

**Research report : the location of the Northern  
boundary, Mississagi River Indian Reserve no.8,  
at Blind River**

David T. McNab

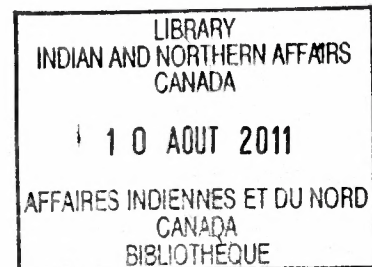
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**RESEARCH REPORT**

**THE LOCATION OF THE NORTHERN BOUNDARY,  
MISSISSAGI RIVER INDIAN RESERVE #8,  
AT BLIND RIVER**



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## I INTRODUCTION

This Research Report is intended to present all of the known relevant historical facts concerning the location of the northern boundary of Mississagi River Indian Reserve #8. In 1976, Chief Camille Chiblow first expressed to the Ontario Government several concerns of the Band, including the claim that the present northern boundary was not in the location stated in the "Schedule of Reservations" which was appended to the Robinson Huron Treaty document. On August 16, 1979, during a meeting at the Band Office, staff of the Government of Ontario agreed to develop a position on the location of the northern boundary of Mississagi River Indian Reserve #8. In a letter of September 9, 1982, from Chief Douglas Daybutch to Mr. E. G. Wilson, Director, Office of Indian Resource Policy, the Mississagi River Indian Band submitted a formal statement of claim on this matter. Subsequently, that claim was also stated in Chief Douglas Daybutch's letter of September 14, 1983, to the Honourable Alan W. Pope, Minister of Natural Resources.

## II HISTORICAL BACKGROUND

### (a) The Vidal-Anderson Report, 1849

In the 1840s there was a mining boom in northern Michigan. A corresponding interest in copper mining developed on the north shores of Lakes Huron and Superior.<sup>1</sup> In 1847 and 1848, Alexander Vidal, a Provincial Land Surveyor, was surveying mining locations on the north shores of Lakes Huron and Superior.<sup>2</sup> Relations were becoming strained between the miners and the Metis and Ojibwa people who had not ceded their hunting territories to the Crown. The Ojibwa and Metis people responded to this mining activity and in 1848, and again in 1849, proposed to Government officials that they would, in return for certain considerations, cede whatever interests they had in their hunting territories to the British Crown.<sup>3</sup>

The hunting territories that were to be ceded comprise part of the large tract of land from Penetanguishene west to about Fort William (now Thunder Bay) and north to the height of land that delineated the southern limit of Rupert's Land. The Royal Proclamation of 1763 forbade the alienation of any Indian lands except through the British Crown. The area along the north shores of Lakes Huron and Superior was considered to be part of the "Indian Territory" and in 1850, had not yet been ceded.<sup>4</sup>

Aware of the developing tensions between the miners and the native people, particularly after the disturbance at Mica Bay in November 1849,<sup>5</sup> the Government was concerned and took action. By an Order-in-Council of August 7, 1849, the Government of the Province of Canada appointed Alexander Vidal, and Thomas Gummersall Anderson, then Chief Superintendent of Indian Affairs, as Commissioners to investigate the "claims" of the Ojibwa Indian people living in the area adjacent to Lakes Superior and Huron.<sup>6</sup> They were also to ascertain the expectations of the Indian people with regard to the cession of their hunting territories. Both Commissioners were well suited for this undertaking. Alexander Vidal (1819-1906), a land surveyor, resident at Sarnia, had previous surveying

experience in that area. Thomas Gummersall Anderson (1779-1875), son of a Loyalist, was born at Sorel, Quebec, and had been a trader based at Mackinac for 14 years. In 1815 he joined the Indian Department, with which he was active until he retired on June 30, 1858. With more than half a century of contact with the Indian people, Anderson knew the Indian people well.<sup>7</sup>

Commissioners Vidal and Anderson carried with them instructions from the Government to examine the "claims" of the different "Tribe or Bands of Tribes" and to delineate the lands claimed by each on a map. Vidal was also to determine if the Indian people wanted to reserve any land and, if so, where they wanted their "reservations of limited extent" to be located.<sup>8</sup>

On September 17, 1849 the Commissioners began their work starting from Fort William and moving southeast along the coast of Lake Superior to Sault Ste. Marie. From the Sault they proceeded along the shore of Lake Huron, holding consultations with most of the Indian people along this route, until they reached Penetanguishene on November 1, 1849. Later that same month, while the resistance at Mica Bay was being dealt with by force of arms by the Government of the Province of Canada, the Commissioners wrote their Report and submitted it to the Government of the Province of Canada on December 5, 1849.

In their Report of December 5, 1849, Vidal and Anderson stated that a majority of the Indian people that they had consulted wished to cede their territory to the Government if

1. they would not be required "to remove from their present places of abode" ...,
2. "their hunting and fishing [would] not [be] interfered with",
3. "the compensation given them [would] be a perpetual annuity ...".

The Vidal- Anderson Report was extremely significant. That Report provided the framework for the Robinson Treaties of 1850.

According to the Commissioners, the Chiefs of most of the Bands on Lake Huron had also indicated to them:

... their perfect ignorance of the value of their lands 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... .

However, in addition to this expression, the Chiefs also indicated to the Commissioners the lands they wished to reserve from the lands that were to be ceded to the Crown. Those areas to be reserved were noted by the Commissioners and a list of them was attached to their Report. This list was subsequently modified early in September 1850 and attached to the Treaty document of September 9, 1850 as a "Schedule of Reservations". The Commissioners stated that 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 ...".

Alexander Vidal spent one day with the Mississagi River Indian people and reported that they wanted "A reserve at Riviere au borne [Blind River] to include the little lake [Lake Duborne] and their farms; also they wish to confirm to Mr. Seyer [Sayer] a small tract on Mississagi [Mississagi River] formerly sold to him."<sup>9</sup>

By August 1, 1848, Vidal had travelled north on the Mississagi River as far as the first rapids on that river. He wrote, in a letter to Catherine Louise (nee) Wright, dated August 2, 1848, that his partial exploration of the Mississagi River nearly ended in personal tragedy:

I scarcely know whether I ought to relate to a little adventure at Mississagi the day after I wrote ... but it affords matter for gratitude to our God and ought not now to awaken any emotions of fear. I was desirous about half a mile above the company's post and to carry out my wishes went up immediately after completing the survey of the location and getting some supplies from the Co's stores ... we came very soon in sight of the rush of water ... rather picturesque but being only small river the fall only 3 feet, the sight did

not produce any very striking effect in any of us, and we rowed up to it to enjoy a nearer view, we first went up a small fall quite close and then thought to push into the main stream and let it carry us along (of course we were below the fall). I thought so little of the fall and the turmoil of the water beneath it, that I steered into the midst of the dancing waves a short distance below the falls, rather should say I intended to steer, but to my utter astonishment when entering the rush and expecting to be carried down the river with velocity the boat all of a sudden was caught in the eddies and whirled instantly towards the fall where the rushing stream forms a sort of large cup immediately at it ... into this we got and remained ... I was little alarmed as the stern of the boat came up to and seemed about to go under the rush from above but not losing my presence of mind I ordered the spare hand to the bow of the boat ... and spring forward to assist the rowers all our strength was applied in vain to get up the side of the cup ... but at length the man who had the oar jumped to quiet it accidentally caught and carried down into the water ... with the quickness of lightning it occurred to me that to keep it down would take her out. It took the ...nt strength of both of us to hold it but we succeeded and the boat was by that means raised out of the cup into the legitimate rush of water and we shot off like an arrow all safe and the danger was over. Some of the hands were frightened for my part I was not. but have more so on thinking upon it since ... and see reason to praise Him for the deliverance who is so graciously preserving me. Be assured have learnt a salutary lesson and shall not again attempt any such explorations of unknown waters. To facilitate your understanding the account will draw a few lines showing the curious manner in which the water runs and the position of the boat. The arrows point the direction of the currents.<sup>10</sup>

About one year later, on October 21, 1849, while investigating the "claims" of the various Indian Bands on the north shores of Lake Huron and Georgian Bay, Vidal spent part of one day at the Mississagi River and noted in "A Journal of Proceedings on my mission to the Indians Lake Superior and Huron, 1849":

Oct. 21 - Contrary to my wishes our tents were struck after breakfast and we sailed oln [on] to Missisauga [Mississagi] having a light fair wind and beautiful weather ... arrived aobut [about] noon and took up by abode at Mr. Leyers [Sayers] ... Capt "A" [Anderson] sent a messenger [sic] to summon the chiefs for a talk tomorrow. I walked



out alone to the falls in the afternoon and there meditated on my escape last year ... felt this an uncomfortable and unprofitable day.<sup>11</sup>

(b) The negotiation and the signing of the Robinson Huron Treaty of September, 1850

On January 11, 1850, the Government of the Province of Canada appointed the Honourable William Benjamin Robinson, M.P.P. for Simcoe, Commissioner of Public Works, to settle the Indian claims in this area by negotiating treaties with the Indian people. William B. Robinson (1797-1873), a scion of the Family Compact, had been a fur trader and a politician since the 1830s. As such, he was familiar with the Indian people and the lands that were to be ceded. Previously in 1836, he had witnessed Treaty negotiations and then, in 1843, he was directly involved in Treaty negotiations with the Chippewas [Ojibwa] for lands in the vicinity of Lake Couchiching.<sup>12</sup> He understood how important it was to take great care to understand the wishes of the Indian people. In negotiating the Robinson Treaties he visited the Ojibwa north of Lakes Huron and Superior in April and May of 1850 and then again in August and September of that same year.<sup>13</sup> During the final negotiations, Lord Elgin, then Governor General of the Province of Canada, was in attendance and represented the British Crown. He clearly indicated that W.B. Robinson had his support and full authority to negotiate the Treaties.<sup>14</sup>

The Robinson Huron Treaty was signed on September 9, 1850, two days after the Robinson Superior Treaty was completed. The Robinson Huron Treaty was signed with the Principal Men and Chiefs of the Indian people inhabiting the area on "... the Eastern and Northern Shores of Lake Huron from Penetanguishine to Sault Ste. Marie and then to Batchewanaung Bay on the Northern Shore of Lake Superior". That Treaty provided in part for the cession of this area "... together with the Islands in the said lakes opposite to the shores thereof, and inland to the Height of land which separates the territory covered by the charter of the Honourable Hudson Bay Company from

Canada as well as all unconceded lands within the limits of Canada West to which they have just claim".<sup>15</sup> Under the Robinson Huron Treaty the Indian people retained certain lands for Indian Reserves.<sup>16</sup>

The Treaty land entitlement provided in the Robinson Huron Treaty through a "Schedule of Reservations" attached to it, was similar to the system which had been developed for lands reserved under treaties and cessions signed with the Indian people of Upper Canada since the late eighteenth century.<sup>17</sup> The Indian Reserves were not selected according to a fixed or a specific formula based upon a direct relationship between the area of the lands to be reserved and the Indian population, as was subsequently used in the "numbered treaties".<sup>18</sup> Instead the Indian Chiefs and Principal Men indicated in their own way and on the basis of their own needs, the lands which each Indian Band wanted reserved for their use and occupation. The selection process was, among other things, directly related to use and occupation of the land by each Indian Band, and particularly to the Indian Band's access to its hunting areas and its fishing locations.<sup>19</sup>

Chief Ponekeosh (c1820? - c1890?) on behalf of the Mississagi River Indian Band, signed the Robinson Huron Treaty. Mississagi River Indian Reserve was listed "eighth" on that "Schedule" and was described as "Ponekeosh and his Band, the land contained between the River Mississaga [Mississagi] and the River Penebewabecong [Blind River], up to the first rapids".<sup>20</sup> The boundaries of the area selected by the Indian Band as the proposed site for Mississagi River Indian Reserve #8 were indicated in the "Schedule of Reservations", i.e., north from the shore of Lake Huron between the Mississagi River and the Blind River up to the first "rapids".

At that time, the "first rapids" on the Blind River was Cataract Falls, and the "first rapids" on the Mississagi River was about a half mile north of the Hudson's Bay Company's outpost. An east-west line drawn from those two rapids would also correspond closely to the area

indicated by the Indian people in the description attached to the Vidal-Anderson Report of 1849.<sup>21</sup>

(c) The original survey of Mississagi River Indian Reserve #8, 1852

The Department of Crown Lands issued instructions on July 19, 1851 to J. S. Dennis (1820-1885), an experienced and competent land surveyor,<sup>22</sup> to survey the areas for Indian Reserves on the north shores of Lakes Huron and Superior. The Department provided Dennis with "Tracings of Captain Bayfield's Charts of the North Shores of Lakes Huron and Superior and of Alexander Vidal's Plans of Survey of parts of the former with printed copy of the Treatise of cession [Robinson Huron and Superior Treaties] comprising schedules of the Reserves ...".<sup>23</sup> Captain Bayfield's charts of this area show the southern part of only the Mississagi River, and not the Blind River. These Admiralty Charts were of limited use in defining the location of the boundaries of the Indian Reserves adjacent to the shoreline. They were charts only of the shoreline and of Lake Huron and Georgian Bay, and did not accurately indicate the geographical features of the land in the interior.

George Ironside (1800-1863), then Northern Superintendent for the Indian Department, who had been involved directly in and had been a witness to the Treaty negotiations, accompanied J.S. Dennis on the first year of the surveys.<sup>24</sup> The next year, 1852, John William Keating, then Assistant Superintendent under T.G. Anderson, went with the survey party as the Indian department's representative. John W. Keating (1802-187?), a Provincial Land Surveyor since 1832 and an Assistant Indian Superintendent resident at Sarnia and Walpole Island since 1839,<sup>25</sup> who had also been present at the signing of the Robinson Huron Treaty, was instructed to assist J. S. Dennis by pointing out "the position and extent of the reserved lands". In addition, J. W. Keating was instructed to "assist in reconciling any difficulties should such arise as to their "limits."<sup>26</sup>

Prior to surveying each Indian Reserve, a meeting was usually held with the Chief or Principal Men of each Indian Band. Dennis and Keating were not specifically instructed to hold these consultations, but it was, by then, the practice of the Indian Department. These consultations allowed the Chiefs to explain more clearly to the officials of the Indian Department the boundaries and extent of the Indian Reserves specified in the "Schedule of Reservations". For example, while surveying the Indian Reserve at Thessalon, the representatives of the Thessalon Indian Band professed ignorance of what a "mile" constituted, claiming to be familiar only with the French "league" as a means of measurement. Keating agreed with the representatives of that Indian Band that the league was the measure of length usually used by the Indian people and admitted his "error" of using miles in the "Schedule of Reservations".<sup>27</sup>

Keating followed his instructions literally. He did not always adhere to the "Schedule of Reservations". Moreover the Indian Bands were usually well prepared for negotiations with the Government officials. The preparation of the Indian people at Shawanaga is a good example. They had their own "Indian plan" on birchbark ready to indicate their desire for different areas than those identified in the "Schedule of Reservations". At Parry Island, Chief Mekis' Band (now known as the Parry Island Indian Band) "residing at Wasaquesing [Sandy Island] was [according to the "Schedule of Reservations"] to have a tract of land at a place on the main shore opposite the Island; being the place now occupied by them for residence and cultivation, four miles square". Chief Mekis asked J. S. Dennis and J. W. Keating if Parry Island could alternatively be reserved for the Band. J.S. Dennis and J. W. Keating agreed with Chief Mekis' request:

... as we were satisfied that there was not any more than enough land fit for cultivation upon it, to suffice for the planting grounds and Sugar Bush of the Band ... . Indeed beyond the small portion fit for cultivation the island is of no value whatever, excepting on account of the fishing off

its South coast and also the large bay to the north - for which principally the band desires to secure it.<sup>28</sup>

J. S. Dennis' Report, "The Survey of the Indian Reserves on Lake Huron", of May 14, 1853, contains, in addition to his report, his diary and field notes of those surveys. That Report, including his survey diary and his notes, and J.W. Keating's Report of December 2, 1852, are the only documents extant of the surveys of the Indian Reserves on Lake Huron in 1852.<sup>29</sup>

Chief Ponekeosh was not present at the Indian village located just east of the "first rapid" on the Mississagi River when the survey party arrived there on Saturday, September 11, 1852. Dennis noted in his survey diary, which was likely written each day or soon thereafter, that Ponekeosh did not arrive back at the Indian village until Friday, September 17, 1852:

Saturday 11th September

Party accompanied by Mr. Keating went down by canoe in advance of the boat today by Mississaga [Mississagi] River arrived there about 8 p.m. The boat with rest of men being heavily laden and having to contend with head wind did not arrive this evening.

Sunday 12th

Boat with rest of men arrived about 11 o'clock a.m.

Monday 13

The chief of this Reserve being away some distance inland sent for him and in meantime went with Mr. Keating and a party up the River Mississaga and took a traverse of same as far as first large rapid - some 16 or 18 miles back.<sup>30</sup>

Tuesday 14th September

Chief not yet arrived[.] Took observation[.]

Wednesday Sept. 15th

Ascended by canoe River Penewabecong [Blind River] - with a double object of meeting Chief and taking traverse of River and Lakes[.]

Thursday 16th

Chief not yet arrived occupied plotting traverse of Rivers bounding Reserve East and West[.]

Friday 17th

Chief arrived today, and after locating starting line of Reserve [.] Divided party for remainder of season[.]<sup>31</sup>

Keating also submitted a report to the Department of Indian Affairs, dated December 2, 1852. Only an incomplete "letterbook" copy of this Report, entitled "Report on the Indian Reserves on Lake Huron" is extant. However, the following part, concerning the Mississagi River Indian Reserve #8, appears to be complete:

Our next move [from Point Thessalon] was to Mississagua [Mississagi River] we reached the Post of the Hudsons [sic] Bay Company late in the evening Saturday September 11, 1852 and were received with the utmost hospitality by Mr. Loge. The Chief I found was absent but I immediately sent for him, and on Monday morning ascended the River with him [J. S. Dennis?] a considerable distance. This stream is totally unlike any I have seen on Lake Huron, and of most peculiar formation. It is full of extensive shoals of sand reaching in some places nearly across it, and leaving a mere narrow Channel, in others totally impeding the navigation, and rendering it necessary for the men to wade in the water, and support, almost to carrying, that lightest of all crafts, a canoe so as to enable it to pass, at [At] some points where the set of the current favors [sic] the operation large deposits of sand have taken place forming fields many acres in extent, and contracting the channel to a very narrow tho' generally deep space. At the head of the Islands also considerable amount[?] of the same substance have accumulated. The timber on the Bank consists chiefly of Tamarac, Spruce - balsam, birch and poplar but they present no advantage for agricultural purposes. about [About] fourteen miles from the mouth we suddenly came upon high and rocky ledges which naturally reduced the width of the River, and much increased the rapidity of the current and a short distance above met with the first falls. There the Indians congregated for the Sturgeon fishery which is most abundant in early spring, and a small tract of maple affords them an excellent Sugar Bush. These falls are exceedingly picturesque, and at the end of the portage round them (about 1/4 of a mile long) you can see at the distance of little more than one hundred yards the broken water at the foot of others far more considerable. Further



than this I did not go nor was there any object in so doing, the Country becoming more and more barren. I then devoted some time to the examination of the interior and walked across to the ener-Pine-he-wa-be-cay [Blind River], the eastern boundary of the Reserve, between it and the Mississagua [Mississagi] River is contained a Tract of Land of very good quality, - amply sufficient for the wants of the Indians, and bearing also a limited quantity of excellent Pine.

The Penehewabecay [Blind River] flows from a Lake [Lake Chiblow] of considerable size some six miles inland, its border are [sic] high and rocky but on their Western side are small plantations still occupied by the Indians, who also cultivate corn and potatoes at another Lake fully thirty miles distant.

I found that a French man named Servaie had damned [sic] the River at its mouth without the consent of the Indians upon whose Reserve he was cutting timber for a Mill then in course of erection at [At] the request of the Chief I drew up a preliminary agreement which was signed and forwarded to Captain Ironsides [sic] to be submitted for the approval of His Excellency the Governor General.

If Servaie be forced to comply with its terms it must result in great good to the Indians who will have a market for their Fish, and be able to dispose of their Pine, which would not otherwise be available for their support.

Having concluded at Mississagua [Mississagi] we directed our course to Serpent River ... .<sup>32</sup>

It should be noted that Dennis, in his survey diary, indicated that the Chief was absent until Friday, September 17th and that he and Keating went up the Mississagi River to the "first large rapid". However, Keating's report appears to contradict this, if one assumes that Keating and "him", refers to Keating and Chief Ponekeosh. The antecedent of "him" is unclear. However, by comparing the two accounts, Keating's and Dennis's reports, it is more likely that "him" refers to Dennis rather than to Chief Ponekeosh. Dennis stated that the Chief did not arrive until Friday September 17, 1852. Nowhere else in the part of his Report concerning the Mississagi River Indian Reserve #8 does Keating refer to Chief Ponekeosh. Moreover, throughout his entire Report, he is consistent when he uses the pronoun "we". "We"

always refers to Dennis and himself.

Dennis and Keating examined the proposed area, while the Chief was absent, between Monday, September 13 and Thursday, September 16, 1852. On Friday, September 17, according to J. S. Dennis' Report dated May 14, 1853, they met with Chief Ponekeosh and apparently reached an agreement on the area to be reserved for Chief Ponekeosh under the "Schedule of Reservations" attached to the Robinson Huron Treaty of September 9, 1850:

... and accompanied by him [J. W. Keating] went on to Mississaga [Mississagi][.] Here were detained a day or two [sic], owing the absence of Chief Ponekeosh, during which employed myself examining and taking notes of the two rivers between which the Reserve according to the Treaty was to be laid out.

The Chief on his arrival did not seem to be positive himself as to the points between which he had intended to include his Reserve - at first stating that he wished to include all the land between the two rivers south of an east and west line produced from the first high rapids on the Mississaga [Mississagi] some 18 or 20 miles back.

However, from the way the two rivers diverged from each other I felt sure they would probably back there be 25 or 30 miles apart [sic] and we therefore concluded as Mr Keating said he recollected from the explanation at the Treaty that no Reserve of such size was intended to be made at this place - to suggest a smaller tract - we proposed therefore an outline which would include all the timber of value, and extend from the Lake Huron back between the two rivers for 6 or 7 miles and with this the Chief stated he would be satisfied.

I then determined the boundary placing on the East bank of the Mississaga [Mississagi], about 7 miles up from the mouth. It was by this time the middle of the month of September.<sup>33</sup>

J. S. Dennis surveyed the northern boundary of Mississagi River Indian Reserve on September 17 or 18, 1852.

(d) The 1853 Order-in-Council re the original survey of 1852

The differences between the area of some Indian Reserves as surveyed and those Indian Reserves as described in the "Schedule of Reservations" was the subject of an Order-in-Council of the Province of Canada dated January 31, 1853. This Order-in-Council cites J.W. Keating's Report



of December 2, 1852 which was attached to a letter of January 20, 1853 from the Honourable Robert Bruce, then Superintendent General of Indian Affairs, to the Executive Council. The Order-in-Council states that, for various reasons, Dennis and Keating felt themselves constrained:

... to deviate in some cases from the strict letter of the Treaty with reference to the extents and limits of the Reserves - that as these deviations seemed to be made in a spirit of justice towards the Indians, and with the view of supplying omissions which originated in 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 [Government of the Province of Canada].

Acting on the above information, the Committee of the Executive Council recommended that the "proceedings of Messrs. Dennis and Keating above alluded to be approved and confirmed ...". This Order-in-Council approved and confirmed only the "deviations" from the "Schedule of Reservations" that had been made by the surveys by J.S. Dennis in 1852.<sup>34</sup> The area of Mississagi River Indian Reserve, as surveyed by J.S. Dennis in 1852, was larger than and different from that area specified as #8 in the "Schedule of Reservations".<sup>35</sup>

(e) Conditions since 1853

Since non-Indian settlement in the vicinity of Mississagi River Indian Reserve #8 did not begin until after the adjacent Townships were surveyed in the 1880's, the boundaries of Mississagi River Indian Reserve were apparently not an issue between the Indian Band and the Government between 1853 and 1892. However, on June 25, 1892, Michel Sahgutawaygeeshick, then Chief of the Mississagi River Indian Band (who sometime after 1881 had succeeded Chief Ponekeosh), or someone in his stead, "wrote" to R.V. Sinclair, then Acting Deputy Superintendent General of Indian Affairs, on behalf of other Indian people of the Mississagi River Indian Band, concerning the location of the northern boundary of the Indian Reserve, and attached to it a plan prepared by the

Indian Band. Subsequent correspondence between the Department of Indian Affairs in Ottawa, the Indian Agent, and the Indian Band indicates that the Indian people believed the location of the northern boundary of Mississagi River Indian Reserve #8 should be approximately on a line drawn west to east from Red Rock Falls to Lake Chiblow.<sup>36</sup> An investigation was made by Thomas D. Green, an Indian employee of the Department of Indian Affairs, which included consultation with the Band through James C. Phipps, the Indian Agent at Thessalon. Based on the report of that "on the spot" investigation, Lawrence Vankoughnet, Deputy Superintendent of Indian Affairs (who was, although he did not know it, soon to be "retired"), wrote to Aubrey White, Ontario Assistant Commissioner of Crown Lands, on April 17, 1893, suggesting that there had been an error made by J. S. Dennis in the 1852 survey and asking Aubrey White to investigate, "with a view to obtaining your co-operation in a final adjustment of the matter".<sup>37</sup>

In a letter of May 5, 1893 Aubrey White responded unequivocally to Lawrence Vankoughnet's letter of April 17, 1893, "re - a supposed error in the northern boundary of the Mississagi River Indian Reserve of Lake Huron, I have to state that it does not appear to this Department that any error exists". In that letter Aubrey White argued that the change made in the location of the northern boundary of this Indian Reserve in 1852 by J. S. Dennis was made "in a spirit of justice towards the Indians", as specified by the 1853 Order-in-Council, authorizing this and other changes in the boundaries of other Indian Reserves in the area covered by the Robinson Huron Treaty. White pointed out that the first rapids noted in the "Schedule of Reservations" is shown by J. S. Dennis's "survey plan to be about half a mile north of the Hudson's Bay post", while the location of the northern boundary was surveyed north of that rapids, thus adding land to that provided in the "Schedule of Reservations". In addition, White also noted that as "Mr. Keating was well acquainted with the Indian language it seems impossible that he would have misunderstood the

Indians". White concluded by stating:

... that the land in the different townships adjoining the Reserve has been open for sale and settlement for years and a large amount of it has passed out of the hands of Government. It would be well if you would point out to the Indians that about 7,000 acres was added by Col. Dennis' survey above this first rapid.<sup>38</sup>

Lawrence Vankoughnet (after receiving Aubrey White's reply), wrote to James C. Phipps on June 1, 1893, advising him that ". . . Mr. Whites [sic] remarks essentially agree with the Plans, O.C. 1853 Order-in-Council and Treaty and you should explain the whole matter to the Indians on the next occasion of your visiting them". Mr. Phipps did as he was told. However, the Mississagi River Indian Band raised the question with the Department of Indian Affairs again, one year later, through the Bishop of Peterborough. There is no record that anything more was done at that time with respect to the location of the northern boundary of Mississagi River Indian Reserve #8.<sup>39</sup>

## III SUMMARY

- 1 The present location of the northern boundary is on a line drawn due west from the south east corner of Duborne Lake on the Blind River to the Mississagi River. This location is different from the description of the northern boundary provided in the "Schedule of Reservations" appended to the Robinson Huron Treaty of 1850. In this "Schedule" the location of the boundaries of Mississagi River Indian Reserve #8 were defined as "land contained between the River Mississaga [Mississagi] and the River Penebewabecong [Blind River], up to the first rapids".
2. The Mississagi River Indian Reserve was established under the Robinson Huron Treaty of 1850. Like other treaties signed with the Indian people in the Province of Canada since the late eighteenth century, there was no specific formula stated in the Treaty document for determining the size of the reserves which were set aside under this Treaty, i.e., the acreage of the reserves was not fixed according to Band population or by any other means. The various Chiefs indicated, verbally, the area of land which they wanted reserved for their Bands, usually based on the location of their village, and the proximity of the Reserve land to their hunting and fishing grounds. There is no written evidence which indicates precisely why the Mississagi River Indian Band chose the location they did for their Indian Reserve in the 1850s.
3. Mississagi River Indian Reserve #8 was initially surveyed in 1852 by Provincial Land Surveyor, J. S. Dennis. J. W. Keating, a representative from the Indian Department, assisted Dennis in defining the boundaries of it. Dennis and Keating met with Chief Ponekeosh prior to surveying this Indian Reserve. Dennis stated that Chief Ponekeosh wanted "his reserve" to include:  
  
all the land between the two rivers south of an East and West line produced from the first high rapids on the Mississaga [Mississagi] River ... .

Dennis estimated the "first high rapids" to be about 18 to 20 miles up the Mississagi River. Dennis and Keating felt that the size of the Indian Reserve, which Chief Ponekeosh indicated, was larger than was intended in the Treaty. They subsequently proposed an Indian Reserve with which, according to Dennis, Chief Ponekeosh stated he was "satisfied". Dennis surveyed the location of the northern boundary of Mississagi River Indian Reserve #8 about seven miles up the Blind River at the first little lake (Lake Duborne), and extended it west to the Mississagi River.

4. In 1892-3, and on several occasions since 1976, the Mississagi River Indian Band has expressed its concern on the location of the northern boundary of the Mississagi River Indian Reserve #8. In 1982, the Band again stated its views on this matter in a claim to the Government of Ontario. However, there has been no change in the location of that northern boundary since it was initially surveyed by Dennis in 1852.
5. By an 1853 Order-in-Council, the Government of the Province of Canada confirmed the "deviations" from the "Schedule of Reservations" appended to the Treaty document that were made in the original surveys of some of the Indian Reserves in the Robinson Huron Treaty area.

## IV NOTES

1. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890", University of Western Ontario, Ph.D. Thesis in History, 1975, p.163.
2. MNR Survey Records, "Instructions to Land Surveyors", Ontario, Crown Surveyors Book #5, 1847, p. 101.
3. Ontario Archives (O.A.) Irving Papers, MU 1464, 26/31/04, "Report of Commissioners, A. Vidal and T. G. Anderson", 1849, p.11; Leighton, "Federal Indian Policy", p.164.
4. "The Royal Proclamation of 1763" in A. Shortt and A.G. Doughty (eds.), Documents Relating to the Constitutional History of Canada 1759 - 1971, Ottawa, 1918, p.123.
5. Leighton, "Federal Indian Policy", pp.163-5. See Public Archives of Canada (PAC) RG10, vol.612.
6. MNR Survey Records, "Instructions to Land Surveyors", Book #5, 1849, pp.140-1.
7. T.R. Millman, "Thomas Gummersall Anderson", Dictionary of Canadian Biography, Vol. 10, pp.11-3.
8. MNR Survey Records, "Instructions to Land Surveyors", Book #5, 1849, p.142.
9. O.A., Irving Papers, Box 26, Pkg. 31, Item 4, "Vidal-Anderson Report", December 5, 1849, copy of "Diary of T.G. Anderson, 1849", Mis. MSS. The location of the farms and Mr. Sayer's "tract" is not indicated on any extant plan or map. This is the only written reference to them.
10. Lambton Collection, Lambton County Library, Wyoming, Ontario, Alexander Vidal Correspondence from Surveying Expeditions, 1847-1853, Alexander Vidal to his wife, August 2, 1848.
11. Ibid. George Smith and Elizabeth Arthur, Alexander Vidal's "A Journal of Proceedings on my mission to the Indians Lake Superior and Huron, 1849," Published by George Smith, Bright's Grove, Ontario, 1974.
12. Julia Jarvis (with Douglas Leighton), "William Benjamin Robinson", D.C.B., Vol. 10, pp.622-3; Canada, Indian Treaties and Surrenders, Ottawa, 1891, Vol. 1, pp. 117, 222-223. See also George Metcalf "William Henry Draper", in J.M.S. Careless (ed), The Pre-Confederation Premiers, 1841-1867, Toronto, 1980, pp.57-9, pp.80-1.
13. O.A., J.B. Robinson Papers, "Diary of W.B. Robinson", April 19, 1850 to September 24, 1850.
14. O.A., Diary of W.B. Robinson, 1850. For a full and very useful discussion of this Treaty see Leighton, "The Historical Significance of the Robinson Treaties of 1850" paper presented to the Canadian Historical Association, Annual Meeting, June 9, 1982.



15. Public Archives of Canada (PAC), RG10, Vol. 1844, Treaty #61.
16. PAC, RG10, Vol. 1844, Treaty #61.
17. Canada, Indian Treaties and Surrenders, Vol. 1. See also Donald B. Smith, "The Dispossession of the Mississauga Indians: a Missing Chapter in the Early History of Upper Canada", Ontario History, LXXIII, No. 2, June 1981, pp.67-87.
18. PAC, RG10, Vol. 1844, Treaty #61.
19. O.A., "Vidal Anderson Report", 1849. On this subject generally see E. S. Rogers, "Southeastern Ojibwa", in Handbook of North American Indians, Vol. 15, "Northeast", Washington, 1978, pp.760-71.
20. PAC, RG10, Vol. 1844, Treaty #61. There does not appear to be any reliable extant information available to bring Chief Ponekeosh and J. W. Keating to life in historical terms. More research needs to be done on this aspect of Canadian Indian history.
21. O.A., "Vidal-Anderson Report", 1849.
22. For a brief study of J. S. Dennis see Colin Read "John Stoughton Dennis", D.C.B., Vol. 11, pp.244-6.
23. MNR Survey Records, "Instructions to Land Surveyors", Book #5, 1851, pp.204-8.
24. J.S. Dennis, "Report Diary and Field Notes #832", Vol. 1, 1851. See also Leighton, "George Ironside", D.C.B., Vol. 9, pp.407-8.
25. Leighton, "The Compact Tory as Bureaucrat: Samuel Peters Jarvis and the Indian Department, 1837-1845", Ontario History, LXXIII, No. 1, March 1981, pp.41-3.
26. MNR Survey Records, "Instructions to Land Surveyors", Book #5, 1851. See also PAC RG10, Vol. 189, R. Bruce to George Ironside, July 22, 1851.
27. Ibid., J.S. Dennis, "Report Diary and Field Notes of Survey of Indian Reserves on Lake Huron", Vol. #2, 1853, pp.9-10. In addition, the mile was much shorter than the "French league", i.e. one "French league" equals approximately 3 miles. The use of the mile instead of the "French league" generated confusion and dissatisfaction among some Bands over the extent of the Indian Reserves as specified in the "Schedule of Reservations".
28. Ibid. For a fuller account of the Parry Island case see Lise C. Hansen, "Research Report on the Location of the Exterior Boundaries of Parry Island Indian Reserve #16 Robinson Huron Treaty, 1850" Office of Indian Resource Policy, MNR, February 28, 1983.

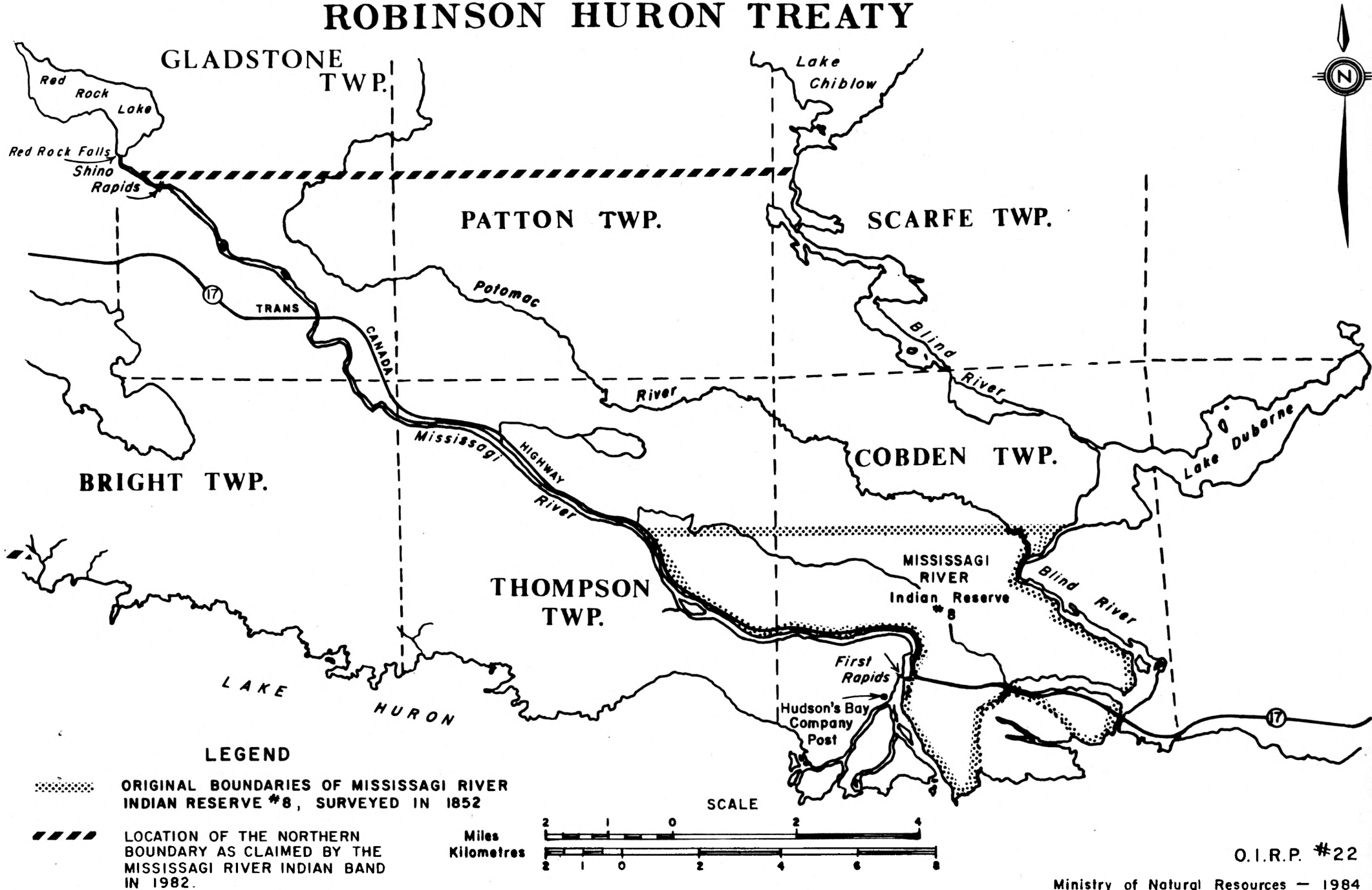
29. The only extant record of these events are quoted in full above to illustrate the difficulties of this particular subject. It should also be noted that there was no record kept by "Mr. Loge" of the Hudson's Bay Company's post at Mississagi River, see the Hudson's Bay Company Archives, Winnipeg, Manitoba. Presently the Mississagi River Indian Band has no written record of this event. Their oral tradition of it is somewhat conflicting. There is no evidence that anyone else was there at that time.
30. Today Red Rock Falls and Shino Rapids are presently located on the Mississagi River at approximately that distance from Lake Huron.
31. MNR Survey Records, J.S. Dennis, "Diary", Vol. 2, 1853.
32. O.A., RG 1, Crown Lands A-I-1, Surveyor General's Letter Book, Letters Received, Vol. 66., J.W. Keating to R. Bruce, December 2, 1852 with attachment "Report on the Indian Reserves on Lake Huron". It should be noted that a search was made for the "preliminary agreement" referred to in the third last paragraph of this quotation but that "agreement" could not be located.
33. MNR Survey Records, J.S. Dennis, "Report ...", Vol. 2, May 14, 1853.
34. PAC, RG 1, E.8, Vol. 46, January 31, 1853.
35. As noted above, the Treaty did not provide for any specific fixed formula for land entitlement.
36. PAC. RG 10, Vol. 7751, File 27013-6, Part 1. See also P.B. Waite, Canada 1874-1896, Arduous Destiny, Toronto, 1971, pp.147-8, for a brief but perceptive comment on the Department of Indian Affairs in the late nineteenth century.
37. Ibid.
38. Ibid.
39. Ibid. See Leighton, "A Victorian Civil Servant at Work, Lawrence Vankoughnet and the Canadian Indian Department, 1874-1893", in Ian L. Getty and A. S. Lussier (Editors), As Long as the Sun Shines and Waters Flow: A Reader in Canadian Native Studies, Vancouver: University of British Columbia Press, 1983, 104-19. Vankoughnet's imminent "retirement", officially on October 6, 1893, may have partly influenced the position taken by the Department at this time. Vankoughnet was officially notified that he would be "retired" on June 28, 1893. See RG10, Vol. 21, 111, File 20, 692 I am indebted to David Hume for this reference.



V MAP

MISSISSAGI RIVER INDIAN RESERVE #8

# MISSISSAGI RIVER INDIAN RESERVE #8 ROBINSON HURON TREATY



O.I.R.P. #22

Ministry of Natural Resources - 1984