

**The report of the Pannefather Commission :
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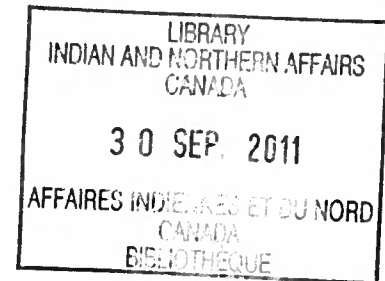
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The Report of the Pennefather Commission:
Indian Conditions and Administration in the Canadas in the 1850s.



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The Report of the Pennefather Commission: Indian Conditions
and Administration in the Canadas in the 1850s.

Between 1828 and 1858 there were six major investigations of Indian conditions and Indian department administration in the Canadas. The last of these Royal Commissions, chaired by Richard T. Pennefather, was launched officially on 5 September 1856. After more than a year of study, travel, and on-site inspections, the Commissioners submitted a final report to the Governor-General of British North America, Sir Edmund Walker Head, in early April 1858.¹ This comprehensive investigation, like its predecessors, followed the same format in terms of reportage; however, the Commission's terms of reference were in one respect significantly different. Previous Royal Commissions had been charged, either directly or indirectly, with determining "the best means of securing the future progress of civilization of the Indian tribes of Canada." In this respect, the 1856 enquiry was similar. However, its second objective, that of ascertaining "the best mode of managing the Indian property, so as to secure its full benefit to the Indians without impeding the settlement of the country" was a significant departure.² This latter goal reflected the new Colonial and Imperial realities of the late 1850s.

By mid-century, the Canadas, particularly Canada West was undergoing industrial development, urbanization, and settlement of the hinterland. In the face of these new social and economic forces, the Indian population and reserve enclaves were left relatively unprotected. To compound this colonial situation, Canadian politicians and administrators had to come to grips with new directions in Imperial Indian policy

which increasingly demanded greater economy at the expense of once dominant humanitarian considerations. Imperial retrenchment, and an early form of "devolution", were the imperatives of the "little Englanders" who sought an end to Indian presents and termination of the annual Parliamentary Grant for Indian affairs.³

As a result, by 1856, the Indian department had arrived at a critical fork in the road to Indian civilization and advancement, ahead lay two possible routes: the Indian people could be abandoned by government to make their own way in colonial society; or alternately, they could be afforded continued protection as the clientele of a separate government department. In theory there might have been a choice, in reality and practice there was none. Previous Royal Commissions had in fact created a corporate memory for the Indian department which emphasized a continuing protective role for the Crown to safeguard Indian people and their property assets against the vagaries and pressures of local provincial legislatures.⁴ This policy bias, reinforced between 1851 and 1855 by the personal investigation and reports of three successive Civil Secretaries - Colonel Robert Bruce, Lawrence Oliphant, and Lord Bury,⁵ directed the 1856 investigators into selecting one policy option; that of continued government protection, with a reformulation of the civilization programme which would make both the Indian department and Indian people self-sustaining. The recommendations of the Pennefather Commission, which were adopted officially in 1860, formed the basis for the modern Indian Affairs Department.

The significance of the Indian policy debate of the 1850s, and the cyclical nature of the main issues, can be put in historical perspective

by summarizing the major events of the Indian civilization programme during the preceding three decades. Following the Treaty of Ghent in 1814, the traditional role of Indians as auxiliaries to British regular forces declined quickly in importance.⁶ By the late 1820s the "warrior" image was replaced by that of the "noble savage," which would soon be transformed in the 1830s into that of the "social nuisance."⁷ Since Indian people had lost their military significance, Imperial officials, particularly those at the Treasury⁸ and in the Colonial Office,⁹ began to question whether or not the Indian department, whose perceived role had been primarily to distribute annual presents to "His Majesty's Indian Allies," should continue to exist.¹⁰ Concurrently, however, other groups and officials argued against abolition of the Indian department, and called for a change in direction which would see the department cease using native people for its own purposes and assume a new role in assisting them to achieve a degree of civilized living comparable to their white neighbours.

The search for new directions in Indian administration prompted a major enquiry into Indian conditions by Major H.C. Darling,¹¹ whose report of 24 July 1828 is regarded as "the founding document of the whole civilization programme."¹² Darling's report was reviewed by the Colonial Secretary Sir George Murray, who accepted the findings: settling Indian people on farms; providing education facilities and religious instruction; and substituting agricultural implements for commodities previously supplied as part of their annual presents. While the Colonial Secretary concurred with these proposals, he reiterated a long-standing Imperial order, that costs not escalate and every economy be observed. To ensure this the Indian department was transferred from

military to civil control;¹³ the reserve system was established officially; and experimental, model Indian settlements were constructed at Sarnia, Coldwater (near Lake Simcoe), and at Rivière Verte, in Lower Canada, near Rivière du Loup.¹⁴

While innovative in their approach these settlements did not excite the imagination of the cost-conscious accountants at the Treasury in London. Five years after the inception of the civilization programme, a Select Parliamentary Committee on Military Expenditures passed a resolution recommending the commutation or abolition of the annual Indian presents, as well as a reduction in Indian department staff, to reduce the annual £20,000 Imperial Grant.¹⁵

As a result of this resolution, Lord Glenelg, the Colonial Secretary, issued two despatches on 14 January 1836; one to the Earl of Gosford, the Governor General; the other to Sir Francis Bond Head, Lieutenant Governor of Upper Canada, requesting a progress report on Indian civilization and soliciting proposals for future policies.¹⁶ Gosford asked the Executive Council of Lower Canada to prepare his reply. Bond Head, on the other hand opted for his own approach, a policy remarkably similar to contemporary Jacksonian Indian removal, which meant rejection of the accepted principles and practices of the Imperial civilization programme.¹⁷

While controversy surrounded Bond Head's removal plans, the Executive Council of Lower Canada calmly submitted its findings on 13 July 1837,¹⁸ a report which bore great similarity to one presented in London three weeks earlier by the Aborigines Protection Society. The Executive Council's findings were in line with the latest Colonial Office thinking,

they also reflected accurately the different stage of development of the Indians in the lower province.¹⁹ The Executive Council did not believe that Indian people were destined for extinction, as Bond Head had maintained. Indeed, in their view Indian agricultural settlements had not failed in Lower Canada as many Indians had been farmers for several generations. Rather than physical removal to the periphery of settlement; the Executive Council, reflecting an approach adopted during the years of the 'Ancien Régime', urged that reserves be established in proximity to white settlements.²⁰

At first, Lord Glenelg had supported Bond Head's scheme because the projected revenue from Indian land sales would reduce the burden of Indian department costs on the British Treasury. However, by the summer of 1838, perhaps as a result of Bond Head's precipitate actions during the Rebellions, but in large measure due to pressure from the Wesleyan Methodists and the Aborigines Protection Society, Lord Glenelg changed his mind. The course recommended earlier by Major Darling and Lieutenant Governor Colborne, and recently reiterated by the Executive Council was confirmed.²¹

On 22 June 1838, Lord Glenelg sent new instructions to Lord Durham, Governor General, and to Sir George Arthur, the new Lieutenant Governor of Upper Canada, outlining his views on Indian administration.²² Upon receipt of Lord Glenelg's despatch, Sir George Arthur commissioned Justice James Buchanan Macaulay to prepare a report on Indian conditions for Upper Canada. Macaulay used the 1837 Executive Council report as his model to reiterate Glenelg's philosophy, quoting the state papers supplied to him by Provincial Secretary Richard Tucker, to report factually on

Indian conditions in Upper Canada.²³ Macaulay's recommendations were not innovative and certainly did not constitute a blue print for "remodelling" the Indian department as Sir George Arthur had planned.

The limited administrative impact of these early reports was further reduced by three major political events: the Rebellions, the border raids by American Hunters' Lodges, and provincial union in 1841. The relatively calm political situation following Union permitted long-delayed plans for general administrative reform to proceed and, once again, the conditions of Indian people and the operations of the department came under scrutiny.

In October 1842, Governor General Sir Charles Bagot, appointed three Commissioners to investigate simultaneously departmental operations in Canada East and Canada West. Their comprehensive report of January 1844²⁴ concluded that the native population of both Canadas shared common problems: squatters on reserves; improper government management of land sales and leasing; inept administration of band financial accounts; slow progress in agriculture and education; disappearance of the traditional life-style and excessive use of liquor. The existing civilization programme was also condemned as paternalistic since it kept "Indian people in a state of isolation and tutelage and materially to retard their progress."²⁵

Nonetheless, despite misgivings about the programme's efficiency and cost effectiveness, the Bagot Commissioners saw a continuing protective role for the Imperial Crown and suggested new measures to safeguard Indian lands and resources; improved procedures for maintaining band records and accounts; as well as a new administrative structure for the department. A system of Visiting Superintendents was recommended and, to

give greater political and financial control, the Civil Secretary was to assume the duties of the Superintendent General.

In retrospect, the Commissioners failed to resolve the central problem facing the department which was a lack of administrative cohesion and focus.²⁶ Too many government departments, both Colonial and Imperial, as well as various groups and vested interests were involved in policy implementation, thus proper coordination and unity of action was impossible. Ultimately, the Commissioners were opposed to any centralization of functions since this assumed "... the continuance and extension of an expensive Department which Her Majesty's Government is desirous of abolishing, and which is not adapted to carry out the objects of the Government."²⁷

Imperial authorities reacted favourably to the report and recommended that the Canadian government implement its many proposals. Perhaps the most enduring legacy of the 1844 Commission was a renewed commitment to Indian education based on a system of model farms and industrial schools. Indeed, in 1846, various tribes in Canada West had agreed to apply one-quarter of their annuities for a twenty-five years period toward the construction and support of industrial training schools at Alnwick, Owen Sound, and Muncey.²⁸ Thus by 1847 the civilization programme had been redefined and set on a more optimistic course.

By 1850 the protection of the Indian reserves, resources and property, had reached crisis proportions.²⁹ The 1840's witnessed an influx of nearly one million British immigrants and Canada West underwent a minor industrial revolution with emphasis on manufacturing, lumbering and mining activities.³⁰ Increasingly, Indian lands and resources

came under pressure from settlers and entrepreneurs who had little regard for Indian people and viewed their idle reserve land as a "terrible nuisance" and an obstruction to provincial development.³¹

About the same time there were rumblings out of Whitehall concerning the expense of the Indian department on the British Treasury. In response to pressures from British politicians, Earl Grey, Colonial Secretary, wrote to Lord Elgin, Governor General, on 2 July 1850:

"There is another charge on the home Government for the discontinuance of which you must be prepared - I allude to Indian presents - I understand that the feeling shown in the House of Commons against the Grant was very strong indeed, and that it is quite impossible it should be maintained...."³²

Grey concluded by warning Lord Elgin that the British government was growing impatient with rising colonial expenses, particularly those associated with non-productive endeavours:

"-- I am much inclined to believe that not only on the score of expense, but on higher grounds the whole subject of the management of the Indians requires careful examination. It seems to me that less has been accomplished towards the civilization and improvement of the Indians in Canada in proportion to the expense incurred than has been done for the native tribes in any of our other colonies."³³

The early indication that something was stirring in London was given official expression four months later when Earl Grey again wrote to Elgin noting that the last estimates called for £13,100 from the Parliamentary Grant to cover departmental salaries, presents and contingencies. The sum was excessive, and in the words of Grey:

"I cannot but observe, as to the whole substance of it, that after the management of the affairs of Canada has been so entirely abandoned to the local authorities, and

considering that the use of these grants to the Indians can only be to make better provision for the peace and security of the province, great reluctance must be felt in continuing this heavy demand on the resources of this country for such purposes.... Your Lordship must therefore be prepared for its being immediately reduced in amount, and altogether put an end to it at a very early period."³⁴

Lord Elgin responded cautiously reporting unrest among the tribes at the rumour that their presents were to be discontinued. As well, he expressed disappointment that the British were abandoning the scheme adopted by Lord Metcalfe in 1845 which would have seen the presents gradually phased out.³⁵

Faced with British resolve, Lord Elgin asked his Military Secretary, Colonel Robert Bruce, who was acting Superintendent General of Indian Affairs, to prepare a preliminary report on the least "objectionable" way to terminate the presents.³⁶ After a short investigation, Colonel Bruce submitted his report to Lord Elgin on 11 January 1851, which declared that in most instances the presents were contributing nothing towards the civilization and advancement of Indian people.³⁷ In place of Lord Metcalfe's scheme, Colonel Bruce proposed that the distribution of presents to the advanced tribes be initially curtailed and that the less civilized groups, those still dependent on hunting and fishing, be given more time to prepare for their termination. Elgin forwarded Colonel Bruce's report to Earl Grey on 21 January 1851.³⁸ Grey replied on 15 March 1851, stating that he hoped the report's suggestions would be implemented since the presents, after 1852, had to be progressively reduced, until they were ended completely in 1858.³⁹

The Imperial decision to end the giving of presents once again brought to the fore, at least for Imperial officials, the question of

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

"It will be proper to turn attention to the gradual reduction of the Indian establishment itself, now that the object for which it was organized is in the course of rapid extinction. I shall be glad to receive a report from you on this subject."⁴⁰

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

The Canadian response to Newcastle's despatch consisted of two short reports prepared by successive Civil Secretaries in their role as Superintendent General: Lawrence Oliphant, Colonel Bruce's successor; and Lord Bury who succeeded Oliphant. Interestingly, while the two studies focussed on the same problems - the future of the department, how to fund its operations, and current Indian conditions⁴¹ - each came up with a different solution.

Oliphant, who had just returned from taking the surrender of the Saugeen peninsula,⁴² an estimated 450,000 acres, suggested a plan whereby the department and the civilization programme could be financed from the proceeds of Indian land sales, supplemented by other sources of tribal revenue such as timber licences, leases, and provincial investments.⁴³ To further encourage the civilization process Oliphant recommended that: reserves be subdivided into individual lots; annuities be paid in money rather than goods; and that provincial laws protecting Indian people from debt liability be repealed.⁴⁴ As well, in light of recent departmental misappropriation of band funds, Oliphant recommended a double-receipt system of bookkeeping to account for tribal monies from recent land sales. In conclusion, Oliphant remarked on the success of the Indian industrial schools, the central recommendation of the 1844 Royal Commission.

"The two industrial schools which have been established by our Excellency have already been sufficiently long in operation to prove the success of the experiment, and to justify the outlay of a large share of those funds which are in the hands of the department for educational purposes."⁴⁵

Elgin forwarded Oliphant's report without comment to Earl Grey on 18 December 1854, noting that he was drawing it to the attention of his successor Sir Edmund Walker Head.⁴⁶ Head was sceptical that Oliphant's plan for financing departmental operations was feasible since success depended on the immediate sale of the Saugeen lands. As a result, he turned to the new Civil Secretary, Lord Bury, for a critical analysis of Oliphant's plan.

Bury's report, which was forwarded to Head on 5 December 1855, proved that Oliphant's cost projections were inaccurate.⁴⁷ Bury was

also extremely critical of the Imperial intention to curtail its financing of departmental operations stating that this would amount of "a breach of faith" with the Indian people since, through the treaty process, they had given up their lands in return for Imperial protection and support.⁴⁸ In Bury's view, if the Imperial Grant was terminated, Canada would immediately be faced with three options: abolish the Indian department; support all operations from existing Indian funds; or, immediately assume all responsibilities for departmental financing and policy from Britain. Since none of these options was viable, Bury suggested a plan whereby a sum of £77,431. - an amount equal to the Imperial Grant for the last seven fiscal years - be voted for the Indian department, which would then be invested in provincial debentures at six per cent. The amount accruing annually, £4,645, would cover a short fall in Indian funds already spent by the department, and allow time for money from the Saugeen lands sales to accumulate and render Oliphant's plan operable.⁴⁹

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

According to Chesley:

"By dint of perseverance and persuasion on the part of the missionaries and the local superintendents, under the directions of the department, the Indian prejudices have been in a great measure overcome. They devote nearly all their disposable funds for educational purposes, agricultural implements, building comfortable houses and purchasing cattle and improved seed grain. In almost every tribe of the settled Indians in Upper Canada are to be found some whose farms compare not disparagingly with those of the adjoining whites. Amongst them may be named Peter Smith of the Six Nations, who had last summer 60 acres of wheat under crop; and John W. Hill, of the Bay-of-Quinté, had 45 acres."⁵⁰

Bury determined that there were two major barriers to Indian civilization - continued use of native languages and communal ownership of band property.⁵¹ Native people should be made to learn either French or English and, as for band property, individual ownership should be encouraged since, "The present state of things ... shows, and reason points out, that if he (an Indian) has no rights of property at all, he will never assume the responsibility they impose."⁵²

The final pages of Bury's investigation dealt with the proposals, which Head had formulated, probably in conjunction with his private secretary, Richard Pennefather, for compulsory enfranchisement of Indian people. The five point plan appears in a letter of 19 May 1855 from Bury to the Reverend William MacMurray, Anglican Rector of Ancaster, Canada West, and refers to Head's recent discussions with MacMurray at Québec on the matter.⁵³

Briefly, Head proposed that the local superintendents identify band members who might be "fit and desirous" of assuming "a new mode of life." Those identified would be interviewed by three commissioners to determine whether the individual had a trade; could read or write; had any notions of his civil responsibilities; and would be self-

supporting. If so, the person would receive a grant of land freehold and a small allowance with which to purchase seed and implements. After two years "probation" he would then become subject to the laws and liabilities of regular citizens.⁵⁴

Head forwarded Lord Bury's report to the new Colonial Secretary, Henry Labouchere on 15 December 1855.⁵⁵ Labouchere responded on 21 February 1856, stating the Bury's report had convinced him that "an Indian Department should be maintained", but still the question remained how to finance it.⁵⁶ Labouchere, commenting on Bury's lump-sum financing proposal remarked.

"I regret that I cannot hold out to you any prospect that this proposal can be entertained. Parliament could not, with propriety, be applied to for such a grant on account of this expiring service."⁵⁷

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

"But after the time thus allowed for giving effect to new measures, I apprehend that the officers of the establishment must look to the provisions of the funds required for its support, by the more efficient and profitable management of the extensive property which is entrusted to their care ... I have no doubt ... you will take the necessary steps for securing their early attention to ... well-considered proposals for the future maintenance and administration of the department."⁵⁸

It was evident that the Imperial authorities were no longer willing to ask Parliament for a continuation of the annual grant for Indian affairs. However, Canadian officials still faced the unsolved problem of how to reorganize the Indian department and redefine the civilization

programme. It is within the policy context, and the immediate crisis of Imperial disengagement, that Richard Pennefather, Head's long-time private secretary,⁵⁹ assumed the post of Civil Secretary, and began the most comprehensive and far-reaching study of Canadian Indian administration during the period of Imperial control.

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

- "1st. As to the best means of securing the future progress and civilization of the Indian tribes in Canada.
- 2nd. As to the best mode of managing the Indian property, so as to secure its full benefit to the Indians without impeding the settlement of the country."⁶⁰

The entire investigation was to be financed from the "sinking fund of the Indian Department", which was a percentage deducted from the proceeds of Indian land sales.⁶¹ Joining Richard Pennefather were Froome Talfourd, Western Superintendent of Indian Affairs, and Thomas Worthington, an accountant who had recently finished an inquiry into the contentious financial dealings of Sarnia Indian agent Joseph B. Clench.⁶²

The Commission began its investigations in early September 1856 with the intention of visiting as many reserves as possible before Winter. By late Fall, on-site inspection of the larger Indian settlements in the southern portion of Canada West had been carried out and on 24 November 1856, Pennefather submitted an interim report to Head.⁶³

Pennefather viewed with concern the slow progress in Indian education and civilization. In part he blamed the Indians' natural "apathy" and "unsettled habits"; however, many had abandoned farming to become labourers

in local towns where a daily wage and board could be obtained. As for Indian education, visits had been paid to the normal schools at Mt. Elgin and Alnwick, where attendance was good and the children were found to be clean and healthy. In concluding, Pennefather drew Head's attention to a number of obstacles which retarded the civilization process: communal ownership of Indian lands; inadequate management of Indian reserves; improper maintenance of departmental records and statistics; the anomalous legal position of Indian people; and the deprivations of local settlers.⁶⁴ Pennefather refrained from making recommendations noting that he would await the advice of his fellow Commissioners.

Concurrent with Pennefather's official review, pressure was mounting on Sir Edmund Head from various religious bodies to draft legislation enabling individual Indians to acquire ownership of reserve land.⁶⁵ The Bagot Commission had suggested such a scheme twelve years earlier, but the proposal had been rejected by the bands. The question was shelved temporarily; however by the mid-1850s, the issue again arose because of slow progress in a related area, Indian education. Indian graduates of industrial schools were not making use of their new skills and, in some instances, actually regressed to old customs. The solution, in the view of Head's religious advisors, was to subdivide the reserves to permit individual land ownership, which would encourage Indian self-reliance and industry.⁶⁶ This, in turn, would also reduce operating costs and ultimately solve the "Indian problem" - Indians would be assimilated into the dominant society.

Without waiting for the final report of his Commissioners, Head prepared draft legislation which was passed subsequently on 10 June 1857,

as an "Act to Encourage the gradual Civilization of the Indian Tribes in the Province, and to amend the Laws respecting Indians."⁶⁷ The Act, similar to Head's 1855 plan, called for the removal of all legal distinctions between Indian people and other provincial inhabitants. Those Indians who met certain qualifications, based on education and age, could apply for immediate enfranchisement, while those possessing a satisfactory level of knowledge and intelligence, were placed on three years probation. Under the terms of the Act, each enfranchised Indian would receive a share of band annuities and an allotment of reserve land, not exceeding fifty acres. The individual would also be eligible to receive additional land and money, the amount to be determined by the number of dependents.⁶⁸

A further clause in the Act was designed specifically to assist Indian children to achieve a level of education necessary for enfranchisement. This clause permitted municipalities to attach Indian reserves to local school districts where Indian children could receive a free public school education and not be dependent on costly, inefficient village schools.⁶⁹ This administrative arrangement meant considerable savings for the Indian department which, along with the Wesleyan Methodist Society, had been the major source of funds for the Indian education system.

Indian reaction to the Act was immediate and negative. The Chiefs were particularly concerned by the specific provisions affecting their control of reserve land and they immediately recognized the bill's implications for their continued existence as tribes - it was an attempt "-- to break them to pieces."⁷⁰ David Thorburn reported from the Six

Nations Reserve that the legislation "did not meet their views",⁷¹ since it was not consistent with the Indians' desire to maintain tribal integrity based on communal ownership of land. However, Richard Pennefather, speaking for Head and other "civilizers" represented prevailing opinion when he dismissed a petition from the Indians of Muncey Town with the comment "---the Civilization Act is no grievance to you."⁷²

With Indian-government relations at a low ebb, the final report of the Pennefather Commission, reflecting many of Oliphant's and Bury's recommendations, was submitted to Sir Edmund Head in late April 1858.⁷³ Head forwarded a copy on 12 May to Lord Stanley, the new Colonial Secretary, observing that the report contained "a very large mass of valuable and detailed information", as well as "more than one scheme for conducting the business, and defraying the expenses of the Indian Department."⁷⁴ The report, like its predecessors had three major divisions: a historical review of Canadian-Indian-Imperial relations since 1830; an assessment of current conditions; and recommendations for the future of the department and the Indian people.

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

In their introductory remarks, the Pennefather Commissioners painted a bleak picture of Indian conditions and indifferent management of their affairs. They noted that since the Bagot Commission inquiry of 1844:

"Interests of greater magnitude have sprung up and the Indian has been lost sight of and has sunk to a state of comparative neglect. It is this absence of action which amongst other things has been so prejudicial to the Indians. Of the various schemes which have been broached, few have ever been tried, and even when tried, but little enquiry seems to have been made whether the failure of an experiment arose from any inherent defect in the plan, or from accidental external causes...

We are therefore after all these years and in spite of the industry and ability displayed in collecting information and drawing up Reports, still groping in the dark. The time for experiments is fast passing away... measures must be taken without delay for defraying from other sources all the expenses connected with the land and superintendence of the Indians."⁷⁵

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

"On (the)... grounds of neglect and maladministration on the one side, and helplessness on the other, we believe that the Indians have an equitable claim to the special care and protection of the British Crown..."⁷⁶

Turning to an assessment to the civilization programme, the Commissioners observed that there was no "inherent defect" in the character of Indian people which "disqualifies them from being reclaimed from their savage state".⁷⁷ However, they had to report:

"With sorrow...we must confess that any hope of raising Indians as a body to the social or political level of their white neighbours, is yet but a glimmering and distant spark... any gradual amelioration or marked advance towards civilization must be the result of long and patient labour and the development of many years".⁷⁸

If the civilization programme was to succeed then the Indian department had to be reorganized, not only to ensure efficient and effective administration, but to keep operating costs at a manageable level. The Commissioners reviewed the many plans which had been put forward since 1837 to defray administrative costs out of tribal revenues. Lawrence Oliphant and Lord Bury's suggestions were regarded as the most comprehensive, but they too had serious flaws, as the Imperial government had recently indicated its unwillingness to fund either the Manitoulin Island establishment (an assumption of Oliphant) or pay for departmental pensions, which Bury took for granted. After extensive calculations, the Commissioners projected departmental costs at \$17,316.76 a year, of which band funds would cover only \$8,106.20.⁷⁹ How would the short-fall be made up?

The Commissioners examined the structure of the Indian department and reviewed the duties of the various officers. They recommended that the department in Canada East be "remodelled" eliminating the positions of Visiting Superintendent and Interpreter - a saving of \$1800.⁸⁰ In the lower province, the Superintendent was assisted by local agents who worked for the bands collecting rents and revenue from leases, from which they received a percentage. This system was found unsatisfactory since many grievances had been received concerning their activities. It was proposed that these local agents be brought under government control and paid a salary of \$100. a year. The new arrangement would be more efficient and save \$1300.⁸¹

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

"The more recent civilization of many of the Tribes renders it imperative that they should not be lost sight of by the

Government, and the greater value of the land reserved for their use affording greater incitement to trespass and plunder, obliges a more careful watch over them. We do not therefore consider it possible to make any immediate reduction in the system of Superintendence in this section of the Province."⁸²

There were, however, a number of economies which could be achieved. David Thorburn, who had been hired to "unravell" the complicated land sales situation at Six Nations, was nearly finished and his successor's salary could be reduced to \$1400, saving \$1590.⁸³ Thomas G. Anderson, Central Superintendent, had an Indian clerk who could be more fully employed at headquarters as an Interpreter, "the opportunity thus afforded for recognizing the employment of a duly qualified Indian in the Department devoted to their interests".⁸⁴ Thus through reassignment, retrenchment and staff reduction, \$6480.27 could be saved.

The Commissioners returned to the recently announced decision by Henry Labouchere that the Imperial Grant would be terminated within two years. To replace the grant, the Commissioners recommended an Imperial subsidy of £2000 for ten years, after which the money from Indian land sales, such as Saugeen, could sustain operations.⁸⁵ However, if this plan was rejected by Whitehall then the Province of Canada would have no alternative but to: i) assume total control over Indian policy and patronage appointments from Britain; ii) guarantee a sum of \$2000 annually to integrate Indian people into the general population; and iii) encourage the Indians to cede to the government, at a fair price, all land which was not required by their respective bands.⁸⁶

This approach, although a radical departure from previous policies, would benefit both the department and Indian people. The bands would be assured of a continuous income and the local superintendent, freed from patrolling "waste lands", could devote more time to

inspection and supervision. As well, new immigrants would have access to additional land and the extensive reserves would no longer hinder intra-provincial communications.⁸⁷

If, as a last resort, the province of Canada was forced to take over Indian administration, the Commissioners recommended that a permanent department head be appointed who would give "undivided attention to Indian interests."⁸⁸ The current head, the Governor-General's Secretary, had too many duties to supervise properly a plan for Indian advancement. To assist this permanent administrator, local agents should be appointed to reside among the bands to: provide agricultural instruction; report on trespass and illegal sale of liquor; prepare annual statistical returns; and adjudicate internal band disputes. These agents would be paid \$400., half of which would come from band funds. The band would also provide the agent with a small house and farm lot.⁸⁹

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

"Various schemes have from time to time been proposed for the appointment of land to the Indians ... these ... may be divided into two classes, the one advising the total separation of the Aborigines from contamination by the White settlers, the other hoping by constant intercourse to assimilate the habits of the two races".⁹⁰

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

Commissioners also determined that:

"--- whatever may be the advantages in theory in keeping the Indians as children of nature, shielded from the contaminating vices of the whites, we believe that practically the system must be a failure unless it be accompanied by stringent police regulations... erecting as it were a barrier which may effectively exclude those restless pioneers who occupy the debateable land lying in the frontier of the civilized Country. It is plain in a Country like Canada this is in most cases impossible.⁹¹

The alternative, tried in Lower Canada, of encouraging white settlements in proximity to reserves, might also have drawbacks. "Drunkenness and licentiousness - the two besetting sins of the Indians"⁹² would be encouraged. However, the 1844 Commissioners had not discovered such developments when investigating Indian conditions in Canada East and the 1856 investigators concluded that:

"... they are more likely to fall a prey to temptations, while living in a semi-savage and impoverished state than of settled in their own farms in the midst of a thriving and industrious population: - lawlessness and want of self restraint are likely to be rife in proportion to the distance from regular and established authority".⁹³

To bolster their argument, the Commissioners examined the situation in Michigan.⁹⁴ They noted that the "tribal organization of many bands is completely dissolved; and the franchise with all the other rights of citizenship exercised by the Indians."⁹⁵ This had proven beneficial to the Indian people as they had good farms, surplus produce, and were acquiring rapidly mechanical skills. The Indians had also become an integral part of the state's population and were on the same footing as their white neighbours. The same could not be said of Canadian Indians.

Although the separatist system was ill-advised for Indian people living in settled districts, it did have some merit for those "unsettled"

tribes living in remote regions north of the Lakes. The natural refuge for these groups was Manitoulin Island and, although Bond Head's experiment had failed, closer supervision and enforcement of trade regulations and liquor laws, would result in success. The Commissioners concluded that a mixture of the "separatist" approach and one involving the establishment of compact reserves in proximity to white settlements was advisable, depending on the geographic location of the band.⁹⁶

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

To encourage this process, the Commissioners recommended that once the final location of a band was determined, each family head would receive a 25 acre farm with an adjoining wood lot.⁹⁷ The farm would be alienable only to family members and possession would be guaranteed by a licence of occupation. As a further inducement, a portion of the revenue from the sale of the old reserve would be invested in farm implements and seed. This type of experiment was being tried at Cape Croker and merited close attention.⁹⁸

At his juncture the Commissioners digressed to comment on the state of Indian agriculture. ⁹⁹ Twenty five acre farms might be considered small; however, statistical returns from Canada West indicated that the average amount of land under cultivation did not exceed 17 acres per Indian family, that being reached on the Six Nations Reserve. In the Western Superintendency the average was 14 acres and for the Northern, 6 acres. The Commissioners considered these figures high, for in most cases they had been calculated by the Indians, and:

"Any one accustomed to Indian farming will remember the irregular patches of land half covered with fallen trees and straggling patches of brushwood which they call fields under cultivation....".¹⁰⁰

Concluding their investigation of Indian reserves, the Commissioners recommended a plan be adopted for re-establishing the numerous small, scattered bands on the larger reserves at Manitoulin Island, Garden River, Batchewanaung Bay, Walpole Island, and Munsey Town.¹⁰¹ If these groups refused to surrender their reserves, even after inducements and special concessions, then they should be expropriated by the government. New land was needed for settlement and reserve enclaves could not hinder provincial development.

If Indian people were ever to be put on an equal footing with their white neighbours, their present legal status had to be ascertained.¹⁰² The Commissioners returned to the reports of Justice Macaulay in 1839 and that of the 1844 Bagot Commission and endorsed their findings. Macaulay had rejected Indian claims to a "separate nationality" and determined they were subject to provincial laws. As well, the courts afforded them redress in the case of personal injury or property damage. Their political rights were also clear, if Indian people possessed sufficient property they could vote in municipal elections and even hold office.¹⁰³

The Commissioners noted that in Upper and Lower Canada a different approach had been taken to protect reserve land and resources. In the upper province, a system of fines and imprisonment, enforced by special commissioners, prohibited illegal removal of timber, quarrying of stone and gravel, and trespass.¹⁰⁴ In Canada East, legislation passed in 1850, appointed a Commissioner as trustee of all Indian lands and charged him with the responsibility for their protection.¹⁰⁵

Each section of the province had a separate definition of who was an "Indian". In Canada East, there was a four part definition set down by statute.¹⁰⁶ In Canada West, the term "Indian" was the result of usage and comprised all persons of Indian blood including "those of mixed race, who are recognized members of any tribe ... resident in Canada ... who claim Indian descent on the father's side".¹⁰⁷ The Commissioners also acknowledged that an Indian woman who married a non-Indian immediately lost her rights as a band member and her children had no claim to tribal money or land.¹⁰⁸

The Commissioners concluded that the only piece of Indian legislation which applied equally to both Canadas was the recent Indian Civilization Act.¹⁰⁹ They considered that additional legislation was not required and those statutes protecting Indians from debt liability and property seizure should not be repealed. Despite the rather confusing state of the law, there were no legal barriers preventing Indian people from eventually integrating into provincial society. What was needed was a "clear and succinct digest", with a short commentary, which would explain the Indians' legal status to local agents and consequently reduce instances where conflicting interpretations of the law might be given.

The area of greatest concern to the Pennefather Commission, in marked contrast to Oliphant's report, was the state of Indian education - its expense and lack of results.¹¹⁰ Manual labour schools had been the central proposal of the Bagot Commission and, with the support of the Wesleyans and encouragement from Egerton Ryerson, two schools were built at Mt. Elgin and Alnwick. The Indian department maintained the buildings and provided clothing and board at the annual rate of sixty-four dollars per child. The Wesleyans contributed books, stationery, teachers' salaries, farm stock and implements. Unfortunately, the schools had not become self-supporting as expected and they were poorly attended. The Commissioners cited a number of obstacles to success: the students were too old and had "bad habits" on admittance; they remained in school for too short a time; the attitude of the parents was negative; graduates had no job opportunities nor any incentive to cultivate reserve land; and few trades could be taught due to lack of money.¹¹¹ In the words of the Commissioners:

"... it is discouraging in the extreme to see how transient is the impression made upon the children by the training which they have gone through at these schools ... it is true that improvement is perceptible in their own personal appearance; but the amelioration extends no further. The same apathy and indolence stamp all their actions as is apparent in the demeanour of the rest of the Indians. It is then with great reluctance that we are forced to the conclusion that the benevolent experiment has been to a great extent a failure".¹¹²

This being the case, Indian people should cease supporting the two industrial schools with a portion of their annuities and the Wesleyans should be compensated for recent financial losses. The school at Alnwick should be purchased by the government and closed; while that at Mt. Elgin, converted to an Indian orphan asylum similar to one on the Cattaraugus Reservation in New York state.¹¹³

In place of the current centralized system, the Commissioners envisaged a government-funded decentralized operation with small industrial schools and model farms - similar to those at Garden River - set up among the larger bands. This approach would permit closer supervision and direction by the local agents who could enforce school attendance and assess progress. As well, the agents would ensure that Indian students learned either French or English as "nothing will so pave the way for the amalgamation of the Indian and white races, as the disuse among the former of their peculiar dialects."¹¹⁴

The Pennefather Commission, like that of Sir Charles Bagot, regarded the education of Indian people as crucial to raising them to the social and moral condition of their white neighbours.¹¹⁵ This process would be lengthy and, in the interim, the Indian department retained a "special trust" for their care. Some missionaries had suggested to the Commissioners that the Indians be set immediately on an equal footing with other members of society.¹¹⁶ This was rejected because the 1857 Civilization Act permitted those who were ready to enfranchise. As well, universal enfranchisement was not practical nor morally justifiable, since it would be "equivalent to abandoning them to immediate and irrevocable ruin."¹¹⁷

The proposal that "Municipal Institutions" should replace existing tribal structures was also rejected.¹¹⁸ This experiment had been tried with some bands in New York state with devastating results. The Commissioners also noted that recent American Indian treaties, unlike those in Canada, contained a provision for the eventual extinction of tribal organizations. Since the social conditions of Indian people north of the border lagged behind their American counterparts, the inclusion of a similar provision in Canadian treaties was not regarded as feasible.¹¹⁹

For many years to come, the Indian department had a continuing role to play as a protector of Indian people, their property, and interests.

The report of the Pennefather Commissioners was being printed when, on 15 March 1858, Sir Edmund Head received a despatch from Lord Stanley which effectively sealed the fate of the Indian department.¹²⁰ Stanley informed Head that the Parliamentary Grant "--will be reduced next year by one half, and cease in the following year," 1860. This announcement brought into immediate focus the Commissioners' proposals that the Provincial Government assume total control of Indian department operations from Britain.

Indeed, when Head forwarded Pennefather's report to Whitehall on 12 May, he enclosed with it a Memorandum to the Executive Council dated 11 May, recommending that a bill be prepared "... for causing the Indian Business to be conducted under a direct responsibility to the Provincial Legislature."¹²¹ Head had some personal reservations about this action, but "with all regard for justice and good faith towards the Indians" it was required, because "... the treaties made with the several tribes, and the peculiar position of the people, require great care and consideration in securing their just rights whilst their lands are opened for settlement."¹²²

The Colonial Office received Head's two submissions with great enthusiasm. F.T. Elliott, an Assistant Under Secretary supported Head's proposals as did his superior Sir Edward Bulwer-Lytton, the new Colonial Secretary. Elliott stated that Canada was now "a Nation" and no longer a dependent colony. As such, it was consistent with its self-governing status that upon it "... must depend the good management of everything within Canadian

territory."¹²³ Elliott concluded that the Province of Canada "... should bear the burden of protecting the original possessors of the soil for it is they who enjoy the profits...".¹²⁴

The endorsement of F.T. Elliott and Sir Edward Bulwer-Lytton's eager acceptance of Elliott's advice brought to an end the recurring debate over who would finance the Indian department, a debate which had raged off and on since the close of the War of 1812. Lytton directed Head to proceed with the legislation as outlined in his Executive Council memorandum. On 9 May 1860, "An Act Respecting the Management of Indian Lands and Property" was passed by the Legislature, with the final transfer of authority to be effective on 1 June 1860.¹²⁵

1860 was not the date for "a radical departure from the British government's policy of dealing with Canada's native peoples, but rather for a well-timed move to place the almost intact department and staff under the responsibility of a mature Colonial government."¹²⁶ The transfer of control could probably have not occurred much sooner. Prior to 1860, the political influence of the various British and Canadian humanitarian groups might well have blocked the process, and most Canadian officials were neither willing nor ready to accept the financial and political obligations.¹²⁷ In reality however, Canadians had been slowly assuming control of Indian affairs since 1834 when they took over payment of the annual annuities. By the mid-1850s, the Province of Canada was directing virtually all departmental operations, except for the contentious matter of financing. In the final analysis, it was the Pennefather Commission's report which provided a formula for financing departmental operations, acceptable both to the Province of Canada and Imperial authorities, that paved the way for the final devolution of responsibility.

The Pennefather Commissioners' report of 1858 was the final stage of a lengthy policy review process which saw the Indian civilization programme investigated, evaluated, redefined and reiterated in the three decades prior to Confederation. Their report along with its predecessors developed an early corporate memory for the Indian department; that is, a documented record of Indian-government relations since 1763; a rudimentary data base for assessing contemporary Indian conditions; and a philosophy and rationale for future policies.

As previously noted, a major contribution of the Commission, at least in the short term, was to devise a plan for financing Indian department operations which enabled the Province of Canada to assume total control over the Indian civilization programme. The Indian people were not abandoned and Sir Edmund Head was able to continue the historic role of the Crown of affording them continued government protection.

Of greater importance, for the future, was the very significant contribution made towards sorting out the Indian department's shortcomings, in terms of administrative and management practices, which the Bagot Commission had identified, but not resolved. The difficulties associated with the department's lack of administrative cohesion and focus were to an extent resolved once the transfer had been effected; a permanent departmental head appointed; secure government financing assured, and sound record-keeping practices adopted. All these changes served to rationalize the department's daily operations and major lacunae in records and administrative faux-pas became less frequent after 1860. Unfortunately, the old Indian department "disease", the misappropriation of funds by officials, was not cured and charges against individuals continued to be laid at regular intervals, even to the present day.

Another lasting innovation was the Commissions' redefinition of the Indian civilization programme. Assimilation became the watch-word of the programme and departmental officials and missionaries worked toward that goal. To achieve this, a system of resident agents was adopted to give direct supervision to locally run industrial schools and model farms. Indians were encouraged to obtain location tickets to their reserve land and eventually to avail themselves of the Indian Civilization Act and enfranchise. However, over the next twenty years only one Indian, Elias Hill, a Mohawk, chose the latter course.¹²⁹ Indian culture was to prove more resilient than previously expected.

Unfortunately, the Pennefather Commissioners' failed to recognize another major flaw in their plans for assimilating Indian people - that setting them apart on reserves and providing them as a group with services from a separate government department served only to reinforce their isolation from the society into which they were supposed to integrate. This basic paradox was not addressed and it has remained to bedevil Indian Affairs to this day. The Indian Policy Statement of 1969 was an attempt to solve this problem. Indian people rejected it, much as they had the Indian Civilization Act in 1857. As a result, the Department of Indian Affairs today remains, in many aspects, unchanged from the days of Richard Pennefather except that there are more Indians and, many more bureaucrats.

1. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report of the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858. The pages of this report are not numbered.
2. Ibid.
3. John Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. pp. 297-98.
4. John Leslie, "The Bagot Commission: Developing a corporate memory for the Indian Department." Paper presented at the Annual Meeting of the Canadian Historical Association, Ottawa, June 1982, p. 11.
5. From May 1844 to June 1860, the Civil Secretary to the Governor-General also acted as Superintendent General of Indian Affairs: Col. Robert Bruce 1 December 1849 to 11 May 1854; Lawrence Oliphant 15 June 1854 to 18 December 1854; Lord Bury 19 December 1854 to 24 January 1856.
6. Robert Allen, The British Indian Department and the Frontier in North America, 1755-80. Ottawa, 1975. pp. 86-87.
7. R.J. Surtees, "The changing image of the Canadian Indian: An historical approach," Approaches to Native History in Canada: Papers of a Conference held at the National Museum of Man, October, 1975. National Museums of Canada, Ottawa, 1977. p. 113.
8. Vicount Goderich to Lord Dalhousie, 14 July 1827. "Imperial Blue Books on Affairs Relating to Canada, Vol. 5." (Ordered by the House of Commons to be printed, 19 March 1837). p. 5.
9. See "copy of Treasury Minutes No. 14412." 3 November 1829, quoted in R.J. Surtees, "Indian Reserve Policy in Upper Canada, 1830-1845." M.A. Thesis, Carleton University, Ottawa, 1966, p. 25.
10. As early as 1822 the Colonial Secretary, the Earl of Bathurst, had raised the question of reducing the size and expense of the Indian department. This economy theme, a constant factor in Imperial history, was again taken up in 1827 when Viscount Goderich, Colonial Secretary, wrote Lord Dalhousie, Governor General, questioning the need for an Indian department. Darling's 1828 report was the response to Goderich.
11. Major General Darling replaced Sir John Johnson on 2 August 1828 as Chief Superintendent of Indian Affairs. The position of Superintendent General of Indian Affairs and Inspector General of the Indian Department was abolished. PAC, RG10 Inventory, p. 1.

12. L.F.S. Upton, "The Origins of Canadian Indian Policy." Journal of Canadian Studies, Vol. 8, No. 4, (Nov. 1973), p. 57.
13. On 13 April 1830, the Indian Department was split into two offices. In Upper Canada, the Lieutenant-Governor was given control with the Chief Superintendent, Col. James Givins, reporting to him. In Lower Canada control remained in the hands of the Military Secretary, D.C. Napier, who moved from Montréal to Québec, and also assumed the title of Secretary for Indian Affairs. The Department had been under civil control in the 1796-1816 period.
14. Robert J. Surtees, "Indian Reserve Policy in Upper Canada". M.A. Thesis, Carleton University, Ottawa, 1966.
15. In 1835 a Select Committee of the House of Commons renewed a demand that the Indian Department be abolished. In Britain financial retrenchment was again the main Imperial theme. But Glenelg, Colonial Secretary, fought for continuation of the Department and its civilization programme, drawing heavily on Kempt's and Colborne's earlier rationales. See John S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860," D. Phil. Thesis, Oxford, 1978.
16. British Parliamentary Papers (1839). "Copies or extracts of Correspondence since 1 April 1835, between the Secretary of State for the Colonies and the Governors of the British North American Provinces Respecting the Indians in those Provinces," House of Commons Sessional Papers. Lord Glenelg to Earl of Gosford, 14 January 1836.
17. Bond Head had replaced Colborne as Lieutenant Governor of Upper Canada in November 1835. He was convinced that Colborne's approach was wrong and that Glenelg's faith in the Indian Department was ill-founded.
18. British Parliamentary Papers (1839), pp. 255-299.
19. As Leslie Upton has pointed out, the Indian situation was much different in Lower Canada. There were fewer Indians (3,000) and they had been long in contact with whites. There were also fewer reserves and the dominance of the Roman Catholic Church eliminated virtually any interference from protestant missionaries or the government. There was little urgency for reform. See: L.F.S. Upton, "The Origins of Canadian Indian policy," Journal of Canadian Studies, Vol. 8, No. 4 (Nov. 1973), p. 55.
20. See C.J. Jaenen, "The French relationship with the Amerindians." Paper presented at the IV Convegno Internazionale dell' Associazione Italiana di Studi Canadesi, Università di Messina, Messina, Italy, March 25-28, 1981.
21. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix EEE, "Report on the Affairs of the Indians in Canada." Montreal, 1844-45. On 22 August 1838, Glenelg wrote to Lord Durham "the Report of the Committee of the Executive Council leaves little to be desired ... the sentiments and suggestions ... coincide ... with my views. I therefore authorize you to carry the proposed measures into effect."

22. British Parliamentary Papers (1839). Lord Glenelg to Earl of Durham, 22 Aug. 1838, p. 233; Lord Glenelg to Sir George Arthur, p. 314.
23. PAC, RG10, Vols. 718-719.
24. PAC, RG10, Vols. 720-721
25. John Leslie, "The Bagot Commission: Developing a corporate memory for the Indian Department" p. 12.
26. Ibid., p. 30. Many government departments were involved in Indian affairs: the Army Commissariat; Commissioner of Crown Lands; and Receiver-General. As well, funding came from five sources: Imperial Grant; General Fund; Land Fund; estate of the Six Nations; and local band funds.
27. Ibid., p. 17.
28. PAC, RG10, Vol. 160, Pt. 1. "Anderson's speech to Council at Orillia," 30 July 1846.
29. The Elgin Grey Papers, 1846-52. Vol. 2. Lord Elgin to Earl Grey, 21 November 1849.
30. J.M.S. Careless, The Union of the Canadas, 1841-1857. Toronto, 1967. p. 4.
31. The Elgin Grey Papers, 1846-52. Vol. 2. pp. 549-50.
32. Ibid., pp. 702-3.
33. Ibid.
34. Ibid., pp. 736-737.
35. Great Britain. Parliamentary Papers. House of Commons, Vol. XXXVI, No. 1344, "Papers respecting the Civil List, Military Expenditure, ... and the Indian Department", London, 1851. pp. 202-207.
36. Ibid., pp. 201-202. Col. Bruce's report is dated 11 January 1851.
37. Ibid., pp. 202-207.
38. Ibid., p. 201
39. Ibid., p. 223.
40. See S.A. Wade, "The transfer of the Indian Department from British to Canadian authorities," M.A. Thesis, University of Washington, 1966. p. 24.

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

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

42. Indian Treaties and Surrenders. Vol. 1 (1971). pp. 195-6.
43. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 247. "Copies or Extracts of Correspondence respecting Alterations in the Organization of the Indian Department in Canada", London, 1856. pp. 238-239.
44. Ibid., p. 240.
45. Ibid., pp. 240-41.
46. Ibid., p. 233.
47. Ibid., pp. 247-261.
48. Ibid., p. 248, paragraph 14.
49. Ibid., p. 250, paragraph 31.
50. Ibid., p. 255, paragraph 62.
51. Ibid., p. 255, paragraph 63; p. 259, paragraphs 99-100.
52. Ibid., p. 259, paragraph 102.
53. PAC, RG10, Vol. 220, Civil Secretary's Office Correspondence (No. 8601-8700), Rev. W. MacMurray to Viscount Bury, 22 August 1855. Bury's reply is at p. 259, Parliamentary Papers. House of Commons, Vol. XLIV, No. 247.
54. Great Britain. Parliamentary Papers. House of Commons, Vol. XLIV, No. 247. pp. 259-60.
55. Ibid., p. 246.
56. Ibid., p. 269-270.
57. Ibid., p. 271.
58. Ibid.

59. Richard Theodore Pennefather was born in England around 1830. From 1848 to 1854 he was the private secretary of Sir Edmund Walker Head, Lieutenant Governor of New Brunswick, then came with him, still as private secretary, to the Province of Canada when Head became Governor-General in 1854. In February 1856, Pennefather became Head's Civil Secretary and Superintendent-General of Indian Affairs. He held that position until 30 June 1860 when he reverted to his old position as Head's private secretary. When Head's term expired in 1861, Pennefather left Canada for Ceylon where he became an Executive Councillor and Auditor General from 1862 until his death in 1865. Douglas Leighton on Pennefather himself remarks: "The picture that results ... is that of a fairly serious, aloof young man with a penchant for making faux pas." See "Richard Theodore Pennefather" by Douglas Leighton, in Dictionary of Canadian Biography, Vol. IX, pp. 627-628.
60. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595. "Copies or Extracts of Correspondence between the Secretary of State for the Colonies and the Governor General of Canada respecting Alterations in the Organization of the Indian Department of Canada," London, 1860. p. 1.
61. PAC, RG10, Vol. 10020, "Order-in-Council", Province of Canada, No. 5, 12 July 1856. This order in council set up the Indian Land Management Fund "... to defray the future expenses of management and control of the lands and other property held by the Crown in Trust for the Indians. A "percentage on sales" (10%) would be levied and invested (at 6%) to the credit of the fund. Indian lands not on the market for sale would be assessed a percentage "in proportion of its probable value". This fund remained in existence until 1 April 1914.
62. PAC, RG10, Vol. 513. In October 1854, as a result of an extensive investigation, Oliphant informed Clench he was being dismissed "in consequence of the gross irregularities of the Land Accounts in your office....".
63. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595. pp. 3-7.
64. Ibid.
65. PAC, RG10, Vol. 209, Civil Secretary's Office Correspondence (No. 7501-7500), Enoch Wood, Supervisor of Methodist Missions, to Colonel Robert Bruce, 22 April 1854.
66. PAC, RG10, Vol. 220, Civil Secretary's Office Correspondence (No. 8601-8700), Rev. W. MacMurray to Viscount Bury, 22 August 1855.
67. The Statutes of Canada (1857). 20 Vic. 3rd Session, 5th Parliament. Toronto, 1857. p. 84. Passage was backed by A.A. Dorion, J.A. Macdonald, G.E. Cartier, W.B. Robinson, and George Brown who all approved of the assimilative approach. (PAC, The Globe, 15 May 1857).
68. Ibid.

69. Ibid.
70. PAC, RG10, Vol. 245, Civil Secretary's Office Correspondence (No. 11401-11600), D. Thorburn to R. Pennefather, 13 October 1858.
71. Ibid.
72. PAC, RG10, Vol. 519, Civil Secretary's Office Letterbook, R. Pennefather to Rev. A. Sickles, 11 November 1858.
73. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595, p. 20.
74. Ibid., p. 21.
75. Province of Canada. Journals of the Legislative Assembly. Sessional Papers, Appendix 21, "Report on the Special Commissioners to investigate Indian Affairs in Canada," Toronto, 1858.
76. Ibid., Part III. The pages of all three sections are not numbered.
77. Ibid. There was a feeling among Imperial and Colonial officials that Native people of the tropics were an inferior race, while those of the more northern zones were almost equals. The New Zealand Maori and the Indians of North America were regarded as possessors of an "ethic" similar to nineteenth-century chivalric concepts. In short, native peoples did not lack intelligence, only character. See Douglas Leighton, "Indian administration in the Province of Canada," p. 5.
78. Ibid.
79. Ibid.
80. Ibid.
81. Ibid.
82. Ibid.
83. Ibid.
84. Ibid.
85. Ibid.
86. Ibid.
87. Ibid.
88. Ibid.
89. Ibid.

90. Ibid.
91. Ibid.
92. Ibid.
93. Ibid.
94. Ibid.
95. Ibid. In 1855, Lord Bury had reported that in the last session of Congress a proposal was made to "organize the country of the Cherokees, Creeks, Choctaws and Chickasaws into a territory or territories, to be represented in Washington like Kansas and Nebraska...". However, the continuing debate over slavery meant that the issue was dropped.
96. Ibid.
97. Ibid.
98. Ibid., Part II; also see Indian conditions chart for Canada West, Appendix B, p. 7.
99. Ibid., Part III.
100. Ibid., Agricultural production figures for the various Indian settlements are included in the band profiles in Appendices A and B. It is impossible to calculate crop yields per acres since only one acreage figure is given for all crops.
101. Ibid.
102. Ibid.
103. PAC, RG10, Vols. 718-719.
104. The Statutes of Canada. 13 and 14 Victoria. Chapter 72, 10 August 1850.
105. The Statutes of Canada. 13 and 14 Victoria. Chapter 42, 10 August 1850.
106. Ibid., p. 1248. The definition comprised the following:
 - First. All persons of Indian blood, reputed to belong to the particular body or tribe of Indians interested in such lands and their descendants.
 - Secondly, All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons.
 - Thirdly. All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such: And

Fourthly. All persons adopted in infancy by such Indians, and residing in the village or upon the lands of such Tribe or Body of Indians and their descendants.

107. Ibid., Part II.
108. Ibid.
109. Ibid.
110. Ibid., Part II - "Industrial schools at Alderville and Mount Elgin".
111. Ibid.
112. Ibid.
113. Ibid.
114. Ibid.
115. J. Leslie, "The Bagot Commission: Developing a corporate memory for the Indian Department," p. 26.
116. See in particular the recommendations of J. Marault, Missionary to the Abenakis, 20 November 1857, Appendix No.6, paragraph 11, "Report of the Special Commissioners to investigate Indian Affairs in Canada," 1858.
117. Ibid.
118. Ibid.
119. Ibid.
120. Great Britain. Parliamentary Papers. House of Commons. Vol. XLIV, No. 595, p. 20.
121. Ibid., pp. 22-3.
122. Ibid., pp. 22
123. J.S. Milloy, "The Era of Civilization - British Policy for the Indians of Canada, 1830-1860." D. Phil. Thesis, Oxford, 1978. p. 326.
124. Ibid., p. 327.
125. Statutes, Province of Canada, 23 Vict. chap. 151. 1860.
126. S.A. Wade, "The transfer of the Indian Department from British to Canadian authorities," M.A. thesis, University of Washington, 1966. p. 41.

127. Ibid., p. 42.
128. In June 1860 the Crown Lands Department assumed control of Indian matters and the Commissioner, P. Vankoughnet, became Chief Superintendent.
129. J.S. Milloy, "The Era of Civilization," p. 280.
130. S.M. Weaver, Making Canadian Indian Policy: The Hidden Agenda, 1969-1970. Toronto, 1981.