Wright recommended as follows on the Pic Indians' petition for a reserve:

... I think it ought to be granted. The quantity of land asked for may be considered by the government and of proportion to their requirements.

[Document No. 228B)

211C. The Department responded thus:

...You will ascertain on ... your next visit what land would be sufficient for them for all purposes and respond the result of your inquiry to this Department.

[Document No. 228C)

211D. On October 21, 1880 the Bishop of Sarepta wrote the Ontario Commissioner of Crown Lands this letter about the Indians settled on Jackfish Island:

One of the more earnest priests I have on the northshore of Lake Superior tells me that several of his people have cleared land and built houses on an island called Jackfish Island situated on Lake Nipigon not very far from the Hudson Bay post.

...

The priest puts me the following questions, which I transcribe..is that island surveyed? If surveyed, is it considered as mining ground or not? If considered ordinary ground our people may squat there; if as mining ground, they will have to buy, not to lose their work - I believe that the island contains between 3 and 400 acres of land. The Indians have selected it because it contains some good soil and because it is near the Hudsons Bay post, where they get work from time to time. They have a small reserve at a short distance, but they do care much about it, the land being bad.

[Document No. 22A]

211E. The Department of Crown Lands replied as follows:

...The island referred to has not been surveyed and has consequently not been placed in the market -

It is contrary to the policy of the Department to set apart blocks or parcels of land for the use of the Indians generally, but any Indians found in the occupation of any land with substantial improvements at the time of survey, will be so reported and whether such lands have been set apart as mining lands or otherwise, the rights of such occupants will be respected.

[Document No. 222B]

212. The "annual tabular statement", or report, of Amos Wright, Indian Agent for the 4th Division of the Northern Superintendency, described the conditions of the various bands in 1880. It deals first with the Lake Nipigon Indian "Band" in the different locations they frequented:

...

The Nepigon Band have superior fishing grounds, the best on the north shore of Lake Superior.

On the south shore, at Big Bay, Lake Nepigon, where a river runs into the lake, the Church of England Bishop of Algoma has established a mission and erected a building 20x30, which is intended to serve as a school-house and church. In making these improvements, they employed Indians to do their work. At Lake Helen, and also at Lake Nepigon, the Indians erected a school-house out of their "surplus distribution fund."

In respect to the small band at Pays Plats, they are in statu quo.

Wright then referred to the Pic and Long Lake Indians:

The Pic Band, which includes Long Lake, are the most difficult to manage on the north shore. This arises from the circumstances of Long Lake being drained by the English River, which connects with the Albany River near Fort Henley, the latter river emptying into Hudson's Bay at Albany Factory. Consequently the Indians there come into immediate contact with non-treaty Indians, north of the Height of Land. At the payment of their annuities this year, I was ably assisted by Judge Laird, the chiefs and an officer of the Honorable Hudson's Bay Company, and have, as far as possible, corrected my old list - it may not yet, however, be quite complete.

As to the Michipicoton Band who are, to a large extent, under the influence and control of the Honorable Hudson's Bay Company, and from whom most of them obtain employment, no changes of importance are observed among them.

The Agent finally mentioned the wishes of the various bands concerning reserves:

There is a general desire, expressed by these bands, to be allowed locations for settlement and to have them defined and surveyed.

213. On October 30, 1880, the Indian Department addressed the following request to Agent Wright regarding former inland Indians living on the Fort William Reserve but receiving no annuity payments:

I enclose herein copy of an Extract from a petition to His Ex. the Gov. General from Chief J.B. Penassey and other Indians of the Fort William Band* in which they state that some of the Inds. who formerly lived inland but who have been living with them for several years are refused annuity both by you and by the Agent of the inland Indians (presumably, those of Treaty No. 3).

I have to request that you will be good enough to forward a list of all Indians at the Ft. William Reserve who are not entitled to share in the annuity of the Robinson Treaty with remarks as to where these Indians came from & how long they have been resident upon the Fort William Reserve.

[Document No. 223]

214. Two months later, on December 6, 1880, the Indian Department asked Wright to clarify various matters relating to his activities and complaints that the Long Lake Indians were still not being paid:

An intimation has been conveyed to the Dept. to the effect that owing to your obliging the Long Lake Indians to come to the Pic for their Annuities only a small portion of that Band have received their payment & although from their very unsuccessful hunt last winter they were sadly in need of their annuity the distance from Long Lake to the Pic is stated at 150 Miles and it is alleged that when some of the Indians of Long Lake came down they had to wait for two or three weeks before receiving their annuity.

It is also stated that you sold the agent of the Hudson Bay Company at the Pic about \$100.00 worth of provisions when on your tour of payment.

* No longer attached to the letter on file

Will you be good enough to inform me whether you carry on a trade in the provision line or whether these were stores belonging to the Govt. which were disposed of by you at the Pic, and if the latter why the money has not been accounted for at the Dept.

You have already been instructed to pay the Indian at the points most convenient to them and I regret extremely that you have not seen fit, if the report above referred to is correct, to carry out these instructions.

I await your reply before bringing the matter under the notice of the Supt. Gen. of Ind. Affairs.

[Document No. 224]

215. On July 21, 1881, Antoine Morrisseau, Chief of the Pic Band, submitted a nominal list of Long Lake Indians who had been left off the annuity lists. At the top of the list, certified by Peter Godchere, the H.B.C. agent at Long Lake, was written:

The following Indians of the Long Lake Band who have not before [been] on the List on account of absence are desirous of being placed on it, as [they] are entitled to the usual annuity under the Robinson Treaty

Twelve heads of families totalling 53 people are on this list: 12 men; 13 women; 15 boys; 12 girls; and 1 "relation". The names of male heads of the twelve families in so far as they can be deciphered, appear to be: Machikivens, Wakenstin, Askan, Pintansamikygweb, Notantigwes, Kwanisankins, Akinanim, Stipen Nehin, Kititkayito, Totmina, Jacanash and Meheshakinash.

[Document No. 229 page 1]

216. A copy of the list prepared by Chief Morrisseau, also including 53 people and certified by Agent Wright & HBC trader Bell, is attached to the original list. The spelling of the names of the heads of families differs somewhat:

Machiskewing, Wakiustiu, Askan, Spitasauikyweb,
Kwaingaking, Akinawini, Stephin Whin, Totomina,
Kitchiuizk, Jaganash, Meshakuish.

[Document No. 229, pp. 2 & 3]

217. On August 6, 1881, Agent Wright sent the Department of Indian Affairs a list which he had received from the H.B.C. agent of people who had not received their annuities. Twenty-two heads of Long Lake families, totaling 105 people, had not been paid in 1880, "on account", a statement of the top of the list said, "of them being absent at Pic during the payments and they now request Amos Wright Esq. Indian Agent to procure the money and forward it to Pic River." Wright's covering letter reads:

I have the honour to inform you, that, on meeting the Indians for payment of their annuities at the Pic, this season, the Long lake Indian were there in full force.

Peter Godchere the Hudson Bay Company's Agent from Long Lake, was also present, who furnished me with the enclosed list of Indians belonging to the Long Lake Band, who were not paid in 1880.

[Document No. 230]

218. Two days later Wright sent the Superintendent General of Indian Affairs the list of the twelve heads of families of the Long Lake Indians left off the annuity list.

I have the honour herewith to transmit the enclosed List of Indians of the Long Lake Band, who, claim to belong to the Robinson Treaty, and, whom Chief Antoine Morrisseau, and, Peter Godchere the Chief Agent of the Hudson's Bay Company stationed at Long Lake, Post, wish to have placed on the List for annuities under that Treaty.

It seems strange, that, if these families are entitled to receive annuities under that Treaty, they should not have proffered their Claims at an earlier date.

[Document No. 231]

On the margin of Wright's letter a note dated 23 August (initials unclear) says:

Mr. McLean ack. receipt and ask Mr. Wright to report as to whether the persons named in the list he enclosed have ever, within his knowledge, presented themselves for payment either for Robinson or Treaty No. 3 annuities, whether they have ever received treaty money and if so with what band. Also think that he should ascertain and report why application for participation in the Robinson treaty money has been deferred by them until now and whether in his judgement the claim should be recognized.

J.D. McLean has initialed a second note on the letter: Ack. 25 Aug. 81"

[Doc. No. 231, Marginal Notes]

219. McLean's letter, as per part of the above instructions, was dated August 27, 1881:

In reply to your letter of the 6th Inst.* transmitting a list of Indians belonging to the Long Lake Band who were not paid annuity money in 1880, I have to represent that you will explain why, if all the Indians whose names appear in the above list belong to the Long Lake Band, their names were not included in previous Pay-lists and the spaces left blank when they were absent at the times of payment.

Will you be good enough to state whether these Indians were paid previous to 1880, and if not, what claim they have to be considered members of the Band also whether in your opinion they should be recognized by the Department.

McLean who had apparently done some checking, then concluded his letter with this information:

Only five of the names can be identified in the Pay sheets.

[Document No. 232]

* Wright's letter was dated 8th; cf. doc. no. 230

220. On August 30, 1881, a second letter was sent asking the Agent the remaining questions in the instructions jotted down on his previous letter to the Department:

I have to ack. the rect. of your let. of the 8th Instant transmitting a list of Indians of the Long Lake Band within your Agency who claim to belong to the Robinson Treaty; and to request that you will be good enough to report whether the Indians named on the above list have ever within your knowledge presented themselves for payment of either Robinson or Treaty 3 Annuities also & whether they have ever recd. Annuity money, & if so, with which Band were they paid.

You will also be good enough to ascertain and report why application for participation in the Robinson Treaty money has been deferred by them until now and if in your opinion their claim should be recognized by the Department.

[Document No. 233]

221. In reply, on October 29, 1881, Wright sent the following information regarding the twelve Long Lake families to the Superintendent General of Indian Affairs:

I have the honour to acknowledge your communication of the 30th August last, No. 31,898 respecting the list of twelve families of Long Lake Indians that never were within my knowledge on any of the Rolls either of the Robinson or No. 3 Treaty Bands since I had to do with this Agency*.

Having looked over the said list of absentees along with Chief Factor P.W. Bell of Michipicoton, that gentleman informs me that these families belong to the Long Lake Band, and were in the habit of getting their annuity there under the Robinson treaty thro' him years ago, but, that, having got into debt to the Hudson Bay Company they had retired into the interior, and, have not made their appearance on the front for quite a number of years, until now*.

If Mr. Bell's statement is to be accepted, it might be considered a hardship to deprive these families of their annuity money now, in consequence of their not having presented their claim for a term of years.

[Document No. 234]

* cf. document 232, last sentence

222. On November 10, 1881, the Superintendent General instructed Agent Wright as follows regarding annuity payments to these twelve families of Long Lake Indians:

In reply to your letter of the 28th ultimo, I have to request that you will procure and forward to this Dept. a Certificate (if they are able to give the same) signed by Chief Factor Bell of the H.B. Company and Chief Antoine Morrisseau, of the Long Lake Band, to the effect that the Indians whose names are included in the list which accompanied your letter of the 8th of August last are members of the Long Lake Band and were in the habit some years ago of getting their annuities at the point under the Robinson Treaty through Mr. Bell but have failed to do so of late years in consequence of continued absence in the interior.

[Document No. 235]

223. Amos Wright wrote to the Superintendent General of Indian Affairs on December 3, 1881 explaining as follows the list of the twenty-two Long Lake Indians who were not paid in 1880:

I have the honour to acknowledge your communication of the 10th Ultimo respecting a List and Roll referred to in my letter of the 29th October last.

The List referred to was forwarded in duplicate along with my letter of the 6th of August last, on which are the names of 22 families of Indians belonging to the Long Lake Band.

The said list, on being numbered from first to last, will shew the names of the Indians referred to in my letter of the 29th October 1881*.

The Roll referred to is the Roll of the Long Lake Band of Indians for their Annuities under the Robinson Treaty for the year 1880, which was forwarded to the Department in duplicate, along with my letter of the 17th September 1880**. The said Roll on being numbered from first to last will shew the families of Indians referred to in my letter of the 29th October last.

The Tug from Duluth, that, brought your letter of the 10th Ultimo arrived here during last night, and leaves at ten o'clock this morning.

I will send a copy of the said list and Roll by next mail.

[Document No. 236]

* cf. document 232, last sentence

224. On December 7, 1881, Agent Wright forwarded two lists of Long Lake Indians to the Department with this explanation:

With further reference to your communication of the 10th Ultimo No. 20,253. I have the honour herewith to transmit triplicate Copies of the List and the Roll referred to in my communication of the 3rd instant, numbered, so as to shew the families of the Long Lake Band of Indians, who have not been paid their annuities under the Robinson Treaty for the year 1880; Their names being on the Roll of the said Band for 1880.-

The list of 22 families that had not been paid in 1880 totalled 105 individuals. The roll contained the names of 63 heads of families, a total of 153 individuals.

[Document No. 237 and enclosures]

225. The Department, in reply, sought the following verification:

I have to acknowledge the receipt of your letter of the 7th Ultimo, enclosing list shewing the names of the Indians of the Long Lake Band who were not paid their annuities under the Robinson Treaty for the year 1880 -

The list is returned herewith, and I have to call your attention to the names noted in the Column for "Remarks", which have been taken from your Pay sheets for 1880; and to inform you that until the correctness of the names is established no payment can be made.

[Document No. 239]

226. Amos Wright countered on February 28, 1882, with the following remarks on the difficulty of identifying the names on the list:

I have the honour to acknowledge your communication of the 13th Ultimo enclosing list shewing the names of the Heads of Families of the Indians of a portion of the Long Lake Band, who were not paid their annuities in 1880.

The discrepancy appears to be in most instances, a matter of spelling their names.

* It is not clear from the list of the names of the 12 heads of families (doc. no. 229) are included here.

** No longer in the records

The names as formerly given, were spelt as I understood them, as pronounced by the Indians themselves, but, at the time the changes referred to were made, these Indians, were present, together with, an Agent of the Hudson's Bay Company, who resides among them, and understands their language well.

[Document No. 240]

227. In a letter dated 9 March, Agent Amos Wright reported to the Superintendent General as follows on the Pic and Long Lake Indians plan to unite to form one band:

I have the honour to inform you, that, the Pic, and, Long Lake Indian Bands, met in Council at the Pic river at the time of the payment of Annuities last season, and, agreed to unite and form one Band to be called "The Pic river Band" and, requested me to make known to the Government their decisions in the matter, and, to request the Department to accede to their wishes.

If this their request be granted, it will not only tend to unite them, but, will render their management less difficult.

[Document No. 241]

On April 28, 1882, the Department sent Wright their approval.

(see document no. 246)

228. In a letter of March 20, 1882, Chief Morrisseau informed Agent Wright that the Long Lake families who wished to be placed on the annuity list had formerly received their payments at Michipicoton.

I hereby certify that the twelve families of Indians, that belong to the Long Lake Band and the Robinson Treaty referred to in Departmental letter of the 10th November 1881, No. 31,898, have thro' absences in the interior not received annuities for some years.

Most of these families have received annuities under the said Treaty tho' irregularly through the [Hudson's] Bay Company at Michipicoton, but, the amount at that time was so small it cost more to go for it than it was worth. - Michipicoton being the point at which the annuities were paid.

[Document No. 244]

229. An internal memo to Sir John A., dated March 18, 1882, transmitted a petition* from a Fort William chief, John Binesi, charging that Indian Agent Wright had purchased a piece of land from him for an unfair price. Binesi, the memo stated, had purchased the land from the Ontario Government; it was not part of an Indian Reserve. The memo stated also that the Department of Crown Lands had been asked not to issue any patent to Wright until the charge had been thoroughly investigated.

[Document No. 242]

A marginal note on the memo read:

I forward herewith private letter on this matter filed today by Mr. Dawson MP with Binesi's petition.

230. Another internal memo sent April 22, 1882, recommended as follows on the payment of arrears due the Long Lake Indians:

In view of the Explanations furnished by Mr. Wright I would respectfully recommend payment of the arrears of annuities referred to for 1880.

[Document No. 245]

The memo is marked "Approved" and signed by L. Vankoughnet; instructions were added to "pay 105 Indians who were absent from payments of 1880."

231. A memo to the Deputy Minister dated May 10, 1882, and signed R.S. (Robert Sinclair) made, however, the following recommendation:

Mr. Wright has only partially complied with the instructions conveyed to him in Dept letter of 10th Novr last. The certificate therein asked for is signed only by the Chief of the Long Lake Band; Mr. Bell's certificate is not appended, and as the document appears to have reached the Department without a covering letter the reason for the absence of a certificate from Mr. Bell is not apparent.

* No longer attached to letter on record.

Perhaps it would be well, before giving Mr. Wright permission to add the names of the twelve families to his list of Annuitants to ask him why Mr. Bell does not certify that they at one time were members of the Long Lake Band.

[Document No. 247]

Vankoughnet approved the memo and Sinclair then added this note on a corner: Mr. McNeill Please write to Agent Wright in accordance herewith.

232. In consequence, on May 16, 1882, Agent Wright received these instructions:

In forwarding to the Dept. the certificate dated the 20th March last you have only partially complied with the instructions conveyed to you in my letter of the 10th Nov. 1881. The document is only signed by the Chief of the Long Lake Band; whereas you were instructed to have it signed by Chief Factor Bell of the H.B. Co. as well as by the Indian Chief aforesaid.

Before giving you authority to add the names of the 12 families referred to in the certificate to your list of Annuitants the Dept. would like to know whether the Ind. in question may not have come from the United States if they at one time belonged to the Long Lake Band. Mr. Bell does not certify that they did.

Be good enough also to explain why the certificate was sent to the Dept. without a covering letter from you.

[Document No. 248]

233. Wright supplied the Superintendent General on May 23, 1882, with this explanation of why had had not enclosed a certification from Mr. Bell:

I have the honor to acknowledge your communication of the 16th instant respecting the List of twelve families dated Pic 21st July 1881, who are desirous of being put upon the Annuity Roll of the Long Lake Band. The original List accompanied my letter of August 8/81 referred to in my communication of the 29 October 1881.

It was by an oversight that Chief Morrissette's Statement of the case dated 20th March 1882, was unaccompanied by a covering letter from me.

On the 23rd December 1881, I transmitted by post to Chief Factor P.M. Bell of Michipicoton, and Chief Morrisseau of the Pic, copies of your letter of 10th November 1881, and, asked them to report thereon, but, Chief Factor Bell, has not replied to that communication.

I had some conversation in October last with Mr. Bell on this subject; the substance of which was given in my letter of the 29th October last.

The parties, thus applying, were at the Pic river at the time of the payment of annuities, last season, and, were recognized, by the Indians, there, as being connected with their Band, and entitled to annuities under the Robinson Treaty.

It was not intimated to me that, any of them, belong to the American Indians.

[Document No. 249]

234. On June 8, 1882 Agent Wright informed his superiors that he had again written to Mr. Bell requesting his certification of the identity of the Long Lake families. (See document no. 250).

235. On June 8, 1882, Chief Factor Bell confirmed to Wright in these terms the identity of the twelve Long Lake families who had petitioned to be added to the annuity roll:

You cannot imagine my annoyance at your being again compelled to write to me on the subject of Indian families in reference to Long Lake.

There is certainly an unwarranted fatality regarding the mail transactions during the past season, & the missing and non-delivery of letters are numerous.

The letter you allude to was handed me in passing the Sault from my tour East on the 15 March; and by return of in last winter mail in the 27th March I had the pleasure of replying to your favour of the 23 Decr: The letter is doubtless voyaging between Winnipeg & Brandon.

I reply to your query - I can safely say and confirm that none of the Indians in question came from the United States: and that with one or two exceptions they all at one time belonged to the Band of Long Lake Indians.

Stephen Wynne is one of the exceptions - he belongs to Albany: is now settled at "Long Lake" and married there. His father & family have also removed to said section from Albany; for all we can tell, they may originally have sprung from the same Band.

It would certainly advisable to take a complete census of the Indians in paying them this season: as the number of deaths throughout the Dist.t will be more than we are quite aware of.

[Document No. 251]

236. On June 22, 1882, the Superintendent General of Indian Affairs wrote directly to Chief Factor Bell about the certification they required:

I have the honour to enclose a list of 12 Indian families who claim to belong to the Long Lake Band and are desirous of being placed on the Pay List of Annuitants under the Robinson Treaty and as Mr. Indian Agent Wright reports that you informed him that these Indians used to receive annuities under the Robinson Treaty as members of the above Band I shall be obliged if the same is correct if you will be good enough to certify and return the list to this Dept. at your earliest convenience.

[Document No. 252]

237. On June 26, 1882, Agent Wright forwarded to the Superintendent General Bell's letter dated June 8 with these comments:

I have the honor to inform you, that, since writing you on the 8th instant, respecting the twelve families of Long Lake Indians who wish to be placed on the Robinson Treaty Roll. I have received the enclosed letter from P.M. Bell Esquire Chief Factor of the Honourable The Hudson Bay Company dated the 8th instant.

Mr. Bells statement corroborates, that, made, by Mr. Chief Morrisseau respecting them.

I hope this will be satisfactory to the Department.

[Document No. 253]

238. In July 1882, Chief Factor Bell replied directly to the Department of Indian Affairs:

I beg to acknowledge your favor No. 31,898 of the 22nd ulto which came duly to hand on the 3rd inst.

In reply I beg to state that I have to the best of my belief certified to the List of Long Lake Indians desirous of becoming Annuitants under the Robinson treaty.

I beg to re-enclose you the list in question.

[Document No. 254]

239. In March, 1883, J.P. Donnelly was appointed to act as Indian Agent for the Lake Superior Indians, succeeding Amos Wright. Instructions to him from Indian Affairs, dated March 16, 1883, described as follows the bands in his Agency:

...

The Agency will extend from the Northern limit of the lands surrendered by the Batchewana Bay Indians on Lake Superior to Thunder Bay including the Indians and the Reserves on Lake Nipigon, thence south & West to the boundary of Treaty No. 3 which embraces the Indn. Reserves and Bands under the charge of W.J. McIntyre, Indn. Agent at Savanne.

The Bands embraced in your Agency and the no. of Inds. belonging to each on the 30th June last are as follows:

Fort William	397
Nipigon	557
Pays Plat	54
Michipicoton	242
Pic (including Indns. of Long Lake Band)	489
Total	<u>1709</u>

The instructions then outlined Donnelly's duties in regard to the payment of annuities:

You will be charged with the duty every Spring of distributing among the Indians the moneys to which they are entitled under the Robinson Treaty and any other moneys that may be sent you from time to time for that purpose - In any case of absenteeism from the payments conducted by you you will return to the Dept. the amount unpaid with a list shewing the names of the persons not paid and the amount due to each. Should any Indian, however, be desirous of having his Annuity paid to a third party he must deposit with or forward to you a power of attorney or order authorizing you to make such payment; but the Dept. will not sanction the acceptance of Orders on merchants, or be in any way a party to or concerned in an arrangement under which an Indian may incur debts on the faith of his discharging the same by the transfer of his Annuity or Interest money. In the event of your paying money under a power of Attorney to any party on behalf of an Indian, you will append the power of Attorney to the Paylist - you may also transmit, if so requested, by an Annuitant in writing, his Annuity or Interest money, by post in a registered letter, on condition that you append to the Paylist the certificate of registration, the authority under which the money was transmitted and the receipt of the party to whom it was sent.

In connection with the discharge of this duty, you will find that many of the Indians are not living on their Reserves; but are still to be found on the lands ceded by them in the year 1850 to the Crown -

Your predecessor, Mr. Wright, will be requested to advise you as to the most convenient places at which to meet these scattered Bands and furnish you with copies of the last paylists & to give you any other information with regard to the payment of Annuities generally which you may require...

...

It will be your duty to encourage the Indians, by every means in your power, to give up their nomadic habits and take to cultivating the soil - and where practicable you will instruct them in regard to seeding and reaping their crops....

...

The Census should be taken by you in the Spring of each year when making the payments of Annuity money...

...

[Document No. 255]

240. The following year Chief Morrisseau wrote the Department requesting formal sanction of the union of the Pic and Long Lake Indians. This letter was sent to the Indian Department April 16, 1883:

Two years ago the Pic and Long Lake Indians agreed to unite themselves on one list, under the head of Pic Band, which we informed our Agent Mr. Wright, when he was with us last year he informed us that he advised the Department of same, and your answer he conveyed to us was to the effect that the Department has no objections to the Unity*, - which we consider not entirely satisfactory, we wish to be favored from the Department with a consent.

[Document No. 256]

241. On June 12, 1883, this letter was sent from the Indian Department to Chief Morrisseau at the Pic River, under cover to Donnelly, the Indian Agent at Port Arthur:

In reply to your letter of the 16th April last relative to the desire of the Pic and Long Lake Indians to unite under the head of the Pic Band. I have to inform you that as Mr. Wright was advised in 1882, the Dept. has no objection to the union proposed if the Bands in question think it for their interest to unite.

[Document No. 257]

242. The Superintendent-General's Annual Report for 1883 described the reserves other Indian settlements and bands around Lake Superior thus:

At Red Rock or Helen Island, which is about 70 miles from Prince Arthur's Landing, some Indian families have settled who are said to live in comfortable log houses and to have very good gardens.

There is also a school in operation at that point. These Indians live principally by fishing. They belong to the Band whose Reserve is at Nipegon.

The Nipegon Band number about 600. They have a neat little village. A school house has been erected but no teacher has as yet been appointed. The school is to be conducted under the auspices of the Roman Catholic Church.

The Pic Reserve is situated one hundred miles East of Red Rock. The Indians on this Reserve are described as farming successfully; they have also a good school house, but as yet no teacher. The Roman Catholic Body have undertaken to furnish a teacher for this school.

At Long Lake, near the Pic River, there is also a Band of Indians. They live by trapping and hunting.

On the Reserve at Michipicotin the Indians have good log houses and raise potatoes. The land is rocky and mountainous, and it is for the most part unfit for cultivation.

These Indians have also a school house, but as in the case of the Pic Reserve no teacher has as yet been appointed. This school is also to be conducted under the auspices of the Roman Catholic Body.

[Document No. 258, p. xxiii]

* See document No. 246

243. The report of Agent Donnelly, dated 31 August, 1883, and included in the Annual Report mentioned above, described the reserves and bands on the north shore of Lake Superior in more detail:

The Red Rock or Lake Helen Indian Reserve is about 70 miles east of this [Port Arthur] - along the coast.

The Indians here live in very comfortable squared log houses mostly white-washed, many of them surrounded with very neatly fenced gardens. They have an excellent school house, and have only lately procured a teacher, but as yet have none of the necessary books, slates, &c.; these articles will be furnished as soon as possible.

In the agricultural line they have as yet been unable to do much as their good ground is only in limited patches, being hemmed in by rocky mountains; they manage, however, to grow enough potatoes for their own use. Two families keep Milch cows and other cattle, getting blue point hay from the adjacent marshes and beaver meadows.

They catch sufficient Whitefish and red flesh trout to last them through the winter.

These Indians belong to the Nipigon Band, and number about 600 - 460 of whom are 200 miles inland; hitherto they have always been obliged to travel 250 miles to Red Rock through lakes and rivers, and over numbers of long portages and traverses. Many of the band are too old and feeble to make the trip. I am the first Indian Agent who has ever visited them at Nipigon Lake, and they received me with evident delight, giving me a very pleasant reception.

At the head of Lake Nipigon, near the Hudson Bay Co's. store, there is quite a neat little village, possessing a school house, but as yet no teacher; they expect to have one this fall.

The Indians settled here are Christians. 100 miles further inland are the wild pagon Indians; they number about 250, and subsist principally on fish, rabbits and other animals, and refuse to associate with the Christians.

I shall pay them at Flat Rock, Lake Nipigon, next year, which will be more convenient for them all.

The Pic River and Long Lake Band are 100 miles east of Red Rock on the Lake Superior Coast; the greater portion of this band are settled at Long Lake, which is five days journey in canoe, inland.

The Pic River Indians have settled and built houses on the river bearing their name, and cleared and fenced fields averaging about five acres each, and now under root crop. The land is a rich, sandy loam and yields abundantly. Their

improvements commence at the Hudson Bay Company's post, about a half mile from the mouth of the Pic River, and extend for three miles along that river, being about half a mile in width, bounded on the westerly side by a rocky mountain.

They are desirous of this land as a reserve, as this portion of the band, numbering fifty-one families, have no reserve of their own.

They have a good school house, but as yet have been unable to obtain a teacher, the allowance for salary is not sufficient.

The Long Lake Indians confine themselves more to trapping and hunting than agriculture, and as I paid them at the Pic, I have not yet visited their Lake and grounds, so cannot give a report.

The Michipicoton Band 100 miles further on the eastern coast is composed of two different tribes, the Ojibeways and the Swampies or Big Heads...

The Ojibbeway are the smaller portion and are settled on the west side of the Michipicoton River. Their reserve, "Gros Cap," on the coast - is all rock and mountains and utterly unfit to live on. The "Swamppies" or "Big-heads" are from 100 to 150 miles in the interior at the Brunswick Hudson Bay Company's Post on the Michipicoten River, and in the Nipissing country. They speak a different language from the "Ojibbeways."

The Indians had read and heard of a large amount of Indian money accrued for many years back, and now in the Government's hands, and they are anxious to know if they will get any benefit next year. I could give them no information in this subject.

[Document No. 258 Part I]

244. A "Statement of payments of annuity money to [the Ojibbeways of Lake Superior] under the Robinson Treaty from 1875 to 1883 inclusive, compiled from pay lists fyled in this Department" is found in the Irving Papers. It listed the numbers of individuals in, and amounts paid out to, Michipicoton, Pic River, Long Lake, Fort William and Nipigon Bands for the years in question. The totals shown in this statement are given below:

Year	Michipicoton River Band	Pic River Band	Long Lake Band	Fort William Band	Nipigon Band
1875	267	238	100	251	437
1876	268	354	100	364	501
1877	267	203	114	353	482
1878	294	280	268	344	504

1879	307	220	193	303	485
1880	291	277	96	376	528
1881	263 & 45	261	281	366	558
1882	242 & 33	489: includes Long Lake	included with Pic Indians	397	611
1883	244 & 54	238	296	393	609

Attached to this statement are several lists for individual bands - Pic, Long Lake and Pays Plat. The list for this last band shows the numbers of Band members paid from 1877 to 1892. The years from 1850 through 1876 are on a blank sheet which was not filled in. It is unclear whether this indicates that the records were lost, or that the people were not paid annuities, or that they received their share with another band. The totals of the Pays Plat people paid in the years recorded are given below:

Pay Plats Band

1877 - 41	1885 - 47 plus 10 paid arrears (1 year)
1878 - 41	1886 - 47
1879 - 40	1887 - 56
1880 - 45 plus 5 paid arrears (1 year)	1888 - 38
1881 - 58	1889 - 55
1882 - 54	1890 - 55
1883 - no entry	1891 - 53
1884 - 54 plus 12 paid arrears (1 year)	1892 - 52

The second list shows as follows:

Details for the Pic Band Payments (all years not listed in record)*

1852 - 116 including payment to Long Lake Band	1882 - 489 plus 18 arrears paid
1859 - 95 including payment to Long Lake Band	1883 - no entry
1866 - 269	1884 - 245
1869 - 239	1885 - 107 plus 16 arrears paid
1871 - 233	1886 - 257 plus 18 arrears paid
1872 - 232	1887 - 137 plus 4 arrears paid
1873 - 232	1888 - 255 plus 9 arrears paid
1876 - 71	1889 - 264
1877 - 203	1890 - 279 plus 5 arrears paid
1878 - 199	1891 - 253
1879 - 220	1892 - 260
1880 - 8 arrears paid	
1881 - 261	

The third list indicates:

Long Lake Band*	
1852 - paid with	1881 - 213
Pic Indians	1882 -
1859 - paid with	1883 - 105 arrears paid
Pic Indians	1884 - 311
1866 - 87	1885 - 330
1869 - 94	1886 - 332 plus
1871 - 96	11 arrears paid
1872 - 100	1887 - 116 plus
1873 - 100	5 arrears paid
1876 - 110	1888 - 330
1877 - 114	1889 - 338
1878 - 142	1890 - 345
1879 - 193	1891 - 357
1880 - 96 plus	1892 - 328
14 arrears paid	

[Document No. 261]

245. In a letter dated 10 October, 1883, Agent Donnelly informed the Superintendent General of recent elections of chiefs at Pic River, Michipicoton and Long Lake and explained why the latter people wanted their own chief:

On my Indian payment tour in July I held an election for Chief of the Pic River Band and John Batist Desmoulin was elected, in the place of

Antoine Morrisso, having resigned at the request of the Band and the Long Lake Indians asked permission to elect a Chief for themselves, giving for a reason, that they had double the number of the Pic River portion of their Band, and five days inland from them and never associated together, with my consent they elected by vote Henry Makeoway as their Chief. At Michipicoton they had no chief and by vote of the band elected Samson Legarde as their Chief, the above elected Chiefs are to be Ratified by the Department otherwise null.

[Document No. 259]

246. The Indian Department replied to Donnelly on October 31, 1883, ratifying the elections, and referring him as follows to the Indian Act of 1880:

I have to inform you that under the circumstances mentioned in your letter of the 10th Instant the Dept. will sanction and ratify the election of the Chiefs for the Long Lake and Michipicoton Bands. Authority for the election of a Chief for the Pic Band was given to your Predecessor Mr. Wright in April/8?. You should refer to sec. 72 of the Indian Act 1880 for the regulations governing the

* Figures not identical with those shown above.

election of Chiefs, and advise the Dept. whether the Long Lake and Michipicoton Bands number more than 30 - for, if less than that number, the election of a Chief is void.

The next election (in 1886) must be authorized by Order in Council, and it will be your duty to ask for authority to hold the same in January of that year so that the necessary order may be obtained, and instruction given you before the Annuity payment takes place.

[Document No. 260]

247. On March 4, 1884, L. VanKoughnet, Deputy of the Superintendent General of Indian Affairs, asked Mr. Powell, Ontario Under Secretary of State, to request the Lt. Governor of Ontario to protect the Indian's right to their settlements at Pays Plat, Pic River and Long Lake:

I have the honor, on behalf of about fifty Indians resident at a point called Pays Plat situated on the North Shore of Lake Superior between the Rivers Pic and Nipigon who apply for recognition of their claim to the lands occupied by them at that point, to request that His Honor the Lieutenant Governor of Ontario may be moved to bring this matter under the attention of his government. The Indians in question have been disturbed in their possession of the said lands by one Chas McKay, who was formerly the Light House Keeper at Bottle Island. It is stated that the said McKay applied to the Crown Lands Department of Ontario for the land referred to, having had a survey made of the same, and that his application was refused. He however last summer, it is reported, prevented the Indians from putting in their crops, claiming that the land belonged to him. The Indians in question have it is alleged occupied the land in question for over thirty years. They would therefore appear to be entitled to the same by length of occupation. They, moreover, have houses built thereon, and gardens and fields under cultivation, and they do not occupy lands elsewhere.

It may also be stated that there are Indian settlements at Long Lake and at Pic River which have an Indian population of 296 and 238, respectively, who have always occupied the lands at present in their possession, and have never been interfered with. It is feared, however that, as the Canadian Pacific Railway will probably pass through that part of the Country, they may be disturbed in their possession of the lands occupied by them by interested parties.

With a view to protecting them in their rights in the said lands, I have the honor to request that His Honor the Lieutenant governor of Ontario may be moved to direct that any other applications for the lands occupied by the Indians made to his government my be refused.

[Document No. 262]

On the 7th of March the Secretary of State transmitted Vankoughnet's request to the Lt. Governor of Ontario. (See document no. 262A)

248. In a letter of 12 June, 1884, Agent Donnelly informed the Department of other elections, and asked thus for a copy of the Indian Act:

I beg leave to mention to the department, that the Swampies or Big Heads Band, have chosen to elect by vote Monees ah Ki gick for the chief, and I wish the Department to sanction and ratify said election.

In your letter of the 31st of last October No. 38.655 referred me to section 72 of the Indian Act of 1880 for the regulations governing the election of chiefs, which I have not, and would like the Department, to be good enough to send me one.

At the bottom of this letter a department official has written on 18 June, 1884:

Immediate

Mr. Benson Ack. and send a copy of the Indian Act 1880 to Agent Donnelly

RS (Robert Sinclair)

Another person has added:

2 copies sent Mr. Donnelly 17 Mar. '83

[Document No. 263]

249. Agent Donnelly next wrote to the Superintendent General on March 9, 1885, about the Pays Plat and Red Rock Bands and asked for the following authority:

It is the wish of the Red Rock Band and of the Pays Plat Band of Indians to have a chief in each of their Bands which they have never before had, and I consider will be best, for the better Regulation of these Indians; therefore would like authority from the Department for the appointment of these chiefs by election, at Red Rock and at Pays Plat River, the month of June next, would be a convenient time for these elections being about the time of payments for this year, In case of their being only one candidate for Chief, then I suppose he will be elected by acclamation, upon this I would like to be advised by the Department.

[Document No. 264].

250. The Department replied on March 20, 1885 to Donnelly's request for authority to hold elections:

I have to acknowledge the rect. of your letter of the 9th instant stating that the Red Rock and the Pass[sic] Plat Indians desire to have a Chief for each of their Bands and asking for authority to hold an election and in reply to inform you that if election is the mode of appointment to Chiefships in vogue in the Bands an election may be held and if a candidate is elected by acclamation his election will hold good.

[Document No. 265]

251. On October 2, 1885, the Bishop of Algoma inquired of the Deputy Superintendent General as to the status of the Indian settlement on Chief's Bay, Lake Nipigon, the English Church Mission:

When recently visiting our Indian Mission on Chief's Bay, Lake Nipigon I was unable to obtain, on the spot, any definite information as to the status of the little settlement whether the land on which they had built their houses, and mapped out their little farms, was a reserve, recognized as such by the Government. A friend has suggested my going to the fountainhead and I shall therefore feel very much obliged if you will kindly furnish me with the desired information, and also, if obtainable, with any kind of map, or tracing, of Lake Nipigon, shewing the results of any surveys that may have been made.

P.S. I may add that the Indians first settled on the land alluded to only five or six years ago, during the episcopate of my predecessor, Bishop Fauquier, and that any correspondence which may have taken place on the subject would probably be in his name, or possibly in that of Rev. W. Applebee, who attended to the details of the matter in the Bishop's behalf.

[Document No. 266]

252. A letter (the draft for which was dated October 9, 1885) from the Indian Department supplied the Bishop with the following information:

I beg to ack. the receipt of Your Lordship's letter of the 2nd Inst. asking for information respecting the land occupied by Indians at Chief's Bay on Lake Nipigon, and enquiring whether the same is recognized as an Indian Reserve by the Govt.

I beg to inform Your Lordship in reply that the land in question does not so far as this department is aware form part of an Indian Reserve. A reserve of 4 Miles Square on both sides of Gull River [near] Lake Nipigon is provided for the Indians of that Region by the Robinson Treaty.

In the Fall of 1880, correspondence took place between the Rev. Thos. H. Appleby to whom the postscript of Your Lordship's letter refers - and this Dept. and between the Dominion Govt. and the Govt. of Ontario in respect to the land to which your Lordship's letter evidently refers.

I enclose copies of the correspondence referred to, viz. a letter of the 8th of Novr. 1880 from the Rev. Mr. Appleby forwarded by the Agent of this Dept. at Prince Arthur's Landing a letter of the 7th of Jany. 1881 from the Under Secretary of State for Canada, a letter of the 3rd of Jan. 1881 from His Honor the Lieut. Govr. of Ontario to the Under Secretary of State, a letter of the 24 of Augt, 1880 from the Asst. Commr. of Crown Lands, Toronto, to the Rev. Thos. H. Appleby, and a letter of the 15th of Jany. 1881 from this Dept. to the Indian Agent at Prince Arthur's Landing.

A perusal of these documents will doubtless enable Your Lordship to understand the position in which the Indians stand in relation to the land in question.

[Document No. 267]

253. The Bishop of Algoma replied to the Deputy Superintendent General October 14, 1885, referring to the copy of the letter from the Crown Lands Department which had been sent him and expressed thus his view that the Indians had complied with the conditions to secure the lands:

I beg to acknowledge the receipt of your communication No. 25,339 dated the 9th Inst. and to thank you for the copies of letters forwarded bearing on the question of the land on which the Indians are settled on Big Bay, Lake Nipigon from

which it appears that Said land cannot be set apart, en bloc, as an Indian Reservation. Mr. Johnson, however, in his letter to Rev. Mr. Appleby, (dated Aug. 24, 1880) stated that "if any individual families enter into possession of any land with the view of clearing and making a home for themselves and are found in occupation with substantial improvements, at the time the survey takes place, and are so reported by the surveyors (he apprehends) there will be no difficulty in an application to the Department: in procuring the lands for them".

Now it seems to me that the necessary conditions have been complied with, in as much as several Indians have built substantial log houses improved the interiors so far as their scanty means permitted - fenced within little gardens, and cultivated them to the extent of planting potatoes, &c. I am most anxious to encourage them to settle down there, and intend making formal application to the Government for assistance for this purpose, in the form of the building, or cutting rather (by the Indians) of a road, the granting of some agricultural implements, and the provision of a small salary for a school teacher, but, as a necessary preliminary I am naturally desirous to secure these Indians in the undisturbed possession of the lands on which they have settled, and we all will be deeply indebted to you, my dear Sir, if, in view of the facts stated above, you can advise me as to the steps necessary to be taken for this purpose, or render me any assistance in the accomplishment of the object which I have in view.

Localisation is a necessary condition of civilisation. The Indians referred to are quite prepared to abandon their migratory habits if they can feel assured of the permanent possession of this little settlement. I am most anxious to assist them, and for this purpose, give them prizes for various improvements, as a stimulation to self exertion, but all this will be in vain, if the fear of the possibility of 'Eviction' hangs over them continually.

[Document No. 268]

CHAPTER NINE: 1885-1898: Reserves Surveyed by the
Indian Department and Irregularities in Agent
Donnelly's Administration Uncovered

254A. In February, 1885, the Deputy Superintendent of Indian Affairs ordered that survey instructions be sent to Agent Donnelly to transmit to the provincial surveyors. (see document no. 263)
Those instructions read as follows:

You will please proceed as soon as Convenient after the Navigation is open to Survey the following Indian Reservations Situated on Lake Superior & Lake Helen, viz.

1st A Reserve on Lake Helen of (640 a.) Six hundred and forty Acres where the Church and School house are situated and where some Indians are settled.

2nd A Reserve of (640 acres) six hundred and forty acres on Pay's Plat River Fronting on Lake Superior with the Pay's Plat River running through the Centre of the Reserve also Transversing one Bank of that portion of the River running through the Reserve.

3rd A Reserve of three miles and a half along the Pic River and fronting thereon, by one half mile in depth abutting at its Southern extremity on the Hudson Bay Co.'s Grounds -

4th A Reserve of (200 acres) two hundred acres on the Michipicotton River adjoining the Hudson Bay Co.'s Grounds to be surveyed in a shape along the River to suit the Chief and Michipicotton Band of Indians.

The Sum of Twenty dollars (\$20) per mile will be allowed you for the outline of the said Reserves and the Traverse of the River necessary.

...

[Document No. 263B]

254B. Agent Donnelly's yearly report, submitted October 1885, included many details on the survey of reserves at Pays Plat, Pic River and Michipicotton, and information about the life style of the Indians resident there and on Lake Nipigon and Long Lake:

...

On the 12th of August I went to Red Rock; the following day I met the Red Rock band in council to have them choose and elect a chief, for which purpose they had received several months' notice, I also required a chief to witness their annuity payment. About two-thirds of the band were

present. They chose Pierre Duchamp, who was elected by acclamation no other being proposed. None of the band would be vaccinated having an ignorant impression that it would be dangerous. They had this year a better crop of potatoes than usual owing to having planted new seed.

On the 14th of August I left Red Rock and arrived at Pays Plat River the following day where I found the surveyor engaged by me laying out one mile square on Lake Superior coast with the river running through its centre, and farm lots being laid out fronting on both sides of the river, four hundred feet frontage by half a mile in length, giving each Indian family a good farm of about thirty acres, situated on the best river on the coast for fine trout and Whitefish. I may mention that about a year ago two white men had this same one mile frontage surveyed. The Indians came to me stating that they were about to lose their homes where they had lived for the last thirty years. I immediately represented the case to the Crown Lands Department, Toronto, mentioning that the Indians had settled upon land at Michipicoton River, Pic River and Pays Plat River for upwards of thirty years, and as they had no protection asked for some way of securing them in their improvements and homes. I wrote to the Superintendent General of Indian Affairs, enclosing the letter and received instructions to have surveys made; this was done, much to the pleasure and comfort of these different bands, who now feel safe and encouraged to improve their own homes. I remained here three days and paid the Indians after they had chosen and elected their chief, Tom Eagle; had some of the band vaccinated, and proceeded with the surveyor and party to Pic River where we arrived on the night of the 18th. The following morning the surveyor commenced his survey of three miles up the Pic River - joining the Hudson Bay Company's land or post - and portioned the land into farms of about twenty-five acres to each family fronting on the Pic River. The chief and band expressed themselves very thankful for having had their land surveyed and homes secured to them. They have a church and good school house about the centre of their settlement and were much in want of a teacher. Last week a teacher was sent to them. Last fall the Department, at the request of the band, furnished them with a fine yoke of cattle, a chain and plough and I am pleased to report that the Indians furnished the oxen with plenty of feed, and kept them warmly in a good stable built for the purpose at their own expense. Last winter they drew out logs for several new houses, and supplied themselves with plenty of firewood. On the 23rd of August I engaged a sail boat and sent the surveyor and party on to Michipicoton River to survey land required to be secured for the Michipicoton band, and this has been done. On my return to Port Arthur I remained for two weeks, in order to allow sufficient notice to the inland Indians of the Nepigon and Long Lake bands to meet me and receive their annuities.

On the 10th of September I met a bark canoe crew at Red Rock and proceeded to the Nepigon House on Nepigon lake where I arrived on the 13th and paid the Indians on the 14th and 15th and had a number vaccinated. They have several good log houses, a chapel and school house, but no school teacher. They number over 400. The most of these Indians are neat, cleanly in their dress, and industrious. Those living about the Hudson Bay Company's post have a good crop of potatoes and turnips. A great portion of this band live entirely by fur hunting, and only come in once a year to get their annuity and winter's supply from the Hudson Bay Company's post.

On the 16th of September I left Nepigon House and crossed Nepigon Lake 50 miles to Poplar Lodge and there took a bark canoe with two Indians and went to Long Lake up the Sturgeon or Lodge River to the height of land, and thence down stream by the same river to Long Lake where I arrived on the 24th. On the 25th I paid the Indians and had the band vaccinated, and left one hundred vaccine points to vaccinate any others who might require it. This band are all hunters, are in a thriving condition and number over 300. On the 26th I started for Port Arthur where I arrived on the 2nd of October.

[Document No. 269]

255. In a letter dated 22 October, 1885, Indian Affairs replied to the Bishop of Algoma's letter of October 14, regarding the steps necessary to secure title to land for the Indian settlement at The English Church Mission on Lake Nipigon.

...

I am not aware that the Township surveys have as yet reached the locality in question. If such is the case & the lands can be therefore defined on which the Indians have made their improvements all that would appear to be necessary would be to establish to the satisfaction of the Crown Lands Dept. of Ontario that such improvements have been made upon the lands & to apply to that Dept for recognition of the Indian Settlers' right to the same: It appears to me that if this course is followed that in view of the statement made in the Asst. Commissioner's letter of the 24th of August 1880 "there will be no difficulty in an application to the Dept. in procuring the lands for them". If however the Surveys have not extended to Nipigon it would perhaps be premature to communicate with the Dept. of Crown Lands in the matter unless it be to assure that Dept that the Indians have improved these unsurveyed lands & that when the surveys are made they will in accordance with the promise of the Asst. Comm. claim the lands in virtue of these improvements.

[Document No. 270]

256. On the same day, the Department also replied to a letter from Bishop Jamot of Peterborough*, concerning the validity of the election of the Red Rock Chief referred to in Donnelly's report:

Your Lordship's communication of the 12th Instant addressed to the Hon. Sir Hector Langevin has been transferred by that gentleman to this Dept. It relates to a reported Election of a new Chief for the Red Rock Band & your Lordship states in connection with the said Election that there was only half a dozen Indians present, & that all the others - and they formed the majority - feel indignant at the election, & you state that if it is confirmed there will be trouble amongst those Indians, as the man elected is not liked by the majority of the Band, & that the dissatisfied portion of the community will prepare authentic details to be sent shortly to Ottawa.

In reply to Your Lordship's letter, I beg to state that this Dept. has not been advised as yet by its Agent of the result of the Election of a Chief for the Red Rock Band. - As soon as information on this point comes to hand, as well as all the papers which the dissatisfied Indians propose sending, the matter will receive due consideration.

[Document No. 271]

257. The Indians and Half-breeds of Red Rock sent a petition to Sir John A. Macdonald, Minister of Indian Affairs, on November 26, 1885, in which they set forth as follows the reasons they claimed the election of a Chief and second Chief were null and void:

The humble Petition of the undersigned Indians and Half-breeds of Nepigon (Red Rock), Lake Superior, sheweth:

That at the time of their annual payment, last summer, Mr. J.P. Donnelly, their Agent, gathered together, in the Hudson's Bay Company's store, at Red Rock, half a dozen of Indians or Half-breeds, and then & there proceeded to an election which resulted in the appointment of Pierriche Deschamps, as first chief, and of François Ogimawigijig, as second chief, although the latter was not present at the election.

That the number of persons who have a right to elect chiefs at Nepigon is about thirty, and that as they have never been notified legally of the intended election, nor been told where and when it was to take place, said election is invalid and should have no effect.

*No longer in the record

That your Petitioners are prepared to prove what they here allege, namely that there are about thirty electors at Nepigon, that they have never been notified legally of the intended election, and that there were only six persons who took part in it.

Therefore your Petitioners beg that you will declare said election null and void, and they shall every pray.

[Document No. 272]

The petition was signed with the marks of eight men. A marginal note on the petition, initialed by Vankoughnet, instructed that a copy be sent to Agent Donnelly for immediate response.

258. On December 22, 1885, Agent Donnelly sent the Superintendent General this second account of the election of the Red Rock Chief:

I have to reply to your letter of the 3d of December no. 58211, and in Reply beg to state: that the payment day of 1884 I gave the Indians notice by telling them an election for their Chief and also wrote them to Red Rock three months previous to last payment day to choose their Chief, for next pay day; I also wrote to the Pays Plat Band the same thing, and also mentioned that it was necessary for the better regulation of their Band to have a Chief; and that I required the Chief to be present and witness the payment of each family and to tell me correctly who they are &c as they come up to be paid; at the pay day of last summer they congregated at the H.B. Co. Store; I told them we would go outside South of the H.B. Co and to choose their chief & hold their Election there, as the store was not the place; they did so & chose Pierre Duchamp and 19 of them of the age of 21 Years and over voted for him; and I took their names down; and recorded them in my office; the 2nd Chief was as usual chosen by the Chief, he was not present at the time but came to me the evening of the same day; and wished his name put down as a voter for Piere Duchamp, and he is one of the Petitioner's of 8 persons, representing that only six Indians present at the Election; and no notice given for an election, and wishing the Election to be declared null and void, the H.B.Co. Factor Mr. N. Flanigan was present who will vouch for the correctness of the above statements if necessary.

[Document No. 273]

On the margin of Donnelly's letter Vankoughnet has written:
"Mr. McNeill, convey the purport of this communication to the
complainants".

259. Ogima Wigijik, member of the Red Rock Band, wrote to Robert
Sinclair, Acting Deputy Superintendent General, on February 6,
1886, disputing Donnelly's version of events in these terms:

We have received your letter No. 58,211. We see
by it that our Agent Donnelly has written to the
Department that he gave notice of the intended
election for chief, three months before the day of
payment. We emphatically deny it. Let him say
how said notice was given. He may have spoken
about it to Pierre Deschamps and to a few others,
but it cannot be that which the law requires.

Another of his allegations is that Pierre
Deschamps got 19 Votes. Well, as you say that the
names of those voting are on record in the Indian
Office, we will ask you to send us those names,
and we promise to prove to your satisfaction that
all except five or six have never been given by
the persons who bear them.

Again, Mr. Donnelly says that: "the 2d. chief was
as usual reelected [sic] by the 1st chief" - We
deny that it is either usual or legal to have the
2d. chief elected by the 1st one.

Finally contrary to what the Agent alleges,
François Ogimawigijig did not request that his
name should be put down as a voter for Pierre
Deschamps, but was only asked by Mr. Donnelly to
put his name on a paper and that many hours after
the alleged election. We repeat it, there was no
election of chiefs, but only what we cannot help
calling a farce.

[Document No. 274]

260. Agent Donnelly forwarded this letter with an annotated list of
voters in the Red Rock election to the Indian Department on
February 19, 1886:

Red Rock, August 1885

Election for the chief of Red Rock Band, took
place today outside the H.B. Co. store in Council
by the Indians assembled. 3 months notice being
given to them that a chief was required to each
Band; for their better regulation as they had
never had one before, also was necessary for the
payments of their Annuities, as a witness.

...

(Twenty names follow, with a mark against each name)

There being no opposition. Pierre Duchamp was elected by acclamation and the the names of the Voters for him recorded above.

P.S. the Above Election stands good as understood by the Indians for 3 Years. -

[Document No. 275 enclosure]

On Donnelly's covering's letter, Vankoughnet has written:

Mr. McGuire
Please look into and report on this matter.

McGuire's reply, also written on the letter states:

Deputy Minister

The record of the votes cast in this election shows that Pierre Duchamp was duly elected chief of the Red Rock Band and Agent Donnelly says that there was no opposition.

[Document No. 275]

260A. At the end of December, 1885, and in the first two months of 1886, the survey plans of the reserves at the Pays Plat, Nipigon, Pic and Michipicotton rivers were sent to the Indian Department. They were examined, amended by the Surveyor, A.L. Russell, and finally accepted as correct. (see maps nos. 3, 4, 5, & 6 and documents nos. 161, 162, 272A, 273A¹, 273A², 273B, 273C, 274A). In March of 1886, the plans were transmitted to the Commissioner of Crown Lands in Toronto (see doc. no. 275A).

260B. The Crown Lands Office replied as follows:

...this subject (the establishment of the reserves) will be submitted to the Commissioner on his return. In the meantime I may observe that your former letter of date March 4th, 1884 No. 48786 only applies on behalf of Indians at Pays Plat, Long Lake & Pic River. Perhaps it would be well, for the information of the Commissioner, if you could state about how many Indians are residing on the other proposed Reserves.

[Document No. 276A]

260C. In answer to this request Vankoughnet replied as follows:

...

As to the number of Indians residing on the other proposed Reserves, I beg to state in reply to your inquiry that the number at Red Rock, Lake Helen, Nipigon is 166 and at Michipicoton, two Bands namely Chippewas and Big Heads, numbering 295 Indians, a large number of whom have their fields, gardens and other improvements on the Reserve recently surveyed for them at that place.

[Document No. 276B]

260D. The month of April, 1886, the question of a a reserve for the Long Lake Indians arose. In answer to a query on the matter, W.A. Austin, an officer of the Indian Department, sent his Deputy Minister the following memorandum:

In Re why Mr. Russell was not instructed to survey a Reserve for the Long Lake Indians while the other Reserves situated on Lake Helen & Superior were being surveyed.

I beg to state that in no letter of the Departments' or of Mr. Donnelly's has the request been made for its survey.

Mr. Plummer has in a memo July 29/84 mentioned that there were 296 Indians at Long Lake and says in referring to the Dept. of Crown Lands Ontario that "they will require some protection"

I would add that Long Lake does not lie in the Locality of the Reserves on Lake Superior but is situated altogether in an out of the way place from the Canadian Pacific Railway about 35 miles of a mountain range dividing it from Lake Superior. The approach to Long Lake is by Lake Nipigon via the Poplar River.

I have heard that there are Indians at Poplar River and I have seen some at Wakinosh River Lake Nipigon I do not think that there is any fear of settlement in those localities.

[Document No. 276B¹]

260E. At the top of the above memo the Deputy Minister has asked:

"Mr. Plummer, do you still think surveys at Long Lake and Poplar River are necessary?" Mr. Plummer replied, suggesting the Indian Agents' opinion be sought on the size of the reserves and the timing of the survey, which, he noted, should "not be lost sight

of" as it had already "been brought before the Crown Lands Dept." (See doc. No. 276B²)

260F. In August of 1886, the Nipigon Indians residing at Gull Bay addressed the following petition for the survey of a reserve to the Superintendent General of Indian Affairs:

We the Indians of the Nipigon Band ask the Government to grant us two miles square at the Gull River Mouth on Lake Nipigon Coast, six families have already settled there, and more families, would have settled and made improvements there, only did not feel safe in doing so, without being surveyed out as ours, we wish if granted to us to have the Gull River the Centre of the Reserve, we also as a Band have no land we can call our own at present, about sixteen families have garden grounds and 8 houses on this Coast and some have good potatoes growing, ...

[Document No. 276E]

260G. The above petition was forwarded to the Department by Agent Donnelly who, in his covering letter, added these comments:

Enclosed is a petition from Nipigon Indians asking for a Reserve for their Band at Gull River, it is a point where they have already looked for, as they say it was promised them at the Robinson treaty; and they also ask for some tools to work with amounting in value about \$17.00.

[Document No. 276F]

On the margin of Donnelly's letter, an officer of the Department has noted the description of the reserve in the treaty: "4 miles square on both sides of Gull River near Lake Nipigon"

260H. Ten days after he had forwarded the Gull Bay petition, Agent Donnelly wrote again to the Department. In this letter he replied as follows to the query about a survey at Long Lake and Poplar River, and included a comment on the proposed survey at Gull Bay:

...the best time for surveying reserves is the month of September or October. There are no

Indians on or near Poplar River, in the fall time about October and November some Indian families of the Red Rock and Nipigon Bands camp there for fishing, at its mouth entering into Lake Nipigon, called Poplar Lodge, a few families remain for fur catching in the winter season, but in the spring they all move away to their own bands, as on this River and its mouth, they can grow nothing owing to being all Barren land and rock, and at its mouth, Poplar Lodge has been lately taken up as mining locations, at Gull River upon the best side of Lake Nipigon, the land and fishing is good. 640 acres facing on the lake, on each side of the River, ie. 1280 acres, a mile square each way with the River abouts its Centre is the best place for a reserve. The Chief and six families reside there, and claim that at the time of the Robinson Treaty this place was promised to them, and have since called it their Reserve, and never having been surveyed out for them, have felt no security in improving or putting more families to live upon it, and under another cover enclose a petition from them.

The Long Lake Indians, I met in Council at Long Lake last month and I asked them at what point on Long Lake would be the best for a reserve, and at what point on that Lake the most Indians lived or camped, they replied at the entrance of the Pic River as the head waters of the Albany River on Long Lake, north side of its mouth, was the best land and good fishing, three miles across the lake and opposite the H.B. Co. post, 640 acres one mile square would be sufficient for them, and up to the present time, there had been no settlement of Indians, were always scattered, came in from their hunting grounds only in the spring to the H.B. Co. Post with their furs and in the summer for their annuity money, but if this point was surveyed for them as a reserve, so that they might call it their own, would settle and build upon it, and have their garden grounds to raise potatoes the land being good and fertile.

[Document No. 276G]

260I. On the 23rd of August the Indian Department replied to Agent Donnelly concerning the petition sent by the Gull Bay Indians:

... the Indians are correct in regard to a Reserve having been promised them at the point specified in their Petition. And with reference to your letter of the same date relative to the land occupied by certain Indians at Long Lake on the North side of the outlet, I beg to inform you that there was no regular reserve set apart at that point for the Indians; but there would appear to be no objection to a survey of one square mile as recommended by you thereat being made at the entrance of the Pic River or the head waters of the Albany River on Long Lake on the north side of its mouth three miles across the Lake and opposite the site of the Hudson's Bay Co.'s post - always assuming that no improvements have been made by any other parties upon the tract in question.

You may hand the enclosed letter of instruction to Mr. Alex Russell P.L.S., who made the late surveys on Lake Superior for the Dept. ...

There will be no objection to your furnishing the Nipigon Indians with the tools specified in that petition...

[Document No. 277A]

260J. The following week Agent Donnelly sent the Superintendent General of Indians Affairs this additional information about the proposed survey of a reserve on Long Lake:

In reference to your instructions to have surveys made of Gull river Reserve on Lake Nipigon also a Reserve on Long Lake, mentioned about in my letter of the 18th ultimo, would like again before Mr. Alex Russell starts away on or about the 7th of this month, to mention about the mile square to be surveyed on north side of entrance to Pic River on Long Lake, at the time of the Council held about the best place for a Reserve, a few Indians thought that a mile square north of the H.B. Co. Post where they were then camped, was good strong Land Clay soil and would grow good crops same as H.B. Co. Land and joining it, but all agreed upon the first above mentioned. Since then I heard they would rather have the mile square joining H.B. Co. Post, and I would like the Department to permit me to explain this to the Surveyor Mr. Russel; for him to see the Chief and his two assistants Chiefs or Councillors, and if they say the other place is preferred to bring a letter from them to that effect, and survey it.

I am of opinion the mouth of the Pic River will be the one preferred, but at same time would like the surveyor to know decidedly so as the Indians will be satisfied...

[Document No. 278B]

On the margin of Donnelly's letter is written:

ack and say that instructions may be given to the surveyor to satisfy the Indians as to the Reserve to be allotted to them provided the location which they ask for is available and appears to be a prudent choice."

260K. In mid December, 1886, Surveyor Russell reported that he had finished the survey at Gull Bay and would proceed to Long Lake as soon as the weather permitted. (see document no. 279H)

261. On August 23, 1886, Agent Donnelly sent the Department of Indian Affairs this request for supplies for the English Church Mission School at Nipigon.

The Reverend R. Remeson English Church Missionary of Nipigon, has not the necessary Books &c to teach his school with, and has applied to me for the following stationary & a Black Board...*

... and if the Dept. think it best I will purchase all here, except the Tablet Lessons ...

...

if allowed would like them sent as soon as convenient or the permission to get them here, as they are much required.

[Document No. 277]

262. In a memorandum dated August 30, 1886, John McGuire recommended that the Agent purchase school supplies for the Mission School at Lake Nipigon and Vankoughnet approved the recommendation. (See document No. 278A).

263. The Superintendent General's Report, cited in the 1886 Report of the Indian Department, described thus several "reserves" on Lake Superior - Fort William, Lake Helen (Red Rock Band), Pays Plat, Pic, Long Lake, and Gull River - and the "settlement" of the English Church Mission on Lake Nipigon:

On Lake Superior the Ojibbewa tribe also occupy several reserves.

On the reserve at Fort William considerable improvements in building, road making, ditching, cattle raising and in the cultivation of land, have been effected. An abundant crop of cereals and vegetables rewarded the efforts of the Indians.

Three schools are in operation on the reserve, and very fair progress is being made by the pupils. Intemperance in the use of intoxicants is not prevalent as was formerly the case.

On Lake Helen the Red Rock band occupy a small reserve at the mouth of the River Nipigon, which was only surveyed for them in 1885. They have cleared some land, and promise to commence cultivating it next spring. There is a school in operation in the vicinity of the reserve which the Indian children attend.

*See also doc. no. 276

On Lake Nepigon the Church of England has established a mission at which there is an Indian settlement. There is a school in operation at the mission. The Indians appear to be making satisfactory progress as agriculturists. The agent reports that the vegetables of various kinds, and the Fife wheat grown by these Indians cannot be surpassed in that section of country.

At Pays Plat Reserve the Indians are also making progress in agriculture and stock raising.

The band occupying the reserve at the Pic had good crops of roots and are advancing in the art of agriculture. There is a schoolhouse on the reserve, and the services of a teacher will, it is hoped, be secured at an early date.

At Long Lake there is a large band of thriving and prosperous Indians. They are very successful as trappers, and a tract of one mile square has been surveyed recently for them; as they desire to devote some of their time to agriculture, and to have a school established thereon for the education of their children.

At the mouth of the Gull River, on Lake Nepigon, there is also a large Indian settlement. For the Indians forming it a reserve of four miles square was surveyed last summer; the same having been secured to them by the Robinson Treaty of 1850. These Indians are also successful trappers of fur-bearing animals. Many of them occupy houses with good gardens attached. A schoolhouse has been recently erected on the reserve, and it is hoped the services of a capable teacher will shortly be procured.

The total population of the Ojibbewas of Lake Superior is 1,698, being thirty-one souls more than the census of 1885 showed. They cultivated 266 acres during the past year,; nine acres whereof were newly broken. They raised 7,500 bushels of grain and roots, being 1,890 bushels in excess of the harvest of 1885, and they cut sixty-eight tons of hay. Their other industries netted about \$28,800.

[Document No. 279A]

264. The Agent's report for the same year gave these further details on the scattered settlements, the division of the bands, the surveys and reserves and the lifestyle on the north shore of Lake Superior:

...

The Fort William Band of Indians has improved very much this year....

...

The Red Rock band numbers 168 souls. They have lived for many years on scattered locations, but since a reserve was surveyed for them on Nepigon River and Lake Helen, they are settling more closely together, and have commenced clearing land. Next spring they expect to commence cultivating their land. Some of these Indians have good houses and gardens at the mission grounds on Lake Helen, where they have a Roman Catholic church, a schoolhouse and teacher. This is only a short distance from their new reserve.

About forty-five miles north, and inland from Red Rock, is the English Church missionary settlement, where a portion of the Red Rock and Nepigon bands have settled. They have a church and a school, and are making good progress in agriculture. Last spring they planted seeds of different kinds, and have sent me samples of potatoes, onions, beets, carrots, beans, turnips and Fife wheat, which cannot be surpassed in this portion of the country. The good use which they made of the tools given them by the Department to clear land and erect new houses, &c., speaks well for them. They drove a cow and calf into their settlement last spring to form the nucleus of a herd of cattle. The band hopes that the Government will assist it is making a new road next year.

The Pay's Plat River band numbers fifty souls. These Indians are advancing in agriculture and stock raising. They have no school, but hope soon to have one, with the assistance of the Department.

The Pic band numbers 257 souls, and is making very good progress in agriculture. These Indians have good crops of potatoes and turnips, and take care of the oxen furnished them by the Department, keeping them entirely at their own expense. They have a good church and school; they have no teacher at present, but expect to have one soon.

The Long Lake band numbers 332 souls, and is thriving and prosperous. The hunters of this band catch yearly about \$7,000 worth of furs, which, added to their annuity money, keeps them comfortably. This year they petitioned the Indian Department, through me, for a reserve one mile square at the mouth of the Albany River on Long Lake, which was granted them, and is now being surveyed. In the summer season they will give their attention to agriculture; the land is good, and vegetation very rapid. They have a church, and expect in another year to have a school, which is much needed.

The Nepigon band numbers 462 souls. Its fur catch is yearly about \$6,000. A good many of these Indians have houses on the lake side, with good gardens of potatoes; altogether they are a very prosperous band. This year the band petitioned the Indian Department for a reserve of four miles square, which was granted and is now being surveyed at Gull River, Lake Nepigon, and the Indians have been furnished with axes and other tools to clear the land. They have a church and a good schoolhouse, for which there is, unfortunately, no teacher, although the children of school age outnumber those of any other band in my agency.

265A. On January 10, 1887, Surveyor Russell submitted his plan and field notes of the Gull River Survey completed in October, 1886, along with the following explanations:

Your instructions were to lay out a reserve having a frontage of four miles on the Lake and having the side lines parallel to the river which was to run through the centre of the reserve which was to have an area of four miles square.

In consequence however of the general direction of the river being so clearly parallel to the shore line of the Lake - as will be seen by an inspection of the plan - it was impossible to lay out the reserve in strict conformity with the instructions as even with a greater direct depth of four miles along the river and five miles along the lake the proposed area could not be obtained.

I have endeavoured however to the best of my ability to give the Indians all the land they wanted on Gull River in the shape and situation most calculated to be of benefit to them and they have expressed their entire satisfaction in that respect. The land further to the east was rocky and unfit for cultivation and an extension further up the river they alleged would be of no benefit to them whatever nor did they desire any greater depth back from the River.

The Chief desired us to lay out another small reserve about four miles to the North East - between Gull River and the Hudson's Bay Co. post at Nipigon House - where they were at the time encamped, and have several shanties besides broken some land and made other improvements on the shore near where they fish - their chief food - are usually to be found in great abundance. This place is considered one of the best fishing stations on the lakes.

Although the area laid out at Gull River was much less than intended by your instructions I did not feel justified in undertaking this survey without instructions from the Department.

...

As it was well nigh impossible, owing to the low water on the route between Poplar lodge, and Long Lake, to reach the latter place from Lake Nipigon, the survey of the reserve at the outlet of Long Lake was deferred, with the approval of your agent, until the winter....

[Document No. 280A]

265B. Russell's plan, notes and report were promptly forwarded to the Superintendent General a week later by Agent Donnelley, and they were submitted to the Department's Chief Surveyor for examination. (See document No. 280B) The Chief Surveyor, Samuel Bray, subsequently sent the following memorandum to the Deputy Minister:

I beg to draw your attention to the area of the Reserve laid out at Gull River by Mr. Russell, to Mr. Donnelly's letter of 17th inst. and to Mr. Russell's report of 10th inst. in connection therewith. The area of the Reserve as laid out by Mr. Russell is 5156 acres or 8 square miles nearly, whereas by the Robinson Superior Treaty the Band is entitled to four miles square at Gull River.

I also beg to report that the explanations given by Mr. Russell for not having laid out the Reserve according to his instructions appear to be satisfactory but would recommend that the remainder of the land be laid out at Gull River making the present Reserve as nearly as possible four miles on both sides of said River, according to the terms of the Treaty; and that a further small Reserve or fishing station be laid out for the Band as the point requested by the Chief of the Band and described in Mr. Russell's reports before mentioned.

[Document No. 280C]

265C. In consequence of Bray's recommendations, the Department issued the following new instructions to Russell for the resurvey of the Gull Bay Reserve:

You will be good enough to proceed at your earliest convenience and not later than the Spring of the present year to Gull River near Lake Nipigon and there lay out a Reserve "four miles square on Gull River near Lake Nipigon on both sides of the said River."

On the accompanying Tracing the position of the Reserve is suggested by dotted red lines with a red border, but it is not necessary to adhere strictly to this position, it may be varied to meet the wish or requirements of the Band of Indians at that point, provided that the Reserve is laid out a square of as nearly four miles on each side as possible; it is very desirable but not absolutely necessary that the limits of the Reserve should be run East and West, North and South astronomically.

You will obliterate in as economical a manner as possible all the monuments you may have created in your former survey of 19th Oct. 1886 and carefully inform the Band of the change in the limits of their Reserve.

...

Proceed to the point mentioned in your Report to the Deputy Supt. Gen. of 10th Jan. 1887, that is to the point at which the Chief of the Band desired a small Reserve to be laid out between Gull River and the Hudson Bay Co. Post at Nipigon House, and after consultation with the Chief of the Band lay out a small Reserve or Fishing Station not exceeding 160 acres in area; the limits should be run East and West, North and South astronomically if at all possible.

Erect mounds, at the four corners with a stone and post in each as before described for the Gull River Reserve. Ascertain approximately the position of this Reserve with regard to Gull River Reserve or any other known points so that the same may be plotted on the general map of that part of the Province.

Make complete and separate Returns consisting of plan, field notes and report for each survey for transmission to this Department.

[Document No. 280E]

265D. Russell acknowledged his instructions on February 7, 1887. (see doc. no. 280F) His new plans were examined, corrected and re-examined (see document nos. 280 K & L) and on August 31, 1887, were approved by the Department's Chief Surveyor. In a memo of this date transmitting his approval, Bray also furnished the Deputy Minister with the following information about the acreage surveyed for the Gull Bay Band:

I have reexamined the above field notes and plans and they may now be received as correct.

With reference to your memo at the foot of Mr. P.L.S. Russell's report (turned down) I beg to state that the Gull River Reserve is outlined for 4 miles square which would give 10,240 acra but taking out the roads & waters on the reserve the content is 9,825 acres leaving 415 acres less than what four miles square would give. The Caribou Island point Reserve with the small Island near to, contains 135 1/2 acres which taken from 415 would leave 279 1/2 acres that they have not got. In the instructions issued from this Dept. to Mr. P.L.S. Russell 28 Jan./87 the small Reserve at Caribou Island Point was mentioned to be surveyed (portion turned down) As regards Jackfish Island applied for by the Indians, it contains approximately 260 acres* which quantity would about make up the full amount of 4 miles square for these Indians. Mr. Donnelly reports that on this Island the Indians have some good houses erected - eight families have log houses, a school house 30 x 20' & last year raised 8000 bushels of potatoes. About one hundred persons have their farms on the island.

[Document No. 280Q]

*Subsequent survey of the reserve in 1908 showed it to contain 362.8 acres (see Doc. no. 343Q, 344A, 344E, 346, 346A, 345 & 436)

265E. On July 25, 1887, the Long Lake Indians wrote thus to the Superintendent General of Indian Affairs about the position of the reserve to be surveyed for them:

We the Indians of Long Lake Band met this day in Council to decide where we would have our reserve surveyed; as there was a difference of opinion in our first choice and we decided to have our reserve adjoining the H.B. Co. Post on the easterly side fronting the Long Lake Coast, and if the Indian Department would permit we would like another piece of land for us at a point between the English River and the Albany River of one mile frontage on Long Lake coast by half a mile deep, said point is about half a mile north of the entrance to the Pic River.

[Document No. 280M]

265F. A few days later the Chiefs of the Nipigon Band (Gull Bay) also wrote to the Superintendent General about "their reserves":

The Indians of the Nipigon Band met in Council today to talk about their Reserves which you have already given us and to ask you for another near this place.

On Jackfish Island which is about one mile from the Hudson Bay Company's post, eight families built log houses, and cleared land, on most which they are raising potatoes; last year they raised about one thousand bushels. They have built a good log school house, thirty feet by twenty feet all boarded on the outside. Nine other families have also commenced clearing land, but have not yet got their houses built. Altogether about one hundred persons have their homes on this island.

White man have been getting land surveyed for mining parts of Lake Nipigon and we are afraid they might at some time want this island (we would therefore feel very grateful to you, if you could have this island surveyed for us, so that we may feel that our homes are secured to us.

[Document No. 280N]

265G. Surveyor Russell submitted this report on "the Survey of the Long Lake reserve" in August, 1887:

I beg to submit the following report on the survey of an Indian Reserve at Long Lake.

On my arrival and making known to the Indians my instructions, they met in Council and requested that this Reserve might be located immediately East of the Hudson's Bay Co's Reserve. I accordingly commenced my survey at the south east corner of the H.B. Co. reserve.

A large proportion of the Reserve surveyed is unfit for farming, being very swampy in the western and southern part, and rocky in the north eastern part. There is along both banks of Sucker Creek, except near its mouth, a strip of good arable land, and in general along the shores of Long Lake for a depth of say fifteen chains the land is good and sufficiently dry.

The northern part of the Reserve has been to a great extent over-run by fire, resulting in the partial destruction of the timber and bad windfalls. The prevalent rock is a pink granite.

No signs of minerals were observed. The Indians have been using as a burial ground a narrow point shown on the plan and in the notes - they are anxious that the usual road allowance should not be reserved here as it would take nearly all of the point. They were also very desirous that I should before leaving survey another Reserve (of which I herewith send sketch). I refer to this matter in a letter enclosing petition from them.

On my return via Nipigon Lake, the Nipigon band also urged me to make a survey of Jackfish Island for them - this matter is also referred to in another letter.

[Document No. 280N¹]

265H. On the 18th of August Russell passed on to the Department the Long Lake Indians' request for an additional reserve and the Nipigon Band's desire for an "immediate survey" of Jackfish Island. (see doc. No. 280P) At the bottom of Russell's letter Vankoughnet has scrawled this query:

Chief Surveyor

Have not the Nipigon Inds. all the land they are entitled to under the Robinson treaty?

265I. On September 9, 1887, Chief Surveyor Bray approved Russell's survey at Long Lake. His memorandum to the Deputy Minister also made the following suggestion:

I would respectfully draw attention to the portion of his report (turned down) which shows what small portion of good land or woodland they have on their reserve. The quantity surveyed is 612 acres but of

this 612 acres there would be approximately about 250 acres that might be used; in view of this I would respectfully suggest that application might be made for this further small reserve for not only on account of the Indians but the land is far away from civilization.

[Document No. 280R]

A notation at the bottom of the memo reads: "petition turned down". This note was presumably added later when Crown Lands had considered the Indian Department's formal request (see documents nos. 281B¹, 181B² & 281D)

265J. On September 20, 1887, Bray transmitted the plans and field notes of Russell's survey at Gull River, and surveys at Caribou Island Point and Long Lake to Secretary McLean. (see document no. 280T)

On September 22nd, 1887, the Deputy Superintendent General of Indian Affairs transmitted the Gull River plan to the Commissioner of Crown Lands with the following explanation of the survey of the Gull River Reserve:

With reference to the Reserve land to which the Lake Nipigon Band of Indians are entitled under the Robinson Treaty of 1850, being described as "four miles square on Gull River "near lake Nipigon on both "sides of said River, for the "Chief Mishemuchqua and Tribe, I beg to inform you that on the boundaries of the said River being run it was found impossible to lay out the Reserve in one block of four miles square so as to make the full area of 10240 acres, the quantity wanting was 415 acres. Consequently the Surveyor, at the request of the Indians, and with the approval of the Dept. to complete the requisite quantity, surveyed 135 1/2 acres on Caribou Island Point, including a small Island opposite thereto and Jackfish Island, which latter approximately contains 260 acres and on which sixty of the Indians have made improvements and have houses; and a school house has been taken to complete the area of land to which the Indians are entitled under the Treaty.

I enclose copies of the plans and Field Notes of the surveys of the Reserve land at Gull River and at Caribou Island Point. Jackfish Island it was not considered necessary to survey, inasmuch as the natural boundaries define that Reserve sufficiently well.

[Document No. 281A]

265K. On the same day Vankoughnet sent this second letter to Crown Lands about the Long Lake survey and the band's additional needs:

Referring to my letter addressed on the 4th March 1884 to your predecessor, I beg now to enclose herewith copies of the plan and field notes of the land surveyed for the Indians at Long Lake on Lake Superior the area of which is 612 acres; but as there are approximately only about 150 acres fit for cultivation; the Indians at that point have applied to be allowed an additional quantity of 250 acres as shown on the little sketch enclosed herewith, being at a point between the English River and the Pic or Albany River of one mile frontage on Long Lake Coast by half a mile deep, said point being about half a mile North of the entrance of the Pic River.

May I ask if in view of the small quantity of arable land in the plot surveyed for them this reasonable request of the Indians for the additional 250 acres may be complied with?

[Document No. 281B]

On October 4, Vankoughnet's first letter was acknowledged with the statement that "the subject will be submitted to the Commissioner on his return". Shortly thereafter his second letter received a similar reply. (See documents 281C & 281D)

265L. Further details of the 1887 surveys of the reserves on Lake Superior were reported by Walpole Roland, one of the survey party in the Nipigon area led by A.L. Russell:

...

To the south and westward of the big lake with the euphonious Franco-Indian name of Nipigon, much fertile land and good timber abounds, and the country in the neighbourhood of the English church mission, where the Indians cultivate a great variety of root and other crop, is no exception.

This mission was established some ten years ago by the late Bishop of Algoma (Fauquier), who endeared himself to the small but devoted band now permanently settled in McIntyre Bay* on the south side of Lake Nipigon. Here some five or six frame and log houses, including a good school, have been erected under the superintendence of Rev. Mr. Rennison, a graduate of Trinity College, Dublin.

*The location of the English Church Mission on McIntyre Bay, and not Chiefs Bay or Grand (Big) Bay, conflicts with that given in previous communications (see chapter 8). Cf. also para. 265A.

This well chosen site has not yet been secured to the Indians. I am, however, informed upon good authority that both the Dominion and Ontario Governments are about taking steps to construct a good wagon road from Red Rock on the Canadian Pacific railway to this mission. This is rather a better route for the road promised to the Nipigon people by Mr. Conmee, M.P.P., during the closing days of last session, and for which the sum of \$1,000 has been voted in this year's estimates. Mineral lands have been applied for in this vicinity. "Possibly", observed the intelligent chief of the band, "the Government think we have moved away. And as white men have already applied for mineral lands right at our doors, we should like to see this question of ownership settled in a friendly way, as we don't want to keep out miners or settlers".

During our trip we experienced some unusually severe weather, notwithstanding which work was vigorously carried on every day. Over 11,000 acres of land were instrumentally surveyed, and repeated observations were taken upon clear nights throughout the progress of the work.

...

In addition to the above reserves on the Big Lake, another reserve was last season surveyed by Mr. A.L. Russell, for the band of Chippeways belonging to Red Rock and Lake Helen. This reserve is on the west bank of the Nipigon River near its inlet to Lake Helen, where the Chief Pierre Deschamps and other civilized Indians have made comfortable homes and well cultivated gardens. Here also reside the most experienced and trusty voyageurs and guides to the numerous fishing places of note. Among the best known of the guides I may mention Pierre Bonnetcarie, Jose Bouchard, John Watt, Alexe La Ronde and Dennis Deschamps.

[Document No. 280]

266A. In the spring of 1888, Agent Donnelly transmitted this request for a survey from the English Church Mission on Lake Nipigon:

The English Church Missionary...and his Indians, also...have requested me to ask the department to have this Mission ground surveyed one mile front on McEntire Bay Lake Nipigon by one mile deep, to secure their homes, the same as the Pic, Pays Plat, Red Rock, Nipigon & Long Lake Indians have had for them, at this Mission...they made wonderful progress...and they ask to have their homes and improvements secured to them, which will encourage them still more to improve, I may say all the Bands under my agency, have improved and prospered since the Department secured their homes to them, and this spring, for the first time known, have their own seeds for planting, and at same time, by the request of a portion of the Nipigon Band who many years ago, settled in the end of Jackfish Island Lake Nipigon, about three quarters of a mile from the Nipigon house, where they have eleven

neat-houses and garden grounds and in their midst is the school house, for which they want the teacher referred to in my letter of 17th instant, No. 475, about 200 acres will embrace all they want or ask for, embracing the arable land, if these requests are granted would like the surveys made in July, at my payment time, as then the Indians are all at home, and I will be there to see all done in a satisfactory manner to all parties and the surveyor can then easily get men to assist him, and I may further mention that this will finish and the last request for any Indians under my agency, as then all will have had their land and homes secured to them, and the surveyor I would recommend is A.L. Russel of this place, who has done all the other work for my different Bands.

[Document No. 281F]

In the margin on this letter Vankoughnet has written:

For Chief Surveyor to examine correspondence and plan if they - show(ing) location referred to and report to me re proposed survey.

266B. Chief Surveyor Bray then prepared for Vankoughnet a memorandum outlining the previous year's correspondence concerning Jackfish Island and the English Church Mission - whether with Crown Lands, Toronto, or with the Agent and the Indians. A propos of the Mission he wrote:

I am not aware that a Reserve has been applied for, but in view of the fact that valuable mineral deposits have been located and applied for by explorers in the immediate vicinity I might suggest that their limits be easily defined.

It is respectfully recommended that the Surveyor accompany Mr. Donnelly at the time of his annual payments in July as proposed by Mr. Donnelly - but that he be not restricted to lay out only one square mile of land as requested but instead that he be instructed to lay out a sufficient quantity of land, so that each family of five may have at least 160 acres of good land, a small separate portion may be laid out as grounds, pertaining to the Mission itself. Mr. Donnelly reported (25th April 1884 F.76234) that this band numbered about 45 and was increasing in number every year.

A propos of Jackfish Bray added:

As Jackfish Island is apparently well known and can be easily described as an Island - a survey does not appear to be necessary - but it would undoubtedly prove to be useful - It is respectfully recommended that the surveyor be instructed to make

a survey of Jackfish Island provided there is a favourable opportunity while Mr. Donnelly is making his payments, it being understood that the whole Island is to be surveyed as already decided the Dept. and not 200 acres only as mentioned by Mr. Donnelly.

Bray concluded with this comment:

There is not a Plan in the Dept. showing the Location of the E. Church Mission at Lake Nipigon.

[Document No. 281G]

- 266C. In a subsequent memo dated June 8, 1888, in answer to Vankoughnet's questions jotted in the margin of Austin's memo on the location of the Church of England Mission* (doc. no. 282A) Bray has provided these details about the Mission Indians:

The number of the band is stated to be about 45 - 160 acres for each family of 5 would be 1440 acres - say 2000 acres to allow for rocky, swampy land, small lakes, etc.

[Document No. 282C]

- 266D. On July 4, 1888, the following instructions were issued for the survey of the settlement at English Church Mission:

You will please proceed with Mr. J.P. Donnelly, Indian Agent, on or about the 9th instant to McIntrye Bay, Lake Nipigon, and after consultation with the resident or other authorities of the Mission and the chief and headmen of the Indians interested, lay out a block of land containing about 640 acres fronting on Lake Nipigon.

[Document No. 283B]

- 266E. On the 17th of the following month, Russell submitted his plan and notes on the survey at the mission. These notes included the following remarks on the wishes expressed at the time by the Indians concerned:

... with the exception of the marsh land in the north westerly part - which the Indians desired as a hay meadow - the land embraced in this survey is well adapted for farming purposes, more especially for roots, potatoes thriving extremely well. The soil becomes lighter and more sandy at a distance from the shore and the head men did not wish to include more land within the boundaries though I explained to them that they could have taken more.

The principal men were employed by me on this survey and at their request as well as that of the mission authorities I started from the lake shore a picket line parallel with and distant at right angles eight chains and fifty links from the east boundary of the reserve: this strip of land (shown on the plan) the Indians informed me they were desirous of giving to the Mission authorities.

[Document No. 283D]

266F. On September 26, 1888, Chief Surveyor Bray summarized in a memorandum to the Deputy Minister the acreage that had been surveyed thus far, in accordance with the Robinson-Superior treaty, for the Lake Nipigon Indians:

Mr. Austin's memo of 31 Aug. - states that the Gull River Reserve on Lake Nipigon contains 9825 acres, Caribou Island Point Res. & small Islands adjacent 135 1/2 ac.
Jackfish Island - approximately 260 acres
total 10220 1/2 ac.

These Indians are entitled to four miles square of 10210 acres, the three Reserves mentioned will therefore contain together practically, all the land they are entitled to under the Treaty.

The Reserve lately surveyed at the English Church Mission, on McIntyre Bay containing 585 acres, is therefore an excess of the quantity of land these Indians are entitled to under treaty.

[Document No. 284A]

267A. The Indians of the Catholic Mission of Red Rock sent a petition to Sir John A. Macdonald in May, 1888. The petition first sets down as follows the history of the Band's occupation of certain lots held "under certain conditions" by the Bishop of Peterborough:

The humble Petition of the undersigned, inhabitants of the Roman Catholic Indian Mission of Red Rock, Lake Superior, sheweth:

That they have had their residence at the place just above mentioned, for these last ten or eleven years past.

That they are living on two lots of ground whose titles were given to His Lordship the late Right Reverend J.F. Jamot, Bishop of Peterborough, by the Ontario Crown Lands Department under the following circumstances and condition.

His Lordship first made application for said lots, but before he obtained the Patents thereof, we, with his consent, settled on the lots, so that when the Department issued the Patents, it was under the express condition that we should not be disturbed in our possession of parcels of said lots as is recorded at said Crown Lands Department.

That our tenure is therefore sure and certain, and that His Lordship the Right Reverend Bishop Dowling, successor of the above mentioned Prelate, is most willing to allow more Indians to settle on those parts of said lots, which as yet have not been occupied.

That the said Red Rock Mission numbers at present between fifty and sixty inhabitants, whose residence, there, is permanent:

The petition then voiced these complaints about their Chief,

Pierre Deschamps:

That at the time of the Indian Payment, during the summer of 1885, Pierre Deschamps, a half-breed who then lived along the Nepigon River, though he at first resided in our midst, was proposed as chief by a few Indians, and though his nomination was most irregular and insufficient, as we then maintained and still do, he has ever since been considered as the Red Rock Indian chief.

That the said Pierre Deschamps at a distance of at least four miles from us, Lake Helen in its length, and a part of Nepigon River, separating him from us.

That the same Pierre Deschamps takes no interest whatever in us and never visits us.

That last year when your Department sent him hoes, grub hoes &c, he did not give us any of them, and that both by his words and actions, he shows a strong desire of destroying our settlement.

That only three families permanently reside along the Nepigon River, viz: that of said Pierre Deschamps and those of his two brothers in law: Alexander de Laronde and José Bouchard - Alexander de Laronde and family have spent the winter at Lake Nipigon.

That owing to the circumstances above mentioned, said Pierre Deschamps is altogether unfit to be our chief.

Therefore your Petitioners humbly beg of your Excellency the permission to choose a person who will be able to act as their chief and whose name will be sent you for approval or confirmation; and they shall every pray.

[Document No. 281E]

Eleven people have signed this petition.

267B. On June 8, 1888, Donnelly wrote to the Superintendent General, replying to complaints in the above petition about Chief Pierre Duchamp (Deschamps):

In reply to your letter of the 21st No. 58211 enclosing a petition signed by certain Indians, praying that Pierre Duchamp be removed from the Chiefship of that Band, and [sic I] herewith return the petition, and my report asked for by your Department. Regarding the tools, I spoke to him on the subject, and he said, that he gave tools to every Indian, who wanted to clear and improve land, and not to those who did not, but wished them all to work on their Reserve given them by the department, being better than improving land they had no title to, and he thought, that was also the intention of the department. Among the signers of this petition, there are only three that I can make out by my pay Sheet belonging to the Red Rock Band, the others I do not know, and they are all written in one handwriting without any cross (x) to show the presence of the parties.

Those living at the Lake Helen R.C. Mission have never been disturbed by the Chief or any other person, and there are not Fifty or Sixty permanent Residents there as represented.

When elected in 1885 the Chief had bought 100 Acres of Govt. land on the River, near where their Reserve was afterwards placed or surveyed for the Band, and he had pulled down a fine house at the Mission to move it on his Farm on account of the land, twenty acres for which he paid \$1.00 per Acre, to the Revd. J. Herbert being too poor and Sandy to live on, and hemmed in with Rock and Sand hills, and they all knew where he was to live, when they voted for him. After he was elected the Reverend J. Herbert, informed me that this election was irregular & proper notice was not given, and a petition sent Your department to that effect, and I showed the Department to the contrary, giving the names of two thirds of the Band, i.e. those entitled by the act to vote and at this pay day election I told them all, if they chose, (they) could every three years have an Election for a chief, and pay day, Next Month Chief Duchamps three years will have expired, and (they) can have another election if they choose, this is the only time to give them notice of an election, as there is no other time or way to communicate with them.

I may say this Chief is one of the most respectable, Sober and Industrious of the band, and married in the most respectable family, and a good example to his Indians.

[Document No. 282B]

On the margin of this letter Vankoughnet has written: "Mr. McNeill
ack and say no action on the petition would appear to be called for".

268. In accordance with the instructions given, this letter, dated June
16, 1888 was sent to Agent Donnelly:

I have to ack the rect of your letter of the 8th
inst reporting upon the Petition from certain
Indians of the Red Rock Band praying that Pierre
Deschamps may be removed from the Chiefship of
that Band & in reply I have to inform you that no
action on the Petition would appear to be called
for.

[Document No. 283A]

269. On December 8, 1888, Agent Donnelly provided information requested
from him on the election and terms of office of the Chiefs of the
Fort William, Red Rock, Long Lake, Pays Plat and Pic Bands:

I beg leave to reply to your circular of the 20th
Oct. & furnish your Dept. with a list of the Chiefs
in my agency which is attached herewith* with their
characters, the dates of succession and authority
for their appointment I give in this letter. Thos
Buska and 2nd Chief Banin were elected by the Band
in July 1886. Their three year term expires next
July for Fort William Band.

Pierre Duchamp & Agamangesis 1st & 2nd Chiefs of
the Red Rock Band were elected by the Band in July
1885 for three years, term of Office expired last
July, the Inds. did not want or ask for another
election for other Chiefs**, so were allowed to run
on in office until a change is asked for - Alexis
Musquash is 2nd Chief for Pays Plat Band, was
elected with the 1st Chief in July 1885 for 3 years
and no change has been asked for by the Band &
allowed to remain.

J.B. Desmoulin & Sam Desmoulin 1st & 2nd Chiefs of
Pic Band were also elected in 1885 and allowed to
run on in Office. Nichol Filayson & Joseph
Pemijigmiang of Long Lake Band were elected in
1886 in July Term of Office ceases next July, but
likely will be continued on by acclimation like
some others. Windjab was elected at the time of
the Robinson Treaty and Gilbert his 2nd Chief
chosen by him. - The Band so far have not asked for
any change.

[Document No. 285]

*No longer attached to letter on record
**cf. doc. no. 281

270A. The report of the Indian Agent for the year 1888 described the condition and the division of Lake Nipigon bands and enumerated the reserves on Lake Superior:

Red Rock Band

The Indians of this band are settling on their River Nepigon Reserve more this year than last. Having had no reserve until two years ago, they were scattered about in different localities, but they are now coming together on their reserve. They have this year cleared some land and have planted potatoes. Their chief has a farm opposite the reserve, a few hundred feet across the Nepigon River. Last fall he gathered sixty bushels of potatoes, and furnished his Indians with their seed this spring. After their seeding is done, these Indians are employed with their canoes, by tourists going up the Nepigon River for brook trout fishing, for which that river is renowned. They get the highest wages - from two to three dollars per day, and are well kept. In this way they make money, and in the winter season go inland to their hunting grounds.

They have a good schoolhouse and teacher at the Roman Catholic mission on Lake Helen, but it is out of the way for them, and next year they expect to build a schoolhouse on their reserve.

Pays Plat River Band

The Indians living on this river are but few in number. The river is noted for the finest lake trout and Whitefish on the Lake Superior coast, and these fish are the principal subsistence of the Indians. The land is poor, being of light sandy soil and not productive. Although the Indians have worked industriously, yet, they have failed to get good crops.

Several deaths occur among these Indians every year, and the band is decreasing in number. The health of the Indians suffers on account of the land being low, and heavy fogs hanging about it. On this account, some families, this summer, have moved away.

The Pic Band

These Indians are making good progress in their agricultural pursuits. This year their crops were, however, not so good as last season on account of summer frosts. They have plenty of hay, and keep their cattle well fed. They also sell some hay to the officials at the Canadian Pacific Railway which helps them to make a living. They also catch fine trout and Whitefish. In the winter season they go to their hunting grounds; altogether they manage to make a good living. All the Indians had their own seed potatoes last spring, without having any provided for them by me. In winter they do a good business in the fur trade.

They have a good schoolhouse, but have been unable to get a teacher for some months past.

Long Lake Band

These Indians form a large and prosperous band, who follow hunting entirely for a living. Their winter's catch of furs, consisting principally of otter and beaver, realizes from seven to eight thousand dollars annually. They dress well and are clearly in their habits. Their land is unproductive, the summer season being too cold and too short for perfect vegetation. The lake and streams abound with fine fish. During the summer the men obtain employment from the Hudson Bay Company transporting goods and supplies of provisions which are brought in boats carrying five tons. There are twelve portages on the route, some of which are over high hills. The Indians' wives and families manage to live comfortably, camping during the summer season, on, and about the Long Lake Reserve.

This band has a Roman Catholic Church, but they have no school.

Nepigon Band

The Indians of this band are the most numerous of any within my agency numbering about five hundred. They are well to do, industrious and cleanly in their habits. A goodly number have excellent houses and garden grounds on Jack Fish Island, near the Nepigon House, Lake Nepigon. They raise very fine potatoes, sufficient for family use during the winter and for seed in the spring. A number of these Indians who do no farming dwell in wigwams about the rivers and lakes, living on fish and what they catch while hunting. In the winter they go to their particular hunting grounds, the limits of which was, in many instances, defined and handed down from their forefathers. They are very honorable with one another, having proper regard for their neighbors' traps. Their catch of fur is large; about the same in value and kind as that of the Long Lake band.

They have a Roman Catholic Church at the Hudson's Bay Company's post, and a well built schoolhouse on Jack Fish Island, but they never have had a teacher.

Two years ago a reserve was surveyed for them by the Department on gull River, Lake Nepigon, but thus far they have not made any improvements on the land.

English Church Mission Reserve

This reserve is also situated on Lake Nepigon, near the mouth of the Nepigon River. It was surveyed for these Indians this summer. They are very comfortably situated on the banks of the lake, where each family has a house and clearing. The land is very fertile and yields good crops. Last spring they had their own seed potatoes, and plenty in their cellars for use until the new crop comes in. They are now quite contented and pleased to find themselves on their own land, and they feel encouraged to go on and improve their homes. The men are employed every summer by American tourists, and make money at the business, in the same manner as do the Indians of Red Rock or Lake Helen.

I may mention that the Fort William, Red Rock, Pays Plat, Pic River, Nipigon and English Church bands, last spring for the first time every known, had their own seed potatoes wintered over, and they will probably continue the praiseworthy practice. These Indians have improved very much, particularly within the last three years.

There are here a church and parsonage and also a schoolhouse and teacher.

[Document No. 284]

270B. The Agent's report of the following year, presented in September, 1889, described the bands and reserves north of Lake Superior and the daily pursuits of the Indians. Pertinent extracts from the report appear below:

The Fort William Band

I am pleased to be able to report that the Indians of this band are prospering, each year improving upon their previous year; ... the number on the band is 378; ... about 50 of this band have intermarried with Savanne and Lac des Mille Lacs Indians.

Red Rock Band

The Indians of this band have been for some years scattered about the country, but are yearly coming together on their reserve upon the Nipigon River, near Lake Helen, making homes for themselves there. The land is good and productive. During the last year they increased their settlement, built several neat houses, cleared new land and planted potatoes. They have a good bull, well broken in to work; a plough, harrow and other farming implements. They are employed with their canoes by tourists from different parts of the United States and Canada, who visit this river every summer for trout fishing. They get good wages, and in this way make money. In the winter season they go inland to their hunting grounds. They have a schoolhouse and teacher, but the school is not so well attended as it ought to be. It was built about fifteen years ago, on the side of Lake Helen, at the Roman Catholic mission, about four miles from where the majority of the children live. They expect next year to build a schoolhouse on the reserve, if they can raise the money to buy building material. This band numbers about 210, and is generally in a healthy condition. They have a Roman Catholic church near their schoolhouse.

Pays Plat River Band

The Indians of this band have prospered more for the past year than ever before, have built several new houses, and with their bull and plough have broken up new land and fenced it in. Their crops of potatoes, turnips and other vegetables are wonderfully good, and the most of them will have potatoes to sell. They have a fair market for surplus produce. They have built a good stable, and have purchased lumber and tar paper to finish it with. This reserve was for the past few years unhealthy, but has changed for the better by the clearing up of their land. Their farms face upon the river, which is about 200 feet wide, deep and navigable for small vessels for two miles up. The Canadian Pacific Railway road bridge runs through their settlement and trains stop for their accommodation at this bridge. The river is noted for fine Whitefish and trout, and is the only place on the Lake Superior coast where pink flesh salmon trout are found. In the fall they make money filling private orders for these fresh-water salmon; in the winter season they go inland to hunt, the locality being noted for fine otter and beaver. They are anxious for a school, which, in another year, they will try to obtain.

The Pic River Band

These Indians are making good progress in the way of agriculture; they have added several acres of new land and have built four new houses. Their crop of potatoes and other vegetables was good; they will have a quantity to sell, for which they get the highest market price. Their farms face the river, which is about 250 feet wide for three miles from its mouth. They get plenty of Whitefish and common lake trout, and have a good supply put up every fall for use during the winter.

They devote the winter season to hunting and trapping, leaving their families at home comfortably provided for; they have a good school, which is well attended and children make fair progress. They have a yoke of oxen, plough, harrow and other implements, a good warm stable and plenty of hay, and they keep their cattle in good order. The band numbers about 270; they have a Roman Catholic church on their reserve.

The Long Lake Band

This band is prosperous; they are altogether hunters, as their land is cold and unproductive; the men are employed in summer transporting goods inland from the frontier for the Hudson Bay Company; their inland lakes and rivers abound with fish, upon which they principally subsist; in the winter they locate themselves upon their different hunting grounds, and return in the spring to Long Lake, with their fur to the value of about \$12,000. They number about 340 Indians; they have a Roman Catholic church near their reserve.

The Nepigon Band

This band is the most numerous of any within my agency, numbering about 500. They are industrious and cleanly in their habits the greater number of them work during the summer, portaging goods inland for the Hudson Bay Company; many have houses and gardens on Jackfish Island and along the Lake Nepigon shore; they raise good crops of potatoes and manage to have their seed in the spring; other families live in wigwams along the rivers and lakes, and they subsist on fish and animals they trap or shoot, principally rabbits and occasionally bear; in the winter they hunt and return in the spring with their furs, amounting in value to \$13,000 to \$14,000. Otter and beaver are their principal skins, for which they get a fair market price. Some members of the band have established themselves on the Gull River Reserve*, and others promise to join them next year. On Jackfish Island they have a school house, which is not in operation; they have also a Roman Catholic church near the Nepigon Hudson Bay house.

English Church Mission Reserve

The Indians upon this reserve are a portion of the Red Rock Band; they are located on Lake Nipigon, about ten miles from the mouth of the river; their reserve is on Grand Bay, the farms fronting the lake; their land is rich and prolific; their houses are well built and comfortable, each having a good cellar; they have abundance on fine fish the year round, whitefish and trout; they have a good school and teacher. They rebuilt their church last winter; it is neatly built of square hewn logs; the lumber to finish it they whipsawed, and the workmanship is of the best kind; the shingled roof is painted. The Indians of this place engage during the summer with Nipigon fisherman tourists, and in the winter they hunt fur-bearing animals.

[Document No. 286]

271. The records include paylists for 1890 for Pays Plat, Long Lake, and Pic River. These paylists indicate the annuitants by name and gender. Widows are specifically mentioned as well. (See document no. 289)

272. On 2 January, 1890, four Chiefs of Pays Plat and Pic River sent a gift to Deputy Superintendent General, L. Vankoughnet, with a letter thanking him as follows for the "kindness and attention" they had received:

*cf. docs. no. 279B and no. 284

Permit us the Chiefs of the Pic and Pays Plat Bands, to present you through our agent as a new years gift two fine stones, one is for your good lady Mrs. Vankoughnet, as a small token of our regards towards you, for the kindness and attention we have always received from your Department, in many ways more than we could demand according to our Treaty, and to mention also to you that within the past few years we have prospered on our new Reserves, and can afford to make this small presentation; if you will accept it from us, and hoping you may see many more new years is the wish of your faithful Indian Servants.

[Document No. 287]

272A. In the spring of 1894, the new Deputy Superintendent General, Hayter Reed, took up again the long outstanding matter of Ontario's approval of the Pic Indian reserve surveyed in 1885:

I have the honour to state that in the Year 1885 an Indian Reserve, containing about 800 acres, was surveyed by P.L.S. Russell in the Town ship of Pic on Pic River, North Shore of Lake Superior, for the Indians of Pic Band who at that time were and yet remain in possession of same.

The records of this Department show that on 26th March 1886 copies of Plans and Field Notes were transmitted to Assistant Commissioner of Crown Lands, Johnston, who replied on 1st April 1886 that these documents would be submitted to the Commissioner on his return.

There is nothing to show that the Government of Ontario ever signified its approval of the same, and as it is very desirable to have these outstanding and incomplete matters disposed of as soon as may be found practicable, I shall be pleased to learn how the matter stands in your Department.

[Document No. 289C]

273. Reed received this reply dated May 26, 1894:

This application together with the others made at the same time - viz March 26th 1886, were before the Hon the Attorney General in 1890 but it does not appear that any action was taken. Meanwhile I may remark that at the present the Commissioner of Crown Lands is so engrossed in business that it is impossible to bring the Subject under his notice.

[Document No. 289D]

273A. In the month of May also, the Pic Indians submitted to the Department, via Agent Donnelly, a request for for 1000 acres of woodlands. (see doc. no. 289A) On Donnelly's letter, Reed has written: "For report as to the Res(erves) - and timber asked for". In consequence, Timber Inspector Chitty prepared the following memorandum for the Deputy Minister:

Regarding application of Indians of Pic River Reserve, north shore of Lake Superior, for block of 1000 acres of woodland where they may select - for timber, for fences and fuel, etc.

The Agent reports that Indians for years, have been trespassing on the Timber lands of Ontario the Agent for which will not allow this to continue.

Timber is being taken up along Pic River by whites and prompt action is necessary to secure the best and nearest to the Reserve.

The Pic Reserve contains 800 acres population 247. It is situated on Pic River 3 1/2 miles along shore by 1/2 mile deep. It was surveyed by P.L.S. Russell in Dec. 1885. Copies of plans and field notes were sent to Crown Land Department, but there is nothing on file to show that the Ontario govt. ever signified approval of the selection as a finalty.

This of course, has no bearing on the present application.

[Document No. 289B]

There is no further record of action being taken on this request at this time.

274. On September 5, 1894, Agent Donnelly sent Indian Affairs information on the appointment of Kewanaway, the new Chief of the Pays Plat Band, enclosing the following statement by the Band which was dated July 21, 1894:

At a meeting held this day by the Indians of the Pays Plat Band they came to the conclusion to not have Negonegesic any longer as our Chief on account of him taking no interest in the Indians, working no land or making any kind of improvements, and being absent from the Reserve most of his time going away when he knew the Paymaster was coming and not calling the Band together for payment nor being present to witness

the payment. We consequently consider him unfit to represent us as Chief, have therefore unanimously elected Keweanaway as our Chief such Chief being necessary to witness this payment and furthermore told the school teacher not to teach School anymore until the Building was repaired contrary to instructions of the Indian Agent. The teacher wrote the Agent and school was continued the same.

[Document No. 290]

Eight names, with corresponding marks, appear on the document.

275. The extract from Donnelly's letter, the only record on file, states:

P.S. I also enclose the appointment of Keweanaway as Chief of the Pays Plat Band. Although not in strict conformity of the law, it was necessary to be done, to have the Chief witness the payments as required by the Dept. and the particulars of his removal is explained in the election paper enclosed, signed by the Band.

[Document No. 291]

276. Instructions noted on the above letter required additional information from the agent. Such a letter was sent on the 12th and, in consequence, Donnelly, on September 22, 1894, provided this explanation of the circumstances surrounding the irregular election of Keweanaway:

In reply to your letter of the 12t instant No. 58,211 - relative to deposing Chief Neganagesic of the Pays Plat Band of Indians and electing Kewianaway in his place, contrary to the 75th Section of the Indian Act unless his term had expired, have to explain the exceptional circumstances connected; upon my arrival at the Reserve the Indians informed me their Chief was absent &c, I told them I would go on and pay on my return; they stated that he had gone to get work with the tourists on the Nipigon River and would not be there at the Reserve on my return, as he had left word with his wife to draw his pay, and took no interest in the Band and never had, I informed them it was against the law of the Indian Act, and they said the order of the Indian Dept. to have the payment of the Band witnessed by the Chief must be obeyed, and they would elect another Chief setting forth the facts they did, showing the necessity of electing another, and if under the circumstances the Dept. might think proper to replace the Chief could do so, that in another year his time of term would be expired and they would put him out, and to this I could not state

to them, that the order of the Department was comparatively formal, nor did I think so, as I supposed I had to obey and have the paysheets witnessed as the Department ordered and required, and I allowed the election of another Chief; and place the facts stated in their election paper before Department to be acted upon as might be thought best; and this explanation is what, guided me to act, and show this Chief he could not act and treat his band in this trifling way.

P.S. If it is the wish of the Department I will replace Neganagesic as Chief until his term of office expires next year or consider this election void, and depose him as the 75th section of the Indian Act requires for incompetency as he has proved incompetent in every way.

[Document No. 292]

A marginal note on this document, above the initials H.R. (Hayter Reed, the new Deputy Superintendent General) reads as follows:

McN
Act in accordance with the law & depose old Chief.

277. On September 29, 1894, Hayter Reed wrote to Agent Donnelly thus about the problem connected with the election of Neganagesic as Chief:

In reference to your letter of the 22nd instant respecting the deposition of Chief Neganagesic of the Pays Plat Band, I would say that the law as it stands simply provides for the deposition of Chiefs elected by Bands to which the system of election has been applied by Order in Council, and life Chiefs who were living when the enactment contained in the 75th Section of the Indian Act was made. As the system of election was never applied by Order in Council to the Pays Plat Band the only course to adopt, in order to overcome the present difficulty would be, if Neganagesic is not a life Chief within the meaning of the law, to apply the system of election by Order in Council, and to only recognize as Chiefs those regularly chosen by the Band after the system has been formally applied.

Before taking any steps in the matter, I should like a report from you giving full information as to how and when Chief Neganagesic was given the Chiefship.

[Document No. 293]

An order in council dated October 23, 1894, subsequently applied the system of election of Chiefs to the Pays Plat Band. (See document No. 294)

278A. The Acting Superintendent General of Indian Affairs informed Donnelly of the above-noted Order-in-Council in this letter dated October 26, 1894:

I have to inform you that His Excellency has been pleased by Order in Council of the 23rd Instant to recommend that the system of election of Chiefs be applied to the Pays Plat Band of Indians as provided in Section 75 of the Indian Act, which reads as follows:- that one Head Chief and two second Chiefs or Councillors be elected for every two hundred Indians. No Band shall have more than six head Chiefs and twelve second Chiefs, but any Band, composed of thirty Indians, may have one Chief.

[Document No. 295]

A marginal note stated that the Band would be entitled to elect one Chief, and instructed Donnelly to hold an election.

278B. In January, 1895, the Deputy Superintendent General initiated his new year's correspondence with Crown Lands with this renewed request for action from Ontario on the unconfirmed Indian Reserves:

I have the honour to refer you to a letter from your Department under date of 26th May 1894, with regard to certain lands on the North Shore of Lake Superior, set apart as Indian Reserves, about which a good deal of correspondence has taken place.

As it is very desirable that this matter should be disposed of at as early a date as possible, I shall be pleased to have the assurance that your Department will take prompt action thereon.

[Document No. 295A]

278C. In February, 1896, the Deputy Superintendent General again took up the same matter with Crown Lands:

Referring to your letter of the 19th of July last, I have the honour to again draw your attention to the applications made by this Department at various times for the Reserves which have been surveyed for the Indians at Nipegon, Pays Plat, Pic, Michipicoten and McIntyre's Bay, Lake Nipegon.

In this connection I beg to inform you that about 50 members of the Tootemenai Band of Indians, for which Band the Michipicoten Reserve was surveyed, have for years been living at Chapleau and have recently made application for a Reserve for their use and occupation in the neighborhood of Lake Windermere on the Lake Superior side of the Canada Pacific Railway.

Owing to hostility, arising principally out of religious differences, between these Indians and the main portion of the Band to which they belong, it appears desirable to keep them apart and to establish the applicants on a Reserve by themselves. I would therefore be glad to know whether the Honourable the Commissioner of Crown Lands would consent to set aside a sufficient quantity of land for them near Lake Windermere and reduce the quantity by the same number of acres surveyed for the whole Band at Michipicoten.

[Document No. 295B]

At the top of this letter the Assistant Commissioner queried his staff as follows:

Surveys -
How many acres in Michipicoten Reserve? Where is Lake Windermere?

[Document No. 295B]

278D. On October 22, 1896, the Deputy Superintendent again wrote to Crown Lands about the unconfirmed reserves:

In my letter to you of the 1st Ultimo, I beg to draw your attention to the matter of the application made by this Department at various times for the Reserves which were surveyed for the Indians at Nipigon, Pay Plat, Pic, Michipicoten and McIntyre's Bay, Lake Nipigon. May I ask you to be good enough to advise me whether the consideration of these applications can be dealt

with at an early date, and whether there would be any difficulty in granting the request of the Indians of Chapleau submitted in my letter of the 29th February last that land be set apart for them near Lake Windermere in exchange for land claimed by the Tootemenai Band of which the applicants are a fragment.

[Document No. 295C]

278E. At the beginning of 1897, the Agent appears to have informed the Department of changes in the number of occupants of the Gros Cap and Michipicoten Reserves. In consequence the Department's Chief Surveyor, Samuel Bray, prepared the following memorandum on the subject for the Deputy Minister:

With reference to the surrender issued of part of the whole of the Gros Cap Reserve for an equivalent in land near Lake Windermere for Indians living at Chapleau.

The Agent points out that neither the Gros Cap or the Michipicoten Reserve is of much use to the Indians. That the Gros Cap reserve has long been abandoned, that very few Indians live on the Michipicoten Reserve and he thinks these will soon remove to other points as the place has been abandoned by the Hudson's Bay Company. He thinks the Michipicoten Indians being Roman Catholics will not be inclined to execute a surrender in favour of the Indians at Chapleau who are Protestants.

The reserve at Michipicoten has never been confirmed by the Ontario Government to action, therefore can be taken with the view of surrendering this Reserve. The Gros Cap Reserve was constituted a reserve by the Robinson-Superior Treaty and may therefore be surrendered.

It would appear to be desirable to have a surrender taken covering indefinitely the whole or a portion of the Gros Cap Reserve in order that there be no unnecessary delay when the decision of the Ontario Government has been received as to whether lands at Lake Windermere may be had in exchange.

The question would appear to be whether the few members of the Gros Cap band residing at Michipicoten have the exclusive right, in account of being situated comparatively near the abandoned Gros Cap Reserve, to control this Reserve (Sec. 39 of the Indian Act), or whether they do not live sufficiently near within the meaning of the Act. The Gros Cap Reserve is distant from the Michipicoten Reserve, according to the Map, about five miles.

If there are no Indians living near the abandoned Gros Cap reserve, within the meaning of the Act, it would appear to be a question of importance whether the Agent may call a meeting of the band at a place where it could be more conveniently attended by a majority of the band, for the purpose of executing the necessary surrender.

[Document No. 295D]

On the margin of this memo Reed has remarked:

We had btr. (better) assure ourselves we can get land at Windermere before taking a surrender.

There is no record of further action being taken on the surrender at this time.

278F. In the spring of the next year, on 29 March, 1897, the new Deputy Superintendent General, Clifford Sifton, took up the matter of the unconfirmed reserves once again:

I beg to call your attention to correspondence had by this Department with your Department asking for the confirmation of certain Indian Reserves on the North Shore of Lake Superior at Nipigon, Pays Plat, Pic, Michipicoton and McIntyre's Bay, Lake Nipigon, also th the desire of this Department to obtain land at Lake Windermere for Indians living at Chapleau, in exchange for an equivalent in lands situated at Gros Cap.

These and other land matters, about which there has been correspondence, were incidentally referred to in a conversation had recently by Mr. McLean of this Department with your Deputy, and it is with the object of having the several matters closed that I have brought them before you.

[Document No. 295E]

278G. On November 3, 1897, Secretary McLean of the Indian Department wrote to Crown Lands concering the Indian Department's request for a reserve on Jackfish Island:

I have to refer you to a letter from this Department dated 23rd September 1887, in which application was made to your Government requesting that Jackfish Island in Lake Nepigon might be granted as an Indian Reserve, and to state that the Indian Agent for the locality has informed the Department that the whole Island is not required for a Reserve, and I would add that it was supposed at the time of making the application that a small Island was in question, but it appears that this Island contains about 1000 acres.

I beg to make application for a small Reserve containing about 150 acres at the North end of the Island, to be surveyed to include the Indian houses and clearings and about 30 acres of arable land, being in fact, all the arable land at that point. The remaining 120 acres is required for the Timber, although it is reported to be almost entirely rock.

[Document No. 303A]

278H. On January 4, 1898, McLean wrote Crown Lands about the unconfirmed reserve at the Michipicoten River:

I beg leave to draw your attention to your letter of the 27th October last, regarding a piece of land laid out by this Department, and applied for to your Department as a Reserve for the Indians living near the mouth of the Michipicoten River, and to request you to be good enough to inform me what action has been taken.

A letter from the Rev. Father Jos. Specht of Fort William, in which he sets forth in very urgent terms the claims of the Indians to the piece of land in question as well as to the other pieces of land laid out by this Department in a similar manner at Pic River, Pays Plat and Red Rock, has been received.

A similar letter has been received from Sampson Lagarde, in which he protests against the operations of Captain Currie and others, who he states have been engaged subdividing the land laid out for them into town lots.

I shall be obliged if you will inform me what is the work in which the Surveyors have been engaged, on the land in question.

[Document No. 303B]

278I. The following month the Indian Department wrote again to Crown Lands in reference to all the unconfirmed reserves:

Referring to letter of the 29th March last addressed the Commissioner of Crown Lands by the Superintendent General in relation to the confirmation of certain Indian Reserves on the North shore of Lake Superior, I beg to inform you that the Indians interested are pressing the Department for information as to title to their Reserves in this locality, and I should be pleased if you would bring the matter to the attention of the Commissioner at your early convenience.

[Document 309A]

278J. Two months later the Deputy Superintendent General wrote personally to the Commissioner of Crown lands about all the unconfirmed reserves:

I beg to acknowledge the receipt of your letter of the 3rd Instant, No 2578-84, regarding a plot of land near the mouth of the Michipicoten River, surveyed by this Department, and for which application was made in 1886 to your Department to have the same set apart as a Reserve for certain Indians in occupation thereof.

It is regretted that, owing to the reasons specified in your letter, you are unable to accede to the request of this Department, but it is a matter of satisfaction to know that the interests of the Indians will be safeguarded to the extent of granting them the Lots which they occupy.

With reference to the different plots of land laid out in 1886 or subsequent years for Indians residing at Pic River, Pays Plat, Red Rock, McIntyre Bay, Island Point, Jackfish Island and Long Lake and for which application has been made to your Department from time to time to have them set apart as Indian Reserves, I should feel obliged if you would give the necessary instructions to have this action taken.

[Document No. 309B]

279. On July 21, 1897, the Inspector of Indian Agencies and Reserves called on the Deputy Superintendent General to suspend Agent Donnelly's salary and explained his recommendation thus:

I have this morning telegraphed to you suggesting that pending receipt of this letter, Mr. Donnelly's July salary be not forwarded.

My reasons for doing this are as follows. There are a number of payments charged to the Department in the pay list of last year, which the Indians dispute in a way that at least suggests that the number represented as paid were not paid in fact; in other words, that families have been added to ----- the Indians receiving benefit from the addition. The Agent may be able to explain these discrepancies to my satisfaction, but there are no indications that he will succeed in doing so.

Further. I have grave doubts as to whether the Dept. will agree with the views of the Agent & the Hudson's Bay Co. agent in the district, in respect to the rectitude of an arrangement which they have apparently considered right, in respect to the transportation of the former & his clerk into Long Lake & Nepigon House for many years, to make annuity payments. For trade advantages, to be reaped by having the payments made inland, the company's agents have transported Mr. Donnelly free of charge to the points named and have granted him receipts for suppositious payments of sums which as I pointed out to the Dept. before I left Ottawa my experience taught me were out of proportion to the services performed. These sums went entirely, or almost entirely, to Mr. Donnelly as profit.

With these facts before me, & believing as I do that Mr. Donnelly's term of office is limited, now that his district has been inspected, I preferred not to bear the responsibility of leaving the Department inadvised to make payments, which it might prefer not to have made when it receives those reports that upon the earliest opportunity I shall forward.

[Document No. 296]

280. On August 9, 1897, Inspector Macrae forwarded the following interim report to the Department on Agent Donnelly's administration of annuity payments and the temporary measures he had taken as a result of his investigation:

I have the honour to inform you that I have just arrived at this place from Ft. William and from the appointments made by the Agent find myself obliged to leave at once for Michipicoten. Before doing so, however, I will, ---- file an interim report of net results of my visit to Mr. Donnelly's Agency.

I wrote the Department from Ft. William respecting Mr. Donnelly's travelling accounts. According to that gentleman's own statement the Department may conclude that for each year since his appointment the payments reported to have been made on vouchers of the Hudson's Bay Co. fairly represent what Mr. Donnelly has drawn improperly from the Department. He could not give me an account of the amounts received by these suppositious receipts but the Department, having his accounts, can easily determine what amount to be overdrawn in the aggregate.

Pending the decision of the Department as to what will constitute cause for depriving of participation in the "Robinson-Superior" annuity, and acting under the direction to stop payments which in my opinion should not be made, I prevented 137 persons from receiving annuity, a money stoppage of \$548. I of course, fully explained that my action was not final, and that conclusive determination rested with the Department. Through false statements made at Fort William and Red Rock payments which were the first made, although being left in the dark by persons who should have been reliable - the Agent augmented the number - some Indians & halfbreeds received annuity whose claims seem to be either invalid or most questionable. I did not fail to discover that such had been the case, and opened enquiry into the title of such persons. I have in hand a lot of notes and evidence which time has not yet permitted me to consider but which may ultimately lead the Department to strike about 200 more past annuitants from the lists.

Without going into particulars I may state that apart from payments to those I deemed unentitled to receive annuity, 39 overpayments or overcharges of \$4.00 each were made in 1896 - amounting to: \$156. Many of these, made for persons who had no existence have been made for years. Eighteen of the 31 alleged recipients deny upon oath or by statement every having received the amounts over-entered in the lists. Corroborative evidence of non-receipt of alleged payment could only be obtained on one or two cases. Giving the Agent the benefit of every doubt - to which (benefit) he is clearly entitled - the conclusion that he has been grossly careless is irresistible, & from surrounding facts it appears to me he may properly be believed to have unduly profited pecuniarily.

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Treaties
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V.1 Robinson-Superior
Claims! draft historical
report

Treaties
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Robinson-Superior Claims!
draft historical report



CAT. No. 23-101

PRINTED IN U. S. A.

ROBINSON-SUPERIOR CLAIMS

Draft Historical Report

FOR DISCUSSION PURPOSES ONLY

This draft historical report presents the historical facts which are known at this time concerning the above-noted claim. Other historical facts may subsequently be found to be relevant to this claim that are not included in this draft historical report. This draft historical report does not draw any conclusions concerning the facts presented nor does it constitute a Government of Canada position on this claim.

June 1986

Treaties
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V.2

The surrounding facts are 1st those connected with his travelling expenses: 2nd. that he has despite the orders of the Department facilitated the Indians obtaining credit, and assisted traders in making collections in a manner equivalent to accepting orders: 3rd. has represented untruly to the Department by statutory declarations that payments have been made to Indians or their legal representatives knowing such not to have been the case, 4th. caused, at least in one case, a Chief to vouch for paylists for years at which he was not even present. 4th has striven to mislead me in my inquiries by mis-statements of fact; and 5th generally speaking appears to be quite unreliable. Possibly some of his misrepresentations may be due to a failure of the mental faculties springing from advanced age, but it is not possible to attribute all to this cause. Too many must too evidently be put down to a deliberate attempt to deceive.

The past inaccuracy of the pay lists will be best gathered from the marks placed in this years list by the Agent. I have with great care given instructions in respect to forwarding the original pay-sheets; and as to enlarging the marks in the duplicate copy so that nothing may be incomprehensible to the Department. As far as could be done before leaving I advised respecting the enlarged notes & I hope that the Department will find the lists finished properly. Necessarily the remission of such inaccurate lists involved much change and copious notes.

Before reporting upon the claims to continue to receive annuity I desire to refer to the accounts of early distributions under the "Robinson Superior" treaty, and to take time to consider the evidence which I only finished obtaining on Saturday night. I think, therefore, that it will be wise to abstain from making further report until my return to headquarters, unless there is any matter on which the Department needs information.

P.S. There is no doubt that it will become my unpleasant duty to recommend the discontinuance of Mr. Donnelly in office.

[Document No. 297]

281. On August 11, 1897, the Hudson Bay trader sent Agent Donnelly, a statement from the Long Lake Band Chiefs, for transmission to Indian Affairs at Ottawa, (see para 282 below) and attempted this explanation of a mix-up in the payments of some Pic Band members at Long Lake:

Please find Enclosed the Paper drawn out for the Chiefs of the Long Lake Band and wishes it to be sent to the Indian Department at Ottawa.

They also wish to enform you that Shabokiek, was not paid at Pic, altho his Brother, Nanawkijuk no. 43, was paid more(?). Shabokijiks ticket is no. 52. Your Book may show it was paid here, but to whom: you promised him his pay at Pic before starting to go to Long Lake, and when you returned to Pic you said to him that you paid his money up here.

His Brother Sakakamik drew for only one Brother Minogejick.

Allow me to explain how this might have put you astray. You paid no. 52 here in Stead of no. 63. After that if you remember Mr. Mcrae took a whole half day to put these names straight, all this time this old man had the money for no. 52 in his hands and, when everything was straightened out, you made him return the money, and, paid him for no 63. Therefore I think you must have left your Book remain 52 as paid, after the money was returned, that is the only way I think it might have lead you to believe that you paid it.

I am sincerely sorry I cannot now leave to go down as our Boats were so very long in reaching here. Nichol Finlayson will be starting to come up on the 24th inst from Heron Bay, I hope at that time we will receive all the absentees money. If not I shall always be glad to hear from you.

[Document No. 298]

282. The statement of the Long Lake Chiefs, L.V.N. Finlayson, Towido, and Francis Otiquum, witnessed by the H.B. Co. trader, attested as follows to the correct payment of annuities to their Band members since 1883:

We the Chiefs of the Long Lake Band do solemnly declare that prior to the Year 1883 our Band was several hundred dollars short of their annuity money aft the Band going to the front for their pay Each Year, and on account of Indians Agent J.P. Donnelly promised to pay us at home inland, and leave the money in sealed Envelope for any absentee that we as their representative, would tell him and every Indian since 1883 has received his money in his or her own hands to use as they might see fit, excepting two Families no 70 Wakenotin and 64 Stephen Wynne of Long lake Band, whose Envelopes were sent them at Montizambert to deliver to no 70 & 64 and he broke trust by breaking said envelopes and paying his debt, and all (X) crosses opposite their names on the sheet to show the money was paid over for them and we make this solemn declaration believing it to be true and knowing it is of the same force and effect as if made under Oath by Virtue of the Canada evidence act of 1893.

[Document No. 299]

283. At Donnelly's request, Count Henry de la Ronde, retired Hudson's Bay officer at Lake Nipigon, provided the following account of Donnelly's method of paying the Indians at the Nipigon Post, and the particular agreement on back pay Donnelly had made with them:

In reply to your enquiry about the Opposition at Lake Nepigon & c I have to state that Bobaford & M. Laurin and King, Indian Traders, started a most formidable opposition to the H. Bay Co. in 1885, and were bought out by the H. Bay Co. in the fall of 1898. I had charge of Nepigon House for thirty one years prior to 1890, when I retired from the company Service on the Superannuation Roll in 1883 you first visited Nepigon previous to that time, the inland Indians had been paid on the frontier by your predecessor and they had become demoralized, and the payments being at different dates, they often expended in waiting the amount coming to them and in some cases did not get their pay, and many gave up going for it, and they claimed from you many hundred dollars back pay which they agreed to say nothing more about, if you would pay them inland at the Nepigon Post and in cases of any party being absent you were to pay by leaving the amount in a Sealed Envelope to the knowledge of their representative the Chiefs, who gave you the number of their families which you honourably did and in every case, they got their Envelopes and money. The absentees were few as all like to attend the payment as their yearly Pic nic, until after the La grippe struck them, I may say the opposition got more of the Treaty Money according to the Stock they carried than the Company many of these who had money in Envelopes owed the Company nothing and spent their money elsewhere. Hoping this may satisfy you.

[Document No. 300]

284. On September 8, 1897, Donnelly wrote a letter of self-justification to Sir Clifford Sifton, Minister of the Interior. He began by mentioning arrears owed by his predecessor to the Nipigon Indians, and by describing his own arrangements for paying annuities:

As I am informed you will be leaving for the North about the 12th to be absent sometime, would like to trespass a little on your time explaining my affairs & as brief as possible; In 1883 I was appointed Indian Agent without asking for the position and as no political favour - Nipigon and Long Lake inland Indians claimed for some Indians and families about \$1700.00 annuity money they had not received, while the pay sheets showed them paid, Count de Laronde (whose letter is enclosed) then H.B. Co. Nipigon post Agent put in a claim for \$1100.00 for certain Indians wanting immediate payment out of my coming first payment (I wrote

the Department) Mr. Vankoughnet wrote me they would have to prove their accounts or claims separately so I had no interview with the H.B. Co. Agent and Chiefs, showed them the expense and trouble each would have, they said if I would go ahead and pay them (Long Lake Band included) and any absent or sick to leave their money at the H.B. Co. Post for them and the Chiefs would represent them and give the numbers of each family to put in envelopes they would waive their claims against my predecessor and keep their women and families dressed for coming to the C.R.R Construction time (see list of medicines I paid from Dept. for these diseases). To this I agreed and went in against instructions as I was told to pay along the frontier; at night I would not camp at camping grounds, and have my canoe carried in the woods out of sight and put out the fire so roughs and toughs that might follow to Rob me might pass by - etc paid 500 Nipigon Band crossed the country (without returning to C.P.R.) to the Long Lake H.B.Co. paid 400 there & returned the same way, this I did for three Years on a most dangerous Route in canoe to be wrecked, and at my own risk against instructions the fourth year I refused to go again unless they and the Company would come for and return me to the C.P.R. from Nipigon and Long Lake and give me the cost of the Transport for my own benefit at \$1.25 each for men, 25 cents a day, canoe 50 cents a day, board of men, my clerk & self Board extra and the H.B.Co. twelve ton vessel to cross and recross Lake Nipigon at 25 cents per day. This the Company refused to do, but a few months later agreed to do, rather than have these Bands come to the frontier and be demoralised etc - the Department can readily see they rushed me on route Quickly, rain or shine on Sunday, and as a proof of this send you the time Inspector Mr. Macrae pushed me through on this year and only made my old time and the same expense, had I ever received instructions from the Department, to go inland I would not have made this bargain, One of the principal objections the Company had was that in 1883 a formidable opposition started against Nipigon and Long Lake Houses until 1892 - took about \$700 yearly Treaty Money, the H.B.Co about \$1000.00 the other \$300.00 some where else - the Long Lake house proportionally.

Inspector Macrae thought there was some thing out of the general line, and I told him all the above particulars, and for my being so frank, said he would see the minister privately on the subject and make it easy for me etc, which I hope he did, but on the other irregularities, would like You to take into the consideration my fourteen years alone, without any adviser. Donnelly then turned to the problem of verifying the annuitants: Some years about 8 years) I asked Inspector Denyman(?) to visit me - I asked Mr. Vankoughnet Deputy Supt. to allow me to go to grand portage to find out who were American Indians among my Indians here & refused, and I took it upon myself and in 1888 to put off 6 of no 55 and 3 off no 41 and 6 of the Deck family off about 1884, all of Fort William Band and 5 off No 22 Red Rock in all 20 persons that my instructions told me to pay - Inspector Mr. Macrae put in the Dept a number of

Declarations of Indians under oath; I will give no. 45 Nipigon enclosed as a fair sample, his ticket was 8 and pay sheet eight and only 6 of family swore to Mr. Macrae that last summer I only paid him at payable for 5, his son swore the same thing - some parties who heard him swear and knew he was absent in /96/ and 95/ told me and I had him swear to this, he swore before to same a ---. The credit of 6 refunds on this years pay sheet show the Department they obtained by misrepresentation of a death or feigning a birth that never existed and vouched O.K. by Chiefs the others are the same only swore to save a refund - at another years payment I would not pay only those presented, they in last four years have got on to a way of cheating vouched for by the Chief O.K. the latter making himself popular by this means for reelection, I will make them all refund what they got, in this way if I got a chance - it can never happen again - Mr. Macrae the inspector an Expert in Indian affairs educated me more than I ever knew before and will profit by it. No 22 Fort William Band with 3 too many last year to be taken off this year instead of making arrears sheet was wrong but I gained nothing by it, the one by emigration and 2 Births to balance this wrong by my Clerk is the worst affair on my sheets, getting careless - this I did not know for some time after payment or would have explained - The Department is to blame to a great extent for not having an Expert inspector visit the Agents like all other Departments have, and putting all these irregularities together might and give me credit for the following

1st I vaccinated all my Indians for 14 years without any cost to the Department

2d the only whisky fines returned from Lake Superior District are from me

3d for 16 years I visited my Reserves and ---- 8 months out of the year and traveled on the C.P.R. forty four thousand eight hundred miles without any charge to the Department, thus the prosperity of my Reserves

4th I have two Constables and two Truant Officers at no cost to the Dept except Fort William, thus their order

5th In 1883 - Fort William Reserve was down low in prostitution and other wise, would not feed Govt. cattle & none of their own - Now have 16 milch cows, 10 oxen 3 horses & 30 head of grazing stock & 150 tons hay grew only 230 Bushels of potatoes now from 5550 - 700 p-- &c

Houses. Yards. fences Bridges all of the neatest, and one of the most prosperous handsome reserves between the Rock Mountains and Quebec. Have two poor house to maintain their poor with no cost to Dept. and the only one in Canada self sustaining. Give me these credits and I think will balance account to a great extent.

285. Inspector Macrae wrote thus to Indian Affairs on September 25, 1897, regarding Fort William Indian women whose children by non-treaty fathers had been refused annuity payments:

In connection with my report on Robinson-Superior annuity payments to the Ft. William Band I beg to inform you that almost without exception the Indian women of that band whose children by non-treaty husbands were not paid this year stated that if the Department refused in future to pay such children, they, the mothers, would wish to commute their own annuities.

[Document No. 302]

286. On November 5, 1897, Departmental Accountant Scott, having examined the Inspector's report and Donnelly's records, submitted this memorandum regarding the Agent's management of his district:

I would submit herewith Inspector Macrae's general report on Mr. Donnelly's Agency. It must be read in order to understand the manner in which the Agent has mismanaged the business of his district. I need not elaborate upon the Inspector's report, it contains sufficient data upon which to base a decision as to the very irregular methods adopted by the Agent in making his payments. The Department is in such matters almost at the mercy of the Agent, as it is quite impossible to discover errors and over-payments from the lists if it is the object of the Agent to conceal them. It is not plain, nor can it ever be so, to what extent Mr. Donnelly has profited by these irregularities, but it seems almost certain that he must have benefitted to some extent. Some allowance should be made for natural incapacity as it is evident that Mr. Donnelly has not the general ability required to administer his Agency, and making such allowances all the errors cannot be charged to pure willfulness. But a perusal of Mr. Donnelly's letters in his own defence weakens his case very much, as they show a perverted idea of his responsibility and certify to a confirmed view of official morality.

For some years past Mr. Donnelly has been furnishing the Department with receipts for money said to have been paid the Hudson's Bay Co. for his transport to Nipigon House and Long Lake, which amounts were never paid to the Company, but were allowed by the Department to Mr. Donnelly as part of his travelling expenses, and then appropriated by him. He was assisted in this fraud by the Agents of the Hudson's Bay Co., at those places, who signed receipts for money they did not get, and the attention of the Commissioner of the Hudson's Bay Co. should be called to the matter, as it is necessary owing to the unusually close connection between the Company and the Department, that we should have complete confidence in the Company's officers.

Exclusive of the amounts so paid in the year 1889, for which year the accounts cannot be found, Mr. Donnelly has drawn the following sums under this amount extraordinary arrangement with the Hudson's Bay Co.

<u>Nipigon</u>	<u>Long Lake</u>
.....
<u>\$1363.15</u>	<u>\$1663.00</u>

It will from this be seen that over three thousand Dollars has been diverted from its proper destination and gone to swell Mr. Donnelly's income. In his letter of the 8th September, upon this file, and 16th October, on No 153325 he enters into a long, rambling explanation of the way in which this arrangement came about, and his reasons for proposing it, but the substance of the plea is very unworthy. If Mr. Donnelly could shew that he had represented to the Department the great desirability of paying the Nipigon and Long Lake Indians inland, and after his recommendations had been refused he had on his own responsibility made the arrangement, and carried it out honestly, making no charge for transport gratuitously provided, his contravention of rules could have been condoned; but the Department in fact permitted him to go inland and paid for his transport, thus removing all his responsibility. His argument as to risk and danger will not hold good, as he and all our other Agents accept with their positions the hardships and exposure which accompany them. If Mr. Donnelly had not desired to take the money for his own advantage it appears to me that the proper course would have occurred to him. I cannot think that under these circumstances as well as those involved in the treatment of his pay-lists, the Department can have any further confidence in Mr. Donnelly.

Scott concluded his memo with the following recommendation:

I would recommend that the refusal of Inspector Macrae to pay certain Indians, who were in his opinion not legally entitled to payment, be sustained, as after a careful consideration of the law applicable to the several cases, I think that his action was just.

No salary has been paid to Mr. Donnelly since July, and no further payments will be made until I receive instructions to that effect.

[Document No. 303]

287. J.P. Donnelly was removed from his post as Indian Agent. The order in council, dated December 15, 1897, which authorized that action stated he was dismissed

because there have been irregularities in the payment of annuity moneys to the Indians, in his Agency and in the payments of his travelling expenses.

[Document No. 304]

288. On February 24, 1898, the Assistant Secretary, Indian Affairs, requested from Lands Branch the following information on the reserves in the Port Arthur Agency:

Please give me a list of Indian. Reserves in Mr. Donnelly's late Agency to which Mr. Hodder has been appointed distinguishing those that have not yet been confirmed by the Provcl. Govt., area of each, and any information in regard thereto, and in regard to the timber minerals &c which should be communicated to Mr. Hodder in the inst. now being prepared for his guidance.

The reply, written on the same memorandum, reads as follows:

List attached.

There is no Timber Licence current in this Agency & I think it will do at present to simply give Agent the copy of timber regulations herewith. As to Minerals he might be furnished with the copy of mineral rights regulations herewith.

List of Indian Reserves in Mr. Donnelly's late Agency

Fort William - set apart under the Robinson Superior Treaty - surveyed and confirmed.

Area 21260 ac

Nepigon Band

(Gull River - set apart under the Robinson Superior Treaty - surveyed but not confirmed.

Area 9825 ac

Island Point - surveyed - not confirmed

" 135 1/2 ac

Part of Jackfish Island in Lake Nipigon not surveyed - not confirmed)

Pic River - surveyed - not confirmed " 800 "

Pays Plat " " " " 605 "

Red Rock " " " " 468 "

McIntyre Bay - or English Church Mission Reserve - surveyed - not confirmed " 585 "

Long Lake " " " " 612 "

[Document No. 307]

289. On February 28, 1898, the Department of Indian Affairs sent instructions to J.F. Hodder, appointing him Indian Agent for the Port Arthur Agency. The letter first gave details of the reserves and bands in the agency and outlined Hodder's responsibilities for protecting them:

... I beg to instruct you in regard to the duties which you will be called upon to perform. Your Agency will extend from the Northern limit of the land surrendered by the Batchewana Bay Indians on Lake Superior to Thunder Bay, including the Indians and their reserves on Lake Nipigon, thence the South and West to the boundary of Treaty No. 3.

...

The reserves set apart for the Indians in your Agency comprise the following areas:- Fort William, 21,260 acres. (2. Gull River, 9,825 acres. 3. Island Point, 135 1/2 acres. 4. Part of Jack Fish Island in Lake Nepigon _____ acres) for Nepigon Band. 5. Pic River, 800 acres. 6. Pays Plat 605 acres. 7. Red Rock, 468 acres. 8. McIntyre Bay or English Church Mission Reserve 585 acres. 9. Long Lake 612 acres.) All these reserves have been surveyed with the exception of the one on Jack Fish Island in Lake Nepigon. Those at Fort William and Gull River were set apart under Robinson-Superior Treaty; that at Fort William has been confirmed by the Ontario Government, but the one at Gull River has not been, nor have any of the other reserves yet been confirmed by that Government. The question of their confirmation has for some considerable time been before that Government.

One of your most important duties will be the protection of the reserves and the timber and other valuables thereon from trespass; and to enable you to carry out the law in this and other respects as regards the Indians under your charge, I enclose herewith a copy of the Indian Act and the amendments thereto in pamphlet form. You should act promptly in ejecting all those who are not entitled to reside upon the reserves and not allow any such to establish themselves thereon, and in cases of doubt arising you had better communicate with the Department forthwith. In the event of any matter coming to your notice which may necessitate the employment of a lawyer it will be necessary for you, under existing regulations, before seeking legal advice or assistance, to communicate the facts to the Department with a view to the necessary instructions being given by the Department of Justice to its Agent, and the accounts of any Counsel, advocate or solicitor will not be paid unless he has been instructed or retained by that Department.

According to the census taken on the 30th June last the number of Indians belonging to each Band is as follows:-

Fort William, 380. Nepigon, 398. Red Rock, 211.
Pays Plat, 53. Pic, 166. Long Lake, 248....Total
- 1,456.

Among the papers to be transferred to you no doubt
you will find maps of the reserves above mentioned.

The letter then described the agent's duties in encouraging the
"arts of civilization":

It is the earnest desire of the Department that
the Indians of your Agency may be advanced as
rapidly as possible in the arts of civilization
and it will be your duty by advice and practical
instruction to endeavour to accomplish this
object. You should accordingly encourage the
Indians, by every means in your power, to give up
their nomadic habits and take to cultivating the
soil, and where practicable you should instruct
them in regard to seeding their land and reaping
their crops, and in fencing and building and the
keeping of their premises in good order. You
should also give them advice in respect to their
animals being properly housed and cared for during
the winter.

Every encouragement should be given Indians who
are not engaged in farming to at least lay out and
cultivate gardens in which they can grow corn,
potatoes, turnips and other vegetables for their
own consumption.

The prevention of intemperance among the Indians
you should use your utmost efforts to effect by
advising them constantly against the use of
intoxicants and bringing to justice any person who
may credibly be reported as having furnished or
who may of your own knowledge have brought liquor
to the reserves or who may have had any in his
possession thereon....

There are no lands at present in your Agency under
lease, nor have any sales of land been made; I
however, enclose herewith for your information
copies of the regulations of the Department
respecting the disposal of Indian lands, timber
and minerals.

The instructions then outlined departmental procedures for paying
the annuities:

You will be charged with the duty every summer of
distributing among the Indians the moneys to which
they are entitled under the Robinson Treaty and
any other moneys to which the Indians may be
entitled that may be sent you from time to time.
In any case of absenteeism from the payments you
will return to the Department the moneys unpaid
with a list showing the names of the persons not
paid and the amount due to each. Should any
Indian, however, be desirous of having his annuity

paid to another Indian he must deposit with or forward to you a power of Attorney or order authorizing you to make such payment. The Department will not sanction the acceptance of orders on merchants or be in any way a party to, or be considered in any arrangement under which an Indian may incur debts on the faith of his discharging the same by the transfer of his annuity or other money. In the event of your paying money under a Power of Attorney to any Indian on behalf of another Indian you will append the Power of Attorney to the Pay List. You may also transmit if so requested by an annuitant in writing, his annuity money by post in a registered letter on condition that you append to the Pay list a certificate of registration, the authority under which the money was transmitted and the receipt of the parties to whom it was sent. In connection with the discharge of this duty you may find that many of the Indians are not living on their reserves*; the documents on file in your office will, no doubt, contain full information as to the place where all the Indians were when the last payment was made. As little time as possible should be lost in transmitting the paylists to the Department. Opposite the name of each payee his signature should appear as an acknowledgement by him that the amount shown was received by him. The Pay Sheets should be certified by the Chiefs, and attached thereto should be a statutory declaration on the forms which will be supplied you, stating that the Pay Sheets are correct.

...

Finally, the letter referred to the schools in the agency:

There are seven schools within your Agency, namely:-

1st The day school at Fort William. 2nd. The Orphanage at Fort William. 3rd. Lake Helen School near Nepigon. 4th. Pays Plat. 5th. Pic. 6th. Red Rock. 7th. McIntyre's Bay on Nepigon Lake. The school at the Pic is closed at present but arrangements are being made to have it reopened without delay. The Red Rock school is also closed, as is the one at McIntyre's Bay. All these schools with the exception of the last one mentioned, are conducted under auspices of the Roman Catholic Church, the Rev. Father Spect of the Fort William Mission being in charge. ...

[Document No. 309]

*cf. doc. No. 279 Band 284

CHAPTER TEN: 1898-1899: The Determination of Non-transmissibility of Title to Treaty Benefits and the McKenna-Rimmer Recommendations on Reserves in Dispute between the Governments of Canada and Ontario

290. After inspecting Agent Donnelly's administration of his district, J.A. Macrae, Inspector of Indian Agencies and Reserves, investigated the right of claimants to annuities under the Robinson-Superior and Robinson-Huron treaties. His report was submitted in the form of memorandum accompanied by a schedule and synoptic table, and was explained in two covering letters dated Feb. 9 and Feb. 18, 1898. In the Feb. 9 covering letter to his memo, Macrae enumerated as follows those groups having legitimate claim to transmissible treaty rights:

The following classes have been considered entitled to the annuities, if British subjects, provided they have not sacrificed title by continuous foreign residence, under the Act of 1876:-

1st:- Persons of Indian blood who belonged to the bands or tribes of chiefs who were parties to the treaty; "prior to the time of the Treaty"; and the lawful descendants of such persons.

2nd: Persons of Indian blood who occupy and use the surrendered tracts as Indians and who belonged to bands or tribes other than those whose chiefs were parties to the Treaty "prior to the time of the Treaty" and the lawful descendants of such persons.

3rd: Persons who were intermarried with Indians of the surrendered tract, who themselves occupied and used that tract, as Indians, prior to the Treaty, and were attached by residence and common interest to any Indian society or community within that tract; and the lawful descendants of such persons.

4th: Persons who were classed as Indians by the Treaty Commissioner and were treated with as such; and the lawful descendants of such persons.

And perhaps:

5th: Persons who intermarried with Indians of the surrendered tract and became attached by residence

and common interest to any Indian society or community within the tract between the dates of the Treaty and of the Statute of 1859 which defined the term "Indian" and the lawful descendants of such persons.

6th: Persons who by the enactment of 1859 became Indians; and the lawful descendants of such persons.

[Document No. 306, Covering Letter of 9 Feb.]

In the memorandum covered by the letter of Feb. 9, Macrae examined the rights of claimants from the Fort William, Red Rock, Nipigon, Pays Plat, Long Lake and Pic Bands. In the light of the criteria set forth in this covering letter, three families of the Long Lake Band were considered unentitled because they originated outside of the surrendered tract in the Hudson's Bay Territory, that is, the Treaty 9 area. Similarly, families from Red Rock, Nipigon, Pays Plat and Pic were also struck off the lists because, based on their family histories and outlined in this memorandum, they could not be considered Indians.

[Document No. 306, Memorandum]

291. In his letter of February 18 addressed to the Superintendent General, Macrae made the following observations on the number of annuitants under the Robinson treaties:

I may here say to you that I conceived it to be wise not to suspend payments to all persons whose rights to the annuity appeared only to be open to doubt. It was the intention that this should be done, but, when I found that to do it would inevitably cause turmoil and trouble, I assumed the responsibility of acting upon my own discretion. Had I not done this hundreds of annuitants would have besieged you with correspondence during the past eighteen months and no little hardship would have been inflicted upon poor people. I trust, therefore, that the course pursued may meet with your approval.

In 1830 the Hon. W.B. Robinson, reporting on the Treaties he had just concluded wrote: "The number on "that lake" (Superior) "including eighty-four

half-breeds "is only twelve hundred and forty - and on Lake Huron "about fourteen hundred and twenty-two including probably "two hundred half-breeds; and when I paid the Indians "they acknowledged they know of no other families than "those on the list." That was a total of 2,662 souls in both districts.

By adding the numbers paid before my scrutiny of lists was made I find that the number under both Treaties had increased up to the times of such scrutiny (i.e. on the Robinson-Superior lists of 1896 and on the Robinson-Huron lists of 1897 plus the addition of 160 souls determined to be paid for 1898) from 2668 souls to 5469 souls, and, as about 225 more claimed the annuity, the demand upon the Department had come to be for a total of 5694 persons at \$4.00 per cap., or \$22,776.00 per annum instead of for 2662 persons at \$4.00 per cap., or \$10,648.00 per annum. This increase, which is only to a very slight extent to be ascribed to the excess of births over deaths, taken in conjunction with Mr. Robinson's statement that it was acknowledged by the Chiefs in 1830 that no other Indians were known than those enumerated in that year - an acknowledgement which seems to have been substantially correct - shows the accuracy of the discernment which led to revision of the pay lists and the necessity of such a revision. I group these 5694 persons who are now annuitants and claimants roughly as follows: (for details see appended statement) viz:-

Persons whose title to the annuity has not been exposed to doubt (though in some areas it may be doubtful)	4096*
Persons whose title is in my opinion so bad that I recommend it should not be deemed transmissible	369
Persons whose title is in my opinion so bad that I recommend they should not again be paid (perhaps 200 or 250 of these who were people recommended to be struck off in my reports of 1897 before the plan of declaring certain titles non-transmissible presented itself might be paid in the above class with non-transmissible title)	723
Persons already struck off or suspended by myself as being U.S. citizens or clearly without title: payments made for persons dead or non-existent, stopped, &c.	278
Persons whose claims are recommended for disallowance.....	225
Persons whose claims are recommended for allowance.....	3
Total	<u>5,694</u>

*Note (appearing in original document): I am just advised that 63 of these are held by the Superintendent at Manitowaning to have non-transmissible title (Vide Postscript report on Manitowaning District).

292. The investigations of Inspector Macrae on the transmissibility of treaty rights in the Robinson-Superior and Robinson-Huron areas were commented upon in recent times as follows by the Indian Department Archivist, St. Louis:

...

The expression "non-transmissible title" arose in connection with those individuals who are not of whole Indian blood, but whose names, in the past, were added through inadvertence to the pay-list. The Department took the matter up in 1898. The investigations then made showed that there were many persons on the list who had not a clear title to receive annuity. It was felt that it would be a hardship to such persons if their names were struck off the pay-list and, therefore, it was decided to allow them to continue to receive annuity with their children born previous to 1898, upon the understanding that their offspring, consequent upon subsequent marriages, should not be allowed to participate in the rights conceded by the parents. In such cases the term "non-transmissible" was placed after each family on the pay-list, whose title was not clear. Sons and daughters born in such families previous to 1898 were allowed annuity. Children in the same families born subsequent to 1898 were not paid annuity. When the children born previous to 1898 became of age, they were given new numbers on the pay-list, but their title to annuity was not transmissible, and therefore, when they married they could not be paid annuity for children born to them. (Of course, this latter clause referred only to male members of the Band.) An Indian wife could not receive annuity unless she was entitled to the same by birth.

When Inspector Macrae held an investigation in 1898, with a view to revising the pay-lists, it may be assumed that he encountered many difficulties in establishing a permanent treaty pay-list. A typical example is that of Antoine Mowkumougabow of Michipicoton Band who had the bad luck to be also called Cooper, as well as his Indian name. Apparently for this reason, our Inspector placed this good English name on the non-transmissible list, against which action Antoine protested bitterly at the first occasion (24 years later), stating that the name "Cooper" was given him because his father was a cooper and made barrels. It is unnecessary to state that he was entered forthwith on the transmissible list. On the other hand, many names of persons and destitute widows who were not properly entitled to receive annuity, were allowed, as an act of grace, to remain on the annuity pay-list, although they were not descendants of Indians of the tract surrendered by the treaties of 1850.

The question of non-transmissible titles became a source of grievances on the part of the Indians concerned, and a cause of much confusion in the pay-lists for the officials of the Department. By ruling of the Deputy Superintendent General of Indian Affairs, of March 17, 1917, all non-transmissible titles were abolished. In consequence of this decision, Indian Agents were given the following instructions: "When making the next distribution of Robinson Treaty annuities, you will pay the living children of those parents whose names are on the 'non-transmissible lists' at the present time or have been on such lists. If any of the sons of these Indians have married, their wives (unless of course they are already in receipt of annuity) and their children should be added to the lists. If any of the daughters of Indians, whose titles are non-transmissible, have married white men or non-treaty Indians or half-breeds, they alone should be paid, their husbands and children not being entitled to payment, the children of course taking the status of their fathers according to law."

"In making out the lists for 1917, the 'transmissible' and 'non-transmissible' lists should be consolidated, due care being taken to arrange the families in numerical order as they appear in the interest pay-lists." En resumé, all Indians who were at the time (1917) entitled to draw interest were also entitled to be placed on the Robinson Treaty pay-list and be paid annuity.

...

[Document No. 305]

293. The 1899 Report of the Departmental law clerks, MM. Rimmer and McKenna, addressed matters that were in dispute between the governments of Ontario and Canada. The investigators dealt with each case individually. Case No. 6 concerned reserves on the north shore of Lake Superior. The following pertinent extracts appear in the general comments at the beginning of the report:

We respectfully submit the result of our enquiry in the matters in dispute between the Dominion and Ontario. The cases number twenty. We have dealt with each case individually; and our recommendations in each case are made for consideration in the event of failure to effect a satisfactory arrangement with the Province which would settle them en bloc.

...

For convenience we have grouped the cases as follows:- Numbers 1 to 4, good cases; Nos. 5 to 11, untenable or doubtful cases; Nos. 12 to 20, cases disposed of or in train for disposition.

...

In respect of the untenable and doubtful cases we would state that, although we do not consider we have sufficiently good ground for pressing them individually; we are of opinion that they could with advantage be used as off-sets in making any general settlement.

...

We have annexed to our joint Reports on the several cases a separate memorandum by the Law Clerk on the questions of law discussed in the Hon. Mr. Hardy's memorandum of 28th July 1897, on file 111834, which treats of the Indian interest in all reserves and unceded land in Ontario, but has particular bearing on the title in Reserves under Treaty 3 and the Robinson, Superior and Huron treaties...

[Document No. 310]

294. The discussion of case 6 (reserves in the Robinson-Superior Treaty area) in the McKenna-Rimmer report is cited below in its entirety:

Claims for reserves in the territory of the Robinson-Superior Treaty No. 60 not provided for by that Treaty.

These claims appear to have been urged by correspondence with the Crown Lands Department of Ontario at various times from 1884 up to the present time.

We find that by Treaty No. 60, dated 7th September, 1850, the Chief and principal men of the Ojibway Indians inhabiting the north shore of Lake Superior from Batchawaning Bay to Pigeon River inland to the height of land and the islands in the Lake surrendered all their right, title and interest in the whole of the territory excepting the reservations in the schedule thereto, the schedule providing for reserves at Fort William, at Gros Cap, and at Gull River; that Gull River was not surveyed until 1887 when it was so surveyed by a Surveyor of this Department as to cover an area of four miles square as provided in the Treaty, that the Department estimated that the roads and water within the tract so surveyed covered 415 acres and concluded that the Indians were entitled to that additional land, that the Department caused to be surveyed 135 1/2 acres at Caribou Island Point and selected 260 acres contained in Jackfish Island on which some Indians had erected houses, that the Department has since

treated these lands as taken to complete the Gull River Reserve and has notified Ontario accordingly; that in 1885 the Department caused reserves to be surveyed within the territory surrendered by the treaty at Pic River 800 acres, Pays Plat 605 acres, Red Rock 468 acres, McIntyre Bay 585 acres and north of the territory ceded by Treaty 60 at Long Lake 612 acres; that Ontario was notified but has not confirmed those reserves; that a reserve at Gros Cap had been set aside in accordance with the treaty and one square mile surrendered for sale and sold in 1855 and the proceeds credited to the band; that in 1884 the Indians for whom the Gros Cap reserve was set apart asked that the remainder of the reserve be disposed of and that they be allowed to take up about 200 acres at Michipicoton River; that this request was not granted, but the Indians - or some of them - settled at Michipicoton and that in 1885 the Department surveyed 178 acres there as a reserve; that Ontario was notified, but up to the present has failed to confirm, although on 3rd May 1898 the Commissioner of Crown Lands informed the Department that the land laid out at Michipicoton River was valuable for a townsite which it would not be in the interest of the public to shut up from settlement; that a portion of the site had been laid out and granted; that provision had been made to protect the rights of the Indians; and that there would be no difficulty in making grants of lots to the halfbreeds or Indians occupying them. No question has been raised that the Indians claiming additional reserves were not parties to the treaty.

We conclude:-

- (1) That in the setting aside of the Fort William Gros Cap, and Gull River reserves provided for by treaty 60, the provisions of the treaty in that respect were fully met.
- (2) That the claim to set aside Caribou Island Point and Jackfish Island as reserves in lieu of 415 acres the estimated area of roads and water on the Gull River reserves is untenable.
- (3) That in regard to the lands surveyed at Pic River, Pays Plat, Red Rock and McIntyre Bay, neither the Department nor the Indians have any legal title to them, and that Ontario will act generously if she recognizes the Indians there as squatters in view of the large reserves which they have under treaty.
- (4) That with regard to the land surveyed by the Department at Michipicoton neither the Department nor the Indians have any title, and that the offer of 3rd May 1898 of the Commissioner of Crown Lands to protect the Indians is all that can be expected.
- (5) That the land surveyed at Long Lake cannot be considered as a properly constituted reserve as it is outside treaty limits notwithstanding the fact that the Long Lake Indians have been put on the treaty annuity lists; and that nothing can be done to confirm the Department's title to it until the Indian title in the surrounding territory is extinguished.

- (6) That we agree with the conclusion arrived at by Inspector Macrae in his report of the 3rd November 1897, that it is not politic to encourage the creation of small reserves for Indians who already share in the benefit of large reserves, as such creation would complicate management and increase the expense of administration.
- (7) That the application of the Department for confirmation for small reserves can only reasonably lead to a claim by Ontario to re-open the whole of the Robinson-Superior Treaty; and that it is not desirable to re-open questions settled in 1850.

We recommend that the Indians settled beyond the limits of their proper reserves be notified that if they persist in remaining off the reserves they must be prepared to take all risks which they run under the Ontario laws and look individually to Ontario for recognition of any rights they may have, and if required by Ontario they must comply with the Provincial Homestead Regulations as squatters under such laws; that Ontario be informed accordingly; and that our request for confirmation of reserves under this heading be withdrawn.

[Document No. 310]

295. An undated memorandum for the law clerk, Mr. McKenna, signed S. Stewart, reviewed the issue of a reserve for the Indians living at Chiefs or Grand Bay on Lake Nipigon* and their entitlement to "articles" under the terms of the Robinson treaty. The memo appears to answer eight questions which, upon receipt of a petition from these Indians, had been put to the writer. It reads in part:

- 1st. The Indian settlement at the South Shore of Lake Nipigon was formed in July 1880 by the Rev. Thos. H. Appleby English Church Missionary.

A church and school combined was built by that gentleman and a request was made that the land settled upon by the Indians be set apart as a reserve. This request was forwarded to the Department of Crown Lands, Toronto and a reply received that the amount of land asked for, between 4,000 and 5,000 acres, could not be set aside for the reserve but that any individual families had the right to settle on any of the lands in the unsurveyed territory, and that if found in occupation with substantial improvements at the time the survey of the land would take place there would, it was thought, be no difficulty in preserving the land for them.

* Grand Bay, the site of the English Church Mission, cf. doc. no. 282A and see chapter 8 and paras. 265A and 265L.

In October 1884, the Bishop of Algoma reported that the conditions, in so far as improvements were concerned, had been complied with, and requested that the Ontario Government be again asked to give a grant of the land, but as the survey had not extended to Nipigon at that time it was not thought advisable to make the application.

In 1888, at the request of the Grand Bay Indians a survey of the lands occupied by them was made by A.L. Russell, D.L.S. The reserve as surveyed contains 585 acres, and the land was reported, for the most part, well adapted for farming purposes, especially for roots.

A number of letters have been written to the Crown Lands Department, Ont., asking that this reserve be set apart as well as other reserves on the north shore of Lake Superior, the last letter on this subject being written on the 29th March, 1897, but so far are without satisfactory results.

2nd. The following expenditure has been made on behalf of these Indians since they moved to their present location:-

1886	Implements and tools	\$140.81
	Freight on same	31.35
1887	Bull and freight on same	72.85
	Seed potatoes	20.00
1888	Plough, chains &c.	25.78
1889	Bull	30.00
1890	Authority given the Agent to purchase hoes and other tools for which accounts have not yet been received.	

\$200.00 has been voted annually since 1886 to pay the salary of a teacher, but has not been requisitioned for for several years as the school has been closed.

3rd. The Indian Agent has only made irregular visits to this reserve as it is out of his line of travel. The payment of their annuities has been made at Gull River, Red Rock or by the H.B. Co. when opportunity offered. It is the intention, however, to instruct the agent to visit these Indians this year and spend a day inspecting the reserve.

4th. Under the present Election Law this is a matter to be dealt with by the Provincial Government.

5th, 6th, 7th and 8th. The report regarding the Grand Bay Indians is very satisfactory. They are said to be thrifty, energetic and in every way worthy of encouragement. They are reported to be in every respect very much superior to the members of the band residing at Red Rock, and any cattle given them would, it is sure (?) be well cared for, and a good use would be made of them as of any needs with which they might be supplied.

The petitioners are in error in stating that they are entitled under the Robinson Treaty to the articles for which they ask.

CHAPTER ELEVEN: 1901-1907: The Negotiations and Signing
of Treaty Nine

296. In a memo dated June 3, 1901, Inspector Macrae of the Indian Department informed the Superintendent General about developments north of the Robinson-Superior treaty area where the Indians had not yet ceded their land to the Crown:

Lying to the north and north-east of the country surrendered by the Indians under the Robinson Treaties lies the tract indicated upon the annexed map. In the year 1899 the undersigned together with D.C. Scott, Esquire, Accountant, visited New Brunswick House at the head waters of the Moose River, north of Lake Superior, for the purpose of meeting certain Robinson Treaty Indians, and there met a number of Indians who do not participate in the benefits of that Treaty. These represented many others whose rights of occupancy to the territory north of the tract covered by the Robinson Treaties had not been, and have not since the date mentioned been, extinguished.

These Indians had come from considerable distances and asked what the Government proposed to do about the rights of Indians residing between James Bay and the Great Lakes who had not been treated with by the Honorable Mr. Robinson, (in 1850) saying that they heard that railroads were projected through their country, and that already miners, prospectors, and surveyors were beginning to pass through it is (sic in) such largely increased numbers that the game was disturbed, interference with their means of livelihood had commenced, and their rights were being trespassed upon.

The answer given to them was that without doubt the Government would deal with them in the same spirit of justice that it has always manifested towards Indians; that it would be time to expect compensation for their rights when those projects of which they spoke came to be carried out, and disturbance of their means of subsistence became serious; that until such time they should remain content, and believe that when the Government permitted projects to proceed which might affect their interests it would certainly not fail to properly consider their claims. The nicest spirit of confidence was manifested by the inquirers, and from that time until now the undersigned has heard nothing further of the matter.

Recent developments seem to have brought about the time when it becomes proper to inform you of the aforementioned facts. Projects for railroads from Quebec, Mattawa, North Bay, Sault Ste. Marie, and the settlement of New Ontario are much discussed. Advance explorations and surveys have been and are being made, and the Indians, cognizant of all this, are no doubt looking forward to and probably awaiting with some anxiety action of the Government in respect to their rights.

The Robinson Treaties only extend as far north as the divide between the waters respectively running into James Bay and the Great Lakes, and this divide, as may be seen by reference to the annexed map, extends at some points south of the line of the Canadian Pacific Railway. From this it will be clear to you that, already, country to which the Indians have recognized and unextinguished rights is being settled and used, and the undersigned conceives it to be his duty to inform you that they expect to have their title considered as he thinks the time may have arrived when they believe that this should be done.

The number of Indians inhabiting the tract referred to is not reliably known nor is their present disposition understood, and it is submitted that it might be wise to collect trust-worthy information in respect to both. This could perhaps be most satisfactorily done by an officer visiting a few easily accessible places in the tract such as Matachawan, Lake Abitibi, River Abitibi Post, Moose Factory, and perhaps Albany. Such an officer without committing the Government to any course might, if any discontent happens to exist amongst these Indians, allay it by letting them know that when the proper time comes their claims would be considered. The undertaking may not lead to any large expense as the posts mentioned could be visited in probably six weeks. The result would be the collection of a mass of information that would in the near future be of value and prevent any possible complications arising between the Indians and any persons who may have business within the territory. It may be remembered that such complications led to the making of the Robinson Treaties.

The map accompanying this memorandum (see enclosure with memo) shows the whole of Long Lake as being in unceded territory.

[Document No. 313]

297. On December 6, 1902, Indian Agent Hodder wrote to the Secretary of Indian Affairs submitting this information on the bands in the proposed Treaty 9 area:

I beg to report that during Payment and since, I have been getting what information possible regarding the Indians resident in the territory described in Departmental letter of the above number and date [No. 235,225; April 8, 1902], a list of the Hudson's Bay Co. Posts and the approximate number living in their vicinity and trading at them is given below, it was not possible to obtain boundaries of their hunting grounds from any person I came in contact with:

Fort Hope	100
Osnaburgh	100
Marten's Falls	60
Albany	150
English River	50
Long Lake	50
Moose Factory	500
New Fort, or New Post	40
Abitibi	400
Rupert's House	40
Waswanaby	150
Mattagmi	200
Flying Post	100
New Brunswick House	200
Total	2140

While the above estimate can be considered fairly correct, some of the Posts may not be included in the list and quite a number of Indians wander around and are not attached to any particular Post, it is estimated that the full number would come under 3000.

Some of the Indians resident at Osnaburgh draw Treaty at Lake Seul and Lake Nepigon, and some of the Marten's Falls Indians are paid at Long Lake, quite a number of the English River, and Moose Indians are to be found at Chapleau, Missanabie, and Montizambert, on the line of the Canadian Pacific Railway; each summer for a number of years I have been asked by Indians from the north if there was any talk of a Treaty, last summer I informed those with whom I came in contact that a Treaty was under consideration and that they would be informed later of the decision arrived at by the Government.

I am indebted to Mr. Alex Matheson of the Hudson's Bay Co. and Archdeacon Thomas Vincent late of Moose Factory for the most of the above information.

[Document No. 319]

298. In a letter to Sir Wilfred Laurier dated April 16, 1904, Thomas Irving pointed out as follows the areas north of the height of land, including Long Lake, where the Indians did not receive, treaty money:

I must respectfully beg to call your attention to the fact that the Grand Trunk Pacific project which you are fathering will run for some hundreds of miles through a portion of the country which

does not appear to have ever been surrendered to the Crown by the Indians living thereon. The country I refer to is that lying North of the Height of Land between Lakes Superior and Huron and Hudsons Bay.

The writer has been engaged on iron exploration work during the past few years in North-Western Ontario and has been at a number of different points on the Hudsons Bay slope where the Indians do not receive "Treaty" money, viz. at Long Lake, North of Schreiber Station; Flying Post, North of Biscotasing, and at Fort Mattagami, North-West of Sudbury. The country referred to is a very promising one, lignite, gypsum and promising iron-bearing formations having been found, and the spruce forests appear to be boundless. There are also occasional patches of splendid pine.

By the Robinson Huron and Superior Treaties of 1850 the Indians along the shores of Lakes Superior and Huron ceded to the Crown all their rights to all lands lying between the Great Lakes and the Height of Land between the Great Lakes and Hudsons Bay. The Manitoulin Treaty surrendered the Island of Manitoulin in 1862, and by the North-West Angle Treaty of 1873* the Indians ceded to the Crown all their rights to the country lying between Lake of the Woods and Lake Nepigon, and the International Boundary and the Height of Land to the North.

I am unable to find however, that any Treaty has ever been made by which the Indians on the Hudson Bay slope have ceded to the Crown their rights, if they may have any, to any lands in that country. It would therefore seem important that if they have any rights that they should be surrendered and thus prevent future complications. Of course it may be that this land has been surrendered to the Crown by the Hudsons Bay Co. who may have had title to it under Imperial Charter, but I have been unable to get information to this effect in Toronto.

[Document No. 322]

299. On 11 May, 1904, the Commissioner of the Hudson's Bay Company wrote a confidential letter to Frank Pedley, Deputy Superintendent General of Indian Affairs, making the following recommendations for meeting with the Indians north of the height of land:

...

With regard to the Indians attached to the Company's Posts at or near the line of the Canadian Pacific Railway, there would be required but very little preliminary arrangement for meeting them.

*Treaty No. 3

This would apply to the Indians of Missanabie and Biscotasing, on the Railway, and Long Lake, Matagami, Flying Post, and New Brunswick; the latter set of Posts being all in frequent communication with the Railway and comparatively easy of access. I think on a month's notice the Indians could be collected at all these Posts on a given date any time during the summer months. It would interfere with their work but not to any material extent. I dare say if one or two were at the time with a travelling party satisfactory evidence could be produced of their being unavoidably absent.

With the other Posts on your list, I am inclined to think that the best course would be to give notice to the Indians at Christmas, or March at the latest, that they were wanted at the several Posts on a day between say the 15th June and 15 July. To get the best results they would have to have notice given them some considerable time ahead. The Indians of these Posts are hunters essentially and Winter away from the Posts, coming in only at the opening of navigation and finding their way back to their fishing quarters in the course of the Summer, some earlier and some later.

It is always a question of some anxiety to the Company's officials to feed the people who persist in staying about the Post in Summer. They are earning nothing meanwhile and live on doles of Flour and Pork given them as charity. I gather from the numbers on your list that it is only intended to deal with Indians borne within the boundaries of Ontario. In that case would it be necessary for the Commissioner to go into the Province of Quebec, to the Posts of Abitibi, Rupert's House, and Woswonaby? It might be thought advisable to treat with Abitibi Indians coming under the regulation on a part of the lake in Ontario, and such few Rupert's House and Woswonaby Indians as may have been borne in Ontario might meet the Commissioner at Moose. With these exceptions the conference would be held at every one of the Posts named.*

The Company would undertake the transport of the Officers on this duty, and to furnish all supplies and equipment necessary. Should the matter be proceeded with I would be gald to submit a table of dates for the meetings at the various places, also the route which it is thought is the best to follow.

It will have occurred to you that there are many more Indians than the numbers you give as attached to some of the Posts. For instance, I presume that of the Indians attached to Albany Posts, it is only intended to treat with those whose habitat is South of the Albany River. I fear this will appear to the other Indians of the Post, rather an arbitrary arrangement. No real distinction can be drawn between those South of the river and those North; they intermarry, some have migrated

* cf. doc. 340A, citing the adhesions of separate bands.

Northward across the river, and others have travelled in the opposite direction. These features would apply to all the Posts where only a portion of the population is dealt with. I do not know that you have a copy of a map showing all the Company's Posts, but have pleasure in forwarding you one now,** and shall be glad to furnish you with any further information you may ask for.

[Document No. 323]

300A. An extract from a report of the Committee of the Privy Council, approved by the Governor General on 29 June, 1905, was sent to the Superintendent General of Indian Affairs giving these directions for making the James Bay Treaty (Treaty 9):

On a Memorandum dated 24th June, 1905, from the Superintendent General of Indian Affairs, recommending that Messrs. D. Campbell Scott and Samuel Stewart, of the Department of Indian Affairs, be appointed Commissioners to represent the Dominion of Canada to negotiate a Treaty for the extinction of the Indian title in certain portions of the Province of Ontario, with remuneration at the rate of Five Dollars per diem each and that the Commissioner to negotiate the said treaty representing the Province of Ontario be hereafter named and appointed.

The Minister further recommends that as several points to be visited by the Commission, namely, Osnaburgh House, Fort Hope, Marten's Falls, English River and Fort Albany are situated close to the boundary between the Province of Ontario and the District of Keewatin,* the said Commissioners representing the Dominion of Canada shall use their discretion in allotting reserves within the District of Keewatin and in admitting to treaty any Indians whose hunting grounds may cover portions of the District of Keewatin.

The Committee submit the same for approval.

[Document No. 328]

300B. In further preparation for the Treaty, the Dominion government, the following month, reached an Agreement with the province of Ontario. By this Agreement the province concurred, on certain

*See map annexed to doc. no. 328 for handy reference

** no longer attached to letter in the record

conditions, in the terms of the proposed treaty. It agreed to repay the Dominion the amount of the annuities to be paid to Ontario Indians and to set apart as Indian reserves the land so chosen.
(See document No. 330A)

301. The following memorandum, dated 20 September, 1905 was prepared by Inspector Macrae for the Commissioners of Treaty 9, regarding Long Lake Indians who frequented the unceded territory but were receiving Robinson annuities:

Permit me to give you the following information in respect to Indians who belong or have belonged to the tract you have just treated for but who at the same time have drawn Robinson Superior Annuity at Long Lake. You will remember that when it was discovered that these Indians were found to be improperly upon the Robinson Treaty list their title to the annuity under that Treaty was decided to be non-transmissible.

...

Fourteen heads of families in this category were then listed by name and I.D. number.

[Document No. 330]

302. F. Pedley, Deputy Superintendent General of Indian Affairs, sent the Commissioner of the H.B.C. on March 5, 1906, the itinerary of the Treaty 9 Commissioners and the following instructions for making annuity payments to the Long Lake Indians:

I beg to inform you that it is the intention of the Treaty No. 9 Commissioners to visit the Indians at the following places on, or about, the time mentioned. I shall be glad if you will inform your officers at the posts of these dates. Will you kindly advise your officer at Long Lake that the Robinson Treaty Indians will be paid this year by the Treaty No. 9 Commissioners.

[Document No. 332]

303A. The report of the Treaty 9 Commissioners, dated October 5, 1906, described their meetings with all the Indians on their itinerary. The text of the treaty negotiated, which was "interpreted and explained" at each trading post, read as follows:

Articles of a treaty made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand and nine hundred and five, between His Most Gracious Majesty the King of Great Britain and Ireland, by His Commissioners, Duncan Campbell Scott, of Ottawa, Ontario, Esquire, and Samuel Stewart, of Ottawa, Ontario, Esquire; and Daniel George MacMartin, of Perth, Ontario, Esquire, representing the province of Ontario, of the one part; and the Ojibeway, Cree and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their chiefs, and headmen hereunto subscribed, of the other part:-

Whereas, the Indians inhabiting the territory hereinafter defined have been convened to meet a commission representing His Majesty's government of the Dominion of Canada at certain places in the said territory in this present year of 1905, to deliberate upon certain matters of interest to His Most Gracious Majesty, of the one part, and the said Indians of the other.

And, whereas, the said Indians have been notified and informed by His Majesty's said commission that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to His Majesty may seem meet, a tract of country, bounded and described as hereinafter mentioned, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence.

And whereas, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by His Majesty's commissioners to name certain chiefs and headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be found thereon, and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and headmen who have subscribed thereto.

And whereas, the said commissioners have proceeded to negotiate a treaty with the Ojibeway, Cree and other Indians inhabiting the district hereinafter defined and described, and the same has been

agreed upon, and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the government of the Dominion of Canada, for His Majesty the King and His successors for ever, all their rights titles and privileges whatsoever, to the lands included within the following limits, that is to say: That portion or tract of land lying and being in the province of Ontario, bounded on the south by the height of land and the northern boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said province of Ontario as defined by law, and on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3; the said land containing an area of ninety thousand square miles, more or less.

And also, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in Ontario, Quebec, Manitoba, the District of Keewatin, or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the king and his Successors for ever.

And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the government of the country, acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And His Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same not to exceed in all one square mile for each family of five, or in that proportion for larger and smaller families; and the location of the said reserves having been arranged between His Majesty's commissioners and the chiefs and headmen, as described in the schedule of reserves hereto attached, the boundaries thereof to be hereafter surveyed and defined, the said reserves when confirmed shall be held and administered by His Majesty for the benefit of the Indians free of all claims, liens, or trusts by Ontario.

Provided, however, that His Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

It is further agreed between His said Majesty and His Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by His Majesty's government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And with a view to show the satisfaction of His Majesty with the behaviour and good conduct of His Indians, and in extinguishment of all their past claims, He hereby, through His commissioners, agrees to make each Indian a present of eight dollars in cash.

His Majesty also agrees that next year, and annually afterwards for ever, He will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, four dollars, the same, unless there be some exceptional reason, to be paid only to the heads of families for those belonging thereto.

Further, His Majesty agrees that each chief, after signing the treaty, shall receive a suitable flag and a copy of this treaty to be for the use of his band.

Further, His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty's government of Canada.

And the undersigned Ojibeway, Cree and other chiefs and headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of His Majesty the King.

They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between each other and between themselves and other tribes of Indians, and between themselves and others of His Majesty's subjects, whether Indians, half-breeds or whites, this year inhabiting and hereafter to inhabit any part of the said ceded territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof, and they they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the law in force in the country so ceded.

And it is further understood that this treaty is made and entered into subject to an agreement dated the third day of July, nineteen hundred and five, between the Dominion of Canada and Province of Ontario, which is hereto attached.

In witness whereof, His Majesty's said commissioners and the said chiefs and headman have hereunto set their hands at the places and times set forth in the year herein first above written.

Signed at Osnaburg on the twelfth day of July, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:	Duncan Campbell Scott.
Thomas Clouston Rae, C.T.,	Samuel Stewart
Hudson's Bay Co.	Daniel George MacMartin.
Alex. George Meindl, M.D.	his
Jabez Williams, Clerk,	Missabay x
H.B. Co.	mark
	his
	Thomas x Missabay.
	mark
	his
	George x Wahwaashkung
	mark
	Kwiasx x
	mark
	his
	Nahokeesic x
	mark
	his
	Oombash x
	mark
	his
	David x Skunk
	mark
	his
	John x Skunk.
	mark
	his
	Thomas x Panacheese.
	mark

Signed at Fort Hope on the nineteenth day of July, 1905, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Marten Falls on the twenty-fifth day of July, 1905, by His Majesty's commissioners and the chief and headmen

...

Signed at Fort Albany on the third day of August, 1905, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Moose Factory on the ninth day of August, 1905, by His Majesty's commissioners and the chiefs and headmen

...

Signed at New Post on the twenty-first day of August, 1905, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Abitibi on the seventh day of June, 1906, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Matachewan on the twentieth day of June, 1906, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Mattagami on the seventh day of July, 1906, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Flying Post on the sixteenth day of July, 1906, by His Majesty's commissioners and the chiefs and headmen

...

Signed at Long Lake on the ninth day of August, 1906, by His Majesty's Commissioners and the chiefs and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses:	Duncan Campbell Scott
H.A. Tremayne	Samuel Stewart
Isabella Tremayne	Daniel George MacMartin
P. Godchere	Kwakigigickweang--Signed
Pelham Edgar	in syllabic characters
	Keneswabe--Signed in
	syllabic characters
	Matawagan "
	Odahamea "

It is unclear which of the Indians signing in syllabic characters was Chief Newatchkigigswabe, the chief of both the Robinson Superior and Treaty 9 Long Lake Indians.

The treaty was ratified by Ontario by Order in Council on February 13, 1907. (See document No. 340B) By this same Order in Council Ontario confirmed the reserves described in the schedules to the Commissioners' report and to Treaty 9. Both schedules included 27 square miles at Long Lake.

304. The record of the Commissioners' dealing with the Long Lake Indians began with the description of the band's adhesion to the Treaty and its choice of a reserve:

...

The route to Long Lake is at all times a rather difficult one, but was more than ordinarily so this season owing to the water in the Pic river being unusually low. The post was reached on the morning of the 8th. We were accompanied on this trip by Mr. H.A. Tremayne, District Inspector, Hudson's Bay Company, and his wife and young daughter.

A conference was held with the Indians on August 9, and their adhesion to treaty obtained. Peter Taylor*, speaking for the Indians, said they were perfectly satisfied with the terms of the treaty, and much pleased that they were to receive annuity like their brethren of the Robinson Treaty, and also that they were to be granted land which they could feel was their own. Payments were made to 135 Indians. The question of a reserve was carefully gone into, and the commissioners have no hesitation in recommending the confirmation of the site chosen.

The Commissioners dealt next with the Indians' choice of chief and the views expressed by him:

The Indians of Treaty 9 stated that they desired to have Newatchkigigswabe, the Robinson Treaty chief, recognized as their chief also, as he had been recognized by them in the past. This was agreed to, and at the feast held on the evening of August 9 the usual presentation of a flag and a copy of the treaty was made. At the conclusion of the feast the chief spoke, thanking the government for what had been done for the Indians of Long Lake. He said that the Indians who had been receiving annuity money for years were glad that their brethren were now placed on an equal footing with them.

*cf. doc. no. 306. Peter Taylor Sr. had been declared ineligible by Inspector MacCrae to receive the Robinson annuity.

He hoped that provision would be made for their sick and destitute, as even in the best seasons the Indians found it to be very difficult to do more than make a living, and were able to do very little towards assisting one another. In reply, the chief was informed that the government was always ready to assist those actually requiring help, but that the Indians must rely as much as possible upon their own exertions for their support.

[Document No. 338]

305. The reserve established for the Long Lake Indians who signed the James Bay Treaty (Treaty 9), was described in the Treaty as follows:

LONG LAKE.

In the province of Ontario, beginning at a point where the 'Suicide' or Little Albany river enters

Long Lake, thence in a southerly direction four miles, following the lake frontage, of a sufficient depth to give an area of twenty-seven square miles. The reserves are granted with the understanding that connections may be made for settlers' roads wherever required.

[Document No. 339]

306. A memorandum from D.C. Scott of Indian Affairs to Mr. MacKay referred to adjustment of the Long Lake paylists subsequent to the signing of Treaty 9:

Kindly have a cheque drawn in favour of agent Neil McDougall for \$88.00 charge to Treaty 9 annuity. This is to recoup the Robinson Treaty pay list the amount paid to the following numbers of the Long Lake band who have been transferred to the Treaty 9 pay list. Number 58, Peter Taylor, \$88.00, 64 Stephen Wynne, \$28.00, 65 Saginash, \$32.00. In forwarding this cheque to Mr. McDougall he should be appraised of the fact and informed that in due course he will receive full instructions with reference to the readjustment of the Long Lake pay list.

[Document No. 337]

307. A letter dated 16 January, 1907, from the Department of Indian Affairs to A.J. Matheson, Provincial Treasurer, indicated the amounts for annuities and gratuities owed by the Province to the

Dominion for 1906. The gratuity received by the Long Lake people at the signing of Treaty 9 in 1906 was shown as follows:

	<u>Annuity</u>	<u>Gratuity</u>	<u>Total</u>
... Marten Falls, Long Lake Division		\$1,080.00	\$1,080.00

[Document No. 340A]

308. On 3 June 1907, the Department instructed Agent McDougall to make the following arrangements to pay the Long Lake Indians and the Indians at Montizambert:

I beg to inform you that when paying the Robinson Treaty Indians at Long Lake next month, you will be required pay the Indians of Treaty No. 9 at that place, also the Indians at Montizambert. A copy of last year's pay list and the necessary funds will be sent you for the purpose. You should communicate with Mr. P. Godchere, Hudson's Bay Company's officer at Long Lake, via Heron Bay, to provide transport to the latter place.

[Document No. 342]

309. A second letter from Indian Affairs to the Provincial Treasurer, October 15, 1907, indicated the annuities and arrears paid to Ontario Indians in 1907. The amount of annuities paid to Long Lake Indians in 1907 appears as follows:

	<u>Annuity 1907</u>	<u>Arrears pd. by agent as per paylists</u>	<u>Arrears pd. by dept.</u>	<u>Total</u>
	\$	\$	\$	\$
... Marten's Falls, Long Lake Div.	540.00			540.00

[Document No. 343]

CHAPTER TWELVE: 1901-1986: The Setting Aside of Land and Reserves in the area of the Robinson-Superior Treaty

310. On 14 February, 1901, the Secretary of the Indian Department instructed Agent Hodder as follows concerning "the reserve" at the English Church Mission:

I have the honour to request that when making your preparations for paying the Indians their annuity moneys during the coming season you will arrange to visit the English Church Mission on the South shore of Lake Nepigon and pay the Indians of that place on their reserve. You will also be good enough to carefully inspect the reserve and report the progress made by these Indians, and as to whether they have made good use of the agricultural implements, cattle, etc., supplied to them by the Department.

[Document No. 312]

311. Agent Hodder reported on his inspection of the Mission in this brief letter to the Secretary dated 22 April, 1902:

I beg to report that upon my visit to the English Church Mission at last payment I found that the Indians had made some progress in the way of land cultivation, altogether they had broken about three acres, they had nearly all their land planted with potatoes and had more than enough for their wants during last winter, they disposed of nearly 100 bushels to Mining camps operating on the lake, they have had very poor luck with the bull supplied by the Department, it has been impossible to manage it, at the time of my visit it had been away for several weeks late last fall the Indians had failed to find it, and it is probable that it is a loss.

[Document No. 314]

312. The Schedule of Indian Reserves in the Dominion attached to the Department's Annual Report dated June 30, 1902, indicated as follows which reserves on the north shore of Lake Superior had been set apart under treaty, which had been surveyed and which confirmed by the Provincial Government:

NO.	NAME	WHERE SITUATED	TRIBE OR BAND	AREA ACRES
49	GROS CAP	On the north shore of Lake Superior, about a mile west of Michipicoten river.	Ojibbewas of Lake Superior	10,180
	<u>Remarks:</u>	Set apart in accordance with the provisions of the Robinson Superior Treaty.		
50	PIC RIVER	On the Pic river, near its mouth.	Ojibbewas of Lake Superior	800
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land. These reserves have not been confirmed by the Provincial Government.		
51	PAYS PLAT	At Pays Plat, north shore of Lake Superior.	Ojibbewas of Lake Superior	605
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land. These reserves have not been confirmed by the Provincial Government.		
52	FORT WILLIAM	Near the west end of Lake Superior.	Ojibbewas of Lake Superior	14,500
	<u>Remarks:</u>	Set apart under the provisions of the Robinson Superior Treaty.		
53	RED ROCK	On Nipigon river.	Ojibbewas of Lake Superior	468
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land. Not confirmed by the Provincial Government.		
54	MCINTYRE BAY*	On the south shore of Lake Nipigon.*	Ojibbewas of Lake Superior	585
	<u>Remarks:</u>	Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed by the Provincial Government.		
55	GULL RIVER	At the mouth of Gull river, on the west shore of Lake Nipigon.	Ojibbewas of Lake Superior	9,825
	<u>Remarks:</u>	Set apart under the provisions of the Robinson Superior Treaty. Surveyed in 1887. Not confirmed by the Provincial Government.		
56	ISLAND POINT	On the west shore of Lake Nipigon.	Ojibbewas of Lake Superior	135 & 1/2
	<u>Remarks:</u>	Surveyed in 1885 for the Indians of Lake Nipigon. These reserves have not been confirmed by the Provincial Government.		

* cf. para. 310, doc. no. 312 and para. 314, doc. no. 317. The 260 acres cited here was later found to be about 363 acres. (See doc. No. 344A)

- | | | | | |
|----|-----------------|--|----------------------------|--------------|
| 57 | JACKFISH ISLAND | A small island near the west shore of Lake Nipigon | Ojibbewas of Lake Superior | Not surveyed |
| | <u>Remarks:</u> | These reserves have not been confirmed by the Provincial Government. | | |
| 58 | LONG LAKE | At the north end of Long Lake. | Ojibbewas of Lake Superior | 612 |
| | <u>Remarks:</u> | Surveyed in 1886 for the Indians residing on the land. Not confirmed by the Provincial Government. | | |

[Document No. 315]

The reserves that had been surveyed in 1885 and 1886 but had not been confirmed by the Provincial Government - Pic River, Pays Plat, Red Rock, McIntyre Bay, Caribou Island Point, and Long Lake - thus contained 3,250 1/2 acres. In addition, Jackfish Island, thought to comprise about 260 acres, contained, in fact, 363 acres.

313. The Bishop of Algoma again wrote to Agent Hodder, July 23, 1902, about securing land for the people of the English Church Mission at Chief's Bay on Lake Nipigon:

In my recent visit to our English Church Mission at Chief's Bay,** Lake Nipigon, I found that nothing had been done by the Government to secure to the Indians of the Mission the land on which they are located.

This land is understood to be set apart as a Reserve.* But the necessary formalities constituting it a Reserve have never been completed. The Indians feeling unsettled in consequence, and although they do a good deal of work in the way of improving their properties they would no doubt do a great deal more did they know the land they were improving to be their own!

I have recently sent a Missionary among them who is prepared to lead them in improving their houses and land and in the arts of civilization generally. But he is handicapped by the present condition of things; and until the Reserve is formally made over to the Indians we cannot expect satisfactory results, in the way of growth and advancement, from the work our Missionary, the Rev. B.P. Fuller - is doing.

I lay the matter before you in the hope that you may be able to represent it to the Department in its true light and to secure immediate attention to it.

* cf. para. 310 and doc. no. 312

Our Indians will never be settled and contented, nor can our work among them prosper, as it should do, until their title to the land is placed entirely beyond dispute.

It is my hope that while the matter is being dealt with the Department will see the propriety of making over to the Church of England, by a special Deed, the lot, or farm, occupied by our Church and parsonage.

[Document No. 316]

314. When Agent Hodder forwarded the Bishop of Algoma's letter to the Secretary of Indian Affairs on September 3, 1902, along with a query from the Indians, he situated the English Church Mission as follows:

I beg to enclose herewith a letter received from the Anglican Bishop of Algoma regarding the title to the land occupied by a portion of the Red Rock band at McIntyre's Bay,* Lake Nipigon, I have also been asked by the Indians to enquire of the Department if there is any prospect of the reserve being confirmed by the Province in the near future.

[Document No. 317]

315. Secretary McLean replied on 8 September, 1902, he referred to the Bishop seeking title to land on the "Red Rock Indian Reserve" on McIntyre Bay:**

In reply to your letter of the 3rd Instant enclosing a communication from His Lordship, the Bishop of Algoma, regarding the title to land on the Red Rock Indian Reserve, at McIntyre's Bay*, Lake Nipigon, I beg to say that pending confirmation by the Government of Ontario of the Reserve set aside in what was formerly known as "the disputed territory", the Department is not in a position to do anything.

* cf. docs. no. 315 and 316.

** McIntyre Bay is south of Chief's or Grand (Big) Bay. The people at the English Church Mission there were part of the Red Rock Band. There was also a settlement listed as Reserve #53, at Red Rock on the Nipigon River. (See doc. no. 315).

I may say, however, in this connection that it is hoped that the question of title to the Reserves in question will be adjusted in the near future.

[Document No. 318]

316. Chief Ashkopekeda, of Grand Bay, wrote to Agent Hodder on March 23, 1903, requesting a reserve for the following reasons:

When you were here the last time there was one thing in particular that I wished to speak to you about, i.e. the question of the reserve we have asked for. But as it was proposed to go to South Bay and there meet Mr. Cornie and yourself I decided to leave the matter until that time. Failing to have this opportunity I now take the liberty of writing you on the same question.

Allow me to say that I am an old man now, and I desire much to see my people in comfortable homes on their own land. As the matter stands at present we have nothing upon which we feel secure.

White people are coming in now, and for them there is any quantity of land, timber, mineral, water, fish etc. and room for the homes of thousands of our White Brothers. All we ask is that we may have to hold for ourselves and our children this small reserve.

Some of my people have expressed at times the thought of moving if the reserve cannot be granted and I would much regret to see any leave, and I am sure the Government would not wish them to go. If we were sure of keeping our land and homes here we would be encouraged to go on and do more and other Indians might be induced to come and join us. Some have already assured us of this fact.

We have waited many years always hoping that this little matter, yet to us of great moment, will in the near future be settled for us.

We realize that a great change is about to take place in these parts now and for this reason we are more than ever anxious about that which concerns us both now and in the future.

Trusting this may receive your usual kind consideration.

[Document No. 320]

317. On 29 April, 1903, Agent Hodder forwarded Chief Ashkopekeda's letter to the Department Secretary, again locating the Mission as follows:

I beg to enclose herewith a letter received from Chief Ashkobkida of that portion of the Red Rock Band resident at the Church of England Mission, McIntyre's Bay, Lake Nepigon, urging that a title be given the Band for the reserve, I previously informed the Chief of the contents of Departmental letter No. 25339, 8th, September, 1902, and assured him that as soon as the question of the titles of reserves was adjusted he would be informed.

[Document No. 321]

318. Assistant Secretary Stewart wrote this memo to Secretary McLean on August 26, 1904, regarding a request from a member of the Red Rock Band for a patent to land on Sandy Point, Lake Nepigon:

Mr. Charles de la Ronde, Fishery Officer, Nepigon, reported to me during the annuity payments that Wasagejig of the Red Rock Band, who had resided on Sandy point, Lake Nepigon, for the past fifty years, desires to get a patent for the land occupied by him.

Mr. de la Ronde stated that both settlers and other Indians are endeavouring to get possession of Wasagejig's land, and he is anxious to have the matter settled as soon as possible.

Mr. de la Ronde asked to be advised of the result of any action taken on Wasagejig's behalf.

[Document No. 324]

On August 29 McLean forwarded the above request to Aubrey White, the Assistant Commissioner of Crown Lands requesting to know "what could be done". (See Document No. 325)

319. A few days later, on September 2, Aubrey White replied to McLean. He explained that he needed a plan of Lake Nipigon before he could reply to Indian Affairs:

I beg to acknowledge yours of the 29th ultimo with reference to land on Sandy Point, Lake Nepigon, which you state has been occupied by an Indian of the name of Wasagejig for the past 40 years and that other parties are endeavouring to get possession of this land. In the absence of a sketch showing the position of the land referred to I am unable to state whether there has been any previous application for the land or not. On the

published plan of the Lake I do not find Sandy Point located although I assume it is near the mouth of Sandy River. When a sketch is filed showing the position of the land I will then be able to ascertain whether it has been applied for by other parties or not.

[Document No. 326]

320. On September 6, 1904 the Secretary of Indian Affairs asked Charles de la Ronde, Fishery Officer, to supply the Department with a sketch:

In regard to the case of Wasagejig, of the Red Rock Band, who resides on Sandy Point, Lake Nipigon, reported by you to Mr. Stewart at the recent payment of Indian annuities in that district, I beg to say that upon communicating with the Crown Lands Department, Toronto, in the matter, it appears that the property in question cannot be identified and I have to ask you to kindly furnish a sketch showing the position of the land, in order to enable it to be located on plan.

[Document No. 327]

- 320A. In February 1905, the Department's Chief Surveyor prepared a memorandum for the Deputy Superintendent General on the lands surveyed for the Indians in the Lake Superior area, but not yet confirmed by Ontario:

Referring to the petition of the Indians of the McIntyre Bay Reserve, (English Church Mission) at Lake Nipigon, Ont., to the effect that the reserve be confirmed to them, in order to especially set at rest any question that it may be a mission reserve, I beg to state that this tract of land was laid out for the purpose of an Indian reserve, although it was intended to allot a narrow strip at its eastern end containing seventy acres for the use of the Episcopal Church.

This reserve, in common with a number of others, has not been confirmed by the Provincial Government of Ontario.

The late Mr. Plummer reported, in connection with a complaint of the Pays plat Indians, that the Indians living at that point, at Long Lake and at Pic River, had always occupied the lands at the respective places as if they were their own, and that it appears these Indians were not provided with land in the Robinson Superior Treaty.

On reference to the Crown Lands Department, Toronto, that Department requested a plan of survey of the claim of the Indians at Pays Plat. In view of this request, this Department had surveys made of lands at all the points in that district, where Indians had by long residence acquired a claim to the lands.

The following are the points referred to:-

Michipicoten	178	acres
Pic River	800	"
Pays Flat	605	"
Red Rock	465	"
McIntyre Bay	585	"
Island Point	135 1/2	acres
Long Lake	612	"
Jackfish Island, a small island near the west shore, not surveyed, say	300	"
Total	3505 1/2	"

Requests have been preferred to the Ontario Government from time to time for the past eighteen or nineteen years in the effect that those reserves be confirmed by an Order in Council of the Provincial Government; that Government, however, has taken no action in this direction.

The first above mentioned reserve, namely, Michipicoten, containing 178 acres of land, is occupied by Indians of the Gros Cap Band. If they desire to retain this portion of land, the money required to purchase it might be drawn from their own funds.

The Island Point reserve, containing 135 1/2 acres, and the unsurveyed Jackfish Island reserve would appear to be held by the Indians who have land provided for them under Treaty on the Gull River Lake Nipigon. It might perhaps be advisable to take into consideration the question of in doing the Indians to surrender a portion of their Gull River reserve in exchange, in case they desire to retain the Island Point and Jackfish Island reserves.

The cases of the remaining reserves appear to be different, that is to say, the Indians residing at the several points mentioned, namely, Pic River, Pays Flat, Red Rock, McIntyre Bay and Long Lake, do not appear to have been provided with land under the Robinson Superior Treaty.

The total area of land contained in the reserves surveyed for the last mentioned bands is only 3070 acres. As it appears to be useless to again ask the Ontario Government to grant this land, and as its present value will probably not exceed \$1.00 per acre, and in justice to the Indians, and to prevent inevitable future complications in connection with these lands, I beg to submit for your especial consideration whether it would not be available to take steps with the view of purchasing these lands from the Ontario Government. Should you approve of this I may say that the preliminary step should be to ascertain positively whether the Indians of Michipicoten pertain to Gros Cap, and whether those of Island Point and Jackfish Island have been provided with land at Gull River.

As the Indians have resided for a great number of years at all the above mentioned points, and undoubtedly believe that the reserves belong to them, it would simplify matters and perhaps be judicious if all the tracts of land in question were purchased. The extra cost would only be about \$500.

Mr. Plummer concluded his report of the 29th February, 1884, above mentioned in the following words: -

"It may be quite necessary to purchase from the Crown Lands Department, (or to acquire in some other way) the lands they have so long occupied."

[Document No. 327A]

321. The annual report for the year ending June 30, 1905, was submitted by Acting Agent Euclid Bonin. The reserves in the Port Arthur Agency were described thus:

RED ROCK BAND.

Reserve.--This reserve is situated on the Nipigon river near Lake Helen, and contains 486 acres.
Population.--The population of the band is about 215.

...

CHURCH OF ENGLAND MISSION.

Reserve.--This reserve is situated along the west shore of McIntyre's bay* and is occupied by part of the Red Rock band; it contains 580 acres.
Population.--The population is about 25.

...

NIPIGON BAND.

Reserve.--One part of this reserve is situated on Gull bay, Lake Nipigon, and contains 9,825 acres.

The other part of this reserve is situated at Jackfish island near the Hudson's Bay Company's post, and contains 135 1/2 acres.**
Population.--The population of this band is about 500.

...

PAYS PLAT BAND.

Reserve.--This reserve is situated on the Pays Plat river, Lake Superior, and contains 605 acres.
Population.--The population is about 45.

...

* cf. doc. nos. 315 and 316

PIC BAND.

Reserve.--This reserve is situated on the Pic river, Lake Superior, and contains 600 acres, divided into twenty-five farms facing the river. Population.--The population of this band is about 213.

...

LONG LAKE BAND.

Reserve.--This reserve is situated at the northwest corner of Long lake. It contains 612 acres. Population.--The population of this band is about 345.

...

[Document No. 329]

322. Three letters on the record for 1906 reflect increasing lumber activities in the treaty area. The first is from Secretary McLean of the Department of Indian Affairs to Aubrey White, Deputy Minister, Ontario Department of Lands and Mines. It was written on 21 February, 1906, regarding the issue of timber licences on unconfirmed reserve lands around Lake Nipigon:

It has been stated in the Public Press that the Provincial Government proposes to rent a tract of land in the District in which Lake Nipigon is situated for the cutting of pulp wood.

I have to request you to be good enough to except from the operation of any such licences all lands held by this Department as Indian reserves including those which have not yet been confirmed by your Government.

[Document No. 331]

323. A few months later, Chief Wegwaus had a letter written to the Deputy Superintendent of Indian Affairs, dated April 5, 1906, regarding rumors of prospective lumbering on the Gull Bay Reserve:

I have heard that lumbermen are going to take hold of this Reserve, without the consent of the Chief and members of the above said Reserve. Kindly notify me the state of Affairs.

I desire that a map of Gull Bay Reserve be sent to me.

** cf. doc. no. 315, Reserves # 56 and 57

The Chief then added:

Also let me know what consequences will follow those that don't go to the Reserve. As I am sure you are aware that agriculture is almost a failure the mineral I suppose in future times will likely improve.

[Document No. 333]

324. The Secretary of Indian Affairs responded to Chief Wegwaus' inquiries in this letter of 21 April, 1906:

I beg to acknowledge the receipt of your letter of the 5th instant, and have to inform you that you should communicate at once with Mr. Neil McDougall, Indian Agent at Port Arthur, in regard to the taking of timber in trespass from the Gull River Indian reserve. This reserve is situated within his Agency. A copy of the map of Gull River reserve will be prepared and forwarded to you.

You inquire what will be the consequences if you and your band are not making any use of your reserve. I have to say that the Department is not in a position to inform you; it is, however, quite certain that you should make proper use of your reserve, in order to provide for the future.

[Document No. 334]

- 325A. Agent McDougall's annual report for the year ending June 30, 1906, described the status of bands and reserves in this area as follows:

RED ROCK BAND.

Reserve.--This reserve is situated on the Nipigon river, near Lake Helen, and contains 486 acres.

Population.--The population of the band is 216, comprising 50 men, 59 women, 62 boys and 45 girls.

...

NIPIGON BAND.

Reserve.--The reserve is on or at the mouth of Gull river, on Lake Nipigon, and contains 7,500 acres. They appear to be divided into three divisions, one at the English mission on Grand bay*, one at Jackfish island and the one at Gull river.

Population.--The band numbers 452, comprising 68 men, 97 women, 152 boys and 135 girls.

...

The Ontario government has placed Nipigon lake and river in a forest reserve. The Indians are much disturbed in consequence; they are afraid they will not be allowed to hunt or fish.

...

PAYS PLAT BAND.

Reserve.--The reserve is situated on Pays Plat river, Lake Superior, and contains 640 acres.

Population.--The population is 44, comprising 8 men, 13 women, 12 boys and 11 girls.

...

PIC BAND.

Reserve.--The reserve is situated on the Pic river, Lake Superior, and contains 800 acres divided into 25 farms facing on the river.

Population.--The population of the band is 210, comprising 48 men, 60 women, 55 boys and 47 girls.

LONG LAKE BAND.

Reserve.--This reserve is situated on the northwest end of Long Lake, and contains 640 acres. Population.--The population of the band is 320, comprising 58 men, 83 women, 79 boys and 100 girls.

[Document No. 335]

325B. Agent McDougall's annual report for the year ended March 31, 1907, described the division of bands and reserves as follows:

RED ROCK BAND.

Reserve.--The reserve is situated on the Nipigon river above Lake Helen, and contains 486 acres, well timbered, and the land is mostly a clay loam suitable for agriculture.

Population.--The population of the band is 222 persons.

...

* cf. this information that the English Church Mission is located on Grand Bay and that the residents are said to belong to the Nipigon Band with document 318 cited in para. 301.

NIPIGON BAND.

Reserve.--The band occupy three different locations on Lake Nipigon, at Grand Bay, Jackfish Island and at the outlet of Gull river; the last-named contains some 7,500 acres, nearly all well timbered and wherever cleared is good land. Population.--The population of the band is 454 persons.

...

PAYS PLAT BAND.

Reserve.--This reserve is situated on Pays Plat river, Lake Superior, and contains 640 acres, well timbered and the greater portion good land. Population.--The population of the band is 42.

PIC BAND.

Reserve.--This reserve is situated on the Pic river, Lake Superior, and contains 800 acres divided into 25 farms facing on the river; the land is sandy loam and suitable for potatoes and roots. They have most of the lots well fenced. Population.--The population of the band is 209.

LONG LAKE BAND.

Reserve.--The reserve is situated on the northwest end of Long Lake, and contains 640 acres. Population.--The population of the band is 255 persons, some 65 having been transferred to Treaty No. 9.

[Document No. 341]

326A. In the summer of 1908, the Department of Indian Affairs instructed John Shaw to survey land on Jackfish Island. This is the island whose natural boundaries Surveyor Russell had considered, in 1886, (see document No. 281) obviated the need for a survey:

When you have completed the survey of the boundaries of the Lower French River Reserve I have to request you to proceed to Lake Nipigon to make a survey of Jack Fish Island and of a small tract of land opposite the Island on the Western shore.

The Island was supposed to have contained about 260 acres. It may possibly contain a very much greater area. If the area exceeds about 400 acres please draw a line across the Island cutting off about 260 acres which should include all the Indian improvements, but do not omit to survey the entire Island.

The Jesuit Fathers Have a church on the Island. You should survey the tract of land which would appear to be reasonable to allow them to occupy and show it on your plan. Please interview them and inform the department whether the said lot of land is to form a part of the reserve and to be occupied by the Fathers as long as they continue the mission there, or whether the said land is to be, excluded from the reserve. In this event the Jesuit Fathers will require to correspond with the Provincial Government as to what title, if any, that Government will give them. The Indians should be consulted in this matter also as the church building may be their property. Please be careful in this and kindred matters to use your best judgment and inform the Department fully on your proceedings.

The Indians desire a small tract of land on the said Western shore. Please interview them as to this matter and survey the said tract connecting your survey with the Island. It would be well to traverse the shore opposite the Island for a distance of, say, one mile.

[Document No. 343C]

326B. Shaw's field notes (document No. 344A) cover the period of the survey - September 9 to September 30, 1908. They indicate that before laying out "about 260 acres" on the west side of the island, and about 76 on the mainland opposite", he had consulted with Agent MacDougall and Chief Joseph Wehnewed. His plan and notes, certified by the Department's Chief Surveyor Bray (see document No. 344E), were sent by the Indian Department to Lands and Forests, Toronto, in February of the following year with this request:

I shall be obliged if your Department can see its way to have the said two portions of land set apart as Indian Reserves."

[Document No. 345]

327A. In December, 1910, the Department of Indian Affairs wrote to Lands and Forests in Toronto concerning the application for a patent by Canadian Pacific Railways. The letter referred as follows to "The Pays Plat Reserve":

The Canadian Pacific Railway Company has applied and is urging the request, for a patent of its Right of way through the Pays Plat Indian Reserve on the North shore of Lake Superior, Ont.

The land included in the said Reserve had been occupied by Indians for a great many years. It was surveyed in 1885 and application for the land was made to your Department, but no definite action appears to have been taken to confirm the said reserve as well as a number of other small plats of land similarly situated.

Owing to the very long and continuous occupation of the reserve by the Indians and that application for it was duly made (please see your letter of the 26th May, 1894-L 2578-84) it is assumed that your Department has no intention to question the right of the Indians, but as no formal action appears to have been taken to confirm the Indians in the possession of the land it is considered that your Department should be consulted in the matter of granting a patent. I have therefore to ask whether your Department has any objection to this Department issuing a patent for the Right of way in question.

[Document No. 347]

327B. Much correspondence on this matter flowed between the federal and provincial governments. On June 23, 1912, a memorandum prepared in Lands and forests in Toronto summarized the situation thus:

Memorandum re Red Rock Indian Reserve near
Nepigon, and Pay Plat Indian Reserve, North Shore
of Lake Superior.

The Department of Indian Affairs has made application several times for permission to grant a patent for the right of way of the Canadian Northern Railway through the Red Rock Indian Reserve south of Lake Nepigon, and also to grant a patent for the right of way to the Canadian Pacific Railway across the Pays Plat Indian Reserve on the North Shore of Lake Superior. They were written to several times that until the whole question of Indian Reserves had been taken up and settled nothing could be done. However, the last application they made for this they were informed that the Department would have no objection to their selling a right of way to the Canadian Northern Rail subject to the accounting to this department for money received if that should become proper, and also a similar letter was sent on the 13th June regarding the issue of a patent to the Canadian Pacific Railway for the right of way across the Pays Plat Indian Reserve, that there would be no objection to their issue of a patent for the right of way subject to the accounting to the Province of Ontario for money received if that should become proper.

The Indian Department now writes under date June 1 and June 19th, acknowledging the receipt of these letters and stating that the money received from the said Railway Companies would necessarily require to be placed to the credit and benefit of the Indian Band interested and would, therefore, pass from control of the Indian Department. That the Indians had been in possession of the Red Rock Indian Reserve many years previous to the application of the department 25 years ago, and that it would be an injustice to deprive these Indians of these lands or the benefit that may accrue to them from the sale of any of these lands.

As regards the Pays Plat Indian Reserve, the Indian Department writes acknowledging receipt of the letter stating that the Department had no objection to their selling the right of way subject to the accounting to the Province for money received. The letter goes on to state that the Indian Reserve is in the same position as the Red Rock Indian Reserve and the same objection applies to the effect that the money received will necessarily be placed to the use and benefit of the Indian owners of the Reserve and, therefore, the Indian Department urgently requests this Department to take the action necessary to make the Indian title clear to this Reserve as well as to the others on the North Shore of Lake Nepigon similarly situated, and that any action with regard to issuing a patent to the Canadian Pacific Railway will be delayed until this Department's reply has been received.

Director of Surveys.

As regards the Robinson Superior Treaty made 7th September, 1850, I find that on the schedule attached of the reservations made, there is, - first, - the Reserve at Fort William containing about 30 square miles, second, - 4 mile square of (sic at) Gros Cap being a valley near the Hudson Bay Company's Post at Michipicoten. Third, - 4 mile square on Gull River near Lake Nepigon on both sides of said river for the chief Mishimuckqua and Tribe. These are the only reservations referred to in this Treaty.

I find as regards the Gull Indian Reserve on Gull Bay, Lake Nepigon, the Indian Department filed a survey by O.L.S. A.L. Russell dated 28th May, 1887. This contains 9825 acres.

There is a letter from the Indian Department dated 22nd September, 1887, stating that as the Lake Nepigon Band of Indians are entitled under the Robinson Treaty of 1850 to 4 mile square on Gull River on both sides of the said river, the Department found that on the boundaries of the said river being run it was found impossible to lay out the Reserve in one block of 4 mile square, so as to make the full area of 10,240 acres. The quantity wanting was 415 acres, and the surveyor, at the request of the Indian and with the approval of the Department, surveyed 135 1/2 acres at Caribou Island Point, including a small island opposite thereto, and Jack Fish Island, which

approximately contains 260 acres, and in which 60 of the Indians have made their improvements and have houses with a school house. These took in the complete area to which the Indians are entitled under the Treaty. The Department also forwarded surveys of these Reserves at Gull River, Caribou Island Point, Jack Fish Island.

[Document No. 359]

No action was taken on the patent application between 1911 and 1913, however, because, as the correspondence reflects, (see documents nos. 348 through 363) Ontario linked the matter of granting the CPR patent to "the whole question of (confirming) Indian Reserves in Ontario".

328. The Schedule of Indian Reserves in the Dominion attached to the Annual Report of the Department for 1913 listed the reserves in the Lake Superior area as follows:

NO.	NAME	WHERE SITUATED	TRIBE OR BAND	AREA ACRES
48	MICHIPICOTON	On the Michipicoton river, about one mile from its mouth in the district of Algoma	Ojibbewas of Lake Superior	178.00
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land. This reserve has not been confirmed by the Provincial Government.		
49	GROS CAP	On the north shore of Lake Superior, about a mile west of Michipicoton river, in the district of Algoma	Ojibbewas of Lake Superior	10,180.00
	<u>Remarks:</u>	Set apart in accordance with the provisions of the Robinson-Superior Treaty.		
50	PIC RIVER	On the Pic river, near its mouth, in the district of Thunder Bay.	Ojibbewas of Lake Superior	800.00
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land, not confirmed by the Provincial Government.		
51	PAYS PLAT	At Pays Plat, north shore of Lake Superior, district of Thunder Bay.	Ojibbewas of Lake Superior	605.00
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land, not confirmed by the Provincial Government.		

* See doc. no. 351 in particular

NO.	NAME	WHERE SITUATED	TRIBE OR BAND	AREA ACRES
52	FORT WILLIAM	At mouth of Kaministiquia river, near west end of Lake Superior, in the district of Thunder Bay.	Ojibbewas of Lake Superior	12,586.36
	<u>Remarks:</u>	Set apart under the provisions of the Robinson-Superior Treaty. Original reserve contained 21,260 acres; 8,673.64 acres surrendered for sale at different dates.		
53	RED ROCK	On Nipigon river, in the tp. of Booth, district of Thunder Bay.	Ojibbewas of Lake Superior	468.00
	<u>Remarks:</u>	Surveyed in 1885 for the Indians who resided on the land. Not confirmed by the Provincial Government.		
54	MCINTYRE BAY	On the south shore of Lake Nipigon in the tp. of Innis district of Thunder Bay	Ojibbewas of Lake Superior	585.00
	<u>Remarks:</u>	Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed by the Provincial Government.		
55	GULL RIVER	At the mouth of Gull river, on the west shore of Lake Nipigon, in the district of Thunder Bay	Ojibbewas of Lake Superior	9,825.00
	<u>REMARKS:</u>	Set apart under the provisions of the Robinson-Superior Treaty. Surveyed in 1887. Not confirmed by the Provincial Government.		
56	CARIBOO ISLAND POINT	On the west shore of Lake Nipigon, in the district of Thunder Bay.	Ojibbewas of Lake Superior	135.50
	<u>Remarks:</u>	Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed by the Provincial Government.		
57	JACKFISH	This reserve is in two portions the western part of small island near the west shore of Lake Nipigon and a point on the mainland opposite, district of Thunder Bay.	Ojibbewas of Lake Superior	362.80
	<u>Remarks:</u>	Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed by the Provincial Government.		
58	LONG LAKE	North end Long lake, district of Thunder Bay	Ojibbewas of Lake Superior	612.00
	<u>Remarks:</u>	Not confirmed by Provincial Government. Surveyed in 1886 for Indians residing on the land.		
77	LONG LAKE	On the east side of Long Lake where the Suicide river empties into Long Lake.	Indians of the locality	17,280.00
	<u>Remarks:</u>	Surveyed in 1910.		

329. In December, 1913, the governments of Canada and Ontario met to resolve "outstanding and unsettled Indian matters". The minutes of their conference indicated that they arrived at the following decisions on "Item 4, Unconfirmed Reserves, Robinson Treaty":

The following reserves set apart for the Indians under the Robinson-Superior Treaty have so far not been allowed or confirmed by Ontario: Pic River, Pays Plat, Red Rock, McIntyre Bay, Island Point, Jackfish Island, Long Lake and Michipicoten. Ontario agrees to confirm the following reserves: Pic River, Pays Plat, Red Rock, Jackfish Island, Long Lake. The application for reserves at McIntyre Bay and Island Point are cancelled, but the Indians will be allowed to occupy their present holdings. Michipicoten; it is understood that Ontario will recognize the rights of any Indians resident at this point to lots which they may occupy.

[Document No. 368]

330. In a letter commenting on the Superintendent General's draft of the Minutes of the December 9 meeting, Aubrey White of the Ontario Ministry of Lands and Forests referred thus to item 4:

With reference to No. 4 you say,- "The application for Reserves at McIntyre Bay and Island Point are cancelled, but the Indians will be allowed to occupy their present holdings." It appears to me that this language is a little indefinite and there might be room for misunderstanding hereafter. It might be construed to mean that the present holdings include the whole of the Reserves. Would it not be clearer to say,- "But the Indians will not be disturbed in their occupancy of the buildings and improvements heretofore made by them on the so-called Reserves."? Otherwise this paragraph meets with the Department's approval.

[Document No. 370]

331. The Deputy Superintendent General expressed his Department's agreement with White on item No. 4, stating in his reply:

I would amend the wording of this paragraph as follows: -

The applications for reserves at McIntyre's Bay and Island Point are cancelled, but the Indians are not to be disturbed in their occupancy of the buildings and improvements heretofore made by them on the so-called reserves.

332. At the end of July, 1914, the Province wrote the Department of Indian Affairs as follows regarding the Orders in Council being prepared to implement the above-mentioned Dominion-Provincial agreement on the reserves in Ontario:

...

With respect to the Robinson-Superior Treaty, I have had an Order in Council prepared here approving the reserves covered by that Treaty, which have not been heretofore approved, and they are Pic Reserve, Pays Plat, Red Rock, Jackfish and Long Lake. Then there are two reserves on Lake Nepigon which were, under our understanding with you, not going to be recognized as reserves. They are the McIntyre Bay Reserve and the Little Caribou Island Point, but we said we would not disturb the Indians in their possession of what they have done there. When my Minister comes back I will get the Order in Council passed.

[Document No. 372]

333. On July 31, and again on October 6, the Ontario Minister of Lands, Forests and Mines recommended to the Lt. Governor of the province that the decision on the "Indian Reserves laid out under the Robinson Superior Treaty" be confirmed by Order in Council. (see docs. 373 and 374). On October 9, 1914, the Lt. Governor in Council issued that Order:

Upon consideration of the report of the Honourable the Minister of Lands, Forests and Mines, dated 6th October, 1914. The Committee of Council advise that the following Indian Reserves laid out under the Robinson Superior Treaty be confirmed as arranged at a conference with the Honourable the Minister of the Interior of the Dominion of Canada on the 9th day of December, 1913, namely:-

1. The Pic River Indian Reserve at the mouth of the Pic River on the North Shore of Lake Superior, in the District of Thunder Bay, containing 800 acres, as shown on plan of survey by O.L.S., A.L. Russell, dated 25th November, 1885.
2. Pays Plat Indian Reserve on the North Shore of Lake Superior, in the District of Thunder Bay, containing 605 acres as shown on plan of survey by O.L.S., A.L. Russell, dated 25th November, 1885.

3. Red Rock Indian Reserve, in the Township of Booth, Nepigon Forest Reserve, District of Thunder Bay, containing 468 acres as shown on plan of survey by O.L.S., A.L. Russell, dated 3rd December, 1885.

4. Jackfish Island and point near Nepigon House, Lake Nepigon Nepigon Forest Reserve, District of Thunder Bay containing 362.8 acres as shown on plan of survey by O.L.S. John E. Shaw dated 1908.

5. Long Lake Indian Reserve at the head of Long Lake, in the District of Thunder Bay, containing 613 acres more or less as shown on plan of survey by O.L.S., A.L. Russell dated 15th August, 1887.

The Committee further advise that the following Indian Reserves which have been laid out be cancelled, but that the Indians residing on said reserves be not disturbed in their occupation of the same as improved and occupied by them at the present time.

1. McIntyre Bay on the South Shore of Lake Nepigon in the Nepigon Forest Reserve, in the District of Thunder Bay, containing 535 acres, as shown on plan of survey by O.L.S., A.L. Russell dated 17th August, 1898.

2. Little Caribou Island Point on Caribou Island, Lake Nepigon, in the Nepigon Forest Reserve, in the District of Thunder Bay, containing 134 acres, as shown on plan of survey by O.L.S., A.E. Russell, dated 28th day, 1887.

[Document No. 375]

334. The above Order in Council, when forwarded to the Indian Department, evoked the following reply, dated October 20, 1914, from Duncan Scott:

...

This Order in Council is satisfactory except as regards the Michipicoten Reserve. On looking up my letter of the 10th December last and enclosed draft of minutes of the conference held between our Ministers, I find that item No. 4, which deals with the reserves mentioned in your Order in Council of the 9th October, 1914, also states that it is understood that Ontario will recognize the rights of any Indians resident at Michipicoten to lots which they may occupy. No mention of this is made in the Order in Council.

[Document No. 377]

There is no record of a reply from the provincial government on this matter at this time.

335. On August 9, 1917, J. D. McLean, Secretary for Indian Affairs, wrote thus to Albert Grigg, the Deputy Minister of Lands and Forests, Ontario, regarding the purchase of land for a reserve at Sand Point:

I have the honour to inform you that on the shores of Orient Bay,* Lake Nepigon, at what is known as Sand Point, a number of Indians reside. There are at least fifteen families, numbering between 60 and 75 souls. They have lived there for many years,** many of the adults having been born there, and have built themselves houses and have their gardens, and they wish to have the land set aside for them as a reserve. This land, what there is of it when cleared, is suitable for raising vegetables, etc., and extends about one mile back from the shore and also has a frontage of about a mile. It is this area that the Indians desire as a reserve for themselves. If they were given this land it would enable them to extend their present holdings and raise cattle, pigs, etc., as they are commencing to realize that they cannot live by hunting alone, owing to the increasing scarcity of game. This Department would be pleased to purchase this land for a reserve for these Indians, and I shall be glad to hear from you as to the price per acre at which it can be purchased.

[Document No. 380]

336. On August 15, 1917, Deputy Minister Grigg replied to McLean, explaining why the land mentioned was not for sale to anybody:

I have to acknowledge your letter of the 9th inst. on behalf of several Indians who are residing at Orient Bay, Lake Nepigon, district of Thunder Bay, and in reply to your enquiry regarding the purchase of this land for them may say that this is within the Nepigon Forest Reserve and lands are not open for sale or disposal for farming purposes within that Reserve, the Reserve having been specially set apart and the Department has refused to sell lands therein to other parties.

*cf. East Bay

**cf. doc. no. 324

A handwritten note on the letter, apparently by "LVR" (L.V. Rorke, the Director of Surveys) who had drafted Grigg's reply, states:

At McIntyre Bay & Little Caribou Island there were reserves once but were cancelled & Indians consider it only fair they should have a little land at Sand Point.

[Document No. 381]

337A. On August 25, 1917, the Secretary of the Indian Department wrote Ontario Lands and Forests thus about a wish for a new reserve expressed by members of the Nepigon Band residing on Jackfish Island:

I have the honour to inform you that the Indians at Jack Fish Island, Lake Nepigon, are desirous of exchanging their reserve for another location on the White Sand or Mud Rivers, where they will have more arable land, and be nearer the Railway where many of them obtain work. Their reserve at Jack Fish contains 362.80 acres, but is not nearly all fit for cultivation and it has become a real necessity for these Indians to acquire more land, as owing to the scarcity of game they cannot live by the hunt alone and are turning to cultivating the soil, raising stock etc. They require a reserve of about 1000 acres in all to meet their requirements, and the Department is prepared to purchase the extra land required, viz:- about 600 acres, if it can be had at a reasonable figure. As the Indians are anxious to move this Fall will you kindly give this question immediate consideration, and inform me whether the exchange can be affected and the additional land required purchased, and at what price. When it is known that the exchange can be affected and purchase made, it is proposed having the Indian Agent at Port Arthur accompanied by a surveyor, proceed to the above mentioned rivers along with the Chief and Councillors of the Band, in order that they may examine the land and select the most suitable location. Their decision would then be communicated to you together with full particulars as to where the land is located and how many acres are desired.

[Document No. 382]

337B. Five days later Grigg replied:

I am getting some further information and a report from the Chief Ranger of the Nepigon Forest Reserve, and will give the matter further consideration on receipt of his report. I may say that there are a great many points to be determined looking at this matter from other stand points than that of the Indians.

Your letter does not make it quite clear to me whether your application is to surrender Jack Fish Island and take another area in lieu thereof, or if it is to take some extra land, about 600 acres over and above that now occupied at Jack Fish.

[Document No. 383]

338. Then, as intended, the Deputy Minister of Lands and Forests requested the following information from the Chief Forest Ranger in Nepigon:

The Department of Indian Affairs, Ottawa, has made application to purchase some land at Nepigon for the Indians. They refer to two different points, the first is that at Sand Point, Orient Bay, where a number of Indians now reside and where they have built houses and occupy some land. The Department of Indian Affairs desires to purchase this land for the use of the Indians so that they may extend their operations.*

The second point is Jack Fish Island where there is at present an Indian Reserve. They state that there is not sufficient land in this Reserve for the Indians to cultivate and desire to get another location at White Sand or Mud Rivers at the northerly end of the Lake.

Before giving this matter any further consideration, I desire you to make a report to me on the matter. You will be good enough to go into the question carefully and advise me of the number of Indians and their improvements at Sand Point and what the extent of the cultivation by them is at that place. You will also look over Jack Fish Island and advise me how much of this island is under cultivation by the Indians and how much land is fit for cultivation. You might also proceed to Mud and Sand Rivers and advise me what the conditions are at that point. It might be as well to take with you the Indian Agent in order that some idea of the location desired by them may be known.

*See document No. 380.

You will understand that the settling of Indians on other parts of Lake Nepigon requires consideration from several standpoints, from the tourist standpoint, the Forest Reserve standpoint and the fire protection standpoint, also any other views which may occur to you in the matter.

[Document No. 384]

339. The clarification of the Indian Department's proposal which Ontario had requested was sent by McLean in this letter dated September 4, 1917:

...

I beg to say that the proposition is for the Indians to surrender their present reserve at Jack Fish Island and to receive in exchange therefor from your Government, a like area, viz:- 362.80 acres either on the White Sand or Mud Rivers. This Department also desires to purchase an additional 600 acres to meet the Indians' full requirements, provided it can be had at a reasonable figure. The result of this would be that the Indians would remove entirely from Jack Fish Island and have no further claim to the lands there and would locate on the new reserve set aside for them.

...

[Document No. 385]

340. The Nepigon Forest Ranger reported to the Deputy Minister of Lands and Forests, as had been requested, on September 19, 1917. He began by describing the settlements and quality of the land at Sand Point and at Jackfish Island:

I covered the ground pretty thoroughly with Mr. Brown the Indian Agent, last week on the 13th, 14th and 15th.

1st - at Sand Point, there are 13 houses, with II* families living there all the time. The II* families are made up of 5I Indians, with 26 children of a school age. They have about 12 or 15 acres cleared, and about half of it planted this year. The buildings are typically Indian, all outside of one being of log construction. Some of them were built by contractors during the early days of the building of the C.N. Ry. Those

*The number 11 (eleven) appears thus in the original

of the Indians own building are pretty crude affairs. The majority of these Indians have lived at this point all their lives. The Chief told me that he had been there over 50 years. This clearing of theirs is only about a mile and a half from the C.N.Ry at Fairloch Siding. The land is good, will grow almost anything that our northern Ontario will produce.

2nd - at Jackfish Island. This Reserve comprises 286 acres on the Island and 76 acres on a point of the mainland, immediately opposite. Here there are about 20 houses. Not more than 7 of these families stay here the year around. There is not more than 30 acres of this whole Reserve that is fit for cultivation, as the Island is just one large rock, and their half of it takes in a good proportion of this. They have about 18 acres cleared, but if they were to be sent a half dozen cows, the whole thing would not produce enough to keep them.

The Fire Ranger then described the Indians' wishes:

As I understood it, they are willing to give up this Reserve if they succeed in getting another at the mouth of the White Sand, but in giving this back they are not giving up much. I consider that the only reason that they have lived there in the past is that they have been near Nepigon House Post of the Hudson's Bay Co. Just now this post is almost a thing of the past. It is 45 miles from either of the Railroads, and the Co. are not hurting themselves putting in supplies.

The Indians already have a large Reserve at the mouth of the Gull River on the west shore of the Lake, but I could not induce the old Chief to say that they would give this up. Too much timber on this one to part with it.

What they want is a strip on the north bank of the White Sand River - 2 miles on the water front and a mile inland. This looks perfectly level, and is good land. Nothing else will do them, they have evidently been looking this over for years. I tried to get the Chief to say that the mouth of the Mud River would do just as well, but he would not talk of anything but the White Sand. At this point, the C.G.Ry., is only about 9 miles distant and they think that it would be easier to get in their supplies. Gull Bay Reserve is 30 miles from the C.N. Ry., and about 50 from the C.G.Ry.

Mud River is just what the name implies. The banks for about a quarter of a mile are high, then begin the muskeags. The land is not fit for cultivation for some distance up, and they do not want to go too far from the lake, as, the Lake fish make up the most of their living.

Finally Ranger McLeod reported, as requested, on the considerations not raised by the Indian Department - tourism and forest reserve protection:

We have done considerable work on the White Sand River this year - in cleaning out portages and putting in docks. Several parties of tourists fished the stream - coming in from the C.G.Ry and found the fishing good. The trout are not as large as those taken from the Nepigon River, but there are lots of them, and they are just as "gamey" to land. I do not know just what effect the settling of the Indians at this point would have on the tourist part of it, but I would judge that it would not make much difference, as they do not do any line fishing.

In looking at it from The Forest Reserve standpoint, it would make another scar on the shores of the Lake, and to me, old Lake Nepigon is the most beautiful lake in the world. I would much rather see them settled on their present Site at Sand Point, and on their Gull Bay Reserve, and leave the north end of the Lake as it is.

...

[Document No. 386]

341. On September 25th the Director of Surveys of the Department of Lands and Forests prepared a memorandum for his Deputy Minister on the Indian Department's application to purchase land for the Indians. After reviewing the facts presented by Ranger McLeod, he expressed the following opinion:

These Indians in the northern part of the Province in my own opinion, will never make farmers and if they have a few acres of ground for gardening purposes and to build a house on, it would be all that they require in the way of land. The settling of a few of them at Sand Point near Orient Bay might be beneficial as they could act as guides for tourists going in by way of the Canadian Northern Railway at that point. The same might be said if those at Jack Fish Reserve were settled at the mouth of White Sand River as a community to attend to the requirements of tourists coming in from the Canadian Government Railway, and if the Department of Indian Affairs was granted a License of Occupation for say 100 to 200 acres of land at Sand Point and a similar area at White Sand River on which to build and make garden plots, it would be sufficient.

[Document No. 387]

342. With all the above information in hand, Deputy Minister Grigg replied to the Department of Indian Affairs on their application for land at Sand Point and White Sand River. He stated as follows his understanding of the facts and made a counter proposal:

I find that at Sand Point there are eleven families and that the Chief has lived there over 50 years and up-to-date only 15 acres of land has been cleared and only about half of this under cultivation this year. Some of the buildings are old construction camps.

At Jack Fish Indian Reserve there are about 20 houses but not more than seven or eight families stay there the year round, that they have about 18 acres cleared, but the soil is not very productive.

I think you will agree with me that the Indians at that point will not make farmers in the true sense of the word, and if they have a sufficient area of land to build upon and grow garden stuff it will be about the extent of their cultivation of the soil.

You will remember that in 1913, the whole matter of Indian lands in this section was dealt with at a conference between officers of this Department and that of your Department, and an arrangement was arrived at whereby the outstanding Indian Reserves in Lake Superior district which had not previously been approved were confirmed by Order in Council dated 9th October, 1914, and this Order confirmed Jack Fish Island and Point Reserve in addition to the Gull River Reserve on Lake Nepigon which had already been approved. The arrangement also set out that the Indian Reserves at McIntyre Bay and Little Caribou Island Point should be cancelled, but the Indians on these two locations were not to be disturbed in their occupation.

Hence, it would appear that the Indians have now all the land they are entitled to on Lake Nepigon, and it does not seem to be advisable that the shores of this lake should be further cut up by setting apart Indian lands, but in view of the benefit it might be to those Indians as well as to the touring public on Lake Nepigon and adjoining territory, I would suggest to you that if your application was amended and that you would apply for say from one to two hundred acres of land at Sand point, and also at White Sand River on which these Indians might build, live and grow garden stuff, that a License of Occupation to your Department on behalf of these people might be given consideration.

[Document No. 388]

343. The following month, the Deputy Superintendent of Indian Affairs and Ontario's Deputy Minister Grigg met to discuss further the Dominion's application to buy land for the Indians. Six months later, on June 4, 1918, Secretary McLean of the Indian Department sent the following letter to Grigg:

Referring to the interview of Mr. D.C. Scott, the Deputy Superintendent General of Indian Affairs, with you in November last I beg to inform you that instructions have been sent to Mr. J.K. Benner, O.L.S., of the firm of Phillips and Benner, Port Arthur, Ont., to survey the two plots of land at Sand Point and at White Sand River on Lake Nepigon. Certified copies of the plan and field notes will be sent you as soon as may be possible after the completion of the survey. Mr. Benner has been instructed to lay out two hundred or three hundred acres at Sand Point and five hundred or six hundred acres at White Sand River for the use of the Indians.

[Document No. 389]

344. McLean's letter evoked the following quick reply from Grigg:

I am still at a loss to know why you require such a large area of land at these points. 200 acres was the amount suggested in my letter to you of the 4th October last, and I do not remember having intimated to Mr. Scott in his interview with me that five or six hundred acres would be granted.

When the survey plans are received if thought advisable they will be cut down to such an area as deemed sufficient.

[Document No. 390]

345. In order to reply to Grigg, McLean sought additional information from his officials. An undated statement prepared in the Department regarding the Indians at Sand Point, Lake Nepigon, confirmed the information Grigg had given on the 11 families at Sand Point, a total of 51 individuals. However, it further pointed out that:

In addition, there are three or four families who camp at the Point for half the year and move on to Popular Point during the winter.

The Government fishing station is within three miles of this Point. The Indians should have a piece of land one mile along the shore and half a mile inland.

[Document No. 391]

346. In addition to the information contained in the above statement, other facts were evidently obtained, since McLean's reply to Grigg on June 17, 1918, justified as follows the need for 600 acres:

...

respecting the survey of two plots of land at Sand Point and White Sand River on Lake Nepigon; I beg to explain that as it is expected that fully 40 families will settle at White Sand River when land is set apart for them there, it is considered that six hundred acres is not too large an area and it is hoped that you will be able to allot same for the use of the Indians. Only a few families, it is true, resided permanently at Jack Fish Island, simply because there was insufficient arable land. They were forced to go elsewhere, but it is fully expected that they will return from Umbabika and other points on the lake once land has been set apart for them on the White Sand River.

At Sand Point there are eleven families or about 51 souls and they should have 200 acres set aside for them to enable them to earn a living and it is hoped that you will also be able to grant them this area at least.

[Document No. 392]

347. The reply to McLean, drafted by L.V. Rorke, the Director of Surveys, was signed by the Deputy Minister of Lands and Forest:

The matter was thoroughly discussed between myself and Mr. Scott when he was in Toronto some time ago. If your Department surveys an area of 600 acres as suggested, it will be no guarantee that such a large amount will be set aside.

When the survey is in the matter will be further considered, but in the meantime the matter may stand in abeyance as I am not convinced that it is advisable to set apart the large area mentioned on a desirable part of the lake close to railway connection.

[Document No. 393]

348. The following spring, in March, 1919, McLean forwarded the plans of the land surveyed at Sand Point and near White Sand River. In his covering letter he expressed the "(hope) that you will see your way to have these lands duly granted for the purpose of Indian reserves". (see doc. no. 394)

349. Lands & Forests replied as follows:

These plans have been received and on looking them over it would appear that no tie line to any well known point or former survey has been made and no inscription of the land accompanies the parcels. I may also say that the plan calls these lands "Indian Reserves" which is not quite correct. Perhaps the filed notes of the survey will show some tie to well known points. For instance in your application for the land at White Sand River, it was understood that you would make the river one boundary of the parcel and a connection with this river is not shown on the plan.

I may also say in regard to the parcel at Sand Point that this is quite close to the Canadian National Railway and the land should be tied in to some known point so that the work may be properly laid down on the Department's plans.

If you will forward field notes and descriptions of these parcels they will be looked into and if the information is sufficient the matter will be considered.

[Document No. 395]

350. McLean's reply is dated 12 March, 1919:

...The surveyor, Mr. E.P.A. Phillips, was requested to report why he did not adhere to his instructions to the effect that the reserve at White Sand River was to be bounded on one side by the river. Enclosed is a copy of his letter in reply explaining that the Indians insisted on having the tract at the place where he surveyed it.

A connection was made at White Sand River with the Canadian National Railway. The field notes which will be sent you contain the traverse notes.

The term "Indian reserves" does not imply that the lands are to be granted in fee. The lands will be held as Indian reserves under the conditions that may be imposed by your Department.

[Document No. 396]

351. The enclosed letter from Surveyor Phillips provided the following information:

...I thought that my my report and diary would have been a sufficient explanation of my movements while on this work. However I might say further that in my instructions it is stated that I was to be guided by any suggestions that Mr. Brown* might make, and he stated to me that the principal requirement was to please the Indians. Now as stated in my report the Indians wished, through their chief, to have a block with about three miles of shore line and extending inland about one mile, as this would contain about three times the area I was instructed to lay out, and would not conform to the requirements of having a depth equal to double the frontage on the shore I did not see my way clear to please the Indians to this extent. The Indians refused to have 600 acres adjoining the Whitesand river, would not assist in the survey of it in fact, and I did not see any sense in attempting to lay out a reserve which they did not intend to use, but rather than come away without doing anything, which I was greatly tempted to do under the circumstances, I told the chief that I would lay out 600 acres for him in the required shape wherever he wished to have it and he could fight for it afterwards.

In view of the fact that the chief himself picked out the reserve as I have surveyed it as the most desirable spot of the desired area, I do not see how they can have any complaint in regard to the quality of the soil, nor on reading my instructions can I see that it was any part of my duty to carry on negotiations with the Indians in regard to their reserve. While I did not make any exhaustive investigations of the soil, my observation was that the soil at Whitesand river was a very fine white sand, while the location surveyed is at least sandy call, although I do not think that the soil of any of this area is ideal for agricultural purposes.

[Document No. 397]

352. The Department of Lands and Forests, however, expressed its dissatisfaction with the surveyor's plans and explanations in these terms:

*Port Arthur Indian Agent

There is nothing in these notes which will give the Department a tie line to lay down the exact position of these parcels on their maps and until the survey is sufficient the matter cannot be further dealt with. Apparently from Mr. Phillips' field notes the Indians took it upon themselves to dictate where these lands were to be surveyed.

If your Department desires to further this application it will be necessary to forward a complete survey and tie line and a plan of the same duly signed by the surveyor.

The land to be surveyed for the Indians at Sand Point was to include the land on which the Indians are now living. There is no intimation on these plans that this is the same land.

[Document No. 398]

353. The Indian Department then furnished these details:

I beg to ... draw your attention to the traverses shown on the blue print attached to the field notes. One traverse is from the mouth of the White Sand River to the proposed Indian reserve; the other is from the Canadian National Railway to the proposed Indian reserve at Sand Point on Lake Nepigon. Will you be good enough to inform me of any other tie lines you may require.

The proposed reserve near White Sand River was selected by the Indians and they propose to remove from Jackfish Island to this land. The proposed reserve at Sand Point includes all the Indian houses. The Indians have been living here for about seventy years; the Chief was born here and he is now about seventy years old. I shall be pleased to furnish any further information you may desire.

[Document No. 399]

In addition, Secretary McLean reiterated in a letter sent two days later that copies of the surveyor's field notes and plans would follow. (see document no. 400)

354. Lands and Forests in a letter dated March 29th, 1919, then reiterated the original conditions it had laid down for the survey of land near White Sand River:

With reference to the land surveyed on the north side of the lake and east of White Sand River, I note what is said in Mr. Phillips' letter to your Department, and have to say this is not a case where the Indians should be allowed to dictate to the surveyor. The lands applied for and which were examined by our agent join the White Sand River and a survey was to have been made of a parcel of land at that point not exceeding 200 acres, nor was the shore line to be more than half the depth of the parcel surveyed. Under the circumstances the Department is not prepared to consider a License of Occupation to either of these parcels until such time as a proper survey is made in accordance with the directions given.

I am writing to the Superintendent of the Lake Nepigon Reserve to make a report on the piece of land surveyed some time at his convenience.

[Document No. 401]

355. The letter which the Deputy Minister of Lands & Forests then addressed to the Chief Manager (or Ranger) read as follows:

There has been considerable correspondence with the Department of Indian Affairs, Ottawa, with a view to their securing for the Indians at Jack Fish Reserve a parcel of land on the North Shore of Lake Nepigon, at White Sand River. Mr. McLeod in 1917, made a report to the Department in reference to the application and the Department of Indian Affairs was allowed the privilege of surveying 200 acres at White Sand River with a view of further considering whether it would be advisable to let the Indians in there or not.

The survey as now filed in the Department shows a block of 553 acres lying northeast of the mouth of the White Sand River over 2 miles as shown on the plan herewith enclosed. Mr. Phillips, Ontario Land Surveyor, of Port Arthur, stated that the Indians were not agreeable to accept the land at White Sand River and the Department is not disposed to give them the block of land now surveyed until it has been materially cut down at least in area and has been examined to see how it compares with the land at White Sand River.

Some time during the coming season when it is convenient to you, I desire you to visit the parcel surveyed and let me have your report on the land and timber thereon, and any information you can give me in the matter, also whether in your opinion it is desirable to allow the Indians from Jack Fish to locate on the north shore of Lake Nepigon. Their reasons for moving is I believe, to procure wood for fuel and land for gardening which is not to be had at Jack Fish.

[Document No. 402)

356. Secretary McLean replied to Grigg's letter of the 29th, expressing thus his surprise at the Indians' choice of land:

It is a matter of surprise that the Indians should have insisted on having the proposed tract of land surveyed at a distance from the mouth of the White Sand River. It would appear much more to their advantage and convenience if the river had formed one of the boundaries of their proposed reserve. We will await the result of the report of your Superintendent before taking any further action in this case.

[Document No. 403]

357. Following to a recommendation from his officials (see document no. 405), the Deputy Minister of Lands & Forests informed the Department of Indian Affairs of the terms and conditions upon which a license of occupation would be issued for the land surveyed at Sand Point:

...I have to advise you that such License may issue at a nominal rental of \$10 per annum. That one of the conditions of the lease will be that the Indians are not to cut down any timber except in the process of clearing for cultivation. If they require wood other than this for fuel it may be taken from any place on the land under lease, but merchantable timber should not be used for the timber. As the lands form part of the Nepigon Forest Reserve the area must still be considered to be under the supervision and control of the Superintendent of the Nepigon Forest Reserve.

There will be reserved a strip of land one chain wide along the shore of the lake for right of way along the said lake. If this is satisfactory, you will forward the first year's rental and the lease will then issue.

[Document No. 406]

358. On May 20, 1919, W.R. Brown, the Indian Agent at Port Arthur addressed two letters to the Honorable Howard Ferguson, Ontario, Minister of Lands & Forests, applying for the restoration of the McIntyre Bay reserve "cancelled" by the Order in Council dated October 9, 1914. His first letter was "personal" (see document no. 407A) and the second, official letter, read as follows:

On behalf of the Department of Indian Affairs, Ottawa, I herewith make application for the restoration of the McIntyre Bay Indian Reserve - Lake Nepigon.

This land was surveyed and set aside for the Indians in 1882, and cancelled by Order-in-Council October 9th, 1914.

It is proposed by our Department to establish a "Supervised Camp" for the care of all sick, aged, or otherwise destitute Indians with their families.

Many buildings would be erected, such as a hospital, separate quarters for aged men and women, boarding school, individual cottages, store houses, stables, etc.

The land would be gradually cleared until enough crop could be grown to feed all persons in the colony. The Quappelle Boarding School alone has 700 acres of land under cultivation.

As we propose taking whole families, the children would be educated and encouraged to locate right on this land, so that they would be under own supervision. It would therefore be necessary to obtain the full area of the original reserve.

While the Indians have obtained more land than they were granted by the Robinson Treaty of 1850, still it must be considered that the Hon. W.B. Robinson was under the misapprehension that there were only 1,200 Indians in the Lake Superior District, whereas there must have been fully 4,000, as there are 3,000 to-day.

We positively have no Indian Reserve suitable for this purpose. None have both fish and game in the vicinity, and also fertile land for cultivation.

From the standpoint of the Fire Ranging Department, our Supervisor would co-operate with the staff in every way possible. If a phone line were established, he could make reports to Headquarters, and in cases of emergency our tug and staff could be called on.

On account of the expenditure, it would be necessary for us to obtain the land outright, and it was thought that your Department would co-operate and grant the land to the Indians without charge.

Surely these people who sent 35% of their physically fit men to fight our battles, are worthy of more consideration than in the past. From my agency (Thunder Bay) alone, five Indians were awarded war medals. Of these one boy, Serg. Bouchard, was recommended seven times before he finally received the D.C.M. To my mind this record should be taken into consideration when dealing with our Indians in the future.

[Document No. 407B]

359. The same request was made the following week to Mr. Ferguson by the Parliamentary Undersecretary for External Affairs (see document no. 410) and on June 5th, 1919, Lands and Forest replied to him as follows:

This Department would be glad to co-operate in the work. If you will indicate where the proposed site is located I will be glad if there is no serious objection from a Departmental standpoint, to carry out your suggestion. We would set this aside as a site for the purpose indicated to be held for the Indians as long as it is used for that purpose, to revert to the Crown when it ceased to be used for the purpose granted.

[Document No. 411]

The Deputy Minister of Lands & Forests also informed similarly Indian Agent Brown. (see doc. no. 412)

360. Secretary McLean of the Indian Department was notified of the above decision by the Deputy Minister of Lands & Forest in a letter which outlined as follows the understanding and attendant stipulation:

The understanding is that your Department are to establish a supervised camp for the care of sick, aged and otherwise destitute Indians with their families of that whole district, and that many buildings would be erected consisting of hospital, living quarters, individual cottages, store-houses, stables, schools, etc. It is hoped and desired that this undertaking will prove a success and relieve to a great extent the suffering amongst the older Indians and those desiring careful attention.

To this end I am instructed to advise you that a clause will be inserted in the patent and the patent will issue on this understanding that the land will revert to the Province if the plan as outlined and proposed in Mr. Brown's letter of the 20th May, 1919, is not carried out, or if at any time the Indian Department cease to use the land for the purposes for which the grant is made.

As the grant will be made free from any purchase price, the only stipulation being as recited above, I assume that this will be quite satisfactory to the Department of Indian Affairs.

[Document No. 413]

361. On July 15, 1919, Chief Ranger Cummins submitted the report on the 553 acres surveyed near White Sands River which the Deputy Minister of Lands & Forests had requested on March 29th:

...I have made a thorough inspection of said parcel of land and find that the land is good, and will grow almost anything, and also that there is very little rock. There is no timber to amount to anything back from the lake one half mile. The timber consists of Spruce scattered, average four inches in diameter.

The North half of the Reserve is a little more heavily timbered and land not so good, swampy, with quite a lot of rock.

I would respectfully recommend giving the Indians the Southern half of the piece of land now surveyed, they would be satisfied with this, and it is all the land in my opinion that they will require for years to come.

...
I was speaking with the chief of the Reserve yesterday...Please let me know when the decision is made as they are very anxious to complete building before the cold weather sets in.

[Document No. 417]

362. Lands & Forests, upon receiving this report, wrote Secretary McLean of the Indian Department accordingly:

...this Department is prepared to grant a License of Occupation of the south half of the lands included in the survey made by Mr. Phillips of Port Arthur and shown on his plan dated August 24th, 1918. This will reduce the length of the block by 45 chains, making the length of the east boundary 34 chains and 35 links, exclusive of a reservation of one chain along the shore of Lake Nepigon. The terms and conditions of this license are to be the same as those proposed for the License of Occupation at Sand Point, which were set out in Departmental letter to you under date of April 26th of this year.

[Document No. 419]

W.R. Brown, the Indian Agent in Port Arthur, was similarly notified. (see document no. 420)

363. On September 29, 1919, the Minister of Lands & Forests recommended to the Lt. Governor in Council that licenses of occupation be issued for the parcels of land east of White Sand River and at Sand Point. (see doc. no. 423) On October 3, 1919, the following Order in Council was issued:

The Committee of Council have had under consideration the report of the Honourable the Minister of Lands, Forests and Mines, wherein he states that the Department of Indian Affairs, Ottawa, has made application for two blocks of land on the shore of Lake Nepigon, and being situate on the east shore at what is known as Sand Point, and the other as the north shore east of the White Sand River in the Nepigon Forest Reserve, District of Thunder Bay, for the purpose of settling thereon Indians in that vicinity and improving their condition.

At Sandy Point about fifty-one Indians are located and make it their home, some of whom have lived there all their lives.

At White Sand River it is also proposed to establish a colony of Indians from the Jack Fish Island Reserve by putting them on land suitable for cultivation at this point.

Owing to the scarcity of game it is represented that the Indians cannot make a livelihood and it is desired to improve their condition and encourage them in cultivation of the soil.

The Minister recommends that in compliance with Chapter 30, R.S.O. 1914, a License of Occupation is granted to the applicants for a parcel of land at Sand Point containing 236 acres at an annual rental of \$10. and for the parcel of land east of White Sand River, containing 276 acres at an annual rental of \$10., said parcels being as shown outlined in red on amended plans of survey by O.L.S., R.P.A. Phillips, dated 24th August, 1918.

The Committee concur in the recommendation of the Minister and advise that the same be acted on.

[Document No. 424]

Licenses of Occupation No. 478 and No. 479 were consequently issued on October 10, 1919. (see documents no. 425 & 426)

364. On October 16, 1919, the Minister of Lands, Forests & Mines recommended to the Lt. Governor that the 585 acres of land applied for at McIntyre Bay be vested in Her Majesty "represented by the

Dept. of Indian Affairs". (see doc. no. 427) An Order in Council transferring the land in question to the Dominion was issued on the 24th of October, 1919. (see doc. no. 428) A copy of this Order was sent to the Dept. of Indian Affairs on Nov. 5th. (see doc. no. 429)

365. A copy of the above Order-in-Council was forwarded also to the Local Master of Titles at Port Arthur who was at a loss to know how to proceed. (see doc. no. 430) His superior in the Land Titles Office in Toronto sought advice from the Ministry of Lands & Forests (see doc. no. 431) and was informed as follows:

...permit me to say that the Department's authority in treating such instrument as in effect equivalent to a patent and registering same is Section 159 of the Land Titles Act.

The Department has also sent a certified copy of the Order direct to the Indian Department and I presume that your Local Master in issuing a Certificate of Titles should treat the Indian Department as an individual, imposing such fees as are applicable in the issue of a Certificate of Title.

A short time ago in another section of the Province the question of the procedure as respects the issue of a patent rather than the vesting order exclusively was raised and the Indian Department conceded after apparently being advised by the Department of Justice that the transfer from the Crown in the right of the Province to the Crown in the right of the Dominion should be by vesting order rather than by patent, the former instrument always having been deemed here as having the same force and effect as a patent.

[Document No. 432]

366. The Master of Titles replied as follows:

Yours of 10th inst., received. The language of Section 159 of the Land Titles Act was used because in certain cases, the grant of lands by Order-in-Council, was authorized by Statute.

The Lieutenant-Governor-in-Council was authorized to grant land in this way to the Temiskaming and Northern Ontario Railway Commission. Vide R.S.O. Cap. 38, Section 13.

There may be other cases, but this is the only one of which I am aware, and I am not surprised that Mr. Munro asked for instructions. I will bring under his notice, the decision which you cite, and instruct him to enter the King as owner in right of the Dominion and to send the Certificate of Title to the Indian Department.

I may, however, say that as the Indian Department has not asked for registration under the Land Titles Act, the Local Master has no right to exact fees from that Department.

[Document No. 433]

367A. In December, 1920, Indians of the Pic Band residing at Mobert applied to the Department to form a separate Band and obtain reserve status for the land they had settled on:

We the undersigned are members of a little village at Mobert C.P.R. formerly and yet belong to the so called Pic Band. We have been here for some time and have been asking for the last four years that we may form a Band and Reservation of our own, but have been told year after year to wait till next Pay Day.

...

The situation and locality suits us and not only that, but it is far handier for the Band, both for Railroad and living purposes. Railroad, Store, and a large lake from which we obtain fish the year around, and it is from this point that we all go in hunting. We would like each and everyone of us that the Indian Department grants us this Privelege.

We are also sending in the names of families here and a close estimate of houses and property as the village is at present.

[Document No. 433A¹]

The list of Pic River Band Indians established at Mobert included 24 men, all but a few married, and 36 children.

367B. The Pic Mobert Indians' letter was forwarded to the Department by the Agent (see doc. no. 433A²) who received the following reply from Secretary McLean:

With reference to your letter of the 22nd instant concerning the Location of a number of the Pic River band of Indians, I have to inform you that there are not any funds available for the purchase of the lands upon which these Indians have built their houses.

If these Indians will not live on the reservation set aside for them and if you thought it probable that the Indians could purchase these lands for themselves, it might be advisable to get particulars as to present ownership and a price at which the owner or owners would be willing to sell. Property in the locality should not be very high and might be easily within the reach of a community which could construct a \$5,000.00 church and houses such as they have.

[Document No. 433B]

367C. The Mobert Indians' request was endorsed in a letter dated October 14, 1928, as follows, by the President of the Grand Indian Council of Ontario, Henry Jackson:

The enclosed papers and plans that you will find herewith are handed me by the Manager of the Hudson Bay Company's store at White River on behalf of a number of Indians settled in the immediate neighbourhood of the store and whose names you will find mentioned in the enclosure under the term "Mobert Indians". The Indians desire and they have the backing of the Hudson Bay Company in their request to secure a Reserve of two miles square in this neighbourhood, as roughly marked on the enclosed plan, and the object in laying the papers before your Department for consideration is that you would cause some investigation to be made into the request of the Indians, and if it met with your approval, would ask the Government of Ontario to grant through the Superintendent General in trust for these Indians such reserve as might be thought suitable.

I might say that the lands, if they may be so termed, the Indians are requesting should be set apart for them, consist wholly of rock and some burnt country with some timber on the same, but absolutely unmerchantable. The locality, however, favours the occupation of the Indians which is that of hunting and the situation on White River and White Lake affords them good fishing. Undoubtedly any Reserve which is set apart here for these Indians would require to be subject to the rights of the Canadian Pacific Railway which runs through it, but the establishment of such reservation would not interfere in any way with the possession or use by the Railway Company.

I would be glad to be advised of the sympathetic consideration of the Department.

[Document No. 433C]

The enclosed list of heads of families "desirous of having a reserve" bore 18 names.

367D. Secretary McLean replied to Mr. Jackson promptly. He particularly made these points:

...

These Indians belong to the Pic River band. Mr. Brown was instructed to the effect that if these Indians do not desire to live on their reservation, they should purchase the lands to which they have removed.

Certain reserves were set apart for Indians under the provisions of the Robinson-Superior Treaty. The Ontario Government at a subsequent date and at the request of this Department, set apart certain additional reservations that were not provided for in the Treaty, among these was the Pic River reserve.

Under these circumstances it is not considered desirable to make application for further lands from the Province and I would suggest that you counsel the Indians interested to obtain the lands they desire by the same means that white men acquire them. The Pic River Indian reserve is in the Agency of Mr. W.R. Brown, Port Arthur kindly communicate with him regarding the welfare of Indians you refer to in your letter.

[Document No. 433D]

367E. McLean then forwarded a copy of his letter to Mr. Jackson to Agent Brown, requesting as follows:

...

Be good enough to assist these people with your advice as to how they may acquire possession of the lands on which they are settled, in the event of their deciding to purchase them.

[Document No. 433E]

367F. During the month of November, 1921, Secretary McLean corresponded with Lands and Forests in Toronto to ascertain - in order to advise, but not to finance, the Indians - what lands would be made available for sale, and on what terms. (see doc. no. 433 H-K¹) In January of 1922, Lands and Forests informed the Superintendent of Indian Affairs as follows:

This Department has an application from Mr. A.G. Chisholm, Barrister, London, on behalf of certain Indians who reside at Mobert along the line of the Canadian Pacific Railway in the district of Thunder Bay.

Apparently the Indians have settled and built dwelling houses on a peninsula to the north and west of the Hudson Bay Company's post at that point and the application is for a reserve of 2 miles square at that place. The application states that there are about seventeen families all Indians located there who are engaged wholly in hunting and trapping. They located there because it is more convenient than their former location.

It has been pointed out to Mr. Chisholm that the reserves to which the Indians are entitled in that district have already been set apart and the application for 4 square miles of land could not be favorably entertained. It is suggested however, that if the Indians would file a plan of survey showing the lands occupied by them with their dwellings that the Department might consider under what conditions a sale might be carried out to them of their occupation.

Before considering the matter however further it has been considered advisable to forward you a notice of this application and I am enclosing you a copy of the sketch forwarded therewith.

I would be glad to know how your Department views such application on behalf of the Indians and if you have any suggestions re the matter.

[Document No. 433']

367G. On February 1, Secretary McLean replied as follows:

I have to inform you that an application was previously made to this Department for a reserve in that locality for these Indians. The Indian Agent was informed that as these Indians had land provided for them in a reserve already established and as they chose to settle at this point in order to be closer to the railway and trading posts, the Department was not disposed to acquire an additional reserve for them, but that they should take the necessary steps to acquire at their own expense, the land upon which they have erected their houses.

These Indians have erected homes ranging in value from \$500.00 to \$3,000.00 and a church valued at \$5,000.00. The Department would be pleased if you could sell them the land upon which they have located and extend to them any privileges in connection with this purchase which would be granted to a white settlement under similar circumstances and which are in conformity with your regulations. Pending the survey of these lands by your Department or by the Indians themselves, it would be appreciated if your Department could protect them by such entry in your records as would enable them to have the first opportunity to purchase if survey is made.

[Document No. 433M]

367H. The same month the manager of the Hudson Bay Company Post at Mobert reported to Agent Brown that Henry Jackson had been collecting funds to purchase land from Indians in the vicinity. (see doc. no. 433 L² & P)

When Brown passed on this information to the Department, it evoked the following reply outlining the kind of assistance the Department would give in connection with the purchase:

...

Should the Indians choose to make contributions of their own money towards the expenses connected with the operation of the Grand Indian Council of Ontario, the Department is only in the position to advise them in those cases where it is considered they are making unnecessary expenditure. In the present instance, namely, that of acquiring lands at Mobert, where they have erected houses, although the Department is not willing to give any financial assistance, as you have already been informed, yet, should the Indians decide that they are willing to go the the expense of purchasing lands in the locality from the Provincial Government, the Department is quite ready to undertake the correspondence in connection with this matter for them.

It appears that the Grand Council, through its President, Henry Jackson, has retained Mr. G. Chisholm, Barrister, London, to act as their Agent with the Province in their endeavour to acquire a reserve at Mobert. The Indians might be informed that Mr. Chisholm will not be able to accomplish anything in the way of gaining concessions from the Province that cannot be obtained for them by the Department. The attitude of the Province is that the Indians must first have a survey made and a plan of such survey filed with the Province. When that is received, the Provincial Department of Lands and Forests, will consider under what conditions a sale might be carried out to them. In order to save the Indians unnecessary expenditure, the Department is willing to conduct the correspondence with the Province in connection with the purchase of this property and will also assume the cost of survey. Should this meet their approval, the Indians should pass a resolution that they are willing to subscribe the funds to purchase from the province such lands as the Province will sell to them, in the vicinity of their houses, and requesting that the Department undertake the correspondence and survey necessary to complete the transaction.

This course will undoubtedly cost the Indians less money than the one which they are now adopting.

[Document No. 433Q]

367I. Subsequent correspondence between the Department of Indian Affairs and Lands and Forests in Toronto established the amount of land that could be sold and its price. (see doc. nos. 433 S & T). In consequence, McLean informed Agent Brown as follows:

...

The Department has ascertained from the Province that the probable price which the Province would require to be paid for the land, should they favourably consider application to purchase, is \$5.00 per acre. This price is half the usual price for summer resort parcels in that country and the above reduction would be made if the land were granted to the Department, to be held in trust for the Indians.

The Province is not disposed to consider the sale to these Indians of a greater area than 40 acres. This would appear to be quite sufficient for their purposes and should include all their houses and the most, if not all, of that point of land on which they are located.

If the Indians will be satisfied to purchase the parcel on these conditions, which will amply protect their interests, and deposit with you the sum of \$200.00 to be forwarded to the department, with the understanding that it is to be used towards the purchase of 40 acres of land at that point and also that it will be returned to the Indians should the Province finally refuse to complete the transaction, the Department will then take the necessary steps to have a survey made without cost to the Indians. Orders against their next Annuity payments may be accepted as cash. On completion of this survey, formal application will be made to the Province for the purchase of the land.

...

[Document No. 433U]

367J. When Brown informed the Department that the Indians wished the survey to proceed, arrangements were made with the province and instructions were accordingly given. (see doc. nos. 433V - 433NN) Phillips and Benner, surveyors of Port Arthur, submitted their plan and field notes in the summer of 1923. After the usual clarifications, (see doc. nos. 433PP-433VV) the survey results were ready for transmittal to Lands and Forests in Toronto. Secretary McLean, when he was prepared to send the plans on, wrote the Deputy Minister of Lands and Forests thus:

I am forwarding to you under separate cover triplicate plans of survey made by E.P.A. Phillips, O.L.S., showing those lands which the Department desires to obtain. You will note in accordance with the request contained in your letter of the 16th August 1922, the area occupied and desired by the Hudson's Bay Company has been surveyed and excluded from the reserve lands. Enclosed you will find a description of the property prepared by W.R. White, O.L.S.

On receipt of advice from you that this survey is approved and that you are prepared to transfer the land to the Crown as represented by the Superintendent General of Indian Affairs, Departmental cheque will be forwarded to you in accordance with the terms outlined in your letter of the 28th February 1922.

[Document No. 433XX²]

367K. The Deputy Minister of Lands and Forests, W.C. Cain, acknowledged the receipt of the plans on August 29, 1924, and noted:

...

I am sending blue print copies of the plan to the Hudson Bay Company who occupy lands in that vicinity and also to the Spanish River Pulp and Paper Mills, Sault Ste Marie, who are owners of the pulp concession covering that territory and asking each to advise me if they have any objections on account of occupation or rights on these lands to the Department selling the same for the use of the Indians.

If no particular objection is forthcoming to the amount surveyed I see no reason why a sale may not be carried out to the Superintendent General of Indian Affairs in compliance with my letter of 28th February, 1922, at \$5 per acre.

[Document No. 433YY]

367L. Four months later Cain again wrote to McLean:

The plans of survey and the application for lands at White Lake have been given consideration and I am returning you herewith the plans of survey for amendment.

It is not considered advisable to depart from the established policy of this Department that a reservation of one chain wide should be made along the shore of all larger lakes and rivers in Northern Ontario and the survey plans will require to be amended by showing this one chain reserve and changing the area of the parcels south of the railway to correspond to the amount less the reservation.

I may also say that the title "Indian Reserve" does not seem to me to be quite in order. I assume that Indian Reserves refer to Lands which were set apart for the purpose of the Indians under the Statutes and various Treaties and these lands are not such but are lands that are being purchased in the ordinary way from this Department for the use of the Indians and to my mind it is more or less misleading to call them Indian Reserves.

When the plans are amended and returned together with the purchase price at \$5 per acre an Order will then be made vesting these lands in the Superintendent General of Indian Affairs.

[Document No. 433ZZ]

367M. In a letter dated January 22, 1925, W.C. Cain reiterated Ontario's views on the "term 'Indian Reserve'":

With regard to the designation Indian Reserve, I cannot agree with you as to this term to be used for these lands and would respectfully request that the term "Indian Reserve" be left off the plan of survey. As far as this department is concerned this is not an Indian Reserve as we interpret the term and the lands will not be vested as Indian Reserve. After the vesting order in your Department you can designate the lands by any such term as you desire, but our records will not show that this is an Indian Reserve as it is not considered such but as lands disposed of in the ordinary way to your Department for the use of Indians.

[Document No. 433CCC]

367N. McLean then informed the surveyors preparing the official plan thus:

...
I may also inform you that the Province is insisting on the lands not being termed Indian reserve before the provincial Order in Council is passed vesting these lands in the Department of Indian Affairs.

[Document No. 433EEE]

367O. Deputy Minister Cain, when the survey plans were finally approved by his Department, sent the following tabulation of the area surveyed for transfer, and the bill of sale, to the Indian Department:

...

The total area now shown on plans of survey of lands to be purchased by the Indians at Mobert exclusive of the road allowance is 35.8 acres.

If you will be good enough to forward the purchase price at \$5 amounting to \$179 the matter of carrying out a vesting order will be proceeded with.

[Document No. 433FFF]

367P. The Indian Department's Chief Surveyor, Mr. Robertson, upon receipt of the account, sought legal advice on the proper method of completing the purchase:

...

In view of the conditions under which the money was collected from the Indians, do you consider there is any necessity for an Order in Council to be obtained to enable the department to complete the purchase? Although the Department is merely acting as Agent for a number of Indians, at the Indians' request, in purchasing the land with money advanced by them, it is intended that this land will be administered as an Indian reserve.

[Document No. 433GGG]

The reply from Mr. Williams, handwritten at the bottom of the letter, read: \$179 were thus remitted to the province on June 9, 1925. (see doc. no. 433 III)

367Q. An Order in Council was issued on June 30, 1925, by the Lt. Gov. of Ontario in Council, vesting the lands surveyed at Mobert in the Superintendent General of Indian Affairs. (see doc. no. 435) The Department then sought to ascertain which members of the Pic Band would have a valid interest in the Mobert Reserve:

In 1922, when Mr. W.R. Brown was Indian Agent the sum of \$200.00 was collected from certain Indians resident at Mobert, in order that the Department might purchase for them the lands which they were occupying there.

The Department has arranged for the purchase of these lands from the Province but on the understanding that it is to be vested in the Superintendent of Indian Affairs in trust for the Indians. It will therefore be necessary to administer this land as a reserve for these Indians and their families.

The Department desires you to secure a list of the Indians who contributed money for this purpose and also of any other Indians resident there whom those actually contributing wish to be considered as having a share in this reserve as well as a statement signed by the purchasers that they wish this land to be purchased for them and administered as a reserve under the Indian Act.

It is understood, of course, that you will require to wait for a favourable opportunity when all the Indians are likely to be present, but it is expected that you will secure the above information at the first suitable opportunity.

[Document No. 435B]

367R. The agent replied:

In reply I beg to say that 90% of the Band are trapping in the vicinity of the Ogikee River district and will not return until next spring. I would therefore suggest waiting until treaty-payment-time to secure a list of the Mobert Indian Band who contributed funds for the purpose of purchasing their own reserve.

If in the near future, I can possibly obtain this list from the Chief or any of the Band who might show up, at this office, I will immediately forward same to Ottawa.

[Document No. 435C]

368. The Schedule of Indian Reserves in the Dominion of Canada prepared by the Survey's Branch of the Department of Indian Affairs for 1928 showed as follows which reserves north of Lake Superior had been confirmed by the Provincial Government, which remained unconfirmed, and which were held by annual rental (under licenses of occupation) and which had been purchased by the Indians and transferred to the Department:

NO.	NAME	TREATY	WHERE SITUATED	TRIBE OR BAND	AREA ACRES	ORIGINAL AREA
48	MICHIPICOTEN		On the Michipicoten	Ojibbwas of Lake Superior	17.00	17.00
	<u>Remarks:</u>		Surveyed in 1885 for the Indians who resided on the land. This reserve has not been confirmed by the Provincial Government.			
49	GROS CAP		On the north shore	Ojibbwas of Lake Superior	8,961.60	11,017.00
	<u>Remarks:</u>		Set apart in accordance with the provisions of the Robinson-Superior Treaties 13.9 acres sold to A.C. & H.B. Rly. Co for R.W., O.C., June 15, 1927 making total surrender and sold 2055.4.			
50	PIC RIVER		On the Pic river, near its mouth, in the district of Thunder Bay.	Ojibbewas of Lake Superior	800.00	800.00
	<u>Remarks:</u>		Surveyed in 1885 for the Indians who resided on the land, confirmed by O.C., Oct. 9, 1914.			
51	PAYS PLAT		At Pays Plat, north shore of Lake Superior district of Thunder Bay.	Ojibbewas of Lake Superior	605.00	605.00
	<u>Remarks:</u>		Surveyed in 1885 for the Indians who resided on the land, confirmed by O.C., Oct. 9, 1914.			
52	FORT WILLIAM		At mouth of Kaministiquia river, near west end of Lake Superior in the district of Thunder Bay.	Ojibbewas of Lake Superior	14,066.22	21,260.00
	<u>Remarks:</u>		Set apart under the provisions of the Robinson-Superior Treaty. 8,673.64 acres surrendered for sale at different dates; 270.1 acres were sold to the City of Fort William for park and road purposes, surrender dated Oct. 15, 1917, O.C., Nov. 27, 1917; 15.53 acres sold to City of Fort William for road, O.C., April 12, 1922, 4.51 acres taken by City of Fort William for pipe line. 1,770.00 acres of surrendered portion reconstituted part of reserve. O.C., Jan. 12, 1925.			

NO.	NAME	TREATY	WHERE SITUATED	TRIBE OR BAND	AREA ACRES	ORIGINAL AREA
53	RED ROCK		On Nipigon river, in the township of Booth, district of Thunder Bay	Ojibbewas of Lake Superior	468.00	468.00
	<u>Remarks:</u>		Surveyed in 1885 for the Indians who resided on the land. Confirmed by O.C., Oct. 9, 1914.			
54	MCINTYRE BAY		On the south shore of Lake Nipigon, in the township of Innis, district of Thunder Bay	Ojibbewas of Lake Superior	585.00	585.00
	<u>Remarks:</u>		Surveyed in 1885 for the Indians of Lake Nipigon, confirmed by the Provincial Government Oct. 24, 1919, for hospital purposes.			
55	GULL RIVER		At the mouth of Gull river, on the west shore of Lake Nipigon in the district of Thunder Bay.	Ojibbewas of Lake Superior	9,825.00	9,825.00
	<u>Remarks:</u>		Set apart under the provisions of the Robinson-Superior Treaty. Surveyed in 1887. Not confirmed* by the Provincial Government.			
56	CARIBOO ISLAND POINT		On the west shore of Lake Nipigon, in the in the district of Thunder Bay.	Ojibbewas of Lake Superior	135.50	135.50
	<u>Remarks:</u>		Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed by Provincial Government.			
57	JACKFISH		This reserve is in two portions, the western part of small island near the west shore of Lake Nipigon and a point of the mainland opposite, district of Thunder Bay.	Ojibbewas of Lake Superior	362.80	362.80
	<u>Remarks:</u>		Surveyed in 1885 for the Indians of Lake Nipigon. Confirmed by O.C., Oct. 9, 1914.			
58	LONG LAKE		North end of Long Lake district of Thunder Bay	Ojibbewas of Lake Superior	578.50	612.00
	<u>Remarks:</u>		Surveyed in 1886 for Indians residing on the land. Confirmed by O.C., Oct. 9, 1914. 33.5 acres transferred to Department of Railways and Canals for C.N.R. R/W and Wye., O.C., Oct. 24, 1923. P.C. 2149.			

* cf. doc. no. 388

NO.	NAME	TREATY	WHERE SITUATED	TRIBE OR BAND	AREA ACRES	ORIGINAL AREA
77	LONG LAKE	Treaty 9	On the east side of Long Lake, where the Suicide river empties into Long Lake.	Indians of the locality.	17,280.00	17,280.00
		<u>Remarks:</u>	Surveyed in 1910. Confirmed by O.C., Feb. 13, 1907.			
80	SAND POINT		Near Sand point, Lake Nipigon.		236.00	236.00
		<u>Remarks:</u>	Annual rental, O.C., Ontario, Oct. 3, 1919.			
81	WHITE SAND RIVER		Near White Sand river		276.00	276.00
		<u>Remarks:</u>	Annual rental, O.C., Ontario, Oct. 3, 1919.			
82	MOBERT		On White Lake, Thunder Bay district.		35.8	35.8
		<u>Remarks:</u>	Purchased by Indians of band. Transferred to Department by Prov. O.C., June 30, 1925.			

[Document No. 436]

369. On June 23, 1931, the Department of Indian Affairs made a new proposal to Ontario Lands & Forests concerning the land set aside at McIntyre Bay:

The Department is encountering a considerable amount of destitution on several of the Indian reserves on Lake Nipigon. Unfortunately this condition is greatly aggravated by the fact that most of the reserves on the lake have very little or not areas suitable for cultivation.

It is thought that this condition could be relieved if about twelve Indian families were located on the 505 acre parcel in the Township of Innes, on the South shore of McIntyre Bay, which was obtained by the Department under authority of Provincial Order in Council dated 24th October 1919, and, if your Department approves, it is proposed to take steps this summer to install a number of these families at that point, in order to relieve the situation.

As the soil at this point is reported to be suitable for the cultivation of at least vegetables and root crops, the Department has in view the employment of an instructor who will be qualified to teach the Indians practical cultivation.

If this experiment should prove successful it is quite possible that the Department could succeed in removing all the Indians from one of the other reserves and obtaining a surrender of the vacated reserve, in exchange for a permanent one at that point.

I shall be pleased to receive an early expression of your opinion on this proposal, as action would require to be taken during the present summer, in order that the land may be prepared for cultivation next Spring.

[Document No. 438]

370. A year later, after the exchange of some correspondence, Lands and Forests wrote as follows about the area in question:

I have your letter of the 13th instant, in reply to Departmental letter of the 7th, and in your letter you refer to letter from this Department of the 24th of July, 1931.

Letter of the 24th of July 1931 referred to a 585 acre parcel in the Township of Innes that was set aside by Order in Council of the 24th of October, 1919. This area is in the Township of Innes on the south shore of McIntyre Bay some considerable distance from Grand Bay, and our information was that the timber was being cut at Grand Bay where there is no Indian Reserve.

Will you be good enough to let us know definitely where the material was cut, whether on the shore of Grand Bay or whether material was cut from the Reserve in the Township of Innes. If cut at Grand Bay, I would like to have the area definitely outlined, and have a statement as to what claim your Department makes, if any, to the land from which the timber was taken.

I will be glad to hear from you as soon as you have received a report from the local Indian agent.

371. Indian Affairs then sent Lands and Forests the following information:

...I have to advise you that the local Indian Agent has reported that the saw mill referred to is located on the 585 acre parcel on McIntyre Bay in the Township of Innes and that the lumber produced by this mill was cut from the logs taken from that parcel and was used for the construction of the Indian houses on that reserve. Eight houses have already been completed and it is expected that ten additional homes will be completed this summer.

For your information I may say that McIntyre Bay is called Grand Bay by the residents of Lake Nipigon* and it was no doubt due to this fact that the Crown Timber Agent was under an incorrect impression. The local Indian Agent at Port Arthur, Mr. J.G. Burke, has informed Mr. Nilway, the Crown Timber Agent and explained the situation to him.

[Document No. 439]

372. Some twenty years later, in 1951, the status of the lands occupied at Sand Point and White Sand River was raised by Indian Affairs in the following letter to Lands & Forests, Toronto:

Re: Licenses of Occupation Nos. 748 & 749

Since the year 1919, The Indian Affairs Branch have been paying an annual fee for the above licenses, covering land on the shores of lake Nipigon and used as Indian Reserves.

This is not a very satisfactory arrangement as Title to the land not being vested in the Crown in the person of The Minister of our Department, they cannot be developed as regular Indian Reserves.

I would like to arrange to discuss this matter with one of your officials in the near future. I could be in Toronto the afternoon of October 25th or any time on the 26th. If this is convenient, kindly advise also as to whom I shall see.

Another matter that might be considered at that time is the question of our transferring the present Jackfish Reserve #57 to The Province of Ontario.

[Document No. 440]

373. Following the meeting between representatives of the two governments, the Chief of the Lands Division of the Department of Lands and Forests advised Indian Affairs in writing of his Department's decision:

Reference is made to our discussion of the 25th. instant regarding the desire of your Department to purchase the areas covered by the above Licenses of Occupation on behalf of his Majesty as represented by the Dominion of Canada.

*cf. Chapter 8 and paras. 265A, 265L, 266B, 313 to 317, 320A, 321

These specific areas are the Indian Reserve on the north shore of Pigitawabik Bay of Lake Nipigon, and the Indian Reserve No. 81 on the north and west shore of Lake Nipigon.

As advised the Department will sell these areas at \$ 1.00 per acre plus the value of the forest products. It will not be possible to determine the total purchase price until the final plans of survey have been prepared and the areas have been cruised by our District Staff to determine the amount and value of the timber involved.

I wish to advise that the field notes of these parcels surveyed by E.P.A. Phillips in August 1918 are on file in the Department and we will check with our Division of Surveys and Engineering to determine whether or not plans suitable for the issuance of title can be prepared in this office.

We will advise you further in this regard in the near future and would ask in the meantime that you refrain from contacting Mr. Phillips until you hear from us.

[Document No. 443]

374. Vesting orders preparatory to the transfer of the two areas to Crown Canada were drafted (see documents No. 444 and 446) and timber cruises to determine the value of the forest products thereon carried out. (See doc. no. 447) On September 30, 1952, Lands and Forests sent the results of the cruise to Indian Affairs with this letter which stated the full amount of the purchase price due:

With reference to previous correspondence regarding the conveyance of the subject Indian Reserves from this Department to Her Majesty The Queen in right of Canada, I wish to advise that our District Office has completed a cruise of the timber on the areas.

The report for Indian Reserve No. 80, currently held under License of Occupation 748, shows forest products having a value of \$6,561.21. The timber on Reserve No. 81, under License of Occupation 749, is valued at \$9,422.10. The land valued at \$1.00 per acre amounts to \$236.00 for Reserve No. 80 and \$546.00 for Reserve No. 81.

We would appreciate receiving your Department's cheque made payable to the Provincial Treasurer for the amount of \$16,765.31 so that the conveyances may be proceeded with.

[Document No. 448]

375. Indian Affairs, upon receipt of this bill, then informed Lands and Forests why they had reconsidered their original request to purchase these lands:

Following receipt of your letter dated September 30th, 1952, we had our Forest Engineer examine the situation at Whitesand and Sandpoint.

He reported that the Indians did not use the area to any great extent, generally using a small part for a few months fishing in the summer months.

It did not appear to us advisable to establish reserves that would take them back to places where they could not earn a living when many were becoming established a MacDiarmid and making a living.

Consequently we advised our Ottawa office that we thought that use of the land under License of Occupation for a few more years would be preferable and asked them to so advise you.

Apparently this was not done for which I am very sorry. We now have a new Superintendent at Port Arthur in whom we have a lot more confidence. I would suggest that the license of occupation be continued for the year 1956. During the next few months I will personally investigate the need or otherwise of the land as reserves and give you a definite reply.

[Document No. 449]

376. In June 1958, Lands and Forests inquired thus about cancelling the license of occupation at Sand Point:

We are faced with a major problem in providing a suitable park area on Lake Nipigon within reasonable distance of Highway No. 11.

One area that appears suitable embraces an area covered by a License of Occupation issued to your Department, which, unless it were returned to the Province, would make any large scale park development impossible.

There are 236 acres covered by License of Occupation No. 748, and it is noted that your Department was given the opportunity to purchase the land outright in 1955, but this option has not been taken up at this time.

This area is unimproved and there is no access to it, other than by water.

The area is not being used for the purpose intended and in view of this, and the fact that it is to be developed for public use, would your Department object to cancellation of the License of Occupation at this time?

[Document No. 450]

377. The question of the cancellation of the license was subsequently discussed at a meeting of officials of the Department of Indian Affairs with the Regional Forester. The gist of their discussions was reported in this letter from the forester to the Division of Surveys at Lands and Forests in Toronto:

...

Today, Mr. Aquin and Mr. Darryl Youman of the Department of Indian Affairs discussed this matter with me as follows.

- (1) Some of the Indians at MacDiarmid have discussed and considered moving from MacDiarmid to this reserve within the last year. Apparently, some of them are anxious to move because they are now getting tax bills for the lands they are occupying in the MacDiarmid Townplot.
- (2) The Department of Indian Affairs at Ottawa, North Bay and the Lakehead agree that there is no economic future for the Indians if they move to this Reserve No. 80 and they have refused to consider the establishment of individuals or families at this point. The above representatives of the Indian Affairs stress that this stand will be continued.

In view of the above, the Department of Indian Affairs personnel would not object to the Department of Lands and Forests advising them that this Licence of Occupation No. 748 was cancelled. They would prefer to have the Department cancel it without permission. I presume the Department of Lands and Forests would then be the "goat" as it were with the local Indians concerned.

Mr. Aquin stated further that the Indians have made no use of this reserve area in the last five years and possibly longer.

If you agree, I would suggest that the Department of Indian Affairs be informed in writing that, when the Licence of Occupation expires which I believe is September 30th, 1958, that it will not be renewed as we consider developing this area for park purposes.

[Document No. 451]

378A. In consequence of the forester's report, Lands and Forests addressed the following letter to Indian Affairs:

In a letter to this Department, dated October 31st 1955, Mr. F. Matters, Regional Supervisor of Indian Agencies at North Bay, in reply to a request from this Department that Indian Affairs Branch release the area of Indian Reserve No. 80 held under License of Occupation 748, suggested that the License of Occupation continue for the year 1956 and that during the next few months he would personally investigate the need or otherwise of the land as a reserve and give the Department a definite reply.

The reservation is not being used for the purposes for which the License was granted and lends itself to the development of a public park with access to Highway #11 through construction a few miles of road.

Our Department is presently planning projects for possible unemployment relief work in this vicinity and would greatly appreciate it if your office would either surrender the License of Occupation or neglect to pay the annual rental which would be due October 1st which would permit the Department to cancel for non payment of rental under the proviso in the License of Occupation which states that the license may be cancelled or revoked at any time by the Minister of Lands and Forests.

It is our understanding that your agent and other officials of the Indian Affairs Branch are agreeable that this reserve containing 236 acres revert to the Crown, Ontario, though they are reluctant to originate this action. Therefore, if we do not hear from you to the contrary and the rental remains unpaid, as at October 31st 1958, this Department will proceed with the cancellation of the License of Occupation.

[Document No. 452B]

The following month license No. 748 was officially cancelled and Indian Affairs so informed. (See docs. no. 453 and 454.)

379A. In September of 1958, additional land was added to the Gros Cap Indian Village Reserve #49 by Order in Council:

...

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration, pursuant to the Indian Act, is pleased hereby to set apart for the use and benefit of Indian Bands lands hereinafter set out:

1. For the use and benefit of the Michipicoten Band of Indians in the Province of Ontario:
Description
Gros Cap Indian Village Reserve number
Forty-nine A

All and singular those certain parcels or tracts of land and premises, lying or being in the Township of Michipicotan in the District of Algoma and Province of Ontario and comprising part of location B.Y.6 registered in the office of Land Titles at Sault Ste. Marie as Parcel 372 in the Register for Michipicoten, which said parcels contain together 13.606 acres, more or less and has been designated as Parcel 475 in the said register and is more particularly described in a Certificate of Ownership dated August 21st, 1958, issued by the Local Master of Titles at Sault Ste. Marie, Ontario.

[Document No. 452A]

379B. On December 4, 1959, Indian Affairs approached Lands and Forests, Toronto, about acquiring provincial land in the Settlement of MacDiarmid in the Thunder Bay District. (See doc. no. 456.) The request was repeated again on March 1, 1960, in the following letter:

I am in receipt of a petition dated January 21, 1960, from some residents of MacDiarmid, Ontario, protesting against the acquisition by the Indian Affairs Branch of a piece of provincial land known as the Young property. I understand a similar petition has been forwarded to you.

The Indian Affairs Branch received a letter from an official of your Department, informing them that the request for the purchase of this property is at present under consideration, and is awaiting further information from your field staff.

For several years, a group of Indians of the Gull Bay, Sand Point, Red Rock and Chapleau Bands have been residing at MacDiarmid on both Provincial Crown land and lands under private ownership. With the exception of one or two families, the conditions in which they live are deplorable. Because of the fact that they do not live on a Reserve or land reserved for Indian use, no housing assistance has been given them.

Previously these Indians had resided at Sand Point but gradually took up residence at MacDiarmid where there were more opportunities for seasonal employment. Sand Point was held by the Indian Affairs Branch under Licence of Occupation from the Province of Ontario, but since it was not used by the Indians for several years, was relinquished at the request of the province so that it could be incorporated into a provincial park. These Indians requested that the Indian Affairs Branch attempt to obtain a piece of property at MacDiarmid known as the Young property for use as a site for a housing development.

After a thorough discussion with the Indians at a meeting held at MacDiarmid on Tuesday, April 21st, 1959, between representatives of the Indians and the Branch, it was unanimously agreed that the acquisition of land adjacent to the settlement would provide a satisfactory solution. The project was discussed at a meeting at MacDiarmid on November 17, 1959 attended by the Indians and non-Indians and representatives from the Roman Catholic Church, Ontario Department of Lands and Forests, Statute Labour Board and Indian Affairs Branch. Some objection to the scheme was submitted at this meeting, but it was felt that it was personal and discriminatory.

In the meantime, negotiations have been going on between the Indian Affairs Branch and the Public School Board, having in mind the erection of a joint school for the integrated education of all children at MacDiarmid.

Recently, representations were made to the Lakehead newspapers, Fort William Chamber of Commerce and local Members of Parliament, protesting against the acquisition of the Young property by the Indian Affairs Branch. A petition dated January 21st, 1960 was forwarded to me also protesting against the acquisition of this property. An examination of the petition shows the objections to be based on what appears to be racial discrimination. The opposition appears to be headed by a Mr. Smith, a tourist operator of MacDiarmid, who has a personal interest in that, I understand, he is also attempting to purchase this property.

This week I received a copy of a letter from Clayton Doucette, Esq., Secretary Treasurer, Northern Route Outfitters' Association, to the Hon. George C. Wardrope, withdrawing the objection of that organization to the proposed development for these Indians residing at MacDiarmid.

Your favourable consideration of the request by the Indian Affairs Branch to purchase the Young property would be appreciated very much. The Indian Affairs Branch would then be able to give assistance to these Indians to raise their standard of living, and incidentally, improve conditions in MacDiarmid.

[Document No. 459]

380. The Minister of Lands and Forests replied to Madame Fairclough as follows:

...

In your letter, you refer to the acquisition of the Henry Young property. On the plan, you will note that an application has been received from the school board for part of the Young property and also, that there are two parts occupied.

As mentioned in your letter, there was considerable opposition from Mr. Leroy Smith to the acquisition of the land by the Indian Affairs Branch, and on the attached map, you will notice that we have put in a buffer zone of 230 feet between the property owned by Mr. Smith and the land that we would have available for sale outlined in red. The area outlined in red is approximately 26 acres.

In discussion with your Mr. Bethune, it is believed that it was not your intention to acquire an area of 26 acres.

Would you please return one of the enclosed prints, showing thereon the area which your Department requires.

In considering my recommendations to Cabinet in connection with this sale, I would be glad to receive further information on the intended use by your Department of the land. In fixing the price to be paid, I feel it advisable to take into consideration the question of whether the land and the improvements thereon would be subject to Provincial Land Tax or Municipal Tax in the event a municipality is established in the future.

Would you please advise whether it is your intention to -

- (a) create a reserve of the land;
- (b) subdivide the land and sell lots to the Indians, leaving the land as private land subject to Provincial Land Tax;
- (c) erect houses and lease them to the Indians, without declaring the area as a reserve, in which case Provincial Land Tax would be payable;
- (d) Would there be any contribution to the maintenance of roads used by the Indians and others;
- (e) will the roads to be laid out in the land being acquired be open to the public;

It is understood that negotiations will be made between the Indian Affairs Branch and the Public School Board, having in mind the erection of a joint school for the integrated education of all the children at MacDiarmid.

It is understood that the Indian Affairs Branch will bear the cost of the survey of the land that they would acquire.

Would you please let me have your comments on the price for the land, having regard to the fact that the Department at present is selling lots, approximately one-fifth of an acre in size, to Indians and others at a price ranging from \$100 to \$200.

In the margin next to the questions concerning Indian Affairs' intentions, a departmental official has pencilled "yes" next to questions a), d) and e) and "no" next to b) and c).

381. At a subsequent meeting between provincial and federal officials, agreement to create a reserve at MacDiarmid was reached. The terms of that agreement were outlined in the following Memo for File prepared by Lands and Forests:

Mr. F. Matters was at my office on Friday morning, April 29th, at 10:00 a.m. and discussed the application of the Indian Affairs Branch for land at MacDiarmid for an Indian Reserve with Mr. Beatty and myself.

We dealt with the points raised in the Minister's letter to the Honourable Mrs. Fairclough dated March 24th on file. The land will be created as an Indian Reserve and there will be contribution to the maintenance of roads and the roads to be laid out in the Indian Reserve will be public roads.

The question of price was mentioned and in view of the expressed interest of the Province in the welfare of the Indians, it was stated that the price would probably be a nominal one, the same as for land sold to other Federal Departments.

Mr. Matters outlined the area to the north that was required to be included in the land applied for and he is going to take this up with Mr. Bray and submit a plan showing the revision of the boundary line to the north. Indian Affairs Branch will bear the cost of the survey and the plan of survey is to show the location of the proposed road.

[Document No. 463]

382. Arrangements proceeded and in May, 1960, the Regional Forester sent the following letter to the Surveys Branch of Lands and Forests recommending transfer of the area to Indian Affairs:

Enclosed please find a plan of the area which Mr. Fred Matters of the Department of Indian Affairs has indicated, outlined in red, as required for the above reserve in and adjacent to the MacDiarmid townsite.

...

Since the local opposition to the establishment of this reserve has now subsided and the parties concerned have more or less withdrawn their objections to same, we would now recommend that plans to transfer the area to Indian Affairs be proceeded with.

[Document No. 465]

The District Forester wrote also to the Surveys Branch, enclosing release forms for the lots in the area held under licenses of occupation. (See doc. no. 466.) These releases were then signed by the occupants, both status Indians, who consented to their land being incorporated into the new reserve. (See docs. 466A and 466B)

383. Following another request for "favourable consideration" of Indian Affairs' acquisition of the MacDiarmid property (see doc. no. 467), the Minister of Lands and Forests informed Ms. Fairclough of the following arrangements and conditions for the transfer of the land in question:

...

the Department is prepared to transfer to the Department of Indian Affairs, the land shown outlined in red on the attached plan which includes Block A having an area of 2.84 acres, more or less, and Block B having an area of 23.25 acres, more or less, and also, lots 59, 60, 61, 62, 87, 88 and 89.

You will note that there is a reserve of 66 feet along the shore of Lake Nipigon in front of Block B.

Your Department will be required to have Blocks A and B surveyed and descriptions prepared so that the transfer may be made. The land will be vested in your Department for an amount of \$50 and there will be a reserve that the land will revert back to the Province of Ontario if it is not used for the purpose of your Department.

In the event that it is decided to subdivide either Blocks A or B, any streets that are provided in the subdivision would become public roads.

[Document No. 468]

384. In the spring of 1961, the Surveyor General of Ottawa, following correspondence with the Surveys Branch of Lands and Forests, Toronto, and the issue of formal instructions, (see doc. nos. 473, 474, 475) surveyed some 33 acres to be set aside as reserve land at MacDiarmid. A vesting order (doc. no. 476) was prepared by Lands and Forests. It included a clause "reserving the right to flood and overflow the said land without compensation to elevation 855 feet ...". An Ontario Order-in-Council, issued in May, 1963, (doc. no. 478) then transferred the lands to Canada "for the purpose of setting them apart as a reserve for the MacDiarmid Band of Indians.* The federal Order in Council setting the transferred land apart as the Rocky Bay Indian Reserve #1 is dated February 9, 1971. (see doc. no. 489)

Since the seventies, the need for additional land for houses has been felt by the Rocky Bay Band. (see doc. nos. 481 and 482) In consequence, in 1983, several acres adjoining the reserve were purchased by the Department from a private citizen and from Ontario - the latter agreeing to transfer their land to Crown Canada for use as a reserve. Arrangements for a federal Order in Council confirming the reserve status of the lands recently purchased are in progress.

385. In the spring of 1970, Indian Affairs reviewed the status of the land set aside for the Nipigon Indians at White Sand. On April 20 of that year, the Supervisor of the Lands Section, R.S. Hyslop, wrote as follows to the agency Superintendent:

We acknowledge receipt of your letter of March 10 wherein you advise that the land covered by the above license is unoccupied and that it is intended to allow this license to lapse. It should be noted that the current fee is paid to September 30, 1970.

*This band had been formally constituted as the MacDiarmid, or Rocky Bay Band in 1961 (see doc. nos 472B & C).

Before proceeding with the cancellation of this licence, we would suggest that this should be referred to your Administrator of Lands at Ottawa. Upon receipt of his recommendation, we will proceed with this matter.

[Document No. 484]

386. On June 4, 1970, C.T. Hyslop made the following recommendation:

Reports from Departmental field officers indicate that the subject 276 acres held under the above-noted license are unoccupied and it is recommended the License be cancelled.

[Document No. 485]

The official cancellation of the license of occupation, which stated that "the lands are no longer occupied", is dated June 30, 1970.

(See doc. No. 486) The Department of Indian Affairs was notified of the cancellation in July, 1970. (see doc. no. 487)

387. In June, 1971, the Pic Mobert Band, which had separated from the Pic Band in 1950, (see doc. no. 440A) formulated a BCR initiating efforts to increase the land base of its reserve. The band identified three possible parcels of land for purchase, and the Department sought, beginning in 1973, to obtain from Ontario the particular parcel which would be chosen. (doc. nos. 491-495) Much correspondence ensued and on April 16, 1974, the Supervisor of the Lakehead District wrote the Ontario Ministry of Natural Resources as follows:

During July and August of 1973, there was considerable correspondence and exchange of information between a member of your staff, Mr. R. Broad and a planner on my staff, Mr. F. Roscoe.

The correspondence concerned the possibility of an attempt by the Mobert Indian Band to obtain more land which is suitable for townsite development purposes. Of the three parcels of land originally indicated as desirable by the band, one has been chosen; the Bremner Flats Site. The results of an intensive physical terrain analysis indicate that the area would be adaptable for use by the band if it were acquired.

During the next few weeks my staff, working in conjunction with the Mobert Indian Band, will be submitting an application for your consideration. However, we would like to inform you of our intention at this time and request that efforts be made to prevent any development possibilities on this site.

Mr. Roscoe will be in touch with you shortly to arrange a meeting at which time the correct procedures for submitting our request on behalf of the band will be made.

[Document No. 496]

388. The application referred to, however, was not forthcoming since the study of the most appropriate site continued for three more years. In October 1977, R.A. Baxter, the Regional Director of the Ministry of Natural Resources, wrote the Chief of the Pic Mobert Band about his Ministry's concerns on the sites the Band was considering:

In response to your proposal of May 10, 1977 regarding the acquisition of lands for the Pic Mobert Indian Band, we have had an opportunity to consider this proposal and are pleased to be able to agree in principle to the point that additional land is required by the Band for townsite development. The review which has been carried out, however, indicates that a number of points should be cleared up. Specifically, we would point out that:

1. All additional land will be sold at market value.
2. In any land disposition, a further reservation of 150 feet adjacent to the southern limit of Highway 17 will have to be maintained and any new access to Highway 17 will require the approval of the Ministry of Transportation and Communications.
3. We do not agree that the Island indicated on Map 3 should be part of the proposed acquisition. The nature of the terrain is not suitable for townsite development.
4. The area as a whole is considered much too large for townsite development and we see no reason that any land should be considered east of the South Regan Road.
5. The South Regan Road with a right-of-way of 300 feet from either side of centre line will have to remain in Crown ownership.
6. The flooding contour of 1080 feet established by Ontario Hydro on White Lake will have to be honored and cannot be infringed upon.

7. That a shoreline reserve will have to be maintained along the shore of White Lake and along the shore of White River, at least to the 1080 foot flooding contour established by Ontario Hydro.
8. The area should be that required for the development of the new townsite only and should not include provisions for such activities as hunting, trapping, fuel wood areas, etc.
9. The Crown reserve indicated on Map 4 is not open to negotiation at this time.

In addition, this Ministry would suggest that:

1. An area of between 200 and 300 acres is more in line with the needs of the community.
2. We have no basic disagreement with either of the potential townsites on Map 3 in the proposal put forth by the Band and would suggest that the Band prepare site plans for these two alternative sites or for any other sites within the area to the west of the Regan Road and bounded by Highway 17, White Lake and White River (as per the attached map).
3. Each site plan should indicate the location of houses (the residential area), stores, Churches, schools, ball fields, recreation centres (Commercial section), roads, sewage facilities, garbage disposal locations, etc., in a conceptual manner and should identify the soil conditions in each of the areas being investigated so as to facilitate decisions as to whether or not the soil will be suitable for housing, sewage facilities, etc.
4. MNR would like a decision from the Band on the status of the existing reserve lands. Are they to be retained or will they be given up?

Finally, the MNR would like to maintain a supply of gravel from the reserve indicated on Map 4 should this gravel not be required for townsite development. We would further suggest that any commercial ventures such as Tourist Lodges, Cottage Rentals, Marina, etc., could be considered separately and could be located outside of the proposed new townsite area.

The foregoing then represents the concerns of this Ministry with respect to your proposal and we would be pleased to receive from you, your response to these concerns and to discuss them with you.

[Document No. 498]

389. The following month, representatives of the Pic Mobert Band, Indian Affairs and MNR met to discuss the points set forth in Mr. Baxter's letter. The Minutes of the meeting indicate that the following agreement was reached on the site and approximate extent of the additional land required, as well as the procedures for developing a site plan:

With regard to the area required, Chief Kwissiwa agreed that the 2 - 300 acres proposed by the Ministry was feasible "at this time", although it was recognized that until a site plan is developed, a final area could not be determined. Once a site plan is developed that is agreeable to both the Band and the Ministry, the area may vary one way or the other. It was agreed, however, that 200 to 300 acres was a more realistic figure to use for subsequent discussion and planning.

Regarding the present Reserve, the Band wishes that it be retained with Reserve status.

With respect to a site plan, agreement was reached that the preferred area for townsite development is the dark green area indicated on the Bird and Hale map (see attached). Mr. Hendry indicated that if the gravel area was required for townsite development, the Ministry would certainly be willing to consider this proposal, however, the Ministry does not want to see the gravel just tied up needlessly or utilized for commercial purposes.

It was agreed that DIAND would prepare a site plan (as per Point 3, page 2 of Mr. Baxter's letter of October 26) and that DIAND would keep in close contact with the Band and with the Ministry to ensure that all of the pertinent points are covered. The Department (DIAND) is prepared to finance this project.

[Document No. 499]

390. Other precise conditions, subsequently agreed to by DIAND, the Pic Mobert Band and the North Central Regional Office of MNR, were outlined in the following memo, dated June 20, 1978, from the Regional Director of MNR to his Director of Indian Resource Policy:

The Pic Mobert Band, the North Central Region and DIAND have now come into agreement on the size, location and conditions applying to a new reserve located in Laberge Township adjoining White Lake. The proposed reserve is located on the attached map. It is about 250 acres in size.

We are now seeking your approval to proceed further with this matter.

The conditions that have been agreed to are listed in the following;

1. The area indicated in red on the map is a M.N.R. Crown Gravel Reserve laid down under the Public Lands Act. This Ministry will retain the rights to the sand and gravel until the land is purchased.
2. This Ministry grants the right of first refusal to the Pic Mobert Band should the area indicated in green on the attached map ever be considered for disposal. No development will be allowed in this area.
3. The 66 foot shoreline reservation will be applied.
4. No part of the reserve shall fall below the 1080 foot elevation flood contour.
5. No part of the reserve shall fall within 300 feet of the centre line of the Regan road.
6. The land will be sold at appraised market value and DIAND will assume the survey costs.

[Document No. 500]

It was not until January, 1980, however, that DIAND's Director General of Reserves and Trusts recommended the proposed acquisition of land by the Pic Mobert Band. An Ontario Order in Council was then issued, transferring the land to Canada on 25 February, 1982. (See. Doc. no. 510) The federal Order in Council setting aside these same lands for the Pic Mobert Band is dated November 3, 1983. (See doc. no. 511A)

391. In May, 1984, the Regional Office of the Department of Indian Affairs and the Ministry of Natural Resources began negotiations to accede to the request for additional land presented by the Whitesand Band. Arrangements are presently being made for the addition of some 600 acres to their reserve.



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Treaties
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Robinson-Superior Claims:
draft historical report