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**Golden Lake band Aboriginal title claim  
draft historical report**

[S.l. : s.n.], 1986. 490 p.

Claims and Historical Research Centre: D.111

Ontario from the Trent south of the Waters of the Rice Lake, to the River Credit, the Indians appeared dissatisfied with Capt'n Crawfords purchase or agreement, but what was said I do not recollect. However Sir John Johnson found it necessary to give them some more articles of clothing other than had been given them by Captain Crawford; it therefore appears to me that the tract had actually been purchased, and it appears to be as laid down by the coloured map of the late Deputy Surveyor General David William Smith Esquire. This is all the information my memory at present affords me on this subject.

[Document No. 62]

56. In 1943, J.L. Morris reviewed the correspondence related to purchases and surrenders in Ontario. His interpretation of which lands were purchased by Crawford, and from which Indian Nations, is quoted below. The plan he refers to is indexed as Map No. 9.

The Purchases indicated on the Plan by letters B, B1, and B2, are three separate purchases made by Captain Crawford at British Headquarters at Carleton Island in the east end of Lake Ontario. The parcel marked letter B, reaching from Point Baudet on the north side of Lake St. Francis, up to the mouth of the Gananoque River was purchased from the Iroquois. The parcel marked letter B1 from the mouth of the Gananoque River to the mouth of the Trent River was purchased from the Mississaugas; and the parcel marked B2 from the mouth of the Trent River to Toronto Purchase and back from Lake Ontario to Lake Simcoe and Rice Lake was purchased from the Mississaugas. The Crawford Purchase made October 9th, 1783 was reported to Sir John Johnson then Superintendent-General and Inspector-General for the affairs of the Six Nations and other Indians. "According to your instructions I have purchased from the Mississaugas all the lands from Toniatto or Onagara to the River in the Bay of Quinte within eight leagues of the bottom of the said Bay, including all of the Islands, extending from the lake back as far as a man can travel in a day." "The Chiefs claiming the land at the bottom of the Bay could not be got together at present. I believe their lands can be got nearly on the same terms though this when I see them." "The land below the Fort (Frontenac) was claimed by Old Menas who commonly resides at Canosodauga (Iroquois name for Oka or Lake of Two Mountains). I have agreed for his right with the rest-This man has been of much service to me at this time. Three Onondaga Chiefs lately from Montreal were present and approved much of what the Mississaugas had done. Not a word was said in regard to the Mohawks. If any written obligation is wanted from them let it be sent up and I will get it executed."

Major Ross at Cataraqui reported to Lord Haldimand on November 3rd, 1783, much the same as in Crawfords report to Sir John Johnson. I have concluded that the Crawford purchase from the Mississaugas Oct. 9th, 1783, was from Niagara River to Trent River along the front of Lake Ontario and from Trent River to Gananoque River. Lord Haldimand returned to England in 1784 and it was not until September 23rd, 1787, that a meeting at the Carrying Place opposite to the mouth of the Trent River, took place between the Mississaugas and Honourable Sir John Johnson, Baronet, to make treaty and carry out the purchase agreement made October 9th, 1783 at Carleton Island.

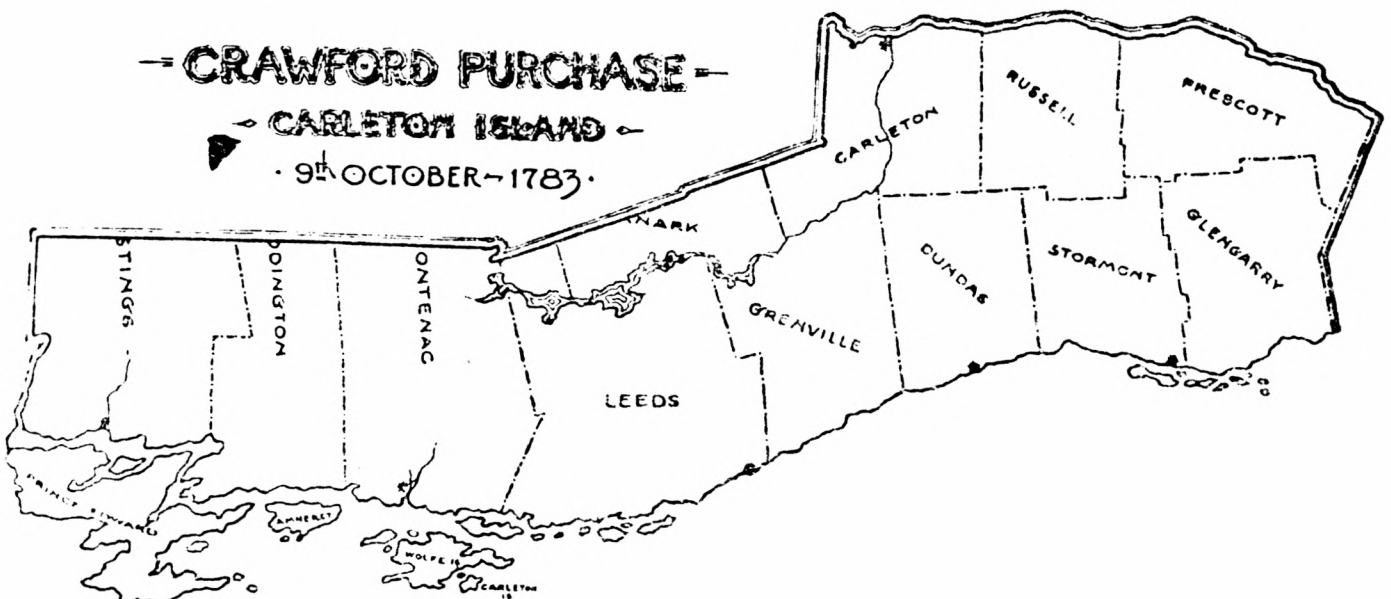
This treaty was signed by John Collins and two others for the Crown and by Wabukanye, Neasc, and Paquan Chiefs of the Mississaga Indians.

By neglect the description of the bounds of the parties to the Treaty and limitations, etc. were omitted from the document, nevertheless, on the first day of August, 1805, a treaty was made between William Claus, Deputy Superintendent-General and Deputy Inspector-General of Indians and their Affairs and Wabukanye and other Mississague Chiefs for what is now called the Toronto Purchase, in which the Indians acknowledged the validity of the Draft Treaty of September 23rd, 1787. There is no record of a treaty having been signed by Algonquin and Iroquois Chiefs, carrying out the agreement made with Major Crawford at Carleton Island for the purchase of the Indian lands from the western boundary of Lower Canada to the Gananoque River, nor from the Gananoque River to the Trent River agreed to by the Mississagas.

As indicated on the compiled plan Letter B includes the Counties of Leeds, Grenville, Dundas, Stormont, and Glengarry, Russell, Prescott, the eastern part of Carleton and the southern part of Lanark; Letter B1 includes the southern portions of the Counties of Hastings, Lennox and Addington, and Frontenac. Letter B2 includes the County of Northumberland, excepting the northeast corner, Durham, the southern part of Ontario, and the east part of York.

[Document No. 482]

57. A contemporary attempt to plot the land covered by the Crawford Purchase is illustrated in the sketch below:



This sketch may be compared to old maps found in archival collections. The following paragraphs describe those maps.

58. A map showing the area purchased by Crawford is in the National Map Collection (see Map 1). Its author is unknown. However, presumably because the map was received from the Cruikshank Estate, the index card reads "in all probability Brigadier Cruikshank compiled the map." A thorough search of the Cruikshank Papers, however, did not yield any further information on the origin of this map.
59. A Lands and Forests map entitled "Map of Part of the north shore of Lake Ontario showing lands surrendered by the Indians", dated 1818-1822, shows the surrenders of 1818 and 1822 superimposed on the townships. No other surrenders or purchases are shown. (See Map No. 5.)
60. "Principal surrenders of Indian Lands in Upper Canada prior to 1840" shows the area supposedly purchased by Crawford and the general area covered by the "Gunshot Treaty" as a single surrender made with the Mississaugas "through Sir John Johnson 1784, confirmed 1787-8". (See Map No. 6.)
61. A map entitled "Plan shewing the different surrenders made by the Indians in Upper Canada to the Crown" dated 1847, shows the area presumed to be the Crawford Purchase as uncaded land. (See Map No. 7.)
62. Similarly, no surrender or purchase in this area is shown on an 1850 map entitled "Map of central Ontario showing the boundaries of the provisional agreements for the purchase of lands from the Indians." (See Map No. 8.)



V. 1791-1798: THE CONSTITUTIONAL ACT AND ALGONQUIN COMPLAINTS  
REGARDING THEIR HUNTING GROUNDS (1791-1798)

63. In 1791 the Constitutional Act divided the Province of Quebec into the provinces of Upper and Lower Canada. The Ottawa River thus became the boundary between the two provinces. In consequence, the residence and hunting grounds of the Algonquins were now located, for the purposes of the Crown's administration thereof, in two separate jurisdictions.

[Document No. 52]

64. In the same year, on July 14, seven Algonquin and twelve Nipissing Chiefs met with Colonel Campbell, Deputy Superintendent of the Indian Department at Québec. They complained of Iroquois incursions into their traditional territory which they held "from their ancestors" and pointed out that they "had not sold their lands above Long Sault"

Our Father

We salute you and ask you to please listen well to what we say; for some time the Iroquois pillage our lands, we have never dared bring our complaints to you for fear of importuning you, but today the said Iroquois seem to want to invade our hunting grounds by wintering there despite us... we feel obliged to lay before you our complaints.

...we ask no more than that each nation hunt on the lands which Nature gave them, it is the only title which we have and it is according to us the most powerful. Do we not have the right to claim lands which we hold from our Ancestors?

...

Our father we also we beg you to tell those who possess lands above Long Sault to live in peace with us as we will tell our young people not to trouble them: Capt. Fortune mistreats us often, he forbids us to fish, forbids us hunting partridge and prevents us from taking wood to warm ourselves, when we are chastised by the wind and the rain; we have decided in Council that we will ask you to observe to Lord Dorchester our Father, that we have not sold our lands above Long Sault, that nevertheless we would not be

opposed that he grant those which are along the Grand river [Ottawa] since that is his wish, but we ask you in grace to not permit that the land which he proposes to grant extend more than forty arpents in depth; we ask more urgently still that he distribute none extending into our rivers since doing so would absolutely deprive us of all the resources on which our very lives depend....Although we can prove no title that those lands belong to us, would one have the cruelty to grab them from us? Have we not always been the peaceful possessors of these lands? Would one want to use force to take lands from us that our fathers handed down to us and that we had hoped to pass on as our children's heritage? No, we cannot believe this (could happen); Until now we have had too much proof of the government's generosity to think this could be their intention.

Names of Nipissing Chiefs

Athienon  
J. Bte. Kitakigonseke  
Ignace Onaskigik  
Jacques Sabitingseh  
Pierre Kaksabitense  
Paul Patoy  
Paul Mangonce  
Misoutaichcasatche  
J. Bte. Pikiky  
Manitoukigik  
Kakiassasiche  
Jacques Sabodgik

Names of Algonquin Chiefs

Chimaganiche  
Franc. Meloyhini  
Ilini  
Abitanagicham  
Olinasin  
Osakaban  
Simon Son of Maauchcasathe

(Translated from original French)

[Document No. 53]

65. The Indians' representations concerning lands along the Ottawa were not forgotten. On March 14, 1794, Lieutenant Governor Simcoe of Upper Canada wrote the following letter to Lord Dorchester, the Governor of Lower Canada, regarding their alienation:

...I beg leave to say that due attention shall be paid that no lands be given away on the Ottawa River till Your Lordship shall communicate with me further on this Subject. It appears to me to be necessary that this Arrangement in respect to what belongs to the Indian Nations and what to His Majesty, be terminated as soon as possible, not only as it respects the general political Interests of His Majesty, but that Individuals from sinister purposes may not sport with the passions of the Indians, and by their particular Influence become injurious to the general progress of the Settlements...

[Document No. 54]

66. Lord Dorchester subsequently met with the "Seven Villages of Lower Canada" at Montreal on August 28 and 29, 1794, in order to discuss various complaints which each group had regarding title to their respective lands. His address to the Indians included the following commitment:

My Children:

It is with much pleasure that I heard you declare yesterday your fidelity and attachment to the King your Father, and that you are ready to fight for him when he should be attacked, and consequently I will trust to those statements.

My Children;

The King your Father renders justice to all his Children and never takes anything from them without paying them its price; if General Haldimand has taken your lands without paying for them, it was by mistake. Rather than taking land from his Indian Children to give to the whites, the King your Father has not only bought lands to give to some of your Nation who suffered during the last War, but has furthermore built houses and other commodities on those lands, as one can see at the Bay of Quinte and the Grand River; some of you have been there and have seen them. Ask the Mississaugas if they have not been paid for all the lands they have abandoned, and if they are not happy.

All that which belonged to the King of France belongs to your present Father the King, but no one can give to another that which does not belong justly to him. that is why if you formerly held the rights to these lands and if you have not been paid, the right belongs to you still.

My Children:

As soon as Sir John Johnson returns I will ask him to conduct an enquiry concerning the rights to those lands, if he doesn't return, I will take other measures to obtain the necessary information.

My Children:

I am delighted to hear that you are not impatient for an answer, because that mitigates against the report that you have been pressed to make the present request by people who are envious of the happiness and prosperity of this country and desire to trouble its peace.

On the principle that the King does not take the lands of one group of his children to give them to another, I cannot now give an answer to your question about the Jesuit's lands. I must first find out who has the right to them.

You have asked for [my] word that these things will not be forgotten. I will give this word in writing, and you can be assured that the King your Father takes more pleasure in rendering Justice to his Children, than they can feel in receiving payment for their lands, you can judge this by his conduct toward the Mississaugas.

My Children:

I cannot send you home without thanking you again for your declaration of fidelity and attachment to the King your Father, and that you are to fight for him as you did in the last war, and I trust that you will not forget it, and I must more particularly thank those who never failed to keep their oath of attachment to the King their Father that they gave last year, and I hope the others will follow so good an example.

(Translated from original French)

[Document No. 55]

67. The following year, on July 26, 1795, A. McKee, the D.S.G.I.A., met with the Chiefs of Caughnawaga and Lake of Two Mountains to hear their renewed complaints. McKee's address to the Indians followed up on Dorchester's commitment.

. . .

Children:

The Superintendent General and Inspector General of Indian Affairs Sir John Johnson Bar't. not having yet arrived from England as was expected when your Father Lord Dorchester spoke to you on the 28th and 29th of August last, with regard to claims you stated to Lands now settled by Loyalists from Point au Bodet\* to Kingston, he has directed me to make every possible enquiry to guide his judgment in a decision of such consequence, and I shall most cheerfully and faithfully lay before him, all the information which I can obtain, that Justice may be done.

And in order that I may be fully acquainted with the business, I shall expect you, now, to inform me of the nature of your claims to these Lands, how you became originally possessed of them and at what time- When you have done that I shall make a faithful report of what you say to Lord Dorchester and also of all other information I can procure on the subject (during the short time which the important concerns of your Brethren to the westward will permit me to remain here) that His Lordship may be thereby enabled to direct, such further enquiry's as he may think proper before he finally decides on these claims of his Indian Children.

[Document No. 57]

\*Point au Bodet is located at Lake St. Francis]



68. On the same day, the Indians replied as follows:

My Father,

We the Chiefs of the Seven Villages, we beg you in the name of the warriors, the women and children here, and for their future, to permit us to claim the lands from the Seignory of Longeuil north and south up to Kingston following the division that was made of it by our ancestors;

When the King of France who was our Father came to establish himself on our lands, he came in a friendly manner and our ancestors received him with joy and gave him what the Master of Life had delivered to us; we ask you to observe that we have never been conquered by the French, that on the contrary we have always been the protectors of the white skins even against the Indian nations.

After a certain time of residence, Mr. De Frontenague, Governor, gathered the Indians in Council at Pointe-a-Calier, and told them:

My Children, my arm is not long enough to give you my hand, nor even (sic to assist) your needs in your villages; But I believe you will accept with pleasure that I build three forts, one at Cadaracqui, one at Niagara, and the other one at the Detroit, where you will find the necessities you require without my discoursing further on your rights; then the forts were built with the consent of the nations, and then several Canadian explorers from the Detroit side made friends with the Indians, and obtained from them lands, and got titles from the said Indians.

We see with pleasure that the Government has paid the Mississaugas for the lands at the bottom [sic far end] of Lake Ontario, even though they are not originally from that area, since they are originally Têtes de Boules.

Did Sir William Johnson not buy lands from the Six Nations, which he paid for to the different villages in that area, (but) certainly without our having received our share of the proceeds of those sales?

The Hurons of Detroit did with their lands what they wished even though they are originally from the Bay of Quinte.

Will we be the only Indians who find ourselves without possessions; if that is so, why has General Haldimand offered payment to us for a part of those lands?

My Father,

You have asked us to prove how these lands belong to us; the best proof that we can give is that God created us on these lands.

When our Father the Red Coat conquered the King of France, we joined General Lamerse at La Galette, (and) he told us through the mouth of Sir William Johnson that he had the King's order to let us enjoy our lands peaceably, and our hunting grounds.

Our Father Lord Dorchester told us in 1775 to take arms against the Americans to conserve those same lands, which we did with distinction. Furthermore, our Father, will you be the only one who can be ignorant of our rights? Inquire of the other Indian nations if it is not the truth. Those same Americans against whom we made war consent to pay us for lands which belong to us on their side.

Finally, our Father, in the assurance that you will do us justice and that you do not intend to let us sink into the ultimate depths of misery, we will not cease to pray to the Supreme Being to conserve you.

(Translated from the original French)

[Document No. 58]

69. Shortly thereafter, on July 28, 1795, McKee sent a report on the conference to Captain James Green, Military Secretary. He set out the complaints of the Caughnawagas and added the following comments regarding the other Indians in attendance:

. . . .

Some of the Chiefs of the Lake of the two Mountains, were also present but said they were not prepared to state their claims until they returned to their Villages & held a Council with their people.

. . . .

[Document No. 59A]

It is not known whether the Algonquins were present at these proceedings.

70. In the following years, the Algonquins and Nipissings continued to assert their interest in the lands in the Ottawa Valley. For example, on July 19, 1798, five Algonquin and six Nipissing Chiefs held a Council with Sir John Johnson, the S.G.I.A: In their representations to him, the Chiefs distinguished clearly between the lands they claimed and the lands the government had purchased from the Mississaugas.

My Father

We thank the Master of Life to find you in perfect health as well as your Family. This is the first time that your children the Algonquins and Nipissings come to speak with you, we ask you to listen to what we have to say we come to speak to you for our lands that have been taken on both sides of the grand river [the Ottawa River] to the right and left; some years ago we came to find Governor Carleton to complain to him that our lands were being taken; we spoke to him with a belt of wampum, and the map of our lands, he seemed surprised to hear us complain, and he told us that he thought that our lands had been paid for and told us also that the King never took the land of his children without paying for them; My children I can do nothing alone, your Father Sir John Johnson has gone into Upper Canada to see his Indian children, I will write him and put down my way of thinking, my letter will be given to him on his return from Upper Canada, and your map and your belt, and if you have not been paid for your lands, he will pay you.

They then reiterated a former request:

My Father, you are always the master of taking our lands, but we beg you to not take more than forty arpents deep from the edge of the water; at least we will have the back lands for our hunting; since that time we have never received any reply and it is thought my Father, that our Belt and our Map are Lost, that you have never seen them, that is why today we come to find you and we see, in seeing you, the representative of the King Our Father, and we place the map of our lands in your hands and we hope you will consider it and that you will have pity of your Algonquin and Nipissing children, because my Father, since the world is the world, it is the master of Life who gave us these lands so that our families might live and survive.

My Father, we hope that you will do for us as you have done for your Indian children the Mississaugas, that you will pay us for our lands. We have found a good Father in finding you. You have a good heart; For you take good care of your Indian children; that is why we hope you will have pity on us, and that you will take into consideration our representations; our lands are infertile, we have almost no more game, the animals have fled; we find but little for our families to survive on.

Names of Algonguin Chiefs

Constant First Chief  
Wabisi  
Pikican  
Sapique  
Ilini

Names of Nipissing Chiefs

Naskyiquie First Chief  
Paul Patois  
Accainon  
Gagorasoai  
Waboygic

[Document No. 60]

VI. THE MISSISSAUGA SURRENDERS OF 1816 AND 1819

71. In 1816 and 1819 the Mississaugas consented to two further land surrenders. The latter cession covered another portion of the lands involved in this claim. In preparation for these surrenders the government consulted with the Mississaugas. The following letter from John Ferguson, Resident for Indian Affairs at Kingston, to William Claus, the S.G.I.A., dated March 8, 1816, outlines the questions he discussed with two Principal men concerning the area which was to be included the surrender of 1819.

Upon receipt of your order of the 22nd ulto, the Indians were immediately sent for; the two Principals came. After making the communication as you directed, their answer was That there would be no interruption on their parts, either as to the surveying or immediately settling the Lands in question; that they cannot say to a certainty whether these lands were purchased formerly, or not, but they are of opinion they were not: And that no other Indians than themselves (the Missaugas) have any claim to them, that the claims of the Nipissings and Algonquins do not cross the Ottawa River. They were informed that in the event of its proving that these lands have not already been purchased and paid for, they will be remunerated by the Government, with which they appear to be perfectly satisfied. There are but very few of them, so that the expense will not be very great.

Ferguson then describes the lands included in the Crawford Purchase of "1783 or 4" and in the 1787 so-called "Gunshot Treaty", as he remembers them. He concludes that the lands it was proposed to surrender "appear" to have already been purchased:

... It therefore appears to me that the tract has actually been purchased, and it appears to be as laid down by the colour map of the late Deputy Surveyor General David William Smith Esquire. This is all the information my memory at present affords me on this subject.

[Document No. 62]

It is not entirely clear from Ferguson's description where the lands in question were located.



72. On August 5, 1816, the principal chiefs of the Mississauga Nation surrendered some four hundred acres at the mouth of the River Moira on the Bay of Quinte, described as follows:

... all that parcel or tract of land situate and lying in the Township of Thurlow, in the Midland District of the Province of Upper Canada, and fronting upon the Bay of Quinte at the mouth of the River Moira, and containing by estimation four hundred and twenty-eight acres be the same more or less, which said four hundred and twenty-eight acres of land are butted and bounded or may be otherwise known as follows, that is to say: Commencing on the north shore of the Bay of Quinte at the south-west angle of lot number five in front in the Township of Thurlow; then north sixteen degrees west two hundred and forty-five chains twenty-seven links, may the same be more or less, to the allowance for road in front of the third concession in the said township; then south seventy-four degrees west eighteen chains fifty links, more or less, to the limit between lot number four and three; then south sixteen degrees to the waters of the Bay of Quinte at the mouth of the River Moira; then along the water's edge, following the several courses thereof with the stream, to the place of beginning.

[Document No. 63A]

73. On May 31, 1819, the Mississauga Indians entered into a provisional surrender agreement with the Crown for the following tract of land:

... Commencing at the north-west angle of the Township of Rawdon; thence along the division line between the Midland District and the District of New Castle, north sixteen degrees west thirty-three miles; then north seventy-four degrees east sixty-one miles, more or less, to a division line produced north sixteen degrees west from the north-east angle of the Township of Bedford; then north sixteen degrees to the Ottawa or Grand River; then down the said river to the north-west angle of Township of Nepean; then south sixteen degrees east fifteen miles, more or less, to the north-east angle of the Township of Marlborough; then south fifty-four degrees west to north-west angle of the Township of Crosby; then south seventy-four degrees west sixty-one miles, more or less, to the place of beginning; containing two millions seven hundred and forty-eight thousand acres more or less...

[Document No. 64A]



Source: NMC 35557; see Map 5 in document collection and cf. para 75a)

74. Over three years later, on November 28, 1822, the above-noted provisional surrender agreement between the Mississauga Indians and the Crown was confirmed:

...NOW THIS INDENTURE, Witnesseth, that in pursuance of the said agreement, and as well in consideration of the said annuity of two pounds and ten shillings, payable in merchandise at the Montreal price, during the life of each annuitant, to each man, woman or child of the said Mississagua Nation of Indians, who at the time of entering into the said agreement claimed and were inhabiting the tract of land hereinafter described and intended to be hereby surrendered to His said Majesty, and to their posterity for ever as aforesaid, as of the sum of five shillings of lawful money of the Province aforesaid to each

of them the said Nawacamigo, Anteniwayway, Kabratsiwaybyebe, Wabakeek, Shewitagan, Kotanche, Nawakescom, Shawandais, Kiwaishe, Nibinowinin, Kakekijick, Papewaun, Wabekenense, Naganseway, Ketchegam, Kamenjonweney, Shebeshe, Nacawagan and Wadasek, in hand well and truly paid by His said Majesty, at or before the sealing and delivery of these presents, the receipt whereof the said Nawacamigo, Anteniwayway, Kabratsiwaybyebe, Wabakeek, Shewitagan, Kotanche, Nawakescom, Shawandais, Kiwaishe, Nibinowinin, Kakekijick, Papewaun, Wabekenense, Naganseway, Ketchegam, Kamenjonwency, Shebeshe, Nacawagan and Wabasek do hereby acknowledge: they the said Nawacamigo, Anteniwayway, Kabratsiwaybyebe, Wabakeek, Shewitagan, Kotanche, Nawakescom, Shawandais, Kiwaishe, Nibinowinin, Kakekijick, Papewaun, Wabekenense, Naganseway, Ketchegam, Kamenjonweney, Shebeshe, Nacawagan and Wabasek have and each of them hath granted, bargained, sold, released, surrendered, and for ever yielded up, and by these presents do and each of them doth grant, bargain, sell, release, surrender and for ever yield up unto His said Majesty, His heirs and successors, all that parcel or tract of land situate, lying and being in the Midland and Johnstown Districts of the Province aforesaid, containing by admeasurement two million seven hundred and forty-eight thousand acres, be the same more or less, which said parcel or tract of land is butted and bounded, or may be otherwise known as follows, that is to say: Commencing at the north-west angle of the Township of Rawdon; then along the division line between the Midland and Newcastle Districts north sixteen degrees west thirty-three miles; then north seventy-four degrees east sixty-one miles, more or less, to a division line produced north sixteen degrees west from the north-east angle of the Township of Bedford; then north sixteen degrees west to the Ottawa or Grand River; then down the said river to the north-west angle of the Township of Nepean; then south sixteen degrees east fifteen miles, more or less, to the north-east angle of the Township of Marlborough; then south fifty-four degrees west to the north-west angle of the Township of Crosby; then south seventy-four degrees west sixty-one miles, more or less, to the place of beginning; together with all woods and waters thereon, and all and singular the rights, privileges, easements, benefits and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereto belonging, or in any wise appertaining; and all the estate, right, title, trust, interest, use, claim and demand whatsoever, both at law and in equity, of the said Mississauga Nation of Indians inhabiting and claiming the said parcel or tract of land.

[Document No. 69]

75. A number of the 19th century maps illustrating Indian land surrenders in Ontario show various Mississauga surrenders. The information they provide, however, is not entirely consistent.

- A) An 1818-1822 map shows the 1819 surrender (confirmed 1822) as the treaty 27 described in Indian Treaties and Surrenders. It also shows an 1818 surrender which matches the description of Treaty No. 20, a surrender by the Chippewas, of lands bordering on Lake Simcoe and encompassing Rice and Scugog Lakes. The legend on this map, however, does not specify from which group of Indians the surrenders shown were taken.

[Map No. 5]

- B) A later map, undated, and entitled "Principal Surrenders of Indian Lands Prior to 1840", does indicate the tribe surrendering. It shows the same area for treaty 27 with the Mississaugas as Map No. 5. However, Treaty 20 (Chippewas-1818) is said to have been made with the Mississaugas. Two earlier cessions from the Mississaguas are also illustrated on this map. The first is described "By treaty through Sir William Johnson, 1764" and the second, which includes the general area of the Crawford Purchase and the Gunshot treaty, is described as "Through Sir John Johnson, 1784 confirmed 1787-8"

[Map No. 6]

- C) An 1847 map shows only two surrenders, (one in 1818 and one in 1819, in the area of southeastern Ontario. The 1818 surrender is said to have been taken from the Mississaguas. The west boundary of the 1819 (confirmed 1822) surrender is different from that shown on maps 5 and 6, appearing to enclose more land in the northwest.

[Map No. 7]



- D) An 1850 map shows both the 1819 (confirmed 1822) surrender as most usually drawn, and the earlier 1818 surrender. No other surrenders are shown in Southeastern Ontario.

[Map No. 8]

VII. THE ALGONQUIN AND NIPISSING PETITIONS IN THE 1820'S CONCERNING  
THEIR LANDS

76. In the same period when the Mississaugas were treating with the officers of the Crown in Upper Canada to surrender the lands they claimed in Southeastern Ontario, the Algonquins were voicing their land concerns to the Governor of Lower Canada. On September 2, 1820, several Algonquin and Nipissing Chiefs of the Lake of Two Mountains addressed the following petition to Lord Dalhousie:

That the number of settlements growing considerably for several years in the places where they were accustomed to hunt, and the game becoming distant as a result of these new habitations, the petitioners find themselves in great need, which can only increase from day to day by this use of their lands on which they do their hunting.

That in the last war with America, after having given several times unequivocal proof of their entire devotion and of their sincere attachment to His Majesty, His Excellency Governor Prevost promised them that in remuneration for their services, and to reward the valour and exploits of their young men in different engagements, he would accord them lands on which they might support their families being the only ones of all the Indian villages deprived of that advantage.

That by a Proclamation of the seventh of October Seventeen Hundred and Sixty-Three, the Government accorded them exclusively their hunting grounds.

That formerly Governor Carleton gave them all the islands in the Ottawa River from the Isle aux Tourtes where their old village was situated, up to Lake Nipissing; but until this day, though their ownership of these islands is not disputed, they have been unable to exploit them because they have not yet got the titles.

Filled with confidence then in the paternal goodness of His Majesty toward them, they dare to take the liberty to approach Your Lordship and to ask of him the titles and patents for the aforementioned islands which are unpatented, as well as such other lands which Your Lordship will be pleased to accord them for their hunting.

And for that favour they will not cease to wish for Your Lordship's preservation, and they will endeavour with new ardour on all occasions when His Majesty will be pleased to employ them, to bear witness to Him of their attachment.

Laurent Kisinsick  
First Nipissing Chief

Pierre Louis Constant Pinincy  
First Algonquin Chief

Jn. Bte. Schnagmichique  
2nd Chief

Bernard Wabonad  
3rd Chief

Amable Chevallier  
4th Chief

Certified and witnessed in the presence of the undersigned witnesses at the Lake of Two Mountains this 2d September, 1820

D. Ducharme  
Barnet Lyons I. Dept.

(translated from the original French)

[Document No. 65]

77. On February 9, 1821, Sir John Johnson forwarded this petition to Colonel Darling, the Military Secretary responsible for Indian Affairs in Lower Canada, together with the following comments:

While up at Argenteuil a Deputation of the Algonquin and Nipissing Nations waited on me with the Petition which I now have the honour to enclose, and to request you will lay before His Excellency Lord Dalhousie for his Consideration, and pleasure thereon. This to be Accompanied by a Map Drawn out by themselves of their Native Country, on which they have Described the Parts they wish to Obtain a Grant of, and I have no doubt they would be Satisfied with that part described near to Lake Nipissing -.

I beg leave to Observe that their conduct from my Arrival in this Province in The Month of June 1776, and during The Whole of the Revolutionary War, and that of the late American War, Was such as to entitle them to every mark of favour and distinction, having never wanted to swerve in a single Instance from that strong and faithful Attachment to His Majesty's Person and Government, they so early, and so Unequivocally evinced at the Commencement of the American Revolution.

[Document No. 66A]

The map which accompanied the petition has not been located.

78. On August 5, 1822, Colonel Darling replied negatively to Johnson since the Algonquin/Nipissing request was incompatible with the government's policy of insuring the equal access of all tribes to the hunting grounds along the Ottawa River. He thus informed Johnson that Lord Dalhousie was not disposed to grant the lands to any specific group of Indians:

I have to acknowledge the receipt of your letter of the 26th Ulto. from Mount Johnson, together with the Petition of the Algonquin and Nipissing Indians, of the Lake of Two Mountains, who pray for a Grant of one of three certain

tracts of Land, marked out on a Plan, which they presented with the Petition - Having Submitted these papers to the Commander of the Forces, I have the honor to acquaint you, in answer to the Petition in question as well as with reference to your Communication of the 9th of February 1821, on the same subject, that His Lordship had not omitted to give due consideration to the request of these Indians, as preferred on the former occasion; the importance of which, he had the most favourable opportunity of appreciating, by the Tour which he made last year, from Lake Huron, by Lake Nipissing, to the Ottawa:---The result of His Lordship's opinion on this question, which he considers of material importance, not only to these Indians, but as regards the general system of Government, in protecting equally all the Indian Nations who bear allegiance to the King, and live under his paternal care, is, that he cannot grant a specific tract of Country, however remote, to any particular tribe, or nation of Indians that the Whole of these widely extended regions, ought to be open to all those, who chose to hunt, in the yet unsettled & uninhabited parts of them.

They are equally free to the Algonquin, and the Iroquois, the Huron, and the Nipissing; who will always receive from His Lordship that impartial protection which His Majesty requires to be extended equally to all his Indian Children.

[Document No. 67]

79. It would appear that the Indians were not satisfied with this response for, on August 25, 1824, Sir John Johnson apparently forwarded another petition on the matter to Colonel Darling:

I have the honor of transmitting to you herewith a Petition addressed to me, sometime ago, by the Chiefs of the Algonquin, and Nipissingue Tribes of Indians, residing at the Lake of the Two Mountains.

As the substance of this Petition has been already submitted to the Commander of the Forces, and His Lordships decision thereon having been communicated to me, in your letter of the 5th of August 1822, I have been hitherto deterred from forwarding it, But, I am now induced, at the urgent request of the Chiefs to beg that you will be pleased to lay it before His Excellency the Major General Commanding - and I have only to add, that from the experience of many years, I can, with confidence, recommend these Indians, as deserving of every considerations

[Document No. 71]

The actual petition could not be located.

80. Subsequently, on October 29, 1824, Captain J.M. LaMothe of the Indian Department forwarded the following information to A.K. Johnson, Secretary of Indian Affairs, regarding the land claims of the Algonquins and Nipissings:



I have the Honour to transmit you for the Information of the Honble. Sir John Johnson, Superintendent General of Indian Affairs, a Map of the Tract of Country claimed by the Algonquin and Nepissingue Indians as their Hunting grounds with a Memorandum explaining the extent thereof I also transmit the copy of the Proclamation of Sir William Johnson in 1763---and Copies of the Proceedings of two Councils of Said Algonquin and Nepissingues dated 14 July 1791 & 19th July 1798, which have also reference to the Said Hunting Grounds, which is all the Information I have been Enabled to obtain regarding these lands.

[Document No. 72]

(The proceedings of the councils mentioned above were set out in this report in paragraphs 64 and 70 respectively.)

81. Attached to the letter was the following "Memorandum to accompany the Indian Chart of the Ottawa River:"

The Algonquin and Nepissingue Tribes have from time immemorial occupied as hunting grounds the Lands on both sides of the Ottawa and little Rivers as far as Lake Nepissingue; that is to say both banks of the Ottawa and of the Matawangu River (called by the Voyageurs the little River) to the height of land dividing the Waters of Lake Nepissingue from those of the said little River; as also the Countries Watered by all the streams falling into the said Ottawa and little Rivers, North and south to their sources. This tract is bounded to the southward by a Ridge dividing the waters which fall into the lakes and into the St. Lawrence from those falling to the Northward and into the Ottawa River.

The computed distance from the Township of Hawkesbury (Pointe D'Orignal) to Lake Nepissingue by Canoe Navigation is 117 leagues, of which the Ottawa River forms 100 to Matawangu where it is joined by the Little River. The settlements extend at present to near one third of the distance.

These are the Hunting grounds which the two Tribes of Nepissingue & Algonquins conceive they have a right to occupy as such in consequence of their being so long in possession and having been as they conceive further confirmed to them by the act of their father Sir William Johnson in 1763: Settlements have been formed on a very considerable part of their lands, without their having received any compensation for the same, which they are informed is not the case in regard to other tribes whose lands are required by the Government for Settlement.

The Chart of the lands in question which this accompanies has been made by the Indians, and merely Copied and corrected as to relative distances by a Draftsman.

Note

Distance from Hawkesbury to Lake Nepissingue-----117

Extent of the settlement on the Ottawa River-----27  
from Hawkesbury \_\_\_\_\_

Remain 90 leagues

(The length of the Ottawa River to the Temiscamingue River is 100 leagues\* and the Temiscamingue River begins at the junction of the little River with the Ottawa at Matawangué.)

[Document No. 72]

The chart referred to in the memorandum has not been located.

82. On November 5, 1824, Sir John Johnson forwarded Captain LaMothe's memorandum to Colonel Darling, together with the following analysis of the situation:

I would have replied to your Letter of the 28th of September at an earlier period, but I could not sooner obtain the necessary information, in consequence of the absence of the Algonquin, and Nipissingue, Indians, who had departed for Their Hunting Grounds before Your Letter was received.

I have now the honour to transmit to you a copy of a communication received from Captain LaMothe of the Indian Department, together with Copies of the Papers referred to by Him, and a Plan of the Grand River, Shewing the Extent of Country originally claimed by the Algonquin, and Nepissingue, Indians as Hunting Grounds.

By His Majesty's Proclamation Dated the 7th October 1763, a copy of which is herewith enclosed, you will find that it is expressly Provided that the Indians shall not, under any Pretense whatever, be deprived of the Lands claimed by Them; unless they should be inclined to dispose of Them, in which case They are to be Purchased for the Crown only, and at some Public Meeting to be Held for that purpose.

Notwithstanding which, Extensive Grants have been made of the Territory claimed by the Algonquin, and Nepissingue Indians, without any compensation whatever being made to Them, although in all cases where Lands claimed by other tribes are required by Government, they have been Purchased at a Stipulated Price, or some other compensation made to the Indians in Obedience to His Majesty's Commands.

The Algonquin, and Nipissingue, Indians, unlike the other Tribes in Lower Canada, do not Possess any Land from which a Revenue is derived, and have heretofore depended upon their Hunting for Support. And although they have not failed to view the Progressive Settlement of

---

\*A league is about three miles

Their Hunting Grounds as a Breach of His Majesty's Proclamation, They for several years abstained from making any representation on the subject; but finding of late that the Settlement of the Country, and the indiscriminate, and injudicious destruction, by the Settlers, of the Beaver, and other Animals, from which the most valuable Furs are obtained is likely soon to deprive Them of the means by which They have hitherto supported their Families, They very naturally solicited the interference of the Government.

Your letter of the 5th of August 1822, in answer to Their former Application, was to Them a source of much surprize, and dissatisfaction---In that Letter Their Request was not only refused, but They were informed that the other Tribes have an equal Right with Themselves to Hunt upon those lands which for ages have been reserved for Their use only -

Upon this subject, I deem it proper to observe to you, that the Hunting Grounds of the various Tribes of Indians Inhabiting these Provinces were originally defined among themselves, and the Boundaries of each Tract perfectly understood by Them. Any encroachment by one Tribe upon the Lands allotted for the use of another, is viewed by Them in precisely the same light, as is, the Invasion of one Civilized State by another, and would occasion Hostility between Them, and I have reason to apprehend that should any of the other Tribes, upon the Authority of Your Letter, encroach upon the Hunting Grounds of these Indians, They will avail Themselves of that Power which Providence has given Them to resist such an attempt and it is very probable that if something is not done on the part of the Government to prevent the Settlers on the Grand River from Hunting upon the unoccupied Lands claimed by these Indians, some Lives will ere long be sacrificed.

By the accompanying Plan, you will perceive that the Territory claimed by the Algonquin and Nipissingue, Indians, includes a considerable Portion of Settled Country; these Indians do not however ask, or expect, that what is already Granted will be restored to Them; All that They at present desire, is, that Government will secure to Them, by a written Instrument, the Exclusive Privilege of Hunting upon such Parts of the Tract claimed by Them, as are now unoccupied. That a Proclamation may be Issued Forbidding all Persons from encroaching Thereon and that in the Event of further Settlement of Their Lands, They may be compensated for the same, in such manner as will enable them to Support Their Families.

It appears to me that a due regard to Justice, and to the Benevolent Intentions of His late Majesty, as set forth in the aforementioned Proclamation, render a compliance with Their request both reasonable, and expedient; and when it is remembered that these Indians have been always distinguished for Their Loyalty, and general good Conduct, especially during the American Rebellion, when Their attachment to His Majesty's cause was most Conspicuous, I trust that the countenance and Protection of Government will be extended to Them in such a manner as may convince Them that Their good conduct and Services are not forgotten.

I beg leave to enclose herewith a copy of an "Ordonnance" Issued in the year 1750 by the Marquis De La Jonquiere, at that time commanding in this country, which relates to the Encroachments of the Inhabitants upon a certain Tract of land reserved as Hunting Grounds for the Abenakis Indians of St. Francois, and Forbids Them from encroaching Thereon for the future---something of the Same Kind would, I conceive, answer in the present Case, Forbidding all Persons from Hunting, or in any manner Trespassing upon the Lands claimed by the Algonquin and Nipissingue Indians, and reserved to Their use as Hunting Grounds by His Majesty's Proclamation of 1763---and I request that you will be pleased to submit the same for the consideration of His Excellency the Major General Commanding the Forces.

[Document No. 73]

Johnson's description of the land claimed by the Algonquins and Nipissings appears to have been based on his long acquaintance with their claim.\* The plan referred to in the text (like the sketch mentioned in Document 74) has not been found, and therefore the area of overlap cannot be determined.

83. There is no indication in the records that Sir John Johnson's suggestions referred to above were acted upon at this time. The Algonquins and Nipissings thus drafted another petition on 5 December, 1826, and their marks on this document were certified by an affidavit dated 19 February, 1827. In this document they again requested compensation for the lands taken from them by the government - an area they estimated to be one-third of their hunting grounds on the Ottawa River, between Hawkesbury and Lake Nipissing:

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\*See documents 19 (note on notice), 4, 5, 8, 6, 34, 60, 66, 71.

That about one third of Your Petitioner's hunting lands had been taken within a few years by Government and laid out in Townships for the settlement of the Whites and no compensation whatever has been made to your Petitioners for the same. —

That, they foresee, that the remainder of their lands will soon be taken away from them for the same purpose, without compensation, and they - your Excellency that in such case they will become quite destitute and deprived of all means of supporting their families, having no other property that they can call their own.

That the Indian Tribes of Upper Canada have been always indemnified for their lands, when taken away by Government for Settlement purposes and Your petitioners are quite confident, that your Excellency will be pleased to treat them as favourably, and with the same consideration as their Indian tribes of Upper Canada are accustomed to from the Government of the Province.

Wherefore Your Petitioners; fully relying on the Justice and munificence of Your Excellency humbly pray, that your Excellency may be pleased to appoint one or more Commissioners, to ascertain what extent of lands has been actually taken from them and to fix the amount of indemnity which your Petitioners are entitled to receive for that part of their hunting lands thus taken away for the settlement of the Whites, or that will be taken hereafter by the Government for the same or any other purposes, should Your Excellency think proper to indemnify your Petitioners for their land agreeable to the report which the Commissioners shall make upon their claims and may be pleased also to cause such compensation or indemnity to be made to your Petitioners in such a manner as Your Excellency shall in your wisdom conceive to be most convenient for the relief of Your Petitioners.

[Document No. 75A]

84. On February 28, 1827, Colonel D.C. Napier, the "Right Arm" [assistant] to the Military Secretary, advised Darling of the Algonquin and Nipissings' petition.

At the earnest request of the Grand Chiefs of the Algonquin and Nipissingue Indians, I beg leave to Submit for your favourable consideration the Accompanying Petition from the Tribes whom they represent, praying, that the Commander of the Forces may be pleased to institute farther inquiry respecting their Land Claims, which have been already before His Lordship, And that Commissioners may be Appointed to investigate and report upon the same, and to determine the amount of Compensation to the Petitioners for the proportion of Land, which shall appear to have been taken from them by the Government, or that may hereafter be required for the purposes of Settlement, upon the principle laid down in His Late Majesty's Proclamation of the 7th October 1763.



I am also requested by these Chiefs to solicit for them Your protection and support on the present occasion and to express their belief, that thro' your intercession their Claims will be speedily recognized and satisfied provided they are found to merit the consideration of their Great Father.

From the Uniform practice of the Government of Upper Canada, in the like Cases, and the pledge contained in the Royal Proclamation before mentioned, (an extract from which is enclosed.) the Petitioners consider themselves equally entitled to indemnity with the Other Tribes of Indians, whose Hunting Grounds have been taken by His Majesty's Government in that Province for Similar purposes.

[Document No. 76]

VIII. THE DISPUTES OVER HUNTING TERRITORIES CLAIMED BY THE ALGONQUINS:  
1827-1829 AND THE GOVERNMENT'S EQUAL ACCESS TO, AND PROTECTION  
OF, THE HUNTING GROUNDS

85. On June 11, 1827, James Givens, the Superintendent of Indian Affairs in Upper Canada, met with several Mississauga Chiefs who were alleging incursions into their territory by the Indians of Caughnawaga and Lake of the Two Mountains. The following record of the proceedings was forwarded to Major General Darling under a covering letter dated June 13, 1827. (Document No. 78).

Father, Patache a Chief spoke to the following Effect, During the life time of Col. Claus, we were directed to Communicate to him through the Superintendent at this Post any Complaint or Grievance under which we Laboured.

Father,- We have therefore now to State that Our Brothers of Caughnawaga and of the Lakes of the Two Mountains, having exhausted their own hunting Grounds are encroaching on Ours and destroying the Beaver.-

Father,- During Col. Claus's life time we had a Father with whom we Could Communicate and now we have equal Confidence in you in the hope of having Our Brethren put under a proper Restraint, especially as they say that by the Laws of Lower Canada, they do not look on us as Indians and that we do not possess, nor would they allow us to claim any portion of Land and that every man of them will Come on Our Lands, that we may do our worst and that if we wished to go to War, they were Ready also.-

Father, The Traders advised us to Call on you to prevent the effusion of blood and to redress the grievance of which we Complain.

Father- We have also to Complain of a Number of White people who trespass On Our Lands.-

Father- The Principal Chief of the Mud Lakes District is dead, and we wish to Revive the Chieftanship in the person of his son.-

Father- We have said all we have to say: We now wish to know when we may expect to Receive our Presents.-

Reply

Children I am happy to see you, your Words have been taken down and shall be Communicated to your Great Father. I cannot inform you, at what period you will Receive your Presents, but you will be made acquainted therewith in due time as also of such Answer as may be received from your Great Father on the subject of your complaint.-

[Document No. 77B]

86. The Mississauga complaints were immediately drawn to the attention of Lt. Colonel Napier, who informed Darling on July 21 that he intended to discuss them with the Indians of Lower Canada:

I have the honour to Acknowledge the receipt of your Letter of the 14th instant, transmitting for my information and Guidance the Copy of a Letter which You had on that Day Addressed to Lieut. Colonel Givens, with a Copy of a Minute of His Majesty's Executive Council of the 21 March last, relative to the Claim Set up by Some of the Indian Tribes to the exclusive Right of Fishing and Hunting on Certain Tracts of Land Claimed as their own - Also enclosing for my perusal Colonel Givens's Letter of the 13 June with the Proceedings of a Council held with the Mississauga Indians of the Rice Lakes, Mud Lakes and Crow Rivers.-

In obedience to your directions on the subject of the above mentioned Papers I shall take the earliest Opportunity to explain to the Iroquois of Caughnawaga, and to the whole of the Indians in this District, in the Clearest and Strongest Manner, that any attempts on their part to disturb or molest any other Tribe under the Protection of their Great Father in Either Province, or to resort or punish by Personal Violence any Supposed Act of Intrusion or trespass by any other Indian or White Person on their Lands, will Subject the offending Parties to the utmost penalty of the Law, besides the total discontinuance of His Majesty's further Bounty to the Whole Tribe.-

Having taken a Copy of Colonel Givens's Letter of the 13th Ultio, and of its' Enclosure, I beg leave to return the Originals Agreeably to your desire.-

[Document No. 81]

87. The next day, as promised, Napier met with the Iroquois at Caughnawaga to deal with the Mississauga complaints. While it is not clear whether any of the hunting grounds in dispute at this time are part of the lands involved in this claim, the following reply of the Iroquois chiefs to the complaint provides information about the Algonquin/Nipissing hunting grounds:

The Chiefs replied as follows:

That there were only 3 Individuals of their Tribe employed in Hunting during the last year and that these men Confined their excursions to the Ottawa Branch of the Matawaska River and to the bank of the latter River which has been always Considered to belong to the Algonquins & Nipissingues of Lake of 2 Mts.-

The Chiefs also declare that they know nothing whatever of the threats Attributed them by Mississaugas, but as 2 of the 3 Indians mentioned in the foregoing paragraph are still absent, they are of course ignorant of what may have taken place between these men and the Mississauga Indians. The Iroquois Chiefs further stated that they have heard of a Council which took place not long Since between the Iroquois of the Lake of 2 Mts. & the Mississaugas, and have been told. That the many differences between these Nations were fully & Amicably arranged at that meeting - they concluded by assuring the RA [Right Arm] of that they know nothing further of the Subject of the late Council with the Mississaugas.-

The RA afterwards explained to their Chiefs in the clearest manner (the desire of his Lordship the Comm of the Forces)\* that the Chiefs present unanimously expressed their intention to enforce obedience to these Orders & to the Law in all future Cases in which any Individual of their Tribe may be Concerned as well towards Indians as White Persons.-

The following insert in quotation marks appears at the bottom of the page.

any attempt on the part of the Iroquois Indians to disturb or Molest any other Tribe under the protection of their Common Father in either Province or to resort or punish by Personal Violence any Supposed Act of intrusion or trespass by any other Indian or White Person will subject the offending Parties to the upmost penalty of the Law besides the total discontinuance His Majestys further Bounty to the Whole Tribe.

[Document No. 82]

88. In the same month, the Algonquins and Nipissings were also complaining about encroachments on their territory by non-Indians. On July 14, 1827 Colonel Napier issued the following instructions on the matter to Superintendent James Hughes:

. . . .

The Algonquins & Nepissingue Chiefs having stated to me that a Mr. Barnet Lyons is Concerned with Certain Other Indian Traders in a Conspiracy to deprive these Tribes of the profits of their Chace by Means of Emissaries in his and their employ, I have to request, that you will very minutely investigate all the Circumstances Connected with this Complaint during your Visit to the Lake and make a Separate Report to me on the Subject for the information of the De. Supt. Gen. upon your return to Montreal.

. . . .

[Document No. 79A]

89. In accordance with these instructions Hughes prepared the following report on July 20:

The Algonquin and Nipissingue Chiefs complain greatly of one Barnet Lyons and other traders whom they say induce strangers to go and hunt beavers and other furs on their hunting grounds, which lands they say they look upon as their property, having been in possession of them time out of mind: they say they have been nursing these lands by refraining from hunting on certain parts of them for a year or two at a time so that the Beavers and other Wild Animals may multiply.

They beg & pray that their father the Superintendent General Maj. G. Darling will adopt some means to put a stop to their being molested by Intruders; they say they wish to live in peace with all, but that they cannot answer for what might happen should they find strangers hunting on their grounds as they would be depriving them of their own property and livelihood.

[Document No. 80]

No record has been found of further action being taken at this time against white trespassers on the Algonquin/Nippissing hunting grounds.



90. The government's policy of allowing equal access to the hunting grounds along the Ottawa River, as first outlined by Lord Dalhousie in 1822, (see paragraph 78), coupled with changing economic conditions, not only brought the Algonquins and Nippissings into conflict with the Mississaugas, but with the Iroquois as well. On July 29, 1827, the Algonquins and Nippissings presented the following petition on the matter of iroquois encroachments to Lord Dalhousie, the Governor of Lower Canada:

That- from Time Immemorial the Algonkin & Nipissingue Indians of this Mission have been in possession of Certain Lands bordering on both sides of the Ottawa River, and have always had the exclusive priviledge of Hunting on the same, under the protection of His Britannic Majesty's Government.-

That- for some time back Many Indians of the Iroquois and Abenauquois Tribes, and Others, under an Idea of having an equal claim with the Algonkin and Nipissingue Tribes as to the Right of Hunting on these Lands, have frequently made excursions thereon, committing considerable damages, destroying the Beaver without any regard for the future, so it is much to be feared these Lands will eventually become entirely Ruined, and the numerous Families of the rightfull Owners of the soil will be reduced to the Most abject distress.-

That- driven by Necessity to preserve their means of subsistence and a Property which has never yet been disputed; they would not nevertheless wish to employ violent methods, nor disturb the Peace of the Country, nor make use of their Arms in any Other Manner but against the Enemies of His Majesty's Government, under the protection of which they have hitherto had the happiness to Live. They therefore Hope and Pray Your Excellency, the Worthy Representative of their Common Father, will deign to pay Attention to this, their Humble Petition, and take in your Wisdom such measures as may leave them in quiet and peaceable possession of such Lands as they have hitherto enjoyed by inheritance from their Forefathers.-

That- they supplicate Your Excellency to issue immediate Orders so as to put a stop to any further ravages being committed on their Lands by the said Iroquois and Abenauquois Tribes or any Others and also that an Indemnification be made them for the losses they have already sustained-

Pierre Louis Constant Penaise  
Laurent Keseinsique  
Amable Pakwakwana

Principal Chiefs

Jean Bte. Mackwa  
Michel Paysindawa  
Mathias Chabakawache  
Benj. Osawakik  
Louis Jahinguay  
Jos. Paykakakhetché  
Jacques Kotinona  
Louis Nikik  
Amable Naywachaykijike

War Chiefs

Japatis Kikons  
Jnias Ketogeachitch  
Simon Kigegoanton  
Atgentanagke  
Meiagichiwats  
Migounnale  
Kosigessgiteh  
Ignace Chawainaboïs  
Francois Otik".

[Document No. 83]

91. On August 17, 1827, Captain D. Ducharme, an officer-interpreter at Lake of the Two Mountains, sent the following report on the situation to Colonel Napier:

Please excuse me for taking the liberty of informing you of the rights of each nation. The Iroquois received as their allotment the St. Lawrence River, on the islands of which they have their settlements and properties and their seigneuries, and from which they even get monies from the Americans for the said lands. The Algonquins received the south shore of the Ottawa river, and the Nipissing, the North shore of the said river. The said lands were divided up among the families, who developed them and held them as their own. The Iroquois never disputed this, but for the past three years or so they have begun wanting to go onto the said lands, at Mr. Jillette's and Mr. Leon's instigation. [They are very certain that if they (had used) this land in common, there would not have been a single beaver left twenty-five years ago in the said river.\*]

It would be highly unusual if the Algonquins and the Nipissing were to come to share in the income the Iroquois derive from their lands.

On the contrary, all the lands in general were divided up and shared among the nations by their ancestors almost one hundred years ago. Each nation received its native land as its inheritance, and none have disputed this before now.

\*The sentence in brackets represents the best translation possible of a garbled original.

Ever since I myself have been in this village, neither the Iroquois nor any other nation has sought to encroach upon the Algonquin and Nipissing lands -- until about three years ago.

Mr. Bernard St-Germain, interpreter, who was born and raised in the village, will tell you that the Iroquois have never hunted on Algonquin lands, unless they were hired by the Algonquins and paid for their services.

Since His Excellency the Governor is supposed to summon two of the main chiefs of each nation and give them a decision on their request, the two main chiefs, Kisainciss and Constant Penencey on behalf of all the others, humbly beseech you to intercede with His Excellency for them.

(Translated from French original)

[Document No. 84]

92. Several days later, on August 25, 1827, a delegation of Algonquin and Nipissing War Chiefs met with Colonel Napier at Montreal to outline in detail their complaints regarding the alleged encroachments by both Indians and non-Indians:

The Deputation stated, that they were ordered to solicit an Answer to the Petition which their Principal Chiefs took the liberty to present to the Commander of the Forces on the first of this Month, when His Lordship passed their village at the Lake of Two Mountains, and that, in the event of no Communication being as yet received from Head Quarters on the subject, they were directed to request the Resident Agent to write to M. General Darling in their behalf:

The Deputation at the Same time declared with grief, that the late decision respecting their Hunting Grounds, has produced Serious disturbance among the Indians in this District, and is likely to lead to alarming and ruinous Consequences to their Tribes in particular, As the Iroquois, and other Indians, under Shelter of the present Regulation have been instigated by Several unprincipled Traders to plunder the Lands on the Ottawa River and Lake Nipissingue, which have been exclusively occupied by the Algonquin and Nipissing Tribes since the conquest of Canada and on which these Indians have been Nursing the Beaver and other wild Animals for some years past.-

The Deputation Further stated that the late order, if enforced, will be the means of rendering the Individuals of their Tribes so many wandering Beggars throughout the Continent, as they are obliged to subsist entirely by the Chace and do not, like the Other Indians in Lower Canada possess any Seignurial Lands or Property whatever.-

The Deputation Stated in conclusion that their Tribes are and ever have been most anxious to preserve Peace and Good Order and to prove themselves deserving of His Lordship's protection and good opinion, But that they may as well be exterminated at once, As to be deprived of their only means of support for their Numerous Families, and that their principal Chiefs cannot possibly Answer for what may happen should their Young People detect the Iroquois and other Indians in the Act of plundering their Lands.-

The Deputation finally observed that as their Young Men are daily going off to their Hunting Grounds, the Chiefs are anxious to be favoured with His Lordship's decision on their Petition as early as possible, with hope that it may avert the dreadful consequences likely to result to their Tribes from the excitement produced by the before mentioned Circumstances Among the Indians in the Montreal District.-

[Document No. 85]

93. Colonel Napier replied to the delegation:

That He regretted it was not in his power to Communicate to them the pleasure of His Lordship the Commander of the Forces on the Petition of the Algonquin and Nipissingue Chiefs, as he had not as Yet been honored with any Instructions from the Dy Superintendent General respecting it; but that he would immediately... Lay their request before M. General Darling, who he was Convinced would give all possible attention to their Complaints.-

The Resident Agent then informed the Deputation of the Substance of a letter...which He intended to forward by them to Captain Ducharme at their village, directing that officer to explain to the Indians Generally, and more especially to the Iroquois Tribe, the punishment that awaits them should they presume to Commit depredations upon any other Tribe of Indians in defiance of the positive commands of His Lordship...

[Document No. 85]

94. Subsequently, Napier brought the matter to Major General Darling's attention (See Document No. 86) and, on August 29, 1827, was advised by Darling that:

In consequence of a petition presented to The Commander of The Forces, by the Algonquin and Nipissing Indians of the Lake of the Two Mountains when His Lordship recently passed

their village on His way to the Rideau: I have received His Lordships Commands to desire, that such of the Chiefs of these tribes, as can be collected; together with the Iroquois Chief of Sault St Louis, those of St Francis and the British Chiefs from St. Regis may be assembled in Montreal on the 25th day of September next, when a Communication will be made to them, on the subject of their Complaints. You will also require the Interpreters and officers of the Department from these Nations to be present, directing that the Chiefs appear in their medals and best Costumes.

[Document No. 87]

95. In accordance with these instructions, the Indians - including the Algonquins and Nipissings - assembled at Caughnawaga on October 5, 1827. Major General Darling, the S.G.I.A., addressed the assembly as follows:

. . . .  
Your Father at Quebec has received many Petitions from you at different times on the same subject, particularly, from you of the Lake of Two Mountains, all complaining of the intrusion of White People, and of your Brethren of Different Tribes, on the particular Grounds on which you have been accustomed to hunt; In these complaints from you of the Lake, the Iroquois and Abenquois are mentioned as the Chief offenders, and I fear that the Iroquois do not always conduct themselves like peaceable good Children. - But hear what your Father says through me on this Subject, His Red Children and his White, are equally entitled to his Care and Protection, and He is disposed to render equal justice to both.-

He cannot by the Laws of the Land prevent white people from going through the woods, or killing a Bear, or Beaver, where they meet with it. But it is not often the White People go hunting in the forest; when they do, the Indians must not venture to use any violence towards them, For your Father is bound by duty to our Common Father across the Salt Lake, to punish the Children who may be disobedient, and if any White Mans life is lost, for killing a Beaver, the red children by whom the act may be committed, must and will be punished - Do you not know that John Ornee and Alex. Sarastin of the Abenquois Tribe have just been tried at Quebec for murdering two Americans near the Black Lake, in a quarrel about killing a Deer, for which offence Alexander would have been hanged, but that it was proved the American struck him first and knocked him down in consideration of his provocation will suffer a less punishment, but John Ornee has still to be tried for the murder of the other man, and if found guilty will certainly be hanged - Let this be a warning to you all that

punishment will certainly follow such misconduct: but know also, that a white man will be punished for killing an Indian, with as much severity, as an Indian for killing a White Man, - The Law is the same to all, and the persons of White Men, and Indians will be equally protected.-

Darling now turned to the question of access to the hunting grounds:

Now as respects your complaints against each other; Listen to the advice your Father sends through me.-

It is only of late years, that He has heard of your interfering with each other in your Hunting Grounds. If the Custom of your Nations makes this an offence, your Father can only advise you, one and all, to discontinue it, and to confine yourselves strictly to those grounds which have long been assigned to each.-

Let not the Iroquois interfere with the Hunting Grounds of the Abenquois and Nipissingues nor must the Algonquins kill Bears or Beaver on the Grounds of the Iroquois or Abenquois, but each hunt on the grounds allotted to his Tribe - Hitherto you have shewn yourselves good and obedient children. Do not now, by any breach of the Law, cause your Father to turn his back upon you.-

He desires that you the Chiefs will recollect how long you have lived in peace under the British Government, and that you will teach your young Men and children who are growing up, the necessity as well as the Advantage of living in Peace and friendship with each other, and of considering the White Men, as members of the same family; Receive this as the advice of a Father who is anxious for the happiness of all his Children alike - If you disregard it, He will turn his back upon you, and the Bounty of your Great Father in England which has been extended to you, for many years, will be entirely discontinued to the disobedient.-

After cautioning each group "to confine (itself) strictly to those grounds which have long been assigned to each".

The Governor concluded his speech making the following proposal and commitment:

I know that you of the Two Mountains who have no Land of your own, like the Iroquois of the Sault, and St. Regis, or the Abenquois of St. Francis from which money (or Revenue) is derived, will say your situation is worse than that of your Brothers, and that in years to come when your Hunting Grounds are all settled by White Men you must starve - But this is not so, if you are disposed to follow the example of the White Men, who are settled around you, your father will give you the same advantages they have received - A Small portion of Land will be granted to each family for the purpose of agriculture, but he cannot grant any tract of Land to be kept in a wild state as Hunting Grounds. - If any of your young men are now on the hunting grounds of other tribes and I find that some of the Algonquins and Nipissigues from the Lake, and some of the Iroquois, are up amongst the Chippawas at York, let them be called home, immediately and be admonished by the Chiefs not to trespass any more...

. . .



Constant Penicy, the Principal Chief of the Algonquins, & the Chiefs Amable Chevalier and Laurent Kessinsique of the Nipissingue Indians, then declared themselves perfectly satisfied with what has been said respecting their Lands, & promised to respect the advice that has been given them...

Charlou Canawata, the Principal Chief of the Iroquois at the Lake of Two Mountains then Spoke as follows:

Father-

You have listened to the Other Tribes and have done with them; I now wish to speak in my turn.-

We live in the same Village with the Algonquins and Nipissingues and are jealous that they pretend to a superiority over us, claiming all the Hunting Grounds for their own use: We shall therefore be glad of lands to cultivate.

[Document No. 88]

Thus, although again refusing to grant the Two Mountains Indians title to any specific tract of land as hunting grounds, the Governor of Lower Canada did promise that "a small portion of land will be granted to each family for...agriculture" if they were disposed to "follow the example of White Men".

96. The following year, on July 24, 1828, Darling prepared a comprehensive report on the state of the Indian Department in Lower Canada, enumerating Indians at the following places:

The Indians of the Lower Province consist generally of the undermentioned Tribes; viz.

Souls 179	- - Hurons	- - at Lorette, near Quebec
- 82	- - Algonquins	- - at Three Rivers.
- 96	- - Abenauquais	->
- 363	- - Ditto	->at Becancour and St. Francis.
- 967	- - Iroquois	- - at Caughnawagua.
- 348	- - Ditto	- - at St. Regis, and
- 282	- - Ditto	- - at Lake of Two Mountains.
- 355	- - Algonquins	->
- 250	- - Nipissings	-> at Lake of Two Mountains.

2,922 souls...

[Document No. 91]

97. The following extracts from Darling's report dealt with the Algonquins:

ALGONQUINS and ABENAQUAIS, of Three Rivers, St. Francis and Becancour. - These Indians, amounting in the aggregate to 541 souls, frequent the neighbourhood of Three Rivers, St. Francis and Becancour.

At each of the two last-mentioned places they have a small village of the rudest construction, their habitations consisting chiefly of square huts built of thick bark, which, though certainly better than the ordinary wigwams, have little resemblance to the habitations of civilized life.

They were once possessed of considerable landed property, by the gratuitous bounty of former seigniors of St. Francis and Becancour. Of the greatest part of these possessions they have of late years been most cruelly deprived, by intrigue and oppression of various designing individuals who, under a variety of pleas, have got hold of nearly the whole of their properties; insomuch, that I feel it my duty most respectfully, but most urgently, to press the necessity of active and effective protection being extended to them by Government, under whose authority and with the assistance of the officers of the department, the law officers of the Crown should be required to defend them against all attempts to deprive them of their lands by alienation of any description.

On this subject I beg permission to offer a remark, which may perhaps be worthy of consideration, as applicable to all the Indian tribes having lands assigned to them for their support; viz. That if by vigilant superintendence and effectual legal protection they are not maintained in the possession of their lands, one of three results must follow, as the consequences of rapid progress making in the clearing and settling of the forest through which they have been accustomed to hunt.

1st. They must be entirely maintained and supported by Government:

2nd. Or they will starve in the streets of the country towns and villages, if they do not crowd the gaols of the larger towns and cities:

3rd. Or they will turn their backs with indignation on their father, in whose promises of protection they have with confidence for so many years relied, and will throw themselves, with vengeance in their hearts, into the arms of the Americans, who are ever ready to receive them, and who are now endeavouring to induce the tribes in Upper Canada, with whom they have the readiest intercourse, to accept of lands on the Mississippi.

The Abenquais and Algonquins now particularly under consideration, were much employed last war, and in case of a renewal of hostilities, their services would again be valuable.

ALGONQUINS, NIPISSINGS and IROQUOIS, Lake of the Two Mountains. - The Algonquins and Nipissings of the Lake, amounting to about 600 souls, are an active and intelligent race, who were much employed in the late contest with America. They are settled in a village, on a spot of ground granted to them by the priests, who are seigneurs of the island of Montreal, but they have no land for cultivation; they therefore depend entirely upon their activity and exertions in hunting, in which they are in general so successful as to contribute a large proportion of furs to the stores of the North-West and Hudson's Bay Company.

Their situation is however becoming alarming, by the rapid settlement and improvement of the lands on the banks of the Ottawa, on which they were placed by Government, in the year 1763, and which tract they have naturally considered as their own.

The result of the present state of things is obvious, and such as can scarcely fail in time to be attended with bloodshed and murder; for, driven from their own resources, they will naturally trespass on those of other tribes, who are equally jealous of the intrusion of their red brethren as of white men. Complaints on this head are increasing daily, while the threats and admonitions of the officers of the department have been found insufficient to control the unruly spirit of the savage, who, driven by the calls of hunger, and the feelings of nature towards his offspring, will not be scrupulous in invading the rights of his brethren, as a means of alleviating his misery, when he finds the example in the conduct of his white father's children practised as he conceives towards himself.

[Document No. 91]

98. Darling's words were prophetic for the encroachments, and the complaints, continued. On February 18, 1829, the Algonquins of Three Rivers forwarded the following petition to Sir James Kempt, the Governor of Lower Canada, regarding their hunting grounds:

We the undersigned chiefs of the Algonquin Indians of Three Rivers take the liberty to send two strings of wampum to your Excellency saying to you "You, our Father, who have a strong voice, would you have the goodness to say to the Abenakis of St. Francis and Becancour to leave our hunting grounds alone?"

Either those Indians have not understood the speech that was made, to them and to us by General Darling at Sault St. Louis on October 5, 1827, or they refuse to obey the orders of our Father. They continue to hunt on our land. When we tell them that they should not act so, they mock us, and even threaten us, saying they are stronger than we, and they will know how to make us keep quiet. The undersigned have furthermore the honour to state very humbly that the Chiefs of the Abnauquis abovementioned are just as animated as the young ones in ruining our hunting grounds.

Our Father, we, and the other Algonquins, have only the hunt to win our livelihood. If the Abenakis continue to hunt on our lands, we are and will be exposed to dying of hunger. It is perhaps not superfluous to mention to your Excellency that several Abenakis are already gone to hunt and that others are preparing to go soon.

That is why we ask you very humbly that your Excellency will be pleased to send an order in a strong voice to the aforementioned Abenakis to stop hunting on our lands, at least until the return of General Darling. And Your Petitioners will not cease to pray to the Supreme Being for Your Excellency's happiness and prosperity.

(Translated from original French)

The petition was signed by the following:

Francois Lottoneau "Chief"  
Francois Joseph Louis  
Paul Lottoneau Council Chief  
Jacques Canacho  
Jacques Joseph Canacho Captain

[Document No. 92]

99. On February 23, 1829, L. Taschereau Duchesnay, the Superintendent of the Indian Department at Quebec, forwarded the petition to Colonel Couper together with the following comments:

It is now a general complaint among Several Indian Tribes that they interfere with one another and I consider it an important and difficult matter to Settle among them, Indians on the South Side of the St. Lawrence especially, have now but a very small extent of Hunting ground, as Settlements are rapidly increasing and the land clearing. Necessity therefore compells them to hunt elsewhere against their laws and customs and to the great dissatisfaction of others which is the occasion of threats of hostilities amongst them.

[Document No. 93]

Despite the petition there is no record of further action being taken at that time.

100. The following month, on March 30, 1829 Lt. Colonel Napier sent a report to Colonel Couper on Indian conditions in Upper and Lower Canada. This report dealt with the possibility of establishing Indians in farming settlements. As regards Lower Canada, Napier wrote:

The unconceded front of the Township of Gormanchester upon Lake St. Francis, and the Right Bank of the River Ottawa, above the Township of Onslow, appear to possess Superior Advantages for the Establishment of Indian Settlements.

Then turning to Upper Canada and general considerations Napier continued:

As respects the quantity of ground to be granted to Indians, I am of the opinion that in the first instance, One Hundred Acres of Land...would be amply sufficient for Each Family and ... the lands set apart for Indian cultivation should only be provisionally assigned or be vested in Trustees, to prevent their being disposed of...

...

In Reporting upon the Nature and expense, and the duration of the Aid the Indians would require on being located in Provisions, Seed, Corn Stock, Agricultural Implements, etc. I consider it necessary to observe that in order to attach the Indians to the spot where it may be deemed advisable to locate them, they should be made Comfortable: -

They do not possess the industry or perseverance of American or Scotch Settlers, who, with little more than a Blanket, an Axe, and a Scanty Supply of Provisions for each Person, are Capable of Establishing themselves upon Wild Land under the most trying privations. - It would, therefore, be advisable to build a Log House for each Family of Indians on being located and I have in consequence introduced this item into the enclosed memo of the possible expense of settling a family of five persons...one hundred pounds sterling.

...



The Iroquois Tribe residing in a Village at the Lake of the Two Mountains, and the Algonquin and Nipissingue Indians at the same place do not possess any Landed Property in the Province from which Income is derived: -It is probable that a large proportion of the former may be induced to become Farming Settlers, with assistance from Government, and, that a selection of perhaps Twenty or More Families may be made from this Tribe to form an experimental Settlement.-

The Algonquin and Nipissingue Tribes are exclusively devoted to hunting in the Indian Country, and are Seldom to be seen in any number at their Village except for a few Weeks previous to the distribution of His Majesty's Annual Bounty. I have therefore placed them under the third head of enquiry: - These Indians subsist principally by the profits arising from the Chace.

[Document No. 95]

the Algonquins and Nipissings

101. Shortly after Napier submitted this report, A drafted yet another petition requesting protection of their hunting grounds from encroachments. On April 28, 1829, this petition was forwarded to Sir James Kempt, Administrator of Lower Canada:

the Chiefs of the Tribes of the Algonquins and Nipissings of the Lake of Two Mountains ... implore the Favour of His Excellency and pray him to take into consideration the request that the Petitioners have had the honour to present, the 29th July 1827, to his predecessor, Governor Dalhousie, claiming the Protection of His Excellency against certain subjects, who for some years, bore them prejudice and troubled them in their hunting, on the lands watered by the Ottawa River.

The Petitioners also dare to observe to Your Excellency, that Governor Dalhousie seemed to lend a Favourable ear to the said request, and that the officers have since taken, in their favour, some light measure of protection, awaiting the decisive answer that His Excellency had made them hope for soon in that respect, during the last year of his administration;

The Petitioners also dare flatter themselves that it would be permitted to them to seize the present occasion to renew at the same time the assurances of Their Fidelity, of their Devotion, and of their sincere recognition in respect of their good and August Sovereign George and of His new and worthy Representative in this Province for the Conservation and the Prosperity for which the Petitioners will never cease to pray.

(translated from the Original French)

This petition was signed by:

The Three Grand Chiefs    Consten Penency  
                                 Amable Paquaconanan  
                                 J. Bt. KilocoManitou  
  
                                 for  
                                 Lauren Kisaincik

[Document No. 96]

102. On May 5, 1829, Lt. Colonel Napier forwarded the petition to Lieutenant Colonel Couper, the Military Secretary at Quebec, together with the following recommendation:

. . .

Understanding that the Persons Complained of by the Petitioners have within the last year committed extensive depredations upon the Hunting Grounds of the Algonquin and Nipissingue Tribes, and that the Indians, in the hope of obtaining the protection of His Majesty's Government, have Submitted to this species of Plunder with a degree of forbearance quite foreign to their Native Character, I am, under these Circumstances, induced to recommend, that a Public Notice may be issued forbidding all Persons from trespassing in any manner upon the Lands claimed by these Tribes, and secured to them by His Late Majesty's Proclamation dated the 7th October, 1763, a copy of which is herewith transmitted for His Excellencys information.-

The Algonquin and Nipissingue Indians possess strong Claims to the Consideration of Government from their meritorious Conduct on Several occasions during the American Wars of 1775 and 1812, particularly in the Attack and Capture of Colonel Boerstler's Detachment at a critical period of the latter contest: - One of the Petitioners, the Chief Amable, was severely Wounded in the Expedition under the late General Burgoyne in 1777, for which he receives a Pension of One Hundred Dollars per annum.-

[Document No. 97]

103. Napier subsequently investigated the complaints further, and forwarded the following report to Lt. Colonel Couper on June 5, 1829:

In obedience to the directions transmitted to me in Your Letter of the 9th Ulto: I have duly promulgated the decision of His Excellency The Commander of the Forces respecting the Tribes which trespass upon the Hunting Grounds of the Algonquin and Nipissingue Indians:- It being His Excellency's pleasure, that I should afford some specific and detailed cases of intrusion committed by Traders or Settlers upon those Hunting Grounds, I have the honor to Submit the Enclosed Affidavit from François Odjik, an Indian Warrior of the Nipissingue Nation, representing a recent instance of trespass on the part of a White Trader by the name of Robert McGregor; and I expect to receive the particulars of one or two other cases of this description, whenever the Indians can obtain the Names of the Offenders:- With a view to lay before His Excellency the most satisfactory information in my power respecting the Situation and Circumstances of the Algonquin and Nipissing Tribes, I beg leave to transmit the Accompanying Extract of a Communication from Sir John Johnson to the Military Secretary, upon the Subject of the injuries sustained by these Indians, and the Consequences likely to result therefrom, and agreeably to the permission conveyed to Me in Your Letter I have to State my opinion, that the measure proposed by the Superintendent General in the Year 1824, and recommended for the favorable Consideration of His Excellency in my Letter of the 5th Ulto: appears to me calculated to relieve these Tribes from the trespasses of which they complain, and to secure to them the Undisturbed possession of their Lands.

[Document No. 100]

The communication from Sir John Johnson referred to above is set out in paragraph 82.

The affidavit from Mr. Odjik reads as follows:

Mission of the Lake of Two Mountains, County of York Today the second of June Eighteen Twenty-Nine before Dominique Ducharme Esquire one of Justices of the Peace of His Majesty, has appeared François Odjik, Indian, Nipissing of the said Mission, who after having made oath on the Holy Gospels said and declared That having been This spring on the hunting grounds belonging to his tribe, he found there the person name Robert McGregor having already begun to cut down trees and prepare the land saying that he was intending to cultivate there, and hunting there, and said François Odjik declares that the establishment started by the said Robert McGregor is found around the Lake known commonly in their language as Fishing Lake [Lac de la pêche] at about eight leagues from the mouth of the river named the White River [La Rivière blanche], and says nothing more.

[Document No. 99]

104. Napier was apparently asked for additional information. On June 12, 1829, he advised Lt. Colonel Couper that:

Agreeably to the directions Conveyed to me in Your Letter of the 9th Instant, I have the honor to report for the information of His Excellency The Commander of the Forces, that Sir John Johnson's Communication of 5th November 1824, Appears to have been Submitted to His Excellency Major General Sir Pengrine Maitland, (then Commanding the Forces) as an Explanation of the Claims of the Algonquin and Nipissingue Tribes in Answer to the Military Secretary's Letter of the 28th September preceding; But I cannot discover from the Records in the Office of the Indian Department that any Proceedings were had upon the Superintendent General's recommendation, that a Proclamation similar to that of the Marquis de la Jonquiere, should be published in 1824.

[Document No. 101]

105. On July 2, 1829, Lt. Colonel Couper wrote to both Sir James Kempt, the Administrator of Lower Canada, and to Colonel Napier setting out the government's response to the complaints of the Algonquin and Nipissing Tribes. Only an extract from that letter appears on the files.

"I am however commanded to request, that you will intimate to those Indians, that His Majesty's Solicitor General, or the senior Crown Law Officer at Montreal, will be directed to prosecute on the part of The King, any person, who shall illegally settle, or commit any cognizable trespass or depredation on those Hunting Grounds, and when any such cases, with competent proof, should be duly Established by the Indians I request you will acquaint me therewith, that his Excellency's Instructions may be carried into effect accordingly--"

[Document No. 102]

No record of any prosecutions has been located.

106. Meanwhile, departmental officials turned their attention to the dispute between the Algonquins of Three Rivers and the Abenakis. (cf. paragraph 1, p. 5 of this report). On August 15, 1829, Lt. Colonel Napier advised Lt. Colonel Couper as follows:

In Acknowledging the honor of your letter of the 12th Instant, Conveying to me the direction of His Excellency the Commander of the Forces, to report the Situation and extent of the Hunting Grounds of the Algonquin and Abenakis Indians, and the Authority upon which they found their Claim to hunt upon those Grounds, I beg leave to Acquaint You, that I shall Communicate with the Chiefs of the latter Tribe as early as possible with a View to obtain the information desired by His Excellency respecting the Claims of the Indians.

[Document No. 103]

107. Several days later, on August 19, 1829, the following report on the matter was forwarded to Lt. Colonel Napier by Monsieur le Chevalier de Niverville, an interpreter with the Indian Department:

Let us begin with the Algonquins. As concerns them, I will give you the same information that I sent yesterday to Mr. Duchesnay, the Indian Superintendent at Quebec. Having assembled the Algonquin chiefs and having asked them what was the extent of their hunting grounds, their situation and what right they had there, they answered me:

"The First White, who discovered Canada, found us on lands extending from Quebec, up to the River Assumption [Rivière de l'Assomption]. It is God who placed us on that extent of land, and we have never left it. Our ancestors made arrangements with the Hurons, and ceded to them the land from Quebec to Ste. Anne Laperade River, keeping for themselves the southwest half of the said river. That land which lies upstream from Masquinouge belongs to the Indians of the Lake of Two Mountains. -We claim [the land extending] from the southeast half of the said River Ste. Anne as far up as Masquinongé, and upstream along the River St. Maurice, about fifty leagues, to a place called Cococachechingue. We have so to speak a line which starts at the lands belonging to the King's posts runs up in a Southwesterly direction to where we have different lakes which separate our lands from those of the Têtes de Boule.

At about thirty six leagues upstream on the river St. Maurice our lands border on the King's posts, after our lands lie those of the Têtes de Boule and after their lands, toward the north, are those of the Obegiwane Indians.

The reason why we say, God has placed us where we are, is that the Abnekis were placed here by men. Our ancestors made arrangements with the Abenakis, but they no longer want to recognize them. What made us open our eyes, was General Darling's speech; he told us that all [the words spoken by] his mouth came from the mouth of our Father who is across the great Sea; that he desires each Indian Nation to live on its own land as its ancestors did, and that those who heeded his words would always be on good terms with him; those who did not listen, he would reject.

They also told me "we have in our possession a [wampum] belt handed down by our ancestors; this belt signifies that the Abenakis will hold [land to] the south of the St. Lawrence River and the Algonquins land to the North. The Abenakis had a similar belt, though they do not want to admit it.

This then is what I can tell you about the Algonquins.

As for the Abenakis, since I had no orders to go to St. Francis to take information on the spot, I again called together the Algonquins who gave me the following information to which I will add my personal information. This is what they told me:

"The Elders have always told us that the Abenakis had always hunted to the south of the St. Lawrence River. Our ancestors always told us that there was a [wampum belt] between them and the Abenakis and that belt signified that the Algonquins would hunt to the north of the St. Lawrence River and the Abenakis to the south of the said River."

As for my particular and personal information it may be summarized thus: the Algonquins for the past 25 or 30 years have hired Abenaki Indians in their service. These Abenakis and other explorers got to know the rivers and since then have been hunting on Algonquin lands. Before that time I never saw an Abenakis hunting north of the St. Lawrence. Sir, I am distressed at not being able to obtain for you a copy of the Request that Algonquins made to His Excellency. Mr. Badeaux Junior, who drew up this request, says he ripped up the rough copy. Mr. Duchesray alone can give you a copy of it.

(Translated from the original French)

[Document No. 105]



108. On August 27, 1829, Colonel Napier then reported to Secretary Couper as follows:

Having assembled in Council the Chiefs of the Village of St. Francis, I requested them to explain the Situation and extent of their Hunting Grounds, and the Authority upon which they found their Claim to those grounds, whether exclusively or otherwise & I have now the honor to report for the information of His Excellency the Commander of The Forces, in obedience to your Letter of the 12th Instant, that the Abenagois Indians claim to have an equal right with the Algonquin Tribe of Three Rivers, to hunt upon the Unconceded Lands on the North Shore of the River St. Lawrence, between the SouthWest Bank of the River St. Anne La Perade and the Lake Masquinonge, and extending about Fifty Leagues up the River St. Maurice to a place called Cacocachichinque. This information of the Situation and extent of the Hunting Grounds in Question, is Corroborated by the Enclosed Report from the Interpreter at Three Rivers; but you will be pleased to observe, that the Algonquins Claim an exclusive right to hunt upon those Grounds, and that Mr. Niverville's Statement is altogether unfavourable to the claim made by the Abenagois Tribe.-

The Chiefs of St. Francis quoted the late Sir William Johnson's Proclamation of December 1763, as the Authority under which their Ancestors Occupied the tract of Country beforementioned-

[Document No. 107]

109. That same day, Colonel Napier added the following comments on the matter in a separate letter to the Military Secretary:

I beg leave to Acknowledge the receipt of Your note of the 25th Instant, covering a Report from the Superintendent at Quebec, relating to the Hunting Grounds Claimed by the Algonquin Indians of Three Rivers, which you are pleased to refer to the:---

Having in my separate Letter of this date, had the honor to Submit the information required by Your Communication of the 12th Instant, I have only to observe, that it does not appear, that this Tribe, or the Abenagois Indians of St. Francis have any Legal Right to the Hunting Grounds in question; and Under This Circumstance, I respectfully Submit, that it would perhaps establish an inconvenient precedent were the Claims of either Tribe recognized by Government.-

[Document No. 108]

110. The information supplied by Napier dovetailed with that sent to him three days previous by Monsieur Duchesnay, Superintendent of the Indian Department at Quebec. Duchesnay had written thus:

I have taken the information requested by your letter of the 12th Instant concerning the claim of the Algonquins of Three Rivers to certain hunting ground, their limits and rights to an exclusive privilege. The Chiefs of that Tribe/ then present at Three-Rivers, four in number/ were called together in Council and being asked by the Interpreter what was the extent of their hunting grounds and by what right they exclusively claimed the same, the principal Chief approved by the others said as follows,

I saw the translation of the Indian Speech in french as sent to me to deviate as little as possible from the original Speech in Indian, Unavoidable by a second translation.

The French text follows here and M. Duchesnay then adds:

The result of this harangue clearly shows that the Algonquins of Three Rivers claim as their line on the East the South Westerly half of River St. Anne Laperade inclusively and Masquinongé as their Westerly line. The St. Lawrence on the South and the depth of about fifty leagues on the North, ascending the River St. Maurice to a place called Cococachechinque at which place they join the Kings posts/La Tucque/ limits of hunting grounds belonging to the Têtes de boules, North of Cococachichinque hunting grounds of the Obeyiwane Indians.

[Document No. 106]

111. A week later, on September 1, 1829, M. Duchesnay, followed up this information, addressing further comments on the matter to both Lt. Cols. Napier and Couper:

I have attentively perused the reports of Lt. Col. Napier 27th Ulto and that of M. Le Chevalier De Niverville of the 19th Ulto /referred to me/ on the subject of the Claim of the Algonquins to the right to hunt exclusively on the North side of the St. Lawrence. I infer from their representations and those of the Abenakis, that the difficult point is, on the part of the latter to prove their right, in any other way than their own. They pretend to hold this exclusive right as expressed by certain branches of beeds, which they still have in their possession, the only manner of proof Indians have amongst themselves. They further assure that the Abenakis have a similar Collar of beeds, which explains that they shall hunt on the South side only of the St. Lawrence and the Algonquins on the North. M. Le Chevalier De Niverville in his report, says "that for 25 or 30 years passed the Algonquins hired Abenakis and Since that, they (the Abenakis) have taken Knowledge of the courses of rivers etc. they have continued on the North Shore, but that previously he never saw an Abenakis hunt on that side. It seems to me that he is perfectly of Opinion that it is an encroachment on the part of the Abenakis -

The Superintendent then stated his conclusion thus:

I conclude by declaring that I think it a difficult and dangerous point to be settled by Government, as the

proclamation of 1763 gives generally to the Indians the liberty of hunting on the ungranted or Crown Lands. But there appears no Document for any distribution of hunting lands exclusively to any Tribe.

[Document No. 110]

112. In a report dated October 30, 1829 Dushesnay described as follows a meeting that he nevertheless organized between the Algonquins and Abenakis to assist them in resolving their difficulties..

I have the honor to report for His Excellency's information that I have assembled at Three-Rivers the Abenakis Chiefs of Becancour and St. Francis, the Hurons of Lorette and Algonquins of Three-Rivers, On the 26th Instant and held Council on the Subject of the existing difficulties between them concerning hunting grounds - Enclosed I send the haranges made on the occasion and such as they were interpreted.-

I concluded from this investigation and the information I collected, That the Algonquins are correct When they say it was arranged by their Ancestors and the Abenakis that they/The Algonquins/ should have the North side of the St. Lawrence to hunt and the Abenakis of Becancour and St. Francis the South side - I am informed /as is known by tradition/ that their talk at that time was thus interpreted, in French. "Toi Abenakis, tu aimes la Chaleur, tu auras le Coté Sud pour ta chasse et nous Algonquins accoutumés au froid aurons le Nord du fleuve."

Dushesnay then reiterated his point of view:

I consider the present case as one both difficult and dangerous to decide. On one hand the Abenakis must be in a wandering state the South side of the St. Lawrence leaving but small tracts of ungranted lands and from its present rapid Settlements leaves no hunting grounds of any consequence. On the other hand the Algonquins, not the authors of this, have no other recourse than hunting while the Abenakis have Land and Seigniorial rents.

The Algonquin Chief Wishes by his Speech to have the question of right decided by a council of the Six Nations or by His Excellency; but the Abenakis do not wish the measure of a council called but that His Excellency alone would decide. This convinces me that they apprehend it would be decided against them by a Council.

I am happy to inform His Excellency that I have settled the difficulty between the Hurons of Lorette and the Algonquins of Three Rivers, by a written arrangement, inserted in the enclosed speeches & of which arrangement I shall give Copy to the parties. & Which for ever after, will guarantee them against similar difficulties-

[Document No. 113]

113. Two weeks later, on November 13, 1829, Napier filed a further report to Couper, the Military Secretary, regarding the ongoing dispute between the Abenakis and the Algonquins:

In obedience to your reference upon the Proceedings of the Council held at Three Rivers in the 26th Ultimo, by the Superintendent of the Quebec District with the Chiefs of the Algonquin, Abenakis & Huron Indians there assembled, and the Accompanying Letters from that officer, relative to the Claims of those Indians to hunt upon Certain Waste Lands of the Crown situated on the North Shore of the River St. Lawrence.

I have the honor to observe, that the Report of this Council, altho not unfavorable to the pretensions advanced by the Algonquins, does not establish their exclusive privilege to occupy those Grounds for Hunting purposes, or render it expedient, that their claim should be publicly recognized by His Majesty's Government: - I am the more inclined to this view of the Subject from the opinion expressed by the Attorney General of the Province, in the case of the Algonquin and Nipissingue Tribes at the Lake of the Two Mountains, adverted to in Your Letter of the 2nd July last. - The Hunting Grounds of the Various Tribes of Indians Inhabiting these Provinces were Originally defined among themselves and the Boundary of each Tract perfectly understood by them; it is therefore, in my humble opinion, desirable under all the Circumstances Stated in the Superintendent's Letter of the 31st Ultio:, that the present question should be disposed of According to the Indian Customs, (by a Council of the Six Nations) as proposed by the Algonquin Chief.-

I beg leave to remark that the Abenagois Indian, Charles Annance, alias Catanche has misrepresented to the Council, the purport of the inquiries which I made at St. Francis in order to obtain the information required by Your Letter of the 12th, of August last: - I did not ask the Abenagois Chiefs "upon which Side of the River St. Lawrence they wished to hunt," as reported by this Indian! - The Questions which I put to the Chiefs on that occasion were as follows:

- 1st:--That, they should state the situation and extent of their Hunting Grounds?-
- 2nd:--To explain the Nature of the Authority upon which they found their Claim to hunt upon those Grounds whether exclusively or Otherwise?-

Adverting to the Superintendent's suggestion that the Chiefs should be furnished with commissions to prevent a recurrence of the imposition practised upon him by the above named Indian at the late Council, it appears to me, that such marks of distinction should be Confined to the Principal or Grand Chief of each tribe.-

[Document No. 115]

114. On November 28, 1829, Lt. Colonel Napier acknowledged receipt of Couper's instructions on the matter:

I have the honor to Acknowledge the receipt of your Letter of the 20th Instant acquainting me of the opinion of His Excellency the Commander of the Forces, that the pretensions of the Algonquins to the exclusive right of hunting on Certain Unconceded Lands on the North Bank of the River St. Lawrence, Should be referred to a Council of the Six Nations, and in obedience to Your directions, I have apprised the Indians Concerned that I have received His Excellency's Commands to carry that measure into effect as early as may be practicable.-

[Document No. 117]

115. On December 5, 1829, le Chevalier de Niverville advised Napier that:

Having communicated your letter of the 27th November to the Algonquins of Three Rivers, they asked me to ask you to obtain from their Father that the Great Council Fire be put off to the beginning of next July, so that all the Chiefs who should be at that Council will be able to attend. Otherwise there will only be the Iroquois there. If the Council is put off to the month of July, the Chiefs of the Ottawas, Sauteux, Nipissings and Algonquins, all Chiefs who have the right to attend at that Council, will be able to attend. They beg me to tell you that they are not in agreement with meeting the Iroquois alone. Their reason for making this request, is that their Father not having given his decision, and wanting the Great Council Fire to take place before giving it, they would desire that all those interested may find themselves there, that is, those who have the right to attend that Council. This, Sir, is what the Algonquins have asked me to write to you, (and) which I transmit to you without comments.

(Translated from French original)

[Document No. 118]

116. The following week, on December 11, 1829, Colonel Napier forwarded the request for a delay to Colonel Couper:

Having in obedience to your Letter of the 20th Ultimo directed the Interpreter at Three Rivers to apprise the Algonquins of that place, that their Claim to the exclusive right of Hunting on Certain unconceded Lands on the North Bank of the St. Lawrence would be referred to a Council of the Six Nations, as early as possible, I have received an application from M. Niverville, on the part of the Chiefs of this Tribe, requesting, that the proposed Council may be postponed to the Month of July next; to which I presume there will be no objection....

[Document No. 119]

117. On December 14, 1829, Superintendent Duchesnay advised

Lt. Colonel Couper that:

I have taken communication of the copy of J.B.C. De Niverville's letter to L. Col: Napier, of the 5th Instant and of Lt. Col. Napier to you, of the 11th Inst. I have seen the reference. I certainly recommend M. De Niverville's application on behalf of the Algonquins, in order to postpone (for the reasons therein Stated) the Meeting of the Six Nations at the grand fire for the purpose of investigating the pretensions of the Algonquins to an exclusive privilege of hunting on the North Shore of the St. Lawrence, from River St. Maurice to Masquinongé & fifty leagues Northward.

[Document No. 120]

118 A. In accordance with the instructions of His Excellency the Commander of the Forces, (see paragraph 114) the Grand Council of the Six Nations met at Caughnawaga on July 5, 1830 to adjudicate the dispute. No record of the proceedings of this council have been found. We do not know, therefore, in what context the deliberations took place.

The final decision of the Council is set out in from a report submitted by Napier in 1838 when he forwarded to the Governor General another Algonquin petition protesting Abenaki encroachments. Napier wrote as follows:



No. 3 -

Extract - Indian Office  
Quebec 17 August 1838

In regard to the complaint of the Algonquin and Nipissingue Tribes, respecting the depredations committed by White persons on their hunting grounds, transmitted with your letter of 31st ultimo, I am enabled to forward for your Information and Guidance The Inclosed Extract of Instructions on this point which were issued by Sir James Kempt in the year 1829-

(Extract marked  
see above mentioned)

and which His Excellency The Governor General has ordered to be Observed in future.

Secty. signed D.C. Napier certified to be true copies  
James Hughes  
S. In Dept.

No. 4 -

Extract of a letter from Col. Givens, Chief  
Superintendent Indian Department at Toronto Upper Canada  
dated 26 Feby 1836 addressed to Lt. Col. Napier Secty.  
Indian Affairs at Quebec -

With regard to the second object of the Petition, namely that the possession of the hunting grounds of these Tribes (Nip & Alg.) on the south side of the River Ottawa, which have not yet been surrendered to the Crown may be secured to them, and Protected against Intruders, His Excellency desires me to express his readiness to assist as far as possible the Petitioners in settling on such part of those grounds as they may select and as far as it may be practicable, to protect them against the Intrusion of Strangers -

Certified copy (Signed J. Givins  
C. Supt. - Toronto)

(signed)  
Secty. In Affs -

D.C. Napier  
[Document No. 158]

...It would appear by the Statement, that the Petitioners have not been apprized of the question decided by the Grand Council of the Six Nations, holden at the Village of Caughnawaga, on the 5 July 1830, and Sanctioned by Lieut. General Sir James Kempt: namely; "that the right of Hunting on the North Side of the River St. Lawrence, should be free, and open, to the Abenquois and the other Indian Tribes."

Napier then referred to Algonquin complaints against encroachments by settlers:

With respect to the depredations committed by Canadians on the Hunting Grounds of the Indians; I beg leave to lay before Your Excellency, an Extract of the Instructions addressed to me by order of Sir James Kempt on the 2 July 1829, in answer to a similar complaint from the Algonquin and Nippising Tribes at the Village on the Lake of the Two Mountains, and, at the same time, I respectfully solicit Your Excellency's commands on the Subject for my guidance in future.

On the margin, the Chief Secretary to the Governor, Charles Brulé, has written the following:

Instructions of 2 July 1829 to be observed.-

By Command  
Quebec 9 August 1838

[Document No. 157]

118C. The instructions of 1829 were duly reiterated, as was the offer first made in 1827 to assist the Algonquins and Nipissings to settle as farmers, if they so wished, on their hunting grounds on the south side of the Ottawa River:

Nippisingue and Algonquin Tribes

His Excellency requests that you will have the goodness to cause it to be stated to these tribes that He will Endeavour to prevent the Lumbermen and squatters from molesting them on their Hunting grounds, to the (?) west of the River Matawangué and between that River and Lake Nipissingue, and that as they have expressed a desire to settle on a Tract of Land near les Allumettes, His Excellency will not fail to assist them in occupying it, should they decide on removing to that part of the Ottawa."

Certified  
(signed D.C. Napier  
Secty In. Affs.)

Despite your neglect, your children still love you and cherish you; grant them, therefore, what they ask, land along the Ottawa or on the rivers that flow into it, that this land may belong to us, that we may be free there, we and our children forever, to hunt and fish there without anyone preventing us from doing so. We earnestly ask you this, so that we will be assured of a place where the bodies of our descendants may rest in peace, and be assured that we will not find ourselves in the dire situation where one day we are told [by our descendants] ...Beloved shades, precious bones of our dear ones, they are sending you and us far away from here; rise up and come and live with us in a strange land. Alas, my father, remember that some of this land you are living on today and over which you govern today once belonged to us; do not refuse us at least a little bit of it on which we may rest in the shade of your paternal goodness and your kindnesses.

By granting us this favour, or at least a reply to our request, you will find us at all times loyal children who will cherish you and pray that the precious days of their father may be preserved.

The following petitioners put their marks by their names, and these marks were certified by Ducharme, the Department interpreter.

Chefs Algonquins

Pierre Louis Penency  
Ignas Meiachkowateh  
Jappatist Kigons  
Benjamin Osawakik  
Antoine Ca\_inawatik  
Joseph K\_pat

Chefs Nepisaingue

Fill Papino  
J. Bt. Kigikomanitou  
J. Bte. Makwa  
Simon Kioekoat  
Ignace Chawinabais  
Bi\_Wapichip  
Louis Achaki  
Francois Otjik  
Michel Besinoawatch  
Matois Chabakatch

(Translated from original French)

[Document No. 132]

120. Several months later, on December 5, 1833, a number of Indian matters were put forward for consideration by Lord Aylmer, the Governor of Lower Canada. Included in the package was the following:

Petition from the Grand Chiefs of the Indian Tribes of the Lake of the Two Mountains, dated 28th November 1833:

Represents the distress amongst their respective Tribes, occasioned by the sudden reduction of their Annual Presents, for the Consideration of their Father:-  
The Petitioners, also, Submit their Claim to be reimbursed by an Annual Rent, or Annuity, for the Lands taken from them by Government, and that the possession of their present Hunting Grounds may be Secured to them Under the terms of His Late Majesty's Proclamation of October 1763 -  
In order to explain the Nature and extent of the Land

IX. ALGONQUIN PETITIONS OF THE 1830's AND THE RECOMMENDATIONS OF THE  
EXECUTIVE COUNCIL IN 1837 REGARDING THE COMPENSATION DUE THEM

119. In July of 1833 the Algonquin and Nipissing Indians at Lake of the Two Mountains addressed the following petition to Lord Aylmer, the Governor of Lower Canada:

The chiefs and officers of the Algonquin and Nipissing nations greet you, my father, and venture to set forth humbly their misfortunes; they are worthy of pity. They already submitted several moons ago in a petition - that they are without land to provide for the subsistence of their families. You told them: "My children, wait, I will convey your words to our common father, beyond the great Lake, who will consider them, and will command me to grant you what you are asking from me". What have you done for us, my father, since then? Nothing, at least to our knowledge, to grant what we asked you for then, except to tell us to go and hunt or live on the islands in the Ottawa. We went there and we found these islands occupied by other people with better title according to what they told us, and who chased us away saying: "Leave, you have no right here, we forbid you to hunt and fish. If your father had granted you some rights, he would have granted them to you in writing". And so, my father, these same persons, who were not afraid to scorn your word, feared even less chasing us off the land given to us by Lord Dorchester, which was little enough compensation compared to what we were entitled to expect from our good king.

My father, you want your children to love you, to be loyal to you, to follow you and to help you when you need help. Have they not done this? Look back and read the history of the last war. Who went first to the border and faced the enemy? Was it we, your children, or those to whom you have shown most favour? It was we the Algonquins and Nipissings who defended this land that we are asking you for today, that over which you govern. Other nations have done practically nothing, some were traitors to our father and they have been generously rewarded with lands. But for us, what have you done? Promises only. Perhaps, my father, some evil birds have advised you to do otherwise, have told you to grant nothing to the Algonquins and Nipissings. Alas, my father, know your children better, remember that an evil cloud has never darkened their ever-grateful hearts and observe that an Algonquin or Nipissing father gives up his portion to share it among his children, he carries them in his heart, their misfortunes becomes his own; in this way, he gains the affection of his children, they are loyal to him, they share with him their troubles, their sufferings and their joys; and you, my father, you see your children dying of hunger, without an inch of land back to which they can lead their hunger-weakened livestock. Rejected everywhere, you forget them, you ignore them in the midst of plenty, you forget the distress of your children, you forget that the bodies of some of their ancestors, or rather their ashes, still attest to these exploits which were ever the mark of Braves and Warriors.

Claims of the Petitioners, Sir John Johnson's detailed Report, and Sundry Papers on the Subject, are respectfully Submitted to Your Excellency herewith.-

[Document No. 133]

A copy of a petition dated November 28, 1833 could not be located.

121. Shortly thereafter, on February 15, 1834, Superintendent James Hughes advised Napier that two of the petitioners had identified the lands which they wanted:

Old Constant Pinaisieu was here a few days ago with another Nipissingue Chief they brought with them a map, made a few years past, by Kissinsique & old Amable Chevalier (now both dead) wherein you see at one view the tract of Country from Lake 2 Mountains to Lac Nipissingue - The hunting grounds & lands allotted to them of old, begins about the Long Sault upwards as far as Lac Nipissingue - These lands on the borders of the Ottawa are now almost all settled - They however have marked out a lot above the Grand Calumet Portage - some distance above the last Settlements. They would wish to have a Township or Seignorie, given to them there, before these lands are granted - Let me know if you please how these poor fellows (The Nipissingues & Algonquins) are to act to get possession of this tract - do you think It would be best to Petition their Father for it, & at same time send down this map to shew where they want this land - It is on the south side - there is an Island before it which they would also like to have, to make hay thereon & place their Cattle in summer - They say they have no encouragement to work on pieces of land that are in a manner only lent to them whereas were they like the rest of the Indians - Masters of a certain tract - that they could call their own, they would be happy & Industrious and moreover, above, they could have it in their power to make better hunts - find more deer & catch plenty of fish.-

[Document No. 134]

122. One week later, on February 24, 1834, Hughes, brought a specific complaint of encroachment to Napier's attention:

However averse I may be to trouble His Excellency the Commander of The Forces with continual complaints from the Indians of this District - Still when I see the miserable State they are reduced to, I am in duty bound to represent their grievances and the unjust treatment they are daily receiving at the hands of Intruders - Herewith I have the

honor to transmit a letter which I received a few days ago from Mr. Dominique Ducharme an Interpreter of the Indian Dept. stationed at the Lake of the two Mountains - It appears by this, /as I also have been informed from another quarter; that one Macwa a respectable and good Nipissingue Chief complains much of one Charles Thomas, (formerly a Clerk in the Employ of the Hon'ble Hudson's Bay Coy. but now turned a free hunter) who has a family of four or five Stout Sons; has taken possession of part of his hunting ground (as per Margin) and destroyed a quantity of furs such as Beaver, Muskrats & Otters, they having in their possession no less than about Sixty Steel traps: - This Poor Indian/Macwa has several times given notice to Charles Thomas to retire and quit his land or hunting grounds and not rob him of his property as he does, That the lands were his, and all that he had to depend upon for a livelihood and to cloath his family, were the furs and Peltries he was in a manner nursing on those lands - But all this had no effect on the said Charles Thomas who still persists in hunting and more over says he means to Squat down there and take to himself a Farm - Macwa as well as others of his Tribe - Beg and Pray of me to represent this act of Injustice to their Father at Quebec - and hope that he may take Pity on his poor red Children - and give such orders and commands that the said Chs. Thomas and family may be made to quit these lands - and that their Good Father will also Prohibit all White Hunters and other Interlopers, from trespassing on their hunting Grounds in any manner whatever - And that His red Children the Algonquins and Nipissingues will as in duty Bound ever pray for their Good Father.

[Document No. 136]

The marginalia Hughes referred to reads as follows:

Macwa's hunting grounds are situated on the banks of a small river, called Rivierre or bonne chaire (sic Chère) in the back parts of Petite Nation (Papineau's Seigneurie) on the North side of the Ottawa river about 75 miles distant from the Lake of the two mountains. In the division of the Indian hunting grounds many years past, this tract fell to the share of said Macwa's family.\*

123. On March 31, 1834 Napier drew the matter to the attention of Lord Aylmer, the Governor of Lower Canada:

1. Letter from the Superintendent of Indians at Montreal, dated 24th of February 1834, States that the Chief Macwa of the Nipissingue Tribe at the Lake of the Two Mountains,

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\*cf. paras. 124, 239, 240, 248, 250.



complains, that an Unwarrantable trespass has been committed upon his Hunting Grounds on the Ottawa River, by an Individual of the Name of Charles Thomas, who has plundered and taken possession of a portion of those Grounds, and continues to occupy the same in defiance of the Notices and Warnings of the Complainant: That the Chief has requested him to represent this Act of injustice to his Good Father at Quebec, and to pray that measures may be Adopted for his relief. -

In Submitting this complaint to Your Excellency, I deem it my duty to observe, that in the Month of May 1829, the Chiefs of the Algonquin and Nipissingue Tribes at the Lake of the Two Mountains preferred a Similar Application to His Excellency Sir James Kempt, - relative to various trespasses and depredations which had been committed by white Intruders upon their Hunting Grounds near the Ottawa River, upon which Occasion I was directed to intimate to those Tribes, that His Majesty's Solicitor General, or the Senior Crown Law Officer at Montreal, would be directed to prosecute on the part of the King, any Person who might illegally Settle, or Commit any Cognizable trespass or depredation on their Grounds; But as the Indians were unable, at that time, to Establish any particular Case with Competent proof, nothing further was done in the Matter.

[Document No. 137]

124. Subsequently, on April 7, 1834, it was noted by the Indian Department that the precise location of Macwa's land had been erroneously described in previous correspondence\*:

I beg leave to state for the information of His Excellency the Commander of the Forces, that having perused the letters addressed to you by the Superintendent of the Indian Department And requested of that Gentleman further instructions in order to enable me to yield immediate obedience to His Lordship's directions, he mentioned to me that since his letters to you, he has discovered that he had been Misinformed, as to the Situation of Macwa's hunting ground. It now seems that this ground is situated on the South Side instead of the North Side of the Ottawa River. And of course within the limits of Upper Canada.

[Document No. 138]

Since the land was outside the boundaries of Lower Canada, Aylmer had no authority to deal with the situation. No record has been found that indicates that the matter was subsequently drawn to the attention of the authorities in Upper Canada.

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\*cf. paras. 239, 240, 248, 250.

125. The following year, on June 6, 1835, the "Chiefs and Warriors of the Algonquin and Nipissingue Indians" addressed another petition to Sir John Colborne, the Lieutenant Governor of Upper Canada:

...  
We most humbly beg to expose to your Excellency, our Father, that we and our Ancestors have immemorially or from the remotest antiquity, held, used, occupied, possessed and enjoyed as hunting Grounds, the tract of land lying on either side of the River Ottawa and little Rivers as far as Lake Neppissing that is to say, comprehending both Banks of the River Ottawa and of the River Matawangué, called by the Voyageurs the Little River, to the Height of Land separating the waters of Lake Nipissing from those of the Little River, together with the Countries watered by the several tributary Streams of the River Ottawa and Little Rivers running North and South from their sources; the above tract of land is bounded to the Southward by a ridge of land separating the waters which fall into the Lakes and into the River St. Lawrence from those falling to the Northward and into the River Ottawa; the distance from the Township of Hawkesbury (Pointe d'Orignal) to Lake Nippissingue by canoe navigation is computed at 117 Leagues, 100 of which comprise the River Ottawa to the junction of the Little River with the River Matawangué, the actual settlement at present by the Whites, extending from the said township of Hawkesbury to the last Settlement, inclusive.-

That Our Great Father, George III of glorious Memory, by His Royal Proclamation given at the Court of St. James the 17th day of October 1763, promulgated to us, your Red Children, and other Indian Tribes of North America by the Honourable Sir William Johnson Bart. Our great Father's Superintendent of Indian Affairs in a Proclamation dated at Johnson Hall on the 24th day of December 1763, did expressly declare and provide "That the Lands claimed by the Indians as their Hunting Grounds are reserved to them for that purpose, and that they shall not under any pretence whatever be molested or disturbed in the possession thereof unless they should be inclined to dispose of the same" - in which case it is further declared and provided "That the same shall be purchased for our Great Father in His Royal Name at some Public Meeting or Assembly to be held for that purpose by the Governor or Commander in Chief".-

Now, may it please Your Excellency, our Father extensive Grants have been made and converted or erected into Townships and Settlements for the Whites by Your Excellency's predecessors, of the Territory so immemorially held, used, occupied, possessed and enjoyed by us, your Red Children as Hunting Grounds, without regard to and notwithstanding the provisions of the above Royal Proclamation of Our Great Father, no purchase or compensation for the Lands so taken and dismembered from our Hunting Grounds ever having been made of or to us or any of our Tribes, Nations or Kindred, although in all

similar instances where Lands claimed by contemporary Tribes in Upper Canada, have been required by Our Great Father the same have uniformly been purchased at a stipulated price or for some certain compensation in obedience to the above Royal Proclamation of Our Great Father.-

That may it please Your Excellency Our Father, We the Algonquin and Nipissingue Indians do not possess any Lands yielding to us any Revenue and hence are solely dependent upon the Chase on our Hunting Grounds for support and maintenance, and although your Red Children have not failed to view the progressive settlement by the Whites of Our Hunting Grounds from the Township of Hawkesbury to the last Settlement inclusive, as a forgetfulness of the above Royal Proclamation of Our Great Father, we have nevertheless abstained hitherto from preferring any representation on the subject to the Government whereof Your Excellency Our Father is now at the head, but observing that the present rapidly increasing settlement of the Upper Province and of that part thereof comprehending the Hunting Grounds of your Red Children lying on the South side of the River Ottawa, and that the indiscriminate and wanton destruction by the Whites or new Settlers, of the Beaver and other animals from which the most valuable Furs are derived will ere long annihilate our Chase and deprive us of the sole means which have hitherto been the support of our Tribes from long and immemorial custom, we are irresistably compelled to supplicate the aid and protection of Your Excellency Our Father, touching our humble claim to reasonable indemnification for the Lands on the South side of the River Ottawa thus dismembered from our Hunting Grounds without purchase or compensation of our Great Father, the King -

That may it please Your Excellency our Father we your Red Children of the Tribes of the Algonquins and Nipissingue Indians do not presume or venture to entertain the belief that the Lands already dismembered from our Hunting Grounds and converted or erected into Townships for Settlement by the Government over which Your Excellency Our Father now presides, will be restored to us, but we do believe that a fair and reasonable compensation for the Lands lying on the South side of the River Ottawa, so dismembered from Our Hunting Grounds, will be allowed and conceded unto us in obedience to the above Royal Proclamation of Our Great Father - and we do humbly and confidently appeal to Your Excellency our Father to ratify and confirm to us your Red Children, the use, occupation and possession of the Hunting Grounds on the [N]orth side of the River Ottawa which yet are reserved to us, and that in case we, your Red Children, or our descendants may at any time hereafter be inclined to dispose of the said Lands, that the same be purchased for Our Great Father in His Royal Name at some public meeting or Assembly of the Indians be held for that purpose - And moreover we humbly pray that Your Excellency Our Father will be pleased to command by Proclamation or otherwise that all Intruders or Squatters do forthwith depart from, and leave undisturbed and unmolested the Hunting Grounds yet reserved to and possessed by your Red Children, the whole in obedience to the above Royal Proclamation of Our Great Father -

We do by this our Memorial humbly submit to Your Excellency Our Father the foregoing representation of the Grievances and deprivations which we your Red Children have endured and are likely to endure from the gradual dismemberment of our Hunting Grounds, possessed by us immemorially and reserved and confirmed to us by the above Royal Proclamation of our Great Father of glorious memory, and while we humbly recall to Your Excellency Our Father's recollection that our Tribes have respectively been distinguished for Fidelity, Bravery and general good conduct and attachment to the Royal Cause of Our Great Father particularly during the American Rebellion, we do yet wholly repose on the wisdom of Your Excellency Our Father, to whom we humbly pray for the redress of our grievances and deprivations, and for the dispensation of Justice and Equity touching the same-

And as in duty bound, we your Red Children will every pray -

Nippissingues

Francois Ka-on-timKetch  
J.Bte Kejjic-o-mani-too  
Ignace Chu-wu-na-bais  
Ta-nus-kon  
F. Ojick  
Pe-ku-ku-si-kith  
Tchun-gi  
Wabee-sayr  
S. Takwa-nin  
etc.etc.etc.

Algonquins

Ign-Mui-Yu-Wus-Ku-Watch  
Kisonce  
Ant-pa-ki-nu-wu-tick  
F.Mic.Co.Bu buis  
Ku-pu-ni-cking  
Oja-wi-kick  
etc.etc.etc.

[Documents No. 139 and No. 139a]

The record includes an original petition and a copy on which the signatures and date differ slightly.

126. The above petition was transmitted by Col. J. Givins, Chief Superintendent, to Lt. Col. Napier to present to the Governor in Chief. In his covering letter dated August 11, 1835, Givens reiterated Sir John Colbourne's previously stated views:

...

His Excellency requests that you will have the goodness to cause it to be stated to these Tribes that He will endeavor to prevent the lumbermen and Squatters from molesting them on their hunting grounds to the Northward of the River Mataqangue, and between that River and Lake Nippising: and, that, as they have expressed a desire to settle on a tract of Land near les Calumettes, His Excellency will not fail to assist them in occupying it, should they decide on removing to that part of the Ottawa; but, that, in regard to their claims generally, their Memorial has been forwarded through the Indian Department for the Consideration of the Governor in Chief.

[Document No. 140]

127. Several months later, on January 19, 1836, Superintendent James Hughes, advised Napier that the Algonquins and Nipissings had met with Colborne in Toronto and, on the basis of discussions there, they had decided to leave Lake of the Two Mountains and settle at Grand Calumet Portage:

...I have here to observe that while making the Issues of His Majesty's Annual Bounty at the Lake of the Two Mountains on the 10th Dec. 1835 - Two or three old Indians of the Algonquin and Nipissingue Tribe as well as Captn. Ducharme, Interpreter at that Station - Informed me that the whole of the Chiefs and principal Warriors of those Nations, Being Obligated to leave the village, in search of a livelihood from the Chase, and it being more than probable that they could not meet me at the said Annual Issue - Assembled in Council before their Departures, and left a Parole for me with the above mentioned Individuals - Requesting of me to make known to their Father Sir John Colborne Lieutenant Governor of Upper Canada (through you) that it was the determination of the Algonquin and Nipissingue Tribes in General - To leave the village of the Lake of the Two Mountains and to go & settle on the tract of land above the Grand Calumet Portage, which His Excellency their Father Sir John Colborne, was pleased to say to them, in the course of last Summer, at a Council held at Toronto, that he would not fail to assist them in Occupying - And they also pray of their Father at Quebec The Governor in Chief - to take the distressed state of his red Children the Algonquins & Nipissingues into Consideration - and to do all in his power with the Lieutenant Governor of Upper Canada - to recommend them - (the Algonquins & Nipissingues) for a like remuneration, as their red Brethren of Upper Canada have received - for such lands or hunting grounds as they have been deprived of by that Government -

[Document No. 141]

128. One week later, on January 28, 1836, Napier wrote to Givins, Chief Superintendent Indian Department of Upper Canada, supporting the Indians' petition which he returned enclosed:

Referring to Your Letter of the 11th August 1835, and to My Communication of the 3 September following, I have the honor to transmit to You, for the favorable Consideration of His Excellency the Lieutenant Governor of Upper Canada, the enclosed Copy of a Communication from the Superintendent of the Indian Department at Montreal, Stating, that the Indians of the Algonquin and Nipissingue Tribes, at the Lake of the Two Mountains, have decided on removing to the Tract of Land, near the Grand Calumet Portage, on the Ottawa River, alluded to in Your Letter above mentioned.



Adverting to the Petition from these Tribes, (which I beg leave to return to You enclosed) I consider it my duty to observe, that it is expressly provided by His Majesty's Proclamation, Dated St. James's 7th October 1763, that, the Indians shall not under any pretence whatever, be deprived of the Lands claimed by them! - Unless they should be inclined to dispose of them, in which case, they are to be purchased for the Crown, only, and, at Some Public Meeting to be held for that purpose: - Notwithstanding which, extension Grants have been made of the Territory claimed by the Algonquin and Nipissingue Indians, within the Province of Upper Canada, without any compensation whatever being made to them, although, in all cases, where Lands Claimed by other Tribes are required by Government, they have been purchased at a Stipulated price, or some other Compensation made to the Indians, in obedience to His Majesty's Commands.-

The Algonquin and Nipissingue Tribes have always been distinguished for their Steady, Undeviating Loyalty and general good Conduct, and their brilliant Services, as Auxiliaries to the King's Troops, during the last War with the United States, in almost every Action and Out Post Affair, between the British and American Forces, upon the Frontiers of both Lower and Upper Canada, Stand recorded in the General Orders of the Army in this Command.

An Authentic Copy of the Royal Proclamation of 1763, Certified by the Late Sir John Johnson, is lodged in this Office, and should His Excellency be desirous of referring to that Document, I shall have much pleasure in transmitting it to you, in support of the Claims of Algonquin and Nipissingue Tribes.

[Document No. 143]

129. On February 15, 1836, Givins provided John Joseph, Civil Secretary, with the following information regarding the points set out in the petition:

I have the honor of transmitting to you herewith the accompanying Petition of the Algonquin and Nipissingue Indians together with the correspondence which has taken place in reference thereto, which you will be pleased to submit to the consideration of His Excellency the Lieut. Governor.

It will be perceived on referring to the Petition that the Petitioners seek a twofold relief, first, that a reasonable compensation may be awarded to them for certain of their lands alleged to have been taken by Government at former periods without any consideration having been paid to those Tribes, and, secondly, that the possession of their Hunting grounds on the South side of the River Ottawa which has not yet been surrendered to the Crown may be secured to them, and protected against intruders.-



With respect to the claim set up for compensation, I have searched in vain for any documents in this Department containing - Surrender of Lands made by these Indian Tribes from time to time to the Crown, which would, had such documents existed, have no doubt disclosed the considerations which were given by Government for such Surrenders. On inquiry at the Surveyor General's Office, I have ascertained that no such Documents can be found there. I understand that the Surrenders of lands made to Government by the Indians took place formerly under the superintendence of the Command and of the several Military Posts in this Province, in which case, it is not improbable that if any formal instruments were drawn up shewing the terms of purchase that they have been since lost or were destroyed during the War.

In this absence of documentary evidence, I have thought it adviseable to investigate the correspondence in the Surveyor General's Office with the view of ascertaining the spirit and manner in which the rights of the Indians in general were formerly considered and dealt with, in order that His Excellency may be enabled to draw his own conclusion as to the legitimacy of the Petitioners' claim to compensation. For this purpose I have the honor of transmitting for His Excellency's perusal and consideration the accompanying extracts from the correspondence in that office commencing in 1794 at or about which period I believe I may say that the Settlement of the Province on an extended scale and consequently the important negotiations of Government with the Indians, began. More extracts might have been furnished, but it is conceived the present will suffice.-

These extracts clearly demonstrate the caution and tenderness of Government in taking any Indian lands without the claims of the Tribes having been previously fully settled, and in the absence of documentary or other evidence to the contrary, it would appear to be no unreasonable inference to draw from such correspondence that the claims of the present Petitioners were adjusted at the times when the lands were surrendered by them to Government, and the more especially would such conclusion seem to be fair and just, as I believe it will be found that a claim similar to the present has never been preferred by any other Indian tribe and is perfectly novel and without precedent.

With regard to the other subject of Petition, His Excellency will probably think it right that the Petitioners, should be advised as far as possible in settling on such part of the unsurrendered lands on the South side of the River Ottawa as they may select, and as far as may be practicable that they would be protected from the intrusion of strangers.

[Document No. 144]

130. The following extracts from the Surveyor General's Office were attached to the letter:

6th September 1794 - The Surveyor General to Captain Porter commanding at Kingston - "The Papers relative to the Cahnawaga Indians were made out this day and transmitted to you with Mr. Ferguson's statement on the subject of Indian purchases to Lord Dorchester." -

8th September 1794. Same to same - Written in consequence of "the Indians having insinuated that they were not fully paid for their lands" - Captain Porter was desired to assemble the Chiefs and if any collusion should appear in making the Purchases he was to report to His Excellency. -

4th February 1795 - E.B. Littlehales Esq. Secretary to His Excellency to the Acting Surveyor General - "With reference to the extent of purchases made from Indians you are to consider all Plans signed by Major Holland, the Surveyor General under the order of the Council of Quebec as authentic documents. In the mean time no lands are to be granted where there is the smallest dispute." -

19th July 1795 - Same to same - Stating that His Excellency did not approve of any surveys being made until Mr. Kee had arranged with the Indians respecting their claims. -

11th March 1796. The Acting Surveyor General to E.B. Littlehales Esq. "Mr. Stafford and some others were directed to wait till an adjustment was made with the Indians about the extent of the Purchases." -

19th March 1796 - E.B. Littlehales Esq. to the Acting Surveyor General - "Your letter to me of the 11th inst covering a copy of an Order of Council to a Mr. Stafford and stating his representation to one of the Deputy Surveyors of the Eastern District with a copy of your application to His Exc of the 4th July last, also a Report and Sketch of the Townships of Russell and Montague have severally been laid before His Excellency who directs me to signify to you that he has written to H.E. Lord Dorchester relative to the final adjustment of the claims of the Indians on the St. Lawrence but in the interim the Lt. Governor sees no objection to your instructing the Dept. Surveyor of the District to survey the Township granted to the aforementioned Mr. Stafford in the accustomed manner, provided the same shall not give offence to the Indians of which the Dept. Surveyor will be particularly guarded and report to you accordingly. -

[Document No. 144]

131. On February 26, 1836, Givins advised Napier that the following decision had been made on the Algonquin and Nipissing petition by Sir Francis Band Head who had just assumed office on January 25, 1836:

I have the honour to acknowledge the receipt of your letter of the 28th Ult. and a copy of Mr. Supt. Hughes' letter to you of the 19th Ult. accompanying the Petition of the Algonquin and Nipissingue Indians which with their letter to me of the 3rd Sept. last have been submitted to the consideration of His Excellency the Lieut: Governor.

In reply to the first object of the Petition, namely that a reasonable compensation may be awarded to the petitioners for certain of their lands alleged to have been taken by Government at former periods without any consideration having been paid to them, His Excellency desires me to inform you that in the absence of any direct evidence to throw light upon the subject, for which diligent search has been made, and it appearing from an attentive perusal of the various extracts of correspondence in the Surveyor General's office laid by me before the Lieut: Governor, shewing that Government have at all times manifested the greatest caution and tenderness in dealing with the claims of the Indians throughout the Province; His Excellency has come to the conclusion that the claims of the present petitioners were fully settled and adjusted at the respective times when the lands were surrendered by those Tribes to the Government, and the Lieut. Governor is the more strongly induced to consider this inference to be fair and legitimate, inasmuch as he is informed that no claim similar to the present can be found to have been preferred by any other Indian tribe, and that it is perfectly novel and without precedent.

With regard to the second object of the Petition, namely that the possession of the Hunting Grounds of those Tribes on the South side of the River Ottawa, which has not yet been surrendered to the Crown may be secured to them, and protected against Intruders, His Excellency desires me to express His readiness to assist as far as possible, the Petitioners in settling on such part of those Grounds as they may select, and as far as may be practicable, to protect them against the Intrusion of strangers.

You will be good enough to communicate to the Indians these sentiments of His Excellency on their Petitions with all convenient despatch, and in such manner as you may deem most advisable.

[Document No. 145]

132. A tactful memo on the front on this document, added by Napier two years later when the Algonquins' claim was reviewed again (see para 143), states:

Sir F.B. Head's remarks on the Claim of the Algonquin & Nipissingue Indians appear to have been drawn up without reference to the fact which has subsequently (August 1837) come to light, that the Mississagua Tribe had sold to the Govt. of U.C. as far back as the year 1819, a great portion of the Lands claimed by the Petitioners!!!

[Document No. 145]

133. On the 2nd of August, 1836, Napier wrote to Givins informing him that, following to his letter of February 26, representatives of the Algonquins and Nipissings were about to travel to Toronto to indicate to Givins the land they had chosen for settlement on the south side of the Ottawa River:

In reference to the Concluding paragraph in your Letter of the 26th February 1836, I beg leave to acquaint You, that the Indians named in the Margin have been appointed by the principal Chiefs of the Algonquin and Nipissingue Tribes, to proceed to Toronto, for the purpose of explaining to you, the exact situation of that portion of their Hunting Grounds on the South Side of the River Ottawa, which they have selected for the settlement of their Tribes, and with a view of obtaining, through your protection, some assistance from Government in Settling thereon.-

[Document No. 147]

134. No specific record of this meeting has been found. Some indication of what was discussed, however, may be gleaned from a letter written three years later, on August 1, 1838, by Superintendent Hughes, who explained that the Algonquins learned at this time that the lands they claimed had been purchased from the Mississaugas and that they asked for an ~~in~~ inquiry (see paragraph 142, document 156).
135. Sometime in 1836, also, or soon thereafter, apparently as a result of their attempts to settle on Isle aux Allumettes, the Algonquin and Nippisings were led to address another petition to the Lieutenant Governor of Upper Canada. This time they requested proper deeds and an interpreter to help them to take possession of Allumette Island, and lands on the south shore opposite that island which, they declared, they had been told "belonged to them."

...

Concerning Allumette Island, they were told that it belonged to them and to take possession of it, but they dare to hope that your Excellency will grant them the deeds, with an interpreter, to take possession of it. They say that they are the only people without land of their own, although they and their ancestors had even shed their blood in the defence of the country and of their lands.

This is why your humble petitioners dare hope that your paternal arm will grant it to them and who will not cease to pray for your preservation.

...

Your petitioners, recalling that the islands in the river called Ontario (sic Ottawa) had been given them by Colonel Cambelle under the Government of Lord Dorchester in 1175 for good services rendered to the Government but that several Whites have taken possession of the said island and do not want to give any compensation in return and that they beg your Excellency to reconfirm the gift which was made to them.

Quebec 1835- Sir J. Colbourn granted them Allumette Island, with lands opposite the island on the south shore of the Ottawa River the length of the said island and three leagues deep.

... As to Allumette Island - they request proper deeds.  
...(Translated from original phonetically written French)

[Document No. 142]

136. Further light is thrown on the Indians' decision to move in a November 1836 report describing the conditions in the Village which the Algonquins and Nipissings proposed to leave. "Answers to Certain queries relative to the Indians of the Village of the Lake of Two Mountains", a document prepared by Supt. James Hughes. The relevant extracts follow:

...

2nd Query -  
Means of subsistence of the Indians, independent of the presents -

Answer -

...The Algonquins and Nipissingues' only means of Subsistence are derived from the Chace, These two Tribes are a wandering sett, never remaining at their village more than two months in the year (with the exception of a few old men, women & Invalids). They generally leave their Village in the month of August & repair to their hunting grounds - They move about from place to place during the whole winter, in search of furs and game to support their families - In the month of June the ensuing year they return to their Village, for the purpose of performing their religious duties, to receive their proportion of His Majesty's Annual bounty to them, and to pay the Traders who are stationed there, with their furs & peltries for such articles of Cloathing & food (pork, beef & flour) which they may have taken on credit during the time they remained at the Village the Summer previous - Formerly these two Tribes were rich and Independent - Their hunting grounds were extensive, abounded in furs and Peltries & were overstocked with Deer - The hunting grounds granted to these two Tribes about the year 1763 (by a certain Proclamation) and which they had enjoyed long before the Conquest - embraced all the Countries from Pointe D'Orignal (a little above long Sault) on both sides of the river Ottawa - to Lake Nipissingue, comprehending all rivers and Creeks to their sources-flowing into said river Ottawa - By far the greater part of these hunting grounds have been taken by Government laid out into Townships & conceded to Individuals Without any remuneration whatever having been made to the poor Indians for the same - Altho' the Indians of upper Canada receive an annual remuneration (over and above their presents) for all such parts of their hunting grounds as they may have been deprived of by Government, by purchase or otherwise - The Nipissingues and Algonquins from once being in affluence are now reduced to a state of Indigence - The Settlers, and more especially the lumber men have entirely ruined their hunting grounds - Their furs & peltries from the constant fires in the woods are destroyed, The Deer are driven away - The Indians are naked & half starved - Their only dependence for to cover their nakedness is, from His Majestys annual presents to them -

...

6th Query -

Number of unsettled Indians as above, receiving presents -  
What Tribes -

Whence coming.

Answer

The whole of the Tribes of this Village are as I have already said mostly unsettled, never remaining at their village one fourth part of the year and never while in the Forest more than a few days in the same Encampment, excepting when they have the luck of falling into a good Deer Country or on a good fish Lake - and that they Kill a sufficiency to enable them to lay up a stock of Provisions - No other Tribes of Indians (unsettled) visit this Village, except a few now and then from the Upper Province, who remain but a few days - But never receive presents.

[Document No. 149]



137. The proposed settlement plans did not lay to rest, however, the Algonquin and Nipissing demands for compensation for the hunting grounds they had previously lost. Nor did it quiet their demands for confirmation of the hunting grounds they continued to use, and the future purchase thereof. On February 8, 1837, "The Chiefs and Warriors of the Algonquin and Nipissingue Indians" addressed still another petition to Lord Gosford, the Governor of Lower Canada. The text of this petition was similar to the one they had presented in June, 1835 to Sir John Colborne, the Lieutenant Governor of Upper Canada (see paragraph 125), and which had been ~~decided~~<sup>decided</sup> on by Sir Francis Band Head. (see parag. 131 & 132). This time however, their description of that portion of their traditional hunting grounds on the north side of the Ottawa River and the reference to the encroachment of white settlers on that side was directed at the Governor of the province in whose jurisdiction these lands lay. In addition, in consequence of the growing settlement since 1835, they now asked for "reasonable indemnification" for these lands on the northshore:

. . .

We most humbly beg to expose to Your Excellency our Father, that we and our Ancestors have immemorially or from the remotest antiquity, held, used, occupied, possessed and enjoyed as Hunting Grounds the tract of land lying on either side of the River Ottawa and little rivers as far as Lake Nipissing, that is to say, comprehending both Banks of the River Ottawa, and of the River Matawangué called by the Voyageurs the little River to the height of land separating the waters of the Lake Nipissing from those of the little River together with the countries watered by the several tributary streams of the River Ottawa and little Rivers running North and South from their sources, the distance from the Township of Grenville to Lake Nipissingue by Canoe navigation is computed at One hundred and seventeen Leagues, one hundred of which comprise the River Ottawa to the junction of the little River, with the River Matawangué, the actual settlement at present by the whites extending from the said Township of Grenville to that of Onslow inclusive on the North Shore of the Ottawa River.

we are irresistably compelled to supplicate the aid and protection of Your Excellency our Father backing our humble claim to reasonable indemnification for the lands on the North side of the River Ottawa dismembered from our Hunting Grounds without purchase or compensation notwithstanding the above Royal Proclamation...

The signatures appearing on the petition to the Governor of Lower Canada:

Nipissingues

Fill Papino  
Simo Kiweksa  
Chapatis Kilkikomanito  
Mias Chaweanapa  
Chapatis Weapichip  
Newi Tchaki  
Pana Surve Otchik  
Tominik Patse

Algonquins

Ignace Meiwagchkawatch  
J. Baptiste Kikonse  
Simon Chawanasiketch  
Francois Migwanabai  
Antoine Pakinawatik  
Benjamin Osawakik  
Joseph Stokwa

[Document No. 150]

138. The Governor of Lower Canada referred the Algonquin-Nipissing petition for further consideration by the Executive Council. On February 25, 1837, John Davidson, the Civil Secretary forwarded it to the Council Chairman, together with the following comments:

I have been directed by the Governor in Chief to transmit to you the accompanying Documents - 1st A Petition with four Enclosures from the Chiefs of the Algonquin and Nipissingue Tribes of Indians, praying to be secured in the full enjoyment of their Hunting Grounds under the terms of the Royal Proclamation of 7 Oct.-1763, and to be indemnified for their loss of certain Lands; ... - and His Excellency has desired me to request that you will lay these applications before the Executive Council for their opinion and report thereon in connection with the general question relating to the Indians which is still under the consideration of the Council.

[Document No. 151]

139. The Executive Council considered the matter and prepared the following recommendation for Lord Gosford on June 13, 1837:

The Iroquois, Algonquins, and Nipissings, collected, under the spiritual Care of the Priests of the Seminary of Montreal, at the Lake of the Two Mountains, and forming altogether a Population 864 Souls, have no Land in their actual Possession, except about 260 Acres of sterile Soil, which they occupy by Permission of the Seminary, the Possessors of the Seignior.

The Circumstances of these Tribes appear to the Committee to demand the peculiar Attention of Government. Having done good Service in the Field in aid of His Majesty's Arms, both during the Former and the late War with the United States, they are now among the most helpless and destitute of the Indians of Lower Canada. They have laid before Your Excellency a Claim to be maintained in the Enjoyment of the Residue of their Hunting Grounds on the Ottawa River not as yet comprised in Settlements or Townships, and to be compensated for that Part which has been taken from them for those Purposes by the Crown.

The Claim of these Indians comprises a Tract of Country on each Side of the Ottawa River reaching from the last seigniorial Grant for some Hundreds of Miles upwards; and they ask that, besides receiving Compensation for that Portion of this Territory which the Crown has granted away or the White Population has occupied, they may be protected in the Enjoyment of the Remainder against further Encroachments or Grants.

There appears no Reason to doubt that under the French Government the Hunting Grounds of these Nations may have covered the whole Extent which they now describe, and that their Right so to use it, was as little disputed and as well defined as any of the territorial Rights of the other Indian Tribes.

These Petitioners now appeal to the Terms of the Royal Proclamation of 1763; and it appears to the Committee that, as that Act of State has been considered sufficient to guarantee the Iroquois of St. Regis the Possession of their present Reservation, to which it is stated they had not other Right than as a Part of their ancient Hunting Grounds, the Algonquin and Nipissing Tribes may have some Ground to complain if they are deprived of the Benefit of the same protection for their Claims. They have brought forward their Pretensions on various Occasions; and it is to be inferred from some of the Documents which they produce in support of their Application, that their Right to Compensation was at least in one instance distinctly admitted by Lord Dorchester.

The Committee however conceive that the Claims of these and indeed of all the Indian Tribes in respect of their former Territorial Possessions are at the present day to be resolved into an equitable Right to be compensated for the loss of Lands from which in former Times they derived their Subsistence, and which may have been taken by Government for the Purposes of Settlement, and that the Measure of such Compensation should be to place and maintain them in a Condition of at least equal Advantage with that which they would have enjoyed in their former State.

Viewing in this Manner the Claim now made by the Tribes in question, the Committee recommend that a sufficient Tract of Land should be set apart for them in the Rear of the present Range of Townships on the Ottawa River; and that such of them as may from Time to Time be disposed to settle on Land should be located there, and that both they and the rest of these Tribes should continue to receive such Support, Encouragement, and Assistance as may supply the Place of their former Means of Subsistence, and at the same Time prepare and lead them to a state of Independence of further Aid.

[Document No. 152]

These recommendations of the Executive Council constitute the first record after Dorchester's declarations (see para. 66 doc. 55) that has been located of official recognition that the Algonquins and Nipissings had "an equitable right to be compensated for the loss of [their traditional] lands..." They were duly transmitted to London by Gosford on July 13, 1837 in his dispatch No. 71.

140. On August 22, 1837, James Hughes, Superintendent, Indian Department, asked his interpreter, Capt. Ducharme, to inform the Algonquins and Nipissings that their petitions of February 3, 1837 regarding the continuation of presents and that of February 8, 1838, had been sent to England for the consideration of Her Majesty. Hughes further requested Ducharme to tell the Nipissings and Algonquins that

... His Excellency hopes to receive a reply shortly, of which he will inform his children the Nipissings and Algonquins, with respect to the hunting grounds belonging to, or, rather, claimed by the Nipissings and Algonquins on the south shore of the Ottawa River, which the Mississaugas sold to the Government of Upper Canada.

(Translated from original French)

[Document No. 153]

141. A year after the Executive Council had presented their recommendations to Lord Gosford, the Indians had still not received reply to their petitions. Thus, on July 18, 1838, the Algonquins and Nipissings submitted to Superintendent Hughes another request that the government deal with their complaints:

We, your Brothers, the Chiefs and Warriors of the Nipissing and Algonquin Tribe, on behalf of both ourselves and our women and children, give you our heartfelt thanks for the great kindness you have always shown us; we are certain we have caused you great trouble and torment. We know your heart, Brother, and it is good and true. Your brothers, the Nipissings and Algonquins, again need your help and are certain you will not refuse them. It is in you alone, Brother, that we place our trust. You are one of us. And so, we implore you to make our poverty known to our Brother His Excellency the Governor General who recently arrived, and who governs us. You are not unaware, Brother, that these past years, we have submitted a number of requests to the Fathers who governed us. But, unfortunately for us (perhaps because of their short stay among their Red Children or some other reason), we have never been able to have a definitive reply to our fair demands.

It would appear that our Father today, the Governor General, has more power than his Predecessors. They say he is good and generous, that he does Justice to his Red Children and White Children alike. That is all we are asking and all we are entitled to expect.

You know, Brother, our deplorable situation. You must remember the content of the Petitions we sent to several of our Fathers. These Petitions, or at least their copies, must be in Quebec City. Tell Our Father that we beseech him to read them, examine them and consider them seriously; and he will see at a glance that his Children, the Nipissings and Algonquins, are reasonable and are only asking for their rights: and tell him also that we are convinced he will do us Justice and that soon he will make his feelings known to us.

Brother, tell Our Father how we have been treated and scorned by the Whitemen who live on the banks of the Ottawa River. They take possession of our islands. They build here and there on our hunting grounds, without our permission or that of the Government. They ruin our Firewood without giving us anything; destroy our fur trade, drive off our deer; in short, they do us much harm. Before, the Whitemen who lived on our islands asked our permission to do so. They dealt honestly with us. They paid us an annual payment; we were satisfied with it and they remained there undisturbed. Now, only a few of the people pay us, although there are many who live on our islands. They laugh at us when we ask for payment. They tell us: "Where are your Titles? Show them to us, and then we will pay you". And so, Brother, be so good as to beseech our Father, on our behalf, to be good enough to give us a writing in his own hand giving us the power and authority to lease (but not sell), through the hands of one

of our officers, for a specific period of time to be determined by our Father as he sees fit, these same islands which are reserved for us for our own benefit and use, located in the Ottawa River. One day, when our Father needs them, he will take them. We know he will give us some small annual payment.

Tell our Father who we are. Tell him his children, the Nipissings and Algonquins, have always been loyal subjects; that his predecessors, our Fathers, always found us ready to follow their commands. We have spilled our blood for our King and our country. And we are prepared to do so again, at any time, when our Father deems it necessary. We have nothing further to say; we leave everything in your hands. Explain the demands we are making of our Father, in our petitions, and tell him we hope he will answer us before we leave for our Hunting grounds. And, if possible, we would like to see him before our departure.

Done in good faith and trust us always.  
Your greatful and obediant brothers

(translated from original French)

[Document No. 154]

142. Two weeks later, On August 1, 1838, Superintendent Hughes wrote to Napier regarding the Algonquins' various petitions:

I have the honour to transmit herewith for the information and consideration of His Excellency the Governor General - the document referred to in my letter marked No. 1 of the 31st ultimo and delivered to me as therein started by Francois ka-on-li-no-ketch, Grand Chief of the Nipissingue Tribe-on the 19th Ultimo.

The petitions referred to in said document, & which they request of me to explain are as follows:

No.1 Is a Petition from the Algonquin and Nipissingue Tribes of the Lake of the Two Mountains to His Excellency Sir John Colborne the then Lieut. Governor of Upper Canada dated 6th June 1835 relative to their hunting grounds on the South side of the Ottawa River.

No.2 Is another Petition from the same Tribes to His Excellency The Right Hon'ble Earl of Gosford then Governor In Chief dated 8th Feb. 1837 relative to their hunting grounds on the north side of the Ottawa River - to which they beg reference -

No.3 Is a Joint Petition from the Principal Chiefs of the several Tribes of Indians in this District dated 3rd Feb. 1837. Praying for a continuance of the Royal Annual Bounty to them, and their Children as heretofore - Petitions No. 2 & 3 accompanied my letter of the 8th Feb. 1837.

In reference to Petition No. 1. (a copy of which I beg leave to enclose) I have to observe that in the course of July 1835 a deputation of the Tribes Nip & Algonquins went



to Toronto, were admitted to an Interview of His Excellency, To Whom they presented the Petition in question. His Excellency was pleased to listen Kindly & favorably to their presentations. Vide letters from Chief Supt In. Department at Toronto to Lt. Col. Napier, Secty In. Affairs Lower Canada dated 11th August 1835 -

In the course of the month of August 1836 four Chiefs Nipissingues and Algonquins were again deputed by their different Tribes to Toronto - But The Lieut. Governor Sir Francis Bond Head being absent, The Chief Superintendent would give them no definitive answer to their application - relative to the land mentioned in their Petition, & on which they had a desire to settle - & wished it to be surveyed - However by what the Indians, themselves represent - It appears from the Information they received from the Chief Superintendent Col. Givins that the hunting grounds in question had been purchased by Government some years back from the Missisagua Tribe & for which that Tribe received goods annually to a certain amount. - The Nipissingues and Algonquins pray of Their Father to be pleased to order that an inquiry be made in this affair and if such be the case, They pray for Their Father to be pleased to direct the said annual remuneration paid to the Missisaguas for said lands to be retained and paid over to the Nipissingues & Algonquins - The said lands being known & acknowledged by all Tribes before and since the conquest of Canada by Their Great Father King George the Third of Blessed Memory to have been put apart and enjoyed by the Nipissingues & Algonquins as their hunting grounds and that the Missisaguas never without permission from the Nip. & Algonquins, dared hunt on said lands - without they did it in a clandestine manner -

As regards Petition No. 2 - The Nipissingues & Algonquins are persuaded that their Father His Excellency The Governor General, will shew no partiality, but will act towards them as the Government of Upper Canada has Invariably done to their red Bretheren in that Province - They ask for a certain annual remuneration; for the vast territory, forming great part of their hunting grounds, on the North side of the Ottawa river - assumed by Government and erected into Townships - and also to be secured in the full enjoyment of such portions of their said hunting grounds, as have not as yet been taken by Government -

With respect to the Joint Petition No. 3 they leave to the consideration of their New Father whom they are persuded will do all in his power for His red children who have always been loyal & Obedient -

Concerning the Island on the Ottawa River, They beseech their Father, to order that Justice be rendered them, by ordering the removal of such of the Whites as have squatted on them and by giving His red Children certain Document signed by His own hand, to impower them, or the Officer that he may be pleased to appoint to watch over their Interests, and to leave the said Islands for four or five years at a time for the sole benefit of His red children the Nipissingues -

They beg further to represent to their Father, That many of their Tribes have settled on an Island [Isle aux Allumettes] above the Grand Calumet Portage on the Ottawa, And that many others are on the point of joining them, they being nearer the hunting grounds that are not yet quite

ruined and enabled to procure a livelyhood from fishing -  
But they are sorry to say that many squatters have settled  
themselves on said Island to their annoyance, They  
therefore pray of Their Father to give such orders as he  
may deem most fit to enforce their removal from said Island  
- (L'Isle aux Allumettes)

[Document No. 156]

143A. A month later, on August 17, 1838, Lt. Colonel Napier forwarded  
the following instructions to Superintendent Hughes:

In regard to the complaint of the Algonquins and  
Nipissigues Tribes respecting the depredations committed by  
White persons on their hunting Grounds, transmitted with  
your letter of the 31st ultimo, I am enabled to forward,  
for your Information and Guidance the enclosed extract of  
Instructions on this point which were issued by  
Sir James Kempt in the year 1829 and which His Excellency  
the Governor General has ordered be observed in future.

[Document No. 158]

Sir James Kempt's instructions regarding the prosecution of  
trespassers to which Napier referred are quoted in paragraph 105  
above.

143B. On August 22, Lord Glenelg transmitted to Lord Durham, the new  
Governor, his instructions concerning the Executive Council's  
recommendations to his predecessor, Lord Gosford (see para. 139):

The Earl of Durham  
Higland

You will perceive by a reference to the archives of  
Upper and Lower Canada that the conditions of the  
Indians in those provinces has engaged much of my  
attention. The correspondence noted in the margins\*  
will put you in possession of my general views on the  
subject, and the specific instructions which I have  
given regarding some particular parts of it.

Lord Gosford's dispatch No. 71 of the 13th July, 1837  
transmitting the report of the Committee of the  
Executive Council reached me in last September. I was  
at that time in expectation of receiving from parties  
in this country and from persons deputed for the  
purpose in Upper Canada, further representations  
relating generally to the Indian tribes in B.N.  
America. Shortly after that time also those events  
occurred in both provinces, which of necessity  
suspended that prosecution of all questions of  
peaceful improvement and which made an appeal  
regarding them to the Local Government as unreasonable  
as it must have been useless.

\*

These Marginal Notes are listed at the end of document transcription.

On these accounts I postponed my answer to Lord Gosford and this postponement I felt the less unwilling to incur, as Lord Gosford had very judiciously acted on the recommendations of the Committee of the Executive Council, so far as was necessary to prevent any injury occurring to the Indians from a short delay in the final decision of H.M. Government.

I now resume the consideration of the subject, making only this preliminary remark that, among the various matters which demand your attention, although there are some of more immediate urgency as to our political relations in North America, yet there is not one of graver importance in itself or involving obligations of a deeper and more enduring character.

With respect to Lower Canada, the report of the Committee of the Executive Council leaves little to be desired, either as to the details of the question, or as to the principles on which it ought to be dealt with, or as to the practical application of those principles.

The sentiments and suggestions of that report coincide not only with my own views as explained in former dispatches, but also with those of the persons in this country and in the Canadas who most interest themselves in the fate of the Indians.

I have therefore to authorize you to carry the proposed measures into effect.

I wish however to advert to some topics, for the purpose of inquiry or remarks - requesting you to understand that those subjects which I do not particularly mention, are not therefore to be excluded from any general recommendations, subject of course to your judgement on the spot to adopt all the suggestions of the report.

The Committee recommends that a different description of clothing should be substituted for that hitherto supplied, in order that the Indians may be led to adopt more generally the European mode of dress and the committee are of the opinion that this change should apply both to the male and "female Indians". I concur as well calculated gradually to wean the Indians from those habits and associations which form the principal impediment to their civilization. But in carrying such a measure into practice care should be taken to make the transition gradual and to avoid any unnecessary violence to the feelings or prejudices of the People.

The Committee observe in their report that it is desirable that the Trinkets and Ornaments "hitherto furnished should be discontinued: that the presents of this description now in store to the amount of between 2 and 3,000 should be sold with the reserve hereafter mentioned, and that agricultural implements and tools should be provided to be given to such Indians as shall show an inclination for agricultural pursuits or other employments". - I wish to know if any steps have been taken to act on this suggestion.

With respect to the recommendation as to the wandering Indians, Lord Gosford observes that he had directed measures to be taken for affording to those Indians as early an intimation as possible of the proposed alteration. I desire to be informed what has been the consequence of those measures and whether there is any prospect of inducing those wandering Indians to establish themselves in any fixed spot.

The objections stated in this report against the commutation of the presents for money seem to me decisive.

The condition of the Indians as to education is far from credible to British Rule. Under the French government that people were placed under the special care of the Jesuit missionaries, a class of men of whom it must be admitted that, whatever may have been their delinquencies in the Old World, they have, in the New, been known chiefly as the Protectors and Civilizers of a Race (illegible) or trampled upon by all beside. It is time for us to emulate their example and to supply, however tardily, the place of the instructors of whom our conquests have deprived the original possessors of the soil. You will accordingly take into immediate consideration the best means of "establishing and maintaining schools among them, in which the rudiments of education shall be taught, joined if possible with instruction in agriculture and some of the handicrafts and in order to promote these objects you are authorized if you think fit to direct "some of the "Medals or Ornaments now given as Presents, now received and hereafter, be converted into prizes for proficiency in learning or for industry and success in agriculture".

The observations and conclusions of the Committee on every part of this subject, I mean the improvement of the moral and social condition of the Indians, are very important and no less practical than just. The great question of the possibility of advancing the Indians in civilization is discussed by the committee in a spirit of candor and enlightened humanity, and with a force of reasoning entirely conclusive. The result at which they arrive is well calculated to encourage every judicious effort in this cause. I cannot but urge on you the immediate adoption of the various suggestions which they make if they should appear to you, after inquiry and deliberation to deserve the character which I have given of them.

I approve the course taken by Lord Gosford in regard to the agricultural school and farm of Mr. P. Christie and I am anxious to learn what has been the progress of that experiment to the present time. I should fear that the late disturbances must have much interfered with its success. I wish also to learn if the officers of the Indian Department have in pursuance of Lord Gosford's directions, made reports "in what places and manner Establishments of a similar nature might be formed".

With respect to the settlement of the Indians, I cannot but agree in the conclusion at which the Committee arrive. "Upon the whole, however, it would seem to the Committee to be more advisable to endeavour to form compact settlements, of such as may be so disposed, upon lands not very remote from older settlements, allowing

however, such as may be willing to take separate locations elsewhere, to follow their own choice, and giving them agricultural instruments but no other description of Presents."

I need not follow in detail the interesting enumeration of the state and circumstances of the different tribes: but I must call your special attention to the recommendations which the Committee offer in relation to each separate tribe. You will be the more at liberty to shape your proceedings in this matter according to your own discretion, in consequence of the provident directions given by Lord Gosford "to the Crown Lands Department not to dispose of the tracts proposed to be reserved for such tribes as appear to need an augmentation of their property until the pleasure of his Majesty's government be known on the subject."

In regard to those Indians who are at the present without any land, consisting principally of the Iroquois, the Algonquins, and Nipissing tribes, I concur in the opinion of the Committee that reservations should be made for them at the back of the present settlements, although of the extent of such reservations I am unable to form any opinion. A question then arises as to the manner in which these reservations should be secured to the Indians. In Upper Canada some insecurity and consequent indisposition to the cultivation of the land is said to have been felt by the Indians by reason of their want of any legal title. Strong objections however exist to the conferring on them saleable titles as being likely to expose them to the fraud and artifices of designing persons. To escape this difficulty, and at the same time to remove any reasonable feeling of suspicion on the part of the Indians, I have lately directed Sir G. Arthur, if he should see no insuperable objection to such a measure, to cause Title Deeds of their property to be drawn up in writing and recorded in the office of the Commissioner of Crown Lands and to allow any person deputed on their behalf to assure themselves of the fact of such record. The Deeds so recorded would be considered by the government as equally binding with any other similar documents; and if the Indians at any time desire to sell or exchange their lands, the government would be ready to listen to their applications and to take such course as might be most consistent with their welfare and feelings.

A similar measure ought to be adopted in the Lower Province with respect to the estates now belonging to the Indians; but in the case of the lands proposed to be reserved for their benefit it should be distinctly provided that the lands, so reserved, shall, be inalienable by the Indians, without the express consent of the Executive Government, and that it should be in the power of the Government should the Indians not cultivate the land, to remove them hereafter to other Hunting grounds, when the advance of settlements may render such a measure expedient: but if they should cultivate it, then to contract the limits of their reservation to such an extent as would leave them the means of procuring an adequate and comfortable subsistence.



I adopt the views of the Canada Comm. and of the Commissioner, as to the expediency of granting garden lots to the Indians of Lorette; and I have to convey to you my authority for making such grants either in the spot indicted by the Committee or in any other quarter which may appear to you preferable, and which may, at the same time, be agreeable to the Indians themselves.

H.M. Government should - I think - be furnished from time to time with an accurate account of the state of the Indians and of their progress in the Arts Of Civilized Life. I have, therefore, to request that you will direct a detailed report on this subject to be prepared and transmitted to me periodically. I should, at the same time, be happy to receive any suggestions which it may be in your power to offer for the promotion of the wellbeing of this people, and for the advancing the period at which they may attain to independence.

It is an appalling fact which is stated by the Committee "that the average number of Children living from each Indian Marriage does not exceed two persons - a married couple and a large proportion even of those being half castes, while in the rest of the population of the Province it is at least four to each marriage; thus furnishing, "as the Committee add, "another proof that powerful external causes have been in operation to keep them below the level of their fellow Men.

This is a state of things of which it is enough to say that it ought not to be. The interval is widened between this condition and one of comfort - of moral and religious improvement - of prosperous independence and of the capacity to enjoy and appreciation the rights of free British Subjects. Yet it is to this latter condition that it is our duty, and ought to be our endeavour, to conduct this unhappy race; and I cannot but hope that you may be enabled to set in progress a system which may finally produce such a result. I conclude with three general observations -

- 1 - It should be regarded as a fixed principle in any arrangements that may be made regarding the Indians that these concerns must be continued under the exclusive care and superintendence of the Crown. My meaning cannot be better expressed than in the words of the Committee: "they think it right to observe in general that in the Recommendations which they have offered, they assume that the Indians must continue to be as they have hitherto been - under the peculiar care and management of the Crown, to which, whether under French or British Dominion, they have been taught exclusively to look for paternal protection in compensation for the rights and independence which they have lost."

Until circumstances make it expedient that they should be turned over by the Crown to the Provincial Legislature and receive Legislative Provision and Care, the Committee conceive that all arrangements with respect to them must be made under the immediate Direction of H.M. government and carried into effect under the supervision of officers appointed by it."



- 2 - I recommended in my dispatch of 14 June 1826 No. 39 that although the modes of applying the money destined for the Indian Department might be revised, yet the whole amount applied to that service should not exceed the sum actually voted by Parliament for that purpose, and certainly the strictest economy should be exercised in the application of the money so voted. At the same time, no real interest of the Indians ought to be sacrificed, or any practical improvement deferred on the sole grounds of expense. From what sources any necessary supplies for this object, beyond the sum annually voted should be drawn, may be a question - but although it would be unexpedient to apply to Parliament for an increased vote, recourse might be had to the Provincial Revenues, including in that term the Crown Revenues, as well as those of all other kinds. There is surely no object for which those revenues can be more justly and legitimately rendered available than this.

It is to be regretted that in the proposals made to the Assembly of the different Provinces respecting the session of the Crown Revenues in return for a fixed civil list, some stipulation was not introduced securing a portion of the usual revenues for the social and religious improvement of the Indians. In those cases, as in Upper and Lower Canada, where the negotiations will have to begin de novo, it may be right to insert some provision to that effect; for in such cases it is clearly open to the Crown to vary or add to the terms of the proposal - but even where it is too late to take this step, I have no doubt that an appeal to the justice and liberality of the local legislature on behalf of the Indians would meet with a cordial and efficient return.

- 3 - I would in the sums spent deal with the question of lands of the Indians - However rigidly the rules respecting disposal of lands may be observed in general - and it is necessary to observe them with the utmost strictures - yet if in any case it be for the clear advantage of the Indians to depart from those rules, the departure ought without hesitation to be sanctioned.

I have, etc.

Glenelg.

[Document No. 158A]

144. On September 4, 1838 Superintendent James Hughes wrote back to Napier - apparently at the request of the Indians regarding various complaints:

I have the honor to transmit herewith a copy of a letter to the address of Capt. Ducharme dated 22nd August 1837 wherein he is made acquainted with the Instructions of His Excellency the Governor in Chief. The Earl of Gosford as contained in your letter of 8th Aug. 1837. as regards the Petitions No. 1 & 2 for the information of The Indians of The Lake - a Similar communication was made to the Tribes of Caughnawaga & St. Regis. The reason of my having again referred to said Petitions, was at the Request of The Indians themselves who begged of me so to do - alledging

for a reason that they had expected an answer, long before this time, but that as none had arrived - That Their Father The Governor General, when made acquainted with the transaction, might order an enquiry into the affair -

[Document No. 159]

145. Petition No. 1 to which Hughes referred was the Algonquin/Nipissing petition of 6 June, 1835 (Document No. 139) which was rejected by Sir Francis Bond Head ~~had rejected~~. In a separate letter Hughes added the following comments on that situation:

Yours of the 17th Ult. I have the honor to acknowledge, and would long ere now have answered it, but being in expectation that the principal Chiefs of the Algonquin and Nipissing Tribes, would according to their Intentions have paid me a visit, occasioned the delay. -I now beg leave to mention, that the decision of the late Lieut Governor of Up. Canada (Sir F.B. Head) which I had the honour to receive with your letter of the 10th March 1836) and Nipissings to His Excellency Sir John Colborne dated 6th June 1835, was fully explained to the Petitioners at the time or soon after.-

1. The object of the Petitioners' present request, 1st Aug. - Praying that the said Petition should be submitted to His Excellency, the Governor General, is, that His Excellency may be made acquainted, with the extensive tract of Country, situated on the South side of the River Ottawa, which they the Algonquins & Nip. Tribes, claim as their hunting Grounds from time immemorial, & which were held, used, occupied, possessed and enjoyed, as such, by their ancestors, long before the conquest of Canada by the arms of Their Good and Great Father of Glorious memory, King George III and since by themselves and Kindred.

2. That His Excellency, by reference to said Petition will find, that the greater, & most valuable parts of these hunting grounds, have been assumed by Government, without ever consulting their Tribes, or allowing them the least remuneration for the same, altho in all similar instances, when lands claimed by contemporary Tribes, have been required by their Great Father, the same have been uniformly purchased, at a stipulated price, or for some certain compensation, in Obedience to the Royal Proclamation, as mentioned in said Petition.

3. That Their Father, His Excellency The Governor General in looking over the Petition, and having reference to the sale of lands, or rather the deed of sale (a memo of which is in possession of the Secty In Affs at Quebec) made by the Missisaguais to the Government of Up. Canada) will find that the greater part thereof, as the Petitioners to their great astonishment and surprise, were informed by the Chief Supt In Dept at Toronto, are the very hunting grounds which have always been, & still are claimed by the Algonquins & Nipissings - and to which the Missisaguais had no right whatever. The country claimed as hunting grounds, by the Missisaguais and respected as such by the Nipissings &

Algonquins, is a certain tract to the Southward, of a ridge of land (called Hauteurs des Terres) that separates the waters which fall into the Lakes and into the River St Lawrence from those falling to the Northward & into the River Ottawa.

4. That they the Nip. and Algonquins, are persuaded, that when Their Father His Excellency the Governor General, finds that they have never sold any part of Their hunting Grounds to Government- and that the very tract of country made over by the Missisaguais to the Government of Upper Canada, forms part of the hunting grounds, claimed & enjoyed by them (Nip. & Alg.) from time immemorial & acknowledged as such by all the Tribes of Lower Canada - His Excellency will see the Justness of their demands - and order that the remuneration in Indian presents, whatever it may be, annually paid to the Missisaguais, for the said lands, to which they had no right whatever, may be retained, and in Justice, ordered to be paid to the Nipissingue and Algonquin Tribes:

[Document No. 160]

146. Napier, on receipt of this information, reviewed the questions raised. On September 10 he wrote on the front of Givins' letter which had stated Bond Head's views the brief memo to which this report referred in paragraph 132 above, namely:

Sir F.B. Head's remarks on the Claim of the Algonquin & Nipissingue Indians appear to have been drawn up without reference to the fact which has subsequently (August 1837) come to light, that the Mississauga Tribe had sold to the Govt. of U.C. as far back as the year 1819, a great portion of the Lands claimed by the Petitioners!!!

[Document No. 145]

X. THE FIRST ALGONQUIN PETITIONS CALLING FOR ANNULMENT OF THE MISSISSAUGA SURRENDER OF 1819, AND THE MACAULAY REPORT AND RECOMMENDATIONS

147. Having learned thus in 1836 that the hunting grounds they claimed had been purchased from the Mississaugas, the Algonquins and Nipissings changed the tenor of their representations to the Crown. The following petition was thus they presented on September 6, 1838, to Sir George Arthur, the Lieutenant Governor of Upper Canada by them:

That we the Indian Chiefs and Warriors who now most respectfully approach Your Excellency, do for ourselves and our respective nation, tribes and kindred, humbly and obediently implore Your Excellency as our Father and Protector, to vouchsafe and Your gracious attention to, and consideration of this the humble Memorial of the Grievances and deprivations which we, Your Red Children, have long indured patiently and submissively without complaints; under the conviction however, that those Grievances, now becoming more and more burdensome, when made known to Your Excellency, our Father, would obtain retribution; Justice and Equity having ever been co-ordinate with the Government over which your so meritoriously preside.

We most humbly beg to expose to Your Excellency, Our Father, that We and our ancestors have immemorially or from the remotest antiquity, held, used, occupied possessed and enjoyed as Hunting Grounds, the tract of Land lying on either side of the River Ottawa and little Rivers as far as Lake Nipissingue, that is to say, comprehending both Banks of the River Ottawa and of the River Matawanguie called by the Voyageurs the Little River, to the height of land separating the waters of the Lake Nipissing from those of the little river together with the countries watered by the several tributary streams of the River Ottawa and Little Rivers running North and South from their Sources: the above tract of land is bounded to the Southward by a ridge of Land separating the waters which falls into the Lakes and into the River St. Lawrence from those falling to the Northward and into the River Ottawa; The distance from the Township of Hawksbury (Pointe d'Orignal) to Lake Nipissing by Canoe navigation is computed at 117 Leagues, 100 of which comprise the River Ottawa to the junction of the Little River with the River Matawanguie, the actual settlement at present by the Whites, extending from the said township of Hawksbury to the last settlement, inclusive.-

That our Great Father, George III<sup>d</sup>; of glorious memory, by his Royal Proclamation given at the court of St. James the 17th day of October 1763, promulgated to us, Your Red Children, and the other Indian Tribes of North America by the Honourable Sir William Johnson Bart. Our Great Father's Superintendent General of Indian Affairs, in a Proclamation dated at Johnson Hall on the 24th day of December 1763 did expressly declare and provide "That the Land claimed by the Indians as their Hunting grounds are reserved to them for that purpose, and that they shall not under any pretence whatever be molested or disturbed in the possession thereof unless they should be inclined to dispose of the same" in which case it is further declared and provided "that the same shall be purchased for our Great Father, in His Royal name at some public meeting or assembly to be held for that purpose by the Governor or Commander in Chief".-

That Your Excellency's Petitioners humbly represent, that Extensive Grants have been made and converted or erected into Townships and Settlements for the Whites by Your Excellency's predecessors on the territory so immemorially held, used, occupied, possessed and enjoyed by us, Your Red Children as Hunting Grounds, without regard to our Rights therein and notwithstanding the provision of the above Royal Proclamation of our Great Father and that no indemnity or compensation for the Lands so taken and dismembered from our hunting ground has ever been made to us or any of our Tribes, Nations, or Kindred, although in all similar instances where lands claimed by contemporary Tribes, in Upper Canada have been required by our Great Father the same have uniformly been purchased at a stipulated price or for some certain compensation in obedience to the above Royal proclamation of our Great Father.

That Your Petitioners have recently heard with surprise, that the Mississagua Tribe have sold to the Government of Upper Canada, a certain portion of our said Hunting Grounds and that they receive an annuity for the same amounting to 642;10;0 C.M. per annum, without our knowledge consent or participation in any shape or manner whatever;\*

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\*underlining in original text



wherefore Your Petitioners claim from Your Excellency justice; that the said sale by the Mississagua be cancelled and annulled and the said annuity paid to your Petitioners.-

That may it please Your Excellency Our Father, we the Algonquin and Nipissingue Indian do not possess any lands yielding to us any Revenue and hence are solely dependant upon the chase on our hunting Grounds for support and maintenance and although your Red Children have not failed to view the progressive settlement by the Whites of our hunting grounds in various other tracts than those mentioned as having been sold without our consent or authority as above mentioned, as a violation of the Terms of the above Royal Proclamation of Our Great Father, we have nevertheless abstained hitherto, from preferring any representation on the subject to the Government whereof your Excellency Our Father is now at the head; but seeing ourselves plundered of our property by the sale in question, and observing that the present rapidly increasing settlement of the Upper Province and of that part thereof comprehending the Hunting Grounds of Your Red Children lying on the south side of the River Ottawa, and that the indiscriminate and wanton destruction by the White or new Settlers, of the Beaver and other animals from which, the most valuable furs are derived will ere long annihilate our Chase and deprive us of the sole means which have hitherto been the support of our tribes from long and immemorial custom; we are irresistably compelled to supplicate the aid and protection of Your Excellency Our Father touching our just claim to the Annuity in question and also to reasonable indemnification for the other Lands on the south side of the River Ottawa thus dismembered from our Hunting Grounds without purchase or compensation of our Great Father, the King.

That may it please Your Excellency Our Father we Your Red Children of the Tribes of the Algonquin and Nipissingue Indians do not presume or venture to entertain the belief that the Lands already dismembered from our Hunting Grounds by the iniquitous sale in question and subsequently converted or erected in Townships for Settlement by the Government over which Your Excellency our Father now presides, will be restored to us, but we do believe, that Your Excellency will take steps to transfer to us the Annuity which has been unjustly acquired by the Mississaguas, as above stated, and also that a fair and reasonable compensation for the other portion of our lands lying on the South side of the River Ottawa and dismembered from our Hunting Grounds without our knowledge & consent in the manner before described, will be allowed and conceded unto us in Obedience to the tenor of the above Royal Proclamation of Our Great Father - and we do also humbly and confidently appeal to Your Excellency our Father to ratify and confirm to us Your Red Children by a Proclamation, the use, occupation and possession of the residue or unoccupied portion of our hunting grounds on the South side of the River Ottawa which yet are reserved to us, and that in case we Your Red Children, or our descendants may at any time hereafter be inclined to dispose of the said lands, that the same be purchased for our Great Father in his Royal name, at some public meeting or assembly of our Tribes, to be held for that purpose. And moreover we humbly pray that Your Excellency Our Father will be pleased to command by Proclamation, or otherwise, that all Intruders or Squatters do forthwith depart from and leave undisturbed and unmolested the unoccupied portions of our said Hunting Grounds, now possessed by Your Red Children, the whole in obedience to the above Royal Proclamation of Our Great Father.

We do by this Our Memorial humbly submit to your Excellency Our Father, the foregoing representations of the grievances impositions & frauds and deprivations which we your Red Children have endured and are likely to endure from the unjust and fraudulent dismemberment of the Hunting Grounds heretofore possessed by us immemorially, and reserved, and confirmed to us, by the Above Royal Proclamation of Our Great Father of glorious memory, and while we humbly recall to Your Excellency Our Father's recollection, that our Tribes have respectively been distinguished for Fidelity, Bravery, and General good conduct and attachment to the Royal cause of our great Father, particularly during the American Rebellion, we do, yet wholly repose on the wisdom of Your Excellency Our Father to whom we humbly pray for the redress of our grievances and deprivations, and for the dispensation of justice and equity touching the same:-

And as in duty bound we Your Red Children will ever pray  
etc.

Nipissigues		Algonquins		
Frans, Ka-on-tino-ketch		Ign. Mui-gu-waskuwetch	SA	Mangue
J. Bte. Keejic-o-Muni-too	X	Ki, conce	X	X
Ignace Chu-wu-na-bais	X	Ant. Paki-nu-watick	X	X
Tanas-thon	X	F. Mi-co-na-buis	X	X
F. Ojick	X	Ku-po-ni-ching	X	X
P-Kukusi-Keth	X	Oja-wa-thick	X	X
Tehungi	X			
Beeaccpit [T. Tak-wa-nin]	X	etc. etc. etc.		

etc., etc., etc.

Je Missionnaire soussigné certifie que les réclamations contenues sans la sus dite pétition sont réellement l'Expression des demands faites par les Chefs Nipissings at Algonquins tant en leur nom qu'en celui de leurs nations respectives demeurant au Lac des deux montagnes.

Ce 7e jour de September 1838

Durocher P. Misne.  
(Père Missionnaire)

[Document No. 162]

The above petition constitutes the first formal protest by the Algonquins and Nipissings which we were able to locate calling for the annulment of the Mississauga surrender of 1819. It also appears to be the first occasion on which they officially claimed the annuity the Crown was paying to the Mississaugas for the land covered by that surrender.

148. On the very next day, September 7, the Iroquois Indians at Lake of the Two Mountains signed the following declaration in support of the Algonquin and Nipissing claims:



We the undersigned Chiefs and Warriors of the Iroquois Tribe stationed at the Lake of the Two Mountains, do certify and declare that Our Indian Bretheren The Nipissingue and Algonquin Tribes, have from the remotest antiquity, held, used, occupied, possessed and enjoyed as hunting grounds The tract of land on either side of the River Ottawa and Little Rivers as far as Lake Nipissingue, that is to say, comprehending both banks of the River Ottawa and of The River Matawangué called by the voyageurs the Little River, to the height of land separating the waters of The Lake Nipissingue from those of the Little River, together with the countries watered by the several Tributary Streams of the River Ottawa and Little Rivers, running North and South from their Sources, The above tract of land is bound to the southward by a ridge of land, separating the waters which fall into the Lakes and into the River St. Lawrence from those falling to the northward and into the River Ottawa, The distance from the Township of Hawksbury (Point D'Orignal) to Lake Nipissingue by canoe navigation is computed at 117 leagues more or less, one hundred of which comprise the River Ottawa, to the Junction of the Little River, with the River Matawangué.

[Document No. 163]

149. Subsequently, on September 10, 1838, Napier submitted the following material for consideration by Lord Durham, the Governor General:

1. Letter from the Superintendent of Indians at Montreal attached, dated 4th September 1838. Submits a request on the part of the Algonquin and Nipissing Tribes, that this Petition to the late Lieutenant Governor of Upper Canada, relative to their Hunting Grounds, may be Submitted to Your Excellency, with a view to an inquiry into the circumstances therein set forth.
2. Letter from the late Chief Superintendent of the Indian Department at Toronto, dated 26th February 1836, Communicates the remarks of Sir Francis B. Head, on the Claims preferred by the Petitioners, in the Petition above mentioned.

In the month of August 1837 \*a Deputation from the Algonquin and Nipissingue Tribes proceeded to Toronto to lay their Case before the Lieutenant Governor; but Sir F.B Head being at this time absent on a Tour, nothing could be done in the matter: It was however intimated to the Deputies by the late Chief Superintendent that the Hunting Grounds Claimed by their respective Tribes had, some years back, been purchased by Government from the Mississauga Tribe of the Bay of Quinte, and upon reference to the Schedule of Indian Deeds in this office it appears that in the year 1819, the latter Tribe did convey and transfer to the Government of Upper Canada, a block of Land Amounting to 2,748,000 Acres, for a perpetual Annuity of 642:10 Currency, payable in Indian Goods, and it further appears, that this Tract has a front of 15 Miles in that part of the Ottawa River Claimed by the Algonquin and Nipissingue Indians as their Hunting Grounds.-

\*The writer must have meant 1836. (See para. 133 above)

Under the Circumstances represented, I respectfully solicit permission to proceed to Toronto to lay the Subject of the present Application before His Excellency Sir George Arthur with such instructions thereon as Your Excellency may deem it proper to honor me with.-

[Document No. 164]

Lord Glenelg's dispatch, authorizing him to carry out the 1837 recommendations of the Executive Council (see para. 143B above) was dated August 22, 1837 and on November 1, 1838, Durham resigned his post. Sir John Colborne replaced him, acting as "Administrator" until January, 1839 when he was officially appointed Governor, a post he held until October of that year.

150. On September 14, 1838, Superintendent Hughes transmitted the September 6 petition protesting the Mississauga surrender to Napier:

At the request of the Nip. and Algonquin Tribes, I have the honor to transmit herewith, a Memorial to the Address of His Excellency Sir George Arthur Lieut Governor of Upper Canada which they put in my hands on the 6th Instant at the Lake of The two Mountains - with a letter to your address which is herein Enclosed - I beg also to transmit three other Documents marked C.D.&E.

[Document No. 165]

151. On September 26, 1838, Napier forwarded Hughes' letter of September 4 and a petition addressed to Sir George Arthur further identified by a marginal note reading "B 6 September 1838")\* to Chief Superintendent Jarvis in Upper Canada. He included the following comments:

... I am informed by the Indian Superintendent at Montreal, that in the month of August 1836, it was intimated to the Petitioners in a verbal communication from the late Chief Superintendent, that a portion of the territory claimed by them had been purchased by Government from the Mississauga Indians of the Bay of Quinte and Kingston, but that they might settle on the "Isle Aux Allumettes" in the Ottawa River which belonged to them. The Petitioners have in consequence requested me to solicit His Excellency, to grant to them the necessary Authority to occupy the Island in question and to order an investigation of their claims to the Hunting Grounds described in their Petition.

[Document No. 169]

\*While the addressee and marginal date of the petition enclosed would indicate that Napier<sup>2</sup> referring to the petition cited as document 162, these comments could to refer also to the undated petition from the Algonquins cited as document 142.

Jarvis in turn, forwarded the memorial to Justice Macaulay two days later with a request that it be submitted for "the consideration of His Excellency."

[Document No. 170]

152. In 1839 Mr. Justice Macaulay presented his report "Regarding the Present Condition and Future Management of the Indian Tribes, their Property and Affairs". The following extracts concerned the Algonquin and Nipissing Indians of the Lake of Two Mountains.

1. They claim by virtue of immemorial usage all the lands on both sides of the Ottawa and Little River as far as Lake Nipissing, the general boundaries of which they described being 117 leagues in length, and embracing the tributary streams.
2. They refer to the Proclamation of 1763 as guaranteeing to them the enjoyment of their hunting grounds, unless purchased in Her Majesty's Name at some Public Meeting to be held for that purpose by the Governor or Commander in Chief.
3. They complain that large tracts have been laid out in Townships and settled without any previous surrender, or any compensation having been made according to usage.
4. That they had recently heard of the Mississaga Tribe having sold to the Government of Upper Canada a portion of their grounds for a yearly annuity of 642 [pounds] 10 [shillings] without their knowledge or consent.
5. Wherefore they claim this annuity as justly due to them.
6. They represent that they now possess no lands yielding a revenue and depend upon the chase for support.
7. That they have long forborne complaint of unauthorized encroachments---but see that the rapid progress of the White population in this Province will soon deprive them of Game.

Wherefore they claim indemnity for the dismembered lands already monopolized, and to be reinstated and secured in the residue on the South side of the Ottawa, until ceded to Her Majesty at some regular meeting to be held pursuant to the Proclamation.

8. They desire the expulsion of all Intruders and Squatters, and solicit leave to occupy the Island of Allumettes in the Ottawa as affording an eligible residence.
9. They complain grievously of the frauds and impositions to which they have been subjected, in relation to their hunting grounds.
10. They remind Your Excellency of the Fidelity, bravery and good conduct of their Tribes and confidently trust in Your Excellency's favorable interposition to protect their interests.

The Council of Lower Canada mention the Petitioners as consisting altogether of 864 souls without any land in their actual possession except 260 acres of sterile soil.

The Council think their claim demands peculiar attention, they having done good service in the field in the former wars, and being now very destitute.

They notice their having preferred to Lord Gosford a claim similar to the present and demanding compensation for those tracts already granted to the white population.

The Council consider that before the Conquest their hunting ranges were probably as extensive as they represent and as well defined as other Indians' territorial rights.

Their appeal to the Proclamation of 1763 is noticed, and as that act of state secured to the Iroquois of St. Regis their present reservation as having been a part of their ancient hunting grounds the Council conceive the Petitioners may justly complain if not placed on a footing equally favourable.

They acknowledge their repeated applications, but consider that such claims at the present day must resolve themselves into equitable rights to be compensated for the lands on which they formerly subsisted and which the Government may have taken for the purpose of settlement. The extent of such compensation being sufficient to place and maintain them in a condition of at least equal advantage with that formerly enjoyed by their ancestors. They therefore recommend a tract of land to be set apart in the rear of the present Township on the Ottawa on which those disposed might settle, and that they and the rest of the Tribes should continue to receive such support as may supply the want of their former resources, and gradually improve them, and render them independent of such aid.

I have understood from the Acting Chief Superintendent that he has authorized the Petitioners to occupy the Allumettes Islands according to their request, but it does not appear that any have as yet removed up the Ottawa to that location.

Under "Points to be reported on", Macaulay lists as the 25th point, "The Algonquin Claim," and summarizes it thus:

They claim an annuity of L530 granted to the Mississagas of the Bay of Quinte, and for remuneration for lands on the south side of the Ottawa River taken by the Government without being surrendered or paid for.

. . .

The following analysis of the Algonquin claim and recommendation for its solution, is the last item in Macaulay's report:

6. The Algonquin Claim

From the papers in the Indian Office it appears that this claim was long ago asserted and that it has been often renewed. The tract to which it more especially relates, and for which an annuity is paid to the Mississagas, was ceded to the Crown in 1822 by a Deed executed by a number of Indian Chiefs, and is described as about 2,748,000, commencing at the N.W. angle of Rawdon, then N. 16° West 33 Miles, then N. 74° E. 61 Miles, till it intersects a line produced N. 16° W from the N.E. angle of Bedford, then N. 16°W to the Ottawa River, then down the River to the N.W. angle of Nepean, then S. 16° E. 15 miles to the N.E. angle of Marlborough, then S. 54°W. to the N.W. angle of Crosby, then S. 74° W. 61 miles to the place of beginning.

The Annuity reserved is L2,10 payable in goods at the Montreal price to each man woman and child of the Mississauga Nation, claiming and inhabiting the said Tract, provided the annuitants do not exceed 257, being the number then composing the said Nation and claiming the said Tract. The papers referred to do not enable me to express any opinion upon the merits of this Memorial. It seems admitted that the Algonquins and Nipissings have a valid claim to the North or Lower Canada side of the Ottawa River their pretensions to the Southside are more doubtful. They contend not for the St. Lawrence as a boundary, but a line midway between the two Rivers. The Mississauga it is said on the other hand have from the beginning claimed the whole Territory south of the Ottawa and north of the St. Lawrence. The Government of this Province have by treating with this Tribe, implicitly recognized their right as occupants, and there is not sufficient evidence to support the counter claim of the Algonquins. If it exists it must repose in the early history of the Tribes frequenting the great Canadian Rivers.

The letters from Official sources in Lower Canada strongly advocate the justness of the Algonquins' complaint of encroachments in this Province without a previous compliance with the Proclamation of 1763, but they rather assume than prove the right of those Indians to the Territory within the limits of Upper Canada. From Mr. Hughes letter of the 4th Sept. 28, it would appear that Sir B. Head returned an answer in 1836 to the Memorial addressed to Sir John Colborne. No copy is with the



papers, but in reply the Indians reiterated their demands, there is also an Indian plan in the Superintendent's Office, shewing the extent of them, from which it will be perceived that they embrace the whole Ottawa River on both sides, and up to the Lake Nipissing. They propose removing to the Grand Allumettes Island in the Ottawa, for which permission has been granted by this Government. They invoke an investigation of their alleged title to the Hunting Ranges in Upper Canada and desire that at least one half of the annuity may be withheld from the Mississaugas till the dispute be settled.

Great complaints are also made of Intrusions in all directions upon the more remote Hunting grounds. All this requires attention, and if a compromise is not at once effected, further investigation should take place; at present the principal points in the official letters from Lower Canada and in the Indian Memorials seem to remain unanswered. Considering the extensive Lumber trade carried on in the Wilds on both sides of the Ottawa beyond the inhabited parts of the Province, it is hopeless to think of preventing the destruction of Game which such inroads must occasion and it behooves the Government I think at once to compound with the proper Parties for the Cession of all this Territory and in short for all the unconceded lands embraced by the Great lakes and the Ottawa as far as Lake Nipissing or at all events to a wide extent, if competent persons can be found to treat for the same, extinguishing the Indian Title for a fair equivalent, as the only means of relieving them from the exigencies in which they must inevitably be placed. The sales of Licenses to cut Timber would afford funds to meet the charge. I of course only make the suggestion, feeling that I write very much in the dark respecting local circumstances and the most material facts, essential to the formation of a satisfactory opinion.

With respect to the Lake of Mountain Indians in particular, no better course occurs to me than that suggested in the Report of the Council of Lower Canada, and perhaps the Governments of the two Provinces, might in concert compound with them for all claims at a fixed yearly stipend, to be contributed in the proportion agreed upon by each Provinces respectively.

In this way existing contracts may remain undisturbed and I would recommend a communication with the Indian Department in Lower Canada on the subject. This step is the more important because Lower Canada is confessedly indebted to them and if they intend removing to the Allumettes Islands in Upper Canada, the Annuity to which they may be entitled from that Province should be determined before they withdraw. Their loyalty and gallantry in former wars are favourably spoken of throughout.

[Document No. 173]

152A. No records have been located indicating that, at this time, the governments of the two Provinces were prepared to act "in concert" to settle the claims of the Algonquins and Nipissings.

In June of 1839, however, the matter was again considered by an Executive Council Committee in connection with a settler's petition concerning a lease on Kettle Island:



In considering the foregoing petition, together with the Reports thereon, the Committee have been led to have reference to an approved Report of Council dated June 13, 1837 which enters at great length into the management, affairs and territorial claims of the Indian Tribes in Lower Canada...

The Report then recapitulated the claim of the Algonquins and Nipissings of the Lake of Two Mountains and the 1837 recommendation of the Council that

a sufficient Tract of Land should be set apart in the rear of the present range of Townships on the Ottawa River and that such of them, as may from time to time be disposed to settle on land, should be located there, and that both they and the rest of the Tribes should continue to receive such support, encouragement and Assistance, as may supply the place of their former means of subsistence...

The Report then concluded

... the Committee respectfully suggest that the officers of the Indian Department be instructed to act in accordance with the tenor of the aforesaid Report, it appearing to have been overlooked in recent orders given by Colonel Hughes for leasing the Islands in the Ottawa River, and of which the Secretary: Colonel Napier had no knowledge. All which is respectfully submitted to your Excellency's wisdom.

By order  
signed J. Stewart  
Chairman

[Document No. 174]

There is no record of His Excellency acting on this recommendation at this time.

XI. THE PETITION OF MARCH 9, 1840 REITERATING THE CLAIM

153. The following spring, as no action had yet been taken on their claim, the Algonquin and Nipissing Indians addressed still another petition to the "Governor General", actually Lord Sydenham, Governor of Lower Canada who had assumed office on October 19, 1839. On March 9, 1840 once again they set out their complaints in detail:

Father

We your red Children the Nipissingues and Algonquin Tribes beg leave to make known to you our most destitute and deplorable situations, starvation and poverty is staring us in the face, we see no other means of bettering our prospects than addressing ourselves to our new Father the Governor General of the Provinces.

We have frequently represented our grievances to Our Father your Predecessor but we are sorry to say to very little effect. The only answer we received to our complaints was that they were sent across the big salt Lake to Our Great Father The King who would pay attention to them and send us an answer. We much fear that our Great Father and present Good Mother have never heard of or seen these writings in question; for from what we have heard of them, they would certainly have sanctioned our demands that are but moderate & Just and have ordered that Justice be rendered to Their destitute Children, in conformity to the Wishes and Instructions of Our Great Father of Blessed Memory King George The Third An Extract of whose Proclamation dated St. James' 7th October 1763 in relation to the lands claimed by His red Children we now beg leave to Enclose a copy of which we have in our possession given to our Tribes by our late good Father Sir William Johnson dated 24th Dec. 1763 when our ancestors were told by Him, that we should always have the enjoyment of our hunting grounds, without being molested by any strangers, until we thought proper to sell them to our Good Father the King for the use of our White Brethren -

Father - We your children The Nipissingue & Algonquin Tribes who are now addressing you, expect and hope you will take our complaints into serious consideration - they are true and correct - and we are persuaded, you will own that we have not met with that Treatment at the hands of Government that we were entitled to expect - We have always been good loyal subjects, we have fought & bled for Our Great Father, during the two last American Wars, and are ready to do so again, whenever called upon.

Father - we were formerly rich & independent - our hunting grounds embraced a vast territory, they extended from Pointe D'Orignal on the Ottawa river to Lake Nipissingue, embracing all its banks and both its tributary streams from the heights of land North & South, they abounded in rich furs of every description, our Forests were alive with Deer. We lived well, and had wherewith to cloath our wives & Children comfortably and we were happy.

About forty years ago Father, when the Whites first came amongst us, to settle on our hunting grounds, they were good & grateful, we took pity on them, received them with open arms - We knew them to be the Children of our Great Father the King, as well as ourselves, therefore had no Objection to them cultivating our land for the support of their families - Always bearing in mind, the Words of Our Great Father as expressed in the Proclamation above mentioned - That when our hunting grounds were ruined viz. destitute of furs, It was at our option to sell them to The Representatives of Our Father for His disposal - It has been the case with our Bretheren of the Upper Province who have sold vast tracts of their hunting grounds, for which they now receive an annual remuneration in merchandize which enables them to support & cloath their Wives & children.

Father - That day is now arrived - which we never expected to see - your red Children The Nipissingues & Algonquin, have never been in the habit of tilling the Ground, from time immemorial our Chief & only dependance for a livelyhood sprang from the Chace From which We procured abundance. Not so now - Father; Our hunting grounds are entirely ruined - Our Beaver & other furr have been destroyed by the constant fires made by the lumber men in our Majestic Forests; Our Deer have disappeared - Our Timber to the amount of hundreds of thousands of pounds, is annually taken from those very hunting grounds, which by Our Great Father's orders were to be removed for us & us only - But from which we are sorry to say, we derived not the least benefit - We are starving - Father - Our wives & children are naked - Our Traders will give us no more Credit - Why? Because we can procure no furs and of course are unable to pay.

Father - We must make you acquainted with another great grievance that we have lately experienced - We beg leave to represent, that for these many years past, we Your Children, have been in the habit of receiving certain annual rents, from squatters & other Individuals who have clandestinely taken possession of certain Islands, and divers lots of land on both banks of the River Ottawa (which form part of our hunting grounds from time immemorial, which has never been disputed by Government until recently & not as yet assumed by it) sent word to us in the course of last autumn, to go & receive the annual rents that they agreed to pay us, for the enjoyment of said Islands & Lots, and for which the squatters have been in the habit of paying us for these many years past - But strange to say - Father - When on the Eve of our departure for that purpose - Our Superintendent came & explained to us - An Extract of a Report of a Committee of the Executive Council of the 17th June 1839 - approved by His Excellency Our Father Sir John Colborne, - which in a manner prohibits us from so doing -

We as Obedient Children, listened to the Order and desisted - But nevertheless we cannot help representing to you Father, that we thought it rather unjust, cruel & hard, to be deprived, all at once of that which we always thought, & were persuaded we were justly entitled to, & have been in the habit of enjoying for many years, without any of our Fathers, your Predecessors forbidding us - far from it, When Our Father The Earl of Dalhousie, when on a voyage up the Ottawa River - in the year 1821 - was applied to (by a person of the name of Joseph La Flamme) for the grant of our Island on the River Ottawa (for which La Flamme was in the habit of paying an annual rent to the Indians). His Excellency Our Father was pleased to say to him, that that could not be done, they were reserved for the Indians, that they the Indians could not sell them, but might lease them until they were assumed by Government.

Father - We have only you, The representative of Our Good Mother across the Salt Lake - to look up to for Protection - All that we demand of you, is, to render us Justice - We are persuaded Father When you are more acquainted with our deplorable situation - You will immediately listen to the Prayers of your Children who beg & pray of you to be allowed to go and gather these small rents in question, and that you may be pleased to order one of our Officers to accompany us with authority for so doing - Is it not more Just - Father for us to receive these rents, which we have been accustomed to do than to leave them to the enjoyment of these squatters, and strangers, who have clandestinely taken possession, and settled themselves on part of our hunting grounds in defiance of the Proclamation above mentioned and without the sanction of Government - We have made innumerable complaints against these Intruders, as well as against lumber men - We received many promises from Government that they should be prosecuted & made to remove - But all turned out in smoke. We therefore thought it the best plan, Father; to make up matters with them & leave them in the enjoyment of their several lots & Islands for two or three years at a time for a certain annual remuneration, which most of them annually paid us.

Father - As we have represented above we can no longer depend on the chase for support - We must set ourselves to the hoe - or else starve - we demand your assistance - We beseech you Father to have reference to an approved report of a Committee of the Executive Council, dated 13th June 1837 - Which report (we are informed) with our Petition of that year, was sent to our Great Father The King (But to which we have received no answer) In which it is recommended that your children The Nipissingues & Algonquins, should be placed on the same footing as the Indians of Saint Regis and other Indian Tribes of Upper Canada.-

Father - We must inform you, that the Iroquois of Saint Regis, have returned all their Islands in the River St. Lawrence, which they lease and which leases have been approved by the Govt of Upper Canada; & for which they receive annually rent - And besides these Islands, Father! The Iroquois of St. Regis enjoy vast tracts of land on both sides of the River St. Lawrence, which formed part of their hunting grounds (In the same manner as the Islands in the Ottawa, both its banks & tributary streams from the heights of land North & South form the hunting grounds of your children the Nipissingue & Algonquins) and part of which they conceded to the Whites, in farms of a certain Extent and for which they receive a handsome Annual Revenue.

Father - Our Bretheren of Upper Canada receive a very handsome Annual remuneration, in merchandize to a certain amount, for such part of their hunting grounds as has been sold by them to Government - and besides they have retained most tracts of their best lands, for their own Cultivation - While we Father - The Nipissingues & Algonquins who possessed by far the most extensive & richest hunting grounds, have been deprived of the most valuable parts of the same by the Upper Canada Government - Who have made extensive grants of the Territory, on the South side of the River Ottawa, claimed by your Children the Nipissingues & Algonquins without any compensation being made to them - Although in all cases, where lands claimed by other Tribes have been acquired by His Majesty's Government, they have been purchased at a stipulated price.

Father - We humbly pray of you, to take our present situation into serious consideration - We must do something to support our families - We request of you Further to be pleased to assume the whole of our hunting grounds, Islands &c. in the Name of our Good Mother the Queen - (with the exception of Isle aux Allumettes which is situated above the Grand Calumet in the Ottawa River, and which Island we have for these many years back reserved, & pitched upon for a settlement for ourselves, It being a good place for fishing and adjacent to our allies the Tetes de Boules - Many squatters are settled thereon, without Titles - We have no Objection that they should remain by paying a certain annual rent for the land they may occupy at the rate of one shilling per acre, but that no other Strangers will be allowed to come and annoy us - At present there are between One & two hundred squatters on it - These would give your children a small revenue such as the Indians of St. Regis & Caughnawaga received from their Ancient hunting grounds) - for which we expect to be treated as Our Bretheren of Upper Canada - viz. that a certain remuneration be granted us for such parts of our hunting grounds as have already been assumed by Government - and for such parts may hereafter be assumed - and such remuneration to be annually paid in merchandize, of all description - and farming utensils as our Father may deem most advisable.

Lastly Father - We further pray of you to Interest yourself for your children the Nipissingues & Algonquins, with the Government of Upper Canada, and order that Justice be rendered us - viz. By the restitution to us of a certain Annuity paid to the Mississagues for lands on the Ottawa river facing L'Isle aux Allumettes, & which lands form part of our hunting grounds from time immemorial - Which they The Mississagues have clandestinely sold to that Govt. & for which they receive the above mentioned annuity. The Mississagues, claimed no hunting grounds whatever on the waters emptying themselves in the Ottawa - Their hunting grounds lying on the south side of the height of land separating the Waters that flow into the St. Lawrence from those that flow into the Ottawa - and as in duty bound we your red children The Nipissingues & Algonquins will ever pray.

[Document No. 177]

154. On April 23, 1840 Lord Sydenham replied to the petition as follows; indicating he would communicate with his counterpart, the Governor of Upper Canada, conerning the Mississaugas' annuity:



My Children

I have given my utmost attention to the memorial which you addressed to me setting forth your present condition and praying that assistance may be extended to you.

I have learnt with sorrow that you are reduced to want, and it will be very gratifying to me to be able to relieve you. I have accordingly directed enquiry to be made into the matter.

I will communicate to Sir George Arthur [the Lieutenant Governor of Upper Canada] what you say respecting the payments to the Mississaugas and if your representations are correct, he will be no less anxious than myself to do justice to you.

My children

I bid you farewell. I have heard of your fidelity and good conduct and you may be assured that as long as you continue faithful to your Great Mother and obedient to the Laws, it will be Her desire and my duty to afford you protection.

[Document No. 178]

155. That same day, T.W. Murdock, the Chief Secretary to Lord Sydenham, sent a letter on the matter to Lt. Colonel Napier, Secretary of Indian Affairs. In it he first asked that the Governor General be informed of what progress had been made in carrying out Lord Glenelg's instructions to Lord Durham and referred to the other recommendations which had previously been made on the claim.

I am commanded by the Governor General to inform you that He has had under his serious consideration the Memorial from the Indians of the Algonquin and Nipissing Tribes praying indemnification for the loss of the hunting grounds formerly possessed by them and which extended from Pointe à l'Original on the Ottawa to Lake Nipissing. His Excellency observes that a similar memorial was under the consideration of the Committee of the Executive Council appointed by the Earl of Gosford to enquire into the state of the Indian Tribes in Lower Canada and that the Committee recognized in great measure the representations of these Indians and recommended "that a sufficient tract of land should be set apart for them in the rear of the present range of the Townships on the Ottawa River. - In Lord Glenelg's dispatch of 27 August 1838 the recommendations of the Committee were approved and the Earl of Durham was instructed to carry them into effect. - The Governor General wishes to be informed whether any and what progress has been made for this purpose and you will please to report whether any and what steps have been taken.

Mr. Murdock then continued:



His Excellency entertains great doubts of the expediency of giving any Land to these Indians beyond such a moderate quantity as may suffice for their settlement if they are so disposed and to that extent he concurs with the recommendation of the Council.

His Excellency would also desire to be apprized whether anything has been done to give effect to the recommendations of the Committee for the gradual amelioration of the conditions of these Indians.

...

In respect to the statement that an annual sum is paid by the Government of Upper Canada to the Mississaugas for lands which in reality had belonged to the Algonquins and Nipissings, the Governor General will address the Lieutenant Governor of the Upper Province and the result will at some future period be made known to you.

You will communicate to the Indians the accompanying message as an answer to their Memorial. -

[Document No. 179]

No record has been located indicating that Sydenham ever referred the question of whether or not to carry out Glenelg's instructions to London again.

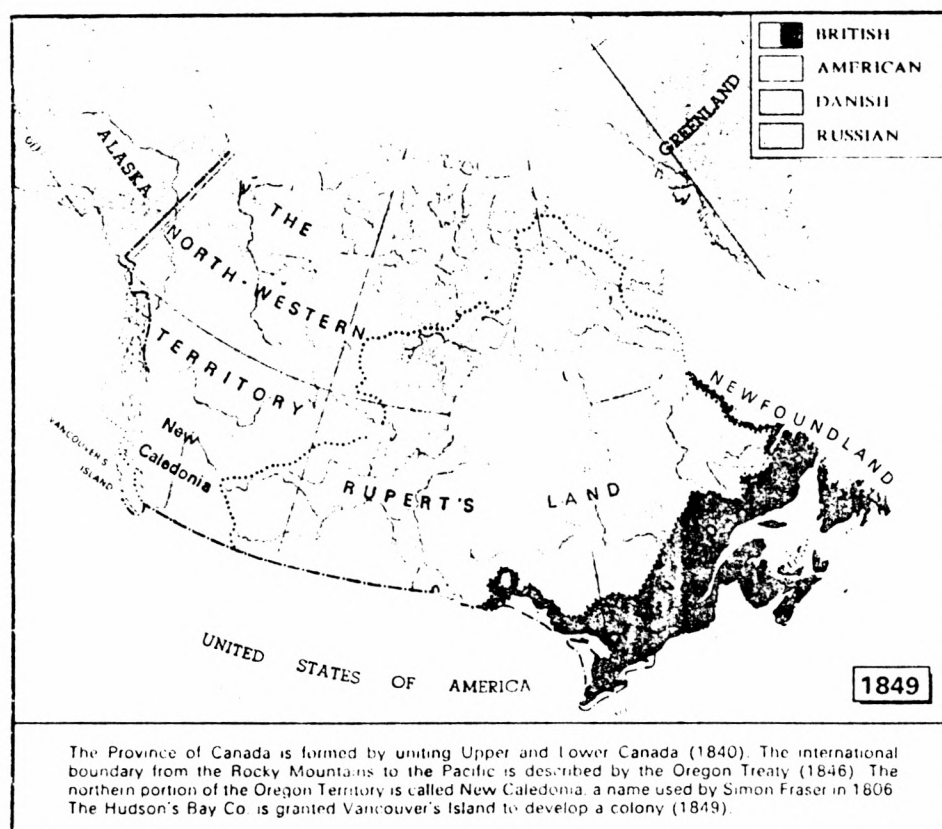
156. The next day Napier wrote to Hughes about the petition before the Governor General. While this letter has not been located, Hughes reply dated April 27, 1840, is on file. Hughes, "in obedience to the commands of His Excellency," submitted to Napier a report on the numerous squatters occupying "both banks of the Ottawa River not as yet laid out in Townships" - all on the Algonquin/Nipissing hunting grounds in the area designated by the Executive Council to be set apart.\* Hughes indicated that rents had most often not been paid to the Indians and stated that these tribes, "formerly the richest, are now the most destitute."

\* of recommendations of the Bagot Commission, para 173. No other documents of this period or correspondence which replies directly to Land Sytenham's question has been located.

157. On July 23, 1840 An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada was accepted. As a result, all of the lands claimed by the Algonquins and Nipissings along the Ottawa River were placed under a single government's jurisdiction for the first time since 1791.

[Document No. 181]

The boundaries of the newly created province are indicated on the map below:



Source: The Historical Development of the Indian Act, DINA, Treaties and Historical Research, 1978, p. 34

158. A year later, on July 10, 1841 Napier informed T.W. Murdock, the Chief Secretary to the Governor General, that the Algonquins and Nipissings were anxiously awaiting an answer to their petition of 9 March, 1840, for land and annuity.

I have the honor to Acquaint You, that the Chiefs of the Algonquin and Nipissingue Tribes of the Lake of the Two Mountains await with much anxiety, the decision of the Governor General, upon the Subject of their Memorial of the 9th March 1840, which His Excellency was pleased to Acknowledge, by Message, on the 23d April following.

Napier then alluded to the Indians' request to settle on the Isle aux Allumettes supported their relocation with "the Necessary Assistance".

These Indians have expressed an Earnest desire to become bona fide Settlers on the Isle Aux Allumettes, in the River Ottawa, and from the State of destitution to which they have been reduced by the encroachments of Lumber-Men and Squatters upon their Hunting Grounds, as adverted to in my Report of the 28th August last, I am disposed to believe, that, with the Necessary Assistance, they might be located to advantage, and I, in Consequence, Submit this request for favorable Consideration.

[Document No. 182]

159. Murdock replied to Napier on July 19, 1841. His Excellency had decided that the government was not bound either "by Treaty or by good faith" to make the Indians "a money payment for the lands which they formerly posessed." He then asked for further information about the settlement contemplated on Isle aux Allumettes:

I am commanded by the Governor General to acknowledge receipt of your letter of the 10 Instant requesting the decision of His Excellency on the Memorial from the Algonquin Nipissing Indians which was forwarded by Mr. Hughes on the 9th March 1840 - and stating that the Indians have expressed a desire to become bona fide Settlers on the Isle aux Allumettes.

His Excellency had purposely abstained from giving any conclusive answer to the Memorial of the 9 March 1840 because he felt it impossible to hold out to the Indians

the expectation that their prayer would be granted. In regard to a money payment for the lands which they formerly possessed it does not appear that the Govt. is bound either by Treaty or by good faith to make such a payment, and in the absence of a decided obligation of this kind it would be useless to recommend to the Legislature such a grant - And with respect to the settlement of the Indians in a separate Body His Excellency doubts very much the policy of such a measure - but before pronouncing finally on your proposal in respect to the Isle aux Allumettes he desires to be informed of the nature of the settlement which you contemplate and a full detail as well of the principle on which it is to be conducted as of the expense which would be required for its formation.

[Document No. 183]

160. On August 27, Napier wrote to Hughes to obtain this information. Shortly thereafter, on September 4, 1841, the Indians held a council at the Lake of Two Mountains to discuss the matters they had raised in the petition of March 9, 1840. The following is a record of the proceedings:

The Grand Chief Ka-on-di-no-ketch, on behalf of the Principal Chiefs of the Nipissugue and Algonquin Tribes spoke as follows:

Brother! we are impatient to hear what you have to say to us, and to be informed of the Answers, if any, that our Father The Governor General has been pleased to Send us upon the representations contained in our Petition of 9 March 1840.

Answer of Mr. Hughes:

Bretheren; Before we proceed to business I must inform you with much regret, that I have not yet received any answer to your Petition abovementioned, nor have I, at present, anything to say on it's subject.

Bretheren; Having been advised of the points on which you mean to consult me, I will therefore advert to them in your presence. But I request you will not disturb me and that you will be attentive to what I say and give me straight forward answers to the questions I may put, so that I may ascertain your sentiments.

In the first place Bretheren, you have often represented to me that the Hunting Grounds which you have occupied from time immemorial are now entirely ruined and destitute of Furs and Deer; that you can no longer procure a livelihood from the chase nor furs sufficient to clothe your families: that the only alternative you now have, is to abandon the wandering life you have been accustomed to lead, to make choice of situation on your Hunting Grounds where you may become Farmers and by following example of your White Bretheren to raise wherewith to support Yourselves and Families. Pray are you still of this opinion: if so give me a correct answer on the subject.

Answer of Chief Ka-on-di-no-kitch.

Brother; We the Nipissings and Algonquins have frequently Consulted on this very Subject, and my Indian Brothers have put these Words into my Mouth to deliver to you: We have much to say Brother, do not disturb us, nor be impatient when we repeat what we have already told you, that Our Hunting Grounds, which are vast and extensive and once abounded in the richest Furs and swarmed with Deer of every description, are now entirely ruined. We tell you the truth, We now starve half the year through and Our Children, who were formerly Accustomed to be Comfortably Clothed, are now Naked!

We own Brother, that we are partly the cause of these present misfortune: We were too good and generous: We permitted Strangers to come and Settle on our Grounds and to Cultivate the Land; wood merchants to destroy our valuable Timber, who have done us much injury, as by burning our rich Forests, they have annihilated our Beaver and our Peltries, and driven away our Deer. Had our Hunting Grounds belonged to the Whites they would never have allowed this; But we had good hearts and took pity on our White Bretheren we know that they must live as well as ourselves. They are also the Children of Our Great Father: We never thought of futurity Brother, and we were silent at these encroachments; But now Brother we are pitiful ourselves and are obliged to crave assistance from our Father the Governor General. We have always borne in mind, the Promises and Commands of our Great and Good Father King George the Third who in His Royal Proclamation dated at St. James' the 7th day of October 1763, of which our Father Sir William Johnson gave our ancestors a Writing on parchment, which we still hold. This Document tells us that we shall never be disturbed on the Hunting Grounds reserved for us. (The Vast extent of which has often been represented) that we could not make away with them to strangers, but that whenever we should wish to part with them, Our Great Father for the time being, or His Representative in America would assume the same as pay us for them, as we understand He had done to our Brothers, His Red Children of Upper Canada. We have Brother offered these Hunting grounds to our Father The Governor General, in our Said Petition of the 9th March 1840, to which we have as yet received no answer; But Brother, in his Letter to Us (which we hold) after the delivery of the Petition, He promised to do us justice and relieve our distress: His meaning as we understand it must be, that he perceived by our Petition, that we have been unjustly dealt with and imposed upon and that He will treat us as our Bretheren in Upper Canada have been treated. They have for many years past been allowed to receive, and still enjoy, an Annual remuneration for such parts of their Hunting Grounds as have been assumed by the Government. This Brother is all we ask for in our Petition. It is what has been promised to us; what our Red Bretheren in Upper Canada have already inverbly received, and what in Justice we have a right to expect.

During the last two wars with the United States, our ancestors as well as ourselves, were called upon by our Fathers the then Governors and told that we had lands to defend, as well as our white Brethren. We obeyed, we knew it was our duty to defend our Hunting Grounds. We gave the war whoop, we fought, and bled, in defending the rights of our Great Father, and our Soil, and we would assure our Father the Governor General, that we are ready to do so again whenever called upon.



Adverting to circumstances which we have represented in our said petition relative to the purchase of the portion of our hunting grounds by the Upper Canada Government, and which was clandestinely sold to them by the Mississauga Tribe of Indians without our knowledge, We await the results of the enquiry which our Father has promised, (in his answer of the 23rd April 1840) to institute upon our complaints upon the point.

We beg leave most humbly to represent to our Father, that the hunting grounds of the Mississauga extended on all the waters taking their source on the south side of certain heights of land and flowing into the St. Lawrence, and the Waters from the same Height of land which flowed into the Ottawa passed through the hunting grounds of the Algonquins and Nipissingue Indians.

The Mississauga never attempted to hunt near our grounds, neither have we encroached on their lands, this course was observed in the consequence of a treaty between the Chiefs of the Mississaugas and us, of which the Iroquois Tribe are perfectly cognizant: When our Father the Governor General is made acquainted with this fact, he will certainly render justice to his red children, and order that the remuneration which is now paid to the Mississaugas for the said land may from henceforth be withheld from them and paid to us the Nipissings and Algonquins, who are the only tribes entitled to receive the annuity above mentioned.

These are our real sentiments and the truth, which we wish to make known to our Father, and at the same time we would entreat His Excellency once more to glance over our petition, and according to his promise to render us justice, and to relieve our distress.

Brother, we must tell you in conclusion that we have no choice to make. We must one and all become Tillers of the ground, otherwise we must starve.

Brother, Isle Aux Allumettes is the place we have selected for the settlement of our families, we have already mentioned this in our Petition to our Father of the 9th March 1840, and we earnestly hope he will approve of our several demands therein made, and that he will also approve of our receiving the same amount of assistance, while engaged in the performance of the necessary settling duties, as we understand our brethren of the Ottawa tribe of Indians are at present receiving at the settlement at the Manitoulin Island in Lake Huron. Say to our Great Father that we have a small place of worship erected at Isle aux Allumettes where one of our missionaries generally resides during a month or two in the summer season. This, brother is all we have to say at present. You see our miserable situation and so no doubt will make it fully known.

Under the circumstances stated we humbly pray that our Great Father the Governor General will be pleased to grant us our early answer to our petition above mentioned.

Here the Chief Ka-on-di-no-ketch concluded his speech with the usual thanks to the officers present.



161. On September 11, 1841, Hughes forwarded transcripts of the proceedings to Napier, together with the information requested on the proposed settlement of the Algonquins and Nipissings on Alouettes Island:

...With respect to the Expence required for its formation I can have no idea whatever, But I should imagine, that the assistance I said to be afforded by Government to the Ottawas or [illegible] for their Establishment on the Manitoulin Island ought to be nearly sufficient for the Nipissingue & Algonquin Tribes - with this difference that they the Nip. & Alg. - would require a much greater assistance in provisions for two or three years at least. On this account The Ottawas are settled on Lake Huron, which abounds with the best of fish of all descriptions there with a few netts & their spears can with care live upon fish for three parts of the year, which will not be the case with the Nip. & Algs. At your request, & in Obedience to the Command of His Excellency I beg leave to enclose my opinion however correct or incorrect it may prove as regards the principle on which the Establishment in question might be conducted.

[Document No. 185]

162. On January 14, 1842 Napier forwarded Hughes' report to Murdock, together with the following observations:

Agreeably to the directions conveyed to me in Your letter of the 19th July last, I have the honour to submit the following observations upon the subject of the proposed settlement of Nipissings and Algonquins Indians on the Isle Aux Allouettes in the River Ottawa.

The numerical strength of these tribes is stated at six hundred Souls, of whom, it is expected that about one hundred and forty Families may be induced to remove to the Island, and, I have reason to believe, that the expense of the Establishment, during the first two years, would amount to Six thousand and Ninety pounds currency being at the rate of Forty three pounds, ten shillings for each Family of four persons as detailed in the accompanying estimates marked "A".

This Estimate has been framed upon the understanding, that the Indians will be enabled to cut down the logs required for the construction of their Houses and to provide upon the spot, a supply of Stone and Lime for the Masonry of their chimnies.

In the event of the necessary amount of Provincial funds being granted for this object (and transferred to the military chest to be accounted for through the Commissary General), it would be advisable to procure an Order of Council for the appropriation of a Reserve of Fourteen thousand acres of Land on the river front of the Isle Aux Allouettes for the settlement of these tribes, and, that the Commissioner of Crown Lands, or the Surveyor General, be instructed to cause the necessary survey thereof, to be made in the course of the ensuing spring.

The settlement may be placed under the management of Mr. Superintendent Hughes with Instructions to transmit to this office a monthly account of the Stores, Provisions and Agricultural implements received for, and issued to, the Settlers who shall become resident on the lots to be Assigned to them.

Each Indian settler, being the Head of the Family, and Twenty one years of age and upwards to receive a ticket of Location for a Lot of One hundred acres upon his arrival at the settlement.

The terms on which a final Title will be Conferred should be stated in the location Ticket: namely that Fifteen acres shall be cleared, and laid down in crop, and a House built on each Lot, before the expiration of four years from the date of location.

In the Title Deeds to these Settlers, it should be provided, that the Land so granted shall be inalienable by the Indian Grantees, or their Heirs without consent of the Executive Government.

An interpreter of the Indian Department conversant with the Languages of these Tribes may be directed to reside at the settlement, as assistant to the superintending officer.

The name of any able bodied Indians who may refuse to accept a location at the settlement, to be erased from the List of Indians entitled to Annual Presents.

Any Indian settler who shall be reported absent without leave for the space of one month between the 1st of April and the 1st of December of the first or second year will be considered as having forfeited his location at the Settlement, and all further claims to Her Majesty's bounty.

The superintending officer to submit a Report on the state and statistics of the Settlement at the under-mentioned periods, viz - on the 1st of June: 1st of August: 1st of October, and 1st of December, in each year.

As it is desirable, that a fair chance of success should be held out to this experimental Settlement in its progress, and that the Superintending officer should possess the means of affording occasional supply of provisions to the Indian Settlers, during the Winter Months, a charge for Ninety day's rations has been introduced into the accompanying Estimate amounting to L9:15:0, currency for each Family of four persons.

The Agricultural Implements, Stores and Provisions required for the Settlers, to be supplied by the Commissary General, upon an Approved Estimate of the quantities which may be necessary for the service of each year, and the expense thereof to be charged against the provincial grant.

At the earnest request of the principal chiefs of the Nipissingue and Algonquin Tribes, I transmit herewith for the information of the Governor General an Extract of the Proceedings of a Council, which had been convened at their request on the 4th September last, and in which they reiterated the claims set forth in their memorial to the late Governor-General of the 9th March 1840. In submitting the foregoing observations, I request you will place before His Excellency therewith, the original memorial from the Nipissingue and Algonquin Tribes of the above mentioned date.

. . .

163. On January 20, 1842, Murdock advised Napier that the new Governor General, Sir Charles Bagot, had rejected the request to assist in the settlement of the Algonquins and Nipissings on Isle aux Allumettes for financial reasons:

I have received and laid before the Governor General your letter of the 14th Instant, containing an Estimate of the expense of settling one hundred and forty families of the Algonquin and Nipissing Tribes on Isle aux Allumettes. As this Estimate amounts to 6,090 [pounds], a sum which His Excellency can neither advance from Funds at the disposal of the Government nor expect the Legislature to vote for such a purpose---it appears to him useless to enter into any discussion respecting the proposed settlement.

[Document No. 187]

No record been located indicating that Bagot referred the question to the Civil Secretary in London again.

164. Superintendent Hughes, upon receipt of this decision, called together representatives of the Algonquin and Nipissing Indians in order to discuss the matter. On July 11 and 12, 1842, a council was held at Lake of the Two Mountains. Hughes' record of the proceedings is dated July 12, 1842:

After the usual ceremonies on such occasions, Francis Ka-on-di-no-ketch, a Nipissing Chief got up and addressed me on behalf of the Two Tribes in nearly the following words:

Brother,

We have been consulting amongst ourselves on the words of our new Father the Governor General, which you delivered to us yesterday ---concerning the proposed Settlement on Isle aux Allumettes, which Spot forms part of our hunting grounds & on which our ancestors had long ago pitched upon to settle, when nothing could be procured from the Chase. But it appears that now our Father does not think it expedient to assist his red Children the Nipissingues and Algonquins. Therefore, we shall trouble him no more on that subject.

Brother,

We know your good heart, and we have long experienced the great interest you have always taken in the Welfare of your Indian Bretheren and we are persuaded, you will render us this last service which we are about to demand of you. We have sent many Memorials, Brother, to our late Fathers, the different Governors of Canada. Fair promises were always made us but were never performed. You know Brother that formerly we were rich and independent but now we are miserably poor and pitiful. Had we the means of paying our expenses we (the Chiefs) would go and throw ourselves at the feet of Our Father the Governor General, and open our Hearts to him. But our poverty and the fear of not being admitted to his presence (as was the case with our late Father his predecessor) is the reason that we have this day sent for you, to explain to you, The wishes of your Bretheren the Nipissingues and Algonquins & to pray of you to repeat them to our new Father.

First---Brother, tell our Father, that although we have not had the pleasure of seeing Him, we have heard a great deal about him. We are told that he is just, a good & charitable man and that he will render the same Justice to his red as to his white children. That Brother is all we ask for.

Secondly---tell him that we his red children the Nipissingues and Algonquins are destitute of the common necessities of life, that we have no one but him (our Father) to look up to for Protection, and that we are persuaded from what we hear of him that he will take pity on us, and see that justice be rendered us.

Thirdly---Tell him, that we beseech Him to have reference to our Joint Petition on the 9th March 1840 to the address of our late Father His Predecessor and to his short answer thereto dated 23rd April same year (which we have in our possession) in which he promises to render us Justice, and we have not the least doubt, that had the Great Master of Life spared him, He would have kept his word. - But He Being no more; we pray of our new Father, to take these same writings into his most serious consideration. For we are certain, and have every reason to expect that when He has carefully examined them, He will find that the demands of His red children the Nipissingues and Algonquins are just & moderate. Tell him that we only ask to be treated in the same manner as our bretheren of Upper Canada who receive an annual remuneration for such part of their hunting grounds, as have been assumed by Government, in conformity to the Proclamation of Our Good Father of Blessed Memory---King George the Third--- dated St. James's 7 October 1763 of which we have a copy given to our Tribes by our late Father Sir William Johnson.

Fourthly---We pray our Father not to lose sight of the clandestine manner in which we have been treated by the Mississaugas (as represented in our above mentioned Petition) as reported to us by the late Chief Superintend of Indian Department at Toronto, Col. Givins, and that our Father will be pleased to enquire into the business.

Fifthly---We also beseech our Father to be pleased to cast his Eye on the long list of squatters (sent to our Father His Predecessor by his order 27th April 1841) and to be pleased to acquiesce to our demands, in our Petition above alluded to, on this subject.

Sixthly---We pray of our Father, to be pleased after he has carefully examined our said Petition & to have the goodness to give his red children the Nipissingues and Algonquins de detailed answer thereto, which we are persuaded, from our moderate & Just demands can be but favourable to us. We ask what has been granted to all Tribes of Indians in similar cases and what we are Justly Entitled to.

Brother---This is all we have to say. Tell our Father that the wishes and Prayers of his Red Children the Nipissingues and Algonquins are the Great Master of Life may long protect Him and His family and assist him in all his undertakings.

[Document No. 188]

165. On July 16, 1842, Hughes forwarded the transcripts of the discussions to Lt. Col. Napier, together with the following comments:

...The great Majority of the Nipissingue and Algonquin Tribes being present, and expressing a wish to know the result of their Joint Petition of the 9th March 1840 (to the address of their late Father Lord Sydenham) as well as the answer of His Excellency their Father, the Governor General to their proposed Establishment on the Isle aux Allumettes. On the 11th I assembled the Chiefs and principal Warriors and told them that I had no answer to give them to their petition above mentioned... They appeared rather surprised, spoke a little amongst themselves, said they were not prepared to say anything to me for the present, but would hold a council next day, the 12th, which they requested I would attend.

[Document No. 189]

166. That same day Napier forwarded the materials to T.W. Murdock, Chief Secretary:

With reference to your Letters dated 19th July 1841, and 20th January 1842, I have the honor to Submit the enclosed Communications from Mr. Superintendent Hughes, and the Chiefs of the Nipissingue and Algonquin Tribes at the Lake of the Two Mountains.

[Document No. 190]

167. Chief Secretary Murdock acknowledged receipt of Napier's report on July 22, 1842:

I am commanded by the Governor General to acknowledge the receipt of your letter of the 16th Instant, accompanied by

a Copy of the Proceedings of a Council with the Algonquin and Nipissing Indians held at the Village of Two Mountains on the 11 instant.

In respect to that part of the address of the Indians which relates to their claim on the annuity paid to the Mississauga Tribe, I am to inform you that on the 23rd April 1840, the late Governor General called on the authorities of the then Province of Upper Canada for a report on the subject, but it does not appear that this report was ever furnished, and the matter seems in the press of business to have escaped observation. His Excellency has now directed me again to require a report on that point from Colonel Jarvis, and as soon as it is received he will give a distinct answer to that part of the present address which relates to this subject.

You will have the goodness to inform these Indians of the cause of the delay in replying to their address.

[Document No. 192]

There is no record of any further action being taken by the United Province of Canada on the matter at this time\*.

cf. para 152, 152A & 172



XII. THE BAGOT COMMISSION OF INQUIRY AND ITS PROPOSALS TO ASSIST  
SETTLEMENT OF THE ALGONQUINS AND NIPISSINGS ON MANITOULIN ISLAND

168. As settlement and lumbering advanced in the Ottawa valley, the traditional means of livelihood for the Indians was increasingly disrupted. These events had two principal consequences: severe economic hardship and the social disintegration of the community at the Lake of Two Mountains. The economic distress of the Algonquins and Nipissings was reflected by the growing number of these Indians collecting annual presents. For example, on December 7, 1842, Superintendent Hughes sent the following observations on the matter to Lt. Col. Napier:

The apparent great increase of the Tribes in this District, particularly of those who are stationed at the Lake of the two Mountains, I will endeavour to explain, as far as lays in my power - from the information I have obtained from the Missioners at that Station, as well as from the principal Chiefs of the Nipissingue & Algonquin Tribes - The increase of the population of these Tribes now annually visiting the village for these two years just proceeds from a number of families of these Tribes not making their appearance at the general Issues - at the Lake - for several years, prior to 1840 (of course according to the general rule these families were not entered in the annual return to receive presents) they being at too great a distance from the village, on their hunting grounds, where they had it then, in their power, to procure from their hunts furs & peltries, much more than the value of their annual presents - But it appears that these two years past 1841 & 42, the greater part of these very families, from the ruined state of their hunting grounds & the great scarcity of Beaver, martins, deer &c. that now prevails, caused by the continual fires made by the lumber men, who have overrun great part of the hunting grounds of these two Tribes, They cannot as they were formerly accustomed to do, procure a sufficiency of furs, - so that from distress, they are now obliged to resort to the village of the Lake, or send some of their relations to receive their share of Her Majesty's annual Bounty - ...

[Document No. 194]

169. On March 22, 1843, Superintendent Hughes, in response to a request regarding the general practise of distributing the annual presents, again wrote to Napier. His report included the following comments regarding the increasing number of Algonquins and Nipissings who were receiving presents:

...

At the Lake of the Two Mountains as regards the Nipissingue & Algonquin tribes who entirely depend upon the chase for a livelyhood - It invariably happens that many of these poor families, who reside in the forests of their vast hunting grounds, ten months out of the twelve, have it not in their favor thro' want of provisions, to be present at the general Issues - Therefore the presents of these Individuals, are left at the Lake, (in charge of the Honble. H. Bay Coy) with the name of each attached to his proportion - until they come or send for the same - which is generally done in course of the winter - But such as do not make their appearance, from being at too great a distance [etc.] then their proportion left forms part of the Estimate for the ensuing year, -

[Document No. 196]

170. Later that year, on August 9, 1843, Hughes responded to a request from Napier for additional information on the apparently increased population:

I have received your Letter of the 7th Inst. in which you have reference to my returns of the Indian Tribes at the Villages of St. Regis, St. Francis and the Lake of the Two Mountains dated 11th June 1843 - and request that I will report for the information of His Excellency The Governor General, the circumstances which may have occasioned the increase of the population therein described amounting to 59 men, 39 women and 30 children ...

...

As for the Lake of the Two Mountains it is next to an impossibility to procure a correct census of the Nipissingue and Algonquin Tribes. But from the information I have received from the Missionaries at that Station as well as from the Chiefs of each band or clan, there is not the least doubt but that the population of these Tribes is greatly increased, the apparent present increase is occasioned from the following circumstances. These Tribes having from time immemorial entirely depended on the chase for a livelyhood and the clothing of their families, their hunting ground being extensive and formerly abounding in furs of every description, and well stocked in Deer, were in the habits of remaining in their forest (at least a great proportion of them) for several Years at a time, these were not included on the list to participate in Her Majestys Annual Bounty for they were then enabled to kill more furs and peltires in the space of the time they would take for their journey to the Lake of Two Mountains, than would purchase four times the amount of their presents; - But it is not the case now, their hunting grounds are ruined, few or no furs to be had, their deer have in a great manner disappeared, can receive no credit from their traders. They can no longer support themselves from the produce of their hunts, and have nothing to depend upon for clothing but what they receive from Government: Her Majesty's Annual Bounty: Families who have been absent for many years past (and not been equipped) are now obliged to resort to the Lake or send some one to receive their presents. This is the principal cause of the apparent great increase.

[Document No. 199]

171. The second consequence of the destruction of their hunting grounds was, as noted above, the gradual disintegration of the Algonquin/Nipissing community at the Lake of Two Mountains. The records indicate that as their situation worsened, many families no longer returned for an annual visit to the Mission.\* Instead they remained all the year on the part of the hunting grounds that the Band had allocated to them, and tried to farm that land. In July, 1842, Peter Shawanipinessi led the first group, 91 men, who petitioned and received land - and eventually their presents - in a new location, Bedford Township. In the following years, other groups from the Lake would follow the same course. By the end of the century, the original band, following the migrations of those who established the Maniwaki Reserve on the Gatineau tributary of the Ottawa River, the Golden Lake Reserve on the Bonne Chère, and the scattered settlements in Lawrence, Sabine and Nightingale townships, would be severely depleted.\*

172. On October 10, 1842 within three months of assuming his office, Governor General Bagot appointed a Commission to inquire into Indian Affairs. As part of its mandate, it was to conduct an "Inquiry in reference to the Claims of the Algonquin and Nipissing Tribes at the Lake of Two Mountains" (Doc. 195). The investigation, carried out over three years, appears to have prodded the government to take the action it had promised on the claim (cf. para. 167 above). The Governor General's Civil Secretary, Captain Higginson, thus wrote to Colonel Jarvis once again about it. On August 29, 1844 Jarvis, who had also been contacted by the Commissioners directly the year before (see doc. 223, last para. cited), replied:

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\*cf. document 223, p. 20.

\*\*See ch. XIV, A-D for the history of these settlements.

With reference to your letter of the 31st ultimo respecting the claim set up by the Algonquin Indians to a share of the annuity received by the Mississaga Indians of Alnwick. I beg to say that - I have written to several of the Chiefs and have personally conversed with others on the Subject - but as yet have elicited nothing very satisfactory.

I think however I shall be able to prepare a report - which will throw some light on the subject as soon as I receive answers from the Chiefs to whom I have applied for information.

I intend visiting Two or Three of the Indian villages to the North of this place and will therefore necessarily be absent for a few days.

[Document No. 213]

173. On March 20, 1845, the Bagot Commission of Inquiry tabled its final "Report on the Affairs of the Indians in Canada" in the Legislative Assembly. The following are excerpts from that report regarding the Algonquin and Nipissing Indians:

Few of them live in wigwams, except the Algonquins and Nipissings, at the Lake of Two Mountains, and some of the Iroquois of St. Regis, who occupy them temporarily during the summer season, when their fields are at a distance from their residences.

The fondness of the Indians for hunting is stated to have abated considerably, owing in a great measure to the difficulty of indulging it. Formerly it was usual for the male adults to pass the winter in the Forests, in pursuit of game: but now very few, except the Algonquins and Nipissings, already referred to as living in wigwams... Three Hundred and Thirty Three are at Lake of Two Mountains.

### 3. THE ALGONQUINS, NIPISSINGS, AND IROQUOIS, AT THE LAKE OF TWO MOUNTAINS

The tribes at this post do not possess any lands from whence a revenue is derived, and have hitherto depended upon the chase for the principal part of their support... "The total number of these Indians is One hundred and fifty thousand (150,000) of whom four hundred and eighteen (418), including sixty two (62) heads of houses, are Algonquins, Three hundred and eighteen (318) including ninety (90) heads of houses are Nipissings..." (page 20 of report)

As the Algonquins and Nipissings differ very much from the Iroquois, in character and habits, it will be necessary to describe them separately.

The two former tribes lead a roving life, dwelling in huts and wigwams during the greater part of the year, and some through out the year; the majority, however, resort to the Lake of Two Mountains for about two months annually; and during that period they occupy houses in their village, which is separate from that of the Iroquois. These two

tribes posses sixty eight (68) houses, ten (10) stables and only one (1) barn... only the women and aged men, who are unable to follow the chase, and are consequently left at home, cultivate small patches of land to a very limited extent. (page 20 of report)

...

The situation of the Algonquins and Nipissings is still more deplorable: their hunting grounds on the Ottawa, which were formerly most extensive, abounding with deer, and other animals, yielding the richest furs, and which their ancestors had enjoyed from time immemorial, have been destroyed for the purposes of the chase. A considerable part has been laid out into townships and either settled or taken possession of by squatters. The operations of the lumbermen have either destroyed or scared away the game throughout a still more extensive region, and thus, as settlement advances, they are driven further from their homes, in searches of a scanty and precarious livelihood. Their case has been often brought before the government, and demands early attention. (page 21 of report)

...

It is mentioned of the Algonquins and Nipissings, that there are many among them, who, although living a wandering life during the greater part of the year, can read and write tolerably in their own language; and it is observed of them, that they are generally much more intelligent and civilized than the Indians that remain in the vicinity of the towns. There can scarcely be stronger evidence of the demoralizing effects of partial civilization. These wandering and almost destitute tribes, far from being sensible of any improvement in their condition, say that forty years ago they were much happier and more independent than they are now: they then had game and peltries in abundance; they lived well and were well clothed: but now they are ragged and starved half the year. This statement accords with that of the Superintendent. (page 21 of report)

...

In Lower Canada, where settlement had made considerable progress before the conquest, and where civilization and Christianity had been introduced among the Indians, their territorial possessions had at that time become circumscribed within defined limits, and in many instances were held by patents under the French Crown, or individual Seigneurs. Of these reserves the several tribes still retain possession and there is only one section of the country, viz: on the Ottawa, in which the Indians have been dispossessed of their ancient hunting grounds without compensation.

This encroachment, however, was not the act of the Government, but the natural consequence of the extension of the Lumber Trade in that direction, which has gradually cleared the country, destroyed the game, and introduced White Settlers holding possession of the land without any authority on the part of the Government.

...



The nature of their claim, founded upon the former occupation and gradual dispossession of the territory on the banks and in the islands on the Ottawa, upon the terms of the Proclamation of 1763, and upon the fact of their having (although illegally) received rents for lands occupied by settlers in those islands, gives them a title to the favourable consideration of the Government. (section III, page 91 of report)

The Commissioners find it recorded in the Report last quoted (our Document No. 152) which was confirmed by another Committee in a Report dated 17th June 1839, (doc. 174) that the claim of these Indians were, in their opinion, "to be resolved into an equitable right, to be compensated for the loss of the lands from which, in former times, they derived their subsistence, and which may have been taken by Government for the purposes of settlement, and that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state. They therefore recommend that a sufficient tract of land should be set apart in the rear of the present range of Townships on the Ottawa River, and that such of them as may, from time to time, be disposed to settle on land should be located there; and that both they and the rest of these Tribes should continue to receive such support, encouragement and assistance as may supply the place of their former means of subsistence, and at the same time prepare and lead them to a state of independence of former aid.

Your Commissioners having this latter end chiefly in view as the fruit of the civilization and social elevations of the Indians, and considering the difficulties which would exist in bringing to bear upon Indians, if located as proposed in the rear of the Ottawa Townships, the means of improvement which are recommended for the rest of their race, cannot recommend that this part of the suggestion be carried into effect. Neither do they conceive that it would tend to the interest of these Indians to grant the prayer of their petition, and to settle them upon the Isle aux Allumettes, as it appears that a large white population already occupy that Island - a number amounting to 800 souls having petitioned for titles to lands therein, whom it would at the present day, be impossible to dispossess.

They would, therefore suggest that steps be taken to induce these tribes to remove either to the Manitoulin Island or to some other settlement of Indians, in the Upper Province, in which the proposed institutions and arrangements for promoting the civilization of their brethren shall hereafter be established, and that in the meantime, temporary assistance, not to exceed the amount granted to their brethren in Upper Canada under similar circumstances viz: £2.10. per head annually, be afforded to them in order to remove the most pressing of their wants.

That considering the value of the lands sold on the banks of the Ottawa, and the revenue derived from the cutting of timber on the ancient hunting-grounds of these Tribes, which had led to the destruction of their means of subsistence, this payment becomes an equitable charge upon the revenue of the Crown lands.\*

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\*In the extract of the Report on file, document 195, the final clause of this paragraph is underlined.

That with regard to the claim put forward by them to the annuity at present paid to the Mississaugas of Alnwick, Your commissioners conceive that no further delay should be allowed to take place in determining the party who is thereto entitled; and that if the claim of these Tribes be substantiated, they should be admitted to share in the application of the said Annuity, which shall henceforth be devoted, independently of any contract on the part of the Indians, to the maintenance of institutions and other instruments of civilization, for the benefit of these Tribes and its former recipients.

Then, referring to their activities in connection with their investigation, the Commissioners added:

Your Commissioners called upon the Chief Superintendent with regard to this part of the claim, but their letter, dated 14th February 1843, remains unanswered.  
(section III, page 41 of report)

[Document No. 223]

174. The members of both tribes remaining at the Lake, however, Napier reported, rejected settlement at Manitoulin Island - or at any other "settlement of Indians" in the Upper Province at this time (cf. Ch. XIV A). One of the Chiefs, however, following the example set by Shawanipinessi some years earlier, (see Ch. XIV A), petitioned for land on his traditional hunting ground. Like Shawanipinessi, this Chief, Antoine Paknawatik, acted as a traditional clan leader. In February, 1847, he requested a grant on the Gatineau River in Lower Canada, petitioning "in his own name as in the name and representing the Indians' Society & Company of said Lake (ie. Two Mountains) and county". His petition, addressed to Governor General James Bruce, Earl of Elgin, states that he ...

Humbly requests Your Excellency to Grant Him, in his said capacity, all that tract of land, about nine miles square, on River La Gatineau, situate on the West Bank of the said River and between the mouth of the River du Desert & the Rapids called Portages, below Bytown, on the north side of River Ottawa...

[Document No. 227]

175. On March 13, 1847, Napier sent the Chief's petition to George Vardon, the Assistant Superintendent General. Napier, who concurred with the Commissioners' objections to settling the Algonquins and Nipissings in the rear of the Ottawa Townships, suggested that, instead, they could be settled upon the Ottawa River:

The Algonquin Chief Antoine Pakinawatik of the Village on the Lake of the Two Mountains, has placed in my hands the accompanying Petition to His Lordship the Governor General, praying in the Name and on the behalf of his Tribe, for a Grant of Land on the West bank of the River Gatineau, a tributary of the Grand, or, Ottawa River of Lower Canada.

The claims of the Algonquin and Nipissingue Indians to compensation for the loss of their Hunting Grounds, having been inquired into, and reported on, by the late Commission of Inquiry, I transmit for His Excellency's information, the enclosed Extract of the Report of the Commissioners thereon.

I beg leave to state that I entirely concur in the objections submitted by the Commissioners to the settlement of these Indians in the rear of the Ottawa Townships, and that with the present reduced Establishment of the Indian Department, it would be impossible to exercise a proper degree of superintendence over them, if so located. I therefore respectfully suggest that the Petition be referred to the Commissioner of Crown Lands, with a view to ascertain, whether a sufficient Tract of land could be set apart for these Tribes in one of the new Townships fronting upon the River Ottawa, and also as to the prospect of obtaining pecuniary assistance for them from the revenue of the Crown Lands, to the extent proposed in the Report of the Commission above mentioned.

I deem it proper to add, that the Tribes in Question have rejected the offer made to them, to remove to the Manitoulin Island, or to any other Settlement of Indians in the Upper Province.

[Document No. 228]

176. The Chief's Petition, however, was refused in a letter Napier received on March 18, 1847, from Assistant Superintendent General Vardon. In this letter Vardon reiterated that Government policy was to settle Indians on Manitoulin Island:

... His Lordship does not perceive that the proposed removal would benefit the Tribe, or that it would lead to their improvement either social or moral.

The Imperial Government has provided a refuge at Manitoulin Island for all the Indians who wish to avail themselves thereof, and if the Algonquins and Nipissingue Indians desire to leave their present residence at the Lake of the Two Mountains, assistance will be afforded to them to remove thither; but the Governor General is not disposed to sanction the formation of new Indian settlements in any part of the Province.

[Document No. 229]

That same day Napier transmitted this decision to Interpreter Ducharme, presumably to be relayed to Chief Antoine Pakinawatik.

[Document No. 230]

177. The Chief did not give up. The following year he was to present another petition for land along the Gatineau. This time Chief Pakinawatik was joined by other signatories - one group listed as the "Sauvages de la Gatineau" and a second group listed as the "Sauvages du Grand Lac". [Doc. 244] Their request, endorsed by the Bishop of Bytown and another missionary, was finally to lead to the setting aside of a "tract of land on the Gatineau", referred to as either "the River Desert Settlement" or the Maniwaki Reserve. The circumstances of the creation of this reserve in 1853 are described in Chapter XIV, Section B of this report. In the meantime, however, while the Lake of Two Mountain Indians - who had now begun to disperse - debated with the government where they might be assisted to settle, their long standing claim to share the annuity received by the Mississaugas was again brought before the Governor General.

XIII. THE PETITION OF 1847 AND THE EXAMINATION OF THE  
ALGONQUIN/NIPPISSING CLAIM TO THE ANNUITY PAID TO THE  
MISSISSAUGAS

178. On July 9, 1847, Colonel Napier wrote to the Civil Secretary, now Major Campbell, regarding the long standing question of whether the Algonquins and Nipissings had a valid claim to part of the annuity paid to the Mississaugas:

The Algonquin and Nipissingue Tribes of the Lake of the 2 Mountains having proffered a Claim to the Annuity at present paid to the Mississaguas of Alnwick, which formed the Subject of a reference to the late Commission of Inquiry in the Year 1843, I beg leave to transmit to you the Accompanying Extract from the Report of the Commissioners relative to the Appropriation of this Annuity.

Captain Auduton (?), the visitor of the Mississauga Tribe, suggests that the claim might be Submitted to Arbitration, to which I see no objection provided it meets the Approbation of His Lordship the Governor General.

Attached to his letter was the following certified extract of "Remarks of the Commissioners of Enquiry upon the claim of the Algonquin & Nipissingue Tribes:" -

"That with regard to the claim put forward by these Tribes to the annuity at present paid to the Mississagas of Alnwick, Your Commissioners conceive, that no further delay should be allowed to take place in determining the party who is thereto entitled; and that if the claim of these Tribes be substantiated, they should be permitted to share in the application of the said annuity which shall henceforth be devoted, independently of any control on the part of the Indians, to the maintenance of institutions and other instruments of civilization for the benefit of these Tribes and its former recipients."

[Document No. 231]

179. On July 16, 1847, Major Campbell responded to Napier's letter with a request for more information for the new Governor General, Lord Elgin.



I am directed by the Governor General to acknowledge the receipt of your letter of the 9th Inst in reference to the claim of the Algonquin and Nipissing Indians to share the annuity received by the Mississauga Indians of Alnwick, and in reply to request that you will append [all the] any information that you may possess or may be able to obtain upon this subject, to enable His Excellency to come to a decision on the merits of this claim.

[Document No. 232]

180. Shortly thereafter, in August of 1847, the Algonquins and Nipissings once again laid out their case in detail.

...

Father

At the last interview that our late Father Lord Metcalfe was pleased to allow us in the month of August 1845 we had much to say to him but his words at the time (proceeding we imagine from great suffering) shut our mouths and deprived us of that opportunity of making him acquainted with the great grievances and injustices we have long and are yet experiencing from strangers who are constantly trespassing on our hunting grounds, settlers and lumberers who are annually increasing. Our Father Lord Metcalfe (at our said interview) requested us to make known and thoroughly explain to him on a piece of paper the injuries and grievances we had to complain of, that he would examine them and render us the justice we were entitled to. As our Good Mother across the Big Salt Lake has placed you in his chair we herewith send you the paper we were requested to prepare for him. It contains all we have to say in regard to the injuries and great injustices that have been done us; our mouths are not forked, Father, we speak straight and what we represented is the truth.

Father:

To make you thoroughly acquainted with the cause of our present most destitute and distressed situation we must go far back and therefore entreat and pray of you to be patient and to listen to our words and not only as our good Father Lord Metcalfe. Just that you show no partiality, that you render Justice to whom it appertains. Justice, Father, is all we ask; it is what we are entitled to and expect at your hands.

Father;

As you are to us a stranger and perhaps ignorant of our claim as regards our rights, permit your children Algonquins and Nipissings to point out to you the extent of the Hunting Grounds reserved to the Tribe by the Father of their ancestors, the King of France, and which they occupied and enjoyed long before the conquest of Canada. It began at Point d'Orignal above the Long Sault on the Ottawa River and following up that River to Mattawang, thence up the Little River up to the banks Lake Nipissing, embracing both banks of the Ottawa, its Islands, adjacent countries, tributaries, streams, rivers and brooks from their sources; & heights of land that flow and empty themselves in said Ottawa River.

And moreover Father the said hunting grounds were reserved to our Tribes by a Proclamation signed by our late and good and lamented Father King George the Third dated 7th October 1763 and by the late Sir William Johnson Chief Superintendent of all the Indians in North America (who) assembled the principal Chiefs and warriors of our Tribes in Council and was pleased to appoint one of his officers his representative to address the Council as we have always been given to understand by our Father and old Chiefs in the following words:

Address: My Children Algonquins and Nipissingues; By command of your Father Chief Superintendent Sir William Johnson I have assembled you in council to make your hearts dance with joy in announcing to you that your new Father King George, the Third, across the big Salt Lake has the interest of his Red Children at heart, he has not forgotten them as he is persuaded that should he at any time require their services they will be prompt to obey him. The hunting grounds, My Children, which your ancestors and yourselves have from time immemorial occupied and enjoyed and that have been the means of supporting and bringing up your families are reserved to you as heretofore by order of your Great and Good Father the King. No strangers, my Children, have a right to establish themselves on your hunting grounds nor molest you in any manner whatever. They are reserved to your tribe as hunting grounds, for the sole benefit of yourselves and your Children. Your Great Father even forbids his first Officer or any other individual of making a survey of any part thereof or to purchase or otherwise to appropriate to themselves a single particle of your hunting grounds.

Should you my Children at a future period find that your hunting grounds become ruined and exhausted of beaver, Peltries, &co. and that you might be willing to dispose of a part or the whole of your hunting grounds they will be assumed by your Great Father the King and his representatives that may at the time be with you and the purchase thereof is to take place at a public council to be held for the purpose at which your Chiefs and Principal warriors must be present, to act in concert with your Father's representatives and such of his as he may appoint to act with him and whatever arrangements may be mutually resolved upon at said council and sanctioned by both parties will be approved of in the name of the King your Great Father by his representatives, whom will give orders for the payment of such parts of your hunting grounds as may have been assumed by Government---in conformity to the resolves of any arrangements of the Council.

God Save the King.

My Children:

Here is a true copy of the writing which your good Father the King has transmitted to your Chief Superintendent Sir William Johnson, it is certified by him dated 24th December 1763. My orders are to place it in your hands. Be careful of it. It may at a future period be of service to you.

Father

We hold this writing our ancestors and ourselves were proud of it. We considered it as a sacred document, It contains the words of our late Father King George the Third, and as we were always given to understand, we were persuaded that his words and signature were sufficient to ensure us of the peaceable enjoyment of our hunting grounds and keep us from being molested by strangers of any description. This being the case, Father, it was thought necessary and advisable by our old Chiefs and principal warriors (to prevent quarrels and bloodshed with our Indian brothers) to assemble a grand council to which were invited to attend the principal chiefs and warriors of the tribes then inhabiting the North Banks of the St. Lawrence facing Point d'Orignal and from thence upwards to a parallel of Lake Nepissing Iroquois, Mississauguas and etc. The hunting grounds claimed and reserved and enjoyed by the tribes of the St. Lawrence embraced the countries, Rivers, Lakes, tributaries, streams, following and emptying themselves in said River St. Lawrence from the heights of land separating the waters that flow from said height of lands in(to) the River Ottawa which country and tributary streams are as above mentioned. The portions of hunting grounds reserved to your Children Algonquins and Nipissingues on the South bank of the Ottawa River, this point being amicably settled at said council\* it was unanimously resolved and agreed upon that no individuals of either tribes should on any account whatever encroach on the hunting grounds of the other under a certain penalty for which the Chiefs of the guilty Tribe were amenable.

Father;

The limits and extent of the hunting grounds reserved to the Algonquins and Nipissingues, and them reserved to our Brethren then inhabiting the North Bank of the River St. Lawrence being amicably settled at the above mentioned Council as explained, it was further thought advisable by our old Chiefs and principal warriors to prevent quarrels and dissensions among ourselves that the whole of our hunting grounds reserved to us as above explained should be divided into two parts as equally as possible according to the different situations abounding in furs, and part to be enjoyed by the Algonquins Tribe and the other for the benefit of the Nipissingues the part or proportion allotted to each tribe to be by their Chiefs and principal warriors having a band or clan might have a certain extent of hunting grounds in proportion to the number of the band & followers, this arrangement having been settled to the satisfaction of the whole with a stipulation that no individual of one band should encroach on the portion of the hunting grounds belonging to another to hunt Beavers or Peltries. But should a Deer start from the Hunting Grounds of one Band to go to that of another the hunter was at liberty to follow it.

By this arrangement, Father, the various chiefs or heads of bands had an opportunity of nursing their Beavers and otters in the following manner viz. by dividing the portion belonging to the band into two equal parts which were still very extensive and hunting and changing alternately every two or three years from one part to the other which was generally adopted.

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\*cf. para 276

Father;

These two points between our known Brethern and ourselves being settled, and holding the above mentioned writing signed by our lamented Father King George the Third (in which we placed the greatest confidence) wherein it is stipulated that we are assured of the protection of the government your Children were happy and persuaded that they could never be molested by strangers with impunity having the representative of their Father the King as a Protector.

But Father,

It is with tears and sore heart that your Red Children Algonquins and Nipissingues are under the necessity of telling you that to their great surprise detriment and ruin that it is far from being the case but at the same time they are persuaded that it ought to be.

Father;

Permit your Children to represent to you that about fifty years ago or thereabout there was not a single white man's establishment above the Long Sault with the exception of two or three huts of Canadian fur traders and these were not permitted to come without leave of Government. In those days Father we were happy, Rich and independent, we lived well, made great hunts and had abundance of good clothing. Our hunting grounds were rich in more valuable furs and our magnificent Forests were well stocked with Deer, and small game of many species. No one in those days Father dared to molest us. It is only about the beginning of this century, Father, that a few indigent poor families who were starving and (as your Children Algonquins and Nipissings at present) who placed more confidence in their Indian Brethren for assistance than they did in our white Brethren found their way up to the Long Sault. Our Chiefs took pity on them, fed them, and allowed a piece of land on our hunting grounds to cultivate and support their families for which they were grateful and thankful.

But Father,

These interlopers some years afterwards began to increase annually. We perceived they would be an annoyance to us but forebore making use of force to expel them. We complained to our Father and Superintendent Sir William Johnston, he promised to send them away but did not do so. Since that time Father, innumerable memorials have been sent by us with complaints praying for the removal of these squatters and lumberers from our Hunting Grounds, and we always received good words, and great promises from your predecessors, and were told that steps would be immediately taken to remove and punish these. But Father, these were but promises and so light that they were blown away by the first little wind and of course remain to be accomplished.

Father,

We your red Children Algonquins and Nipissingues are the true and identical children of the said (and according to the above mentioned Proclamation of our lamented good Father King George the Third, the sole proprietors of these (once) rich hunting grounds and majestic Fat(?) Forests but



at the present day Father your Children are reduced to beggary caused principally by the innumerable squatters and lumberers, who not content of taking possession & establishing themselves on the most fertile parts of our hunting grounds, destroying our magnificent forests and appropriating to themselves our fine timber now (but also) they most maliciously set fire to our woods, by which means they have destroyed our beavers and peltries, and driven away our Deer, the only dependance we had to support, clothe and bring up our children. We are often ill treated by these interlopers they take pleasure in destroying our patches of maize which we have here and there, in cultivation for our winter flock and pillage and destroy our sugar bushes, and when we threaten them with complaints to our Father they laugh at us & say it is from him that they receive licences to cut our timber. We are too weak Father to defend ourselves and obliged to put up with all these injuries and injustices.

Who Father is the cause of all we endured for the many years past and are this day reduced to the greatest distress?

It is with a sore heart we say it, Father. It is the government who furnishes licences to these lumberers, and who connive with those squatters, who take possession of part of our most valuable hunting grounds without our permission or authority from Government - and who owe us much money they formerly used to pay us a small sum of money for the use of the land they squatted on, but now refuse to do so - saying that they are forbid by Government.

Who, Father, has established and is still establishing those numerous and flourishing townships on our Hunting grounds on the Ottawa River. It is government Father that same government which instead of protecting and assisting us (in conformity to the above mentioned Proclamation) is the principal cause of our principal great distress.

Father

At the beginning of the Revolutionary War with the Big Knives (Americans) our Great Father the King required the assistance of his Red Children the Algonquins and Nipissingues, our Ancestors were told by his then Representative that we were called upon as allies of our Great Father to encounter the Enemy that we had the honour to defend our Lands and our families, Father, and must act in concert with our white Brethren, we were no sooner summoned than the war whoop reiterated in our camp and we remembered what our Great Father the King had done for us and (our) ancestors we fought and bled for our Father and country. We did the same in the last war with the Big Knives and in a similar case we are ready to do it again.

Father;

All the above mentioned grievances and great injustices that we have experienced without being enabled to get redress were heaped upon us, before we had the good fortune of having your predecessor Lord Metcalfe for a protector---he promised to render us justice. It is at his requests (as before mentioned) that this document was prepared as he has suddenly and unexpectedly been taken from us by the great Master of Life. We at the present day



have no one but you to look up to for protection, we beseech you Father to watch over your red Children. Protect as a good parent and order and see that justice be rendered them.

Enough Father let the Past be forgotten and rather please see what is to be done for the Future.

Father,

We pray and beseech you first to have reference to the enclosed copy of a Report of the Executive Council of Lower Canada of the 13th June 1837, that Report Father was sent across the Big Salt Lake and approved & sanctioned by our good young Mother the Queen, by a dispatch of the 22nd August 1838.

The Representations in that document Father with respect to your Red Children the Algonquins and Nipissingues are but just and what they are entitled to, and if treated as therein represented they would be happy and once more rich and independant as in former times; We have held this paper Father, for near ten years, always looking forward and expecting that something would cast up, but as your Children have received no benefit from it the cause we imagine proceeds from the several and sudden changes and deaths of several of our Fathers; your predecessors and to the late distracted state of the country.

We are now at peace, Father, and we depend upon you to set all this to rights, you have the power and the means, and we therefore pray and beseech of you to act towards your Children according to this report which is sanctioned by our young Mother the Queen.

Father,

We have to represent to you that the Algonquins and Nipissingues, have frequently requested of Government to assume the whole of their hunting grounds (with the exception of sufficient extent of country on said hunting grounds for both the tribes to establish themselves with the said Government) and we demanded from Government to be treated in like manner as our Brothers of Upper Canada have been, (in conformity to the above mentioned Proclamation who receive a certain annuity for such part of their hunting grounds according to their extent) that Government has assumed; our hunting grounds are extensive, rich in soil and abound in Majestic Forests.

Father;

With respect to our demands we pray of you to be pleased to glance over several of our Petitions of the Month of March 1840, August 1843 and of the Month of June 1844. These documents contain all our Prayers and are in the hands of our Officer Col. Napier.

We request of you Father, to pay particular attention to the one regarding Isle aux Allumettes, and respecting the monies due us, by the numerous squatters who have settled themselves upon that Island and are become rich and independant. Our Officer Col. Napier has a nominal list of them as well as an account of the monies they owed us when we found it was impossible to obtain redress from

Government to expel and remove those trespassers we came to an arrangement with them and leased them the land they had squatted upon for the term of two or three years at the rate of one shilling per acre per Annum, many used to pay us punctually but since 1838 & 39 they have refused to pay without we had some paper from Government to show them that they would authorize us to receive payment.

Father;

Render us Justice for that part of our hunting grounds situated in the upper part of the river Ottawa (which our Officer Col. Napier can explain to you) facing L'Isle aux Allumettes on the South bank where we meant to settle ourselves and had the sanction of so doing and a promise from our Father Sir John Colborne (the then Governor of Upper Canada) of assistance but the year after this promise on our Chief's second visit to Toronto on the subject. To our great surprise and mortification we were given to understand that said part of our hunting grounds had been clandestinely sold to the Upper Canada government by the Mississagui who well know they belonged to us, and who nevertheless for these many years past and still, receive an annuity for them, which annuity we are from henceforth entitled to receive and we are persuaded that our Father will agree with us and give his orders accordingly.

Father;

The annual accumulation of the vast revenues of the present and future flourishing townships established on our hunting grounds the rent and purchase money that government have a right to obtain from the numerous squatters that have established themselves on our said hunting grounds without authority and the annual vast sums of money that must and ought to be realized from the timber of our magnificent forests, ought surely to be much more than adequate to furnish a sufficient annuity to place your once rich Children of the soil in the situation mentioned in the above report of the Executive Council which (was sanctioned by our Great and Good Queen) and also abundant means to settle them comfortably in some snug corner of their said hunting grounds to bring up and support their Children with the assistance and protection of Government, without the fear of being hereafter molested by strangers.

Father;

We will break your ears no longer, we are persuaded that when you have carefully examined our complaints you will be convinced that we have received much ill treatment and injustice and that we have as much right as our White Brethren to demand and be entitled to receive justice at your hands that the Great Master of Life may be pleased to give you health, long life and prosperity in all your undertakings is the prayer of your Red Children the Algonquins and Nipissingues and also that he may be pleased to keep you long amongst them.

Algonquins

Meiawinawatch  
Kinyous  
Nysmakawick  
Sima Pitawimching

Nipissingues

F. Papineau  
Simon Miksy  
Francois Otjik  
Sima Risuksat

[Document No. 233\*]

181. The next month, on September 30, 1847, also in response to the Governor General's request for information, [Document No. 235] former Superintendent Hughes prepared the following report for Napier regarding the lands claimed by the Algonquins and Nipissings on the south shore of the Ottawa River:

On Monday the 27th Inst. the day that your communication reached St. Polycarpe, I was absent from home, and did not return till Wednesday when I found yours of the 25th Inst. with its enclosure from the Civil Secretary Major Campbell dated 16th July 1847.

In conformity to the command of His Excellency the Governor General and your wish, I will endeavour as far as lays in my power, from frequent conversations I have had with the principal chiefs and warriors of the Algonquin and Nipissingue Tribes, as regards their claim to the annuity received by the Mississaguais, for a certain tract of land, situated on the upper part of the Ottawa river nearly opposite the L'Isle aux Allumettes derives from the following circumstances.

In the first Instance; These Tribes represent to have, from time immemorial, occupied and enjoyed as hunting grounds (reserved to them) before the conquest of Canada by great Britain, the lands on both banks of the Ottawa and Little river, as far as Lake Nipissingue that is to say both banks of the Ottawa and of the Mattawangue river (called by the Voyageurs the Little river) to the heights of land dividing the waters of Lake Nipissingue from those of said Little river, as also the countries watered by all streams falling into the said Ottawa river and Little river North and South to their sources-

This tract is bounded to the Southward by a ridge dividing the waters, which fall into the Lakes and into the Saint Lawrence, from those falling to the Northward and into the Ottawa river.

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\* This document appears in two different collections. The above quotation is taken from the copy found in the Archives du Seminaire de St. Sulpice, Montreal. The copy found in R.G. 10 (Document No. 234) is missing significant portions. A note at the bottom of the Extract of the 1837 Executive Council report attached to document 234, however, includes the following information:

N.B. The above suggestions are approved by the Secretary of State's despatch No. 93 of 22 August Eighteen hundred and thirty eight.

The computed distance from the Township of Hawkesbury (Pointe d'Orignal) to Lake Nipissingue by canoe Navigation is one hundred and seventeen leagues of which the Ottawa river forms one hundred to Matawangué where it is joined by the little river. Settlement(s) extend at present to nearly one third of the distance.

These are the hunting grounds which the two Tribes of Algonquins and Nipissingues, conceive they have full right to occupy as such, in consequence of their being so long in possession, and having been as they conceive further confirmed to them, by the Act of their Father Statute Sir William Johnson (then Supt. of all the Indian Tribes in North America) in 1763 by order of their Great Father King George the Third) Settlements have been formed, and Townships Established on a very considerable part of their hunting grounds without their having received any compensation for the same, which they are grieved to say has not been the case as regards their Indian Bretheren of Upper Canada, who receive an annual remuneration for such part of their hunting grounds (according to extent) as have been assumed by Government for settlement. Although they have no other title than that possessed by their own Tribes Algonquins and Nipissingues -

In the course of the summer of 1836\* a deputation from the Nipissingue and Algonquin Tribes, went up to Toronto to see his Excellency Sir John Colborne, the then Governor of Upper Canada, and represented to His Excellency on behalf of their Tribes, that from the numerous squatters and lumberers, that were annually trespassing on their hunting grounds on the South Bank of the Ottawa river and their Islands, their Beaver, Peltries, and Deer were nearly exhausted and that they wished to have a Settlement of their own and become settler [sic] of the ground, and pointed out to His Excellency a certain tract of Land on their hunting grounds situated on the South Banks of the Ottawa river facing L'Isle aux Allumettes, they represented that this being a good fishing place nearly in the center of their hunting grounds, it would suit them best.

It appears that His Excellency consented to their demand and told them that since it was their wish to settle and become farmers, he would get the said land surveyed for them, as soon as he was apprized of their intention to move to that quarter. The ensuing year a second deputation went up to Toronto His Excellency was then absent, but to their great mortification and surprise, they were told by Col. Givens the then Chief Supt. that the land they had expressed a wish to settle upon, had been sold to government by a Tribe of the Mississaguais for which they received a Certain Annuity - The Mississaguais having clandestinely taken upon themselves to sell this tract of land, which they were well aware belonged and formed part of the hunting grounds of the Algonquins and Nipissingue Tribes - These Tribes conceive it but just that from henceforth, they are in equity entitled to receive the said annuity which they now claim and are persuaded that their Father His Excellency The Governor General when made acquainted with the merits of the case will decide in their favor.

[Document No. 236]

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\* cf. document 142 which cites 1835 as the year of the first visit and 1836 as the year of the second visit.

On the 20th August two young men, one from each Tribe made their appearance here, said they were sent by the Chiefs, to request of me to accompany them to the Lake, with the Memorial for their signature - Indisposition at the time prevented my going - But in conformity to the desire of the Chiefs, I delivered the Memorial to the young men, and wrote to the Reverend Monsieur Dufresne, to be so kind as to do the needful for me, viz - to assemble the Chiefs, and principal warriors of each Tribe, to read and explain the contents of the memorial to them (which had already been done by myself & to their great satisfaction) to get it signed & to have the kindness with the rest of the gentlemen Missionaries to certify the same as being the sentiments of the Tribes - If such had been done - His Excellency The Governor General ought to have received it in the beginning of September - It is this very memorial my dear Napier, that I wrote to you about some time ago, and wished to be informed by you, if it had been presented to His Excellency, and what was the result -

By your being silent on the subject - The Memorial must be still in the hands of the Chiefs -

From the horrible state of the roads, being at present a perfect quagmire, from hence to the Lake, it is impossible to perform the journey in a Wheel carriage, and as my state of health will not admit of my going on horseback, I will not have it in my power to visit the Lake, before the sleighing takes place, which cannot be before Dec. when the Lake may be frozen over.

No means will then be spared on my part, to render our friends all the services in my power, They are deserving of it and have every right to expect redress from the hands of the Government - thus far the poor fellows have been most shamefully and unjustly treated -

I have the copy of the Original Memorial in my hands - as well as a well drawn plan\* of their hunting grounds - Should the Memorial not as yet have been laid before His Excellency, I will when I go to the Lake, get it signed by such of the Chiefs and warriors as may be present & send them to you to be introduced to His Excellency -

[Document No. 238]

No records have been found, however, to indicate that any further action was taken by the United Canadas on the Algonquin and Nippissings' claim to the annuity paid to the Mississaugas. Neither is there any record of these Indians receiving, at this time, any "temporary assistance" payments such as those recommended by the Bagot Commission in connection with their settlement on Manitoulin Island, or those promised earlier by Sir John Colbourne.

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\* Not located.



182. Shortly thereafter, on October 9, 1847 Napier forwarded Hughes' report to Campbell, the Civil Secretary, together with the following comments:

Captain Hughes, late a Superintendent in the Indian Department, having had the immediate charge of the Algonquin and Nipissingue Indians of the Lake of the Two Mountains, for several years previous to the reduction of his Appointment in the month of June 1845, I deemed it advisable to call upon him to supply any information within his power, in explanation of the claim of these Indians to share in the Annuity received by the Mississagua Tribe of Alnwick, and having received from that Officer, the enclosed Report upon the Subject, I beg leave to submit it for the information of His Excellency the Governor General, in obedience to the instructions conveyed to me in your Letter of the 16th July 1847.

[Document No. 237]

183. On November 14, 1847 Hughes forwarded yet another report on the matter to Napier:

...

I have attentively examined Sir John Johnson's letter of the 5th Nov. 1824 to General Darling\* and it appears to me that the Memorial, which I read to you, in the council of July last, and which, you approved of, contains every item introduced in Sir John's letter, as to the validity of the Claims of our friends the Alg. & Nip. to be remunerated for the extensive Territory forming their hunting grounds, which have been established by Government - or otherwise assumed; in like manner, as their Brethren of Upper Canada, have been, for such part of their hunting grounds as have been assumed by Government and for which they receive an annuity, according to their extent -

When I left Montreal in July last, I repaired to the lake, show'd the Memorial (which at their request I had prepared for them) to the Chiefs of the two Tribes then present - and explained its contents, item per item - which they approved of, found it correct, thanked me greatly for the trouble I had taken, and said that it contained all they wished to express to their Father the Governor General - On account of two or three of the principal Chiefs being absent, & my wish of leaving the house of mourning, as quick as I possibly could, I had not time to get the memorial signed, but informed the Chiefs, that as soon as they were all assembled, to send a young man to me and let me know -

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\* See para. 82.

XIV. THE SETTING ASIDE OF LANDS FOR THE ALGONQUINS AND NIPPISSINGS OF  
THE LAKE OF TWO MOUNTAINS: RESERVES, A LICENSE OF OCCUPATION  
AND LANDS "WITHHELD FROM SALE"

A. The Lake of Two Mountains Indians Settling in Bedford Township:  
1842-1851

184. On July 17, 1842, a group of Indians, formerly of the Lake of Two Mountains, addressed the following petition to the Governor General, Sir Charles Bagot:

The petition of Peter Shawanipinessi one of the Indians of the Lake of the Two Mountains Tribe humbly sheweth: - That your petitioner together with the other Indians of the same tribe with their families have long been accustomed to spend the hunting season in the tract of country embraced within the limits of the townships of Bedford, Oso and South Sherbrooke---and now that their natural means of subsistence have become precarious by reason of the settlement of the country, they have of late turned their attention, in part, to the cultivation of Corn and potatoes, and are now anxious to be protected, by Your Excellency in Council, in the occupation of a limited tract of land within these townships whereon they may be allowed to support their families and as the land is of a very poor quality, your Petitioners hope they will not be refused.

Referring Your Excellency in Council to Mr. Morris of Perth and Mr. Kingston of Bedford for further particulars, and Your Petitioner as in duty bound shall every pray...

[Document No. 191]

185. Five days later, on July 22, 1842, Mr. N. Morris forwarded the petition to A.R. Morrison at Government House requesting:

May I beg that you will have the goodness to lay the accompanying petition before His Excellency the Governor General in Council.

Mr. Morris also added the following comments to the petition:

I have known Peter Shawanipinessi for upwards of twenty five years and I consider him and his companions as well entitled to any indulgence which the Government may think proper to extend to them.

The greater part of the land where they reside is wholly unfit for cultivation and a Compliance with the prayer of the petition will not in any manner interfere with the settlement of the townships referred to.

[Document No. 191]

186. On August 3, 1842, the Commissioner of Crown Lands noted on the covering page to the petition:

Mr. Monahan will please report on the within

[Document No. 191]

187. The following day, August 4, 1842 Mr. Monahan of the Crown Lands Agency Office in Kingston responded:

Upon the Petition of the Indians of The Lake of The Mtns. referred to me I have the honour to report that certain broken lots of land in the 9th 10th and 11th concessions of Bedford were surrendered by the Mississauga Indians to the Government and were advertised for sale but not sold in 1836----of these lands so surrendered, but for what equivalent I do not know---if it pleased His Excellency so to direct a portion might with advantage be given to the applicants under a lease of occupation; and I make no doubt, but that a settlement of those Indians in Bedford, Oso, Olden and the rear Townships now a Wilderness would prove very useful in the event of those townships being open for immediate settlement---for intercommunications by canoes could not be in better hands.

[Document No. 191]

188. On July 15, 1843, Col. Jarvis wrote to Rawson W. Rawson regarding a band of Indians who had established a settlement in Bedford:

A Band of Indians some of them from the Lake of Two Mountains in Canada East and others, Chippewas belonging to Canada West, numbering in all Eighty Souls, have established themselves upon a Small Indian Reservation in the Township of Bedford near to the mills of a Person of the name of Kingston.

...

[Document No. 196a]

189. One year later, on July 20, 1843, Mr. Rawson, the Chief Secretary of Indian Affairs at Kingston wrote to S.P. Jarvis, the Superintendent General of Indian Affairs, regarding a settlement of Indians in Bedford Township:

In reply to your letter of the 15th Instant, I am commanded by the Governor General to convey to you his authority for issuing Presents to the Band of Chippewa Indians from the Lake of Two Mountains, now resident in the Township of Bedford.

His Excellency desires that you will communicate this circumstance to Lieut. Colonel Napier, in order to prevent a double issue to the parties; and that you will consult the Commisariat Department as to the most convenient time and place for making the distribution, paying due attention to the interest of the Indians in these aspects.

[Document No. 197]

190. The following day, July 21, 1843, S.P. Jarvis wrote to Lt. Col. Napier:

I have the honor to inform you that having brought under the consideration of His Excellency the Governor General, the situation of certain Indians from the Lake of Two mountains who have located themselves on a small lake in the Township of Bedford with the view of having them included with the Indians of Canada West in my Returns for Presents His Excellency has been pleased to signify to me His approbation of the course suggested, and has requested me to communicate the circumstance to you in order to prevent a double issue to the parties, should they after receiving their presents here make a second application to you for the same purposes.

I have not yet received a correct return of these Indians. They have united themselves with a band of Chippewas who are settled at the same place.

I shall write and ascertain their number and communicate the results to you.

[Document No. 198]

191. On October 29, 1843, S.P. Jarvis wrote to the Indian Office at Kingston supporting the petition of July 17, 1842 and recommending that a reserve be surveyed for the Indians of Bedford.

A strong desire has been manifested by the band of Indians over whom the Petitioner presides as the Chief to turn their attention to agricultural pursuits and settle permanently on the tract of land asked for in the annexed petition.

The tract containing somewhere about 2000 acres and situate principally in the Townships of Oso and Bedford being bounded on all sides by chains of small Lakes is quite secluded and is thereby rendered peculiarly adapted for an Indian settlement, although the quality of the soil is not particularly good.

The Honble Mr. Morris appears by his certificate annexed to be well acquainted with the Chief and his followers numbering about 91 souls and speaks in high terms of their characters and general good conduct and he is of opinion that the tract made choice of by them will not in any manner interfere with the settlement of in country adjacent to it.

The map or sketch hereto annexed will explain the precise situation of the tract.

I think it most desirable that these Indians should be encouraged in every practicable way to persevere in their laudable intention of becoming agriculturists.

The Government for many years past has been endeavoring to collect the scattered bands (many of whom are still leading a wild and roving life in the Northern parts of the Province) with the view of inducing them to have fixed places of residence and adopt the course of life now determined on by the band in question; and the endeavor has been successful in very many instances.

The opportunity which now presents itself to settle the band to which the petition has reference & who are represented to me as being very poor and heretofore to have depended almost altogether for the support and maintenance of their families on hunting & fishing should not in my opinion be lost. I therefore respectfully recommend that the tract asked for be set apart for them and their posterity on the same terms & conditions that the Reservations in other parts of the Province have been made for the several Resident Tribes and that the Surveyor General be directed to cause a survey of the same to be made for that purpose.

[Document No. 204]

192. A few days later, on November 3, 1843, Jarvis wrote to Lt. Col. Napier:

I have the honor to acknowledge the receipt of your letter of the 31st ultimo respecting certain Nippissingue and Algonquin Indians who are settled on the Township of Bedford in the Midland district and requesting to be informed whether those Indians had received Presents at this place.



In reply I have to inform you that they have not yet received Presents - but I have obtained the sanction of His Excellency the Governor General to their doing so, and the estimates have been prepared by me and have been approved by His Excellency.

These Indians are represented to me, as not belonging to the Tribe called Algonquins or Nippissingues. They call themselves Atishquah-quahmieg's.

I have now an application before the Governor General and Council on their behalf, to have about 2,000 acres of land in the Township of Bedford and Oso, set apart as a Reservation for them.

I send you a Piece of Paper on which are the names of these People, written by the Chief himself - from it you will be able to discover whether any of those Indians not present at your last distribution of presents are among this Band.

[Document No. 205]

193. The following month on December 7, 1843, Jas. Hughes, the Superintendent of the Indian Department, wrote to the Secretary of Indian Affairs in Montreal regarding the Indians located in the Township of Bedford:

I have the honor to acknowledge your communication of the 13th Ultimo, inclosing a copy of one to your address dated the 3rd from the Chief Supt. Jarvis, accompanied with a nominal Return of Indians located in the Township of Bedford and midland District of Canada West.

I have with attention perused the Chief Superintendent's letter, as well as the Return of Indian families mentioned on slip of paper said to have been made out by chief Kewing-quint-to -a Nipissing- and I have to observe that all the names as such as I can make out on said slip of paper & marked with a red "K" are Nippissingues and Algonquins - As for the names of those mentioned on the side of the said slip marked No. 2 - They may (as the Chief Superintendent observes) call themselves Ah-quah-go-neighs, they have never been included on our nominal returns - nor can their names be made out by the Indians at the Lake - The Said slip I now return as well as a nominal return of such of the Nippissingue and Algonquin families who did not make their appearance at the General Issue 29th Aug. 1843 - with remarks thereon.

[Document No. 207]

194. A few days later, on December 11, 1843, Lt. Col. Napier forwarded Hughes' letter to Mr. Jarvis, along with the following comments:

With reference to your letter of the 3rd Ultimo, I transmit to you herewith, a further Communication from Mr. Supert Hughes relative to the Indians of the Nipissingue and Algonquin Tribes who were not present at the issue of Presents in August last; - At the same time, I beg leave to return the piece of paper which accompanied your letter, on which, Mr. Hughes has marked off the names of the Indians belonging to the Tribes abovementioned.

[Document No. 208]

195. The following remarks were attached to the above mentioned schedule showing the names of Nipissingue and Algonquin families who were absent at the issue of presents at Lake of Two Mountains on August 29, 1843:

All such as have the red letter "K" before their names were reported at the Last Issue 19th August 1843 to be in the Township of Bedford & the environs, and it was supposed that they would go to Kingston to be equipped, alledging for their reasons, that their equipment were \_\_\_\_\_ & that they received more articles - such as are marked off X were also absent from the general Issue - some of them may perhaps cast up at Kingston - But the majority of them, are represented to have remained at their grounds.

I beg here to observe, that it is a general custom with the Tribes of Indians, more particularly the Nips. & Algonquins to change their names, so that it is probable that some of them that are marked with an X cross - may under other names, be inserted on the slip of paper.

The families mentioned on the written attached slip of paper - (I've marked No. 2) cannot be made out. - They perhaps are those which the Chief Supt. states as the Osh-quah-ga-meight Tribe. They are not included in our nominal returns - nor do I recollect their having participated in Her Majesty's Bounty at the Lake - under the names mentioned on said slip of paper.

[9 families consisting of 37 persons are marked with a "K" on the above-mentioned schedule]

[Document No. 208]

196. On March 14, 1844, Chief Peter Stevens of the Bedford Township Indians wrote to S.P. Jarvis with a census of his people:

...

I have further to state that there is no unusual increase, or decrease of my people from the fact the census herein inclosed contain the same souls that were here this two

years past (excepting two familys eight in numbers) but should the Govt. be so kind as to favour our settlement I have reason to expect a goodly increase.

...

[Document No. 210]

197. One week later, on March 21, 1844, Order-in-Council #1467 was passed as follows:

On the Petition of Peter Shawainpinessi one of the Indians of the Lake of Two Mountains Tribe, to be protected in the Occupation of a Tract of Land in Bedford, Oso and South Sherbrooke. It is ordered that the land prayed for be reserved from public sale and that the Petitioner have a License of Occupation during pleasure.

[Document No. 211]

198. On September 12, 1844, J.F. Kingston wrote to Col. Napier on behalf of the Bedford Indians:

I take the liberty of troubling you on behalf of the Indians to whom a tract of land (partly in this township & partly in the adjoining one of Oso) was a short time since conceded by the Provincial Govt. They belong to the Tribe of the Lake of the Two Mountains and their Chief's name is Peter Shaw-wa-ne-pa-nesse; altogether there are about 20 families & the settlement will probably increase. On an application made last year it was conceded to them to receive their presents by way of Kingston, & Col. Jarvis came to Sydenham which is about halfway between that place and their settlement, & met the diff't. families there, and distributed the presents, which was a great convenience & advantage to those poor people. They appear to be uncertain how or when they are to receive their Presents for the current year, & when I was at their settlement, they made me promise to write on their behalf about it...They have handed me a list with the names of all the men women & children in the settlement...which if necessary I could forward - there are at present 85 in No. altogether.

[Document No. 214]

199. Late in the fall of 1844 (the document is undated), Pien-chaw-wi-ni-pi-nassi (Chief Peter Stevens) of the Bedford Township Indians petitioned the Governor General to ask for protection from lumbermen who had been trespassing on their property and removing timber. In this petition Chief Stevens stated:

That your Petitioner obtained from the Government of this Province a certain tract of land in the Townships of Bedford, Oso and South Sherbrooke in the Midland District for the use of himself and his tribe as by an Order in Council bearing date the 21st day of March A.D. 1844 will appear;

That during last winter several acts of trespass were committed on the said tract of land which induced your Petitioner to apply to the Government for protection and that therefrom instructions were given by the Governor General to seize the timber cut upon the said tract of land and to prosecute the parties concerned in such trespass as will appear by a letter from Samuel P. Jarvis Esquire of Toronto to the Superintendant of Indian Affairs a copy of which letter is herewith transmitted. That notwithstanding this numerous lumbering parties have been at work this winter and are at present at work upon the said tract of land cutting the timbers therefrom and committing trespass thereon to a much greater extent than here to given, only without our consent but in defiance of us and who threaten our lives in the event of our attempting to put a stop to such trespasses:...That the said parties have received information from the Crown Timber Office in Bytown that the timber on the said land cannot be cut without our consent but without effect, and that the collector of Crown Timber duties at Bytown aforesaid declares that he has no power to protect us.

Your Petitioner further humbly sheweth that he has been given to understand that an order was issued to the district Agent of Crown Lands to have the said tract of land surveyed last summer but that it was delayed until the Fall, and when about to be entered upon was prevented by Mr. Boutillier of the Crown Lands Department Montreal.

...

[Document No. 215]

200. On November 8, 1844, Jarvis, the Chief Superintendent of Indian Affairs wrote to the local magistrates, Lieu. Kilburn and Benjamin Tell, on the subject of the trespasses by lumbermen on the Bedford tract.

The Chief Peter Stevens has complained to me that Several Lumberers in the Employ of one John Flist - (or Flistons) of the Mississippi Lake have entered into the Tract of Land in the Township of Bedford, Oso, N. & S. Sherbrooke set apart for him and his followers by Governor and commenced cutting and squaring White Pine and other Timber for the Quebec Market and have also built three fine (?) houses on the Tract. He has requested to be protected against these Lumberers, and that the Timber already got out may be seized and sold for his benefit.

He informs me that you and Mr. Kilburn are the Two nearest Magistrates to his Tract, and as you both have always taken a warm interest in his behalf, he has requested me to write

to you on the subject of this Trespass, and to solicit your interference as Magistrates to prevent further depredation on the Timber, and if possible have that already prepared for Market seized and sold for their benefit.

Mr. Stevens and his Band being Christians, and himself and many others of them being intelligent Indians, there can be no objection to their making deposition of the facts of the Case before either of you upon which to ground a Warrant for the Seizure and Sale of the Timber. I shall report the circumstances without delay to His Excellency the Governor General and recommend that the Attorney General be instructed to institute legal proceedings against the Lumberers or their Employers to recover the value of the damages already committed to the Timber. In the meantime, I shall be glad to have from you an account of your proceedings in the matter addressed to me at Toronto.

201. An undated memo from the Government file on this matter reads:

The Tribe of Indians represented by Peter Stevens are settled on Crown Lands which they have been permitted to do under a License of Occupation; the timber dues therefore belong to the Crown and not to the Indians as Stevens has been led to suppose. It would seem to be the duty of the Dept. of Crown Lands, not the Indians, to adopt the requisite steps for protecting the Land. It is proposed to transfer the representation to the former Dept. for consideration and to inform the Indians that the tenure by which the land is held by them does not convey a right to sell the Timber.

J.M.H.

Approved but should be recommended to prompt attention on the part of the Crown Land Department to afford the Indians the protection whereof they appear to be justly entitled.

C.

[Document No. 218]

202. Benjamin Tell replied to Mr. Jarvis as follows on December 13, 1844:

...

from Mr. Stevenson's Licence in favour of John Porter, laid before me by the parties, with regular assignments to James Flintoft & John Flintoft, for whom the Trespassers appear to be getting out the timber, it appears to me that they went on and made the Timber under a reasonable supposition that they had a right to do so, & without knowing that the tract of Land was laid out for the benefit of the Indians - as they have now desisted & will pay the Indians the usual



Govt. dues, besides the expense of sending on the Surveyor, with which the Indian Chief & others of his tribe appear satisfied,

[Document No. 219]

203. On January 30, 1845, Jarvis informed Chief Stevens that:

His Excellency the Governor General has directed that the timber recently cut on your lands by lumberers to be seized and the parties prosecuted for the trespass.

[Document No. 220]

204. The following year, on March 4, 1845 Chief Peter Stevens sent the following request to Chief Superintendent Jarvis:

I would wish you to communicate with His Excellency of the propriety of building a sawmill upon some of those streams which so abundantly abound upon the tract that is set apart for me and my followers, so that we might saw boards to enable us to put up houses and barns as we cannot subsist by hunting we wish to turn our attention to agriculture we require boards to build shelter for our produce which His Excellency the Governor General will easily see and we are too poor to buy them. I herewith send you the proceedings of the meeting which met at my house to desire me to write you on the propriety of petitioning for that purpose.

...

[Document No. 221]

205. On the same day, March 4, 1845, Chief Stevens wrote a separate letter to Jarvis regarding the annual issue of presents to his band:

I herewith enclose you a list of the whole of our people in numerical order to enable you to make and send our presents for the next year to wit:...

I am sorry to say that our Great Mother the Queen has not sent us as much as she did when we lived at the Lake of two Mountains; I am also sorry to state that I had not received your favour of the 17th Feby otherwise I should have been better prepared to give you the necessary information relative to the trespass and the expence incurred in stopping it, at the time you were up distributing our presents.

The attached census listed 30 men, 9 children, 12 girls, 9 boys, 37 women.

[Document No. 222]

206. On March 20, 1845 the "Report on the Affairs of the Indians of Canada", commissioned by Governor General Charles Bagot, was laid before the legislative assembly. The Indians of Bedford Township were mentioned as follows:

CHIPPEWAS AND OTHERS IN THE TOWNSHIP OF BEDFORD

Within a few years past, some stragglers from the Rice Lake tribe have settled in the Township of Bedford, about twenty-five miles north of the town of Kingston; and recently, they have been joined by a band of eighty-one Indians from Lower Canada, belonging to the post of the Lake of Two Mountains. As the settlement is of recent formation, and the claim of these Indians upon the attention of the Department of Upper Canada, has only been brought forward last year, they have not yet been visited by any officer of the Department, and no account can be given of the settlement. By Instructions issued in 1843, they were transferred from the Roll of Lower Canada to that of the Upper Province, and, accordingly, received their presents for the first time in that Province.

The same report lists the population of the Bedford Township Indians as follows:

In the Township of Bedford, near Kingston...Algonquins etc... 91

[Document No. 223]

207. On December 25, 1845, Peter Stevens petitioned James McCaully Higginson, Superintendent of Indian Affairs at Montreal, complaining once more of lumbermen trespassing on his band's tract of land in Bedford Township. On January 12, 1846, Higginson referred the matter to the Commissioner of Crown Lands for action:

I am directed by the Admin. of the Government to transmit to you a letter and petition from Peter Stevens, Chief of the Algonquin Indians residing in Bedford, who complains that lumberers are cutting and carrying off the timber from the land which is occupied by this Tribe under the Authority of an Order in Council and I am to request that you will endeavour promptly to put an end to the abuses complained of.

[Document No. 226]

208. Two years later, on April 15, 1848, D.C. Napier wrote to Major Campbell, Superintendent General of Indian Affairs, to transmit a petition from Indians residing at Bedford wishing to receive their annual presents at Lake of Two Mountains rather than at Kingston. Napier noted that:

The Indians alluded to by the Petitioners have been residing at Bedford, Canada West, for some years past, and as they are under the superintendence of Captain Anderson, it seems desirable, that the Petition should be referred to that officer.

[Document No. 240]

209. On April 24, 1848 Anderson wrote to Major Campbell with regard to the Bedford Indians:

I have the honor to acknowledge the receipt of your letter dated 19th inst. And beg to enclose a copy of the census of the Algonquins, taken at the time of making the issue of Presents to them at Bedford in the Year 1846. Since when I have not visited them.

[Document No. 241]

210. The census enclosed by Anderson, dated October 14, 1846\* gives the total number of Indians receiving presents at Bedford as 57. The following note signed by Anderson and dated April 24, 1848, also appears at the bottom of the census page:

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\* It should be noted that the names recorded on the census of 1846 and the signatories to the petition of 1848 are not the same.

The names were given to me by the Chief Peter Stephens, and it is possible that some of them are Mississauga's from Alnwick, tho' I am not aware such is the case.

[Document No. 242]

Two families have been crossed off the list and their names are marked with an asterisk and "Mississagwa" written beside them. Next to an asterisk a note at the bottom of the census page signed by a missionary states:

I think these Indians are Mississaugas

211. On May 15, 1848 Superintendent General, T. Edmund Campbell instructed Colonel Napier to issue presents to the Bedford Indians at Lake of Two Mountains. In this letter he mistakenly refers to the Indians as "Iroquois Indians belonging to the Lake of the two Mountains who removed hence to Bedford."

[Document No. 243]

212. Three years later, on January 25, 1851, Indians Peter Clemo and Madalaine Macousse petitioned the Superintendent of Indian Affairs as follows:

That your Petitioner was in the habit of receiving his Government Presents from one Peter Stevens an Indian, Settled on land at a place called Bobs Lake, from 20 to 25 Miles to the South west of the Town of Perth; The said Stevens having been appointed to make the Several issues through the interest of the Hon'ble W. Morris; But is now discontinued; the last presents received by your Petitioner, being four years ago. Your Petitioner has settled himself and family upon land in the Township of Dalhousie, in the County of Lanark. And Your Petitioner in consequence of his growing family, is unable to leave his home, and go yearly to the Lake of two Mountains to receive his presents from the British Government. And also your Petitioners circumstances would not allow of the time which would be required by the Petitioner & his Squaw and five Children, all of whom it is necessary your Petitioner believes to take with him...

Your Petitioner humbly prays that you will be graciously pleased to order such Presents to your Petitioner as to you shall seem proper; and at such convenient places as you may be pleased to appoint.

The petition is accompanied by an affidavit from the township clerk confirming the details of the petition.

[Document No. 259]

213. On February 25, 1851, Col. Napier wrote to Lt. Col. Robert Bruce, the Superintendent General of Indian Affairs, with regard to Clemo's petition:

Pursuant to the Order of reference on the Petition of Peter Clemo, (no. 1886) claiming presents as an Indian belonging to the Lake of the Two Mountains. I have to report, that the name of the Petitioner does not appear upon the returns of the Tribes at that Station, or, in the List of Indians who formerly resided near Bedford, Canada West, and were allowed to receive their Presents at the Lake, under the Authority of the late Superintendent General's letter of the 15th May 1848.

This letter is the last reference to the Indians of Bedford in the documents collected during the research of this claim. No other information on what became of these individuals who "formerly resided <sup>n</sup>near Bedford" has been located.

[Document No. 261]



B. THE LAKE OF TWO MOUNTAINS INDIANS SETTLING ON THE GATINEAU AND  
ESTABLISHMENT OF RESERVES IN THE PROVINCE OF QUEBEC: 1849-1876

214. On February 23, 1847, Algonquin Chief Antoine Pakinawatik requested a grant of land on his traditional hunting grounds on the Gatineau River. His petition, addressed to Governor General James Bruce, Earl of Elgin, states that he

...

Humbly request Your Excellency to Grant Him, in his said capacity, all that tract of land, about nine miles square, on River La Gatineau, situate on the west Bank of the said River and between the mouth of the River du Desert & the Rapids called Portages, below Bytown, on the north side of River Ottawa ...

[Document No. 227]

215. Because this request was refused, (see paragraphs 175-177) the Chief, leader of the Algonquins of the Gatineau, now joined by the Algonquins of Grand Lake in Lower Canada, again petitioned the Governor General in 1848 for farm land on the Gatineau River, "near [their] hunting grounds". The letter of recommendation from the Bishop of Bytown [Ottawa] which endorsed their petition reads as follows:

I believe it my duty to recommend to Your Excellency this humble request of the Indians who inhabit the northern part of the British Possessions in America.

It is they who had the happy thought of finally settling and devoting themselves to cultivating the land to avoid the famine which decimates them each year. The land they ask seems sufficient to satisfy their needs, and it is far enough from the inhabited lands not to retard the work of colonization.

I am thoroughly convinced that the explanation they give of their needs in the request they are submitting to Your Excellency, will suffice to evoke your solicitude for these children deprived of the land of their Fathers.

The petition enclosed with this letter follows:

When you see us travelling from one end of the rivers and lakes to the other in our frail canoes, you are surprised at our way of life and you find us very poor. We confess that this is certainly true. We are poverty stricken because day by day we are being stripped of our possessions. Our lands are rapidly passing into the hands of the Whites. You have long advised us to cultivate the land; long too have we failed to listen to such salutary advice. Is this surprising? We were rich in bygone days. We lacked nothing. The forests were inhabited by animals of every species and we sold the carcasses to eager merchants for a very good price. This gave us the means to meet our needs and those of our children, but now it is no longer thus. The Whites are settling on our lands on all sides; and where they are not farmed, the lumbermen go to destroy them and drive off the animals which remain in the small area of land which has not yet been stolen from us. Our families are without means of subsistence and we do not know where to seek our livelihood. We are reduced to dire poverty. We want to imitate the Whites. This is why we are asking for land to farm. When we recall the acts of generosity of our metropolitan and colonial government, we cherish the firm hope of seeing your requests granted. We want to farm near our hunting grounds, should you grant us what we are asking. This land which we are asking you for is located on the Gatineau River about twenty-seven leagues from Bytown. It is bounded on the east by the Gatineau River, on the north by the Rivière du Désert, on the west by the Rivières d'Aigle, the little Kindovisipi River and Lake Chersakamik, on the south by a straight line from the southernmost point of this little lake to the southern tip of the island in the mouth of the outlet of Lac Rond. You may know that several among us are already farming larger and larger fields in the Gatineau. We will certainly have better success if we group together and if you grant the object of our requests - a piece of land under our full and complete control.

The petitioners then turned to another matter:

We have another request to make of you - on behalf of our missionaries. We would like priests to teach us religion and also to help us with their advice in farming the fields. We therefore request that you grant to the priests that the Bishop of Bytown will send us, a 600-arpent tract of land from our territory in the location that His Lordship, the Bishop of Bytown, deems most suitable. We want to be able to choose from among us five experienced men to govern our little colony. We will replace them every five years. These five will be elected by the majority of the farmers having at least one arpent of land under cultivation in our territory. These five chiefs will govern all the affairs of the colony. In difficult matters, however, these chiefs will consult the wishes of the entire group.

These, My Lord, are the requests that we want to make of you. We will pray fervently that you grant them. We firmly hope that you will not be less generous toward us than toward all the others who have recourse to your generosity. Be assured that if you grant our requests, the memory of your benevolence will never be erased from our memory.

These are the names of your petitioners (names of petitioners follow).

Indians of the Gatineau  
[Twenty-seven names]

Indian of the Grand Lake etc.  
[Twenty-three names]

The missionary added the following details:

These names were written on a request submitted to the colonial government three years ago to obtain a tract of land in precisely the same place as the one we are requesting now. I saw several Gatineau Indians. I saw the Grand Lake Indians this summer and I can affirm and certify that all of them specifically expressed the desire that the tract of land they have requested be granted to them.

[Document No. 244]

The previous request referred to has not been located.

216. On August 2, 1849, T. Bouthillier, the Assistant Commissioner of Land Applications, prepared a report regarding the above request as well as that of the Saguenay Indians. Bouthillier also included a general observation regarding the differences between Lower and Upper Canada in the administration of Indian Lands. The section of the report dealing with the Algonquins and Nippissings follows:

The Nipissing and Algonquin Indians extend up the River Ottawa to the boundaries of the Hudsons Bay Territory & spread on both sides of that river to the head waters of its Tributaries. The Têtes de Boule, another branch of the Algonquins and Nipissingue, inhabit the bank & tributaries of the St. Maurice and divide the Ottawa from the Saguenay Indians.

The Algonquins have at different times claimed to be the proprietors (as the descendants of the original possessors) of those grounds and as such to be indemnified, as other Indian tribes have been in Upper Canada for such a portion of their hunting grounds as have been opened for settlement or laid out into Timber Locations, but their views and

pretensions in that respect have been negatived by former Governments and they have only been considered as entitled to limited grants of land for actual settlement.\*

...

They apply (through His Lordship the Bishop of Bytown) for a tract of land at the head of Lake Temiskaming lying between the rivers Blanche and Kepawesipa which would contain about 100,000 acres, also for a township on the Gatineau bounded in front to the eastward by that River, and at the north by the River Desert, at the south and westerly by lines to be drawn at sufficient distances to embrace an ordinary size Township of about 60,000 acres.

The 1st mentioned tract being far in advance of all settlement, would interfere with no existing right or privilege; the second could be so laid out as to exclude all squatters' improvements of whom there appears to be a certain number in that neighborhood, some of whom have already remonstrated against their holdings being transferred to the Indians. The tract may also be in part covered by timber licenses, but this, it is conceded, should be no reason for withholding it from the Indians, as the proprietors of such licenses ought to be permitted to continue their operations, the proceeds in that case being appropriated for the use of the Indians.

These various grants of land, if made according to the wishes of the Indians, must of course be sanctioned by legislative enactment, but in the meantime it is suggested that the tract mentioned be laid out & bounded in the field to prevent strangers from intruding upon them, leaving it discretionary with the Government finally to appropriate a part or the whole - when in possession of more accurate information on the actual number of these individuals or families to be provided for.

The petitioners also pray for pecuniary aid and it is evident that without some such assistance, at least to the extent of supplying them with the requirements of a farm, a grant of land will be of little use to them in their present state of poverty. They will, however, derive some little revenue from the sale of timber on their tracts.

The Algonquins have also frequently complained that the annuity granted in 1822 to the Mississauga Indians of Alnwick was in part for lands belonging to them (the Algonquins) which the Mississauga had no right to cede without their consent, & they accordingly claim participation in that annuity. The Indian Commission of 1843 recommended an investigation of that matter, but the suggestion does not appear to have been attended to.

There is this general observation to make in conclusion that while in Upper Canada the Government have scrupulously paid the actual occupants of the soil for almost every inch

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\* Next to this paragraph is written in the margin "See report and papers 2<sup>d</sup> Dec. 48.

of ground taken from them, making fresh purchases as new districts were laid out, we in Lower Canada appear to have been totally regardless of all Indian claims.

[Document No. 247]

217. The Executive Council on Land Applications accepted Bouthillier's recommendations and on August 7, 1849, an Order-in-Council authorized him to set off the lands on the Ottawa.

On the annexed Report of T. Bouthillier, Esquire, Assistant Commissioner of Crown lands, dated 2nd August 1849, on the Petitions of the Saguenay and Ottawa Indians.

The Committee recommend that the Honorable J.B. Taché, be instructed to investigate the Indian Lands on the Saguenay and that the Commissioner of Crown Lands be directed to set off the Lands on the Ottawa according to the annexed Report.

[Document No. 248]

A note on the margin indicates the papers were communicated to Colonel Campbell on August 10.

218. On August 24, 1849 Major Campbell instructed Napier to provide the following response to a request from the Algonquin and Nipissing Chiefs for an audience with Lord Elgin:

Having laid before the Governor General the Letter addressed to you by the Chiefs of the Algonquin and Nipissingue Tribes at the Lake of the Two Mountains for the purpose of obtaining an audience of His Excellency, I request you will explain to the Chiefs, that His Excellency thinks it would be unsafe for them to visit Montreal during the existence of the prevailing disease, and before they return to their Hunting Grounds; but you may inform them, that their interests shall not be lost Sight of in their Absence, and that a very favorable Report upon their Land Claims has just been received by this Department, and will be Acted upon with as little delay as possible.

[Document No. 250]

219. Several months later, on December 31, 1849, Robert Bruce, S.G.I.A., requested further information from Napier.



In reference to Major Campbell's letter to you dated the 24 August last I am directed by the Governor General to inform you that the report therein alluded to as favorable to the petition of the Algonquin Indians has never been filed in this office, and you are requested to forward it together with any other documents, that may be in your possession bearing upon the subject, and any remarks or information that may assist in enabling His Excellency to decide the claim.

[Document No. 254]

220. On January 7, 1850 Napier wrote to Bouthillier, Assistant Commissioner of Crown Lands, inquiring about surveying lands for the Algonquins and Nipissings.

Would you be so good as to inform me, whether any order has issued for the survey of the Lands proposed to be set Apart for the Algonquin and Nipissigie Tribes, under the Order in Council of 7th August 1849.

[Document No. 255]

221. On January 7, 1850, Assistant Commissioner Bouthillier, informed Vardon of the Indian Department that:

...

By an O.C. of the 7 of Aug. last we are authorized to lay out two Townships for the Indians of the Ottawa, one on the Gatineau river or the river Desert where some Indians have already commenced a settlement and another at the head of the Lake Temiscaming.

Instructions were sent to Mr. Newman in August last for the survey of the former. The later may be laid out whenever required.

[Document No. 256]

222. On the same day, Napier forwarded a copy of the report to Superintendent Bruce together with the following comments:

In accordance with your letter of the 31st Ultimo, I have the honour to transmit for the information of the Governor General, an authentic copy of the Minute of Council, dated 7th August 1849 on the petition of the Algonquin and Nipissing Tribes with a copy of the report of the Assistant Commissioner of Crown Lands therein mentioned.

Mr. Bouthillier informs me in a note of this date that instructions were given to Mr. Newman on the 24th August last for the survey of a township for those Indians on the River Gatineau, and that he expects that the work will soon be completed.

I entirely concur in the observation of the Assistant Commissioner that without some pecuniary assistance a grant of land will be of little use to the petitioners in their present state of poverty.

[Document No. 257]

223. An Act concerning Indian Lands became law 10 August, 1850.

Under this "Act for the better protection of Lands and Property of the Indians in Lower Canada," a Commissioner of Indian Lands for Lower Canada was appointed and Indian rights were confirmed in the "occupation and possession" of certain lands in Lower Canada which were held in trust for them. The Act also outlined conditions for receiving "rents, issues and profits of such lands".

WHEREAS it is expedient to make better provision for preventing encroachments upon and injury to the lands appropriated to the use of the several Tribes and Bodies of Indians in Lower Canada, and for the defence of their rights and privileges: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor to appoint from time to time a Commissioner of Indian Lands for Lower Canada, in whom and in whose successors by the name aforesaid, all lands or property in Lower Canada which are or shall be set apart or appropriated to or for the use of any Tribe or Body of Indians, shall be and are hereby vested, in trust for such Tribe or Body, and who shall be held in law to be in the occupation and possession of any lands in Lower Canada actually occupied or possessed by any such Tribe or body in common, or by any Chief or Members thereof or other party for the use or benefit of such Tribe or Body, and shall be entitled to receive and recover the rents, issues and profits of such lands and property, and shall and may, in and by the name aforesaid, be subject to the provisions hereinafter made, exercise and defend all or any of the rights lawfully appertaining to the proprietor, possessor or occupant of such land or property: Provided always, that this section shall extend to any lands in Lower Canada

now held by the Crown in trust for or for the benefit of any such Tribe or Body of Indians, but shall not extend to any lands now vested in any Corporation or Community legally established and capable in law of suing and being sued, or in any person or persons of European descent, although held in trust for or for the benefit of any such Tribe or Body.

II. And be it enacted, That all suits, actions or proceedings by or against the said Commissioner shall be brought and conducted by or against him by the name aforesaid only, and shall not abate or be discontinued by his death, removal from office or resignation, but shall be continued by or against his successor in office; and that such Commissioner shall have in each District in Lower Canada, an office which shall be his legal domicile, and whereat any process, notice or like matter may be legally served upon him, and may appoint such deputy or deputies, and with such powers as he shall from time to time deem expedient, or as he shall be instructed by the Governor to do: Provided always, that no suit or proceeding shall, during one month next after the passing of this Act, be commenced or proceeded with by or against the said Commissioner or any other party, with regard to any lands or property intended to be hereby vested in him, nor shall any prescription or limitation of time within which any proceeding or thing would otherwise require to be commenced, had or done, run or avail against the said Commissioner during the term last aforesaid.

III. And be it enacted, That the said Commissioner shall have full power to concede or lease or charge any such land or property as aforesaid, and to receive or recover the rents, issues and profits thereof as any lawful proprietor, possessor or occupant thereof might do, but shall be subject in all things to the instructions he may from time to time receive from the Governor, and shall be personally responsible to the Crown for all his acts, and more especially for any act done contrary to such instructions, and shall account for all moneys received by him, and apply and pay over the same in such manner, at such times and to such person or officer, as shall be appointed by the Governor, and shall report from time to time on all matters relative to his office in such manner and form, and give such security, as the Governor shall direct and require; and all moneys and moveable property received by him or in his possession as Commissioner, if not duly accounted for, applied and paid over as aforesaid, or if not delivered by an person having been such Commissioner to his successor in office, may be recovered by the Crown or by such successor, in any Court having civil jurisdiction to the amount or value, from the person having been such Commissioner and his sureties, jointly and severally.

IV. Provided always, and be it enacted, That nothing herein contained shall be construed to derogate from the rights of any individual Indian or other private party, as possessor or occupant of any lot or parcel of land forming part of or included within the limits of any land vested in the Commissioner aforesaid.

V. And for the purpose of determining any right of property, possession or occupation in or to any lands belonging or appropriated to any Tribe or Body of Indians in Lower Canada, Be it declared and enacted: That the

following classes of persons are and shall be considered as Indians belonging to the Tribe or Body of Indians interested in such lands:

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 of Tribe, or entitled to be considered as such: And

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

VI. And be it enacted, That the Interpretation Act shall apply to this Act.

[Document No. 258]

224. On February 9, 1851, a new petition from the Algonquin and Nipissing Tribes at the Lake of Two Mountains was forwarded to the House of Commons of the Province of Canada.

That your Petitioners, at the head of three or four hundred families of the two Abovementioned tribes, are the descendants of once powerful Indian nations which, since the first days of European domination in this country, delivered themselves with confidence into alliance with and the protection of the new inhabitants, and made common cause with them in peace and war, protecting them against the incursions of other warring tribes whose policy was to destroy the settlements;

That in particular the ancestors of your Petitioners, early converts to Christianity, have been faithful to that alliance, and since the cession of Canada to the British Crown, have shown at all times the same attachment, have defended the Government in the American wars, hoping always, as your Petitioners hope still, that they would find happiness, peace and ease, with guarantees of permanence and progress, in the religious, political and social institutions which it has always been their desire to attach themselves to and conform to, and which were represented to them as more than equal to the loss of their sovereignty and their primitive freedoms.

That the Algonquin and Nipissing tribes, which your petitioners are descended from, established at the Lake of Two Mountains for a century and a half, after divers migrations on the island of Montreal, and living in a body under the protection of the Seminary of St. Sulpice, have received well the religious teachings which teach men to see themselves as brothers and to respect the good of one another, and also to hope for compensation in another life for the sufferings of this one; that they appreciate the good and the promises of this religion to which they remain attached, and they are equally grateful for that which the seminary has done for them in other ways in their village; but they cannot but represent energetically to your honourable House that neither the government nor any other body or authority, nor the mass of the European inhabitants, have done anything to help come to pass for them the awaited advantages of the civilized state; that having stripped them in fact of the land which was their inheritance, nothing has been given them in exchange, and that they have often been brought to believe as a result that the principles of religion and humanity that civilized men profess, are not well rooted in their hearts.

That the continual expansion of the settlements, through the means of grants of those same lands by the government to farmers, is a fact that they cannot and do not wish to roll back: that they see in that an advantage for their descendants if they were called with justice and a paternal liberality to learn farming and to share in the prosperity that has been thus organized, and if above all there had been reserved for their special advantage part of the lands of which they had been in possession and which they loved the most, either for them to cultivate themselves once they learned the practice and the means, or principally to sell to others to form a revenue for your petitioners, and wisely administered, to help them gain gradually a better state of existence and sustenance, compensating them in this way by the greater value of these reserves for the totality of the rest which has been stripped from them; that nevertheless nothing similar has taken place; that even their right to the islands and other lands, along the Ottawa which formed their particular possessions and which they had started to improve, has been ignored, despite their constant claims, and yet recently reiterated, and that your government has lately shown itself to be powerless to find or understand the title of your petitioners, which, nevertheless, anterior to all of yours, is to be found consigned in each page of your journals, since the time when the representative Ononthio seemed to treat with Indian tribes as equal to equal, until the appeal made to them lately, when it involved defending, with weapons in our hands, the power of Great Britain and the security of the country;

That the just demands of help and protection made by your petitioners at various times, have entirely failed and have not been understood by your legislatures and your governments, either because your petitioners did not support them sufficiently on the principles of natural revealed or positive law which they now invoke, or because their claims did not seem to deal with anything but isolated subjects, or rather because the heads of your offices not having received from you the order to consider the major and imprescriptible rights of your petitioners, have judged their case on the basis of meticulous writings and formalities in use among your people, but which you have not taught us, nor made known as your law towards us;



That having thus remained a hunting people while you have destroyed all the means of hunting for them, your petitioners leaving their families without help, have continued nevertheless to go in convenient seasons to the depths of the forests to seek furs and to trade them; but the uselessness of this occupation is of such a nature as to render it derisory, to the point where few among them venture to follow it, and that many remain in their village, discouraged, without hope and without resources; that the poverty which is the result of this has as its companions miseries of all kinds and sicknesses which quickly harvest their wives and children;

That the contract between your petitioners and the inhabitants of the neighbouring settlements cannot be of use to them at this time, as the past has amply demonstrated; that they are victims of frauds caused by their inexperience and their lack of habit in these transactions; that they cannot work as day labourers in agriculture and arts to which they are strangers, and that even there they would not find sufficient means; that furthermore they would not become used to manual labour except in beginning agriculture for themselves and as proprietors, which they desire ardently, though they are not only without lands, but also without the means of improving them;

That they know that there had been an intention to reserve to them a stretch of land in the heights of the Ottawa, around Lake Temiscaming; that apart from their repugnance to emigrating in a body and leaving the remains of their fathers in the village which is for them their only home which they do not see themselves rejected from, the ingratitude of the climate and the soil of that place, its distance, the absence of roads and neighbours, of any example in the practice of farming and of any means of procuring any tools, seeds and animals, make that plan impracticable and visionary, to such a point with experienced farmers and with all the financial resources which you possess, you would not be able to succeed;

That those lands which they are nevertheless asking you to keep for them, even though other tribes, still nomadic, claim property rights in them, which would in any case prevent your petitioners from settling there, cannot either produce the revenues which they pray you to assure them; that some of the more favourably situated townships would have to be appropriated for that purpose, of these newly marked to the north of the Ottawa; they indicate to you respectfully that they would like the same locality for a permanent establishment for themselves in the case where their hopes for a settlement in the Seigneurie of the Lake of Two Mountains are not realized.

That lately they have had to farm by hand and without enough capital, pieces of land which were allotted to them annually and precariously by the seminarians; that these men having recently organized among themselves a more fixed and encouraging farming system, of which the interruption can only be temporary, your petitioners and their families greeted this system without hesitation; that as to their work and even their success, they call with confidence to those who have witnessed it: that at the most the continuation of this way of farming would be insufficient to assure the position and advantages to which they aspire; that because of the promises that were often made to them

and so they believe that they have the right to them, they hope to obtain grants of land in the Seigneurie of the Lake; they pray you to use your influence with the seigneurs to hasten that result, and, when it is obtained, to help them with the necessary capital and the means of living for a time; to establish among them a free school system, both general and elementary and agricultural; to establish for them a model farm; to protect them against the invasions by the descendants of Europeans in their village and on their lands, except for a blacksmith, a carpenter and other craftsmen of primary need; to assure by law that their lands will pass to their relatives; while protecting them against their present debts and against any alienations which they might make of their lands without consideration, until they might better learn the value of property: that if you established agricultural societies to better the breeds of animals, it would be inhuman of you to not be disposed to make the same efforts for the moral as well as material advancement of your brothers, Christians like yourselves; that the general revenue of the province alone can furnish these numerous needs at this time, and that your petitioners hope that their share will not be refused them; that it is also of great necessity to establish among them to keep them in touch with the government and the other people, as an interpreter, agent and protector, a person who would have their confidence and yours; that awaiting the means to pay him, as they are informed, your petitioners believe that Mr. Pillet, whose name they have suggested, and from who they have already received great services, would consent to give them what they ask for, as that free work would allow him to do it easily.

That, while in Upper Canada all the lands have been bought from the Indians, which have been administered with care and the numerous and fertile townships which have been left for their own have been protected [sic] against all depredations, those of Lower Canada have been taken without a price and left to abandonment, though among those in Upper Canada there are those who are not even Christians -- the copper mines have not been exploited without their permission, dearly bought -- the official gazette lately contained a list of the lands of the Indians, reserved and distinguished with care. The law under which that proclamation emanated extends to Lower Canada: will you leave it there without effect?

That the tribes of Lower Canada having been taken under the protection of religious establishments from whom they received spiritual instruction though it was not possible for those establishments to look to their other needs, the past governments have not been able with honour or justice to believe as a result that they were relieved of all restitution and any obligations to those tribes;

That the diminution and probable extinction, perhaps, of the presents received from the imperial government in the past, and for the conservation of which they beg your honourable House to intercede, is for your petitioners a source of great apprehensions, as they see themselves bounced incessantly between the imperial authorities and those of the province; that as the territorial revenue now profits the Canadian government, it is to that same source that the duty falls to repair the harm that they suffer, the more so since a due appreciation of justice and the rights of Indian tribes has sufficed, in Upper Canada, to procure for the Indian people, from that revenue, considerable income which they continue to enjoy;

That, in your plans of colonization, of land appropriations, and in many laws, you have recognized the existence of the rights of the Indian tribes to part of these lands, and admitted as facultative, if not obligatory, the setting aside of such lands from time to time for that purpose: please do the same so that those acts and written words shall not be in vain;

That your justice and benevolence have been manifested by an Act of the last session of Parliament for the protection of the Indians' lands: -- that your petitioners thank you for it, but that, having nothing, you will have nothing to protect for them but that which you will give them; you could at least attach to the operation of that law the carrying into effect of the numerous benefits they await from you, and the organization that they have suggested to you as the only means of plucking them from an abyss of hopelessness and evils;

Your petitioners, wishing for the success of your government as well as for the individual fortune of those who take part in it, and above all for the august person of their mother the Queen, cannot end without sharing with you their conviction that that which is called the Indian Department is destined only to perpetuate the salaries of its employees, and not to better the conditions of the remnant of the older people: if the intention had been different, as your petitioners continue to believe, they can say without fear that, at least as far as they are concerned, this has been the result;

Why your petitioners beg humbly that by means of the necessary laws and convenient administrative actions, and guided by liberal, Christian and civilizing views, you would take under your protection the Indian tribes of Lower Canada; that in particular you would reserve lands of a sufficient size in the vicinity of the settlements and in the places where the settlers are beginning to go, to be sold and administered as your petitioners' property, of which the revenue will be applied to save them from ruin and total disappearance, to ease their present evils, to help them become farmers and proprietors, and to initiate them into the arts and habits of the people who surround them, and to encourage and use among themselves sedentary and laborious habits; to protect them against the frauds that their inexperience exposes them to in their contact with individuals of those people; to establish easy relations between them and you by means of agents in whom they will have confidence; and generally to perfect and consolidate the work of their civilization; that while awaiting the revenue from such lands and in the case of their insufficiency, you should apply to these objects part of the public funds to which your petitioners have as much right as their fellow citizens of European origin; that other lands be reserved to them and given later, if they have need to cultivate them; that they be helped, protected and organized in the clearing and farming of land, and for the peaceful possession as owners of those which they expect to obtain in the Seigneurie of the Lake of Two Mountains; so that the moral and material position of your petitioners be known, understood and assured, and so that they cannot say with justice to their posterity, that their faithful adherence and confidence in civilized men, has been for them definitely, and after two hundred years of waiting, a cruel deception and the source of the greatest of evils.

And placing trust in your honourable House, your  
Petitioners will not cease to pray.

F. Papino and 23 others

[Document No. 260]

225. On 30 August, 1851, the Province of Canada passed an Act setting aside lands for Indians in Lower Canada.

...it is hereby enacted by the authority of the same, [the Province of Canada] That tracts of Land in Lower Canada, not exceeding in the whole two hundred and thirty thousand Acres, may, under orders in Council to be made in that behalf, be described, surveyed and set out by the Commissioner of Crown Lands, and such tracts of Land shall be and are hereby respectively set apart and appropriated to and for the use of the several Indian Tribes in Lower Canada, for which they shall be respectively directed to be set apart in any order in Council, to be made as aforesaid, and the said tracts of Land shall accordingly by virtue of this Act, and without any price or payment being required therefor, be vested in and managed by the Commissioner of Indian Lands for Lower Canada, under the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, An Act for the better protection of the Lands and Property of the Indians in Lower Canada.

II. And be it enacted, That there shall be paid yearly out of the Consolidated Revenue Fund of this Province, a sum not exceeding One Thousand Pounds currency, to be distributed amongst certain Indian Tribes in Lower Canada by the Superintendent General of Indian Affairs, in such proportions amongst the said Indian Tribes, and in such manner as the Governor General in Council may from time to time direct.

[Document No. 262]

226. A letter dated 24 July 1852 from R. Bruce, Superintendent General of Indian Affairs, instructed Colonel Napier to make a special issue <sup>of</sup> presents to the Indians from Lake of Two Mountains settled on the Gatineau.

Referring to my letter of the 13th Instant. I am directed by the Governor General to authorize you to place in Charge of the Director of the Mission of the Lake of the two Mountains the Presents of Such of the Indians belonging to that settlement and now located at the Gatineau as may be entitled to the same being upon the Returns of Indians



who have received Presents within the last 3 years. The Chiefs must then find the means of Transporting them to the place of their destination.

You will explain to these parties that although His Excellency has permitted this deviation from the Departmental regulations it must not be taken as a precedent for future issues.

[Document No. 264]

227. On August 3, 1852, Indian Agent Chesley addressed the following letter to Napier, regarding assistance for the Indians now settled on the Gatineau at River Desert:

With reference to the Memoire of the Revd. W. Aubert, soliciting assistance from the Provincial government for the Indians settled at the River Desert [see Document No. 263] and your report thereon, I am directed (in the absence of the Superintendent General who is indisposed) to inform you that His Excellency the Governor General in Council, in consideration of the poverty and the condition of the new settlement of these Indians has been pleased to authorize an outlay of four shillings for each individual located there to be appropriated from the Lower Canada Indian Grant for the purpose of procuring a supply of agricultural implements, and to request that you will call on the Revd. Gentleman for an authenticated census of the resident Indians, and to point out the particular articles which he considers would be most serviceable to them.

[Document No. 265]

228. Pursuant to the Act of 30 August, 1851, a memo to Superintendent Bruce from the Governor General's office, dated 4 August 1852, instructed Indian Agent Chesley to ascertain how many Indians from Lake of Two Mountains wanted to resettle upon the proposed reserve lands.

...

You can inform yourself whether any of them wish to go on the lands that it is intended to set aside for them according to a recent act of the legislature. ...

[Document No. 266]



229. The Executive Council, issued the following report dated 29 December, 1852, approved by Order in Council on the 30th.

The Superintendent General appends to his Report a tabular Statement exhibiting the respective numbers, locations & resources or means of subsistence in so far as they can be ascertained of the several Tribes or Bands of Indians residing in Lower Canada and states that from the numbers (5000) given in this table, which as regards the Tribes not receiving presents, is but a proximate estimate probably rather below than above the reality, it must be obvious that an indiscriminate per Capita distribution of the Grant would not only be unproductive of any lasting benefit to the Indians, but would afford no sensible relief to their immediate wants. It becomes then a question of serious importance whether in the exercise of the discretion with which it has been entrusted by the Act, the Government cannot adopt some other and more advantageous principle for the Application of the fund based rather upon the relative circumstances than the numbers of the several Tribes.

That it is exceedingly desirable that the land which the Government by the above mentioned Act, is empowered to set apart for the benefit of the Indians should be vested in them with the least possible delay in order that they may settle and commence their operations without fear of molestation - that concurrently with this wise and benevolent arrangement, the pressure of their increasing wants, the advice of their Missionaires and the example of the whites, have contributed to induce the Indians to seek new means of subsistence. Already the settlement of the Indians at the River Desert\* and others of the intended Reserves, is rapidly progressing. It remains for the Government to countenance and promote this Salutory Movement by the employment of the fund so opportunely placed at its disposal in providing the Settlers with implements of husbandry and other Appliances of which, under their altered circumstances, they may stand most in need, and by this means at once to encourage them to persevere and to induce others to follow their example. The recommendations therefore which the Superintendent General is prepared to submit, are as follows:

That until the annual Presents are withdrawn 1/4 only of the Grant shall be allotted to the Tribes participating therein, to be employed at the discretion of the Government in meeting sudden emergencies, for the prosecution of necessary suits at law or for the future use of the Tribes. That occasional relief shall when necessary be extended to the wandering Tribes, and that the residue of

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\* The present reserve at Maniwaki is also referred to in this chapter as "a tract of land on the Gatineau" and "the River Desert Settlement".

the fund shall be devoted to the improvement of the new Settlements and to promote the comfort and general interest of the Settlers.

That a balance of upwards of 600 remains unexpended of the Grant for 1851-2 and the Superintendent General recommends that Your Excellency will be pleased to direct that the said Balance may together with the Grant for 1852-3 be held applicable under the Orders of Your Excellency in Council for the purposes to which it has been appropriated by law.

The Committee recommend that the views of the Superintendent General be concurred in & that the Commissioner of Crown Lands be directed to give immediate effect to that part relating to the lands proposed to be vested in the Indians.

[Document No. 267]

The above report was communicated to the Commissioner of Crown Lands on Dec. 31, 1852.

230. On August 9, 1853, the Governor in Council approved a schedule of reserves submitted by the Commissioner of Crown Lands to the Executive Council. These reserves had been surveyed for the Indians of Lower Canada under authority of the Act of Aug. 31, 1851. Included in the schedule were the following:

<u>Township or Locality</u>	<u>No of Acres</u>	<u>Description of the Boundaries</u>	<u>Names of the Indian Tribes</u>	<u>Remarks</u>
Lake Temiscamingue	38,400	A tract extending along the River Ottawa at des Quinzes 6 miles in breadth from the divisional boundary between Upper & Lower Canada at the head of Lake Temiscamingue by ten Miles in depth-	Nipissingues, Algonquins & Outaouais	Nomadic Tribes inhabiting the Country watered by the Ottawa adjacent to the Hudson Bay Territory
Maniwaki or River Desert	47,750	A tract on the West Bank of the Gatineau bounded on the North East, by the River Desert on the North & North West by the Eagle Branch averaging 7 Miles in front by 8 indepth.	Tetes de Boule Algonquins & Nipis.	Tribes hunting on the territory between the St. Maurice and Gatineau principally residing at the Mission of Lake of Two Mountains.

[Document No. 268]

231. In 1856, R.T. Pennefather, the Superintendent General of Indian Affairs, prepared a report on Indian Affairs which included the following comments regarding the Nipissings and Algonquins at River Desert:

...

In consideration of the claim pressed by these Indians for compensation for their hunting grounds on the Ottawa River, which had been taken possession of by the white population before they were surrendered, or the Indian interest consulted in any way, the Executive Government granted to these bands under the 14 and 15 Vic. c. 106, 45,750 acres on the River Desert. A certain number of the Algonkins have embraced the opportunity thus given to them of exchanging the sterile tract at the Lake of the Two Mountains for a fresh location, where they have formed the Settlement of Maniwaki, and are beginning to apply themselves to Agriculture.

To aid the settlement in its infancy they received a share of the Provincial grant, but they seem to have been rather lost sight of since that time.

...

The claims of the Indians in respect to their former territorial possessions have been justly said, to be properly resolved at the present day into an equitable right to be compensated for the loss of the lands from which in former times they derived their subsistence, and which may have been taken by Government for the purposes of settlement; It has also been argued with truth that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state.

But the aborigines have other and stronger claims on the Government than those which would be compensated by payment for their land. The years, which have passed, during which so little was done for their religious, intellectual and social improvement, have seen many generations perish; but the youth of the present day are still susceptible of instruction, and we think should not be forgotten.

[Document No. 269]

232. Subsequent to the establishment of the reserve at Maniwaki, objections to allotting such desirable lands to the Indians were voiced by Mr. Russell of the Crown Timber Office to Mr. Vankoughnet, Commissioner of Crown Lands. On 31 January 1860, Russell wrote as follows:

...

It is well known from the reports of able and reliable surveyors and the testimony of every person acquainted with the locality that Maniwaki is the most suitable township for settlement on the Gatineau. It is the first of a group unequaled by any nearer. The proportion of land in it fit for cultivation is twice as great as in the townships below it. Mr. Sinclair who surveyed the rear lines of the townships on the West side of the Gatineau says he found no land fit for settlement along the rear of the three townships below Maniwaki but that at five miles from Eagle River in Maniwaki the country changes in character and becomes even and favourable for settlement and though less so north of Eagle River it continues better than in the townships below Maniwaki.

Along the immediate Banks of the Gatineau, below Maniwaki the land is generally fit for settlement and more or less occupied for about fifteen miles above the Pickawock, but from that for several miles along the six Portages the land is bad and unfit for settlement up to Maniwaki - If in addition to others that fine township be kept unoccupied, as will be the inevitable consequence of reserving it exclusively for Indians it will become a great obstacle to the progress of colonization instead of the largest and most compact settlement in the valley of the Gatineau as it is preeminently suited to be -

My long residence in the Country and having had charge of the commissariat Accounts of all expenditures by the Imperial Government on account of the Indians for upwards of seven years led me to pay particular attention to the attempts to convert them into permanent settlers; and when it was first proposed several years ago to set apart the whole of the township of Maniwaki with the expectation of getting a numerous body of Indians from the North to settle upon it I was well aware that his Lordship the Bishop of Bytown was misinformed as to the number of Indians in the Valley of the Gatineau and its vicinity and that his philanthropic expectations as to forming any considerable Indian settlement in Maniwaki would be utterly disappointed as is shown to be the case by his letter of the 9th Decr last\* accompanying the Petition.

But nothing could be more wise and just than the course now recommended by his Lordship of throwing the township open to General Settlement and giving a hundred acres to each Indian family becoming actual settlers.

To judge of the value of the township Maniwaki for settlement it is only necessary to consider that besides being the most favourable township for that purpose on the Gatineau it is in the heart of a vast lumbering region where the settlers will enjoy the advantage of a local market and good prices for their produce, while the lumberer will be benefited by obtaining such supplies on the spot.

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\* This letter has not been located.

The expectations of drawing in the remote Indians to settle upon it apparently led (to) this reservation of a tract otherwise immoderately extensive in proportion to the Indian population of the valley of the Gatineau.

The policy of drawing in remote Indians to occupy exclusively the most desirable and important site for the settlement of whitemen would be open to serious objection were it even practicable; but as it is unpracticable the reservation of land from sale and settlement with that view is evidently an injury alike to the Country and to the Indians who might otherwise benefit by the proceeds.

[Document No. 284]

233. A letter dated 7 February, 1860, from H. Bernard of the Indian Department to Mr. Pennefather, Superintendent General of Indian Affairs, states the opinion that the Indians can be considered to have been in possession of the tracts set apart under the Order in Council of 9 August, 1853 from the date of the Order.

In reference to your transfer of the Letter from the Assistant Comm. of Crown Lands as to the Lands set apart for the use of certain Indians in Lower Canada, I beg to inform you -

1. The Order in Council setting apart for the use of certain Indian tribes in Lower Canada 230,000 Acres authorized by the Act 14 & 15 Vict. C. 106 is dated 9th August 1853.
2. I am of opinion that the date from which the Indians may be considered as being in possession of the Tracts set apart, is the date of the Order in Council viz: 9th August 1853, the statute above mentioned not having been complete in its operation until the passing of Order in Council.

[Document No. 285]

234. On October 26, 1868, Hector Langevin, the Secretary of State, prepared a memorandum dealing with the five grievances enumerated in a petition received from the "Algonquin Indians of Two Mountains", and the compensation they had received.



...

On the third point I have to observe that by the Act 14 & 15 Victoria Chapr. 106 a large tract of land is set apart for the use of certain Indian Tribes in Lower Canada (now Quebec) and that by an Order in Council of the late Province of Canada dated 9th August 1853, and passed in accordance with and under this last mentioned Statute 45,750 (forty five thousand, seven hundred and fifty) acres of land in the Township Maniwaki on River Desert are set apart specially for the Têtes de Boule, Algonquins and Nipissingues Indians being the tribes hunting on the territory between St. Maurice and Gatineau, principally residing at the Mission of Lake of Two Mountains - Compensation has therefore been given to the Algonquin Indians that may have been appropriated by the Government on the Ottawa River.

[Document No. 307]

235A. On July 28, 1876 Indian Agent P. Moore advised A. Meredith, the Deputy Minister of the Interior that:

Chief Michel Jages(?) from Lake Bouryare of the Tudebute Band of Indians, wishes to know if you would be so kind, as to give him, and the party of Indians that he governs ninty nine (99) persons, Land at Lake Bouryare that is about one hundred and fifty miles north of Desert, where they now reside and some assistance to get some hoes, axes, grinding stones, and seed ...

[Document No. 321]

235B. Subsequently on August 18, 1876, Deputy Minister Meredith, advised Indian Agent Moore that:

... you will inform the Têtes de Boule Indians to which you refer that 45,750 acres on the River Desert in the Township of Maniwaki were set apart under the Statute 14 & 15 Vic. Chap. 106 for the use of the Têtes de Boule Algonquins and Nipissingues Tribes, hunting on the Territory between the Rivers St. Maurice & Gatineau, but the Depart. has no control over the land at the place described by you as their present places of residence. They should remove to and settle on the Reserve in Maniwaki and then the question of giving them seed grain and allowing them to share in the distribution of the Act money will be taken into consideration.

[Document No. 322]

Subsequent correspondence on file\* indicates that the Government expected all Indians in that area of Quebec to settle at River Desert.

\* See documents 322 and 349

236. In 1881 the Indians of the Rouge and North Nation Rivers sent a petition to the Superintendent General of Indian Affairs asking for reserve land.

The petition of the undersigned Indians of the Rouge and North-Nation Rivers humbly sheweth that whereas the county in the neighbourhood of the aforesaid Rivers having been surveyed and is now becoming thickly settled and as a consequence the forest game our precious means of subsistence are being gradually but surely destroyed or driven off it has become necessary for your petitioners to give up our former occupations of hunting and trapping and begin some other means for the sustenance of our familys and being very poor and unable to buy land from the Government and our familys 2000 acres of land and we would like it to be in the Township of Labelle in the Co of Ottawa and if not able to get that then somewhere near if it so please you, and (as we have already said) being very poor and some of us having large family assistance in the way of furnishing us with farming tools, seed grains, and provision would be very thankfully received and your petitioners as in duty bound will ever pray.

[Document No. 338]

237. The above petition was transmitted to the Indian Department by Mr. Thomas Christie, the agent in LaChute, with a covering letter dated 15 March 1881. In his letter, Christie adds the following comments.

...I am aware that the land which they ask for belongs to the Québec Government, but the Dominion Government, will give them a grant of land in the northwest or elsewhere.

[Document No. 339]

238. The Indian Department sent a reply to the petition to Thomas Christie on March 28, 1881.

...I have to inform you that the land in question is under the control of the local Gov. of Quebec and the only way it could be acquired by the Indian would be by purchase. If the families are settled upon different lots and have made improvements thereon & these lots have not been otherwise disposed of by the Crown Lands Department at Québec I presume they would have little or no difficulty in purchasing them & this Dept. might come to their assistance in paying their installments upon the land. Crown Lands generally in the Province of Québec are sold at the price of 30¢ per acre. The quantity of land applied for seems

out of proportion to the needs of Indians, namely 60 families (?). It appears to me if they purchase 700 or 800 acres it would be amply sufficient for all their requirements. With regard to furnishing them with necessary implements and seed grains the Department would be glad to obtain a statement of what implements & seed grains would be sufficient for them; and the quantities stated should [illegible] to their actual needs.

The Department does not supply provisions to Indians unless they are in circumstances of very extreme poverty.

[Document No. 340]

C. THE LAKE OF TWO MOUNTAINS INDIANS SETTLING AT GOLDEN LAKE:  
1857-1876

239. On May 25, 1857 Ignace Mack.kwa, a Nipissing man, formerly of the Lake of Two Mountains, petitioned the Commissioner of Crown Lands. The land on which he had settled and made improvements, he said, was being surveyed and he had been told to leave:

. . .

That for more than five years he [the petitioner, Ignace Makkwa] has been resident and established with his wife and family on Lake Clare on the River Bonne Chère.\*

That he has more than ten arpents cleared and under cultivation with a House Stable and Barn. That the site is now being surveyed and that he is likely to be driven out, and actually notified to that effect, without any preference or remuneration whatever -

Your humble Petitioner therefore prays that you will take his state into your kind consideration and grant him such immunities or preference as his destitute circumstances may require, or such as in your benevolent judgement may seem fit.

Lake Clare, (Clear Lake ?) and Golden Lake are both on the Bonne Chère River.

[Document No. 270]

240. Five days later, on May 30, Mr. Egan, M.P.P., sent a letter to the Commissioner of Crown Lands supporting Mr. Makkwa's case and supplying additional details on his situation.

My object in now addressing you, is to beg your attention to the Petition of one Mr. Muckwa from the Township of Sebastopol, Bonchere; he is an Indian of the Lake Two Mountain Tribe, he in common with others have turned their attention to farming pursuits. I feel confident that their efforts to educate themselves will be encouraged by the Government, I know of no class to have stronger claim on the Government. The applications of Emigrants just arriving are promptly met, therefore I consider that Indians should be fully encouraged. those on the Bonnechere are an industrious steady class.

[Document No. 271]

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\*cf. para 122 and marginalia on document No. 136.

241. In July of 1857, Mr. John A. Snow, registrar at Sebastopol, the township directly south of South Algona, submitted an affidavit verifying that Makkwa was an original settler who had made improvements on his land.

This is to certify that Mack.kwa was the first person to make improvements on Lot No. 20 in the 10th Range of the Township of Sebastopol. And is therefore fully entitled to occupy the same. As a squatter his improvement being notice in the field book of the survey of that Township.

[Document No. 272]

242. On September 24, 1857, the following petition was addressed to "His Excellency the Administrator of the Government in Council" by the Indians at Golden Lake, via the Commissioner of Crown Lands:

That your memorialists and their ancestors for many generations have ever lived in the vicinity of Golden Lake on the Bonne Chere River and in the newly surveyed township of Algona and that they have at all times proved themselves good and loyal subjects of the British Crown.

That, as is usual with their race, they have hitherto supported themselves and their families by hunting and fishing, but that now that their hunting grounds have been opened up for settlement and sale by the Government they can no longer earn a subsistence by those pursuits.

That though always temperate and industrious the profits of their hunting have been barely sufficient for their maintenance from day to day and that although they now have no resource left but to try and raise sufficient from the soil to support them henceforward, they are unfortunately unable to purchase the necessary land.

That therefore, in consideration of their forefathers and their own, loyalty and good conduct their present poverty, and the fact of their now being deprived of their only means of support by the sale of their hunting grounds as well as in view of the sad fate that awaits them should their request be now rejected, they most humbly pray Your Excellency in Council will be pleased to give to each of the undersigned, heads of families, a free grant of 200 acres on the shore of the lake where they have so long resided.

That at the present moment your memorialists are unable to give the exact numbers of the lots and concessions of the lands they ask for but they beg to assure Your Excellency that there are not to their knowledge any other applicants for said lands; and if their request be favourably



entertained they will at once supply the particulars of the lots; and they will at all times endeavour to prove themselves worthy of the favor they now ask.

[Document No. 273]

The petition was signed by five individuals and the extent and value of their improvements was indicated on an attached sheet.

243. On November 11, 1857, E.P. Taché, the Commissioner for Crown Lands, forwarded the above petition to the Superintendent General of Indian Affairs, with the following comments:

As there is no provision made in the Act for the disposal of Public Lands for such an appropriation, this Department cannot submit the application to the favourable consideration of the Government. The question therefore appears to be whether there are any Indian funds by which the lands can be purchased.

It would be observed that the Petitioners are unable to point out the lots as now surveyed; but the Surveyor reported lots No. 8, 9 & 10 in the 10th Con:, being on the south side of Golden Lake, as being occupied by Joseph Tiniskaw, Iwas Jarikay, Micl. Pizwanatch, "half-bred, half-civilized Indians", having about 26 acres cleared, and having resided thereon from 8 to 10 years.\*

[Document No. 274]

244. On May 27, 1858, R. Pennefather, S.G.I.A. wrote to the new Crown Lands Commissioner, L.V. Sicotte, acknowledging receipt of the petition.

With reference to the Memorial of the Inhabitants of Rawdon for a free grant of a lot of Land to Michael Nicholas an Indian, and also to the Petition from

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\* cf. petition signatories, two of whom appear to be the same individuals, and cf. docs. 276 and 294 cited below in which the number of years of residence indicated is much longer.

the Indians residing near Golden Lake - I am directed to enquire whether there would be any objections to the purchase by the Department of the lots in question at a low price.

It appears that Nicholas occupies his land under license from the Government, and that he has made some improvements.

The Hon: Col: Taché when Commissioner of Crown Lands proposed that this Department should purchase the lot in question at the rate of 3<sup>a</sup> or 4<sup>a</sup> an acre.

His Excellency is pleased to sanction such a purchase, if you see no objection thereto.

The request of the Golden Lake Indians for 200 acres to each family is clearly not to be entertained - It appears however that they consist of five families comprising thirty one individuals having made improvements to the extent of 25 acres. As they bear the character of being industrious and well conducted, His Excellency is desirous of giving them the benefit of their exertions. He has therefore directed me to enquire whether it would be possible to make a purchase for them of 50 acres for each family, where they now reside on the same terms as those proposed in the case of Nicholas.

[Document No. 275]

245. Shortly thereafter, on May 15, 1858, T.P. French, a Crown Lands Agent in the upper Ottawa Valley, forwarded the following letter reporting on the matter to Pennefather:

Referring to my conversation with Mr Chesley of your Department, & to your letter of 21st ulto. respecting the petition of the Golden Lake Indians, I have now to inform you that I had, yesterday, an interview with the Petitioners and the following information elicited from them has been the result.

They state that they are of the Algonquin tribe, that about 80 years ago they came to Golden Lake - from the Lake of Two Mountains - and that they have resided there continuously, from that period to the present. There are five heads of families who with their wives and children make 30 souls. The number of acres cleared are set down at 25, and the value of the labor expended on them in clearing, is estimated at \$250; all of which statements I believe to be in strict accordance with the truth.

One of the petitioners - Michel Pesantawatch - is a chief and wears a large silver medal of the reign of George III which he says was "a present from the king of England to his father.

These people complain that for two years they have not received the usual Royal Presents and they urge this as an argument why they should get their lands free.

I myself must add that these men appear to be unusually intelligent and respectable; that I have been informed that they are moral & industrious and well deserving of the favor which they solicit from the Government---a favor which I trust you may be pleased to grant them.

[Document No. 276]

246. On June 14, 1858, L.V. Sicotte, the Commissioner of Crown Lands advised Pennefather as follows:

... the plan proposed of selling lands by one Department to another Department seems to be contrary to the functions of each.

The proper mode seems to be that an Order be made by the Government setting apart so many acres of public lands for the use & reserve of Indians.

If the lands are to be sold, the sale could be made through this Department with the consent of the Indian Department. - If the lands are to be held in trust for Indians by the Indian Department, the usual mode of setting apart the lands as Indian Reserve ought to be continued. -

The demand for such reservation many [sic] emanate from the Indian or from the Land Department. I shall wait your answer before adopting further action.

[Document No. 277]

247. After waiting several months for a reply from the Indian Department, on September 21, 1858, T. French, the Ottawa Valley Crown Lands Agent, again wrote R. Pennefather, reminding him that the Golden Lake Indians were still waiting for a response to their petition:

I beg to refer you to my letter to you of 15th May last regarding the Petition of the Golden Lake Indians and to inform you that these poor people have since come several times to my office here to enquire if there was any reply for them. They are now all standing around me and at their earnest solicitation I write this letter.

The lands upon which they reside have been for some time for sale by the Crown Land Department and they are very naturally fearful that strangers may buy them and turn

themselves and their big families out upon the world. The letter to which I have just referred you will give you my opinion of these Indians & of their claims upon your Consideration - Please address any communications for them to my care ...

[Document No. 278]

248. About the same time French wrote also to Vankoughnet Commissioner, of Crown Lands in Toronto, advancing the appeal of Mack.kwa (Muckwa) for land.

...

You will perceive that the Petition does not refer to any particular lot, and also that it is stated in it, that the Petitioner has "ten arpents cleared " a statement which is untrue and of course at a variance with the accompanying affidavit.

I have questioned Muckwa on the subject and he states that at the time the Petition was written he did not know the numbers to give the person who wrote it for him, but that it was his intention to ask for the lots which he now knows to be 21 in 13th Con and 20 in 10th - Also that he had not the least intention to deceive in regard to the extent of his improvements, but that from his imperfect manner of expressing himself in English, he supposes the person who wrote misunderstood him.

PLS Snow has returned Muckwa for these lots, and Muckwa prays that they be granted to him free. I told him I thought he should be moderate and confine his request to lots on which he lives but he assured me that it was of no use whatever for agricultural purposes and in proof of the assertion. He says that if his buildings were not upon 21 in 13th he would not ask an acre of it. He got his two neighbours to make the enclosed affidavits - I was not before aware that this lot was so utterly worthless and was for a long time under the impression that Muckwa's object in keeping possession of 20 in 10th was for the purpose of selling his "good piece" of it to some one else. I believe now however that I was mistaken, and finding so, I must say that Muckwa should be at least allowed the means of living as well as any other settler. I entirely concur in the remarks of the late Mr. Egan M.P.P. in his letter attached to the Petition of Muckwa that "there is no class who have stronger claims upon the government" than the Indians, and I am bound to corroborate this statement that those around here are an "industrious & steady class".

The Petitioner in this case is particularly steady, honest & industrious and is very popular with all the people around here.

[Document No. 279]

249. After another four months had elapsed and he had still received no answer, French, on January 7, 1859, wrote once again to Pennefather:

I beg to refer you to my letter of 15th May last and to remind you that it still remains unanswered.

The Indians to whom it has reference have visited me several times during the Summer and Fall in the hope of hearing something about their lands; and on yesterday they seemed to have lost all patience as they plainly expressed their disappointment and dissatisfaction. - They live many miles from here and as they invariably come together the journies they have made must have been attended with much inconvenience and expense - neither of which Indians like.

[Document No. 280]

Pennefather, although he had not replied to French, had apparently referred these requests to Vankoughnet at the Crown Lands Department (see docs. 289 & 290).

250. On 10 January, 1861 S. Lynn, Reeve of the United Townships of Wilberforce and Gratton, an area contiguous to North and South Algona also wrote to Vankoughnet, Commissioner of Crown Lands regarding the petitions of "Makoa and Pronewach"\* for land.

Two Indian Chiefs have applied to me in order that Justice may be done to them about the lands which they have long held in their possession. Their names are Nipius Makoa and Michel Pronewach, both living about ten miles from this place. They wish to Secure the lands they occupy, and to be free from taxes, a letter is now before me from Mr. Pennefather, dated Quebec 22 May 1860 in reply to the Chief Stating that all he could do in the matter was to refer the Case to you, which he had done.

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\* The different spellings of Indian names make it impossible to state with certainty whether Mackwa, Muckwa, Makoa and Muckou were the same person. The facts that both Mack kwa and Mukwa were petitioning for lot 21 in range 13, (see doc. 288) and that this letter identifies the petitioners as those on whose behalf Agent French had been writing for years, suggest they might be. Similarly, the Nikuas Makwa petitioning for a patent in 1875 (doc. 316) appears to be the same individual. Michel Pronewach may be Michel Pesantawach.



Now if you would have the kindness to give me power to ascertain their Claim and have it settled I think I would be enable to satisfy all parties the Chiefs say that they asked Mr. French about three years ago to have the matter settled but with no good result up to this date. Consequently, they will feel pleased if you appoint me to arrange the business, the tribe comprises about ten heads of families.

[Document No. 289]

251. A few days later, French, wrote again to Vankoughnet, the Commissioner of Crown Lands, regarding the request for land at Golden Lake:

...

Six Indians from Golden Lake in the Township of South Algona have been here on 12th inst and are similarly situated in regard to lands occupied by them. On 15th May 1858 & again on 21st Sept. '58 I wrote to the Superintendent General of Indian Affairs respecting these men and as I understand Mr. Pennefather has transferred my letters to your Department I beg also for a decision in their cases. They are all excellent characters and I earnestly recommend them to your favorable consideration.

...

[Document No. 290]

252. The following memorandum was prepared by the Commissioner of Crown Lands, on January 25, 1864, for the Executive Council:

In the list of Squatters which accompanied the Report of survey of the Township of South Algona by Mr. D. Stanley in February 1857, the following names are found.

Joseph Jiniskan, lot No. 8 in the 10th con: eight years in occupation with six acres of cleared.

Inas Gonikay, lot No. 9 in the 10th con: ten years in occupation with 10 acres cleared.

Michel Pignavatch, lot No. 10 in the 10th con: ten years in occupation with ten acres cleared.

These people are described by the Surveyor as "half-bred half civilized Indians".

These Indians and two others viz; Paul Pesuntawach and Benoit Kanimi in September 1857 memorialized His Excellency the Administrator in Council, setting forth that their hunting grounds having been opened up for settlement and sale by the Government they could no longer earn a subsistence by those pursuits, that they had no resource left but to till the soil, but were unfortunately unable to purchase the lots occupied by them, they therefore prayed for a grant of 200 acres each on the Shore of the Lake where they had so long resided.

The Commissioner of Crown Lands having no authority to make such grant transmitted their Petition in November of that year to the Superintendent of Indian Affairs stating the Department could not submit their application to the favourable consideration of the Government and enquiring whether there were any Indian funds by which the lands could be purchased.

The Crown Land Agent in May 1858 in reply to certain enquiries by the Superintendent General states that the Indians are of the Algonquin tribe, that about 50 years ago they came to Golden Lake from the Lake of Two Mountains and that they have resided there continuously to the present. There were then five heads of families who with their wives and children made 31 souls - one of them Michel Pesantawatch is a chief, and wears a silver medal which he states his father received from George III.

The Agent adds they are unusually intelligent and respectable, moral and industrious and well deserving of the favour they solicit from the Government.

The Superintendent General in a letter addressed to the Commissioner of Crown Lands on the 14th January 1859 states that these Indians are members of Indigent Tribes resident in Lower Canada and have no annuities or interest accruing from land funds whence the Department could make any payment for them, at the same time from the testimony adduced in their favour he urged for them the utmost consideration consistent with the regulations then in force regarding Crown Lands.

Taking all these facts into consideration the Undersigned is disposed to recommend a sale to those Indians being heads of families of the lots or such parts of the lots in the said Township of Algona, which may be found to be occupied by them, consistent with their respective clearances, at the nominal rate of Six pence an acre payable in five annual instalments with interest.

[Document No. 294]

The Commissioner's memorandum was submitted to the Governor-in-Council and the recommended action approved on January 29. (See Order-in-Council, Document No. 295).

253. Subsequently on February 4, 1864, The Assistant Commissioner of Crown Lands, A. Russell, informed Agent French that the lots would be sold to the Indian settlers in South Algoma:

I have now to inform you that a sale has been authorized to those Indians, being heads of families, of the lots, or such parts of the lots which may be found to be occupied by them, consistent with their respective clearances, at the nominal rate of Sixpence an acre payable in five annual instalments, with interest.

As these Indians are debarred by law from obtaining free grants of the lands, it is hoped the present arrangement will be found satisfactory, and with which you will take an early opportunity of acquainting them.

If practicable you will see the lands as whole lots or as aliquot parts of lots, so that when paid for in full there may be no difficulty in issuing the Patents.

[Document No .296]

254. On August 2, 1866, William Spragge, D.S.G.I.A., directed the following request to Andrew Russell, Assistant Commissioner of Crown Lands:

A party of the branch band of the Algonquin Indians which have for many years been settled upon lands which now form a part of the Township of South Algoma, having arrived here and expressed a very strong desire that the lots mentioned in the accompanying Memo. dated the 26th Ult. signed by Mr. Halterman Crown Land Agent consisting of Nos. 5, 6, 7, 8, 9 & 10 in the 10th concession and Nos. 3, 4, 5, 6, 7, 8, 9, & 10 in the 9th Con. may be permanently set apart for about sixty families of Indians who they state desire to devote themselves to agricultural pursuits as a chief means for the support of their families and who have removed to that locality. You will observe from the letter of Mr. Harris the Local agent dated 27th July 1856 all the lots named in the 10th concession were at that time occupied by these people some of whom he states had been resident there forty years, And who it appears on reference to an Order in Council of 29 Jany. 1864 had in two instances clearances of ten acres each.

This Order in Council authorized a Sale of lots 8 & 9 & 10 in the 10 Concession at ten cents per acre, and as the three additional Lots are required for the increased number of Indian families I beg to request that the other Lots named in Mr. Halterman's Memo. will be rendered available for purchases on behalf of those Indians upon the same terms as specified in the Order in Council. A compliance with the desire of these people becomes the more reasonable when it is considered that the lands in question are a part

of those over which as Hunting grounds they have heretofore exercised important rights. As the party now in Town desire to leave tomorrow morning will you have the goodness to let me have a reply today to this letter.

[Document No. 301]

255. The following day August 3, 1866, Spragge was able to send the following letter on the matter to Chief Michel Besdoront:

I am glad to have it in my power to inform you that the Honble. the Commissioner of Crown Lands agreed to the application made by Yourself and your people, and I have to inform you that Lots 3, 4, 5, 6, 7, 8, 9 & 10 in the 9th Concession and Lots No. 5, 6, 7, 8, 9 and 10 in the 10th Con. of the Township of South Algoma\* will be set apart for the benefit of the Algonquin Indian families who are resident thereon and the conditions will be the same as those prescribed by an Order in Council passed in January 1864 namely ten cents per acre payable by five Instalments with Interest.

Mr. Halterman the Agent for Crown Lands will be directed by letter to reserve from sale the lots specified.

[Document No. 302]

256. On September 17, 1873, Letters Patent approved by the Lt. Governor in Council of the Province of Ontario transferred lands in South Algona\* Township to the Federal Government for the purpose defined as follows:

Whereas the Honorable Alexander Campbell, of the City of Ottawa, in the County of Carleton, Superintendent General of Indian Affairs, hath contracted and agreed for the absolute purchase of the lands and tenements hereinafter mentioned and described, at and for the price or sum of one hundred and fifty-six dollars of lawful money of Canada, and of which lands We are seized in right of Our Crown.

Now know ye, that in consideration of the said sum of one hundred and fifty-six dollars well and truly paid to Our use, at or before the sealing of these Our Letters Patent, We have granted, sold, aliened, conveyed and assured, and by these presents do grant, sell, alien, convey and assure unto the said the Honorable

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\* Spelled Algona in the Order in Council (doc. 312)

Alexander Campbell, Superintendent General of Indian Affairs, and his successors in office for ever, all those parcels or tracts of land situated, lying and being in the Township of South Algona, in the County of Renfrew, in the Province of Ontario, containing by admeasurement one thousand five hundred and sixty-one acres, be the same more or less, which said parcels or tracts of land may be otherwise known as follows, that is to say: being composed of lots numbers three, four, five, six, seven, eight, nine and ten, in the ninth concession; and lots numbers five, six, seven, eight, nine and ten, in the tenth concession of the aforesaid Township of South Algona, reserving the allowance for road along the banks of the Bonnechère River and Golden Lake and free access to the shores thereof for all vessels, boats and persons. To have and to hold the said parcels or tracts of land hereby granted, conveyed and assured unto the said the Honorable Alexander Campbell, Superintendent General of Indian Affairs, and his successors in office in that capacity for ever in trust for the use, settlement and benefit of the band of Algonquin Indians resident at or near Golden Lake in the said Township of South Algona and County of Renfrew, saving, excepting and reserving, nevertheless, unto Us, Our heirs and successors, the free uses, passage and enjoyment of, in, over and upon all navigable waters that shall or may be hereafter found on or under, or be flowing through or upon, any part of the said parcels or tracts of land hereby granted as aforesaid.

...

By command of the Lieutenant-Governor in Council.

[Document No. 312]

257. On October 11, 1880 the Indians of Golden Lake petitioned, through their Agent to Superintendent General of Indian Affairs for more land and assistance in provisions and supplies.

We the Chief and Indians of Golden Lake assembled in our School house to day in order to make a petition to you about our land. You promised or at least - your predecessor did some time ago that or rather at the time we got this 1400 acres from him that he would at some future time give us a claim for as much more. Now we want you to fulfill that promise, as we intend get(ting) a surveyor to survey it into lots. And we also want you to send some help to us in order to get one, you already know we are very poor and hardly able to support ourselves and families, and if you would send us up some provision it would greatly add in supplying our wants, and we would be very thankful to you. Please let us know immediately as we don't intend going to hunt again until we get your answer.

[Document No. 331]



258. Upon receipt of this letter the Deputy Superintendent General apparently decided to investigate the circumstances surrounding the creation of the reserve. In a memo to Mr. Kirkpatrick he requested all correspondence relative to the purchase of lands from the Crown Lands Department for the Indians at Golden Lake. (See Document No. 332).

259. On the same day he also wrote a letter to the Indian Agent, Henry George stating:

... I have to inform you that the question with reference to an additional quantity of land being obtained for them will be taken into consideration but as regards the provisions applied for by them you can inform those Indians that the Department does not propose sending them any further supplies at present.

[Document No. 333]

260. The following day, October 19, 1880, Mr. Vankoughnet, now the Deputy Superintendent General, pursuing his research on the reserve, addressed the following questions to Mr. Benson:

The original grant to the Inds. of Golden Lake was  
1,561 Acres,

1. How much of this tract is cultivated as shewn by Mr. Agent George's Tabular Statement
2. How many houses & barns have been erected?
3. What quantity of each kind of produce has been raised?

The reply from Mr. Benson, written on the same memo, provided the following information:

1. Mr. Georges Tabular Statement gives the no. of acres in the Res. as 1400. 120 acres of which are under cultivation 125 acres in pasture & the balance woodland.
2. There are seven log houses 16 wigwams or shanties & 13 barns & stables on the Res.

3. The return of crops raised last year was as follows -  
100 bushels corn. 80 bus wheat. 100 bus oats.  
12 bus peas 300 bus Rye 200 bus potatoes & 13 tons  
hay. (there are 83 Indians in the Band)

[Document No. 334]

261. On October 28, 1880 a final letter was written to Indian Agent, Harry George (presumably from the Deputy Superintendent General) stating that no additional land would be bought for the Golden Lake Indians.

... I have to inform you that upon looking into the matter, it is found that in the year 1864, the area of land which was purchased for those Indians was 1561 acres, that of this quantity, there are now only 120 acres under cultivation and 125 acres in pasture, the balance of being wood land. The number of families in the Band would not appear to be more than 20 at the most; and there is consequently plenty of land for all in the Reserve as it at present stands. It is not therefore considered advisable to recommend further land be purchased for those Indians, nor can I find that any promise was ever given the Band as alleged by them that more land would be purchased for them.

[Document No. 335]

It was not until sixty years later that the federal government acquired additional land for the Golden Lake Reserve.\*

- 261B. The Golden Lake Algonquins are mentioned in the records on file some 13 years later, when the Mississaugas and Chippewas were pressing their land claim in S.E. Ontario (see ch. XVI). At this time, the Dominion and Ontario governments both studied this claim, and in the course of their investigation, The Assistant Commissioner of Crown Lands of Ontario informed Aeareliuis Irving that since the Indians of Golden Lake "are all members of indigent tribes resident in Lower Canada"...(for whom land had been purchased in "an ordinary sale") it would appear to be clear that they are not in a position to make any claims against the Province of Ontario. "(See para. 336).

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\* Document No. 462, the Minute of a Meeting of the Committee of the Privy Council, approved by the Governor General, indicated that additional land was needed and advised that authority be given to purchase farm land near the reserve. Documents 465 and 466 are deeds to the land in question. Document No. 467, Order-in-Council P.C. 4613, dated November 12, 1947, describes the lands added to the reserve under authority of the Order.

D. The Lake of Two Mountains Indians Settling in Lawrence, Sabine  
and Nightingale Townships on "Lands Reserved from Sale":  
1860-1899

262. On May 28, 1860, A. Russell, Assistant Commissioner of Crown Lands, wrote the Superintendent General of Indian Affairs about a land application in the Madawaska Valley. The applicant, a man from Lake of Two Mountains, desired land on the York Branch of the Madawaska River, north of Hastings or Renfrew County - near present day Bancroft. Russell set out the procedure the applicant was to follow thus:

In relation to the application of Nour Nikek made through the chief of the tribe of the Indians of the Lake of the Two Mountains, I have the honor to state that the Lands on the York Branch of the Madawaska River have not yet been surveyed into Lots & the applicant must either wait until such subdivision takes place or must furnish the Map & report of a licensed surveyor shewing the exact locality of the Lands required & their condition as to occupation & improvement.

[Document No. 286]

263. On July 21, 1863, the Algonquin Indians whose hunting grounds were in the Madawaska Valley sent the following petition to Governor General Charles Viscount Monk:

1. That in times past the hunting grounds of your Petitioners were in the country watered by the Madawaska and adjoining streams about 150 miles from their Village at Two Mountains, but owing to that country having become during the past few years thickly settled it has rendered useless and destroyed their hunting grounds, and has compelled your Petitioners in order to obtain food and clothing for themselves and their families to travel still further westward until at present their hunting grounds are from 300 to 350 miles from their Village.
2. That owing to the distance your Petitioners have to travel from their Village of Two Mountains to their present hunting grounds and the extreme poverty of your humble Indian Petitioners, it nearly takes all that they receive in money, trade or exchange for the spoils of their hunt to meet, after returning to their homes, the debts they have contracted between their hunting seasons.

3. That your Petitioners as a race are fast fading away before the influence of their brethren the White Men, whose gradual but constant encroachments have already nearly exterminated them and the few that remain are reduced in poverty to almost absolute want, and their old hunting grounds having been taken possession of and rendered useless there appears no prospect before them but that of starvation misery and death unless the Good Spirit influence the hearts of their Fathers the Governor and his Council to help them.
4. That your petitioners are desirous of having a tract of land near their present hunting grounds granted or reserved to them for the purpose of building up an Indian village capable of supporting about Four Hundred Families, a desire which they sincerely trust will be gratified by their Father in His Council when he considers that the whole country was once theirs and the land of the departed braves, their fathers.
5. That such a tract of land as would suit the purposes required, your Petitioners have found in the Township of Lawrence in the rear of the County of Peterboro; four thousand acres of which, or thereabouts, taken off that portion of the Township of Lawrence next adjoining the Township of Eyre, would meet all the requirements of your Petitioners - is near their hunting grounds, is suitable for their village, and would be the greatest blessing that could be bestowed upon your Petitioners and the whole Algonquin Tribe - for our friends the Lumber Merchants on the Ottawa River have promised to erect us a church, to aid us in our new settlement and to protect our rights should our prayer be accepted.

Therefore your Petitioners humbly pray, that Your Excellency in pity to the Indian race, as an act of charity to them in their extreme poverty, and as an act of justice to them in consideration of their former rights, will be graciously pleased to make an Order in your Council granting to them Four Thousand acres of land in the Township of Lawrence... to be reserved to them for the purposes of an Indian Village, and will be further pleased to make such further orders and do such further acts as in pity to our scattered tribes and families Your Excellency may think best for us as Faithful Indian Children.

[Document No. 293]

The above noted-petition was signed by eight chiefs and over 250 individuals. It was apparently forwarded to the Department of Indian Affairs by Robert Bell, local member of parliament.

264. Nine months later, on April 5, 1864, the D.S.G.I.A., W. Spragge, acknowledged receipt of the petition in the following letter to Bell:

The Petition of certain Indians of the Seignior of the Lake of the Two Mountains forwarded with your letter of yesterdays date to the Provincial Secretary in which application is made that lands in the township of Lawrence C.W. may be set apart for the settlement of 400 families of their people having been transferred to this Depart. I have the honor to acquaint you that under the provisions of the Act 14th & 15th Victoria Chap 106 there were in the year 1854 45,750 acres in the Township of Maniwaki on the River Gatineau set apart for the benefit of the Indians of the Lake of two Mountains and that a settlement known as that of the River Desert has made some progress - and it is still quite competent for any number of families of the People for whom the tract in questions was set apart; to remove there, and take possession of lands.

To those among them who will embark in Agricultural pursuits some assistance will by this Depart. be recommended to be granted in the form of seed grain and agricultural Implements. -

At the (illegible) of a special report made up in the year 1858 the Indians of the Lake of Two Mountains numbered 844 persons, and there can be no doubt that the quantity of Land in the township of Maniwaki affords ample surface for the settlement of the whole of them.

The Lands upon which originally they were settled within the seignior in question, appears to have been of a sterile character to a considerable extent. Nevertheless their situation upon the Ottawa River must impart to them some value and should the whole Body of Indians who leave for a long period of time dwell thereon resolve (as may almost be gathered from their Petition) is their desire to move from the seignior it would be the duty of this Department to endeavour to effect some arrangement whereby they would derive some benefit from the Lands, the possession of which they in that case would yield up.

[Document No. 297]

265. On November 7, 1864, Robert Bell (and three others) responded in a letter to A. Campbell, the Commissioner of Crown Lands.

About the beginning of April last a petition was presented to your Deptmt. from certain Algonquin and Ottawa Indians praying for a grant of land in the New Township of Lawrence in the Ottawa and Huron Territory where their hunting grounds are situated. - The facts set out in their petition are unfortunately too true, and we beg most respectfully to urge their case upon your favourable consideration. The reply to Mr. Bell on 5th Apl. last, in relation to this petition states that "in the year 1854, 45750 acres in the township of Maniwaki on the River Gattineau were set apart", for these and the other Lake of Two Mountain Indians. To these petitioners, - whose hunting grounds are in Upper Canada, - this grant is practically valueless. It is too far from their winter quarters and from their summer routes of travel to be even accessible to them, for the expense of reaching the place is not within their reach.

[Document No. 298]



266. The Commissioner heeded the appeal. On July 18, 1866, Andrew Russell, his Assistant Commissioner, advised James Bangs, the Indian Agent in Arnprior, that:

... the Commissioner has reserved the South East quarter of the Township of Lawrence from sale during the pleasure of the Crown for the use of the Algonquin Indians for a settlement.

The Indians are not to have any right to the merchantable timber on the land nor are they to interrupt those parties who hold timber Licenses for it from cutting and carrying off the timber.

[Document No. 299]

267. On July 24, 1866, William Spragge submitted to his superior the following recommendation on the request for land in the Township of Lawrence:

Robert Bell, Esq. M.P. in April 1864 submitted an application from a large number of these people, in which it was stated that lands were required for four hundred families, and the Township of Lawrence was designated as the locality where they desire to settle. - Their case is recommended by Messrs. Stead, Currier and Poupore as by Mr. Bell.

These Indian people consist of Algonkins, Nippisingues and Iroquois, and as shown in the accompanying extract from a report dated 22d Apr. 1839 the Algonquins; as set forth by the late Honbl. James B. Macaulay; claimed as their hunting grounds Territory on the Upper Canada side of the Ottawa River. - It is quite certain that they have used it as hunting grounds, and do so still. But their claims have neither been extinguished by Surrender to the Crown nor does it appear that their claims have been positively admitted.

A tract comprising 45,750 Acres situated in the River Desert (a far up branch of the Gatineau) was under the provisions of the Act 14th & 15 Victoria Chp. 106 set apart for the benefit of the Lake of Two Mountain Indians - and as shown in the last report from this office; 245 of those people had established themselves there.

That Reserve is however so remote from the Tract over which the applicants hunt, as to be as they state unacceptable to them.-

Their wishes, so far as practicable ought evidently to be met and facilities be afforded for forming a permanent settlement, where upon good land they may acquire a knowledge of good agriculture, and likewise schools be established for the education of their children. The Township of Lawrence has not been laid out in survey,

consequently no sales therein have taken place. The Northerly portion appears to be hard wood land and within it is Lake Louisa situated in the Northeasterly part of the township. Considering the rugged character of that remote district it is advisable in order to set apart a sufficient quantity of land for so many families to appropriate the Easterly half of the Township for the Applicants. And I would recommend that a sale thereof be authorised at the rate of twenty cents per acre. (payable out of Indian funds, which payment should include the expense of subdivision into Lots of One hundred acres each.

[Document No. 300]

268. It appears that even two years later, Sogmogneche, High Chief of the Algonquin and Nipissing Indians, had apparently not been informed of this decision. He thus addressed the following enquiry to the Commissioner of Crown Lands on July 25, 1868:

Some time since I was given to understand that there was a tract of land granted to me for the use of my tribe of Indians in the Township of Lawrence on the Madawaska River. I wish to know if the boundary lines will be run and the lots laid out so that each one of my tribe settling will know his portion and I wish for a document from you as soon as practicable to shew that I have authority to settle without molestation on the said land and that it is laid apart for the use of my Indians.

[Document No. 304]

269. On August 3, 1868, A. Russell, Assistant Commissioner of Crown Lands, advised Chief Sogmogneche that:

In reply to your letter of the 25th ultimo I am desired by the Commissioner to transmit you the enclosed copy of a letter addressed to your Agent, Mr. Bangs from which you will learn that the SE 1/4 of the Township of Lawrence has been reserved for the use of the Algonquin Indians during the pleasure of the Crown, not granted as you suppose, also that the Indians are not to have any right to the merchantable timber on the land nor are they to interrupt those parties who hold Timber Licenses for it from cutting and carrying off the timber.

The township has not been subdivided into Lots & the Department has no funds for that purpose.

[Document No. 305]

On the same date Russell forwarded the Chief's letter of July 25, and his reply, to H.L. Langevin, Secretary of State, (See Document No. 306).

270. For the next eighteen years ~~the~~ historical record relating to the Algonquins in this area falls silent. Then, on November 4, 1886, Nogon-nak-suk-way forwarded the following request for lands in Lawrence Township to L. Vankoughnet:

I am requested by the Chief Non-non-She-Gushig and his Band to make enquiries in their Behalf the Said Chief & His Band belong to the Algonquin Nation of Canada and were once Settled at Oka with the other Tribe the Iriouquois. But the property there not Belonging to them moved off the Lands they were Living on. This took place some years ago and the consequences were they were neglected through their own fault by the Indian Department that is they were not recognized as a Band. Neither do they share in the same privileges as the other Bands in this Province.

The Chief and Band now Desire unitedly to locate on some good land that they might See fit for Farming purposes in the Township of Lawrence or in some other. And such Lands if found to be set apart for them as an Indian reserve.

[Document No. 348]

271. On November 19, 1886 Vankoughnet replied to the request as follows:

I am in receipt of your letter of the 4th Inst. applying on behalf of Chief Non-mon-she-keeshing and his Band, who belong to the Algonquin nation and who were at one time settled at Oka but moved off the lands there in consequence of those lands not being the property of the Indians, and who wish to be located upon some land fit for farming purposes in the Tp. of Lawrence.

I beg in reply to state that the Algonquin Band of Indians have a Reserve on the River Desert in the Tp. of Maniwaki on the Upper Ottawa where there is plenty of land to accommodate them. If the Indians referred to will go to that Reserve a lot of 100 Acres of land will be assigned to each head of a family and to each young man able to work the same. The lands in that Tp. are very good for farming purposes, and there is good fishing and hunting in the vicinity, also employment can be had by Indians in the shanties of lumber men during the Winter months and in running rafts, etc. in the Spring and Summer.

[Document No. 349]

272. On February 2, 1888, J.B. Cleak wrote Hon. M. Bowell, M.P., on the matter:

It seems that the South East quarter of the township of Lawrence has been reserved for the Algonquin Indians, their Chief Non-no-che-ke-Shick, has requested me to write to the Deputy Superintendent General of Indian Affairs, to have that reserve canceled in exchange for some other nearer a market.

I thought it best to write you in the matter instead of Mr. Vankoughnet as the most direct way of getting information. It seems that the above Township is too much out of the way and too long a distance from any market, the hunting in that part of the country is poor game and fur booth being very scarce.

I think they would prefer part of a Township in this county [Hastings] or in the County of Haliburton but this County is preferred. The Chief tells me that there would be about thirty families making a population of about 150.

...

[Document No. 350]

273. On February 16, 1888, Vankoughnet prepared the following analysis of the situation for Thomas White, the S.G.I.A.:

... the undersigned begs to state that the South East quarter of the Township of Lawrence was set apart by the Crown Lands Department for the Indians in question in the year 1866 "during the pleasure of the Crown", the stipulation being that, while the Indians might occupy it and use the land, they were not to have any right to the merchantable timber...

The undersigned begs to state that in his opinion it would be necessary: -

1. To have a resolution passed by the Indians for whom the Reserve in Lawrence was set apart to the effect that they wish to exchange the said Reserve and specifying the land which they desire to obtain in lieu thereof.
2. After the views of the Indians have been learned in the matter, that a competent person should be requested to report upon the adaptability for an Indian Reserve of the tract selected by them.
3. That if the report received be favourable, the Government of Ontario should be applied to for an exchange of the tract in Lawrence for the land selected by the Indians.

[Document No. 351]

274. A few days later, on February 24, 1888, the following reply was sent to J.B. Cleak:

With reference to yr. letter of the 2nd inst. addressed to the Honble. Mr. Bowell & transferred by him to this Dept., relative to the desire expressed by the Chief of the Algonquin Indians, for whom the south-east quarter of the Township of Lawrence was set apart by the Gov't in the yr. 1866 to be occupied by them "during the pleasure of the Crown", without any right to the merchantable timber thereon, or to interfere with parties holding timber licenses covering the same, to be allowed to exchange the said tract of land for another situated in the County of Hastings or of Haliburton, the former county being preferred. I beg to inform you that it is necessary that a resolution shd. be passed by the Indians, for whom the tract in the Township of Lawrence was set apart, to the effect that they desire to exchange the said reservation & specifying the land they wish to obtain in lieu thereof. Upon the receipt of such a document signed by the Chief & principal men of the Algonquin Indians interested, further action will be taken in the matter.

[Document No. 352]

275. Six years later, however, no action had been taken, perhaps because the Indians were concerned about the status of the land (see document 364) and/or because they had changed their minds. Their Chief, in October, 1894, visited the Department with a new request and on October 9 Secretary Maclean sought to pull the background information on the Algonquin settlement in Lawrence together. (See marginal note on doc. 305). On the same day, H. Reed, Acting D.S.G.I.A., wrote the Assistant Commissioner of Crown Lands of Ontario, Aubrey White, thus:

I enclose copies of letters dated the 18th July 1866 and 3rd August 1868 respecting the allotment of the S.E.1/4 of the Township of Lawrence for the use of the Algonquin Indians.

The present Chief, Peter Charbot, has called at this Department and is desirous of having this land confirmed as a Reserve for his Indians; he states that they have been in occupation of the same for about 45 years.

I shall be glad if you will take the necessary steps to have this land handed over to this Department for the purpose indicated, in order that it may be dealt with in the best interests of the Indians.

[Document No. 358]



276. When he received no answer, three weeks later, Reed on October 27, 1894, as Acting D.<sup>1</sup>.G.I.A. again wrote to White on the matter:

I beg to call attention to letter to you of the 9th instant respecting the allotment of the S.E. 1/4 of the Township of Lawrence for the use of the Algonquin Indians. May I request that you will have the goodness to favour the Department with a reply to that letter.

[Document No. 359]

Once again White did not reply and yet another request for a response was sent to him on November 21, 1894. (See document No. 360).

277. White finally replied on December 7, 1894:

Referring to your letter of 21st ult. and previous correspondence in reference to an allotment of the South East quarter of the township of Lawrence for the use of the Algonquin Indians, I have to say that as you will see by the letter of Andrew Russell, Assistant Commissioner, dated 18th July 1866 (copy of which was enclosed with your letter of 9th October) - the South East part of this township was withdrawn from sale during the pleasure of the Crown for the use of the Algonquin Indians for a settlement. It is not in the nature of an Indian Reserve, nor is there anything to indicate that a grant of this portion of the township was to be made.

An examination of the township will shortly be undertaken, with a view of ascertaining what improvements, if any, the Indians have made, and when this is received you will be further communicated with.

[Document No. 361]

278. Shortly thereafter, on December 12, 1894, E. Bennett, Indian Agent, forwarded the following request to the Deputy Superintendent General of Indian Affairs:

That old man Sharbot an Indian from Long Lake who was asking for a Reserve at that place in the Township of Lawrence and who had Papers from the Ontario Government granting them a part of the said Township for said Reserve the papers were copied by the Dept. and sent to the Ont. Govt. and when an answer would be received you would send

me an answer and I was to send the said Sharbot word. He is now for an answer which I will send him when I receive one from the Indian Dept. please answer by return of mail. The above was spoken of on the 9th ninth of Oct. last at Ottawa in presence of Joseph Partridge Chief Golden Lake Old man Sharbot and E. Bennett Indian Agent.

[Document No. 362]

279. On December 17, 1894, H. Reed responded to Bennett's request as follows:

In reply to your letter of the 12th instant, I beg to enclose a copy of letter of the 7th instant from the Assistant Commissioner of Crown Lands, Toronto, in answer to correspondence from this Department in respect to the allotment of a Reserve for the Algonquin Indians in the Township of Lawrence.

[Document No. 363]

280. Two months later, on February 14, 1895, H. Reed, D.S.G.I.A., again wrote to Aubrey White, concerning the request for a reserve in the Township of Lawrence:

I have the honour to inform you, in connection with your letter of the 7th December last, in reference to an allotment of the South East 1/4 of the Township of Lawrence for the use of the Algonquin Indians, that the Department has recently been visited by Mr. Indian Agent Bennett, accompanied by the Chief and one of the principal men of the Algonquin Band, for whom the Reserve in question is required. The Agent's statement is endorsed by the Indians, that no improvements of any kind have been made on the land in the Township of Lawrence, the Indians giving as a reason that there being no certainty of the Reserve being a permanent one, they were not desirous of running any risks of losing their improvements. Besides, they had no assurance that the licensee of the timber in the Township would permit them to settle on the property, or utilize it.

The Department is anxious to meet the wishes of the Indians, who are desirous of removing from settlement among the whites, who, they say, do not treat them well, and with whom, they allege, they cannot compete in making a living for themselves; therefore, if it could be arranged by the Ontario Government to send a representative to the spot, with the double purpose of undertaking the examination mentioned in your letter, and of talking the matter over with our Agent, Mr. Bennett, it might lead to some arrangement being made whereby a sufficient tract of land might be secured by this Department in Lawrence Township, or perhaps in some adjacent Township, if open, as would meet the requirements in question.

[Document No. 364]

The following marginalia initialled A.W., appears on the document.

When a reply is recd I wish it brot to my notice - something sho be done to guard the interests of the Inds as regard the timber otherwise the land will be rendered perfectly valueless.

281. On April 2, 1895, Deputy Superintendent Reed again requested a statement of Ontario's views:

I have the honor to direct your attention to a communication dated the 14th February last, addressed to you in reference to an allotment of certain lands in the Township of Lawrence for the use of the Algonquin Indians and to request that you will state when a reply may be expected from you on the subject.

[Document No. 365]

282. On April 11, 1895, White forwarded the following reply:

I have the honor to acknowledge the receipt of your letter of 2nd inst. re an allotment of certain lands in the township of Lawrence for the use of the Algonquin Indians and to state in reply that after the House has been prorogued the matter will be brought before the Commissioner.

[Document No. 366]

283. On June 22, 1895, A. White, Assistant Commissioner of Crown Lands in Ontario responded thus to the request for land to establish a reserve in the Township of Lawrence:

Referring to Departmental letter addressed to you on the 11th of April last in connection with your application to have the SE 1/4 of the township of Lawrence allotted to the use of the Algonquin Indians, I am directed to inform you that the Commissioner has instructed an examination to be made of this township with a view to ascertaining the character of the soil, kinds of timber, etc., what number of Indians are settled there, what improvements they have, and all other particulars which may enable the Department to understand the situation. The inspection will be made I think by the Superintendent of the Algonquin Park, Mr. Thompson, and I will ask him to communicate with your agent, Mr. Bennett, and try and arrange a time when they

could meet, as Mr Bennett might be able to give Mr. Thompson some information which he would not otherwise procure. I do not want to be understood however as intimating that the Department will either grant or sell to the Indians any part of this township, but simply that we will make an inspection and enquiry, so as to satisfy ourselves as to the whole position.

[Document No. 369]

284. On September 13, 1895, Indian Agent Bennett advised Deputy Superintendent Reed, that the Ontario inspectors had come:

I had a letter from Peter Sharbot, Indian, from the Township of Lawrence asking if they are to get the Reserve. or if any move was made in the matter, he sent me a list of the names of the Indians who are living there the same I enclose. I was informed that the Ontario Government sent a men to Inspect the place in fact the man who told me was speaking to him and gave him directions with regard to the proposed reserve please let me know by return of mail if there is any move made in the matter.

List of Indian names  
and family size

Peter Sabot	1
Francois Miskoksvat	6
Matte Narrison	3
Ignace Narrison	1
John Pinesi	8
Abram Konini	6
Francois Lapane	6
Amab Lafrane	2
Henry Mikons	4
William Lapane	6
Lauren Wabonak	2
Amab Sharbot	1

[Document No. 370]

285. Reed acknowledged receipt of the letter on September 16, 1895:

In reply to your letter of the 13th Instant I beg to inform you that the last communication received from the Department of Crown Lands, Toronto, on the subject of the land desired by the Indians in the Township of Lawrence, was dated the 22nd June last and was to the effect that an examination would be made of the Township with a view of ascertaining the character of the soil, kind of timber, the number of Indians settled there and what improvements, if any, made by them and all other particulars to enable that Department to understand the situation. It was stated,

however, that this was done without in any way intimating that that Department would either grant or sell to the Indians any part of this Township.

No further communication has been received on the subject. I should like, however, to be advised by you whether, in the event of the Department not being able to get this land for the Indians, they could be accommodated on the Golden Lake Reserve.

[Document No. 371]

286. Ten days later, Reed wrote to White enquiring whether the province had completed its examination of the area:

I beg to refer you to your letter of the 22nd of June last, in which you intimated that it was the intention of your Department to send a man to the Township of Lawrence, to examine the lands there, and to request that you will be good enough to inform me whether such has been done and the result of his inspection.

[Document No. 372]

287. On September 30, 1895, White advised Reed that:

... it is believed that Mr. Thomson made an inspection of the South east part of Lawrence as required by my letter to him of 10th July last, but nothing further has been done as Mr. Thomson died before transmitting his report to the Department.

[Document No. 373]

288. Several days later, on October 2, 1895, Reed responded as follows:

... I request that you will be good enough to inform me what action your Department now proposes to take with a view of obtaining information regarding the lands in the Township of Lawrence desired by the Algonquin Indians. They have repeatedly brought the matter to the notice of this Department and are most desirous of knowing at the earliest moment whether they can obtain those lands or not.

[Document No. 374]

289. On October 8, 1895, White informed Reed that:



... the second in command at Algonquin park, that is, Mr. Simpson, has been here, and he informed me that Mr. Thompson had made the inspection of the township of Lawrence, and he believed had the data prepared upon which to make his report, but that he died before writing it. I asked Mr. Simpson to make search among Mr. Thomson's papers to see if he could find the notes of his inspection, and if so to either send them in or make a report from them. Mr. Simpson promised to do so, and I expect to hear from him very soon. As soon as I get his report I will write you.

While we are having the information got and a report upon the subject made, I do not wish you to take this as an intimation that the Department will consent to either selling or granting any land in that township to the Indians.

[Document No. 375]

290. Later that month, on October 31, 1895, Indian Agent Bennett sought direction on the matter from Reed:

On the 26th of last September you told me to make an inspection of the South east part of the Township of Lawrence and report to the Department if it was suitable for a reserve. then Mr. McLean said it would be better for me to wait until he would write to Ast Com of Crown lands, Toronto and then he would advise me on the matter. I received no word yet. please let me know if I will go to make the Inspection, as the Indians at Lawrence are displeased as there is no move made in the matter. Please answer by return mail.

[Document No. 376]

291. On November 5, 1895, Reed instructed Bennett that:

... under the circumstances, I do not think that it would be advisable for you to visit the Township of Lawrence, pending further information on the subject from the Department of Crown Lands being received.

[Document No. 377]

292. On November 16, 1895, White informed Reed that the province of Ontario had refused to grant the Algonquin Indians any lands in Lawrence or adjacent townships:

It appears from the report that Mr. Thomson [Superintendent of Algonquin Park] visited the township in August last, that he did not find a single Indian settler

in the township, and the only attempt at clearing or settling which he found was a small improvement, if it could be called such, made by one Francois Antoine, which consisted of an attempt to clear up parts of lots 3 and 4 in the 9th and 10th cons. the nature of the work being roughly underbrushing in the Indian style about 1 1/2 acre. He states that the nature of the land in the township is such that it is well adapted for settlement, the greater part of the township being fine, arable, rolling land, dipping to the East and South. The soil is black loam and sand mixed, the timber, beech, black and yellow birch, spruce and pine, the quantity of pine estimated to be upon it is some 45 million feet, which is scattered through the township.

The township of Lawrence is situated upon the confines of The Algonquin National Park, which as you know was reserved as a home for game of all descriptions, the intention being to preserve the beauty of the Park and to afford a harbour for the different wild animals, birds, etc. which are natives of this Province. The formation of a settlement of Indians upon the borders of a territory of this kind would, in my opinion, be attended with great danger to the preservation of the game in the Park. You know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest or to get them to recognize that a law which applies to white people, with respect at any rate to the killing of game, should be made to apply to the Indian, who depends for his livelihood in a great measure upon what he can kill in the forest. It would therefore be almost impossible to keep these Indians, thus situated, from hunting and trapping within the Park, and the attempt to do so would no doubt be attended with great expense and continual friction and bad blood between the Indians and the rangers, which might lead to unfortunate results. There being such a large quantity of pine timber still growing in the township is another difficulty. The Department does not open to sale to white people lands upon which there is still a considerable quantity of pine timber growing, and where there is 40 or 50 million feet of pine in a township, it would not be a proper thing to open it to indiscriminate settlement. Mr. Simpson, the Park Superintendent, speaks very strongly of the danger there would be in permitting these people to settle on the confines of the Park. He is of opinion that it would greatly increase the difficulty of protecting the game, which opinion is no doubt correct.

Under these circumstances I think you will see how impossible it is for the Department to sell or grant the Indians any lands in the township of Lawrence.

It would appear from what Mr. Simpson says that there is a considerable number of Indians in the township of Nightingale, some 32 individuals in all, many of whom have entered into possession of lots and made small clearings, and been there for a considerable period. I think it would be well that these people should be given to understand by your Department that they have no rights there, and that they must not expect that these lands will, as a matter of course, be allowed to them.

[Document No. 378]

293. On November 23, 1895, Reed informed Bennett of Ontario's decision adding the following instructions:

I enclose copy of letter of the 16th Instant [above letter] from the Assistant Commissioner of Crown Lands, Toronto, from which you will observe that he states it is impossible for his Department to sell or grant the Indians any lands in the Township of Lawrence.

Will you be good enough to advise the Indians accordingly and say that under the circumstances it will be necessary that they should confine themselves to the Reserve which has been set aside for them at Golden Lake.

With regard to the Indians who are resident in the Township of Nightingale, you will be good enough to advise them that they have no rights there and that they must not expect that these lands will be allowed to them. If these Indians also belong to the Golden Lake Reserve, they should be instructed by you at once to take up their residence there. I should like, however, a full report from you in regard to them & if there is any other locality you know of which would be suitable location for them & the Indians of the Township of Lawrence. Kindly let me know.

[Document No. 379]

294. On December 4, 1895, Bennett acknowledged receipt of these instructions:

In reply to yours of 23rd ult. stating that the Indians of Township of Lawrence will have to remove to Golden Lake Reserve. I am sure they will not come to live to Golden Lake Reserve. I think it would be better to go to the Indians at Lawrence and try and get them all together and see what they are willing to do; or if they know of any other Locality, unless there can be any place got along the O.R. & P.S. close to a Lake or River as they want to be near the River, if that is what you mean in your letter. Vacant Land. the Govt. (Provincial) may refuse to give them any place. as for the Indians at Nightingale I do not know to what tribe or Band they belong to. I will find out and notify them if they belong to Golden Lake Reserve, in any case it is no time to remove them or cause them to leave. I think the Whitney Co. has the most to do to keep the Reserve from them if you would authorise me to go and try to make a settlement with them. I would like to take an Indian from Golden Lake Reserve with me one that can speak English & understand it well.

[Document No. 380]

295. On December 9, 1895, Reed replied to Bennett, still hoping he would identify possible alternate locations for an Indian reserve:

In reply to your letter of the 4th Instant, I beg to inform you that you should notify the Indians who are resident in the Township of Nightingale, as instructed in letter of the 23rd Ultimo.

With regard to the Indians in the Township of Lawrence, you will see from the letter of the Assistant Commissioner of Crown Lands, a copy of which was sent you, that the Department of Crown Lands has no intention of selling or granting the Indians any lands in that Township and it is also quite evident that they will not grant them any in the Township of Nightingale or, at least, will not grant them the portion they are said to have taken possession of.

It was thought that there might be some other locality, however, that you might know of as a desirable location for the Indians and upon being advised of this the Department would further communicate with the Department of Crown Lands with a view of ascertaining on what conditions the same could be acquired for the Indians. If, under the circumstances, you still consider it advisable to visit these Indians you may do so.

[Document No. 381]

296. On January 14, 1896, Chief Peter Sharbot suggested an alternate site to Bennett:

... Since you won't let us live in Lawrence township the only place we can see is in the Township of Sebina on the south side of Hay Lake and all the timber is cut off there now it is waste land there too as the water spoils the best of it - it is about - 10 miles from the railroad please come up and see us as soon as you can & then we can settle the hold thing.

[Document No. 382]

297. On January 22, 1896, Bennett drew Sharbot's suggestion to Reed's attention:

You will see by the enclosed letter that the Indians at Long Lake in Township of Lawrence have located a place to live on away from Lawrence or Nightingale, I met two of the Indians on the 2nd Inst. at the Golden Lake Reserve, one from Nightingale and the other from Township of Lawrence, I read the official Letter I received from Indian Department date 23rd Nov. 1895 (No. 83-203). I wrote to them in December, but on the 2nd inst. they told me they did not get it, it appears they got it when they got back home, the enclosed which is an answer. I told them to get the Consent of the Chief Ranger of the Algonquin Park to the place they would wish to settle on and send it to me and I would forward it to the Department, they did not do so as yet, please advise me in the matter by return of mail.

[Document No. 383]

298. On January 28, 1896, Reed advised Bennett that:

In reply to your letter of the 22nd Instant, I beg to inform you that it would be advisable for you to endeavour to obtain some further information as to the locality in the Township of Sebina desired by the Indians of the Townships of Nightingale and Lawrence. It might be well to endeavour to obtain the consent of the Chief Ranger of the Algonquin Park to the locality in question being set aside for these Indians.

[Document No. 384]

299. Bennett apparently complied with these instructions. On February 22, 1896, Peter Sharbot informed Bennett that:

In reference to yours of the 5th February at hand I must say that the land I am wanting is not in the Township that the Park is in therefore the rangers of the park has nothing to do with it. We are getting such poor Satisfaction by running & writing & nothing ahead yet we do not wish to be humbuged & get no satisfaction therefore we wish you to try & get the land if you can for us at all you said you would be up & see us if we got another Reserve as we did but you have not come yet On your first letter you told us we could not get that land as their was not allowed any Indians to settle their so we got this other reserve. So please answer this at once & let us know all about it. This is in the Township of Sabine in the South West corner of the said Township. Their is two Indians settled their now the timber is all gone off of it. Those Indians that is now settled one of them has been on the land 4 years & the other 2 years. Please answer at once.

[Document No. 385]

300. On February 27, 1896 Bennett forwarded this letter to Reed, together with the following comments:

You see by the enclosed letter from Peter Sharbot that they blame me for not getting the Reserve or going up to them. I advised them to get the Chief Rangers Consent, that it would help them to get the Reserve. I am sending another letter to them today and advise them again to get the Rangers Consent. I wrote to H. Barr, our Local member to see what he could do in the matter with the Commissioner of Crown Lands regarding the Reserve. I got no reply as yet.

[Document No. 386]



301. A year passed. On January 13, 1897, Peter Sharbot again wrote to Bennett regarding the matter:

In regard to Reserve which we are trying to get. I might say that the land we wish to secure lies at the head of Hay lake in the township of Sabine to the South West end of lake, there are four families living there just now, all with more or less clearance and there would be probably ten families altogether living there should that part of the township be set aside for the purposes of a Reserve.

Kindly let me know what further steps I should take in this matter, we are all Algonquins.

[Document No. 387]

302. On February 9, 1897, Sharbot advised Bennett that:

Yours of January 20th to hand and in reply beg to enclose you letter received from Dept. Crown Lands. through Mr. Simpson Park Superintendent we also wish to say that we were not aware that the lands in question were not in the market and that there are at present four families of Indians living there all having more or less clearance, while three more families are intending to locate there in the spring.

The reasons we have for desiring this location are that it is in a country fifteen miles from the nearest railway and about seven or eight miles from the nearest white settlers who have been living in this same township of Sabine for over eighteen years, the land is also well situated on the water ways being on Hay lake which is emptied into Long Lake of the Madawaska River and also near the Mink Lakes tributary to the York Branch of the Madawaska.

The pine is all cut off this part of the country and if you could induce the Indian Dpt. to grant us one fourth of this township for settlement we would be self supporting and independent of government assistance in every way.

[Document No. 388]

303. The next month, on March 27, Sharbot again wrote to Bennett. He asked him

... to communicate with the Indian Dpt. Ottawa and see if there is any chance of our wishes being fulfilled and then if there is any occasion for me or any of us to go to Ottawa we will do so.

I enclose letter from Park Superintendant of Sabine in which we wish to Locate our reserve.

[Document No. 389]

304. Bennett forwarded Sharbot's letters to Reed on April 8, 1897, together with the following comments:

I enclose three letters from Peter Sharbot Indian who wants a Reserve set apart for them (the Indians) in the Township of Sabine. please let me know if there is any chance of granting them their request as they are reasonable in their demands, that is they would be self supporting. I hope the answer to this will be favourable so I will have a good news to send them.

[Document No. 390]

305. The Department, however, did not look favourably on the request. On April 15, 1897, W.A. Orr prepared the following memorandum on the subject:

In regard to letter from Mr. Agent Bennett of the 8th Instant, with enclosures, I beg to report that some time ago a request was received from the local Agent to secure for some resident Indians in the Township of Nightingale a grant of lands in that Township from the Crown Lands Department of Ontario as an Indian Reserve. The Crown Lands declined to sell or grant the Indians any land in this Township or in the Township of Nightingale and it appears now that the Indians desire to secure a Reserve in the Township of Sabine, which lies adjoining and South East of Nightingale Township. As Mr. Agent Bennett was instructed in letter of the 23rd November 1895 if these Indians belong to the Golden Lake Band, they should be instructed to return to the Reserve at Golden Lake.

[Document No. 391]

The following marginalia appears on the letter:

Approved. Inform agent that when sending a request of this kind he should furnish the Dept. with full information.  
J.D. McLean [A/Secretary of Indian Affairs].

306. A letter to this effect was sent to Bennett on April 15, 1897.  
(See document 392) and Bennett responded on May 18, 1897:

in reply to yours of April 15th, 1897 ... stating that the Indians of Sabine be notified to return or come to live on Golden Lake Reserve, the Indians at Sabine do not belong to Golden Lake Reserve. also there is no room for them on the Reserve as there is only seven vacant lots 50 acres each on

the Golden Lake Reserve. So there is no use in asking them to come to live on the said Reserve. if it is possible it would be better to get the reserve for them in Sabine. I understand that there is two parties and that they are not agreed on the place to locate. I was told so by one of the Indians at Golden Lake Reserve if the Dept. will get the Reserve for them I think it would be advisable to send some one and call a meeting of all the Indians and find out the particulars and then report to govt.

[Document No. 393]

307. On May 21, 1897, McLean issued the following instructions to

Bennett:

In reply to your letter of the 10th Instant in which you state that the Indians of Sabine do not belong to the Golden Lake Reserve and that there is no room on the Golden Lake Reserve for them, I beg to request that at the first convenient opportunity you will visit the locality where these Indians are situate, call a meeting thereof and ascertain their wishes as to the area and location of Reserve desired by them. You will also report fully to the Department the number of Indians located at this point, giving their names and ages as far as possible.

Upon receipt of a full report from you in this matter, the Department will give it due consideration.

[Document No. 394]

308. Within two months - on July 15, 1897 - Bennett filed his report:

I visited the Indians at Sabine (who are Algonquins as authorized by Department, and found three families settled on land bordering on Hay Lake in the Township of Sabine, and others waiting to settle on the proposed Reserve also I was informed by the Indians that there is other Indians who are not living on any Reserve, who would wish to go and settle on proposed Reserve the names and ages of the Indians whom I found there are

Mat Whiteduck	Age 37 years	wife & family
Amab Lavally	" 28 "	" "
Henry Macoose	" 35 "	" "
Exavier Levally	" 24 "	unmarried
Denis "	" 29	"
Lemab Sharbot	20	"
Peter Sharbot	65	Widower
Frank Sharbot	29	wife an family
William Levally	30	" "
Louis "	50	Widower
John "	32	wife & family

three families are living on land on Sabine with improvements made thereon the other Indians who are there but afraid to make any improvements until they are sure of the Reserve being set aside for them.

the area of the Reserve they want is ten lots in width and seven in length, there is about 1500 acres of a drowned marsh in the north east Corner of the reserve they wish to get the proposed reserve is in the south east corner of the Township of Sabine, I think however that 4000 acres would be sufficient for these Indians and would recommend that lots 1 to 10 inclusive in con. 4-5-6-7 of the Township of Sabine be acquired for them. this tract of land is not fit for settlement and I do not think it will be settled upon by white settlers.

[Document No. 395]

309. Several days later, on July 19, 1897, McLean wrote to Aubrey White, the Assistant Commissioner of Crown Lands, Ontario, regarding the transfer of the land in question:

...

As these Indians are very desirous of having a Reserve set aside for them South of Hay Lake, in the Township of Sabine, I should like to be advised by you as to whether your Department would be willing to transfer to this Department as a Reserve for these Indians, Lots 1 to 10 inclusive in Ranges 4, 5, 6 and 7, Township of Sabine.

The local Agent of this Department reports these Lots as unoccupied (except by the Indians) and unfit for settlement and states that he does not think they will ever be occupied by White settlers.

I would beg to solicit an early reply in this matter, in order that the Indians may be advised as to what can be done for them.

[Document No. 396]

310. White responded quickly this time to the request, and negatively:

...

In reply [to McLean's letter of July 19, 1897] I am to say that the lands in the Township of Sabine are included in a timber license and are not yet in the market for disposition, the license holders having objected to their being offered for sale until they had an opportunity of removing the pine timber. Further, this Department is not desirous of assisting to create Indian Reserves in Townships which will be opened up for settlement, as its experience is that Indian settlements render the localities in which they are situated less attractive for settlement purposes than other localities in which there is no Indian population.

...

[Document No. 397]

311. On August 23, 1897 J.D. McLean forwarded a copy of White's letter to Bennett, together with the following comments:

... it will be seen that there is very little prospect of a Reserve being obtained for the Indians in this locality.

[Document No. 398]

312. The matter was thus dropped. Two years later it was referred to, however, thus by McKenna and Rimmer in their report to the Superintendent General entitled "Matters in Dispute Between the Dominion and Ontario." The following extract concerns the Algonquin request for the establishment of a reserve in the Township of Lawrence:

Case No. 10  
Claim on behalf of the Algonquin Indians to a Reserve

This claim is shewn in correspondence on file. In 1866 the Crown Lands Department reserved from sale during the pleasure of the Crown the South East quarter of the Township of Lawrence, county of Haliburton. In 1888 a request was made on their behalf to have the land exchanged for a reserve nearer a market. Correspondence has passed with Ontario which shows that the Province objects to Indians in the vicinity of the Algonquin National Park, and even to the sale for purposes of an Indian reserve of townships which were to be thrown open to settlement. The correspondence shows that these Indians are merely stragglers from other bands, and are allied to those for whom the Maniwaki reserve was set apart, as well as those for whom the Golden Lake reserve was purchased in 1870.

We consider that nothing can be obtained from Ontario in the nature of a reserve for these Indians, but that it might be a matter for consideration whether they should not be offered locations at Gibson,\* as the few Indians there are from the Lake of Two Mountains which was the former home of these stragglers.

[Document No. 403]

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\* The Reserve at Gibson had been purchased by the Federal Government to be settled by the Protestant Indians from Lake of Two Mountains, following the dispute between the Indians and the Seminary of St. Sulpice.



272. On February 2, 1888, J.B. Cleak wrote Hon. M. Bowell, M.P., on the matter:

It seems that the South East quarter of the township of Lawrence has been reserved for the Algonquin Indians, their Chief Non-no-che-ke-Shick, has requested me to write to the Deputy Superintendent General of Indian Affairs, to have that reserve canceled in exchange for some other nearer a market.

I thought it best to write you in the matter instead of Mr. Vankoughnet as the most direct way of getting information. It seems that the above Township is too much out of the way and too long a distance from any market, the hunting in that part of the country is poor game and fur booth being very scarce.

I think they would prefer part of a Township in this county [Hastings] or in the County of Haliburton but this County is preferred. The Chief tells me that there would be about thirty families making a population of about 150.

...

[Document No. 350]

273. On February 16, 1888, Vankoughnet prepared the following analysis of the situation for Thomas White, the S.G.I.A.:

... the undersigned begs to state that the South East quarter of the Township of Lawrence was set apart by the Crown Lands Department for the Indians in question in the year 1866 "during the pleasure of the Crown", the stipulation being that, while the Indians might occupy it and use the land, they were not to have any right to the merchantable timber...

The undersigned begs to state that in his opinion it would be necessary: -

1. To have a resolution passed by the Indians for whom the Reserve in Lawrence was set apart to the effect that they wish to exchange the said Reserve and specifying the land which they desire to obtain in lieu thereof.
2. After the views of the Indians have been learned in the matter, that a competent person should be requested to report upon the adaptability for an Indian Reserve of the tract selected by them.
3. That if the report received be favourable, the Government of Ontario should be applied to for an exchange of the tract in Lawrence for the land selected by the Indians.

[Document No. 351]

274. A few days later, on February 24, 1888, the following reply was sent to J.B. Cleak:

With reference to yr. letter of the 2nd inst. addressed to the Honble. Mr. Bowell & transferred by him to this Dept., relative to the desire expressed by the Chief of the Algonquin Indians, for whom the south-east quarter of the Township of Lawrence was set apart by the Gov't in the yr. 1866 to be occupied by them "during the pleasure of the Crown", without any right to the merchantable timber thereon, or to interfere with parties holding timber licenses covering the same, to be allowed to exchange the said tract of land for another situated in the County of Hastings or of Haliburton, the former county being preferred. I beg to inform you that it is necessary that a resolution shd. be passed by the Indians, for whom the tract in the Township of Lawrence was set apart, to the effect that they desire to exchange the said reservation & specifying the land they wish to obtain in lieu thereof. Upon the receipt of such a document signed by the Chief & principal men of the Algonquin Indians interested, further action will be taken in the matter.

[Document No. 352]

275. Six years later, however, no action had been taken, perhaps because the Indians were concerned about the status of the land (see document 364) and/or because they had changed their minds. Their Chief, in October, 1894, visited the Department with a new request and on October 9 Secretary Maclean sought to pull the background information on the Algonquin settlement in Lawrence together. (See marginal note on doc. 305). On the same day, H. Reed, Acting D.S.G.I.A., wrote the Assistant Commissioner of Crown Lands of Ontario, Aubrey White, thus:

I enclose copies of letters dated the 18th July 1866 and 3rd August 1868 respecting the allotment of the S.E.1/4 of the Township of Lawrence for the use of the Algonquin Indians.

The present Chief, Peter Charbot, has called at this Department and is desirous of having this land confirmed as a Reserve for his Indians; he states that they have been in occupation of the same for about 45 years.

I shall be glad if you will take the necessary steps to have this land handed over to this Department for the purpose indicated, in order that it may be dealt with in the best interests of the Indians.

[Document No. 358]

276. When he received no answer, three weeks later, Reed on October 27, 1894, as Acting D.<sup>1</sup>.G.I.A. again wrote to White on the matter:

I beg to call attention to letter to you of the 9th instant respecting the allotment of the S.E. 1/4 of the Township of Lawrence for the use of the Algonquin Indians. May I request that you will have the goodness to favour the Department with a reply to that letter.

[Document No. 359]

Once again White did not reply and yet another request for a response was sent to him on November 21, 1894. (See document No. 360).

277. White finally replied on December 7, 1894:

Referring to your letter of 21st ult. and previous correspondence in reference to an allotment of the South East quarter of the township of Lawrence for the use of the Algonquin Indians, I have to say that as you will see by the letter of Andrew Russell, Assistant Commissioner, dated 18th July 1866 (copy of which was enclosed with your letter of 9th October) - the South East part of this township was withdrawn from sale during the pleasure of the Crown for the use of the Algonquin Indians for a settlement. It is not in the nature of an Indian Reserve, nor is there anything to indicate that a grant of this portion of the township was to be made.

An examination of the township will shortly be undertaken, with a view of ascertaining what improvements, if any, the Indians have made, and when this is received you will be further communicated with.

[Document No. 361]

278. Shortly thereafter, on December 12, 1894, E. Bennett, Indian Agent, forwarded the following request to the Deputy Superintendent General of Indian Affairs:

That old man Sharbot an Indian from Long Lake who was asking for a Reserve at that place in the Township of Lawrence and who had Papers from the Ontario Government granting them a part of the said Township for said Reserve the papers were copied by the Dept. and sent to the Ont. Govt. and when an answer would be received you would send

me an answer and I was to send the said Sharbot word. He is now for an answer which I will send him when I receive one from the Indian Dept. please answer by return of mail. The above was spoken of on the 9th nineth of Oct. last at Ottawa in presence of Joseph Partridge Chief Golden Lake Old man Sharbot and E. Bennett Indian Agent.

[Document No. 362]

279. On December 17, 1894, H. Reed responded to Bennett's request as follows:

In reply to your letter of the 12th instant, I beg to enclose a copy of letter of the 7th instant from the Assistant Commissioner of Crown Lands, Toronto, in answer to correspondence from this Department in respect to the allotment of a Reserve for the Algonquin Indians in the Township of Lawrence.

[Document No. 363]

280. Two months later, on February 14, 1895, H. Reed, D.S.G.I.A., again wrote to Aubrey White, concerning the request for a reserve in the Township of Lawrence:

I have the honour to inform you, in connection with your letter of the 7th December last, in reference to an allotment of the South East 1/4 of the Township of Lawrence for the use of the Algonquin Indians, that the Department has recently been visited by Mr. Indian Agent Bennett, accompanied by the Chief and one of the principal men of the Algonquin Band, for whom the Reserve in question is required. The Agent's statement is endorsed by the Indians, that no improvements of any kind have been made on the land in the Township of Lawrence, the Indians giving as a reason that there being no certainty of the Reserve being a permanent one, they were not desirous of running any risks of losing their improvements. Besides, they had no assurance that the licensee of the timber in the Township would permit them to settle on the property, or utilize it.

The Department is anxious to meet the wishes of the Indians, who are desirous of removing from settlement among the whites, who, they say, do not treat them well, and with whom, they allege, they cannot compete in making a living for themselves; therefore, if it could be arranged by the Ontario Government to send a representative to the spot, with the double purpose of undertaking the examination mentioned in your letter, and of talking the matter over with our Agent, Mr. Bennett, it might lead to some arrangement being made whereby a sufficient tract of land might be secured by this Department in Lawrence Township, or perhaps in some adjacent Township, if open, as would meet the requirements in question.

[Document No. 364]

The following marginalia initialled A.W., appears on the document.

When a reply is recd I wish it brot to my notice - something sho be done to guard the interests of the Inds as regard the timber otherwise the land will be rendered perfectly valueless.

281. On April 2, 1895, Deputy Superintendent Reed again requested a statement of Ontario's views:

I have the honor to direct your attention to a communication dated the 14th February last, addressed to you in reference to an allotment of certain lands in the Township of Lawrence for the use of the Algonquin Indians and to request that you will state when a reply may be expected from you on the subject.

[Document No. 365]

282. On April 11, 1895, White forwarded the following reply:

I have the honor to acknowledge the receipt of your letter of 2nd inst. re an allotment of certain lands in the township of Lawrence for the use of the Algonquin Indians and to state in reply that after the House has been prorogued the matter will be brought before the Commissioner.

[Document No. 366]

283. On June 22, 1895, A. White, Assistant Commissioner of Crown Lands in Ontario responded thus to the request for land to establish a reserve in the Township of Lawrence:

Referring to Departmental letter addressed to you on the 11th of April last in connection with your application to have the SE 1/4 of the township of Lawrence allotted to the use of the Algonquin Indians, I am directed to inform you that the Commissioner has instructed an examination to be made of this township with a view to ascertaining the character of the soil, kinds of timber, etc., what number of Indians are settled there, what improvements they have, and all other particulars which may enable the Department to understand the situation. The inspection will be made I think by the Superintendent of the Algonquin Park, Mr. Thompson, and I will ask him to communicate with your agent, Mr. Bennett, and try and arrange a time when they



could meet, as Mr Bennett might be able to give Mr. Thompson some information which he would not otherwise procure. I do not want to be understood however as intimating that the Department will either grant or sell to the Indians any part of this township, but simply that we will make an inspection and enquiry, so as to satisfy ourselves as to the whole position.

[Document No. 369]

284. On September 13, 1895, Indian Agent Bennett advised Deputy Superintendent Reed, that the Ontario inspectors had come:

I had a letter from Peter Sharbot, Indian, from the Township of Lawrence asking if they are to get the Reserve. or if any move was made in the matter, he sent me a list of the names of the Indians who are living there the same I enclose. I was informed that the Ontario Government sent a men to Inspect the place in fact the man who told me was speaking to him and gave him directions with regard to the proposed reserve please let me know by return of mail if there is any move made in the matter.

List of Indian names  
and family size

Peter Sabot	1
Francois Miskoksvat	6
Matte Narrison	3
Ignace Narrison	1
John Pinesi	8
Abram Konini	6
Francois Lapane	6
Amab Lafrane	2
Henry Mikons	4
William Lapane	6
Lauren Wabonak	2
Amab Sharbot	1

[Document No. 370]

285. Reed acknowledged receipt of the letter on September 16, 1895:

In reply to your letter of the 13th Instant I beg to inform you that the last communication received from the Department of Crown Lands, Toronto, on the subject of the land desired by the Indians in the Township of Lawrence, was dated the 22nd June last and was to the effect that an examination would be made of the Township with a view of ascertaining the character of the soil, kind of timber, the number of Indians settled there and what improvements, if any, made by them and all other particulars to enable that Department to understand the situation. It was stated,

however, that this was done without in any way intimating that that Department would either grant or sell to the Indians any part of this Township.

No further communication has been received on the subject. I should like, however, to be advised by you whether, in the event of the Department not being able to get this land for the Indians, they could be accommodated on the Golden Lake Reserve.

[Document No. 371]

286. Ten days later, Reed wrote to White enquiring whether the province had completed its examination of the area:

I beg to refer you to your letter of the 22nd of June last, in which you intimated that it was the intention of your Department to send a man to the Township of Lawrence, to examine the lands there, and to request that you will be good enough to inform me whether such has been done and the result of his inspection.

[Document No. 372]

287. On September 30, 1895, White advised Reed that:

... it is believed that Mr. Thomson made an inspection of the South east part of Lawrence as required by my letter to him of 10th July last, but nothing further has been done as Mr. Thomson died before transmitting his report to the Department.

[Document No. 373]

288. Several days later, on October 2, 1895, Reed responded as follows:

... I request that you will be good enough to inform me what action your Department now proposes to take with a view of obtaining information regarding the lands in the Township of Lawrence desired by the Algonquin Indians. They have repeatedly brought the matter to the notice of this Department and are most desirous of knowing at the earliest moment whether they can obtain those lands or not.

[Document No. 374]

289. On October 8, 1895, White informed Reed that:

... the second in command at Algonquin park, that is, Mr. Simpson, has been here, and he informed me that Mr. Thompson had made the inspection of the township of Lawrence, and he believed had the data prepared upon which to make his report, but that he died before writing it. I asked Mr. Simpson to make search among Mr. Thomson's papers to see if he could find the notes of his inspection, and if so to either send them in or make a report from them. Mr. Simpson promised to do so, and I expect to hear from him very soon. As soon as I get his report I will write you.

While we are having the information got and a report upon the subject made, I do not wish you to take this as an intimation that the Department will consent to either selling or granting any land in that township to the Indians.

[Document No. 375]

290. Later that month, on October 31, 1895, Indian Agent Bennett sought direction on the matter from Reed:

On the 26th of last September you told me to make an inspection of the South east part of the Township of Lawrence and report to the Department if it was suitable for a reserve. then Mr. McLean said it would be better for me to wait until he would write to Ast Com of Crown lands, Toronto and then he would advise me on the matter. I received no word yet. please let me know if I will go to make the Inspection, as the Indians at Lawrence are displeased as there is no move made in the matter. Please answer by return mail.

[Document No. 376]

291. On November 5, 1895, Reed instructed Bennett that:

... under the circumstances, I do not think that it would be advisable for you to visit the Township of Lawrence, pending further information on the subject from the Department of Crown Lands being received.

[Document No. 377]

292. On November 16, 1895, White informed Reed that the province of Ontario had refused to grant the Algonquin Indians any lands in Lawrence or adjacent townships:

It appears from the report that Mr. Thomson [Superintendent of Algonquin Park] visited the township in August last, that he did not find a single Indian settler

in the township, and the only attempt at clearing or settling which he found was a small improvement, if it could be called such, made by one Francois Antoine, which consisted of an attempt to clear up parts of lots 3 and 4 in the 9th and 10th cons. the nature of the work being roughly underbrushing in the Indian style about 1 1/2 acre. He states that the nature of the land in the township is such that it is well adapted for settlement, the greater part of the township being fine, arable, rolling land, dipping to the East and South. The soil is black loam and sand mixed. the timber, beech, black and yellow birch, spruce and pine, the quantity of pine estimated to be upon it is some 45 million feet, which is scattered through the township.

The township of Lawrence is situated upon the confines of The Algonquin National Park, which as you know was reserved as a home for game of all descriptions, the intention being to preserve the beauty of the Park and to afford a harbour for the different wild animals, birds, etc. which are natives of this Province. The formation of a settlement of Indians upon the borders of a territory of this kind would, in my opinion, be attended with great danger to the preservation of the game in the Park. You know the predatory habits of these people, how they roam about, and how difficult it is to keep watch of their movements in the forest or to get them to recognize that a law which applies to white people, with respect at any rate to the killing of game, should be made to apply to the Indian, who depends for his livelihood in a great measure upon what he can kill in the forest. It would therefore be almost impossible to keep these Indians, thus situated, from hunting and trapping within the Park, and the attempt to do so would no doubt be attended with great expense and continual friction and bad blood between the Indians and the rangers, which might lead to unfortunate results. There being such a large quantity of pine timber still growing in the township is another difficulty. The Department does not open to sale to white people lands upon which there is still a considerable quantity of pine timber growing, and where there is 40 or 50 million feet of pine in a township, it would not be a proper thing to open it to indiscriminate settlement. Mr. Simpson, the Park Superintendent, speaks very strongly of the danger there would be in permitting these people to settle on the confines of the Park. He is of opinion that it would greatly increase the difficulty of protecting the game, which opinion is no doubt correct.

Under these circumstances I think you will see how impossible it is for the Department to sell or grant the Indians any lands in the township of Lawrence.

It would appear from what Mr. Simpson says that there is a considerable number of Indians in the township of Nightingale, some 32 individuals in all, many of whom have entered into possession of lots and made small clearings, and been there for a considerable period. I think it would be well that these people should be given to understand by your Department that they have no rights there, and that they must not expect that these lands will, as a matter of course, be allowed to them.

[Document No. 378]

293. On November 23, 1895, Reed informed Bennett of Ontario's decision adding the following instructions:

I enclose copy of letter of the 16th Instant [above letter] from the Assistant Commissioner of Crown Lands, Toronto, from which you will observe that he states it is impossible for his Department to sell or grant the Indians any lands in the Township of Lawrence.

Will you be good enough to advise the Indians accordingly and say that under the circumstances it will be necessary that they should confine themselves to the Reserve which has been set aside for them at Golden Lake.

With regard to the Indians who are resident in the Township of Nightingale, you will be good enough to advise them that they have no rights there and that they must not expect that these lands will be allowed to them. If these Indians also belong to the Golden Lake Reserve, they should be instructed by you at once to take up their residence there. I should like, however, a full report from you in regard to them & if there is any other locality you know of which would be suitable location for them & the Indians of the Township of Lawrence. Kindly let me know.

[Document No. 379]

294. On December 4, 1895, Bennett acknowledged receipt of these instructions:

In reply to yours of 23rd ult. stating that the Indians of Township of Lawrence will have to remove to Golden Lake Reserve. I am sure they will not come to live to Golden Lake Reserve. I think it would be better to go to the Indians at Lawrence and try and get them all together and see what they are willing to do; or if they know of any other Locality, unless there can be any place got along the O.R. & P.S. close to a Lake or River as they want to be near the River, if that is what you mean in your letter. Vacant Land. the Govt. (Provincial) may refuse to give them any place. as for the Indians at Nightingale I do not know to what tribe or Band they belong to. I will find out and notify them if they belong to Golden Lake Reserve, in any case it is no time to remove them or cause them to leave. I think the Whitney Co. has the most to do to keep the Reserve from them if you would authorise me to go and try to make a settlement with them. I would like to take an Indian from Golden Lake Reserve with me one that can speak English & understand it well.

[Document No. 380]

295. On December 9, 1895, Reed replied to Bennett, still hoping he would identify possible alternate locations for an Indian reserve:



In reply to your letter of the 4th Instant, I beg to inform you that you should notify the Indians who are resident in the Township of Nightingale, as instructed in letter of the 23rd Ultimo.

With regard to the Indians in the Township of Lawrence, you will see from the letter of the Assistant Commissioner of Crown Lands, a copy of which was sent you, that the Department of Crown Lands has no intention of selling or granting the Indians any lands in that Township and it is also quite evident that they will not grant them any in the Township of Nightingale or, at least, will not grant them the portion they are said to have taken possession of.

It was thought that there might be some other locality, however, that you might know of as a desirable location for the Indians and upon being advised of this the Department would further communicate with the Department of Crown Lands with a view of ascertaining on what conditions the same could be acquired for the Indians. If, under the circumstances, you still consider it advisable to visit these Indians you may do so.

[Document No. 381]

296. On January 14, 1896, Chief Peter Sharbot suggested an alternate site to Bennett:

... Since you won't let us live in Lawrence township the only place we can see is in the Township of Sebina on the south side of Hay Lake and all the timber is cut off there now it is waste land there too as the water spoils the best of it - it is about - 10 miles from the railroad please come up and see us as soon as you can & then we can settle the hold thing.

[Document No. 382]

297. On January 22, 1896, Bennett drew Sharbot's suggestion to Reed's attention:

You will see by the enclosed letter that the Indians at Long Lake in Township of Lawrence have located a place to live on away from Lawrence or Nightingale, I met two of the Indians on the 2nd Inst. at the Golden Lake Reserve, one from Nightingale and the other from Township of Lawrence, I read the official Letter I received from Indian Department date 23rd Nov. 1895 (No. 83-203). I wrote to them in December, but on the 2nd inst. they told me they did not get it, it appears they got it when they got back home, the enclosed which is an answer. I told them to get the Consent of the Chief Ranger of the Algonquin Park to the place they would wish to settle on and send it to me and I would forward it to the Department, they did not do so as yet, please advise me in the matter by return of mail.

[Document No. 383]

298. On January 28, 1896, Reed advised Bennett that:

In reply to your letter of the 22nd Instant, I beg to inform you that it would be advisable for you to endeavour to obtain some further information as to the locality in the Township of Sebina desired by the Indians of the Townships of Nightingale and Lawrence. It might be well to endeavour to obtain the consent of the Chief Ranger of the Algonquin Park to the locality in question being set aside for these Indians.

[Document No. 384]

299. Bennett apparently complied with these instructions. On February 22, 1896, Peter Sharbot informed Bennett that:

In reference to yours of the 5th February at hand I must say that the land I am wanting is not in the Township that the Park is in therefore the rangers of the park has nothing to do with it. We are getting such poor Satisfaction by running & writing & nothing ahead yet we do not wish to be humbuged & get no satisfaction therefore we wish you to try & get the land if you can for us at all you said you would be up & see us if we got another Reserve as we did but you have not come yet On your first letter you told us we could not get that land as their was not allowed any Indians to settle their so we got this other reserve. So please answer this at once & let us know all about it. This is in the Township of Sabine in the South West corner of the said Township. Their is two Indians settled their now the timber is all gone off of it. Those Indians that is now settled one of them has been on the land 4 years & the other 2 years. Please answer at once.

[Document No. 385]

300. On February 27, 1896 Bennett forwarded this letter to Reed, together with the following comments:

You see by the enclosed letter from Peter Sharbot that they blame me for not getting the Reserve or going up to them. I advised them to get the Chief Rangers Consent, that it would help them to get the Reserve. I am sending another letter to them today and advise them again to get the Rangers Consent. I wrote to H. Barr, our Local member to see what he could do in the matter with the Commissioner of Crown Lands regarding the Reserve, I got no reply as yet.

[Document No. 386]

301. A year passed. On January 13, 1897, Peter Sharbot again wrote to Bennett regarding the matter:

In regard to Reserve which we are trying to get. I might say that the land we wish to secure lies at the head of Hay lake in the township of Sabine to the South West end of lake, there are four families living there just now, all with more or less clearance and there would be probably ten families altogether living there should that part of the township be set aside for the purposes of a Reserve.

Kindly let me know what further steps I should take in this matter, we are all Algonquins.

[Document No. 387]

302. On February 9, 1897, Sharbot advised Bennett that:

Yours of January 20th to hand and in reply beg to enclose you letter received from Dept. Crown Lands. through Mr. Simpson Park Superintendent we also wish to say that we were not aware that the lands in question were not in the market and that there are at present four families of Indians living there all having more or less clearance, while three more families are intending to locate there in the spring.

The reasons we have for desiring this location are that it is in a country fifteen miles from the nearest railway and about seven or eight miles from the nearest white settlers who have been living in this same township of Sabine for over eighteen years, the land is also well situated on the water ways being on Hay lake which is emptied into Long Lake of the Madawaska River and also near the Mink Lakes tributary to the York Branch of the Madawaska.

The pine is all cut off this part of the country and if you could induce the Indian Dpt. to grant us one fourth of this township for settlement we would be self supporting and independent of government assistance in every way.

[Document No. 388]

303. The next month, on March 27, Sharbot again wrote to Bennett. He asked him

... to communicate with the Indian Dpt. Ottawa and see if there is any chance of our wishes being fulfilled and then if there is any occasion for me or any of us to go to Ottawa we will do so.

I enclose letter from Park Superintendant of Sabine in which we wish to Locate our reserve.

[Document No. 389]

304. Bennett forwarded Sharbot's letters to Reed on April 8, 1897, together with the following comments:

I enclose three letters from Peter Sharbot Indian who wants a Reserve set apart for them (the Indians) in the Township of Sabine. please let me know if there is any chance of granting them their request as they are reasonable in their demands, that is they would be self supporting. I hope the answer to this will be favourable so I will have a good news to send them.

[Document No. 390]

305. The Department, however, did not look favourably on the request. On April 15, 1897, W.A. Orr prepared the following memorandum on the subject:

In regard to letter from Mr. Agent Bennett of the 8th Instant, with enclosures, I beg to report that some time ago a request was received from the local Agent to secure for some resident Indians in the Township of Nightingale a grant of lands in that Township from the Crown Lands Department of Ontario as an Indian Reserve. The Crown Lands declined to sell or grant the Indians any land in this Township or in the Township of Nightingale and it appears now that the Indians desire to secure a Reserve in the Township of Sabine, which lies adjoining and South East of Nightingale Township. As Mr. Agent Bennett was instructed in letter of the 23rd November 1895 if these Indians belong to the Golden Lake Band, they should be instructed to return to the Reserve at Golden Lake.

[Document No. 391]

The following marginalia appears on the letter:

Approved. Inform agent that when sending a request of this kind he should furnish the Dept. with full information.  
J.D. McLean [A/Secretary of Indian Affairs].

306. A letter to this effect was sent to Bennett on April 15, 1897.

(See document 392) and Bennett responded on May 18, 1897:

in reply to yours of April 15th, 1897 ... stating that the Indians of Sabine be notified to return or come to live on Golden Lake Reserve, the Indians at Sabine do not belong to Golden Lake Reserve. also there is no room for them on the Reserve as there is only seven vacant lots 50 acres each on

the Golden Lake Reserve. So there is no use in asking them to come to live on the said Reserve. if it is possible it would be better to get the reserve for them in Sabine. I understand that there is two parties and that they are not agreed on the place to locate. I was told so by one of the Indians at Golden Lake Reserve if the Dept. will get the Reserve for them I think it would be advisable to send some one and call a meeting of all the Indians and find out the particulars and then report to govt.

[Document No. 393]

307. On May 21, 1897, McLean issued the following instructions to Bennett:

In reply to your letter of the 10th Instant in which you state that the Indians of Sabine do not belong to the Golden Lake Reserve and that there is no room on the Golden Lake Reserve for them, I beg to request that at the first convenient opportunity you will visit the locality where these Indians are situate, call a meeting thereof and ascertain their wishes as to the area and location of Reserve desired by them. You will also report fully to the Department the number of Indians located at this point, giving their names and ages as far as possible.

Upon receipt of a full report from you in this matter, the Department will give it due consideration.

[Document No. 394]

308. Within two months - on July 15, 1897 - Bennett filed his report:

I visited the Indians at Sabine (who are Algonquins as authorized by Department, and found three families settled on land bordering on Hay Lake in the Township of Sabine, and others waiting to settle on the proposed Reserve also I was informed by the Indians that there is other Indians who are not living on any Reserve, who would wish to go and settle on proposed Reserve the names and ages of the Indians whom I found there are

Mat Whiteduck	Age 37 years	wife & family
Amab Lavally	" 28 "	" "
Henry Macoose	" 35 "	" "
Exavier Levally	" 24 "	unmarried
Denis "	" 29	"
Lemab Sharbot	20	"
Peter Sharbot	65	Widower
Frank Sharbot	29	wife an family
William Levally	30	" "
Louis "	50	Widower
John "	32	wife & family

three families are living on land on Sabine with improvements made thereon the other Indians who are there but afraid to make any improvements until they are sure of the Reserve being set aside for them.



the area of the Reserve they want is ten lots in width and seven in length, there is about 1500 acres of a drowned marsh in the north east Corner of the reserve they wish to get the proposed reserve is in the south east corner of the Township of Sabine, I think however that 4000 acres would be sufficient for these Indians and would recommend that lots 1 to 10 inclusive in con. 4-5-6-7 of the Township of Sabine be acquired for them. this tract of land is not fit for settlement and I do not think it will be settled upon by white settlers.

[Document No. 395]

309. Several days later, on July 19, 1897, McLean wrote to Aubrey White, the Assistant Commissioner of Crown Lands, Ontario, regarding the transfer of the land in question:

...

As these Indians are very desirous of having a Reserve set aside for them South of Hay Lake, in the Township of Sabine, I should like to be advised by you as to whether your Department would be willing to transfer to this Department as a Reserve for these Indians, Lots 1 to 10 inclusive in Ranges 4, 5, 6 and 7, Township of Sabine.

The local Agent of this Department reports these Lots as unoccupied (except by the Indians) and unfit for settlement and states that he does not think they will ever be occupied by White settlers.

I would beg to solicit an early reply in this matter, in order that the Indians may be advised as to what can be done for them.

[Document No. 396]

310. White responded quickly this time to the request, and negatively:

...

In reply [to McLean's letter of July 19, 1897] I am to say that the lands in the Township of Sabine are included in a timber license and are not yet in the market for disposition, the license holders having objected to their being offered for sale until they had an opportunity of removing the pine timber. Further, this Department is not desirous of assisting to create Indian Reserves in Townships which will be opened up for settlement, as its experience is that Indian settlements render the localities in which they are situated less attractive for settlement purposes than other localities in which there is no Indian population.

...

[Document No. 397]

311. On August 23, 1897 J.D. McLean forwarded a copy of White's letter to Bennett, together with the following comments:

... it will be seen that there is very little prospect of a Reserve being obtained for the Indians in this locality.

[Document No. 398]

312. The matter was thus dropped. Two years later it was referred to, however, thus by McKenna and Rimmer in their report to the Superintendent General entitled "Matters in Despute Between the Dominion and Ontario." The following extract concerns the Algonquin request for the establishment of a reserve in the Township of Lawrence:

Case No. 10  
Claim on behalf of the Algonquin Indians to a Reserve

This claim is shewn in correspondence on file. In 1866 the Crown Lands Department reserved from sale during the pleasure of the Crown the South East quarter of the Township of Lawrence, county of Haliburton. In 1888 a request was made on their behalf to have the land exchanged for a reserve nearer a market. Correspondence has passed with Ontario which shows that the Province objects to Indians in the vicinity of the Algonquin National Park, and even to the sale for purposes of an Indian reserve of townships which were to be thrown open to settlement. The correspondence shows that these Indians are merely stragglers from other bands, and are allied to those for whom the Maniwaki reserve was set apart, as well as those for whom the Golden Lake reserve was purchased in 1870.

We consider that nothing can be obtained from Ontario in the nature of a reserve for these Indians, but that it might be a matter for consideration whether they should not be offered locations at Gibson,\* as the few Indians there are from the Lake of Two Mountains which was the former home of these stragglers.

[Document No. 403]

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\* The Reserve at Gibson had been purchased by the Federal Government to be settled by the Protestant Indians from Lake of Two Mountains, following the dispute between the Indians and the Seminary of St. Sulpice.

XV. THE ONTARIO BRIEF ON THE ALGONQUIN/NIPISSING CLAIM TO THE OTTAWA VALLEY: 1898

313. In 1898 the Province of Ontario prepared a brief for possible submission to the tribunal established to settle claims against the old Province of Canada, the Board of Arbitration. This brief was intended to reply to arguments raised by the Dominion, among which was their case (filed before the Board in 1895) on the claim of the Mississaugas and Chippewas to lands in south eastern Ontario. These lands included part of the Ottawa Valley claimed by the Algonquins.

VII. THE CLAIM OF THE RICE, MUD AND SCUGOG AND ALNWICK BANDS TO LANDS OF THE OTTAWA VALLEY - THE ALGONQUIN TITLE - 1.  
We now come to what remains as the final point of enquiry in this investigation, namely, the question of the native title to the lands of the Ottawa Valley.

(a) We have seen that these lands had been, on the advent of the French, found to be in the possession of the Algonquins, so named par excellence. The Algonquins, when visited by Champlain, had their headquarters on the Allumette islands, in the Ottawa River, and favoured by this commanding position, and by a natural dominance of character - they had the reputation of being the haughtiest of all the tribes, and in influence and standing, second only to the Hurons themselves - they levied toll upon all who passed by that great (and then - because of the Iroquois -- the only uninterrupted) highway between the Great Lakes and Montreal and Quebec. They had undisputed sway over the lands of the river, and were in friendly intercourse with the Hurons, whose lands abutted upon theirs, and, with them, entered into a close alliance with the French. After their dispersion by the Iroquois - to repeat it - the remnants were gathered together, under the immediate protection of the French, at the Mountain of Montreal, afterwards removed to the Sault au Recollet, and transferred in the end, in 1720, to the Lake of the Two

Mountains, by the waters of their own river, from whence, as a base, and situate within the circumscription of their ancient possessions, they have uninterruptedly used the lands of the Ottawa valley as their hunting ranges. Curiously enough, whilst thus located on the northerly side of those waters, their hunting operations, for as long as we have authentic account of them, appear to have been carried on more on the southerly or Upper Canada side.

Strange that when any portion of the lands on this Upper Canada side of the Ottawa came to be dealt with, with a view to the extinguishment of the Indian title, the actual and only possessors of that title, as they were also the actual and only native occupants of the lands - and whose rights, (in this differing widely from the Mississaguas,) were really aboriginal and "from time immemorial" - were ignored, and a power of surrender fictitiously attributed to an insignificant body of strangers, who never had faintest colour of right, and whose actual presence on the lands, or any of them, at any time, whether for hunting or other purposes, has certainly never been shewn, and if shewn would have been of such recent date as to be ineffectual for creating a valid native title. Had they extended their hunts over that tract, they would have come into hostile contact with, or at all events their presence would have come to the knowledge of the Algonquins, and would have been a subject of protest, bringing the matter to immediate issue. But nothing of the kind happened, and it was not until long after the event, that the knowledge even of the surrender of the Alnwick bands came to them, leading to immediate and imperative objection on their part.

(b) The Mississaguas were at the time of the surrender so numerically small, and settled at locations so remote, that even had they rights, they would hardly be likely to visit this Ottawa territory in their hunting excursions. They were outside of, and further away than the extremest limits of the surrender of 1822. Divided at the time into two sections, the one was located upon the islands at the head of the Bay of Quinté, the other in the immediate vicinity of Kingston. The first of these numbered but 159; the second only 98:

"Mississaguas of Bay de Quinté	159 persons
Mississaguas of Kingston	98 persons
<hr/>	
Total	257 persons,"

being also the total number mentioned in the treaty. This was in 1819, the date of the provisional agreement, formally confirmed by that of 1822.

The whole tract to the southward, south-eastward and eastward of the then proposed cession, and running conterminously with its southerly and easterly limits, from the north-west angle of Rawdon to the Ottawa River, had been surveyed and laid out in townships - the unbroken line ran along the then northerly bounds of the townships of Rawdon, Huntingdon, Hungerford, Sheffield, Hinchinbrooke, Bedford, Crosby, Burgess, Elmsley, Montague and Marlborough, and the westerly bounds of the township of Nepean, to the river - and was rapidly filling up with settlements; and new surveys and new townships were required to meet the demand, both to the rear of the existing lines of survey and along the banks of the Ottawa.

These Mississaguas were then wanderers among the islands and along the water front from the head of the Bay of Quinté to Kingston, or the Gananoqué, and had already made surrender of such portion thereof as the Crown had so far chosen to require of them. They, few as they were, were yet the only Indians continuously in evidence by actual presence on the front of this section of the soil of Upper Canada; the front to the east of them, was entirely free of natives, except by the occasional presence of the Iroquois of St. Regis (located on the south side of the St. Lawrence, and within the Province of Lower Canada), upon the islands, or - by their lessees or in person - upon the large tract reserved to them on the borders of Stormont and Glengarry; to north of them, or in immediate rear of the surveyed townships above enumerated, were no Indians within the then probable knowledge of the Provincial Government of Upper Canada, nor were there, in fact, any residential Indians, the Algonquin settlement being, as aforesaid, far away on the Lower Canada side. And the immense territory still further north - that is all the territory to the northward of the northerly bounds of the Alnwick cession of 1822, and of the Rice, Mud and Scugog cession of 1818, and stretching from the easterly shores of Lake Superior on the west, to the main stream of the Ottawa, and the western boundary of the Johnstown District, on the extreme east - was, officially, looked upon as within the possessions of the united bands hereinbefore referred to as the Ojibeways of Lake Huron: "Chippewa Ojibway Hunting Country," it was called, erroneously, of course, in so far as the Ottawa valley was concerned. This is shown on the face of the valuable official "Map of the Province of Upper Canada .... compiled at the request of His Excellency Major-General John G. Simcoe, first Lieutenant-Governor, by David William Smith, Esq., Surveyor-General," already alluded to.

(c) The Algonquins, of the Lake of the Two Mountains, hidden away, as it were, on the farther side of the Ottawa River, and within the bounds of another Province, and under a different Indian administration - Indian Affairs, at this time were within each Province separately administered under the care of its own Lieutenant-Governor (prior to 1791, and subsequent to 1841, it was otherwise) - were not, at that time, within the ken, official or historical, of the authorities of Upper Canada: their name, and the name of their location as such, are alike absent from this map; the publicity, notoriety and official attention and recognition which their claim subsequently received, were then but unimagined incidents of the future; they are, therefore, as of course, entirely excluded from consideration when the Government cast about them for an extinguishment of Indian rights in the tract about to be ceded. The Ojibeways are also excluded, as too remote for the then purposes, their rights not extending in fact to within the St. Lawrence watershed, nor, in the official view, according to this map, to southward - in the easterly parts - of the parallel of 45 degrees; and the Alnwick (and with them the Rice, Mud, Scugog) bands are thus left solely available.



(d) The extension of the rights of surrender of these last named bands, in the discretion, and at the instance of the Government, northward to the limit approximately of the Ontario and St. Lawrence watershed, evidenced by the cessions of 1818 and 1822, may be understood as carrying to conclusion the policy inaugurated by the Crown; but the recognition of such rights in the Alnwick band (under the same instrument of 1822) in respect of inland territory whose St. Lawrence front they had never occupied or surrendered, and extending into lands of quite another water system, which also (notwithstanding the recital in the cession) they are not shewn to have - as they never in fact had - occupied, is, to say the least, very surprising, and hard of explanation.

One or other of two explanations occur to one as barely possible:

First, That these Indians may be urged claims, which, though not well-founded, the Crown deemed it well to procure an extinguishment of, especially as, under the established rule, the cession of the larger, would involve no greater charge than the cession of the smaller, territory, which, in either case, would be precisely the same, viz., an annuity of £2.10s a head;

Second, That the Crown, by a cession which cost it nothing, desired to conclude the St. Regis Indians, who had acknowledged rights on the north front of the St. Lawrence, from any attempt at extension of these rights rearward into the Ottawa watershed.

I give these suggestions for what they may be worth.

What is certain about the transaction is, that there was accepted from the Mississaguas a surrender which, as to this portion of the lands, was, properly, only within the competence of the Algonquins.

(e) One thing is very clear on the face of this map. If it shews the ignorance of the authorities regarding the undeniable rights of the Algonquins, it also shews the rejection by the same authorities of any such claim to the Ottawa lands as is now preferred by the Rice, Mud and Scugog and Alnwick bands; for these very lands are here assigned to the Ojibeways. The fact that the latter neither had, nor claimed, any rights in the Ottawa valley, does not impair the force of the argument as against the former; the map is evidence that in the view of the authorities, there was a northern limit beyond which their powers of surrender would not be recognized. That limit, as has been argued and proven in the earlier part of this paper, was precisely defined, by metes and bounds, by the instruments of 1818 and 1822.

(f) It would have sufficed for the present purpose to have shewn what, but for the continuous unbroken possession of the Algonquins - first exercised from the Allumettes and afterwards, none the less effectively, from Mount Royal or the Lake of the Two Mountains - would have been the fact, that the Upper Canada lands of the Ottawa valley had, from the time of the dispersion by the Iroquois remained and still were, derelict of Indian inhabitants; or to have shewn, as has in fact been shewn, that the present claimants had neither inherent right nor any sort of possession, nor rightfully recognized claim to the lands in question. But the incidents of the Algonquin claim could not be ignored, and demanded, and have compelled attention.

2. - (a) The claim of the Algonquins to the territories of the Ottawa valley, on either side of the river, was brought to the attention of the Imperial authorities, and of the local Governments of Upper and Lower Canada, some sixty years ago, in 1836 and 1838 - there had been earlier complaints, from time to time, but the particulars are not in the papers before me - on the complaint of these Indians that there had been an unwarrantable interference with their hunting grounds, which, they represented, were being depleted of game, and themselves deprived of their accustomed maintenance and reduced to want, by the progress of lumbering operations, of surveys and settlement, and the taking possession of their lands for these purposes of the Government, without recognition or extinguishment of their rights, or the grant of any compensation, and that a tract of their lands had even been, as they had then recently heard, wrongfully, and without their knowledge of consent, a subject of cession by, and compensation to, another body of Indians; wherefore they claim to be indemnified for the lands already taken, and to be secured in the enjoyment of the residue, until regularly purchased from them for the Crown, and to have transferred over to them the annuity reserved to the Mississaguas of Alnwick, in respect of the cession of 1822 or an equitable proportion of it; and they invoke the terms of the Royal Proclamation of 1763, an authenticated copy of which they exhibit, communicated to them at the time by Sir William Johnson, the Imperial Superintendent of Indian Affairs.

(b) The question of the claim of these Algonquins, with various other questions relating to the Indians of the respective Provinces, was referred by the Governors, for report, in Lower Canada to the Executive Council, and in Upper Canada to Mr. Justice Macaulay, who in due course made their reports, the former to Governor-General the Earl of Gosford (who duly approved thereof, as did also the Secretary of State, Lord Glenelg), as of the 13th of June, 1837; the latter, to Lieutenant-Governor Sir George Arthur, on the 22nd of April, 1839.

(c) The Council of Lower Canada find that the territorial claim - which is to

"A tract of country on each side of the Ottawa River, reaching from the last seignioral grant for some hundreds of miles upwards" -

is well founded; that the tribe has a right to the protection of the Royal Proclamation; that their pretensions have been brought forward on various occasions; and that

"it is to be inferred from some of the documents which they produce in support of their application, that their right to compensation was at least in one instance distinctly admitted by Lord Dorchester."

But the Council conceive that the territorial claims of these, and of all the Indian tribes, are

"to be resolved into an equitable right to be compensated for the loss of lands from which in former times they derived their subsistence, and which may have been taken by the Government for the purposes of settlement, and that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state;"

and so viewing it, they

"recommend that a sufficient tract of land be set apart for them in the rear of the present range of townships on the Ottawa River, and that such of them as may from time to time be disposed to settle on land be located there, and that both they and the rest of the tribes should continue to receive such support, encouragement and assistance as may supply the place of their former means of subsistence, and at the same time prepare and lead them to a state of independence of further aid:"

(d) The Earl of Gosford, in a despatch to Lord Glenelg of the 13th July, 1837, intimates that he had approved of the report, and given the necessary directions to the Crown Land Department to reserve certain specified tracts of land designed for these Indians, "until the pleasure of His Majesty's Government be known on the subject."

(e) Lord Glenelg, in a despatch to the Earl of Durham, of the 22nd August, 1838, dealing with all the questions, acknowledges the receipt of the report, and of Lord Gosford's despatch, and explains the causes of the postponement of his answer, which he "felt the less unwilling to incur, as Lord Gosford had very judiciously acted on the recommendations of the Committee of the Executive Council, so far as was necessary to prevent any injury accruing to the Indians from a short delay in the final decision of Her Majesty's Government." The report, he considers, leaves little to be desired; its sentiments and suggestions coincide with his own views:

"I have therefore to authorize you to carry the proposed measures into effect ...

"I must call your special attention to the recommendations which the Committee offer in relation to each separate tribe. You will be more at liberty to shape your proceedings in this matter according to your own discretion, in consequence of the provident directions given by Lord Gosford 'to the Crown Land Department not to dispose of the tracts' proposed to be reserved for such tribes as appear to need an augmentation of their property, 'until the pleasure of Her Majesty's Government be known on the subject'.

"In regard to those Indians who are at present without any land, consisting principally of the Iroquois, Algonquin and Nipissing tribes [of the Lake of the Two Mountains], I concur in the opinion of the Committee, that reservations should be made for them at the back of the present settlements, although of the extent of such reservations I am unable to form any opinion ...

"In the case of the lands proposed to be reserved for their benefit, it should be distinctly provided that the land so reserved shall be inalienable by the Indians without the express consent of the Executive Government; and that it should be in the power of the Government, should the Indians not cultivate the land, to remove them hereafter to other hunting grounds, when the advance of settlements may render such a measure expedient; but if they should cultivate it, then to contract the limits of their reservation to such an extent as would leave them the means of procuring an adequate and comfortable subsistence."

3. Here then we have the Secretary of State, on behalf of the Imperial Government, representing the Imperial Crown, and with all the facts in evidence before him - the admitted title of the Algonquins to the lands of the Ottawa Valley, the effect of, and their reliance on, the Royal Proclamation of 1763, the usurpation of their lands in defiance of its terms, their invocation of its provisions for a reinstatement in their rights - approving, recognizing and establishing the very important principle, that the rules laid down in that Proclamation for the determination of Indian titles, may, as a matter of expediency, in the discretion of the Imperial Crown and Government, be departed from, if and as proper occasion may require.

That is, in effect, that the the Crown having formulated the rules of 1763, the same Crown may vary or repeal them.

In this view, the Imperial Crown having intervened as aforesaid, such intervention has had the effect of lifting the present case out of the region of doubt, and the Ottawa lands are to be deemed to be wholly freed and discharged from the Indian title.

The question remains, whether the conditions laid down by the Council of Lower Canada and recognized by Lord Glenelg, have been fulfilled. We shall presently see that they have been. Were it otherwise, it could not prejudicially affect the right and title, thus established, of the Province, to these lands, as waste lands of the Crown unencumbered by any Indian interest; but it would remain to the Algonquins to demand, and, if need were, enforce the strict fulfilment of the conditions.

4. The question of the Indian proprietorship in the Ottawa lands came again before the Executive Council of Lower Canada in connection with an Indian lease of an Island in the Ottawa River, granted in 1818. By Order of the 17th June, 1839, approved by the Governor-General, Sir J. Colborne, wherein also the previous Order in Council of 13th June, 1837, is recited, it is declared:

"That the lease ... is null and void, inasmuch as the Indians have no right to grant leases or dispose of the lands situated within their ancient hunting grounds ...

"That the leases lately given of this island by an officer of the Indian Department to certain occupants is equally irregular and invalid, and that the island should be considered and treated as a part of the waste lands of the Crown, and all intruders ousted who have not a title from the Crown" ...

These Indians had granted numerous leases of islands in the river. This one was of Kettle Island, below the Rideau, opposite the Township of Gloucester, and therefore below the southerly limit in that quarter of the Alnwick surrender of 1822. Others were of portions of the Allumettes, opposite to which was the most northerly point of the main shore reached by that surrender; and some may have been still further north.



5. Such was the action of Lower Canada; which the authorities there appear to have taken for granted to have been within their own inherent right, whereas in fact it seems to have been justifiable only because, and in so far as, the principle had been approved of by the Imperial Crown, in modification of the rules of policy established by the proclamation of 1763.

6. The action of the authorities of Lower Canada, within whose administration these Algonquins had from their dispersion by the Iroquois been, and who therefore had a most thorough knowledge of their rights and claims, has been as set forth: their territorial claims recognized in respect of both sides of the Ottawa - and both sides had, until 1791, and from 1608, that is for nigh 200 years, been under the jurisdiction of Lower Canada - and a scheme presented for compensating them in respect of the dealings of the Crown with these lands, and meeting with the approval of the Imperial Government.

7. Now we come to the action of Upper Canada in the matter. With no previous knowledge of the case, and no reasons for special sympathy with a body of natives removed in person from their administration, but claiming title as of aboriginal right to extensive lands within their jurisdiction, the Government refer the question of those rights (first assigned to one of its own members, but in the end) to one who, a very able man, yet distinctly disclaims any previous knowledge of the case, and no greater knowledge than was disclosed by the papers submitted to him. These papers were such as were found in the public departments of Upper Canada, and included a then recent petition of the Algonquins to the Lieutenant-Governor, together with the Report of the Executive Council of Lower Canada, above referred to, and some communications from the officers of the Indian Department of that Province; but it does not appear that the evidence before the Executive Council of Lower Canada in the preparing of their report, was before the agent selected by the Lieutenant-Governor of Upper Canada to make a report on the same subject. Neither was he possessed of the intimate and special knowledge which they were able to bring to bear. It need not therefore be a matter of surprise if his report be found less favourable to the Algonquins.

Mr. Justice Macaulay, in his report referred to, of 22nd April, 1839, says:

"By a petition to Your Excellency of this date [6 September, 1838], the Lake of Two Mountain Indians renew an old claim, often repeated by them, to lands on the Ottawa. They claim, by virtue of immemorial usage, all the lands on both sides of the Ottawa and Little River [the Mattawau], as far as Lake Nipissing, the general boundaries of which they describe, being 117 leagues in length, and embracing the tributary streams. They refer to the proclamation of 1763, as guaranteeing to them the enjoyment of their hunting grounds, unless purchased in Her Majesty's name at some public meeting to be held for that purpose, by the Governor or Commander in Chief.



"They complain that large tracts have been laid out in townships and settled, without any previous surrender, or any compensation having been made according to usage; that they had recently heard of the Mississaga tribe having sold to the Government of Upper Canada a portion of their grounds for an annuity of £612.10.0, without their knowledge or consent, wherefore they claim this annuity as justly due to them: .. they claim indemnity for the dismembered lands already monopolized, and to be re-instated and secured in the residue, on the south side of the Ottawa, until ceded ...

"They confidently trust in Your Excellency's favourable interposition to protect their interests."

The findings and recommendations of the Order in Council of Lower Canada, of 13th June, 1837, are then cited, and it is added:

"This claim has long awaited the attention of the Government, and still demands it."

The report then proceeds to give Mr. Justice Macaulay's personal reflections, but qualified as follows:

"In now submitting some reflections of my own, it is proper that I should in the outset disclaim any intimate acquaintance with the subject. I know little more than the papers before me, together with occasional opportunities of casual observation, have taught me,\* and I would, in consequence, rather desire to be understood as founding my remarks upon the contents of the former\* than upon anything I can pretend to by reason of the latter ...

"The Algonquin Claim.\* - From the papers in the Indian Office, it appears that this claim was long ago asserted, and that it has often been renewed. The tract to which it more especially relates, and for which an annuity is paid to the Mississagas, was ceded to the Crown in 1822 ...

"The papers referred to do not enable me to express any opinion upon the merits of this memorial.\* It seems admitted that the Algonquins and Nipissings have a valid claim to the north and Lower Canada side of the Ottawa River. Their pretensions to the south side are more doubtful. They contend not for the St. Lawrence as a boundary, but a line midway between the two rivers.

"The Mississagas, it is said, on the other hand, have, from the beginning, claimed the whole territory south of the Ottawa and north of the St. Lawrence. The Government of this Province have, by treating with the tribe, implicitly recognized their right as occupants, and there is no sufficient evidence to support the counter-claim of the Algonquins. If it exists, it must repose in the early history of the tribes frequenting the great Canadian rivers.

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\* italicized in original

"The letters from official sources in Lower Canada, strongly advocate the justice of the Algonquins' complain of encroachments in this Province, without a previous compliance with the proclamation of 1763; but they rather assume than prove the right of these Indians to the territory within the limits of Upper Canada. From Mr. Hughes' letter of 4th September, 1838, it would appear that Sir F. Head returned an answer in 1837 in the memorial addressed to Sir John Colborne. No copy is with the papers, but, in reply, the Indians reiterated their demands. There is also an Indian plan in the Superintendent's office shewing the extent of them, from which it will be perceived that they embrace the whole Ottawa River, on both sides, and up to the Lake Nipissing. They propose removing to the Grand Allumets Island, in the Ottawa, for which permissions has been granted by this Government. They invoke an investigation of their alleged title to hunting ranges in Upper Canada, and desire that at least one-half of the annuity may be withheld from the Mississagas till the dispute is settled. Great complaints are also made of intrusions in all directions upon the more remote hunting grounds.

"All this requires attention, and if a compromise is not at once effected, further investigation should take place. At present the principal points in the official letters from Lower Canada, and in the Indian memorials, seem to remain unanswered.\* Considering the extensive lumber trade carried on in the wilds on both sides of the Ottawa, beyond the inhabited parts of the provinces, it is hopeless to think of preventing the destruction of game which such inroads must occasion, and it behoves the Government, I think, at once to compound with the proper parties for the cession of all this territory, and in short for all the unceded lands embraced by the Great Lakes and the Ottawa, as far as Lake Nipissing, or, at all events, to a wide extent, if competent persons can be found to treat for the same extinguishing the Indian title for a fair equivalent, as the only means of relieving them from the exigencies in which they must inevitably be placed. The sales of licenses to cut timber would afford funds to meet the charges. I, of course, only make the suggestion, feeling that I write very much in the dark respecting local circumstances and the most material facts, essential to the formation of a satisfactory opinion.\*

"With respect to the Lake of Two Mountain Indians in particular, no better course occurs to me than that suggested in the Report of the Council of Lower Canada; and perhaps the Governments of the two provinces might, in concert, compound with them for all claims at a fixed yearly stipend, to be contributed, in the proportions agreed upon, by each province respectively. In this way existing contracts may remain undisturbed." ...

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\* italicized in original

8. The report, it will have been observed, points out the consistent and persistent reiteration of the claim, as regards both sides of the Ottawa; its admission in respect of the Lower Canada side; the implied recognition by the Government of Upper Canada of the Mississagua title to the tract on the other side, surrendered in the Treaty of 1822; the insufficiency of the evidence, as actually submitted, in support of the counter-claim of the Algonquins; the leaving their claim to the south side of the river, in the absence of other evidence, more doubtful than their claim to the north side; the suggestion that such other evidence, if existent, must repose in the early history of the tribes frequenting the Ottawa and the St. Lawrence; the author's disclaimer of any knowledge of the question, other than that disclosed by the papers actually submitted to him; and his inability, upon those papers, "to express any opinion upon the merits of this memorial" - that is the Algonquins' memorial of claim. The author, however, approves the suggestion of the Council of Lower Canada, and shews his consciousness of there being a rightful claim in respect of lands of Upper Canada, by the suggestion that the two Governments should unite in compounding with the Algonquins, "for all claims at a fixed yearly stipend," and so leave the arrangement already made with the Mississaguas undisturbed.

9. As to all which, it may be remarked, regarding the various objections, that they have already, in the preceding pages, been, in effect, disposed of by anticipation, it may now be pointed out, or further added -

(a) That no attempt is made in the report, to shew a vestige of valid claim or title of the Mississaguas to the tract of Ottawa lands covered by their surrender of 1822, or to any other lands of the Ottawa valley; that the papers submitted, upon which the report is founded, fail to disclose any such title; that their case, as to the tract so covered by the surrender of 1822, is rested solely upon the action of the Upper Canada authorities in accepting the surrender; that to their claim, as now made, to the remaining lands of the Ottawa valley, on the south side of the river, there is not the remotest allusion in the report, leading to the obvious inference, that at that time no such claim had been suggested or thought of by anybody - neither by the Indians themselves, nor by the authorities, Imperial or Provincial; the papers submitted to Mr. Justice Macaulay contained no mention of it:

(b) That the Mississaguas are shewn to have been recent arrivals even upon the westerly tracts of which of late years they were the only native occupants; that upon these westerly tracts they were but squatters at sufferance on waste lands of the Crown, which were unencumbered by any native right, title or interest whatsoever; that as to the more easterly tracts, which they are not shewn to have in any way occupied, they would, had they so occupied, have been in like manner, mere squatters on sufferance on waste lands also of the Crown, but claimed to be encumbered in this case by the unextinguished native interest - on the St. Lawrence side, of the Iroquois, on the Ottawa side, of the Algonquins;

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\* italicized in original

(c) That the Algonquin claim to the north, or Lower Canada, side of the Ottawa, which is admitted, is no stronger, nor founded on any better, or any different evidence, than that which goes to establish their claim to the south side: they are not two claims but only one claim, whole and indivisible; that by parity of reasoning, the admission of the claim to the north side, involves and compels the admission of their claim to the south or Upper Canada side: the evidence that supports the one maintains also the other: the accidents, that whilst their one claim covered both sides of the river, whilst the jurisdiction of the Crown was exercised by two distinct authorities limited strictly to opposite sides of the same river, and that whilst their hunting operations extended to both sides of the river yet their fixed residence was located on one side of the river, gave rise to some confusion of facts, as of ideas, in dealing with the two tracts thus separated, lead - in the one case, as has been seen, to an admission of their claim, but in the other, firstly, to a total ignorance, as we may presume, of the existence of such a claim, as evidenced by the acceptance of the surrender of 1822, and, secondly, after the claim had been proposed to the authorities, to a doubt of its validity, in the absence of further evidence;

(d) That the early history of the tribes of the Ottawa and the St. Lawrence, to which Mr. Justice Macaulay appeals, but which confessedly he had not examined, establishes, as has been seen, the paramount native claim of the Algonquins, whilst, with it, the history of the Mississaguas, which also was not in evidence before him, went, as has likewise been seen, to entirely disprove any semblance of right on their part to these lands of the Ottawa valley;

(c) That as at the dawn of the history of this territory, nearly three centuries ago, these Algonquins are found located on the Ottawa ("the Great River of the Algonquins," Champlain calls it), on the Allumettes, exercising unquestioned sway and jurisdiction on either side of the river, and visiting on occasion their Huron allies as far westward as Lake Huron - and the history of the intervening three hundred years absolutely fails to shew an adverse, or in fact any possession of any other tribe - so also, in the early half of the present century, as we find in evidence in the official documents now accessible, these Algonquins still carried out their hunts, on the Upper Canada side of the Ottawa River, extending on occasion - by permission we may suppose of the Ojibeways - as far westward as Lake Huron, or even Lake Superior. A few quotations (just from the material at hand) on this head, as it has not been already touched upon:-

i. Commissary-General Routh in a Report of 28th April, 1836, to Governor-General Lord Gosford, under instructions from the Lords Commissioners of the Treasury, says:

"A great part of these tribes [of the Lake of the Two Mountains] are employed in hunting, and go as far as Lakes Nipissing and Superior, disposing of their fur to an agent of the Hudson's Bay Company resident in their village."

ii. The Algonquin petitions - to Lord Gosford, in 1836, and to Sir F.B. Head, in 1838 - claim:

"As hunting grounds, the tract of land lying on either side of the River Ottawa and Little River [Mattawan] as far as Lake Nipissing ... together with the countries watered by the several tributary streams."

iii. Col. Napier, as Secretary for Indian Affairs, in a return to the Governor-General, Lord Gosford, of 12th December, 1836, has reference to both banks of the river:

"Their situation as hunters [that of the tribes of the Lake of the Two Mountains] is, however, becoming truly alarming, by the rapid settling of their hunting grounds .. on the Ottawa, and by the indiscriminate destruction by the settlers of the beaver and other animals from which the most valuable furs are obtained."

iv. And so also, the report of Commissioners Rawson, Davidson and Hepburn, of the 22nd January, 1844:

"Their claim, founded on the former occupation and gradual dispossession of the territory on the banks, and in the islands, of the Ottawa," etc.

v. Evidence of Mr. Superintendent Hughes, of 16th January, 1843, (appended to the report of 22nd January, 1844), under whose superintendence these Indians then were:

"The Nipissings and Algonquins [of the Lake of the Two Mountains] resort to their hunting grounds, which extend from Pointe d'Orignal, about the Long Sault, up the Ottawa River to Lake Nipissing, and embrace all the rivers, creeks, etc., from their sources, north and south, emptying themselves into the Ottawa. The other tribes generally resort to the lakes and vast forests in the Eastern Townships, as well as behind Three Rivers on the north side of the St. Lawrence."

"The whole of the Nipissing and Algonquin tribes (with the exception of a few old men, old women, and a few invalids, who are unable to endure the hardships of a winter campaign, remain at the village) depend entirely on the chase for a livelihood. They wander about from place to place on their hunting grounds, which are most extensive, and once abounded with deer and the richest furs, and the most magnificent forest timber. These hunting grounds have been enjoyed by their ancestors and them from time immemorial ... Great part of their hunting grounds have been assumed by Government, and laid out into townships; a vast extent has been taken possession of by squatters, and the rest almost entirely ruined by lumbermen. Their deer have disappeared, their beaver and other furs annihilated ... These poor tribes have frequently represented their grievances to Government, but have not as yet received satisfactory answers."

"These tribes live in huts or wigwams ten months out of the twelve, and many of them the whole year through."



Pointe d'Orignal and Lake Nipissing, the extreme limits at either end, are, of course, on the Upper Canada side of the Ottawa.

vi. Evidence of Mr. Robert McNab, formerly of the Indian Department 9 September, 1843, appended to the same report of 22nd January, 1844: it does not specifically describe the limits of the hunting grounds, but we are left to infer that the reference is to both sides of the Ottawa:

"The greater part of the Algonquins and Nipissings [of the Lake of the Two Mountains] subsist by the chase, and have very extensive hunting grounds, on which no other Indians are permitted to hunt without special leave; but I presume they make but precarious subsistence, as the various animals are becoming more and more scarce and furs commanding but a small price. Such of the tribe as remain at home make out much better than those who wander about the forest nine and ten months in the year; as they generally leave the village in the month of August and return in June following. There are more pure blooded among these tribes than any other in Canada East."

vii. Report of Commissioners Anderson and Vidal, of 5th December, 1849:

"The tract lying between the "sources of the rivers running into Lake Huron" "and the Ottawa River, is supposed to belong to the Indians of Two Mountains, Canada East."

viii. "Petition of the Indians of the Village of Two Mountains, hunting on the head waters of the Madawaska, and other rivers of Central Canada," to Governor-General Viscount Monck, 21st July, 1863:

"That in times past, the hunting grounds of your petitioners were in the country watered by the Madawaska and adjoining streams, but owing to that country having become, during the past few years, thickly settled, it has rendered useless and destroyed their hunting grounds, and has compelled your petitioners to travel still further westward, until at present their hunting grounds are from 300 to 350 miles from their village."

ix. Representation of Messrs. Robert Bell, J. Skead, J.M. Currier and John Poupore, prominent lumbermen and citizens of Ottawa, to the Honourable Alexander Campbell, Commissioner of Crown Lands, 7th Nov., 1864:

"A petition was presented to your Department from certain Algonquin and Ottawa Indians, praying for a grant of land in the new Township of Lawrence, in the Ottawa and Huron territory, where their hunting grounds are situated ... To these petitioners - whose hunting grounds are in Upper Canada - this grant [in the Township of Maniwaki, on the Lower Canada side] is practically valueless. It is too far from their winter quarters, and from their summer routes of travel, to be even accessible to them." ...

x. Memorandum of William Spragge, Deputy Superintendent-General of Indian Affairs, 24th July, 1866:

"The Algonquins as set forth by the late Honourable James B. Macaulay, claimed as their hunting grounds territory on the Upper Canada side of the Ottawa River.

"It is quite certain that they have used it as hunting grounds, and do so still ...

"That Reserve [at Maniwaki on the River Desert] is so remote from the tract over which the applicants hunt, as to be, as they state, inaccessible to them." ...

(f) These extracts - and no doubt they could be largely supplemented on a special search - sufficiently establish that within the present century, the Ottawa lands on the Upper Canada side of the river were if not the sole, at all events of, the hunting grounds of the Algonquins; and from this follows, in the light of the history, the reasonable inevitable deduction and conclusion, that their possession, constructive and actual, of the south or Upper Canada side of the river, had, from the days of Champlain to the present, been continuous and uninterrupted, otherwise than by the temporary interruption of the Iroquois invasion.

Then, it is to be remembered that had it been otherwise - had they had no such possession - the position of the Mississagua claimants would not be thereby in anywise improved; for not only have the Mississaguas not been shewn to have ever appeared or set foot upon the scene of the locus in quo - they also were too entirely lacking in credentials of title to give them, in this matter, any, even the slightest, locus standi as claimants to the lands of the Ottawa valley. The facts of history had established conditions which had disposed of the question in controversy adversely to their pretensions long before they had put themselves in evidence.

10. Before dismissing the consideration of Mr. Justice Macaulay's report, the claim of the Algonquins, therein adverted to, to a proportion of the annuity secured to the Mississaguas by the treaty of 1822, may be dealt with:

That treaty, as has been seen, covered lands of the two watersheds, Lake Ontario and the River Ottawa. Had the cession been confined to the former, to the total exclusion of the latter, there can be no doubt whatever that following the established and universal rule hereinbefore adverted to, the compensation should have been in that case precisely as it now actually is, fixed with reference not to the area surrendered but to the number of Indians interested in the surrender, and to each of them an annuity of 2.10s (pounds).

The annuity of the Mississaguas would not, then, in any event have been reduced, nor any portion of it diverted to the Algonquins. But had the title of the latter to the tract of Ottawa lands which was, with the other lands, embraced in the cession, been admitted by the government, and a cession thereof taken from them direct, they would undoubtedly have been allowed therefor an annuity fixed on probably the same basis as that of the Mississaguas, viz. 2.10s per head of their then number. In their case, however, it is equally certain that the session would have been made to embrace, not alone the tract included in the

treaty of 1822, but, with it, the whole of the lands claimed by them on the Upper Canada side of the Ottawa, and that the annuity would probably, in that event, have still remained the same 2.10s per head, and no more.

11. The qualifying clauses of Mr. Justice Macaulay's report having thus been disposed of, it stands forth as evidence in establishment of the Algonquin claim as against that of the Mississaguas.

12. And so the question stood at the time of the Union of Upper and Lower Canada, when the dual authority under which Indian affairs had been theretofore administered, was superseded by the authority, sole and undivided - reaching to both Upper and Lower Canada - of the Governor-General, or the Government, of the Province of Canada, as the case might require.

13. Shortly after the organization of the new Province, that is, on the 10th of October, 1842, the Governor-General appointed Messrs. Rawson, Davidson and Hepburn commissioners to enquire into the affairs of the Indians, who made their voluminous and elaborate report, already mentioned, on the 22nd of January, 1844.

As with Mr. Justice Macaulay's report, so with this; it makes not the slightest allusion to any such claim of the Missasseguas as the one they are now presenting; evidently it had not yet been suggested or thought of. But the commissioners deal with the claim of the Algonquins. Of it they say:

"That claims of these Indians [of the Lake of the Two Mountains] have been repeatedly before the Government, and their present distressed condition calls for its humane interposition.

"The nature of their claim, founded on the former occupation and gradual dispossession of the territory on the banks and in the islands of the Ottawa, upon the terms of the proclamation of 1763, and upon the fact of their having (although illegally) received rents for lands occupied by settlers in those islands, gives them a title to the favourable consideration of the Government.

"They would suggest that steps be taken to induce these tribes to remove either to the Manitoulin Island or to some other settlement of Indians in the upper Province, in which the proposed institutions and arrangements for promoting the civilization of their brethren shall hereafter be established, and that in the meantime temporary assistance, not to exceed the amount granted to their brethren in Upper Canada under similar circumstances - viz. 2.10s per head annually - be afforded to them, in order to remove the most pressing of their wants.

"That considering the value of the lands sold on the banks of the Ottawa, and the revenue derived from the cutting of timber on the ancient hunting grounds of these tribes, which has led to the destruction of their means of subsistence, this payment becomes an equitable charge upon the revenue of the Crown lands.

"That with regard to the claim put forward by them to the annuity at present paid to the Mississaguas of Alnwick, your commissioners conceive that no further delay should be allowed to take place in determining the party who is thereto entitled, and that if the claim of these tribes be substantiated, they should be admitted to share in the application of the said annuity." ...

There, is, practically, the admission that the land claim is well-founded; Judgment is suspended in regard to the claim to share in the Mississagua annuity, but as to it, it has already been demonstrated that were the Ottawa lands eliminated from the cession of 1822, the Mississaguas would, in pursuance of the recognized policy of the Crown, probably still be permitted to retain it, in full, in compensation for the remaining lands of the cession -- those of the Lake Ontario watershed -- whilst the Algonquins would probably be granted, independently, a like annuity, proportioned to their numbers.

14. Commissioners Anderson and Vidal, in their report already cited, of 5th December, 1840, make allusion to the Algonquin title to the lands on the Upper Canada side of the Ottawa:

"The tract lying between the last three bands [that is, "between the sources of the rivers running into Lake Huron"] and the Ottawa River, is supposed to belong to the Indians of Two Mountains, Canada East."

Now, this simple statement is of more value, when it comes to be considered, than at first might appear. For, firstly, it is evidence of REPUTATION, which is held to be an element of very great importance in matters of this kind, and secondly, it embodies, with Mr. Vidal's, the opinion of Captain T.G. Anderson, one of the commissioners, alluded to as the most experienced officer of the Indian Department, and the one most familiar with Indian Affairs.

15. Two years afterwards, the Act of the Province of Canada, 14 and 15 Vict., chap. 106 (1851), was passed, providing that tracts of Crown Lands, not exceeding in all 230,000 acres, should be "set apart and appropriated to and for the use of the several Indian tribes in Lower Canada, for which they shall be respectively directed to be set apart in any Order in Council;" and providing further, that there should be paid out of the Consolidated Revenue Fund of Canada, a yearly sum of 1,000 [pounds], for distribution amongst the Indian tribes of Lower Canada, in such proportions and manner as the Governor in Council might direct.

An Order in Council, of 30th December, 1852, provided for the manner of appropriation of the 1,000 [pounds], yearly grant, which was to be devoted chiefly "to the improvement of the new [Indian] settlements, and to promote the comfort and general interests of the [Indian] settlers."

Another Order in Council, of the 11th of August, 1853, finally approved the distribution and appropriation of the tracts of land, which aggregated 231,000 acres, a little in excess of the quantity mentioned in the statute.

Of the whole, a tract of 45,750 acres, situated at Maniwaki, or River Désert, was appropriated to the Algonquins of the Lake of the Two Mountains, with whom were associated, as sharers therein, the Nipissings of the same place and some Têtes de Boule - the three being described as "homogenous tribes" - whilst the Iroquois of the Lake of the Two Mountains are detached from these, and associated with their brethren of Caughnawaga in the appropriation of a tract of 16,000 acres elsewhere.

16. The appropriation of these lands of Maniwaki, and the allotment of a share of the 1,000 [pounds] grant, was meant to be in settlement and extinguishment of the claims of the Algonquins in respect of the lands of the Ottawa Valley.

Messrs. Pennefather, Talfourd and Worthington, appointed by the Governor-General, on the 5th September, 1856, commissioners to enquire into and report upon Indian affairs, refer to the subject in their report:

"In consideration of the claim presented by these Indians for compensation for their hunting grounds on the Ottawa River, which had been taken possession of by the white population before they were surrendered, or the Indian interest consulted in any way, the Executive government granted to these bands, under the 14 and 15 Vic. c. 106, 45,750 acres on the River Désert. A certain number of the Algonquins have embraced the opportunity thus given them of exchanging the sterile tract at the Lake of the Two Mountains for a fresh location, where they have formed the settlement of Maniwaki, and are beginning to apply themselves to agriculture. To aid the settlement in its infancy, they have received a share of the Provincial grant, but they seem to have been rather lost sight of since that time."

As Mr. Pennefather was the Superintendent-General of Indian Affairs of the day - he signs the report as such - and supposed to be an authority on the subject the statement that the grant was in settlement of the Algonquins' claim to compensation for their hunting grounds of the Ottawa valley, may be assumed to be official.

Not all of these Indians, however, were willing to retire to Maniwaki; for some, as we have seen, sought to get a grant of lands in the Township of Lawrence, within the limits of the tract, on the Upper Canada side of the Ottawa whereon they had been wont to follow their hunting operations; certain of them have since removed to Golden Lake, and to the Township of Gibson, and some still remain over at the same Lake of the Two Mountains.

17. It is noticeable, in regard to this report of the Commissioners of 1856, as in regard to the reports of Mr. Justice Macaulay and the Commissioners of 1842, that it makes not the slightest allusion to the existence of any such claim of the Mississaguas as is now before us, leading to the like conclusion as in the former cases, that such a claim had not, even yet, been suggested or thought of.

18. As bearing on the claim and position of the Mississaguas, I will cite here the remarks of the Honourable David Mills, M.P., for Bothwell (now a Senator of the Dominion), and formerly Superintendent-General of



Indian Affairs, in debate in the House of Commons, on 19th May, 1888:

"I desire to bring before the honourable gentleman [Sir J.A. Macdonald] a matter about which there is much public rumour ... There are no treaties between any bands or tribes of Indians and the Crown in reference to the surrender of the Indian claims to the country in all this eastern section, extending from the Ottawa to the frontier of Lake Ontario and the vicinity of Kingston. It is said that certain bands of the Mississagua Indians claim the country, although settled, and the Crown has parted with the title to private parties ... The Six Nations, after being armed, until Fort Frontenac was built, held possession of the country. The Mississaguas were not in this country at all until it became a British possession. I mention this to the honourable gentleman, that now the country has been settled and surveyed, he should not entertain any claim of that sort."

The tract specially referred to here, is that stretching from the Ottawa to Kingston, and from the southerly and easterly boundary of the Mississagua cession of 1822 to the St. Lawrence, but the remarks are, in some degree, also applicable and of value respecting the present claims and former cessions of the Mississaguas, and as confirming, on the weighty authority of this student of history and past Superintendent-General, the proposition hereinbefore put forward on behalf of Ontario, that these bands of Mississaguas were not indigenous to the soil, and had no claim as of aboriginal right, but only such, if any, as the Crown, in its discretion, and as a matter of grace or policy, might choose to attribute to them.

19. To conclude this final branch of the subject, it is clear that such Indian interest if any, as still attached to the lands of the Ottawa Valley, on the south or Upper Canada side of the river, was in the Algonquins; that the Imperial Government approved of a settlement of their claim, by the appropriation to them of a tract of land in rear of the surveyed townships on the Lower Canada side of the river; that such appropriation was carried into practical effect under the authority of an Act of the Parliament of Canada, and of an order of the Governor-General of Canada in Council; that by the effect, and as a consequence, of such combined action of the Imperial and Provincial Governments, of the Provincial Parliament, and of the Crown in Council, all the subsisting right, title and interest, if any, of the Algonquins in the said lands are to be deemed to have been, and they in fact have been, wholly and forever extinguished, in favour of the Crown in right of the Province of Upper Canada, or of the Province of Canada, now, under the British North America Act, enured to the Province of Ontario;

That no evidence whatsoever has appeared in sustenance of, but, on the contrary all the evidence is adverse to, the claim to these lands, of the Mississaguas of Alnwick, the Huron-Simcoe bands, and the Rice, Mud and Scugog bands, or any of them; that neither they, nor any of them, have,

nor ever had, any right, title, or interest therein, or in any part thereof, and their claim, whether joint or separate, is ill-founded and has no merits;

That from the acceptance by the Crown - whatever its motives - of a surrender of a tract of Ottawa lands under the instrument of 1822, no argument can, in the circumstances, be deduced in favour of the pretensions of the present claimants to the residue of the said lands; that these, therefore remain lands of the Crown, in right of the Province of Ontario, and that free and clear of all and every native interest, whether of the tripartite claimants, or any of them, the Algonquins, or any other Indians whomsoever;

That the admission or establishment, for the purposes of the question in hand, of the title of the Algonquins, as against that of the claimants, as hereinbefore, is expressly without prejudice to the right of Ontario, if so advised, and circumstances require, to contend, that, as between the Algonquins and the Crown, on occasion, and as a consequence of the dispersion of the Algonquins, and their abandonment of the lands in question, the aboriginal title had become effaced and extinguished, giving place instantly, and as of course, to the title and Lordship of France - now represented by the Crown in right of Ontario - to the exclusion, effectually and forever, of every right, title and interest of the Indians.

[Document No. 401]

XVI. REFERENCE TO THE ALGONQUINS DURING THE INVESTIGATION OF CLAIMS OF OTHER TRIBES TO PORTIONS OF THE HUNTING GROUNDS CLAIMED BY THE ALGONQUINS AND NIPPISSINGS

A. Claims of the Mississauga and Chippewa to Land in Southeastern Ontario and Dominion-Ontario Attempts at Settlement: 1869-1884

314. On December 22, 1869, several Mississauga Chiefs sent the following notice to William Spragge, the D.S.G.I.A, claiming an interest in the lands north of "line 45":

We the undersigned do hereby certify that the last treaty was given in the year 1818. It extended 33 miles north until it strikes line 45, north of this it has never been ceded to the Crown.

All the unceded tracts of land is claimed by the Rice, Mud and Scugog Lakes etc. in Council assembled by the desire and wishes of Paul De la Ronde.

[Document No. 308]

315. The following year, on May 19, 1870 Spragge prepared a report on the matter. Unfortunately only the following incomplete transcript of that report has been located:

In comparing the surrenders of land beyond the old settled districts in the Counties of Durham and Northumberland executed by different Bands of Indians I did not find that the Townships which Paul La Ronde states were formerly used as hunting grounds by his father and himself and in addition thereto a very large tract of country now forming part of the Province of Ontario were included. My opinion therefore is that the title of the Rice Lake, Mud Lake, Scugog Lake and any other Bands who had territorial rights over that section of the Country has never been extinguished. The Honourable Stephen Richards Comr. of Crown Lands, Toronto, was addressed by letter of 9th Feby. 1870 for the purpose of eliciting information as to whether in his office there were any records of surrenders other than those in the Indian Department relative to the Districts alluded to; Mr. Richards has neglected replying to the questions put to him. But from \_\_\_\_\_\* personal knowledge of the documents relating \_\_\_\_\_ copies recorded in that Department, I am \_\_\_\_\_ of the \_\_\_\_\_ that the Robinson Treaty of September 1850 extending from the east Coast of Lake Huron inland as far as the hunting grounds of the tribe \_\_\_\_\_ of Objiway Indians on that coast extended to \_\_\_\_\_ the great tract often alluded to as the Valley of the Ottawa with the Indian title unextinguished. It is true that under the late Province of Canada military operations of great magnitude were carried on. Townships \_\_\_\_\_ were laid out in survey \_\_\_\_\_ Roads constructed at the cost of the Province and the Territory dealt with generally as ordinary Crown Land.

The lines appear in the texts on file which appear to be typed transcripts of the documents. The lines would thus indicate words illegible to the transcriber

Sprague then stated his conclusions which, fortunately, have been transcribed in toto:

Notwithstanding however all this the principle that compensation has in every other instance been allotted to the Indians should be kept in view and I would submit whether as a compromise some adequate annuity ought not to be granted to the Mississagas and a deed of surrender from them executed.

This brings up the question as to whether the Government of the Province of Ontario might not be called upon to furnish funds for periodical payments of such an annuity to be for greater convenience capitalized. Within the territory in question are vast quantities of unsold land and on which still stand forests of merchantable lumber of great value.

[Document No. 309]

316. On May 23, 1870, Spragge, following up the issue of Ontario's responsibility, wrote to the Lieutenant Governor of Ontario regarding the tract to which the Mississaugas had voiced their claim:

I have the honor to bring under your notice the circumstance heretofore apparently overlooked, that in the Province of Ontario very important tracts of land exist, concerning which so far as can be ascertained the Indian title has not as yet been extinguished. The tract in question as exhibited in the accompanying traced map lies northwest of the lands surrendered on two separate occasions in the year 1822 westward of the Townships of Blythfield, Admaston, Bromley, Stafford and the Grand River, eastward of the lands ceded by the Robinson Treaty of September 1850 and southerly by Lake Nipissing and the waters flowing from it into the Ottawa River.

The Mississauga Tribe who occupy as their hunting grounds, considerable portions of this unceded lands (sic) would have claims to compensation in some other form, upon executing conveyances to the Crown similar to those to which they were parties in the year 1822, and the subject is accordingly brought under your consideration with a view to receiving due attention at your early convenience and the eliciting such proposals as may lead to a settlement of the Indian claims.

[Document No. 310]

317. On May 27, 1872, Paul de la Ronde forwarded the following petition to Baron Lisgar, Governor General of Canada:

That your petitioner is nephew of Wahaonah who was one of the race known as the Aborigenes of this country, and being nearest of kin to his said uncle is by law entitled to the inheritance of his hunting grounds. That said hunting grounds were heretofore comprised in the now townships of Ontario, viz: Sherborne, Stanhope, Livingstone, Havelock, Guilford, Lawrence, Eyre and Harburn. That the said hunting grounds have from time immemorial been hereditary in the family of your Petitioner and have never been alienated.

The important documentary evidence has been fyled in the office of the Superintendent of Indian Affairs corroborating these statements.

That your Petitioner is at present in need and distressed circumstances, and in as much as the Canadian Government has taken possession of his said lands, he ventures to approach your Excellency in the hope that in accordance with the generous Policy of the British Government in their transactions with our unfortunate race you may pleased to afford some relief.

[Document No. 311]

318. On March 9, 1876, L. Vankoughnet, the D.S.I.A. succeeding Spragge, prepared the following report for the Indian Branch of the Department of the Interior concerning the petition of Paul de la Ronde:

On the 28th December, 1869, claimant filed a document signed (with their marks) by himself and two other indians, viz: Hester Wakaonah and Ann Wakaonah, at Rama, Ontario, (which is a Chippewa Reserve) setting forth that he (Paul De la Ronde) as the lawful heir of his uncle Wakaonah, (sic. Wahaonah) is entitled to certain Townships in Ontario, which formerly composed the hunting grounds of his said Uncle, and the title to which, the document alleges, has never been extinguished. Accompanying this document was a certificate, dated December 22, 1869, signed (also with their marks) by the Chief and certain other members of the Mississauga Band of Rice Lake (to which Tribe Paul De la Ronde claims to belong) to the effect that no land in Ontario north of the 45 degree of North Latitude had ever been ceded by the Indians; and claiming all such unceded Territory on behalf of the Mississaugas of Rice, Mud and Scugog Lakes. This certificate was signed in Council at Rice Lake; and it is stated therein that it was so done by the desire and wish of Paul De la Ronde.



The tract claimed by the said Paul De la Ronde is comprised within the Territory claimed by his Tribe (The Mississaugas) and Paul was informed that whatever claim his Tribe might have, his individual interest in the land could not be considered apart from theirs.

The records of the Department fail, upon examination, to shew that the Indian title to the territory in question has ever been extinguished. This claim embraces a large area composed of many Townships in the Ottawa and Huron Territory laid out in survey by the old Province of Canada; as well as much unsurveyed land between the Ottawa River and Lake Huron.

On the 9th February, 1870, the Commissioner of Crown Lands was asked by letter if among the records of his Department, any trace of such a surrender could be discovered. No reply has ever been received. But a letter from one of the subordinate officers of the Department dated 17th of the same month, addressed to His Excellency the Governor General States that it would likely be established that no surrender of the territory in question had ever been made.

On the 23rd day of May, 1870, the late Superintendent General, the Honourable Joseph Howe, drew the attention of His Honor the Lieut. Governor of Ontario, to the matter, by official letter, with the request that the subject of the claims of the Indians interested, to annuities, for compensation in some form, upon executing a conveyance to the Crown might receive due attention at His Honor's early convenience. No reply has ever been received to that communication.

On the 17th March, 1870, Paul De la Ronde made another claim to payment of annuity, at the rate of ten dollars (\$10.00) per annum, since the year 1818, being the amount per capital paid the Mississauga Band annually since that year.

If Paul De la Ronde is a Mississauga Indian of any of the Bands resident at Rice, Mud or Scugog Lakes, and had continued to reside with his Band, he would have shared in the annuity payable to them. He appears, however, to have been resident at Caughnawaga for sometime and according to the regulations, he is incapacitated from sharing in the annuity of his Band. Paul was informed through his Agent, that his claim was not one the Department could recognize.

The undersigned also verbally explained to the applicant that his non-residence with his people incapacitated him from sharing in their moneys.

In view of the importance of the question to the Bands of Mississauga Indians interested therein the undersigned is of the opinion that the attention of His Honor the Lieutenant Governor of Ontario should be called to the correspondence had with his predecessor as well as with the Commissioner of Crown Lands on the subject and that His Honor should be moved to cause early action to be taken by His Government in the matter, in order that a settlement of the Indian claim may be made as soon as possible.

[Document No. 320]

319. On April 15, 1878 William Plummer, the S.G.I.A. in charge of the Central Agency wrote from Toronto to the Minister of the Interior regarding the claim of the Mississaugas. He specifically wished to know if the Ontario government had reported its position:

I have the honor to report that I have received repeatedly applications from the Mississaugas of Alnwick, Rice and Mud Lakes and Scugog, and the Chippewas of Lakes Huron & Simcoe respecting the lands which they claim that they have never surrendered to the Crown, and I have been urged by them to bring the matter before you once more, so that their claims may be acknowledged.

I am aware that our Department has brought this matter before the Ontario Government but with what result I have no means of knowing.

I understand it is admitted by the Crown Lands Department that there is a large territory yet unceded and for which the Indians mentioned have received no consideration.

The Indians will be sure to bring this matter before [sic me] again this Spring and in order that I may answer them I shall be glad to receive any information on the subject the Department will be kind enough to afford.

[Document No. 323]

320. On May 9, 1878, the Minister of the Interior replied as follows:

... I have to inform you that a letter was addressed to the Government of Ontario on the 23rd May, 1870, on the subject of the lands which the Mississaugas of Alnwick, Rice and Mud Lakes and Scugog and the Chippewas of Lake Huron and Simcoe claim they have never surrendered to the Crown, but no reply has ever been received thereto.

The matter was again under the consideration of the Department in the year 1876 but its consideration was postponed by order of the then Superintendent General of I.A.

The attention of the Government of Ontario will however be immediately drawn to the question.

[Document No. 324]

321. On May 9, 1878, the following letter on the matter was addressed to the Secretary of State:

I have the honor to enclose copy of a letter addressed by His Honor the Lieut. Govt. of Ontario by the Late Hon.

Joseph Howe then Supt. General. of I.A. on the subject of certain lands described therein which the Mississaugas Indians of Alnwick, Rice and Mud Lakes and Scugog and the Chippewas of Lakes Huron And Simcoe claim they have never surrendered to the Crown.

No reply has ever been received to that communication. I therefore ask you to request His Honor the Lieut. Gov. of Ontario to call the attention of his Government to the matter and to cause such action to be taken in the premises as may be deemed advisable.

[Document No. 325]

322. It appears that the request was again transmitted to provincial officials by the Secretary of State, since several months later, on July 17, 1878, J.R. Eckart, Assistant Secretary of the Province of Ontario advised the Secretary of State in Ottawa as follows:

With reference to your letter of 13th May last forwarding a copy of a letter addressed by the Superintendent of Indian Affairs to the then Lieutenant Governor of this Province, on the 28th May, 1870, on the subject of certain lands therein described, which the Mississauga Indians of Alnwick, Rice and Mud Lakes as well as those of Lakes Huron and Simcoe claim they have never surrendered to the Crown and to which communication you state no reply has yet been received, I am now directed to inform you that the Assistant Commissioner of Crown Lands reports under date 16th July, 1878, "that he has caused the records of that Department to be carefully searched and has failed to discover the evidence of any treaty showing that any part of the tract of land referred to has been surrendered by the Indians unless it be that portion which lies to the West of the Bobcaygeon Road line which is presumed to have been surrendered by the Robinson Treaty with the Ojibway and Nipissing Indians of 9th September, 1850.

[Document No. 326]

323. On August 1, 1878, the Secretary of State advised William Plummer of the Province's reply:

With reference to my letter to you of the 9th May last on the subject of certain lands which the Mississaugas of

Alnwick, Rice and Mud Lakes and Scugog and the Chippewas of Lakes Huron and Simcoe claim they have never surrendered to the Crown, I have to inform you that a communication has been received from the Crown Land Department of Ontario stating that upon search being made no evidence could be found of any Treaty showing that any part of the land in question had been surrendered by the Indians unless it be that portion being to the west of the Bobcaygeon Road line which it presumed was surrendered by the Robinson Treaty made with the Ojibways of Lake Huron on the 9th September, 1850.

On the next occasion of your meeting the Indians interested you will advise them of the result of the search, and enquire whether they will be satisfied to leave the matter in the hands of the Dominion Government to settle with that of the Province of Ontario, on the conditions that the latter Government shall pay a fair and reasonable price per acre for the Indian title to this land.

[Document No. 327]

324. Plummer acknowledged receipt of these instructions on August 27, 1878, adding the following comments on what he thought the Indians would demand:

I have the honor to acknowledge your letter of the 1st inst. on the subject of the unsurrendered lands belonging to the Mississaugas of Alnwick, Rice, Mud and Scugog Lakes and the Chippewas of Lakes Huron and Simcoe, and have to say that I shall advise them of the result of the search made by the Government of Ontario. I feel sure however that the Indians will be willing to trust their interest in the matter into the hands of the Dominion Government.

I may state that the Indians will stipulate that a substantial Reserve shall be set apart (away from the present settlements) for their use.

The sale of some of their Reserves has been often spoken of and in case it should be done a place should be provided to which they could retire. Some of these Bands have not land enough, at present, on which it is possible to support themselves, and in the case of Mud Lake Indians the land on which they reside is the property of the New England Company.

I have only further to add that before a final settlement of the two governments as to the boundaries of former treaties the Indians will desire to have something more to say on that subject.

[Document No. 328]

325. The following summer, after he had consulted the Indians, Plummer wrote the Minister of the Interior regarding their views on his proposal and his own investigation of the claim:

Referring to your letter of the 1st of August 1878 and other correspondence regarding the claims of the Mississaugas of Alnwick and Rice Mud and Scugog Lakes and the Chippewas of Lakes Huron and Simcoe to certain lands which they claim have never been surrendered, I have the honor to state that I have had several interviews with them on the subject and they are all willing to leave the matter in the hands of the Dominion Government to settle with the Ontario Government.

They however desire to stipulate that in addition to any money payment which they may receive a tract of land may be reserved for them as mentioned in my letter to you of the 27th August last.

As regards the tract of land lying to the west of the Bobcaygeon Road which it is presumed was surrendered by the Robinson Treaty, I am requested by the Chippewas of Lakes Huron and Simcoe to say that the lands west of this road line to the Georgian Bay and between Moose Deer Point and some point in the neighbourhood of Penetanguishene had always been considered as belonging to them and that they were not parties to the surrender and that the Indians who signed the Treaty acknowledge that they had no claim to this tract of land and did not know that it formed part of the surrender.

They therefore desire to say that their claim must be strongly insisted upon.

I have carefully looked into these matters and am of the opinion that the Indians who were parties to the surrender under the Robinson Treaty had no claim to this land and that it always had been the hunting grounds of these Indians and that no others but themselves had any right to surrender it.

[Document No. 329]

326. The next month, Plummer's Department wrote to J.C. Atkins, the Secretary of State the following letter concerning the Mississauga Claim:

...I beg to request that the Government of Ontario may be informed that as regards the piece of land last referred to the Chippewas of Lakes Huron and Simcoe allege that the lands west of said road line to the Georgian Bay and between Moose Deer Point and some point in the neighbourhood of Penetanguishene were always considered to



belong to them and as they were not parties to the surrender made by the Ojibeway and Nipissing Indians of Lake Huron above referred to they desire that their claim to compensation for said section of country as well as for the tract of land on account of which a claim has already been made should be strongly urged by this Department.

These Indians also state that they are willing to leave the question as to the amount of compensation to be given them to be settled between the Dominion and Local Governments with this stipulation in addition a tract of land may be reserved for occupation by their young men and other members of the Band who have land for settlement.

It is desirable that some arrangement should be come to as soon as possible in the premises and it is submitted that the Government of Ontario should state the amount of compensation that they would be willing to give the Indians in consideration of their relinquishment of all claims to the lands in question.

[Document No. 330]

327. On March 1, 1881, Plummer, advised his Minister, Sir John A., that:

In reply to your letter of the 21st inst. respecting the unceded Indian lands therein alluded to, I have the honor to say that I have personally brought the matter before some of the officials of the Crown Lands Department, and although they readily acknowledge that no Treaty can be found showing the surrender of these lands, yet they do not admit their responsibility. They state that these lands were handed over to them at the time of Confederation and if anything has to be paid to quiet the Indian title such payment must be made by the Dominion Government and not by the Crown Lands Department of the Province of Ontario.

This of course is not official, but I believe it to be the view generally entertained by the Crown Land's Authorities.

I may state that the Indians interested in this matter have recently held councils on the subject and they request me to urge the Department to have it settled. They say this correspondence has been going on for many years and that a generation of their people has passed away without deriving any benefit from property to which they are justly entitled.

[Document No. 336]

328. A few days later, on March 11, 1881, L. Vankoughet, D.S.G.I.A., also transmitted a Memorandum on the subject to MacDonald:

The undersigned begs to submit herewith a Fyle of papers containing correspondence and reports relating to certain lands in the Province of Ontario situated north of the 45th Degree of latitude & bounded on the West by a line running due South & striking the East Shore of Lake Nipissing and on the East\* by the Ottawa River which lands the Indians belonging to the Mississauga Bands of Alnwick, Rice, Mud and Scugog Lakes as well as the Chippewas of Lake Simcoe claim as their hunting grounds, affirming that they were never surrendered by them, although the lands comprised within this tract had been dealt with by the late Province of Canada & now are treated by the Province of Ontario as if the Indian title had been extinguished. There are numerous townships as well as a large area of unsurveyed lands included in the tract.

The attention of the Ontario Government has been called to the matter on more than one occasion and that Government was invited to make a proposition for the settlement of the Indian title but no other reply has been received from that Government than, that the records of the Crown Lands Department fail to show after careful search, that any part of the tract of land referred to was surrendered by the Indians unless it be that portion which lies to the west of the Bobcaygeon Road line, which is presumed to have been surrendered by the Robinson Treaty of September the 9th, 1850, with the Ojibeway and Nipissing Indians.

In connection with the surrender last referred to the undersigned begs to state that there was no defined Eastern boundary of the tract of land covered by it. There is no doubt however that the Indians who were parties to said Robinson Treaty had no claim to lands East of the East shore of Lake Nipissing nor South of the point on Georgian Bay, known as Moose Deer Point although the surrender in question states that the lands covered thereby extend southward to Penetanguishene. - It may be stated that the Crown Lands Department of Ontario in correspondence had with that Department some years ago, admitted that the Indians who were parties to the Robinson Treaty aforesaid had no right to cede in the lands East or South of the points aforesaid mentioned.

The tract of land remaining unsurrendered may be stated in round numbers to consist of 18950 square miles.

The Indians who claim said tract are becoming yearly more impatient for a substantial recognition of their rights in the soil, and the undersigned respectfully recommends that in the arrangement of out-standing matters between the Dominion Government and that of Ontario, the claims of these Indians to compensation for these lands should be recognized and a basis established for satisfying the same.

\*The words underlined were written into the text already prepared. It is not known whether the word "south" in this description is an error in the original text.

The following marginalia appears on this document:

To be sent to the Supt. General to Council next week - By Order.

Mr. Vankoughnet will bring this matter before me when the Domm. & Ont. officers meet at Ottawa to adjust afes. Oct. 26/82.

(signed) J. McDonald Oct. 16/82 [Document No. 337].

329. On September 23, 1881, J.B. Nanegisking, Chief of Rama and other Chippewa and Mississauga Chiefs, sent the following petition to Sir John A. MacDonald:

... That at a general council of the Band of Indians of the Ojebwa and Mississauga Tribe with their Chiefs assembled at the Township of Rama to take into consideration the terms or conditions they would be willing to give up their title to that portion or Territory of Land south of the Water shade [sic shed] of the Ottawa and near that vicinity which they still own and claim and which has never been ceded to the Crown.

It was resolved to surrender the whole Territory still unceded to the Crown provided the Crown gave them reasonable compensation, therefore with the understanding that each band received an equal share of the compensation for said Territory.

It was also resolved to appoint Joseph G. Nanegisking Chief of the Rama Tribe and M.G. Pahtansh of Rice Lake Tribe to confer and act for us with the Crown and Transact all business in connection with the disposal of our rights to said Territory and we also authorize them to have and to hold all communications in connection with the disposal of said Territory and to sign all documents on our behalf. Your Petitioners therefore pray that you see that the Tribe be liberally compensated as this is the last Territory they have to cede away and your Petitioners as in duty bound will ever pray.

[Document No. 341]

This document was signed by the Chiefs and Councillors of the Rama, Georgian Island, Rice Lake, Scugog, Mud Lake and Christian Island Bands.

330. On February 4, 1884, the Alderville Band [Alnwick Band] adopted this resolution to accept \$80,000 in settlement of its claim to the unceded lands:

At a general meeting of the male members of the Alnwick Band of Indians, duly called by the Chief and Council to consider the proposition of surrendering to the Crown certain unsundered lands.

After due consideration,  
Moved by Geo. Blaker and Seconded by Thos. Marsden that this Band will take the sum of Eighty Thousand dollars and surrender all lands to which they may have any claim, excepting the Alnwick Reserve, the Islands in Bay of Quinte and the Islands in St. Lawrence.

[Document No. 344]

331. The resolution was forwarded to the S.G.I.A. on March 11, 1884, by John Thackeray, one of the signatories, together with the following comments on the extent and location of the land being claimed:

Attached hereto please find a resolution passed by the Indians of the Alnwick Band in general Council assembled proposing to surrender all lands to which they may have any claim excepting those therein reserved for the sum of \$80,000. The band claims that they were the owners of certain lands lying north of the Township of Ramdon [sic] [Rawdon] in the County of Hastings and extending north of the Ottawa River and which was never surrendered by them. I have no means of ascertaining the exact limits of the land to which they lay claim neither have they. Mr. Plummer has given the matter considerable study and no doubt will be able to give you all the information required.

[Document No. 345]

332. On October 2, 1884, Mr. Vankoughnet, the Deputy Supt. General, prepared the following memorandum regarding the Chippewa and Mississauga Claim.

Referring to the memorandum of the undersigned of the 11th of March, 1881, and his subsequent memo of the 22nd of November, 1882, and the Superintendent General's instructions thereon relative to the claims of the Chippewas of Lakes Huron and Simcoe and certain Mississauga Bands in respect of a large section of country which was improperly included in the surrender made by the Ojibeways of Lake Huron in 1850, under what is generally known as the Robinson Treaty, - the undersigned is informed that the Treasurers of the Provinces of Ontario and Quebec will probably meet in Ottawa about the 20th instant and he has been asked by The Deputy Minister of Finance to submit any claims that the Department may have for consideration previously to the meeting of the two Treasurers.

The undersigned having given the matter of the claims of the Indians above referred to due consideration begs to state as the result that the present number of Indians who would appear to be interested in the lands previously referred to in [sic] 1,227, made up as follows, -

Chippewas of	Beausoliel, -----	381
" "	Snake Island, -----	137
" "	Rama, -----	248
Mississaugas of	Mud Lake, -----	158
" "	Rice Lake, -----	94
" "	Alnwick, -----	231
" "	Scugog, -----	41
<u>Total,</u>		1,227

and the tract of country which they claim to have been their hunting grounds and for which they demand compensation from the Government comprises that portion of the territory included in the Robinson Treaty which is nearest to the great centres of civilization and is therefore, it may be concluded, the most valuable part of the territory covered by that Treaty. Roughly computed the southern part of the tract contains 5,406 square miles and this and the more remote north eastern portions thereof which contain together 10,719 square miles may be described as extending from Moose Deer Point on Georgian Bay inland to the Southern extremity of a right line drawn Northward and touching the Eastern border of Lake Nipissing thence South to the 45th degree of Latitude; from thence East\* to the Georgian Bay; thence South following the sinuosities of the Easterly shore of that body of water to a point near East Oro, thence Eastward to the shore of Lake Simcoe, thence Northward following the sinuosities of the Westerly shore of Lake Couchiching to the head of that Lake, thence North Easterly through the Townships of Morrison and Muskoka to the North-Eastern corner of the latter Township thence following the 45th degree of latitude Eastward until the same strikes the Westerly corner of the Township of Ashby, thence Easterly along the Southern boundary of that Township and of the Townships of Denbigh, Matawatchan, and Brougham to the South Eastern corner of the latter Township, thence North following the Eastern boundary of the last named Township and of the Townships of Grattan, Wilberforce, Alice, Petawawa, and Buchan to the Ottawa River, thence North Westerly following the Sinuosities of the Western shore of the latter stream to the 47th degree of latitude on Seven League Lake, thence by a line running southward to the angle made by it and the right line previously described drawn from Moose Deer Point Eastward, thence Westward to Moose Deer Point the place of beginning aforesaid.

The undersigned submits that although the territory included in the above boundaries is not so extensive as the remainder of the territory covered by the Robinson Treaty with the Ojibeway Indians of Lake Huron which contains about 18,898 square miles, nevertheless owing to a large proportion of it being much nearer to the large centres of population it is much more valuable, and it would not be unfair to assume that the Indians interested in this

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It is not known whether "East" is an error; see map in following paragraph.



territory are therefore entitled to as much consideration for the relinquishment of their rights therein as the Ojibeways of Lake Huron received in compensation for their rights in a not more valuable tract. The undersigned therefore submits that an annuity of a similar amount, namely; \$4.00 per head should be allowed these Indians for the future, and that they are entitled to arrears of annuity at that rate from the date of the Treaty of 1850 to which they were not parties, although this large and valuable tract was erroneously included therein and has been lumbered over and used for the purposes of settlement ever since without any reference to the claims of these Indians.

Taking the present number of Indians as a basis for the calculation it will be found that at \$4.00 per head the amount of annuity payable to them will be \$4,908.00 and at this rate the arrears due them for the thirty-four years since the date of the Robinson Treaty of 1850 amount to \$166,872.00. The proportion of this sum which should have been paid previous to the confederation of the Provinces in 1867 should be charged against the old Province of Canada, and the balance against the Province of Ontario. The amount of capital which it will be necessary to invest in Government securities at 4% in order to purchase an annuity of say in round numbers \$5000.00 per annum will be \$125,000.00. This latter obligation the undersigned respectfully submits it is incumbent upon the Province of Ontario to assume by placing the Dominion in funds to enable this Department to pay the Indians annuity at the above rate.

It may be added that these Indians are becoming very impatient for the settlement of their claims and they repeatedly press the same upon the Department. The undersigned respectfully recommends that this matter be brought before the Treasurers of Ontario and Quebec at their next meeting with a view to an arrangement being made for liquidating the liability of the Old Province of Canada and of the Province of Ontario to the Indians above mentioned.

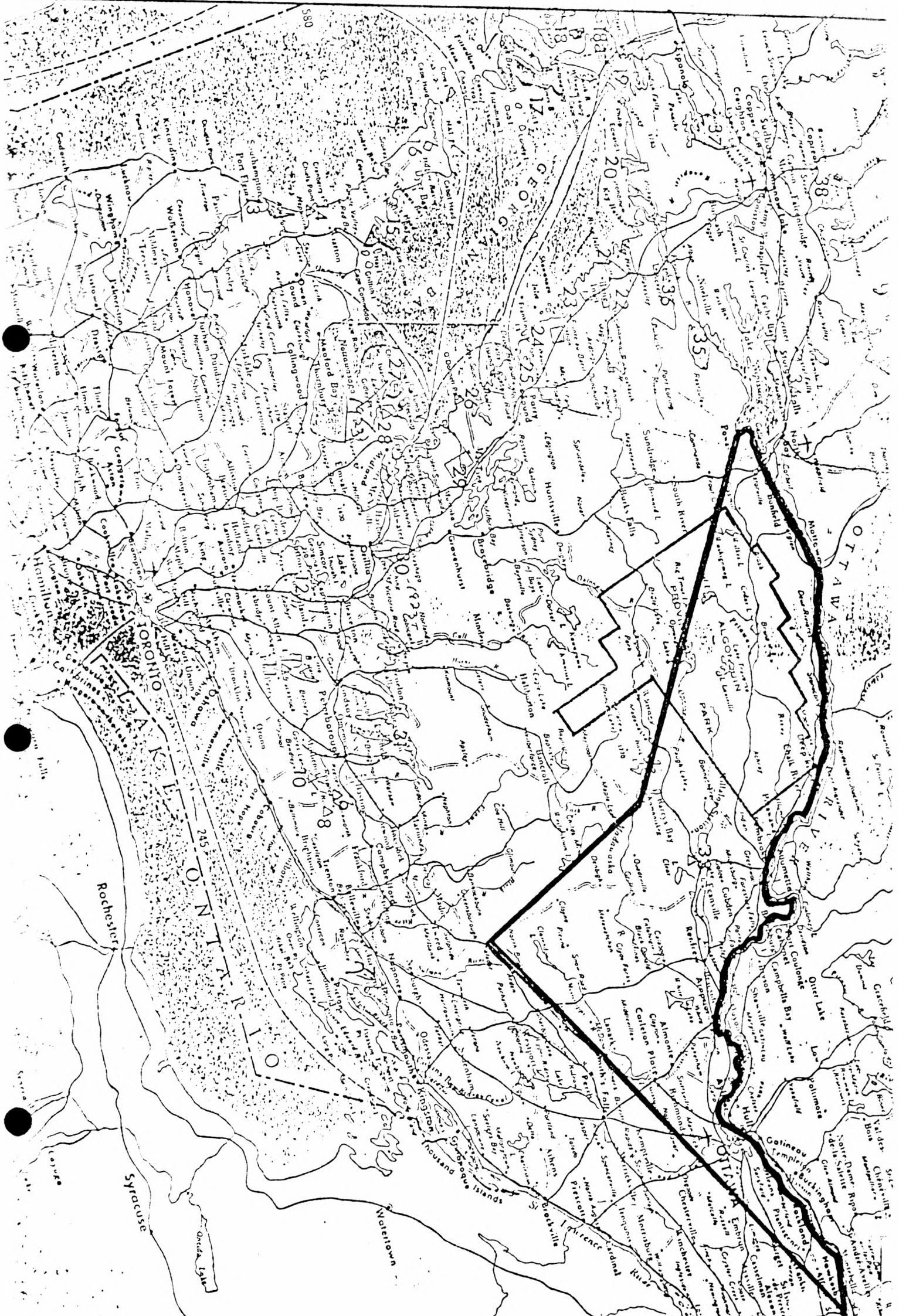
[Document No. 347]

333. The area claimed, as described above, is shown on the first map which follows. The approximate area which is overlapped by the hunting grounds claimed by the Algonquins is shaded. (See second map submitted by present claimants).

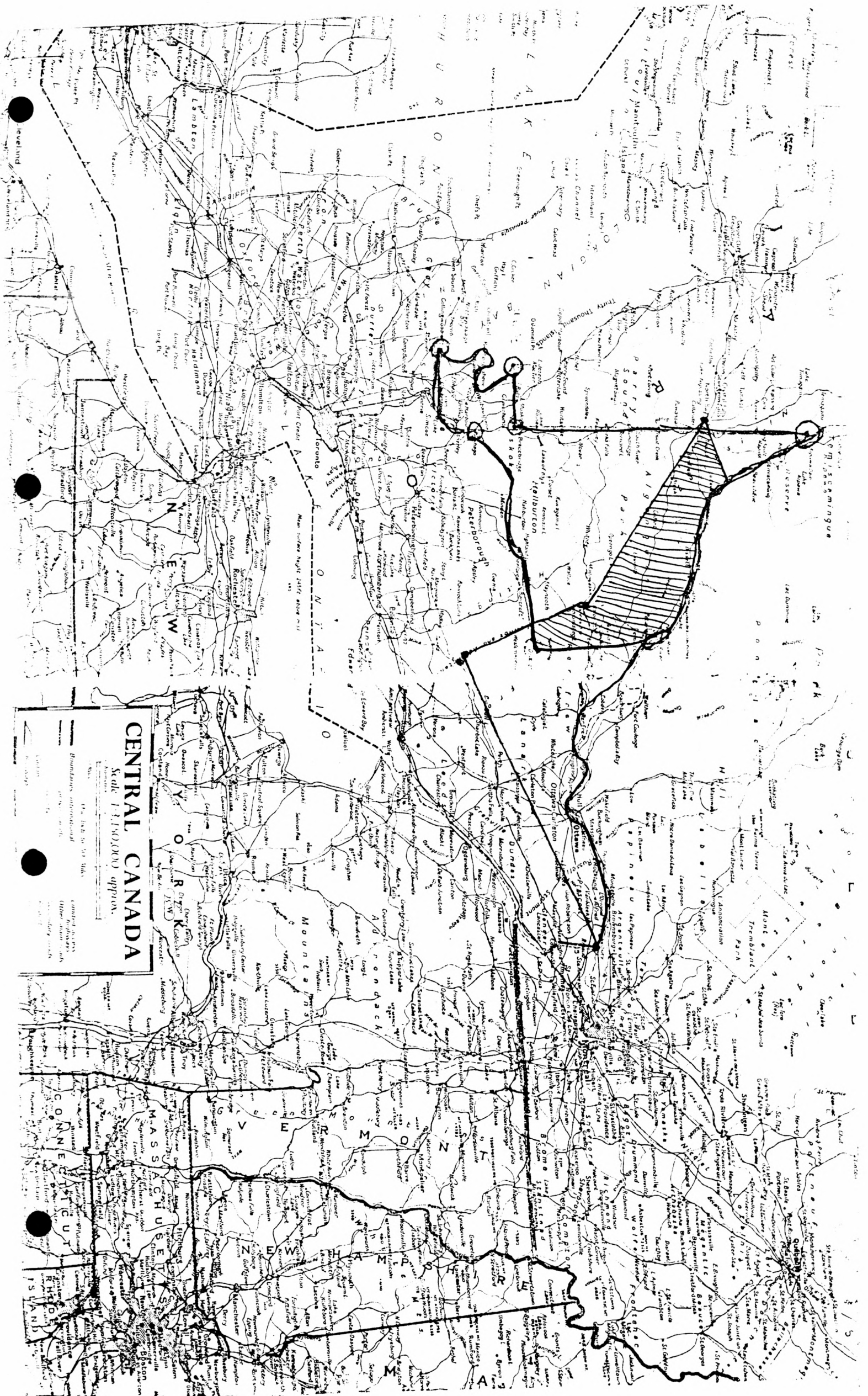


Claimed area as plotted by  
Paul Williams, counsel for  
Algonquin Band of Golden Lake  
and attached to letter to  
E.G. Wilson, M.N.R., Ontario,  
February 1, 1977.

Algonquin  
LAND CLAIM  
ALGONQUIN  
PRCV. PARK









B. CLAIMS OF THE MISSISSAUGA AND CHIPPEWA TO LAND IN SOUTHEASTERN  
ONTARIO: AND DOMINION-ONTARIO ATTEMPTS AT SETTLEMENT: 1889-1899

334. The record does not indicate, following VanKoughnet 's memorandum of Oct. 2, 1885, any further action at that time on the Mississauga and Chippewa claim. In 1889, however, the claim was raised again in the context of the proposed tribunal to settle claims with the old Province of Ontario. This claim was one of several considered for submission to that tribunal. In consequence, the following memorandum was forwarded to R. Sedgewick, Deputy Minister of Justice, for consideration:

I forward herewith file No. 67071 of this Department relative to a claim of the Mississauga Indian Bands of Alnwick, Rice, Mud and Scugog Lakes as well as of the Chippewas of Lake Simcoe in the Province of Ontario to compensation for a large tract of land which was dealt with as forming part of the public domain in part by the old Province of Canada up to Confederation and the same has since then been administered by the Province of Ontario as if the Indian title therein had been extinguished, whereas it is claimed on behalf of the Indians above mentioned that no surrender thereof was ever made by them. A portion of this tract, viz: the south eastern part of it from Moose Deer Point was erroneously included in the Robinson Treaty of September 9, 1850, negotiated by the late Hon. Wm. Robinson with the Ojibway Indians of Lake Huron but these Indians themselves have acknowledged that they had no right to any part of the land which is claimed by the Mississauga and Chippewa Indians above mentioned and the Crown Lands Department of Ontario has virtually conceded the point by refraining from dealing with certain unsold Islands situated in water south of the above point.

The particulars of the claim will be found in reports on this file dated the 11th March, 1881 and 2nd November, 1884.

The matter has been brought before the attention of the Commrs. appointed to settle claims against the old Province of Canada on one or two occasions; but no determination thereof was arrived at. The Department has also communicated on the subject from time to time, as will be observed on the file, with the Department of Crown Lands of Ontario, and that Department while admitting that there is no record of any surrender having been made of the land claimed by the Mississaugas and Chippewas excepting the portion thereof which was erroneously included in the Robinson Treaty above referred to, has not suggested any mode of settlement of the claim, the attention of the Government of Ontario was also called officially to the matter, but without any result.

This is another of the claims which it is proposed shall be submitted to a competent tribunal for settlement, and the papers are forwarded to you with a view to your preparing a document for presentation of the same to such tribunal as may be appointed to deal with the matter.

335. On January 14, 1891, Indian Agent, John Thackeray, forwarded to the S.G.I.A. the following resolution which had been adopted by the Mississaugas of Alnwick:

Whereas we see by the Public press that certain Gentlemen representing the Dominion Ontario and Quebec Governments met in Toronto in November last (as we understand it) amongst other things to arrange about the settlement of certain Indian claims to unsurrendered lands.

And Whereas at a regular meeting of the Grand Indian Council held at Rama in the Province of Ontario in September 1881 a resolution was passed offering to surrender to the Crown all unsurrendered lands on conditions that each Band having claims should share equally in the proceeds thereof.

Therefore moved by Peter Crowe and seconded by Hiram Beaver that this Band does not approve of the terms of the resolution passed at said Grand Indian Council from the fact that we believe we have claims on a greater amount of territory than any Band represented at said Council and only ask for our own rights and insist upon getting them and will be satisfied on no other condition and that our Agent send a copy of this resolution to the Indian Department at Ottawa...

[Document No. 354]

In his covering letter the Indian Agent identified the above-noted Alnwick Indians as former members of two bands called the Kingston Indians and the Bay of Quinte Indians.

336. On February 11, 1893, A. White, Assistant Commissioner of the Department of Crown Lands of Ontario, provided the following information to Aemilius Irving regarding "the Indians of Algona" [Golden Lake]:

I have your letter of the 8th inst. in reference to "the Indians of Algona," in connection with whom you say you have no papers, and asking if we have any to send them.

The Indians of Algona consist of a few families who seem to have belonged to indigent tribes resident in Lower Canada and who had no annuities or interest accruing from any land funds. They squatted in the township of South Algona, and remained there hunting and fishing for a great many years as mere squatters. In 1859, application was



made by the Indian Department to the Department of Crown Lands, asking that the lands which they occupied might be sold to them, and by Order in Council of 29th January 1864, 1561 acres of land in the township of South Altona were sold on behalf of the Algonkin Indians at ten cents an acre, and patent issued to the Department of Indian Affairs in trust for these Indians. It was just an ordinary sale of lands, and they do not seem to have any claims or to be making any claims, so far as the papers on file here show. If you still desire to see the papers, I shall be very happy to send them to you; but as Superintendent General Pennefather, in his letter of the 14th January 1859 addressed to the Commissioner of Crown Lands, when asking for a sale of these lands to the Indians, says "the individual Indians on whose behalf application is made are all members of indigent tribes resident in Lower Canada, and have no annuities or interest accruing from the land funds whence the Department could make any payment for them", it would appear to be clear that they are not in a position to make any claims against the Province of Ontario.

[Document No. 355]

337. On May 1, 1895, S. Bray prepared the following "description of the tract of land claimed as hunting grounds by certain Chippewa and Mississauga Indians":

All that tract of land in the Province of Ontario containing approximately ten thousand seven hundred and nineteen square miles (10719) bounded on the North by the Ottawa River, on the East by the surrender of the 8th Nov., 1822, on the South by the said surrender by the surrenders of 5th Nov., 1818 and 18th Nov., 1815, and by Lakes Simcoe and Couchiching and on the West by the Georgian Bay and the lands of the Ojibewas of Lake Huron ceded by them on the 9th Sept. 1850 and which lands may be more particularly described as follows - commencing on the Georgian Bay at the North-eastern angle of the surrender of the 18th Nov., 1815, thence southerly and Easterly following the boundaries of the said surrender to the Westerly shore of Lake Simcoe thence Northerly following the said shore of Lake Simcoe and the Westerly shore of Lake Couchiching to the foot of the said Lake Couchiching thence Northerly and Easterly along the boundaries of the surrender of the 5th Nov., 1818, to the North-eastern angle of the said surrender thence easterly and northerly along the boundaries of the surrender of the 8th Nov., 1822, to the Ottawa River, thence up the said Ottawa River to the point where it crosses the 47th parallel of Latitude, thence Southerly and Easterly along the boundaries of the lands of the Ojibewas of Lake Huron ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian Bay, thence southerly following the Easterly shore of the Georgian Bay to the point of commencement excepting thereout and therefrom certain Islands at the foot of Lake Couchiching and in the head waters of the Severn River that are claimed by the Indians as their property.

[Document No. 367]

338. Several days later, on May 6, 1895, W.D. Hogg, Council for the Dominion Government, filed before the Board of Arbitrators the following "Statement of Case of the Dominion On behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississauga Indians of Mud Lake, Rice Lake, Alnwick and Scugog":

1.

The above-named Indians have for many years claimed and do now claim that a certain large tract of land, which is hereinafter set out and referred to, formed the hunting-grounds and abode of their ancestors; and that the title of the said Indians to these lands has never been surrendered to the Crown.

2.

The lands, with respect to which the Indians allege that their title has not been extinguished by treaty or surrender to the Crown, comprise all that tract of land in the Province of Ontario containing approximately ten thousand seven hundred and nineteen square miles, bounded on the north by the Ottawa River, on the east by the surrender of the 8th Nov., 1822, on the south by the said surrender, by the surrender of 5th Nov., 1818, and 18th Nov., 1815, and by Lakes Simcoe and Couchiching, and on the west by the Georgian Bay and the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, and which lands may be more particularly described as follows: - COMMENCING on the Georgian Bay at the northeastern angle of the surrender of the 18th Nov., 1815; thence southerly and easterly following the boundaries of the said surrender to the westerly shore of Lake Simcoe; thence northerly following the said westerly shore of Lake Simcoe and the westerly shore of Lake Couchiching to the foot of the said Lake Couchiching; thence northerly and easterly along the boundaries of the surrender of the 5th Nov., 1818 to the northeastern angle of the said surrender; thence easterly and northerly along the boundaries of the surrender of the 8th Nov., 1822, to the Ottawa River; thence up the said Ottawa River to the point where it crosses the 47th parallel of latitude; thence southerly and easterly along the boundaries of the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian Bay; thence southerly following the easterly shore of the Georgian Bay to the point of COMMENCEMENT, excepting thereout and therefrom certain Island at the foot of Lake Couchiching and in the head waters of the Severn River, that are claimed by the Indians as their property.

3.

Prior to Confederation the said lands were dealt with by the Province of Canada and portions thereof were sold

and disposed of as crown lands, but no portion of the proceeds of the said sales was paid to the Indians or any compensation made to them by the said Province of Canada.

4.

The Indians above named assert that although the said land now forms part of the Province of Ontario and has been surveyed and used by that Province, and has been laid out into townships, and portions of it have from time to time been sold and conveyed, and the full benefit and advantage of the said land has been enjoyed by the said Province of Ontario, in the same manner as if the title of the said Indians had been surrendered and extinguished; yet the said tribes, and bands of Indians have never been in any way compensated for or in respect to their title and interest in the said lands.

5.

The claim of the Indians for compensation has, on many occasions, been brought by the Dominion to the notice of Ontario, and although that Province has acknowledged that no surrender or extinguishment of the Indian title to the said lands has ever taken place, yet Ontario has refused and declined to acknowledge the claim of the said Indians to be compensated, the allegation of that Province being that the Dominion and not Ontario must compensate the Indians, for their right title and interest in the said lands.

6.

The Dominion, on behalf of the said Indians, claims that the said lands came into the hands and possession of Ontario under the 109 section of the British North America Act, 1867, subject to the Indian title thereto, which was and is an interest in the lands "other than that of the Province in the same," and that the said title and interest of the Indians are still outstanding and unsurrendered.

7.

The Indians have, on many occasions since the date of the Union, signified their willingness to the Dominion to cede and surrender their claims in and upon the said lands upon receiving proper compensation therefor, and the Dominion has brought the question of this desire on the part of the Indians to the notice of Ontario, and has requested that some fair and equitable settlement of the claims of these Indians, should be made; but up to the present time, no step has been taken by Ontario towards making such settlement.

8.

In the year 1884, the number of Indians forming the several bands interested in the said lands, and who would be entitled to share in any compensation which may be granted was 1227, made up as follows:-

Chippewas of	Beausoleil .....	318
"	Snake Island .....	137
"	Rama .....	248
Mississaguas	of Mud Lake .....	158
"	Rice Lake .....	94
"	Alnwick .....	231
"	Scugog .....	41
		<hr/> 1227

and at the present time the numbers are about the same. The Dominion therefore submits that in view of the valuable character of the said land, being to a large extent situated in, or close to the centres of population, the Indians should receive from and be paid by the Province of Canada and the Province of Ontario a liberal allowance and indemnity, for their interest and title in the said lands, for the respective periods during which the said lands were comprised in either of the said Provinces; and that Ontario should hereafter provide an annuity for the said Indians, or that a lump sum should be provided by Ontario and paid to the Dominion from which the Indians might receive and be paid annuities in the future.

9.

The Dominion, on behalf of the said Indians, submits the said claim to the consideration of the arbitrators, and prays for an award which will answer, and provide for, the just claims and demands of the Indians entitled in the premises.

[Document No. 368]

339. Two years later, however, Hogg concluded that negotiation between Ontario and the Dominion, rather than arbitration, would more likely settle the claim. On September 13, 1897, he therefore prepared the following analysis of situation for Newcombe, the Deputy Minister of Justice:

Referring to your favour of the 7th instant, in which you require us to send file No. 67071 of the Indian Department we beg now to hand you that file, which was received by us in February, 1893.

We also beg to enclose you a copy of the statement of claim on behalf of the Dominion which was at that time prepared. This statement of claim was filed on the 6th May, 1895, with the Secretary of the Arbitrators, but since that time no defence was put in by either of the Provinces.

There is some question of doubt as to whether the claim is one which properly comes within the agreement referred to in this arbitration. The claims relating to Indians and the Indian Department, come under sub-clause "D", clause 2 of the agreement of submission. That sub-clause "D" is in these words:

"D. The claims made by the Dominion Government on behalf of Indians, and payments made by the government to Indians, to form part of the reference." Under this head, all claims which the Indians have had relating to money demands under surrenders arising out of the treaties made before Confederation, and sums of money which the Dominion has paid in respect of some of these treaties, on behalf of the Indians, have been treated as coming within that sub-clause.

The claims of these Indians are different from any of the others excepting the Temiscamingues, upon which we reported some time ago. In this case the contention of the Indians is, that the land in question never was surrendered to the Crown, not being included in the Robinson Treaties. The land, as you will observe, in paragraph 2 of the statement of Claim, is a very large tract, amounting to about 10,719 square miles, in the Province of Ontario. On the 13th of February last, we reported briefly on this claim to your department, saying that we did not think it was a case that could be properly brought before the arbitrators for their consideration. It appears to be rather in the nature of a case for negotiation between the governments of the Dominion and of Ontario. All the land, as we said before, is embraced within that province and not having been surrendered may now be the subject of agreement to treaty between the two governments; in other words, according to the Indians contention this land is open for treaty and surrender, and until some action of that kind is taken with reference to it, it does not seem to be a case which the arbitrators are called upon by the reference to consider.

At the time the statement of claim was prepared, we made an effort to bring the claim within the requirements of the reference and submitted that the Indians should be paid some reasonable allowance and indemnity for their interest and title in the lands, but further consideration has led us to the conclusion that it is a case which would be more properly construed by the governments above mentioned.

[Document No. 399]

340. On August 30, 1898, S. Stewart prepared the following memorandum for J.D. MacLean, Secretary of Indian Affairs, regarding the Mississauga and Chippewa Claim:

In reply to your Memo. of the 26th instant I have to say that the claim of the Mississauga and Chippewa Indians is based on the plea that certain lands which they claim were never surrendered by them, have been dealt with by the late Province of Canada, and now by the Province of Ontario as if the Indian title had been extinguished.

This claim was referred to the Province of Ontario 23rd May, 1870, and again on 9th May, 1878 and on the 17th July, 1878, a letter was received from the Assistant Secretary of the Province of Ontario, stating that "The assistant Commissioner of Crown Lands reports under date 16th July 1878 that he has caused the records of that Department to be carefully searched and has failed to discover the evidence of any Treaty showing that any part of the tract of land referred to has been surrendered by the Indians, unless it be that portion which lies to the West of the Bobcaygeon Road line, which is presumed to have



been surrendered by the Robinson Treaty with the Ojibway and Nipissing Indians of 9th September, 1850."

A description of the land claimed by the Indians prepared by Mr. Bray on the 1st May, 1895, is on this file, which discription gives the area of the land claimed to be approximately ten thousand seven hundred and nineteen square miles.

Mr. Vankoughnet prepared a statement in October 1884 based upon the amount paid the Indians under the Robinson Treaty. This statement gave the number of Indians interested in the land to be 1227 who if paid at the rate of \$4.00 per head should receive \$4908. per annum with arrears and interest from 1850.

To continue payments at this rate Mr. Vankoughnet estimated that the sum of \$125,000 should be invested by the Province of Ontario in Government Securities to place the Dominion in funds for that purpose.

[Document No. 400]

341. There follows below relevant extracts from the 1898 "Memorandum on the part of Ontario: Respecting the claim Preferred on behalf of the Indians to certain Islands in Georgian Bay and up to 10,000 square miles of the mainland of the Huron and Ottawa Territory" - The full text of which was set out in Chapter XV.

VII. THE CLAIM OF THE RICE, MUD AND SCUGOG AND ALNWICK BANDS TO LANDS OF THE OTTAWA VALLEY - THE ALGONQUIN TITLE -  
1. We now come to what remains as the final point of enquiry in this investigation, namely, the question of the native title to the lands of the Ottawa Valley.

(a) We have seen that these lands had been, on the advent of the French, found to be in the possession of the Algonquins, so named par excellence. The Algonquins, when visited by Champlain, had their headquarters on the Allumette islands, in the Ottawa River, and favoured by this commanding position, and by a natural dominance of character - they had the reputation of being the haughtiest of all the tribes, and in influence and standing, second only to the Hurons themselves - they levied toll upon all who passed by that great (and then - because of the Iroquois -- the only uninterrupted) highway between the Great Lakes and Montreal and Quebec. They had undisputed sway over the lands of the river, and were in friendly intercourse with the Hurons, whose lands abutted upon theirs, and, with them, entered into a close alliance with the French. After their dispersion by the Iroquois - to

repeat it - the remnants were gathered together, under the immediate protection of the French, at the Mountain of Montreal, afterwards removed to the Sault au Recollet, and transferred in the end, in 1720, to the Lake of the Two Mountains, by the waters of their own river, from whence, as a base, and situate within the circumscription of their ancient possessions, they have uninterruptedly used the lands of the Ottawa valley as their hunting ranges. Curiously enough, whilst thus located on the northerly side of those waters, their hunting operations, for as long as we have authentic account of them, appear to have been carried on more on the southerly or Upper Canada side.

Strange that when any portion of the lands on this Upper Canada side of the Ottawa came to be dealt with, with a view to the extinguishment of the Indian title, the actual and only possessors of that title, as they were also the actual and only native occupants of the lands - and whose rights, (in this differing widely from the Mississaguas,) were really aboriginal and "from time immemorial" - were ignored, and a power of surrender fictitiously attributed to an insignificant body of strangers, who never had faintest colour of right, and whose actual presence on the lands, or any of them, at any time, whether for hunting or other purposes, has certainly never been shewn, and if shewn would have been of such recent date as to be ineffectual for creating a valid native title. Had they extended their hunts over that tract, they would have come into hostile contact with, or at all events their presence would have come to the knowledge of the Algonquins, and would have been a subject of protest, bringing the matter to immediate issue. But nothing of the kind happened, and it was not until long after the event, that the knowledge even of the surrender of the Alnwick bands came to them, leading to immediate and imperative objection on their part.

(b) The Mississaguas were at the time of the surrender so numerically small, and settled at locations so remote, that even had they rights, they would hardly be likely to visit this Ottawa territory in their hunting excursions. They were outside of, and further away than the extremest limits of the surrender of 1822. Divided at the time into two sections, the one was located upon the islands at the head of the Bay of Quinté, the other in the immediate vicinity of Kingston. The first of these numbered but 159; the second only 98:

"Mississaguas of Bay de Quinté	159 persons
Mississaguas of Kingston	98 persons
<hr/>	
Total	257 persons,"

being also the total number mentioned in the treaty. This was in 1819, the date of the provisional agreement, formally confirmed by that of 1822.

The whole tract to the southward, south-eastward and eastward of the then proposed cession, and running conterminously with its southerly and easterly limits, from

the north-west angle of Rawdon to the Ottawa River, had been surveyed and laid out in townships - the unbroken line ran along the then northerly bounds of the townships of Rawdon, Huntingdon, Hungerford, Sheffield, Hinchinbrooke, Bedford, Crosby, Burgess, Elmsley, Montague and Marlborough, and the westerly bounds of the township of Nepean, to the river - and was rapidly filling up with settlements; and new surveys and new townships were required to meet the demand, both to the rear of the existing lines of survey and along the banks of the Ottawa.

These Mississaguas were then wanderers among the islands and along the water front from the head of the Bay of Quinté to Kingston, or the Gananoqué, and had already made surrender of such portion thereof as the Crown had so far chosen to require of them. They, few as they were, were yet the only Indians continuously in evidence by actual presence on the front of this section of the soil of Upper Canada; the front to the east of them, was entirely free of natives, except by the occasional presence of the Iroquois of St. Regis (located on the south side of the St. Lawrence, and within the Province of Lower Canada), upon the islands, or - by their lessees or in person - upon the large tract reserved to them on the borders of Stormont and Glengarry; to north of them, or in immediate rear of the surveyed townships above enumerated, were no Indians within the then probable knowledge of the Provincial Government of Upper Canada, nor were there, in fact, any residential Indians, the Algonquin settlement being, as aforesaid, far away on the Lower Canada side. And the immense territory still further north - that is all the territory to the northward of the northerly bounds of the Alnwick cession of 1822, and of the Rice, Mud and Scugog cession of 1818, and stretching from the easterly shores of Lake Superior on the west, to the main stream of the Ottawa, and the western boundary of the Johnstown District, on the extreme east - was, officially, looked upon as within the possessions of the united bands hereinbefore referred to as the Ojibeways of Lake Huron: "Chippewa Ojibway Hunting Country," it was called, erroneously, of course, in so far as the Ottawa valley was concerned. This is shown on the face of the valuable official "Map of the Province of Upper Canada .... compiled at the request of His Excellency Major-General John G. Simcoe, first Lieutenant-Governor, by David William Smith, Esq., Surveyor-General," already alluded to.

(c) The Algonquins, of the Lake of the Two Mountains, hidden away, as it were, on the farther side of the Ottawa River, and within the bounds of another Province, and under a different Indian administration - Indian Affairs, at this time were within each Province separately administered under the care of its own Lieutenant-Governor (prior to 1791, and subsequent to 1841, it was otherwise) - were not, at that time, within the ken, official or historical, of the authorities of Upper Canada: their name, and the name of their location as such, are alike absent from this map; the publicity, notoriety and official attention and recognition which their claim subsequently received, were then but unimagined incidents of the future; they are, therefore, as of course, entirely excluded from

consideration when the Government cast about them for an extinguishment of Indian rights in the tract about to be ceded. The Ojibeways are also excluded, as too remote for the then purposes, their rights not extending in fact to within the St. Lawrence watershed, nor, in the official view, according to this map, to southward - in the easterly parts - of the parallel of 45 degrees; and the Alnwick (and with them the Rice, Mud, Scugog) bands are thus left solely available.

(d) The extension of the rights of surrender of these last named bands, in the discretion, and at the instance of the Government, northward to the limit approximately of the Ontario and St. Lawrence watershed, evidenced by the cessions of 1818 and 1822, may be understood as carrying to conclusion the policy inaugurated by the Crown; but the recognition of such rights in the Alnwick band (under the same instrument of 1822) in respect of inland territory whose St. Lawrence front they had never occupied or surrendered, and extending into lands of quite another water system, which also (notwithstanding the recital in the cession) they are not shewn to have - as they never in fact had - occupied, is, to say the least, very surprising, and hard of explanation.

One or other of two explanations occur to one as barely possible:

First, That these Indians may be urged claims, which, though not well-founded, the Crown deemed it well to procure an extinguishment of, especially as, under the established rule, the cession of the larger, would involve no greater charge than the cession of the smaller, territory, which, in either case, would be precisely the same, viz., an annuity of £2.10s a head;

Second, That the Crown, by a cession which cost it nothing, desired to conclude the St. Regis Indians, who had acknowledged rights on the north front of the St. Lawrence, from any attempt at extension of these rights rearward into the Ottawa watershed.

I give these suggestions for what they may be worth.

What is certain about the transaction is, that there was accepted from the Mississaguas a surrender which, as to this portion of the lands, was, properly, only within the competence of the Algonquins.

(e) One thing is very clear on the face of this map. If it shews the ignorance of the authorities regarding the undeniable rights of the Algonquins, it also shews the rejection by the same authorities of any such claim to the Ottawa lands as is now preferred by the Rice, Mud and Scugog and Alnwick bands; for these very lands are here assigned to the Ojibeways. The fact that the latter neither had, nor claimed, any rights in the Ottawa valley, does not impair the force of the argument as against the former; the map is evidence that in the view of the authorities, there was a northern limit beyond which their powers of surrender would not be recognized. That limit, as has been argued and proven in the earlier part of this paper, was precisely defined, by metes and bounds, by the instruments of 1818 and 1822.

(f) It would have sufficed for the present purpose to have shewn what, but for the continuous unbroken possession of the Algonquins - first exercised from the Allumettes and afterwards, none the less effectively, from Mount Royal or the Lake of the Two Mountains - would have been the fact, that the Upper Canada lands of the Ottawa valley had, from the time of the dispersion by the Iroquois remained and still were, derelict of Indian inhabitants; or to have shewn, as has in fact been shewn, that the present claimants had neither inherent right nor any sort of possession, nor rightfully recognized claim to the lands in question. But the incidents of the Algonquin claim could not be ignored, and demanded, and have compelled attention.

...

"I must call your special attention to the recommendations which the Committee offer in relation to each separate tribe. You will be more at liberty to shape your proceedings in this matter according to your own discretion, in consequence of the provident directions given by Lord Gosford 'to the Crown Land Department not to dispose of the tracts' proposed to be reserved for such tribes as appear to need an augmentation of their property, 'until the pleasure of Her Majesty's Government be known on the subject'.

"In regard to those Indians who are at present without any land, consisting principally of the Iroquois, Algonquin and Nipissing tribes [of the Lake of the Two Mountains], I concur in the opinion of the Committee, that reservations should be made for them at the back of the present settlements, although of the extent of such reservations I am unable to form any opinion ...

"In the case of the lands proposed to be reserved for their benefit, it should be distinctly provided that the land so reserved shall be inalienable by the Indians without the express consent of the Executive Government; and that it should be in the power of the Government, should the Indians not cultivate the land, to remove them hereafter to other hunting grounds, when the advance of settlements may render such a measure expedient; but if they should cultivate it, then to contract the limits of their reservation to such an extent as would leave them the means of procuring an adequate and comfortable subsistence."

...

The question remains, whether the conditions laid down by the Council of Lower Canada and recognized by Lord Glenelg, have been fulfilled. We shall presently see that they have been. Were it otherwise, it could not prejudicially affect the right and title, thus established, of the Province, to these lands, as waste lands of the Crown unencumbered by any Indian interest; but it would remain to the Algonquins to demand, and, if need were, enforce the strict fulfilment of the conditions.



4. The question of the Indian proprietorship in the Ottawa lands came again before the Executive Council of Lower Canada in connection with an Indian lease of an Island in the Ottawa River, granted in 1818. By Order of the 17th June, 1839, approved by the Governor-General, Sir J. Colborne, wherein also the previous Order in Council of 13th June, 1837, is recited, it is declared:

"That the lease ... is null and void, inasmuch as the Indians have no right to grant leases or dispose of the lands situated within their ancient hunting grounds ...

"That the leases lately given of this island by an officer of the Indian Department to certain occupants is equally irregular and invalid, and that the island should be considered and treated as a part of the waste lands of the Crown, and all intruders ousted who have not a title from the Crown" ...

These Indians had granted numerous leases of islands in the river. This one was of Kettle Island, below the Rideau, opposite the Township of Gloucester, and therefore below the southerly limit in that quarter of the Alnwich surrender of 1822. Others were of portions of the Allumettes, opposite to which was the most northerly point of the main shore reached by that surrender; and some may have been still further north.

... [Paras 5 through 8 describe the actions of the governments of Upper and Lower Canada over the years].

9. As to all which, it may be remarked, regarding the various objections, that they have already, in the preceding pages, been, in effect, disposed of by anticipation, it may now be pointed out, or further added -

(a) That no attempt is made in the report, to shew a vestige of valid claim or title of the Mississaguas to the tract of Ottawa lands covered by their surrender of 1822, or to any other lands of the Ottawa valley; that the papers submitted, upon which the report is founded, fail to disclose any such title; that their case, as to the tract so covered by the surrender of 1822, is rested solely upon the action of the Upper Canada authorities in accepting the surrender; that to their claim, as now made, to the remaining lands of the Ottawa valley, on the south side of the river, there is not the remotest allusion in the report, leading to the obvious inference, that at that time no such claim had been suggested or thought of by anybody - neither by the Indians themselves, nor by the authorities, Imperial or Provincial; the papers submitted to Mr. Justice Macaulay contained no mention of it:

(b) That the Mississaguas are shewn to have been recent arrivals even upon the westerly tracts of which of late years they were the only native occupants; that upon these westerly tracts they were but squatters at sufferance on waste lands of the Crown, which were unencumbered by any

native right, title or interest whatsoever; that as to the more easterly tracts, which they are not shewn to have in any way occupied, they would, had they so occupied, have been in like manner, mere squatters on sufferance on waste lands also of the Crown, but claimed to be encumbered in this case by the unextinguished native interest - on the St. Lawrence side, of the Iroquois, on the Ottawa side, of the Algonquins;

(c) That the Algonquin claim to the north, or Lower Canada, side of the Ottawa, which is admitted, is no stronger, nor founded on any better, or any different evidence, than that which goes to establish their claim to the south side: they are not two claims but only one claim, whole and indivisible; that by parity of reasoning, the admission of the claim to the north side, involves and compels the admission of their claim to the south or Upper Canada side: the evidence that supports the one maintains also the other: the accidents, that whilst their one claim covered both sides of the river, whilst the jurisdiction of the Crown was exercised by two distinct authorities limited strictly to opposite sides of the same river, and that whilst their hunting operations extended to both sides of the river yet their fixed residence was located on one side of the river, gave rise to some confusion of facts, as of ideas, in dealing with the two tracts thus separated, lead - in the one case, as has been seen, to an admission of their claim, but in the other, firstly, to a total ignorance, as we may presume, of the existence of such a claim, as evidenced by the acceptance of the surrender of 1822, and, secondly, after the claim had been proposed to the authorities, to a doubt of its validity, in the absence of further evidence;

(d) That the early history of the tribes of the Ottawa and the St. Lawrence, to which Mr. Justice Macaulay appeals, but which confessedly he had not examined, establishes, as has been seen, the paramount native claim of the Algonquins, whilst, with it, the history of the Mississaguas, which also was not in evidence before him, went, as has likewise been seen, to entirely disprove any semblance of right on their part to these lands of the Ottawa valley;

(e) That as at the dawn of the history of this territory, nearly three centuries ago, these Algonquins are found located on the Ottawa ("the Great River of the Algonquins," Champlain calls it), on the Allumettes, exercising unquestioned sway and jurisdiction on either side of the river, and visiting on occasion their Huron allies as far westward as Lake Huron - and the history of the intervening three hundred years absolutely fails to shew an adverse, or in fact any possession of any other tribe - so also, in the early half of the present century, as we find in evidence in the official documents now accessible, these Algonquins still carried out their hunts, on the Upper Canada side of the Ottawa River, extending on occasion - by permission we may suppose of the Ojibeways - as far westward as Lake Huron, or even Lake Superior. A few quotations (just from the material at hand) on this head, as it has not been already touched upon:-

...

(f) These extracts - and no doubt they could be largely supplemented on a special search - sufficiently establish that within the present century, the Ottawa lands on the Upper Canada side of the river were if not the sole, at all events of, the hunting grounds of the Algonquins; and from this follows, in the light of the history, the reasonable inevitable deduction and conclusion, that their possession, constructive and actual, of the south or Upper Canada side of the river, had, from the days of Champlain to the present, been continuous and uninterrupted, otherwise than by the temporary interruption of the Iroquois invasion.

Then, it is to be remembered that had it been otherwise - had they had no such possession - the position of the Mississagua claimants would not be thereby in anywise improved; for not only have the Mississaguas not been shewn to have cover appeared or set foot upon the scene of the locus in quo - they also were too entirely lacking in credentials of title to give them, in this matter, any, even the slightest, locus standi as claimants to the lands of the Ottawa valley. The facts of history had established conditions which had disposed of the question in controversy adversely to their pretensions long before they had put themselves in evidence.

10. Before dismissing the consideration of Mr. Justice Macaulay's report, the claim of the Algonquins, therein adverted to, to a proportion of the annuity secured to the Mississaguas by the treaty of 1822, may be dealt with:

That treaty, as has been seen, covered lands of the two watersheds, Lake Ontario and the River Ottawa. Had the cession been confined to the former, to the total exclusion of the latter, there can be no doubt whatever that following the established and universal rule hereinbefore adverted to, the compensation should have been in that case precisely as it now actually is, fixed with reference not to the area surrendered but to the number of Indians interested in the surrender, and to each of them an annuity of 2.10s (pounds).

The annuity of the Mississaguas would not, then, in any event have been reduced, nor any portion of it diverted to the Algonquins. But had the title of the latter to the tract of Ottawa lands which was, with the other lands, embraced in the cession, been admitted by the government, and a cession thereof taken from them direct, they would undoubtedly have been allowed therefor an annuity fixed on probably the same basis as that of the Mississaguas, viz. 2.10s per head of their then number. In their case, however, it is equally certain that the session would have been made to embrace, not alone the tract included in the treaty of 1822, but, with it, the whole of the lands claimed by them on the Upper Canada side of the Ottawa, and that the annuity would probably, in that event, have still remained the same 2.10s per head, and no more.

11. The qualifying clauses of Mr. Justice Macaulay's report having thus been disposed of, it stands forth as evidence in establishment of the Algonquin claim as against that of the Mississaguas.

12. And so the question stood at the time of the Union of Upper and Lower Canada, when the dual authority under which Indian affairs had been theretofore administered, was superseded by the authority, sole and undivided - reaching to both Upper and Lower Canada - of the Governor-General, or the Government, of the Province of Canada, as the case might require.

13. Shortly after the organization of the new Province, that is, on the 10th of October, 1842, the Governor-General appointed Messrs. Rawson, Davidson and Hepburn commissioners to enquire into the affairs of the Indians, who made their voluminous and elaborate report, already mentioned, on the 22nd of January, 1844.

As with Mr. Justice Macaulay's report, so with this; it makes not the slightest allusion to any such claim of the Mississaguas as the one they are now presenting; evidently it had not yet been suggested or thought of. But the commissioners deal with the claim of the Algonquins. Of it they say:

...

There, is, practically, the admission that the land claim is well-founded; Judgment is suspended in regard to the claim to share in the Mississagua annuity, but as to it, it has already been demonstrated that were the Ottawa lands eliminated from the cession of 1822, the Mississaguas would, in pursuance of the recognized policy of the Crown, probably still be permitted to retain it, in full, in compensation for the remaining lands of the cession - those of the Lake Ontario watershed -- whilst the Algonquins would probably be granted, independently, a like annuity, proportioned to their numbers.

14. Commissioners Anderson and Vidal, in their report already cited, of 5th December, 1840, make allusion to the Algonquin title to the lands on the Upper Canada side of the Ottawa:

"The tract lying between the last three bands [that is, "between the sources of the rivers running into Lake Huron"] and the Ottawa River, is supposed to belong to the Indians of Two Mountains, Canada East."

Now, this simple statement is of more value, when it comes to be considered, than at first might appear. For, firstly, it is evidence of REPUTATION, which is held to be an element of very great importance in matters of this kind, and secondly, it embodies, with Mr. Vidal's, the opinion of Captain T.G. Anderson, one of the commissioners, alluded to as the most experienced officer of the Indian Department, and the one most familiar with Indian Affairs.

...

17. It is noticeable, in regard to this report of the Commissioners of 1856, as in regard to the reports of Mr. Justice Macaulay and the Commissioners of 1842, that it makes not the slightest allusion to the existence of any such claim of the Mississaguas as is now before us, leading to the like conclusion as in the former cases, that such a claim had not, even yet, been suggested or thought of.



18. As bearing on the claim and position of the Mississaguas, I will cite here the remarks of the Honourable David Mills, M.P., for Bothwell (now a Senator of the Dominion), and formerly Superintendent-General of Indian Affairs, in debate in the House of Commons, on 19th May, 1888:

"I desire to bring before the honourable gentleman [Sir J.A. Macdonald] a matter about which there is much public rumour ... There are no treaties between any bands or tribes of Indians and the Crown in reference to the surrender of the Indian claims to the country in all this eastern section, extending from the Ottawa to the frontier of Lake Ontario and the vicinity of Kingston. It is said that certain bands of the Mississagua Indians claim the country, although settled, and the Crown has parted with the title to private parties ... The Six Nations, after being armed, until Fort Frontenac was built, held possession of the country. The Mississaguas were not in this country at all until it became a British possession. I mention this to the honourable gentleman, that now the country has been settled and surveyed, he should not entertain any claim of that sort."

The tract specially referred to here, is that stretching from the Ottawa to Kingston, and from the southerly and easterly boundary of the Mississagua cession of 1822 to the St. Lawrence, but the remarks are, in some degree, also applicable and of value respecting the present claims and former cessions of the Mississaguas, and as confirming, on the weighty authority of this student of history and past Superintendent-General, the proposition hereinbefore put forward on behalf of Ontario, that these bands of Mississaguas were not indigenous to the soil, and had no claim as of aboriginal right, but only such, if any, as the Crown, in its discretion, and as a matter of grace or policy, might choose to attribute to them.

19. To conclude this final branch of the subject, it is clear that such Indian interest if any, as still attached to the lands of the Ottawa Valley, on the south or Upper Canada side of the river, was in the Algonquins; that the Imperial Government approved of a settlement of their claim, by the appropriation to them of a tract of land in rear of the surveyed townships on the Lower Canada side of the river; that such appropriation was carried into practical effect under the authority of an Act of the Parliament of Canada, and of an order of the Governor-General of Canada in Council; that by the effect, and as a consequence, of such combined action of the Imperial and Provincial Governments, of the Provincial Parliament, and of the Crown in Council, all the subsisting right, title and interest, if any, of the Algonquins in the said lands are to be deemed to have been, and they in fact have been, wholly and forever extinguished, in favour of the Crown in right of the Province of Upper Canada, or of the Province of Canada, now, under the British North America Act, enured to the Province of Ontario;

That no evidence whatsoever has appeared in sustenance of, but, on the contrary all the evidence is adverse to, the claim to these lands, of the Mississaguas of Alnwick, the Huron-Simcoe bands, and the Rice, Mud and Scugog bands, or any of them; that neither they, nor any of them, have,



nor ever had, any right, title, or interest therein, or in any part thereof, and their claim, whether joint or separate, is ill-founded and has no merits;

That from the acceptance by the Crown - whatever its motives - of a surrender of a tract of Ottawa lands under the instrument of 1822, no argument can, in the circumstances, be deduced in favour of the pretensions of the present claimants to the residue of the said lands; that these, therefore remain lands of the Crown, in right of the Province of Ontario, and that free and clear of all and every native interest, whether of the tripartite claimants, or any of them, the Algonquins, or any other Indians whomsoever;

That the admission or establishment, for the purposes of the question in hand, of the title of the Algonquins, as against that of the claimants, as hereinbefore, is expressly without prejudice to the right of Ontario, if so advised, and circumstances require, to contend, that, as between the Algonquins and the Crown, on occasion, and as a consequence of the dispersion of the Algonquins, and their abandonment of the lands in question, the aboriginal title had become effaced and extinguished, giving place instantly, and as of course, to the title and Lordship of France - now represented by the Crown in right of Ontario - to the exclusion, effectually and forever, of every right, title and interest of the Indians.

[Document No. 401]

342. On September 27, 1898 S. Stewart again prepared an analysis of the Mississaugas and Chippewas' claim for J.D. McLean:

The claim in connection with unsurrendered land was first brought before the Department in 1869 by the Mississaugas of Rice Lake when steps were taken to discover whether a surrender had ever been made by the Indians of the territory for which compensation was asked. The examination of the records both of this Department and of those in the Crown Lands Department failed to show that the title to the territory in question had ever been extinguished excepting in so far as it was covered by the Robinson Treaty.

The Ojibeways or Chippewa Indians who were parties to the Robinson Treaty have more than once stated that they did not claim any right to the portion of land included in that Treaty from Moose Deer Point Southward to Penetanguishene and Eastward, and that the portion mentioned was improperly included in the Treaty.

The Department recognized the claim of the Mississauga Indians to the lands immediately South and East of the tract now claimed by the surrenders of 1818 and 1822.

The surrender of 1815 made by the Chippewas of Lake Simcoe is immediately South and West of the land claimed by them. The claim of the Chippewas does not appear to have much evidence to establish it. These Indians brought a claim to a small tract of land between Penetanguishene and the vicinity of the River Severn before the Hon. M.B. Robinson in 1850. In his report he says "that he was aware of their intention to make such a claim and took the precaution of asking the chiefs assembled in council at the Sault whether it was well founded; they emphatically declared that those Chiefs had no claim on Lake Huron, that they had long since ceded their lands and were in receipt of a annuity, this I believe to be the case and Captain Anderson whom I met there is of the same opinion."

The boundaries of the lands surrendered under the Robinson Treaty are defined so indefinitely that it is impossible to say to what extent they included the lands claimed by the Mississaugas and Chippewas.

[Document No. 402]

343. On March 20, 1899, Commissioners McKenna and Rimmer, prepared a report entitled "Matters in Dispute between the Dominion and Ontario." Among the matters considered was the Mississauga claim and the Commissioners' conclusion referred to the Algonquin interest in the land in question:

Case 5

This is a claim to compensation for land used for settlement, and alleged to have been hunting grounds of the said Indians, and not to have been included in any surrender by them. The land may be briefly and roughly referred to as a large tract of land lying south of the Ottawa River, north of the 25th parallel and west of a line drawn from the N.W. corner of Pembroke Township, Renfrew County, in south by east direction to the 45th parallel, and a neck of land between Lake Couchiching and Sturgeon Bay, Lake Huron. Under instructions counsel for the Dominion filed case before the arbitrators on May 6, 1895. By letter of December 16, 1897, (file 111834 - 1a) counsel advised that the claim was not a proper one within the jurisdiction of the Arbitrators. No further steps have been taken. We agree with counsel's opinion, and we recommend that the case be withdrawn.

We have considered whether this is a claim which can be successfully urged in any way on behalf of the Dominion or the Indians.

As to the large tract of land we find: -

That by Surrender of November 5, 1818, No. 20, and November 28, 1822, No. 27, the above Chippewas and Mississaguas respectively surrendered to the Crown lands south of the 45th parallel inhabited and claimed by them comprising in the whole 4,699,000 acres.

That the Chippewas of Lake Huron who made the Robinson-Huron Treaty of September 9, 1850 (No. 61) were entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th parallel) and inland to the height of land, which territory is included in the treaty.

That as to the Chippewas of Surrender No. 20, it has for twenty-two years been conceded by the department that they were not entitled to claim rights north of Moose Deer Point.

That inasmuch as we can discover no evidence that the Chippewas and Mississaguas who made Surrenders Nos. 20 and 27, respectively, had any use of the land north of the one and north and west of the other prior to the surrenders, the words "inhabiting and claiming" used in the surrenders may, when the surrenders are read with the treaty, be fairly taken as implying that the parties to the surrenders by them relinquished the whole territory they inhabited and claimed.

That the tract of land appears to have been used as a hunting ground generally by the Algonquins (see file 83,203) and the Chippewas of Lake Huron, afterwards party to Treaty 61, rather than by the particular tribes on whose behalf this claim is made.

[Document No. 403]

C. THE DEPARTMENTAL REVIEW OF CLAIMS OF THE MISSISSAUGA AND  
CHIPPEWA TO LAND IN SOUTHEASTERN ONTARIO: 1903-1915

344. On February 2, 1903, J.W. Kerr, a Lawyer representing the Alnwick [Alderville] Band wrote to Frank Pedley, D.S.G.I.A., regarding the outstanding claim to the Ottawa Valley:

Mr. W.F. Kerr informs me that he had a couple of interviews with you in reference to the claim of the Mississauga Indians of the Alnwick reserve to the unceded territory lying East of the Bobcaygeon road, South of Lake Nipissing, and West of the Ottawa River, and that you said you wished me to place before the department a statement showing the grounds on which the claim was made and the history of the transaction so far as it was in my power to do so.

As you no doubt are aware the Alnwick Indian band is a combination of two bands, one the Grape Island Indians and the other the Kingston band of Mississagas, but were united together and placed in the Township of Alnwick on the reserve there a good many years ago.

The claim of the Alnwick Indians is that the Northern limit of the territory ceded by them commences at the North West angle of the Township of Rawdon in the County of Hastings, then along the division line between the old Midland and Newcastle districts North 16 degrees west 33 miles thence North 74 degrees East 61 miles more or less to a division line produced North 16 degrees West from the North East angle of the Township of Bedford in the county of Frontenac, then North 16 degrees West to the Ottawa or Grand River, then down the said river to the North West angle of the Township of Nepean then South 16 degrees East 15 miles more or less to the North East angle of the Township of Marlborough in the Country of Carleton then South 54 degrees West to the North West angle of the Township of Crosby then South 74 degrees West 61 miles more or less to the place of beginning and was in the Midland and Johnstown Districts.

The Mississauga Indians claim that this tract of territory was the farthest North of any territory ceded by them and that all the territory lying north of the tract of land above described, which was ceded on the 28th day of November 1822, still remains their property in so far as the unextinguished Indian title makes it so.

On the 19th June 1856 certain lands were ceded to the Crown but all the lands included in that surrender were to be sold for the benefit of the Mississauga Indians and the proceeds applied to their support. No part of the territory claimed by the band as being unceded has been sold for their benefit, and as a matter of fact the lands

referred to in the Cession of June 1856 appear to have been certain Islands in the Bay of Quinte on Lake Ontario, Weller's Bay and the River St. Lawrence, and certain lands on the mainland more specifically referred to in a report to the Superintendent General of Indian affairs annexed to the surrender which describes the land on the mainland ceded as being in the Newcastle and Colborne districts and has no reference to the uncaded territory lying to the North, and still claimed by the Indians but only to land owned by them in territory then ceded and south of the Northern boundary of formerly ceded territory.

By a return submitted to the House of Commons of Canada on the 8th. May 1888 by the late Hon. J.A. Chapleau, then Secretary of State, under order of the House of Commons dated 16th. April 1888, it appears from numerous letters contained in the return signed by Mr. Vankoughnet Deputy Superintendent General of Indian Affairs, that the lands claimed by the Mississaugas as hereinbefore described had never been surrendered by the Mississauga Indians and that their claim to the property was indisputable. See letter of A. Kirkwood of the Crown lands Department, Toronto, dated 17th February 1870 to the Governor General of that day. Also letter of the late Joseph Howe dated 23rd May 1870 to Lieutenant Governor Howland. Mr. Vankoughnet's memo. on the case of Paul de la Ronde and other Mississauga Indians dated 9th March 1876. Letter of William Plummer Superintendent Commissioner of Indian Affairs to the Minister of the Interior 15th April 1878; letters of Mr. Vankoughnet of 9th May 1878 to the Secretary of State and to Mr. Plummer; letter of Mr. Eckart from the Provincial Secretary's office for Ontario to the Secretary of State for Canada dated 17th July 1878 stating that after careful search by Crown Lands Department they could find no Cession of any land referred to in this communication.

In the same return there are copies of letters from Mr. Vankoughnet and Mr. Plummer in which they again and again concede the claim of the Mississauga Indians to the property in question, particularly in Mr. Vankoughnet's letter to Mr. Plummer of 1st. August 1878 [Document 327]. Mr. Plummer's letter of 1st March 1881 to the Superintendent General of Indian Affairs and the memorandum of Mr. Vankoughnet to the then Superintendent General of Indian Affairs dated 11th March 1881, copies of which Mr. W.F. Kerr left with you.

In this long series of correspondence and from a letter from Mr. Hayter Reed to Mr. Thackeray, Indian Agent at Roseneath, dated 1st. April 1895 and a subsequent letter dated 29th November 1895 as well as from a letter by Mr. D.C. Scott dated October 1896 it is perfectly plain that the right of the Mississauga Indians to this uncaded territory was never disputed. The whole contention was that the Province of Ontario ought to pay it and that the matter was before the commission which was adjusting the claims of the Indians and others as between the Province of Ontario and the Dominion of Canada. The Indians seem to have been constantly pressing for many years for a settlement of these claims from the time of Confederation down to the present time with many admissions by officials



who had thoroughly investigated the matter that they were entitled to the property but constant differences of opinion as to which Government should pay. One thing seems to be perfectly plain that no Government has ever extinguished the Indian title in the tract of land in Question or paid any band for it. If the Mississaugas are not entitled clearly no other band of Indians could have been.

[Document No. 405]

345. The Department of Indian Affairs began preparatory work which was to result in the signing of Treaty No. 9 in 1905. On February 12, 1903, J.A. Macrae wrote to Frank Pedley, D.S.G.I.A., recommending that certain Algonquins be included in the proposed treaty:

In a report of June 3rd/01 I pointed out the need of dealing with certain Indians who reside north and north east of those who entered the Robinson Treaties in order to extinguish their title to the tract they occupy.

I now beg to draw your attention to the fact that whenever steps to that end are taken consideration should be given to the case of certain Indians in the Province of Quebec who inhabit the country east and south of the Upper Ottawa and to some extent centre at Grand Lac and Grand Barriere.

[Document No. 405a]

346. On February 27, 1903, Reginald Rimmer, prepared the following summary of the Alnwick Claim for the D.S.G.I.A. which is quoted in Document No. 406.

This claim is one against the Province of Ontario. It received the most full and careful investigation by Mr. McKenna and myself for the purpose of our report to the Minister of 20th March, 1899. We had before us all the material in the Department and searched for all the evidence available. There is no doubt that officers of the Department were for many years under the impression that these Indians had a good claim. This impression rose from the fact that there was no evidence of a surrender by the Indians to the land now claimed to have been their hunting grounds. The point upon which Mr. McKenna and I considered that the claim should be dismissed was that there was no evidence forthcoming which any tribunal of justice would

consider established that the Indians ever had a claim to the alleged hunting grounds and that the evidence pointed rather to the conclusion that no surrender was taken from them because the land was not their hunting grounds but that of other Indians.

I refer to case no. 5, page 27 of our joint report.

347. On April 8, 1903 James Campbell, the Deputy Minister of Justice prepared the following Memorandum "Re claim by Mississaugas of Alnwick and other Indians to certain lands in Ontario to which they assert that their title has never been extinguished." He refers therein to the alleged Algonquin interest in these lands.

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The undersigned understands that what is required is a statement of this claim which will make its nature readily intelligible and enable a judgment to be formed as to whether Mr. J.W. Kerr is justified in his assertion that the Indians have an indisputable prima facie case.

On account of the magnitude of the interests involved, and of the responsibility assumed by the Department in abandoning the interests of its wards specially intrusted to it at its own invitation, the case is treated at some length so far as the existence of a prima facie case is concerned.

#### Nature of Claim

This claim is by the Mississaugas of Mud Lake, Rice Lake, Alnwick and Scugog - and by Chippewas of Lake Simcoe and Lake Huron (in all some 1227 Indians) for compensation for the appropriation and use by the Government of the late Province of Canada and subsequently by that of the Province of Ontario of certain lands which these Indians say belonged to them as their hunting grounds and to which their title has never been extinguished.

The lands referred to may be roughly defined as being bounded as follows, viz:-

On the North by the Ottawa river, on the East by the surrender of 8th November 1822, or in other words, by a line drawn from the northwest corner of Pembroke Township, Renfrew County in a southeasterly direction to the 45th parallel; on the South by the 45th parallel as far west as the western limit of the surrender of 1818, at which point the tract claimed takes a dip south and is bounded by the boundaries of the said surrender of 1818, and by those of the surrender of 1815, and by Lakes Simcoe and Couchiching; on the West by the Georgian Bay and the land of the Ojibewas of Lake Huron ceded by the Robinson Huron Treaty of 1850.

As they will be particularly referred to hereafter two tracts of land which claimants assert were wrongfully included in the Robinson Huron Treaty surrender should be particularly noticed:-

1. At the extreme southern limit of the Treaty as also of the Indians' claim a small tract variously described as lying between Penetanguishene and the vicinity of the River Severn, or as a neck of land between Lake Couchiching and Sturgeon Bay, Lake Huron.

2. A considerable tract immediately north of foregoing and south of Moose Deer Point, Georgian Bay, and west of the Bobcageon Road.

It may be added that the whole tract claimed embraces many Townships in the Ottawa and Huron Territory laid out in survey by the old Province of Canada, as well as much unsurveyed land between the Ottawa River and Lake Huron.

#### Case of the Claimants

The claim appears to have been first brought to the Department's attention in 1869. Search of Department's records failed to show that lands claimed were covered by any surrender - excepting a part included in Robinson Huron Treaty limits.

The Department drew the attention of the Department of Crown Lands, Province of Ontario, to the matter, and it admitted that its records failed to show after careful search that any part of the tract claimed was surrendered by the Indians "unless it were that portion which lies to the west of the Babcageon Road line which is presumed to have been surrendered by the Robinson Treaty of September 9th, 1850 with the Ojibeway and Nipissing Indians".

As to that portion, Mr. Vankoughnet in report to the Minister dated 11th March, 1881 says "there was no defined eastern boundary of the tract of land covered by it (the Treaty). There is no doubt however, that the Indians who were parties to the said Robinson Treaty had no claim to lands east of the east shore of Lake Nipissing nor south of the point on Georgian Bay known as Moose Deer Point, although the surrender in question states that the lands covered thereby extend southward to Penetanguishene.

"It may be stated that the Crown Lands Department of Ontario, in correspondence had with that Department some years ago, admitted that the Indians who were parties to the Robinson Treaty aforesaid had no rights to cede in the lands East or South of the points aforementioned." The tract of land remaining unsurrendered may be stated in round numbers to consist of 1850 square miles.

A letter from one of the subordinate officers of the Department of Crown Lands, Toronto, addressed to the Governor General on 17th February, 1870 states that it would likely be established that no surrender of the territory in question had ever been made.

In June 1879 Mr. Plummer, Indian Superintendent and Commissioner with headquarters at Toronto, referring to that part of the claim west of Bobcageon Road and between Moose Deer Point and some point in the neighbourhood of Penetanguishene (included in Robinson Huron Treaty) says the Chippeways of Lakes Huron and Simcoe claim the same, deny having been parties to the surrender and the Indians who signed the Robinson Huron Treaty acknowledge that they had no claim to this tract and did not know that it formed part of the surrender. He added "I have carefully looked into these matters and am of opinion that the Indians who were parties to the surrender under the Robinson Huron Treaty had no claim to this land and that it always had been the hunting grounds of these Indians, (i.e. Chippewas of Huron and Simcoe) and that no others had any right to surrender it.

Mr. Plummer, who had been recommended by the Department to call personally at the Department of Crown Lands, Toronto, in March 1881 reported the ready acknowledgment by that Department that no Treaty could be found showing surrender of these lands, but at the same time its denial of responsibility, and its claim that as the lands were handed over to it at the time of confederation, if any payment were required to quiet the Indians' title it must be made by the Dominion Government.

This although not official on the part of the Department of Crown Lands, was the prevailing view.

This Department more than once drew the attention of the Lt-Governor of Ontario to the position and invited some proposition for adjustment but without result.

The Department informed the Indian claimants of the inability of the Department of Crown Lands to find any surrender covering the lands claimed by them, invited them to intrust their interests to it for prosecution, asked the Department of Justice to prepare the case for submission, and it was filed on the 6th May, 1895, with the Secretary of the Arbitrators. After that date the Indians who were getting impatient and kept inquiring as to the progress of their case before the Arbitrators were assured that although it had not up to that time been overtaken, it would not be overlooked.

#### Abandonment of prosecution of claim by Department

This (in so far as it has been done) was on the strength of a joint report to the Minister by Messrs. Rimmer and McKenna, dated March 20th, 1899 relative to "matters in dispute between the Dominion and Ontario."

The case under consideration is No. 5 of that report, and copy is attached for convenience of reference, and because it seems only fair to the officers who made it to let their report speak for itself.

In order, however, to enable a decision to be reached as to the question of the claimants having a prima facie case, it is necessary to examine to some extent the grounds shown by the report for the conclusion that it should be dismissed.

It will be observed that the joint reporters begin by saying that "under instructions Counsel for the Dominion filed case before the Arbitrators on the 6th May, 1895. By letter of 16th December 1897 (file 111834-I.A.) Counsel advised that the claim was not a proper one within the jurisdiction of the Arbitrators. No further steps have been taken. We agree with Counsel's opinion and we recommend that the case be withdrawn."

Copy of Counsel's letter referred to is attached, and will show what has to be carefully noted, viz:- that the merits of the Indians' claim are in no way pronounced upon, but that for reasons given, their case was not considered one which could properly be referred to the Arbitrators.

The report proceeds to deal with the claim separated into two parts, viz:- that for a "large tract" and that for a "neck of land between Lake Couchiching and Sturgeon Bay".

For convenience the latter may be here considered first and it seems at the present juncture unnecessary to remarks more than that a fairly strong prima facie case is made out for questioning the validity of the Indians' claim to the small tract of lands referred to.

This view seems, moreover, to be strengthened by what has apparently been overlooked by the reporting of the officers, but is referred to by the Assistant Secretary, Mr. Stewart in his memorandum (on the file) dated 27th December 1898 in which he says that the Indians concerned brought a claim to a small tract of land between Penetanguishene and the vicinity of the River Severn before the Hon. W.B. Robinson in 1850, who in his report stated that he was aware of their intention to make such a claim and took the precaution of asking the Chiefs assembled in Council at the Sault whether it was well founded; and they emphatically declared that those Chiefs had no claim on Lake Huron, and had long since ceded their lands and were in the receipt of a large annuity. This Mr. Robinson said he believed to be the case and that Capt. Anderson was of the same opinion.

This neck of land, however, is but a small fraction of the whole territory now claimed by the Indians.

The main question is as to the dismissal of the claim to the large tract, and the grounds shown in the report for the recommendation of such course.

Apparently reliance is placed in the cumulative force of certain minor findings to justify the main one, and as their collective weight must depend upon their individual weight, they require to be considered separately.

The minor findings have been numbered by undersigned in copy of report attached, and it will be most convenient to take Nos. 2 and 3 and consider them first and together. They are as follows:-

No. 2 That the Chippewas of Lake Huron who made the Robinson Huron Treaty of 9th September 1850 (no. 61) were



entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th parallel) and inland to the height of land, which territory is included in the Treaty.

No. 3 That as to the Chippewas of surrender No. 20 (1818) it has for 22 years been conceded by the Department that they were not entitled to claim rights north of Moose Deer Point.

The latter of these seems to be the Department's admission that the parties to the Huron Robinson Treaty had no rights south of Moose Deer Point stated conversely, and it may be noted in passing that in any case the admission would not affect the claim of parties to surrender No. 20 to lands south of Moose Deer Point, nor of the parties to surrender No. 27 (1819) to lands north of that point.

Therefore the whole force of the contention relative to the claim taken as a whole is in the apparent assumption (no. 2) that the parties to the Huron Robinson Treaty were entitled to and did surrender lands on the east shore of Lake Huron (as far south as Moose Deer Point) and inland to the height of land.

Apparently one admission on the part of the Department is entitled to as much weight as another, in the absence of anything to the contrary, and reference to extract from Mr. Vankoughnet's memo of 1881 (herein before embodied) will show that not only this Department but also the Provincial Department of Crown Lands conceded that the parties to the Huron Treaty had no claim to surrender lands south of Moose Deer Point nor east of the eastern extremity of Lake Nipissing.

If then a line be drawn from the eastern extremity of Lake Nipissing due south until it meet another extended due east from Moose Deer Point, the whole of the tract now claimed is excluded from surrender by the parties to the Treaty, and the area claimed remains intact with the exception of the small neck of land herein before referred to.

Therefore minor findings Nos. 2 and 3 would not appear to contribute any ground for the dismissal of the claim.

Minor findings 1 and 4 may now be considered together.

The contention is somewhat obscure and as the declaration that parties to surrenders Nos. 20 and 27 inhabited and claimed lands clearly defined therein and relinquished thereby cannot of itself be taken as evidence that the parties to these surrenders had no other lands outside of the tract ceded, the contention can only be that the words inhabited and claimed when taken in connection with the Robinson Huron Treaty show that they had no other lands to surrender because the parties to that treaty were entitled to and did surrender all the lands as far east and south as the boundaries of these surrenders.

But it has just been demonstrated that by admission of both this Department and that of Crown Lands, Ontario, the parties to the treaty had no rights to surrender in the lands which are now claimed to the east and south of Lake Nipissing.

Finding No. 5.

Much weight would doubtless attach to this contention if there were any truth in it. As to statement that the tract appears to have been used generally by the Algonquins and the reference to file No. 83,203 to support it, - this may be dismissed with the remark that the hunting grounds said to have been used by the Algonquins, Nipissings and Iroquois are to the east and north east of surrender 27 and entirely distinct from the tract now claimed and under consideration.

As to statement that these lands were used by the Chippewas of Lake Huron, afterwards parties to the Robinson Huron Treaty, this seems to be another phase of the apparent assumption that the parties to that treaty were entitled to and did surrender the lands east of Lake Nipissing.

Mr. Rimmer in his memorandum of 27th February last (on the fyle) says:- "The point upon which Mr. McKenna and I considered the claim should be dismissed was that there was no evidence forthcoming which any tribunal of justice would consider established that the Indians ever had a claim to the alleged hunting grounds and that the evidence pointed rather to the conclusion that no surrender was taken from them because the land was not their hunting ground but that of other Indians. I refer to case No. 5, page 27 of our joint report".

The latter part of that assertion in so far as the use of the lands by the Algonquins, has just been disposed of and as to that of their use by the Chippewas of the Robinson-Huron Treaty, as all other assertions to the like effect in the report it does not seem entitled to any weight until some reason can be shown for ignoring the admission of this and the Provincial Crown Lands Department, already referred to.

There only remains, therefore, to consider the question as to the production of positive evidence such as would satisfy any tribunal of justice that the claimants ever had a claim to the lands concerned. As to this it may be remarked on the threshold that in the opinion of Mr. Hogg (vide attached letter) the case is one for construction by the Dominion and Ontario Governments.

As to positive evidence it may fairly be asked what evidence was ever required of parties to any of the surrenders of their title to the lands ceded by them beyond that they were either inhabited or claimed by them as hunting grounds without dispute on the part of other Indians.

The respective limits of such hunting grounds were well understood and recognized by the various tribes and bands, and the facts are still preserved by tradition, one proof of which is that in the case in point the claimants clearly recognise the particular portions of the whole tract claimed which are asserted to have been used by the respective forefathers of the bands now claiming through them.

The lands are adjacent to those surrendered on the south and east by parties to surrender Nos. 20 and 27, and would naturally have formed their hunting grounds and until it can be shown that those hunting grounds were surrendered or claimed by others, the evidence would seem to be prima facie in favour of their claim.

It may be added that a petition of one Paul De la Ronde (one of the earliest documents on the file) claiming individually a specified part of the whole claim now made, asserts that important documentary evidence had been filed in the office of the Superintendent of Indian Affairs corroborating this claim and this suggests that if necessary at a further stage, other than traditional proof might be forthcoming.

As to the lands ceded in 1856 with respect to which Mr. Kerr in his letter of 20th ultimo says that the Indians should have their money and a full clear and satisfactory account of the dealings of the Government with such lands, since this appears to be a matter of routine not involving any complication nor dispute, the undersigned does not understand that it was intended to refer it to him for report and presumes that it will be dealt with by the Lands Branch in the usual way.

[Document No. 406]

348. On May 15, 1903, George Blaker, a member of the Alnwick [Alderville] Band swore the following statutory declaration regarding the Mississauga claim:

1. That I am a member of the Indian band in the Township of Alnwick, and am now 79 years of age.

2. I can remember well when Elder Case was at work in our band in the Bay of Quinte District, and I often have heard the older members of the band in my boyhood days speak of our rights to the Territory above described and they always claimed that they had never ceded their rights to same to the Government. They stated that they had given two treaties stretching from the carrying place of Lake Ontario North, known among the Indians as Gunshot treaties, because it was intended each time to convey or to grant the rights of the land itself for as far as the report of a gun could be heard, and the older Indians always claimed and our band

has always claimed that the Territory North of the ceded Territory to the Ottawa River still remained the hunting ground of the Missassauga Indians made up the two bands known as the Bay of Quinte or Grape Island Indians and the Kingston Indians.

3. Since my boyhood days claim has never ceased to be made and has constantly been pressed upon the attention of the Government, and several generations have passed away without the claim being settled. In all these years our claim to this land was not disputed but one reason after another was given for delaying the matter.

4. That the older Indians in my younger days belonging to these bands always said that the line of the Western side of the Township of Rawdon going North but bending somewhat to the west until it reached the Ottawa River was the Western boundary of their territory.

5. I am the oldest member of the Alnwick Indian band and none of the others are as familiar with what was preserved among our people as to the recollection of their rights excepting Mr. Thomas Marsden who is slightly younger than I am.

6. That our people in my boyhood days always claimed that they did not cede any territory North of the height of land which separates the rivers and streams flowing into the Ottawa River from the Rivers and streams, which flow into Lake Ontario and the Bay of Quinte.

7. That the old people in our band claimed that our land went East to a line running North between Brockville and Prescott to the Ottawa River; and I make this solemn declaration conscientiously believing same to be true and knowing it to be of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, 1893.

[Document No. 407]

349. That same day Thomas Marsden swore a similar declaration:

In the Matter of a claim of the Mississaga Indians to certain unceded Territory lying South of Lake Nipissing, East of the Bobcaygeon Road and West of the River Ottawa.

I, Thomas Marsden of the Township of Alnwick in the County of Northumberland, Farmer, do solemnly declare.

1. That I am a member of the Alnwick band of Indians and that I was born in the County of Prince Edward, a few miles from Grape Island in the Bay Quinte.

2. That I am now 78 years of age, and next to George Blaker am the oldest Indian in the Alnwick band with the exception of the Reverence Allen Sale of Parry Island who is older than either of us by some ten or twelve years.

3. I have heard read the declaration of Mr. George Blaker made herein this day and I say that the said declaration is correct and is borne out by my recollection of what I heard the old people of our band say in my youth and during my whole life.

4. That a year ago last fall I was at the Village of Mattawa on the Ottawa River and I met an Indian of that part of the Country who had formerly come from Oka in the Province of Quebec, and I asked him where they claimed their territory extended to, and he informed me that they did not claim further South than the Mattawa and said "This is the extreme to which we come" and that all South of that point belonged to the Mississauga Indians; and I make this solemn declaration conscientiously believing same to be true and knowing it to be of the same force and effect if made under oath and by virtue of the Canadian Evidence Act 1893.

[Document No. 408]

350. Peter Crow also swore a declaration on the matter:

1. That I am a member of the Alnwick band of Indians.

2. That I am now about 68 years of age and I have heard read the declarations of George Blaker and Thomas Marsden made this day and I say that the same are correct so far as I can speak from my own recollection which does not extend back as far as their's.

3. The said George Blaker, Thomas Marsden and I are all ex-Chiefs of the Alnwick Indian band; and I make this solemn declaration conscientiously believing same to be true and knowing it to be of the same force and effect as if made under oath and by virtue of the Canadian Evidence Act 1893.

[Document No. 408]

351. On May 19, 1903, J.W. Kerr forwarded the declarations to Pedley, together with the following comments:

Enclosed I beg to send you Statutory declarations of George Blaker [Document No. 454], Thomas Marsden [see Document No. 455] all chiefs or Ex chiefs of this Band showing what they have always understood to be the claim of the Territory in question. It seems to me a most extraordinary thing that after the former Governments for 50 years or more should admit the claim of these Indians to this territory that the present Government should now for the first time even attempt to raise a question about it. I hope there will be no necessity for any litigation about it.

[Document No. 409]



352. On November 17, 1903, W.H. Hunter wrote to Frank Pedley regarding the matter:

...

Since our last interview additional valuable evidence has come into our hands in support of the contention of these Indians. In 1849 as you will remember from the papers, there was a great excitement among the Indians on the North shores of Lakes Huron and Superior on account of the location and operations of certain mining companies. The Government in order to allay this excitement instructed Mr. T.G. Anderson, visiting superintendent and his assistant, Mr. Vidal, to visit the tribes effected and prepare the way for the Treaties of 1850, known as "The Robinson Treaties". We have discovered the manuscript diary of Capt. T.G. Anderson on this official visit. Capt. Anderson went to the Sault, met Mr. Vidal, proceeded to Fort William and held conferences, with the Indians interested in the future treaties from Fort William to the mouth of the French River. Capt. Anderson in his diary is particular to mention the Chief of each band included in his mission and the place at which he explained to the Indians in council the objects of his mission. It is perfectly clear from the diary that the tribes for whom I am acting and who were in possession of the territory from Moose Deer Point northward to Lake Nipissing and eastward to the Ottawa River were not included in the mission and were not dealt with in the Treaties subsequently entered into. We have also obtained access to the papers of other former Indian officials and agents concerning what took place at the time the Treaties were entered into and afterwards, and so far have learned nothing to conflict with the contentions of these tribes.

[Document No. 410]

353. On December 15, 1903, Hunter wrote directly to Clifford Sifton:

In response to my request for an interview with you, I have received a letter from the Secretary of your Department dated the 5th of December. This letter does not seem to me to be an answer to my request.

The Chippewas of Lakes Huron and Simcoe and the Mississaugas of Rice, Mud and Scugog Lakes for upwards of a generation have been pressing their claims upon your Department for compensation for lands assumed by the Crown without compensation to them. Repeated promises of enquiry and adjustment have been made by officers of the Department to these Indians, but for one excuse or another the rights of these Indians while acknowledged on more than one occasion have not been pressed to a settlement.

After mature consideration, both in Union Council and individual Council of the respective Bands duly called, the six Bands interested have determined to proceed to enforce their rights through the courts of law. It is probably unnecessary to call your attention to the fact that the courts of the land are open to the Indians equally with all other of His Majesty's Canadian subjects.

The documents and evidence in the hands of the Indians were laid before me with instructions to examine and give my opinion upon the claim. After examination and consideration I reached the opinion that the Indians had a just claim to compensation and so reported to them. Subsequently I received instructions to take such steps as I might think advisable to bring these claims to an issue.

During your absence in England I attended at the Department with the papers in my hands and had a conference with the Deputy Superintendent General. I outlined the case as it appeared to me and discussed to some extent the evidence that could be produced in support of the case. The Department by closing its files to any inspection declined to facilitate the case. The result of the conference was that I should wait until your return when the papers in the Department would be placed before you, and I would have the opportunity of discussing the matter with you as to what steps the Department were prepared to take to press these claims for the Indians, and in the meantime I was not to proceed by petition of right.

Since your return I have repeatedly asked for that interview, and have been repeatedly denied, and I am now in receipt of this letter of December 5th inviting me to file with the Department the evidence collected in support of these claims. It can hardly be expected that after the many disappointments that the Indians have received at the hands of the Department with respect to the adjustment of these claims that I should now put out of my hands the evidence collected in support of the case and leave my clients to go empty handed if, after all, they should have to proceed by petition of right.

On behalf of these Indians I now request a definite statement by you as Superintendent General of Indian Affairs whether you intend to proceed for the Indians to recover compensation in respect of their lands. If you are, and the steps are to be taken in the immediate future and in a way satisfactory to the Indians, I am quite prepared to assist the Department with all evidence, maps, documents &c. collected in the connection with the case.

I am prepared to take this answer either by letter from you, or verbally by interview, which ever is most convenient to you, but with all due respect I cannot allow the matter to stand in this position for any length of time.

[Document No. 411]

354. Sifton apparently responded to Hunter's letter by questioning whether the claim was valid. This led to a second letter from Hunter dated January 6, 1904:

I have the honor to acknowledge receipt of your letter of December 16th, in which you say "The Department has never admitted any claim on the part of the Indians."

The then Superintendent General, Hon. Joseph Howe stated in his letter to the Lieutenant Governor of Ontario (May 23rd, 1870) -

"I have the honor to bring under your notice the circumstances heretofore apparently overlooked that in the Province of Ontario a very important tract of country exists concerning which so far as can be ascertained the Indian title has not as yet been extinguished. The tract in question as exhibited in the accompanying map lies northward of the lands surrendered on two separate occasions in the year 1822 - - - The Mississaugas tribe who have occupied with their hunting grounds considerable portions of these uncaded lands would have claims to annuities or compensation in some other form - - -."

Again in 1876 the then Deputy Superintendent General in reporting to the Superintendent General on the case of Paul De La Ronde (March 9th, 1876) said:-

"The records of the Department failed upon examination to show that the Indians title to the territory in question has ever been extinguished. This claim embraces a large area composed of many townships in the Ottawa and Huron territory laid out in survey by the old Province of Canada as well as much unsurveyed land between the Ottawa River and Lake Huron."

The Minister of the Interior makes the following statement to the Under Secretary of State on the 6th October, 1877:-

"I have to acknowledge the receipt of you letter of the 4th instant, covering copy of a letter addressed to the Secretary of State on the 1st. instant by the Assistant Secretary of the Province of Ontario and of the enclosure therein; and to request that the Ontario Government may be informed that the Eastern boundary of the territory covered by the treaty made with the Ojibeways of Lake Huron on the 9th September 1850 is not strictly defined in that treaty but may be considered as a line running southerly striking the East shore of Lake Nipissing and extending to a point due West from Moose Deer Point."

Again on April 15th, 1878, in writing to the Hon. the Minister of the Interior Mr. William Plummer, Superintendent and Commissioner of Indians Affairs uses the following language:-

"I understand that it is admitted by the Crown Lands Department that there is a large territory yet uncaded and for which the Indians mentioned have received no consideration."

The officers of the Province of Ontario also concurred in the truth of the contention of the Indians for on July 17th 1878 the Assistant Secretary of the Province of Ontario writes as follows to the Secretary of State:-

"I am now directed to inform you that the Assistant Commissioner of Crown Lands reports under date of 16th July 1878 that he has caused the records of the Department to be carefully searched and has failed to discover the evidence of any treaty showing that any part of the tract of land referred to has been surrendered by the Indians, unless it be that portion which lies to the West of the Bobcaygeon Road Line, which is presumed to have been surrendered by the Robinson Treaty with the Objiway and Nipissing Indians of 9th September, 1850."

The effect of this letter of the Assistant Secretary of the Province of Ontario is communicated by the Deputy Superintendent General in his letter of August 1st, 1878, to Mr. William Plummer, with the following instructions:-

"On the next occasion of your meeting the Indians interested you will advise them of the result of the search and inquire whether they will be satisfied to leave the matter in the hands of the Dominion Government to settle with that of the Province of Ontario on the consideration that the latter government shall pay a fair and reasonable price per acre for the Indian title to the lands."

That Mr. Plummer carried out these instructions is apparent from his letter of the 6th June, 1879, to the Honorable the Minister of the Interior:-

"I have the honor to state that I have had several interviews with them on the subject and they are all willing to leave the matter in the hands of the Dominion Government to settle with the Ontario Government - - - I have carefully looked into these matters and I am of the opinion that the Indians who were parties to the surrender under the Robinson Treaty had no claim to this land and that it had always been the hunting grounds of these Indians and that no others but themselves had any right to surrender it."

The matter remaining without action Mr. Plummer again writes on March 1st, 1881, to the Minister of the Interior:-

"I may state that the Indians interested in this matter have recently held councils on the subject and they request me to urge the Department to have it settled. They say that correspondence has been going on for many years and that a generation of their people has passed away without deriving any benefit from the property to which they are justly entitled."

The then Superintendent General, The Right Honorable Sir John A. MacDonald, thereupon asked for a report, which report dated the 11th March 1881 by the Deputy Superintendent General is in part as follows:-

"There is no doubt however that the Indians who were parties to said Robinson Treaty had no claim to lands East of the East shore of Lake Nipissing, nor South of a point on Georgian Bay known as Moose Deer Point - - - It may be stated that the Crown Lands Department of Ontario in correspondence had with that Department some years ago admitted that the Indians who were parties to the Robinson Treaty aforesaid had no rights to cede in the land East or South of the points afore mentioned. The tract of land remaining unsurrendered may be stated in round numbers to consist of 18950 square miles. The Indians who claim said tract are becoming yearly more impatient for a substantial recognition of their rights in the soil and the undersigned respectfully recommends that in the arrangement of outstanding matters between the Dominion Government and that of the Ontario Government the claims of these Indians for compensation for these lands should be recognized and a basis established for satisfying the same."

The Deputy Superintendent General writes to Chief Paudash on August 8th, 1882, as follows:-

"I beg to inform you that this important matter has received and will continue to engage the earnest attention of the Department until a solution of the question is arrived at."

The Deputy Superintendent General writes to Chief Nangishking on December 4th, 1883:-

"I have now to request that you will inform me through Mr. McPhee, Agent, of the terms on which was resolved by the Indians who you state met in council last July to surrender the territory above referred to."

In 1884 the Deputy Superintendent General again reports upon the claim to the Superintendent General (Report dated October 2nd, 1884). The report in part is as follows:-

"The undersigned therefore submits that an annuity of a similar amount, namely, \$4 per head, should be allowed these Indians for the future and that they are entitled to arrears of annuity at that rate from the date of the Treaty of 1850 to which they were not parties although this large and valuable tract was erroneously included therein and has been lumbered over and used for the purpose of settlement ever since without any reference to the claims of these Indians."

In 1866 the Deputy Superintendent General writes to Mr. George Guillett, M.P., who had interested himself in the Indians (Letter dated April 9th, 1886).

"The Department has not lost sight of the matter and will not fail when an opportunity for favorably considering it represents itself to press the Indians claim."

The Indians would seem to be amply justified in assuming that their claim, that the territory in question had not been surrendered to [paper torn] from 1870.



The Indians were assured for some years that the Department was actively pressing the claim and endeavouring to procure settlement for them and the explanations given them for the delay from time to time induced them to rely wholly upon the efforts of the Department.

For example, on the 12th February 1884 Acting Deputy Superintendent General Sinclair writes the Indian Agent Mr. McPhee as follows:-

"I have to inform you that the matter must remain in abeyance until certain matters of claim are arranged between the Provinces of Ontario and Quebec which formerly comprised the old Province of Canada."

Again in 1890 Mr. Guillet, M.P. writes to Chief Chubb enclosing a letter received from the Justice Department, which as Mr. Guillet says "Explains the position the Government took on the claims of the Mississaugas tribe on the unsundered lands and the method proposed for obtaining a settlement. An appeal will be made to the Supreme Court and the Government will battle for the rights of your tribe and band."

The enclosure is in part as follows:-

"Re claim Mississauga Indians. I have your note of the 26th. All the papers in connection with this matter are now in this Department - - - -

"As I understand the case the decision of the Privy Council has very little to do with the question involved and the claim is one partly against the Dominion as representing the old Province of Canada and partly against the Province of Ontario. The Governments of Canada, Ontario and Quebec are disputing about it and have been unable to come to any settlement. I understand however that it has practically been agreed that this dispute as well as other similar ones are to be referred to the Supreme Court of Canada for adjudication at an early date."

In 1890 the Minister of Justice himself and Frank Madill M.P. (December 8th, 1890) - [this line is not legible on the document, the paper is torn; this text has been copied from another source, unknown to the researcher]

"The subject of the Indian claims which you mention was forgotten. They will be included in the mode of settlement is likely to be adopted for the old Province accounts."

Mr. Madill transmits this letter to the Indians through Mr. McPhee on the 12th December, 1890, saying -

"I wrote Sir John Thompson and received his reply yesterday which I enclose. The Indians will see that their claim is not being overlooked."

In writing to Mr. Gillespie on the 13th May, 1897, the Minister of the Interior says -

"There is a claim for compensation for a tract of land from Moose Deer Point on the Georgian Bay Eastward which is one of the claims before the arbitrators - -".

On behalf of the six bands whom I represent I again request to be informed whether the Department intend to proceed for the Indians to recover compensation in respect to the territory in question.

In your letter of December 16th you remind me that, "any documents filed in the Department of Indian Affairs become official papers and are quite as available for the interests of the Indians as if they were still filed in your office". I shall be glad to avail myself of this permission to inspect the documents on file with the Department relating to this claim on my next visit to Ottawa. On the occasion of my last attendance at the Department I was denied access to these papers. I presume this was done in error.

[Document No. 412]

355. No further action appears to have been taken until two years later when, on January 30, 1906, John Johnson Pandosh wrote to J.D. McLean regarding the claim:

I might first state it was the intention of the Bands of Rice, Mud and Scugog Lakes and in conjunction with other Bands to petition to His Majesty King Edward VII. in regard to their claims of The unsundered Northern Hunting Grounds situated north of the present line 45 degree of Latitude.

The said tribes were to petition to His Majesty on the grounds their claims in one form or another has been before The Department of Indian Affairs for many years and have repeatedly urged The Department to insist on their behalf and to procure for them compensation for their title but the same has been put off and delayed from time to time. I urged the Bands not to petition to His Majesty as the matter would only be referred to the Indian Department but to petition to His Majesty's Representative The Governor General praying His Excellency to cause a special tribunal to be appointed to adjudicate upon their claims of the northern hunting grounds now pending on behalf of the said Bands against the Crown. If such a petition is presented to the Governor General and a tribunal appointed will The Department submit other claims to the Tribunal pending on behalf of the above mentioned Bands against the Crown or will it be necessary to specify in the petition? It was my intention to present the petition to the Governor General on behalf of the said Bands with the assistance of the Indian Department. I must respectfully urge upon you for the Department to come to some definite decision in the matter.

[Document No. 414]

356. On December 10, 1908, Stewart prepared the following Memorandum regarding allocation of hunting grounds north of the St. Lawrence for the Deputy Minister:

During the years 1829, 30 and 31 the Indians of Three Rivers, St. Francis and Lorette brought before the Department their claims to be allowed to hunt on certain waste lands of the Crown north of the St. Lawrence, which right the Algonquins of the Lake of Two Mountains claimed belonged exclusively to them. Complaints were also made by several bands that their hunting grounds were being trespassed upon and a request was made that the whole question be referred to a Council of the Six Nations to be held at Caughnawaga during the winter of 1829-30. This was agreed to by the Commander of the Forces and the different bands were so informed.

The Council was not however held on the date originally fixed, but was postponed till the 4th July, 1830, when the decision was given that the privilege of hunting north of the St. Lawrence did not belong exclusively to the Algonquins.

The decision gave great offence to the Algonquins and a report was received from Lt. Col. Duchesnay, Indian Superintendent at Quebec that it has occasioned disturbances resulting in the loss of several lives.

The limits of the hunting grounds of each band were apparently not defined by the Council and by letter of the 19th February, 1831, during the administration of Lord Aylmer, the Indians of Lorette signified to His Excellency their desire to lay before Parliament "the necessity of regulating among the Indians the limits of their hunting grounds, &c."

In reply they were informed by His Excellency's direction that "the wastelands upon which they have been permitted to hunt, being the Crown's Demesnes, His Excellency Apprehends the Provincial Legislature is not competent to interfere in determining their limits:- His Excellency will however refer any Petition these Indians may desire, to the Consideration of His Majesty's Government."

No further action appears to have been taken in the matter.

[Document No. 415]

357. On May 12, 1915, Thomas Marsden Sr., a 90 year old member of the Mississaugas Alwwick [Alderville] Band swore the following statutory declaration:

In the Dominion of Canada, Province of Ontario.

In the matter of a claim of the Mississaga Band of Indians of certain unceded Territory lying south of Lake Nipissing, East of the Bobcaygeon Road and West of the River Ottawa. I Thomas Marsden, Sr. of the Township of Alnwick in the County of Northumberland make oath and say:-

1. That I am a member of the Indian band in the Township of Alnwick am now 90 years of age and was born in the Bay of Quinte district.
2. I have often heard the older members of our band, when I was a boy speak of our claim to this Territory above described and they always maintained that they never ceded their rights to this Territory to the Government. Our people claim they had given two treaties stretching from the Carrying Place of Lake Ontario North called Gunshot treaties, which meant that the tract of land ceded each time covered a stretch of Territory as far north as a report of a gun could be heard, but the tract above described was never ceded to the Government.
3. I remember a certain Mr. Plummer who came here to the reserve about Thirty one years ago and asking us at a Council meeting what amount we would take for our claim for this land. We asked \$100,000. but as yet we have never received one Dollar.
4. I remember being at a meeting of the Indians down at the Carrying Place when the Governor General was present with others, this was about sixty years ago. This was the last treaty given by our people.
5. I am the oldest member of the Band on this Reserve and the only one living, who was born in the Bay of Quinte District.
6. That our Band on this Reserve is a combination of the Bay of Quinte or Grape Island Indians and the Mississaga Indians of Kingston and they never ceded nor never received compensation for this Territory, which lies North of the height of land which separates the rivers and streams which flow into the Ottawa River from the rivers and streams which flow into Lake Ontario and the Bay of Quinte and I make this solemn declaration conscientiously believing same to be true and knowing it to be of the same force as if made under oath and by virtue of the Canada Evidence Act. 1906.

[Document No. 436]

Documents No. 417 to 438 contain similar declarations.

D. THE CANADA-ONTARIO AGREEMENT OF 1923 AND THE WILLIAMS TREATY  
COMPENSATING THE MISSISSAUGA AND CHIPPEWA CLAIM TO LAND IN SOUTH  
EASTERN ONTARIO

358. On November 23, 1916, R.V. Sinclair, later a treaty Commissioner, appointed by Ontario to negotiate the 1923 Treaty (see para 363), sent a lengthy report to Mr. E. Newcombe, Deputy Minister of Justice, concerning the Chippewa and Mississauga claim to unceded lands in the province of Ontario.

The accompanying fyles of the Indian Department Nos. 67071 and 67071-2, were referred to me for a report as to the validity, or otherwise, of the claims made by the Chippewas of Lakes Huron and Simcoe and by the Mississaugas of Mud, Rice and Scugog Lakes for compensation for their unsurrendered hunting grounds.

These claims have been before the Department for many years.

Since the reference to me I have under instructions from the Indian Department gathered such evidence as seemed available and have made enquiries respecting the claim at various sources and have examined a number of records at the Archives.

I have included in the accompanying brief copies of all the documents on the fyles having material relation to the claim and copies of declarations relating thereto, the originals of which I also forward.

I also forward a map on which are located the various hunting limits referred to in the declarations.

A careful search of the records referred to and those of the Crown Lands Department at Toronto has failed \_\_\_\_\_ disclose any document or treaty showing that the Indian title claims to a large tract of land in Ontario lying west of the Ottawa River and east of the Georgian Bay and the Eastern bounds of the land surrendered by the Robinson Treaty of 1850, \_\_\_61, and approximately north of the 45th parallel of latitude to where the eastern boundary of the Treaty of 1850 strikes the Ottawa River has been extinguished.



The question then to be determined is whether the present claimants occupied this territory as hunting limits.

This unsurrendered tract is described by Mr. D.L.B. of the Indian Department as follows, "All that tract of land in the Province of Ontario contained approximately ten thousand seven hundred and nineteen square [miles] (10719) bounded on the North by the Ottawa River, on East by the surrender of the 8th Nov., 1822, on [south] by the said surrender, by the surrenders of 5th Nove., and 18th November, 1815, and by Lakes Simcoe and Cou[chiching] and on the West by the Georgian Bay and the lands of Ojibewas of Lake Huron ceded by them on the 9th Sept., and which lands may be more particularly described as follows commencing on the Georgian Bay at the North-eastern angle the surrender to the Westerly shore of Lake Simcoe thence Northerly following the said Westerly shore of Lake Simcoe and the Westerly shore of Lake Couchiching to the foot of the said Lake Couchiching thence Northerly and Easterly along the boundaries of the surrender of the 5th Nov., 1818, to the North-eastern angle of the said surrender thence easterly and northerly along the boundaries of the surrender of the 8th November, 1822, to the Ottawa River, thence up the said Ottawa River to the point where it crosses the 47th parallel of Latitude, thence southerly and easterly along the boundaries of the lands of the Ojibewas of Lake Huron ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian Bay, thence southerly following the Easterly shore of the Georgian Bay to the point of commencement excepting thereout and therefrom certain Islands at the foot of Lake Couchiching and in the head waters of the Severn River that are claimed by the Indians as their property."

It seems doubtful however whether their should have been included in this description any land lying north of the Height of Land and quite clear that it should not have included any land north of the Mattawan River.

The final clause of the Robinson Treaty of 1850 reads as follows:

"The said William Benjamin Robinson of the first part further agrees on the part of Her Majesty and the Government of this Province that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this Treaty the further sum of One Hundred and Sixty pounds provincial currency shall be paid in addition to the two thousand pounds above mentioned."

This view is strengthened by the fact that the declaration claim compensation only for hunting grounds lying north of the 45th parallel to the Height of Land. There is no evidence that the claimants ever hunted south of the Height of land.

The area of the land described by Mr. Bray is 10,719 square miles. The area of the lands covered by Mr. Bray's description lying north of the Height of Land is 960 square miles and that of the area to the south of the Height of Land 9759 square miles.

In support of the claims of the Mississaugas the declaration of Allan Salt, George Blaker, T. Marsden and George Goose have been fyled. The remaining declarations set out in the index to the Brief are fyled in support of the claims of the Chippewas and are made by 33 Indians. The declaration fyled by John Millar while it supports the general claim of the Chippewas apparently places the hunting limit used by his father and himself in the territory surrendered on the 9th September, 1850.

One of the hunting limits used by James Nanigishking, as well as that claimed by Frank Joe, and part of that claimed by Joe Cousin appear to be in the territory surrendered on the 5th November, 1818.

The limit claimed by Mrs. James Ashquabe and that claimed by Peter Kadegegwon appear to be in territory surrendered on the 17th day of October, 1818.

In the correspondence, though unsupported by declaration, a claim is made and apparently admitted by The Department of Crown Lands of Ontario - See page 21 - to a piece of land supposed to have been covered by the Robinson-Huron Treaty, lying west of the Bobcaygeon Road to the Georgian Bay and between Moose Deer Point and a point in the neighbourhood of Penetanguishene.

The claim is made on the ground that the lands in question form part of the hunting grounds of the Chippewas of Lakes Huron and Simcoe, that they were not parties to the Treaty above referred to, that the Ojibway and Nipissing Indians who signed the Treaty had no rights to cede in the land south or east of the points referred to, and that the Indians who signed the Treaty acknowledge that they had no claim to these lands and did not know that they formed part of the surrender.

The accompanying map shows that the Robinson-Huron Treaty as now understood by the Indian Department does not cover the piece of land in question, the southern boundary of the land covered by that Treaty being on a line approximately running east from Moose Deer Point. If this interpretation of that Treaty is correct there is no evidence that the lands referred to have ever been surrendered and except as already stated, there is no evidence on the fyle to show that these lands formed part of the hunting grounds of the Chippewas of Lakes Huron and Simcoe.

If the present interpretation placed by the Indian Department is incorrect, and if the lands in question really were included in the lands surrendered by the Treaty the principle deducible from the following cases,

Foster v Neilson, 2 Peters, p. 314,  
City of Berne v Bank of England, 9 Vesey, 347,  
Hoyt v Gelston, 3 Wheaton, 321,  
The Kansas Indians, 3 Wall, U.S. 3.3.0t. 737,  
Rx. v. Reynolds, 5 Dillon, 394,  
Cherokees v Georgia, 5 Peters, 1,  
Cherokee Trust Fund, 117, U.S., 288,  
Thobe v Chactaws, 66 Fed. R. 372,  
Graham v U.S. 30 Ct. of Claims, 318,  
Fellows v. Blacksmith, 19, How, 366,  
Leighton v. U.S. 20 Ct. of Claims 288,  
Maiden v Ingersoll, 6 Mich. 373.

seems to be that when the status and rights of Indians have been recognized by the Political Department of the Government for generations the Courts follow the Political Department and to the extent to which it impresses a capacity on an aboriginal population they are assumed to possess it which would mean that if the Courts had jurisdiction to consider this claim they would reject it since the title to the lands if covered by the Treaty has been recognized by the Robinson-Huron Treaty to have been in the Ojibeway and Nipissing Tribes who signed the Treaty.

On the other hand it has been frequently laid down that the rules applicable to controversies between the Government and the Indians are not so strict as those which govern guardian and ward, but doubts are to be resolved in favour of the Indians who are not to be prejudiced by technical construction. *Chichasaw v U.S.* 22 Ct. of Claims, p.222. If it is admitted that the evidence on the file raises a prima facie claim on the part of the Chippewas it would be a matter of policy on the part of the Government to determine whether it should insist on a strict observance of the terms of the Treaty and a strict construction as to the land surrendered or whether it would direct an investigation for the purpose of affording the Chippewas an opportunity of endeavouring to establish that the land in question originally formed part of their hunting grounds. The evidence so far as it goes seems to me to support the claim.

With regard to the claim to the rest of the territory embracing about 9759 square miles it is to be observed that no claim to any defined portion of these lands based upon an Indian user has ever been made by any Indians other than the present claimants and that the records of their claim as shown by the file go back to 1870.

Unfortunately the files of the Indian Department prior to 1870 have been sent to the Archives Branch where they have not yet been sorted so that access to them could not be had. Possibly these files would show that the claim was originally made prior to 1870.

Messrs. Rimmer and McKenna in a report on this claim published in 1901 state "as to the large tract of land we find:-

"That by Surrender of November 5, 1818, No. 20 and November 28, 1822, No. 27, the above Chippewas and Mississaguas respectively surrendered to the Crown Lands south of the 45th parallel 'inhabited and claimed by them' comprising in the whole 4,698,000 acres.

"That the Chippewas of Lake Huron who made the Robinson-Huron Treaty of September 9, 1850, (No. 61) were entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th parallel) and inland to the height of land, which territory is included in the treaty.

"That as to the Chippewas of Surrender No. 20, it has for twenty-two years been conceded by the department that they were not entitled to claim rights north of Moose Deer Point.

"That inasmuch as we can discover no evidence that the Chippewas and Mississaguas who made surrenders Nos. 20 and 27, respectively, had any use of the land north of the one and north and west of the other prior to the surrenders, the words 'inhabiting and claiming' used in the surrenders may, when the surrenders are read with the treaty, be fairly taken as implying that the parties to the surrenders by them relinquished the whole territory they inhabited and claimed."

I do not think that the inference drawn by Messrs. Rimmer and McKenna from the use of the words "inhabited and claimed by them" is warranted and it is contradicted by the declarations now on file.

The further statement in the report of Messrs. Rimmer and McKenna that the lands in question "appear to have been used as a hunting ground generally by the Algonquins" is based on a statement contained in a report made by the late Wm. Spragge in 1866 (file 83203) upon a petition presented in 1863 by the Indians of the Village of Two Mountains described therein as hunting on the Head Waters of the Madawaska and other rivers of Central Canada in which for the reasons therein set out the Petitioners ask that they be given a reserve in the Township of Lawrence in the County of Peterboro stating that the encroachment of the whites upon their original hunting grounds on the Madawaska River had compelled them to travel westward, and that the Reserve asked for would be near their hunting grounds which statement is as follows:-

"The Algonquins claimed as their hunting grounds territory in the Upper Canada side of the Ottawa River. It is quite certain that they have used it as hunting grounds and do so still. But their claims have neither been extinguished by surrender to the Crown nor does it appear that their claims have been positively admitted."

The reserve asked for was not given to these Indians and I understand they were ultimately settled at Golden Lake in the County of Renfrew. Their petition does not in any way define the hunting grounds referred to therein other than to say that a reserve in the County of Peterboro would be near such hunting grounds and there is nothing on file to indicate the grounds for the statement contained in Mr. Spragge's report.

It must also be observed that no claim has ever been made by the Algonquins to the hunting grounds now claimed by the Chippewas and Mississaguas and further that it appears from the declaration of Thomas Marsden, p. 86, that the Algonquin Hunting Territory did not extend south of the Mattawa River. If this is correct, the statement contained in the report of Messrs. Rimmer and McKenna "that the tract of land appears to have been used as a hunting ground generally by the Algonquins" is incorrect. The hunting limits claimed by the Chippewas of Lakes Huron and Simcoe are shown in the accompanying map within a brown border, they overlap the lands covered by the Robinson Treaty of 1850, and also those surrendered on the 5th November, 1818. Excluding the portions so overlapping the area claimed by the Chippewas is about 3367 square miles. The area claimed by the Mississaguas is 6392 square miles.



In a return of correspondence respecting the Indians in the British North American Colonies between Sir F.B. Head and Lord Glenelg published in the British Parliamentary Papers, 1839, Vol. 34, at p. 147, Captain Anderson under date May 15, 1837, replying to a question submitted to him by Col. J. Givens as to the situation of the locations of the settled parties or of the Hunting Grounds occupied by the Indians, says:-

"The Alnwick Indian Settlement is situate on the south side of the Rice Lake, about one and a half miles back from the Lake. The Rice Lake Indian Settlement is on the north side of the Lake. The Mud Lake Indian Settlement is situated on a point of land in that lake.

"The Hunting grounds is the tract of country through to the Ottawa River. The extent of the Alnwick Indian Settlement is about 3,000 acres, that of the Rice Lake about 1200 acres and that of the Mud Lake about 1600 acres; the hunting ranges consist principally of deer with which the country abounds."

I forward also a tracing of a map published in the Legislative Council Sessional Papers for 1847, No. 1, Vol. 6 showing the different surrenders made by the Indians in Upper Canada to the Crown at that date, from which it appears that the lands in question were not then surrendered.

It appears to me that the declarations fyled establish a prima facie case of the actual user by individual members of the Claimant Bands as hunting grounds of a large and defined portion of the 9759 square miles of territory shown on the accompanying map and set up a claim to the whole territory as having been acquired by the ancestors of the claimants by conquest and as having after such acquisition been used by their ancestors and themselves as the hunting grounds of the Bands in question. It may be objected that as large an area as 9759 square miles of territory could not have been possessed by these Indians, but actual continued physical occupation of the whole territory is not necessary. As was said by the Supreme Court of the United States in Mitchell vs. U.S. 9 Peters - "Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds are as much in their possession as the cleared fields of the whites and their rights to its exclusive enjoyment in their own way or for their own purposes were as much respected until they abandoned them, made a cession to the Government or an authorized sale to individuals."

The claim to the whole territory as hunting grounds is asserted by the declarations of 27 Indians in terms so positive and explicit as to render it extremely difficult to disregard the evidence.

The Indian title to these lands has never been extinguished and I am of the opinion that some arrangement should be made for quieting the title by the payment to the claimants of compensation in the same way that the Crown has dealt with other Indians whose title has been extinguished by Treaty.



I have not in this report considered the question as to whether the monetary obligation resulting from the quieting of the Indian Title to these lands should be borne by the Dominion or by the Province of Ontario - that question not having been referred to me. It may however not be improper for me to remark that the delay in settling this claim seems from the files largely to have resulted from a controversy between the Dominion and the Province of Ontario on this point; the - as typed [sic]

Dominion contending that inasmuch as the lands when free from the Indian Title will belong to Ontario absolutely while at present under the 109th Section of the British North America Act they belong to that Province "subject to any interest other than that of the Province in the same" the duty to assume the monetary obligation incident to the quieting of the Title should fall on the Province, while the Province has taken the position that inasmuch as the right to legislate with respect to "Indians and lands reserved for the "Indians" comes within the exclusive jurisdiction of the Dominion it is the duty of the Dominion to assume this obligation and hand over the lands to the Province free therefrom. It seems clear that the lands in question are "lands reserved for Indians" within the meaning of the Proclamation of the 7th October, 1763, and that the Indian Title is "an interest other than that of the Province in the same" and also that although it was left undecided in *The St. Catherines Milling & Lumber Co. vs The Queen*, 14 App. Cas 46, whether a province could of its own motion and power extinguish the Indian Title and notwithstanding that Mr. Justice Burton in *le, O.A.R.p. 167* considered that the Province would undoubtedly have such power apparently the power to do so rests with the Dominion alone, to permit a Province to exercise such power would be to permit a direct interference with the powers of legislation expressly conferred on the Dominion by Section 91 of the British North America Act.

The effect of the decision in *the Dominion of Canada vs. Province of Ontario*, L.J.P.O. (1911) p. 32, is to determine that unless the Dominion quiets the Indian Title under an express arrangement with the Province, the Province is not liable to recoup from the Dominion the expenditure to which it is put nor to assume the future payments included in the Treaty.

I would recommend that an endeavor be made to obtain an agreement from the Province to assume the monetary obligation which may be incurred in the quieting of the title.

[Document No. 439]

359. On January 8, 1920, the Assistant Deputy Minister of Justice advised the D.S.G.I.A. that Sinclair's report had not yet received detailed consideration:

Referring to your letter of the 3rd instant (67,071-2Ty), I beg to enclose for your information copy of Mr. Sinclair's report. Consideration of this report has been delayed here owing to pressure of work arising from war conditions, but I will take an early opportunity of placing the matter before the Deputy Minister of Justice for his consideration.

[Document No. 440]

360. One month later, on February 9, 1920, the A.D.M. of Justice advised the D.S.G.I.A. further:

Referring to my letter of the 27th November, 1916, (67,071-2), I have the honour to state that Mr. Newcombe had had under consideration Mr. Sinclair's report and sees no reason at present to dissent from his conclusions. He directs me to say that he thinks it is a question in the first place for your department to consider whether you are prepared to support the claim of the Chippewas and Mississaugas to unsundered rights in the areas in question. There is no evidence of any surrender and therefore if these bands of Indians were accustomed to use this territory for their hunting grounds they would be entitled to stipulate the terms of surrender seeing that there is no claim to this territory made by any other band. The question as to whether the Chippewas and Mississaugas had appropriated the territory admits of some doubt but according to Mr. Sinclair's report there is considerable evidence in their favour with regard at least to certain parts of the territory. The preliminary question is, therefore, as to whether your department would support their claim, and that is a question for your department to determine.

If this point be determined favourably to the Indians it must be realized that the benefit of any surrender will accrue to Ontario and therefore that Ontario should provide the reasonable compensation for it. This will involve negotiations with the Province with a view to agreement about the terms of compensation and surrender, and if the Province and the Dominion come to an understanding upon these points the Dominion will then be in a position to negotiate with the Indians within the limits of the terms to which the Province is willing to agree, unless, indeed, the Dominion be willing to assume some further responsibility upon its own behalf.

If the Province deny the Indians' title the Exchequer Court would have jurisdiction to determine the question upon proceedings which the Attorney General is entitled to institute questioning any title which may have been granted by the Province under chapter 28 of the Statutes of 1910 as amended by chapter 14, section 4 of the Statutes of 1911.

[Document No. 441]

361. Subsequently, in April of 1923 the governments of Canada and Ontario entered into the following draft agreement:

WHEREAS certain Indians of the Chippewa and Mississauga tribes claim that the said tribes were and are entitled to a certain interest in lands in the Province of Ontario to which the Indian title has never been extinguished by surrender or otherwise, the said lands being described as parts of the counties of Renfrew, Hastings, Haliburton, Muskoka, Parry Sound and Nipissing, and being bounded on the south and east by the lands included in the surrenders of the Indian title made on the 18th of November, 1815, the 5th of November 1818, and November, 1822; on the north by the Ottawa and Mattawa Rivers and Lake Nipissing and on the west by the lands included in the surrender of the Indian title made in 1850, known as the Robinson-Huron surrender, and by the Georgian Bay, the area in question including about 10,719 square miles.

AND WHEREAS a departmental enquiry made by the department of Indian Affairs indicates that the said claim has such probable validity as to justify and require further investigation and if found valid to be satisfied on such just and fair terms as may be settled by a treaty of surrender.

NOW THEREFORE THIS AGREEMENT made in pursuance of certain statutes of Canada and of the Province of Ontario both entitled "an Act for the Settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands." The Statute of Canada having been passed in the 54th and 55th years of the reign of Her Majesty Queen Victoria and chaptered 5, and the statute of Ontario in the 54th year of Her Majesty's said reign and chaptered 3.

WITNESSETH THAT the Governments of Canada and of the Province of Ontario have agreed as follows:-

1. The Government of Canada will, pursuant to Part 1 of the Enquiries Act, R.S.C. 1906, c. 104 and amendments, appoint three persons as commissioners to enquire into the validity of the claim of the Chippewa and Mississauga Indians aforesaid, and will empower the said commissioners, in the event of their determining in favour of the validity of the said claim, to negotiate a treaty with the said Indians for the surrender of the said lands upon payment of such compensation as may be fixed by such treaty.

2. Of the three commissioners so named, one shall be selected by the Government of Canada, who shall be chairman of the Commission, and the remaining two shall be selected by the Minister of Lands and Forests for the Province of Ontario and notified to the Superintendent General of Indian Affairs.

3. The question of the validity of said claim may be determined by any two of the said Commissioners and it shall be necessary that at least two of them (of whom the chairman shall be one) shall concur in any treaty which may be negotiated.

4. The expenses of the said commission, including the remuneration and expenses of the Commissioners and any expenses incurred for securing the attendance of witnesses or otherwise, shall be payable by the Government of Canada, but the rates of remuneration of each of the commissioners selected by the Minister of Lands and Forests for the Province of Ontario shall be agreed upon between him and the Superintendent General of Indian Affairs before the constitution of the Commission.

5. In the event of the commissioners negotiating a treaty with the Indians the compensation to be paid to such Indians shall be payable to the Dominion of Canada by the Province of Ontario from time to time in accordance with the terms of the treaty of surrender, and shall be applied by the Dominion of Canada in accordance with the said terms.

6. In the event of provision being made by such treaty of surrender for the setting apart of reserves for the Indians, the Dominion of Canada will bear the expense to be incurred in the location and survey thereof, and the Province of Ontario will concur in the setting apart of such reserves.

7. All such reserves shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may be allotted; portions thereof may, upon their surrender for the purpose by the said band or bands, be sold, leased or otherwise disposed of by letters patent under the Great Seal of Canada, and the proceeds of such sale, lease or other disposition applied for the benefit of such band or bands, provided, however, that in the event of the band or bands to which any reserve has been allotted becoming extinct, or if for any other reason such reserve or such portion thereof as remains undisposed of is declared by the Superintendent General of Indian Affairs to be no longer required for the benefit of the said band or bands, the same shall thereafter be administered by and for the benefit of the Province of Ontario, and any balance of the proceeds of the sale or other disposition of any portion thereof then remaining under the control of the Dominion of Canada shall, so far as the same is not still required to be applied for the benefit of the said band or bands of Indians, be paid to the Province of Ontario, together with accrued unexpended simple interest thereon.

362. On June 23, 1923, the federal government accepted the agreement. It had been approved by the Provincial Government in May of that year.

The Committee of the Privy Council have had before them a report, dated 11th June, 1923, from the Superintendent General of Indian Affairs, submitting that for many years there has been a claim outstanding on the part of certain Indians of the Chippewa and Mississagua tribes that their usufructuary rights in a certain area in the Province of Ontario, extending northwards and eastwards from Lake Simcoe and comprising some 10,719 square miles of territory, have never been surrendered to the Crown, and that they are entitled to compensation for such unsundered rights.

The said claim having been enquired into and appearing to be prima facie well founded, negotiations were entered into by the Government of Canada with the Government of the Province of Ontario pursuant to certain statutes of Canada and of the Province of Ontario in that behalf, and in consequence the attached draft agreement was settled, and on the 22nd. May, 1923, was approved by the Executive Council of the Province of Ontario.

The Minister accordingly recommends that the said agreement be approved by Your Excellency in council, and that he be authorized to execute the same on behalf of the Dominion of Canada.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

[Document No. 443]

363. On August 16, 1923, the Minister of Lands and Forests of Ontario wrote to D.C. Scott, the D.S.G.I.A., on the matter:

In preusing the departmental files in connection with this matter I observe that under date of the 8th June last a letter was addressed to you by the Deputy Minister Mr. Cain, intimating that the Solicitor of the Department, F.E. Titus and one J.J. Murphy had been suggested as representatives of the Province in connection with the Inquiry about to be instituted under the Agreement entered into between the Province and the Dominion in respect of the claims of the Indians.

For your information I desire to say that the present Government has selected in lieu of the names heretofor mentioned as its commissioners, R.V. Sinclair, K.C. Ottawa and Uriah McFadden, K.C., Sault Ste Marie.



It is desired that the work of the Commission be initiated as early as possible and the only matter to be dealt with prior to their beginning work, as I understand it, is the question of remuneration.

The Agreement does not settle the amount of compensation but because of the importance of the matter to be considered, I am of the firm opinion that the remuneration of at least One hundred dollars (\$100.) per diem in addition to travelling and other necessary expenses should obtain.

Will you be good enough therefore to acknowledge the receipt of this letter and advise me if the Dominion authorities will agree to my suggestions.

[Document No. 444]

364. On August 22, 1923 Charles Stewart, the S.G.I.A. prepared the following report for consideration by the Governor General in Council:

The undersigned has the honour to report that certain Indians of the Chippewa and Mississauga tribes having claimed that the said tribes were and are entitled to a certain interest in lands in the Province of Ontario to which the Indian title has never been extinguished by surrender or otherwise the said lands being described as parts of the Counties of Renfrew, Hastings, Haliburton, Muskoka, Parry Sound and Nipissing, and being bounded on the south and east by the lands included in the surrenders of the Indian title made on the 18th of November, 1815, the 5th of November, 1818, and November 1822; on the north by the Ottawa and Mattawa Rivers and Lake Nipissing, and on the west by lands included in the surrender of the Indian title made in 1850, known as the Robinson-Huron surrender and by the Georgian Bay, the area in question including about 10,719 square miles.

The undersigned has the honour to further report that as the result of a departmental enquiry made at the instance of the Department of Indian Affairs, the said claim appeared to be prima facie well founded and thereupon negotiations were entered into by the Government of Canada with the Government of the Province of Ontario pursuant to certain Statutes of Canada and of the Province of Ontario in that behalf, and an agreement dated the            day of April, 1923, was entered into between the Government of Canada and the Government of the Province of Ontario providing that the Government of Canada would pursuant to Part I of the Inquiries Act, R.S.C. 1906, c.104, and amendments appoint three persons as commissioners to enquire into the validity of the said claim of the Chippewas and Mississaugas aforesaid, and would empower the said commissioners, in the event of their determining in favour of the validity of the said claim, to negotiate a treaty with the said Indians for the surrender of the said lands upon payment of such compensation as might be fixed by such treaty.

The said agreement provided that one of the said commissioners who should be the chairman of the Commission should be selected by the Government of Canada and that the remaining two commissioners should be selected by the Minister of Lands and Forests for the Province of Ontario who should notify such selection to the Superintendent General of Indian Affairs.

The said agreement provides that the expenses of the said Commission including the remuneration and expenses of the commissioners and any expenses incurred for the securing of attendance of witnesses or otherwise should be paid by the Government of Canada but that the rates of remuneration for each of the commissioners selected by the Minister of Lands and Forests for the Province of Ontario should be agreed upon between him and the Superintendent General of Indian Affairs before the constitution of the Commission.

The remuneration to be paid to the commissioners to be selected by the Province of Ontario has been agreed upon between the undersigned and the Minister of Lands and Forests for the Province of Ontario at the sum of \$100.00 a day to be paid to each of the said commissioners selected by the Province of Ontario while they are engaged in this matter.

The undersigned has been informed by the Minister of Lands and Forests that the said Minister has selected as two of the said commissioners, Mr. R.V. Sinclair, K.C., of Ottawa, Ontario, and Mr. Uriah McFadden, K.C., of Sault Ste. Marie, Ontario.

The undersigned has the honour further to report that he has selected Mr. A.S. Williams, Departmental Solicitor of the Department of Indian Affairs, Ottawa, Ontario, as the commissioner to act herein on behalf of the Government of Canada.

The Minister accordingly recommends that Mr. A.S. Williams, Mr. R.V. Sinclair, K.C., and Mr. Uriah McFadden, K.C., be appointed as commissioners to enquire into the validity of the said claim of the Chippewa and Mississauga Indians aforesaid and be empowered in the event of their determining in favour of the validity of the said claim to negotiate a treaty with the said Indians for the surrender of the said lands upon payment of such compensation as may be fixed by said treaty, the said appointment being made in pursuance of the Inquiries Act, R.S.C. 1905, c. 104, and amendments.

[Document No. 445]

365. The recommendations were duly accepted by an Order-in-Council dated August 31, 1923.

[Document No. 446]

366. On October 10, 1923, Mr. James Lyons, Minister of Lands and Forests received the following report on the proceedings from the Treaty Commission.

The joint commission appointed by the Government of Canada and the Province of Ontario to inquire into the claims preferred by the Chippewa Indians of Lakes Huron and Simcoe, and the Mississauga Indians of Rice Lake, Mud Lake and Lake Scugog for compensation in respect to an area of land extending from the forty-fifth parallel of latitude north of Lake Nipissing and from the Georgian Bay east to the Ottawa River, alleged by the claimants to be the ancient hunting grounds of their ancestors, visited the reserves of the Chippewa Indians at Georgina Island on Lake Simcoe, at Christian Island on the Georgian Bay, and at Rama, and the reserves of the Mississauga Indians at Rice Lake, Mud Lake, Lake Scugog and Alderville, between the 12th and 26th days of September, for the purpose of taking such evidence as the claimants might desire to present in support of their respective claims.

The Commission found that these Indians were very suspicious of the attitude which would be assumed by the Commission towards their claims, having unfortunately become imbued with the idea that the object of the Commission was to minimize the claims and to require such strict legal proof of them as would be required by a Court of Justice in a contest between litigants.

The Commission being aware that it was not the desire of either of the Governments to have the Commission approach the consideration of the claims in any such attitude, sought to impress the Indians with a view that any evidence, whether it might be direct or whether it might be only the relation of the traditions of the nation or of statements made to individual Indians by their ancestors, would be received and considered, and the Commission is glad to be able to state that the attitude of doubt referred to was entirely dissipated and that beyond any question when the Commission left each of the reserves it had secured the entire confidence of the Indians.

It is the opinion of the commission that the claimants have submitted ample and satisfactory proof of the occupation by them of the land referred to as the ancient hunting ground of the ancestors of the claimants. These hunting grounds cover an area of over 10,000 square miles of territory, the value of which is almost incalculable.

A claim was put forward by the Chippewa Indians that a large area of land, approximately 1,000 square miles, was included in the Robinson-Huron Treaty of 1850, to which the Ojibways had no claim, the territory in question being alleged to have belonged to the Chippewas, and this fact is stated to have been admitted since the making of the treaty by the Ojibways, who say that the territory in question was included in the treaty by error. The territory extends northward along the shore of the Georgian Bay from Moose Deer Point, north to the French River and west possibly to the Spanish River.

It was claimed by the Mississauga nation that seven townships lying immediately south of Lake Simcoe, belonging to them, had never been surrendered. A moderate estimate of the value of these townships alone would be \$30,000,000.00. The area comprised in these townships alone is somewhat over 355,000 acres. The Commission has not been able to find that a surrender of the townships in question has ever been made. It was further discovered that the lands lying between the Bay of Quinte and the County of York, and extending north a day's journey from the shore of the Lake, commonly supposed to have been surrendered by what is known as the Gun-shot Treaty are not described in any treaty. The Gun-shot Treaty, which was made on the 23d day of September 1787, and which was intended to cover the area in question, unfortunately does not contain any description whatever of the land covered by it. It is suggested by the Commission in the event of a surrender from the claimants of the large tract of hunting grounds above described to include in the surrender the lands intended to be covered by the Gun Shot Treaty and the seven townships lying immediately south of Lake Simcoe, and the Commission is of the opinion that the surrender should be extended to cover the 1,000 square miles claimed by the Chippewa Indians to have been improperly included in the Robinson-Huron Treaty, if upon examination the Commission should come to the conclusion that the claim of the Chippewas in this respect is well founded.

The Commission desires to point out that it has been the invariable practice to make a cash payment to the Indians at the time of taking a surrender, which payment has varied, but so far as the Commission is aware has never been less than \$8.00 per head, that being the sum paid when Treaty Nine was executed in 1905. The claimants in the present case number about 1,350, and in view of the diminution in value of the dollar the Commission is of opinion that a payment of \$15.00 a head to-day would be about equivalent to a payment of \$8.00 a head in 1905, and the Commission therefore suggests that in order that it may have sufficient funds to enable it to negotiate with respect to the cash payment, it should be provided with the sum of \$30,000.00 for that purpose, any balance of which will of course be returned.

After the best consideration which the Commission has been able to give to the evidence and taking into consideration the contiguity of the large portion of land in Northern Ontario which will be surrendered to the settled portions of Ontario, and considering its immense value, and also the value of the seven townships lying to the south of Lake Simcoe, the Commission has come to the conclusion that the sum of \$700,000.00 will be a fair and equitable compensation for the rights which these Indians will be called upon to release.

In arriving at this sum the following additional facts are proper to be considered, namely: That the claim made by these Indians has been continuously pressed for the last seventy years; that for over fifty years the claimants have practically been deprived of the use of the lands as hunting grounds because of the encroachment of the whites,



both settlers and trappers, so that the view which is to be found in the files of the Indian department, that these claimants should be now compensated for the deprivation of use which they have suffered for fifty years, is one which must be considered in arriving at a sum.

If one were to approach the question of compensation from the foregoing point of view, and were to settle with these claimants on the basis of the settlement which is provided for under the Robinson-Huron treaty, the capitalization of the amount which would be required to be paid at the present day would be \$840,000.00, in addition to which the claimants would be entitled to 156,600 acres of land as reserves. If, however, the claimants should be dealt with on the basis which prevailed with respect to Treaty Nine, the capitalization of the amount required would be \$1,372,800.00, in addition to which the quantity of land required to be set aside for reserves would be 320,000 acres.

For the foregoing reasons the Commission recommend that it be given authority to negotiate for surrenders of the land referred to, with the right to pay up to \$700,000.00 for such surrenders, and in addition such cash payment as may be necessary to procure the signing of the surrenders. The latter payment, however, it is believed will not exceed \$30,000.00

[Document No. 449]

367. On October 15, 1923, A.S. Williams received the following submission from J.E. Weedon, a solicitor representing the Indians:

Confirming my telegram of Saturday, I would say that I duly received your letter of the 11th. instant. I might explain my connection herewith. I have been acting for the Mississauga Indians of the Rice, Mud and Scugog Bands for some years. At different times it has struck me that they have not been fairly treated by both Federal and Provincial Governments.

In the spring, at the opening of the muskrat trapping season, there was a row between a number of white men and the Indians. The white men lay in ambush and shot the Indians with shot guns, accusing the Indians of spearing muskrats in the muskrat houses. The Indians summonsed the white men before the Criminal Courts for shooting with intent, and wounding, with the result that the white men were fined a very trifling amount. The Indians were then summonsed for illegally destroying muskrat houses and were all - seven of them - fined.

One Indian, Johnson Pudash by name, was an educated, intelligent man, and with his assistance were unearthed



many old treaties, documents, surrenders, and other material which would go to show that these Indians had not been recompensed for unsundered land. The whole matter was taken up at a meeting of the Chiefs, principal men and veterans of the three bands, held at a general council at Curve Lake in June. This was duly reported in the newspapers, and Mr. Pudash went to Ottawa and Toronto to see the Ministers, this all leading to the appointment of your Commission.

Mr. Pudash and myself went very thoroughly into the documentary evidence, and I proposed appearing before your Commission when it should have its sittings, but I found that the Department did not favour the intervention of solicitors in matters between the Indians and the Government, it having been found, so I am told, that frequently the lawyers showed greater anxiety on their own behalf than on behalf of their clients.

In August the matter of the Home Bank came up and I had no further time to devote to the affairs of these Indian Clients. I might say that I would like very much indeed to have an opportunity to lay before the commission further evidence in corroboration of the evidence already given with respect to the Northern Hunting Grounds and also new evidence with respect to the claim of the Indians to the Western Hunting Grounds. We have discovered the Journal of one of the Government Officials formerly dealing with the Indians, many years ago, and it would appear to be of considerable weight in establishing the claims of these Indians. There are also several matters I would like to lay before your Commission if I might. You will appreciate the fact that my clients would not thank me, possibly, for the suggestions I am about to make. I therefore ask you to keep it in confidence, but I am totally adverse to paying these Indians any cash amounts of money that might run into hundreds of thousands of dollars. My clients may not thank me now, but I think that their children will. Until such time as the Indians are able to look after their own affairs better than they have done up to the present time, I must respectfully submit that no large sums of money should be paid to them. I have found the average Indian is not to be put in the same class as the average Negro, and I submit that with adequate training and education for a generation or two that these particular Indians, in any event, would be able to take their places as citizens of Canada with the average white person.

I would submit further that my clients should be provided with adequate hunting and fishing grounds and that these rights should be maintained to them in perpetuity and that they should not be asked to accept cash payments for the total surrender of all their hunting, fishing and trapping rights. It would not take a great deal of territory to provide suitable reserve for these people. There are many areas along the Kewartha Lakes and other tributary streams and lakes where the Crown still holds title to the marsh and bog lands. Could not arrangements be made so that the Indians could have the exclusive right to the muskrat and other trapping on these Government lands? You will appreciate the fact that the Government is

not receiving any revenue from these marsh and bog lands now but that the general public is poaching on these lands for the purpose of taking muskrat and other fur animals, and therefore there would be no loss if concessions were given to these Indians. However, the whole question is a large one and I assure you that I would be exceedingly obliged if you would give me an opportunity of laying the matter before your Commission. If you could see your way clear to withhold your report until you should have another sitting of the Commission, I would be extremely obliged indeed, as would also my Clients. If you will let me know when your Commission will meet again I will try to have everything ready to go into the matter with you.

You will appreciate my present position, however, that I am simply deluged with work since I became associated with Mr. Clarkson as one of the Interim Liquidators of the Home Bank, and therefore if you could defer the matter for about two or three weeks I would take it as a great personal favour, but if necessary I will endeavour to get ready to meet the Commission or have some one else there at any time they may appoint. In the meantime, I would be glad to have a copy of the powers contained in your Commission as there are a number of matters that I would like to submit if your body have jurisdiction to entertain them, and if it is not too much trouble, I would be thankful if you could let me have a copy of the exhibits that have already been filed in the matter by the Indians.

As far as I am personally concerned, I appreciate the fact, if I may be allowed to repeat that in days gone by, some unscrupulous solicitors have taken advantage of their Indian clients in prosecuting claims against the Government. I might say that I am quite willing to leave any fees that I may charge my clients to the settlement of your Commission or to a taxing officer in the ordinary way.

[Document No. 450]

368. On October 18, 1923, it was reported to James Lyons, Minister of Land and Mines that:

The Commission appointed by the Dominion and Provincial Governments to enquire into the above claim having come to the conclusion, upon the evidence so far taken, that a substantial claim has been established which would warrant your Government in making provision for the payment of compensation, the amount of which has yet to be determined, desires to suggest that in its opinion it would facilitate the work of the Commission if your Government would now pay to the Dominion Government, at least, \$400,000 to be applied in part satisfaction of compensation in the event of the Commission obtaining a surrender of the lands in question and making a treaty with the respective claimants, it being understood, of course, that should the Commission be unable to agree with the claimants for a

surrender the money above referred to would be returned by the Dominion Government, to your Government. It not being at present known exactly what the total amount of compensation payable will be, the ultimate balance over and above the \$400,000 will be payable after the making of the treaty.

[Document No. 452]

369. Shortly thereafter, on November 6, 1923, the Minister of Lands and Forests in Ontario advised Charles Stewart, S.G.I.A. that:

I am enclosing herewith a Cheque for \$400,000.00, drawn in favour of the Department of Indian Affairs, being a payment on account of the compensation in connection with the claim of the Chippewa and Mississauga Indian Tribes, for unsurrendered lands within the Province of Ontario, in parts of the Counties of Renfrew, Hastings, Haliburton and the Districts of Muskoka, Parry Sound and Nipissing, comprising approximately 11,000 square miles.

This Cheque is being forwarded to you on the specific understanding that the final settlement on the Treaty basis must not involve a sum in excess of approximately half a million dollars, and that failure to conclude agreement on such basis, the above Cheque will be returned to the Department, or a covering Cheque for like amount.

[Document No. 453]

370. On December 1, 1923, the Treaty Commissioners filed the following report:

For upwards of 70 years the Chippewa Indians of Lakes Simcoe and Huron, and the Mississauga Indians of Rice Lake, Mud Lake, Scugog Lake and Alderville, have constantly pressed upon the attention of the government a claim to compensation in respect of their ancient hunting limits situated in the northern part of the Province of Ontario and lying between the Georgian Bay and the Ottawa River, and bounded approximately on the North by the French River, Lake Nipissing and the Ottawa River, and on the South by the 45th parallel of latitude.

In April of this year an agreement was made between the Dominion of Canada and the Province of Ontario for the appointment of Commissioners to investigate the foregoing claim, and, if satisfied as to its validity, to negotiate with the Indians in question for a surrender of their rights and subsequently, by an Order of His Excellency in Council of the 31st August, 1923, the undersigned were appointed Commissioners for the purposes above set forth.

On the 13th of September last the Commission met at Sutton West, Ontario, for the purpose of taking evidence at Georgina Island in Lake Simcoe. The Commission travelled by automobile from Sutton West to Jackson's Point, and from thence by motor boat to the Island. On September 14th and 15th such evidence as could be adduced by the claimants was taken in shorthand by the Secretary of the Commission, Miss Kathleen Moodie.

Addresses were delivered by the Chairman and the members of the Commission at Georgina Island, and at all the reserves which were visited, designed to instruct the Indians as to the nature of the claim which, in the event of its being established, they would be asked to surrender, and especially for the purpose of disabusing the Indians of the idea that they owned the lands and would be entitled to compensation as owners, an idea which the Commission found to be extremely prevalent.

On the 17th of September the Commission proceeded to Penetanguishene, and on the morning of the 18th travelled by automobile to Cedar Point and thence by motor boat to Christian Island, where evidence was taken during the day. The Commission returned to Penetang at night and remained there until mid-day on the 19th for the purpose of enabling the Indians to produce at Penetang further evidence which it seemed probable they would be able to procure. No further evidence, however, having been brought to the attention of the Commissioners, they left Penetang and proceeded to Orillia for the purpose of taking evidence at Rama, which was done on September 20th and 21st.

On September 24th the Commission went to Port Perry and took evidence at Lake Scugog, reaching Peterborough the same night, and on the 25th took evidence at Mud Lake, on the 26th at Rice Lake, and on the 27th at Alderville, from the members of the Alnwick Band, returning to Ottawa on the 28th.

A very large volume of evidence was taken at the seven reserves above referred to, and many documents were filed with the Commissioners as exhibits, and between the date of the Commissioners' return to Ottawa and the 6th of October the evidence was extended and carefully considered by the Commission.

The Commissioners took with them on their first trip a large map of the Province of Ontario, on which was depicted within a boundary, the area said to represent the ancient hunting limits of the Tribes in question. This map was placed upon the wall in the several Council Houses so that the Indians and the Commission might more fully understand the purport of the evidence as it was adduced, and during the time that elapsed between the return of the Commission to Ottawa, and the 6th of October, the Commission plotted upon the map the various hunting limits which the evidence established had been occupied and used by the several families of the different Tribes, in addition to which, however, evidence was obtained at all the reserves of a more or less general user by the members of the Bands of the area in question.



The Commission having received an intimation from the Honourable the Minister of Lands and Forests that he desired it to wait upon him in Toronto for the purpose of advising him as to the views which the Commission had formed as to the validity or otherwise of the claim, the Commission went to Toronto, arriving there on Sunday, October 7th, the appointment with the Minister having been fixed for October 8th. Owing to the arising of unforeseen circumstances, however, the Commission was unable to see the Minister until October 9th, when, after having explained to the Minister the purport of the evidence, the Commission was desired to remain in Toronto until the 12th of October, as the Prime Minister had stated that he desired to interview the Commission before further proceedings were taken. During the interval between the 9th and 12th of October, the Commission were engaged in examining the files and the archives in the Parliament Buildings in Toronto, where it obtained a considerable quantity of evidence bearing directly upon the claim.

On October 12th the Commission had an interview with the Prime Minister of Ontario, in which a report was given as to the evidence and the general aspects of the claim.

The Commission re-assembled at Ottawa on the 18th of October, and obtained some evidence of importance by an examination of various files in the Department of Indian Affairs, and having, after a careful consideration of the evidence and exhibits, come to the conclusion that the claim of the Indians had been established, the Commission had a careful description of the lands forming the ancient hunting limits, and intended to be included in the Treaty, prepared by the Surveys Branch of the Department of Indian Affairs.

During the course of the taking of evidence at Rice Lake, the Commissioners were informed by one of the witnesses that the Indian title to seven townships lying immediately south of Lake Simcoe had never been extinguished, and an investigation of the records in the Department of Indian Affairs satisfied the Commissioners that the assertion so made was correct.

On the 13th of September, 1787, a Treaty, commonly called "The Gunshot Treaty" was made by the Honourable Sir John Johnston, Baronet, on behalf of the King, with the Principal Chiefs and War Chiefs of the Mississauga Nation. This Treaty was intended to cover the land bordering on the north shore of Lake Ontario, and extending back therefrom as far as a gunshot could be heard, and covering the land lying between the Bay of Quinté and the Tobicoke River. The Commission, in the course of its researches, discovered that this Treaty was signed without a particular description of the lands intended to be surrendered having been included therein, the intention being, as appeared from the files, that the surveyor was to write into the Treaty a proper description of the lands intended to be covered thereby. It is quite clear that the surveyor failed to complete the Treaty in this regard, and the Gunshot Treaty as printed in the Volume of Indian Treaties and Surrenders published in 1905, contains no description of the lands, the title to which was intended to be



surrendered. A few years after the signing of this treaty the omission in question was discovered, and a subsequent confirmatory Treaty was signed on August 1st, 1805, but by error only a portion of the land intended to be included in the Gunshot Treaty was included in the confirmatory surrender. This portion is now commonly known as the "Toronto Purchase", and included only the townships of Tobicoke, York and Vaughan, and parts of the townships of King, Whitechurch and Markham in the county of York.

In view of the foregoing, the Commissioners determined to include in the new treaty that portion of the lands originally intended to be covered by the Gunshot Treaty, but which had not been included in the confirmatory surrender of August 1st, 1805. The Commission having therefore obtained from the Surveys Branch a proper description of the lands south of lake Simcoe, already referred to, and of the lands intended to have been included in the Gunshot Treaty, prepared two Treaties, one to be signed by the three Bands of Chippewas, and the other to be signed by the four Bands of Mississaugas, each of which Treaties covered all the ancient hunting grounds of both nations, the townships south of Lake Simcoe, and the Gunshot Treaty lands, it being felt that grave difficulty might arise particularly with respect to the ancient hunting grounds, if an attempt were made to define a boundary between the hunting limits of the Chippewas and those of the Mississaugas, as the evidence disclosed that neither of these Tribes had any very definite idea as to the actual sites of such boundary.

When the Commissioners were taking the evidence at Christian Island it was asserted that an area of land approximately bounded on the east by a line drawn from the west end of Lake Nipissing to Moose Deer Point, and bounded on the West by the shore of Georgian Bay and on the North by the French River, had been improperly included in the Robinson-Huron Treaty of September 9th, 1850, it being alleged that the Indians who signed that Treaty did not have an exclusive right to hunt and fish in the area in question, but that a joint right existed between the signers of that Treaty and the Chippewas of Lakes Simcoe and Huron to use the area in question as hunting grounds. The Commissioners, for the purposes of setting any question at rest as to title over these latter lands, had this area included in the description prepared by the Surveys Branch.

When the Commission was in Toronto for the purpose of a conference with the Honourable the Minister of Lands and Forests, a letter was brought to the attention of the Commissioners from a solicitor at Lindsay, Ontario, in which he stated that, acting for some of the Mississauga Indians, he desired to place before the Commission some evidence on their behalf, and the Commission arranged to meet the solicitor in question in Toronto on the 25th day of October, on which day the Commission heard the representations which the solicitor desired to put forward, and on the 26th left Toronto for Parry Sound for the purpose of taking evidence from some Christian Island Chippewas residing on Parry Island, which evidence was presented to the Commission on the 27th, and, it being

expected that further evidence bearing upon the claim might be available on the 29th, the Commission remained at Parry Sound until noon of that day. Having then been informed that no further evidence could be adduced, the Commission proceeded to Sutton West, to negotiate a treaty at Georgina Island.

On the 30th of October, the Commission was unable to proceed to Georgina Island owing to stormy weather on Lake Simcoe, but the weather having abated, the Commission proceeded to that Island on October 31st, where they found a very large number of Indians awaiting them.

The Commission having heard that notwithstanding the addresses delivered during the first trip, the Indians still believed themselves to be the owners of the lands in question and entitled to upwards of ten million dollars compensation, the Commissioners felt it was incumbent upon them to make a very special effort for the purpose of disabusing the minds of the Indians of this idea, and therefore lengthy addresses were delivered by the three members of the Commission, which convinced the Indians of the unfounded nature of their view and resulted in the Treaty being signed.

The Commission desires to express its satisfaction with the general condition of the reserve at Georgina Island, and was particularly impressed with the stock on the several farms, consisting of well-bred horses, cattle, sheep and hogs. Ex-Chief Charles Big Canoe, now in his 91st year, entertained the Commission at his house. He has a large and well-improved farm, a well-furnished house, and has great authority and weight amongst the Band, and the Commission feels that the task which devolved upon it in the endeavour to induce the Indians to take a reasonable view of the amount of compensation to which they were entitled, was greatly lightened by the influence exerted by this venerable and most excellent Ex-Chief, and his son, John E. Big Canoe, who is at present Chief of the Band. The Agent for this Band, Mr. William Kay, appears to have the affairs of the Band well in hand, and has the confidence and liking of the Indians, in whom and in whose welfare he evidently takes a very great interest.

There is an excellent school on Georgina Island, the teacher being also the Missionary. The children appeared to the Commissioners to be bright, intelligent, and diligent, and the teacher, Mr. Ward, evidently takes a great interest in the progress and advancement of his pupils.

On the 1st November the Commission arrived at Penetang, and on the 2nd and 3rd were at Christian Island. On the 2nd of November some slight additional evidence was taken, and after addresses by the members of the Commission, similar in character to those delivered at Georgina Island, the Commission returned to Penetang, with the understanding that it would again be at Christian Island on the following day for the purpose of executing a Treaty should the Band in Council have determined to accept the offer made by the Commission. Accordingly, on

November 3rd the Treaty was signed. After the signing of the Treaty a very pleasing incident took place, in which Mr. R.V. Sinclair was made Honorary Chief of the Chippewa Tribe, and given the Indian name "Pa-yah-bee-dwa-we-dong", which means "Man Bringing Good News". Mr. A.S. Williams, Mr. Uriah McFadden and Miss Kathleen Moodie were formally adopted as members of the Tribe, with Indian names. That bestowed upon Mr. Williams was "Showh-nah-ko-om", which means "Thundering from the South"; upon Mr. McFadden, "Now-wuak-gee-sig", which means "Bright Noon Day"; and upon Miss Moodie, "Wah-sa-yah-bun-no-qua", which means "Lady of the Dawn". Several addresses were given by different members of the Band, and suitable replies were made by Mr. Sinclair and the other members of the Commission and Miss Moodie.

Chief Henry Jackson, Mr. Walter Simons, who acted as Interpreter, and Messrs. J. Monague and R. Marsden exerted their influence with the members of the Band for the purpose of bringing about an execution of the Treaty, thus materially assisting the Commission in its labour.

The Commission had the pleasure of meeting Father Cadot, the French Missionary Priest, who was at the meeting on November 3rd and made a very wise and eloquent address to the Indians.

On November 4th the Commission again visited Christian Island, having been requested to make a special report for the Department of Indian Affairs upon the agricultural aspects of the Island.

The School on this Island is under the direction of Mr. Lorenzo Big Canoe, grandson of Ex-Chief Charles Big Canoe of Georgina Island. He is a young man of striking appearance, and seems to have the affection of his pupils and the esteem of the members of the Christian Island Band.

The Christian Island Indians have a very creditable brass band, which played for the Commissioners on the occasion of each of their visits to the Island.

On Christian Island the government has supplied the Agent with a farm having a good brick house and large modern barn. The farm bears evidence of being well cultivated by the Agent, who resides in the house and who has some well-bred stock.

On November 5th the Commission went to Orillia for the purpose of visiting the reserve at Rama, which it did on the 6th and 7th. Here too the Commission found that the Indians considered that they were entitled to receive a large sum of money for a surrender of their rights, and the members of the Commission made a very special effort in their addresses to convince the Indians that the amount which the Commission was prepared to offer would be a full and ample compensation for such rights as they were being asked to surrender. One of the difficulties which arose at this reserve resulted from the fact that under the Indian Act, where a reserve or part of a reserve is surrendered for sale, the Band surrendering it is entitled to receive

up to 50 per cent of the purchase price, and the Indians at Rama suggested that in the present instance their right to share in the compensation should be governed by the section of the Indian Act above referred to. It being quite impossible for the Commission to agree to the payment in cash to the Indians of any very large sum of money, since the compensation which would be paid would represent the patrimony of the releasing Indians, it behooved the Commission to satisfy the Indians that the surrender of aboriginal rights which belonged to the Tribe in perpetuity and would therefore, if not surrendered, afford hunting grounds for future generations, stood upon a different basis from the sale of a reserve. This view as presented by the Commission finally prevailed, and the Treaty was signed on November 7th.

This reserve originally consisted of 5000 acres and was purchased by the Rama Indians in 1833. Since then some of it has been sold, and its present area is 2200 acres, of which about one-quarter is cleared, and 750 acres cultivated. The Commission was informed that a very considerable portion of this reserve consists of rough, rocky, and swampy land, and that such farms as are worked do not exceed 25 acres in area, and portions of these, owing to the character of the ground, are not cultivable. The policy of the Indian Department being to induce the Indians to turn their attention to agricultural pursuits, the Commission suggests that this object would be more easily attained if it were possible to acquire in contiguity to the reserve a further area of land free from swamp and reasonably free from rock, which might be cultivated to advantage.

The Commission were invited by Chief Alder York to a supper and concert which was to be held in the Council House on the evening of November 6th. Some very excellent music was performed by the brass band, and a number of songs and recitations were given by several talented Indians. The Commission desires particularly to refer to the singing of some Indian songs by Mr. David Simcoe, and a historical address made by Mr. Bigwin, who was dressed in Indian costume. Miss Bowman, one of the school teachers, sang and recited most excellently.

The Commission had the pleasure of visiting the School on this reserve, which is presided over by Mrs. Coleman and Miss Bowman, and of hearing the children both read and sing. There is an excellent, modern school building, well-ventilated and well equipped, having living quarters for the staff on the second story.

The Agent at Rama, Mr. A.S. Anderson, a returned man, impressed the Commission with his energy, ability, and intelligence. The Indians are more than satisfied with the attention he gives to the affairs of the Band, and he appears to have won their confidence and respect.

When the Commissioners were at Parry Sound, some of the Indians from Parry Island who appeared, asserted that under the Robinson-Huron Treaty of September 9th, 1850, the Chippewa Indians now residing on Parry Island were entitled



to a reserve on the mainland opposite Sandy Island, as described in the Treaty, which the Indians in question asserted to be a misnomer for Parry Island, and that such reserve covered the site of the present town of Parry Sound, and had never been surrendered by them or their forefathers. On November 8th, the Commission went to Toronto and was occupied on that day and on the 9th in investigating the claim of the last-mentioned Indians to a reserve at the town of Parry Sound. It appeared that although the Indians in question were given a reserve by the Robinson-Huron Treaty as stated by them, the Province of Canada, in April, 1867, issued a patent to Beatty et al for a tract of land which might include the reserve in question. The Commission laid these facts before the Honourable the Minister of Lands and Forests, who instructed the Commission to make some further investigation into this claim. The result of these enquiries will form the subject of a separate report.

The Commission adjourned on Friday, the 9th, to meet again on the 13th, on which day it left for Peterborough for the purpose of negotiating with the Indians at Mud Lake, which it did on November 14th and 15th. On the latter day the Treaty was signed.

The Indians at Mud Lake have an excellent brass band, which met the Commissioners at some distance from the Council House and escorted them thereto. A visit was made to the school on this reserve, which is in charge of Miss Harris. The pupils appeared to be bright and diligent, and the Commissioners enjoyed hearing the children sing. It would appear that an additional teacher is required at this school as the number of children is too large to be properly instructed by one teacher.

The Mud Lake Band consists of 265 persons, and the reserve is composed of 1664 acres. Of this, only about 500 are cultivable, the rest of the lands being rough and extremely rocky. The work of cleaning the land is so great that it is impossible to induce the Indians to do it, and consequently only a very limited number of them are engaged in farming. If better land in the vicinity could be obtained, the Commission is of the opinion that many more members of this Band could be induced to turn their attention to agriculture.

On the 16th of November the Commission went to the Hiawatha reserve, situate on the shore of Rice Lake, where, after a full explanation of the object of the visit, and some addressed by the Chief and other members of the Band, the Treaty was signed during the afternoon.

A new Council House is in course of erection on this reserve, which is composed of excellent farming land. The Agent for this reserve and for the reserve at Mud Lake, is Mr. Robert McCamus, who accompanied the Commission to both reserves and made at each a very excellent address to the assembled Indians. Mr. McCamus evidently enjoys the confidence of the Indians upon these reserves and takes a great interest in the affairs of the Bands and the welfare of the Indians who are under his charge.



At the Hiawatha reserve complaint was made by the Indians that owing to the leasing to whites of muskrat trapping privileges upon the borders of the lake, they had been deprived of the right formerly enjoyed by them of trapping muskrat, upon the avails of which trapping many of the Indians are largely dependent for support. This question will be further referred to in another report to be made by the Commission.

At this reserve after the Treaty was signed, the members of the Commission were made Honorary Chieftains of the United Bands of Mississaugas of Rice, Mud and Scugog Lakes, and Miss Moodie was made Honorary Chieftainess, and each member of the party was thereby made a member of the United Bands and given an Indian name.

After the execution of the Treaty, the Commission returned to Peterborough, and on the 19th of November went to Alderville for the purpose of obtaining the execution of a Treaty by the Indians residing on the Alnwick reserve. The Treaty was signed on that day, in the presence of a large gathering of Indians composed both of the men and women of the Band. These Indians have an excellent brass band which at the conclusion of the proceedings played a number of pleasing selections.

This Band of Indians is prosperous, and is fortunate in occupying a reserve which appeared to the Commissioners to be more adapted to agriculture than any of the reserves visited by them, with the possible exception of the reserve at Lake Scugog, which, however, is very limited in area. The Agent for the Alnwick reserve, Mr. W.R. Coyle, is highly thought of by the Indians, is himself a practical farmer, and appeared to the Commission to be active, energetic and greatly interested in the performance of his duties as Agent.

On the 20th of November the Commission went to Port Perry for the purpose of meeting the Indians at Lake Scugog reserve on the 21st, to place before them the proposals for a surrender. This took place on the latter date, when the Treaty was signed. This execution of the Treaty completed the work of the Commission so far as the Chippewa and Mississauga Indians were concerned.

The reserve at Lake Scugog consists of 800 acres, half of which is leased and operated by whites and the remainder is practically unused. The Agent here, Mr. Wilso Gerrow, informed the Commission that he had been quite unable to persuade the Indians to engage actively in farming, although the land is practically all cleared and capable of being worked to great advantage. Mr. Gerrow suggested that a solution of the difficulty, as it occurred to him, would be to pool the entire reserve and operate it as one farm, employing the Indians thereon as laborers and turning over the net profits yearly derived from the operations for the use of the Band. The Commission thinks well of this suggestion.

Before the Commission left Ottawa on October 24th last for the purpose of negotiating for the execution of the

Treaties referred to in this report, their very careful consideration had been given to the evidence and exhibits which had been obtained on its earlier visits to the reserves, for the purpose of arriving at a sum of money which would be a fair, just and equitable compensation for the rights which these Indians would be asked to surrender. In arriving at the amount upon which the Commission finally determined, consideration was given to the several treaties which had been made between the Crown and the Indians of Ontario during the last century, and the areas covered by the several surrenders were compared with the area which would be affected by this Treaty and some comparison made between the relative situation of the surrendered tracts, and this tract, as regards their contiguity to the settled parts of Ontario. Consideration was also given to the sums agreed to be paid under former Treaties, and after exercising the best judgment which the Commission was able to bring to bear, it was decided to offer these Indians as compensation for a surrender of all their rights, the sum of \$500,000.00, which the Commission deemed it would be equitable to divide equally between the Chippewas and Mississaugas, the evidence having disclosed that the areas of hunting limits surrendered by each of these claimants would be about equal and that the population of the Chippewas exceeded that of the Mississaugas very slightly. This equal division of the proposed compensation was satisfactory to the claimants, none of whom raised any objection thereto.

By the execution of these treaties, the Indian title which formerly covered all the lands in the old Province of Ontario has been finally released, and the taking of Treaty 9 in 1905 extinguished the Indian title up to the northern boundary of the Province of Ontario as the same existed at that date.

[Document No. 454]

ANNEX I

Highlights of Documents Relating Specifically  
To The Algonquin Claim  
to Islands in the Ottawa River

ANNEX I

1. The preceding report contains many references to the Algonquin claim to islands in the Ottawa River. It quotes numerous petitions over the years in which the islands are mentioned, as well as certain correspondence from officials and various individuals referring to leases obtained from the tribe for them. Many other documents collected for this report, but not always quoted at length therein, can throw light on this aspect of the claim. The following paragraphs highlight the principal documents\* concerning the claim to the islands.
2. On August 9, 1822, William McDolel presented a petition to Governor in Chief George, Earl of Dalhousie, in relation to a lease for islands in the Ottawa River.

That your Petitioner is in possession of two certain Islands on the Ottawa River, in virtue of a Lease granted by the Chiefs of Lake of the two Mountains, - the original of which Lease and the transfer thereof to your petitioner are herewith.

That it is surmised, the said Lease cannot be Valid, or secure the possession of the premises to your Petitioner, in as much as the said Indian Chiefs had no right or title to dispose of them by Lease or otherwise, the sole claim and interest in them being vested in the King's Government. Wherefore your Petitioner in Order to remove all doubts, humbly begs leave to submit the question of Right to Your Excellency, praying that your Excellency would be pleased either to confirm his present Lease of those Islands, or grant him a Lease of them on such other terms agreeably to his Majesty's Instructions, as to your Excellency shall seem meet. Your Petitioner at the same time presumes to hope that your Excellency will consider his claim preferable to that of any other applicant, as he has for some time resided on the largest Island, known by the name of Bachelor Island on which he has made considerable improvements in erecting Buildings and clearing land of which he will produce proof if required, - all which your Petitioner humbly submits to your Excellency's Consideration...

[Document No. 68]

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\*See also, in particular and in addition, document nos. 61 (cover), 98, 111, 125, 141, 158, 245, 246, 457.

3. On August 16, 1829, the Surveyor General's Office wrote to Lt. Col. York, Civil Secretary, regarding a petition from Mr. Henderson to obtain islands leased by him from the Indians on the Ottawa River.

I have the honor to state, that the Islands in the River Ottawa are Considered as belonging to the Crown - That this subject has already been under the consideration of His Majesty's Government previous to James Buchanan Esq. having received in 1828 a Location for two Island lying in front of his Land, in the Lochover [illegible], which Islands were previously occupied by an Individual under a Lease by the Indians, these two Islands were situated rather nearer to the Lower Canada shores whilst those Leased to Henderson are quite near the South Shore of the Ottawa on the Upper Canada side - This involves the question whether these latter small Islands are or are not within the limits of this Province - On Reference to the Proclamation of 1791 Dividing the two Provinces, The Words respecting the Boundary are as follows "Then along the North Western Boundary of the Seignioury of Vaudreuil, running North 25° East - until it strikes the Ottawa River; ----the said River into Lake Temiscaming".

[Document No. 104]

4. On August 31, 1829, C. Yorke wrote to the Chief Justice, transmitting Alex Henderson's petition, including also the above letter from the Surveyor General, and requested the matter be presented to the Executive Council:

... a letter from the Surveyor General is also enclosed by which it may appear doubtful whether the Islands in Question belong to this Province or the Upper Canada: and His Excellency requests that you will lay the whole before the Committee of the Executive Council for their report therein.

[Document No. 109]

5. On July 31, 1830, Lt. Col. Couper, the Military Secretary at Quebec in charge of Indian Affairs, wrote to the Superintendent of the Indian Department at Montreal in relation to the Algonquin and Nipissing claim to the Ottawa River Islands:

With respect to the Claim of the Algonquins and Nipissingues of the Lake of the Two Mountains, to the Islands in the Ottawa, from Chatham to the Portage des Chats, which they allege to have been given to them by Lord Dorchester in the Year 1777, I have it in Command to request you will Acquaint these Indians, that no record of any such donation is to be found in the Office of the Indian Department, nor in any other Public Office in Ottawa. -

[Document No. 126]



6. On August 1, 1832, Napier, the Superintendent of Indian Affairs, submitted a number of matters for the consideration of His Excellency the Governor-in-Chief, including:

1. Memorial of the Indians of the Algonquin and Nipissing Tribes at the Lake of the Two Mountains relative to their Claim to the Islands in the Ottawa River from le bas des Ecore to Lake Nipissing.
2. Decision of the Earl of Dalhousie, upon the subject of No. 1, dated 1 March 1821.
3. Extract of the Military Secretary's Letter of the 31 July 1830, in Answer to the Statement of these Indians, that the Islands in question were given to them by Lord Dorchester in 1777.

On the same document appears the following note, presumably from the Governor-in-Chief;

In Answer to this Memorial I have only to refer them to the answer given to their application to the same effect, during the administration of the Earl of Dalhousie.

[Document No. 131]

7. In a petition of July, 1833, the Chiefs and Officers of the Algonquin and Nipissing nations presented a number of requests to Lord Alymer, Governor in Chief. These included the following comments in relation to the islands in the Ottawa River:

... What have you done for us, my father, since then? Nothing, at least to our knowledge, to grant what we asked you for then, except to tell us to go and hunt or live on the islands in the Ottawa. We have been there and we found these islands occupied by other people who held greater powers than what we were told, and who chased us away saying: "Leave, you have no right here, we forbid you to hunt and fish. If your father had granted you some rights, he would have granted them to you in writing". And so, my father, these same persons, who were not afraid to scorn your word, feared even less chasing us off the land given to us by Lord Dorchester, which was little enough compensation compared to what were entitled to expect from our good king.

(Translated from original French)

[Document No. 132]

8. In a letter to Lt. Col. Napier dated 6 June 1835, James Hughes repeated the Algonquin and Nipissing request regarding the Islands:

Concerning the Islands on the Ottawa River, They beseech their Father, to order that Justice be rendered them, by ordering removal of such of the Whites as have squatted on them, and by giving His red Children a certain Document signed by His own hand, to empower them, or the Officer that he may be pleased to appoint to watch over their Interests, and to lease the said Islands for four or five years at a time, for the sole benefit of His red children the Nipissingues - ...

[Document No. 156]

9. Some of the islands had been leased to non-Indians without formal government approval, a problem which, it should be noted, had also arisen at Six Nations, St. Regis and Caughnawaga. This situation eventually led to complaints by both the Indians and lessees, as well as to disputes between the Indians and squatters who refused to pay any rent.

On July 18, 1838, the Chiefs and Warriors of the Nipissing and Algonquin Tribe presented a petition to James Hughes, requesting his assistance in presenting their case to the new Governor General. They made particular reference to their problems with squatters on the Ottawa River:

Brother, tell Our Father how we have been treated and scorned by the White men who live on the banks of the Ottawa River. They take possession of our islands. They build here and there on our hunting grounds, without our permission or that of the Government. They ruin our Firewood without giving us anything; destroy our fur trade, drive off our deer; in short, they do us much harm. Before, the White men who lived on our islands asked our permission to do so. They dealt honestly with us. They paid us an annual payment; we were satisfied with it and they remained at ease. Now, only a few of the people pay us, although there are many who live on our islands. They laugh at us when we ask for payment. They tell us: "Where are your Titles? Show them to us, and then we will pay you". And so, Brother, be so good as to beseech our father, on our behalf, to be good enough to give us a writing in his own hand giving us the power and authority to lease (but not sell), through the hands of one of our officers, for a specific period of time to be determined by our Father as he sees fit, these same islands which are reserved for us for our own benefit and use, located in the Ottawa River. One day, when our Father needs them, he will take them. We know he will give us some small annual payment."

[Document No. 154]

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10. On July 1838, James Hughes Superintendent, Indian Department, submitted to Lt. Col. Napier, Secretary of Indian Affairs, the proceedings of a meeting with Chief François Ka-on-ti-no-ketch, of the Nipissings, who, on behalf of the Algonquin and Nipissing Tribes, requested further assistance from Hughes in relation to obtaining a reply to their recent Petitions:

... concerning the Islands (reserved to us) situated on the Ottawa river - You will explain to Our New Father our meaning - You know how to do it better than we do - These Islands have already been the cause of much vexation to you, and more so to us - ...

[Document No. 155]

11. On September 20, 1838, Superintendent Hughes instructed Captain D. Ducharme, the interpreter at Lake of Two Mountains, to investigate and, if possible, redress the situation. He further authorized him to draw up leases "in the names of the Chiefs and Warriors ...[at] a shilling for each arpent per year," and to receive payments:

I have the honour to acknowledge your letter of the 16th instant, in which you inform me that you have received all the necessary information in respect of the persons and Strangers who have taken possession of and occupy certain Islands in the Ottawa River. I am very gratified of this, and hope that your trip will be propitious, and that you will be able to arrange all these affairs amicably, to the satisfaction of the Intruders, as well as to that of the Indians.

Firstly: As all the Islands in the Ottawa River form part of the Hunting Grounds allocated to the Algonquin and Nipissing Tribes, as well as all the lands situated on both banks of the River, which are not conceded, possessed, or erected into Townships by the Government; you will be pleased to warn and order all persons who might have taken possession of any of the said or other lands situated on the said Ottawa River without any authority to show you, to leave them as soon as possible; unless they judge, on the subject, with your consent, and that of the Chiefs and Warriors who may accompany you, in the name of the two Tribes, to make a kind of arrangement, for two or three years at the most, to hold occupation of the Island or land that they occupy. In that case, you have the power to make them a Lease for the above mentioned period,\* in the names of the Chiefs and Warrior of the said Tribes, for a small remuneration (or rather rent) of a certain price fixed according to the size and the value of the land that they occupy, say a shilling for each arpent per year.

But it should be well understood that they have neither permission nor authority to cut timber in any quantity to sell. They have only permission to take it to build and heat themselves. And furthermore you will forbid those persons who may make the above-mentioned arrangement with

\*See document 168 for sample of agreement prepared for Ducharme.

you to pay anyone but yourself and some Chiefs who may go to find them in the course of the Autumn following, equipped with an authority signed by myself or some other Officer of the Department, to that end that all moneys received for the said land rents in question --- hunting grounds of the Algonquins and Nipissings, be equally distributed between the two Tribes for their exclusive benefit.

As it might happen that some individuals among the great number of persons who now occupy the Islands or the lands (hunting grounds of these Tribes) ungranted by, and not in the possession of the Government, and for which lands they may have a lease or paper from the Chiefs of the above mentioned Tribes, for a certain remuneration per year, you will examine the said leases and you will prepare them others, in the name of the Chiefs of the two Tribes, for the same sum that the Chiefs have rented them the land, but not more than for the period of two or three years, the rent to be paid as above.

And furthermore, if in any case the Chiefs or other Indians have taken upon themselves to sell any Island or other land, not sanctioned by the Government, you will take knowledge of this, and you will tell the Indians, as well as the occupants of the Island or land so sold, that the said sale is null and void, and you will make a report of it.

You have in your possession an Extract of the Orders of Sir James Kempt of the year 1829 in respect of all persons who may have occupied the said hunting grounds of the Algonquins and Nipissing: this Extract you will be able to show to all the Delinquents...

(Translated from French)

[Document No. 167]

12. The same day Hughes prepared for Napier the following report regarding his instructions to Capt. Ducharme about leases for islands in the Ottawa River:

Captain Ducharme at the request of the Nipissingue and Algonquin Tribes of the Lake of the Two Mountains proceeds up the Ottawa River with Chawenabais Nip. Chief and several other young men, deputed by their different Tribes, to take cognizance and report on the trespasses and depredations said to be daily committed by squatters lumber men and other Individuals on the Islands situated on the River Ottawa which are claimed and acknowledged to be part of the hunting grounds appropriated to the said Tribes, as well as all Lands and countries on either bank of the said River Ottawa not taken possessed erected into Townships or conceded by Government, forming also the Hunting Grounds of said Indians.

1. Captain Ducharme will take cognizance of all Individuals settled on Islands situated on the said River Ottawa or other Land on either side of the River Ottawa not possessed, taken or erected into Townships or conceded by Government - report the names of such persons, learn from them by what authority they are there settled, take a copy of said authority, whether from the Chiefs of the said Tribes, Government or other individuals.

2. All such persons or person as may have taken possession of any Island or Islands situated in the Ottawa River without authority or permission to shew from Government of Chiefs or the said Tribes, to remove from thence immediately, or coercive measures will be adapted to enforce their removal - and again should such persons as have no authority to shew, as above mentioned, and would wish to remain on said Island or Islands on which they may have illegally settled - Captn. Ducharme is authorized on behalf of the Two Tribes and in the name of the different Chiefs of each, to grant them titles to remain on said Island or Islands for a certain annual remuneration or rent according to the extent of land they may occupy - and value of such land or Island say at the rate of one shilling per acre per annum but for no longer a period than four years at the utmost at a time.

3. All such persons as may be possessed of an Island or Islands - on said River Ottawa acknowledged to form part of the Hunting Grounds of the said Tribes - should be possessed of titles from Government they may enjoy the same. But such as have Indian Titles, must be annulled and other made by Captn. Ducharme on behalf of the said Tribes and in the name of the Chiefs of each Tribe represented by Captn. Ducharme & Chewenabais and other deputies.

4. Captain Ducharme will take account of all the Islands, their approximate extent, their situations, the names of all persons who possess or are established on the said Islands, the time they have been there, the rent they pay, that which they have paid, and principally the names of those who have taken possession without authority and who pay nothing.

5. All rents or remunerations for such Islands as may be enjoyed by individuals in the River Ottawa to be paid in the course of every Autumn to Captn. Ducharme or any other Officer of the Ind. Deptmt. or any two Chiefs of the Tribes, as may shew an authority from the Dept at Montreal to receive the same.

[Document No. 166]

13. In a letter of September 26, 1838, Napier forwarded Hughes' letter of September 4, and the Algonquin petition of September 7, [document 162] to Chief Superintendent Jarvis in Upper Canada, together with the following comments:

... I am informed by the Indian Superintendent at Montreal, that in the month of August 1836, it was intimated to the Petitioners in a verbal communication from the late Chief Superintendent, that a portion of the territory claimed by them had been purchased by Government from the Mississauga Indians of the Bay of Quinte and Kingston, but that they might settle on the "Isle aux Allumettes" in the Ottawa River which belonged to them: The Petitioners have in consequence requested me to solicit His Excellency, to grant to them the necessary Authority to occupy the Island in question and to order an investigation of their claims to the Hunting Grounds described in their Petitions.

[Document No. 169]



He also enclosed extracts information regarding the mission of Capt. Ducharme to settle grievances regarding leases of Islands in the Ottawa River. [See documents 166, 167 and 168].

Two days later, on September 28, 1838, Jarvis forwarded the above material to Justice MacCaulay with a request that it be brought to "the consideration of His Excellency."

[Document No. 170]

14. The following year, on April 10, 1839, Superintendent Hughes provided Napier with the following report on Captain Ducharme's investigation of the Algonquin complaints:

I have the honour to represent for the information and consideration of His Excellency the Governor General and Commander of His Majesty's Forces that for these several years past the Chiefs and Warriors of the Nipissingue and Algonquin Tribes, (who are a wandering sort, and depend entirely upon the chase for a livelihood) have frequently lodged complaints against individuals, trespassing and making depredations on their hunting grounds-which they represent to be the Islands situated in the River Ottawa, - as well as that vast tract of land, lying on either side of that River & little Rivers from Pointe d'Orignal to Lake Nipissingue that is to say comprehending both banks of the River Ottawa and of the River Matawangué (called by the voyageurs the Little River) to the height of land separating the waters of the Lake Nipissingue, from those of the several tributary streams of the River Ottawa & the Little Rivers running north & south from their sources and flowing into said River Ottawa.

Such parts of said Hunting Grounds, as have already been taken, assumed & erected into townships by Government the Indians do not here advert to-But only such portion as has not as yet been assumed by Government and where from the enclosed documents or Extracts they look upon as secured and reserved for their sole use & benefit. -

They the said Chiefs of Nipissingue and Algonquin Tribes, in the course of Sept. last, 1838, while I was on public duty at the Lake of the Two Mountains, represented that for many years back, sundry squatters had taken possession of Islands or part of Islands; situate in the said River Ottawa; as well as numerous lots of ground on both banks of the said

rivers-which formed part of their hunting grounds not assumed by Government, and for the enjoyment of which the said squatters were accustomed to pay to the said Indians a certain annual remuneration. -

That of late years, the squatters have become numerous & have possessed themselves of islands in the Ottawa & vast lots of land on both its banks comprehending the said hunting grounds of the said Nipi. & Alg. That these squatters now bid [offence (?)] to the Indians, and that the majority of them refuse to give them any remuneration whatever. For which reason they humbly requested of me, to allow Captain Ducharme of the Ind. Dept. to accompany one of their Chiefs & two or three principal warriors, up the Ottawa River, to take cognisance of a number of Individual strangers, that have squatted on & taken possession of part of their hunting grounds, and to order their removal from thence & to empower him (Capt. Ducharme) on the part of the Two Tribes to grant lease for a limited time to such as would remain, by paying a certain annual remuneration or rent, as explained in the Inclosed documents mark art B. & C. - I also beg leave to transmit herewith a nominal list of Individuals that have squatted & taken possession of certain Islands or parts of Islands as well as of lots of land on either bank of said River Ottawa forming part of the hunting grounds claimed by said Indians & not as yet assumed by Government - There are many other squatters on these grounds not mentioned, the late season prevented Capt. Ducharme searching them out. -

I have here to represent that these two Tribes have requested me to pray of Their Father His Excellency the Governor General to sanction what they have done, and in default of such of the squatters as have leased lots of ground not paying the sum agreed to-That His Excellency may adopt such means as He may deem most fit, to oblige his or their removal from the spot they have squatted on and enjoyed-and I am further authorized to say that these two Tribes would be far better pleased if Government would take the whole of Their hunting grounds not yet assumed (the Islands aux Allumettes excepted on which they mean to settle) for a reasonable annual remuneration, such as is given to their Bretheren in Upper Canada in similar cases-than to be at constant variance with the squatters and by whom they are at times very ill treated.

[Document No. 172]

15. At the end of the nominal list of squatters on the Ottawa River, included with this report, he added the following remarks:

By Captain Ducharme's report there appears to be upwards of one hundred squatters - who possess as he says three thousand and thirty acres of land - on Islands & the main shores I should rather imagine that these squatters occupy double the number of acres mentioned for which the Indians are only to receive about 151 10 - by agreement - but it is more than probable that they will not get half that sum from the squatters - without the Government are pleased to order an officer of the Dept. to gather these rents for them, with full power to get the land that squatters occupy surveyed. - The Indians would prefer, that Government would assume the whole of their Hunting Grounds - for a certain annual remuneration in merchandize than to have the trouble they have.

[Document No. 171]

16. However, on June 17, 1839, a report of the Executive Council studying the petition concerning a 99 year lease on Kettle Island, a report subsequently approved by Order-in-Council, declared the principle that all the leases given by the Indians were null and void; it specifically noted that those "lately given by an officer of the Indian Department...were equally irregular and invalid". [Document No. 174.] As a result, Hughes' instructions to Ducharme were made a dead letter.
17. On October 10, 1839, James Hughes wrote to Major Goldie, the Civil Secretary, regarding collection of rents by the Indians for the islands on the Ottawa River:

I am informed by Captn, Ducharme in Dept - who is stationed at the Lake of the Two Mountains, that several of the Squatters and other Individuals, who have for these several years past, been in possession of certain parts of Islands, & lots of land, situated on the waters of the Ottawa River, & its banks, & who have been in the habit of paying a certain annual rent in produce for the enjoyment of the same, to the Indians Nipissingue & Algonquin - according to bargain (?), (These lands forming part of their hunting grounds, reserved to them by Government from time immemorial and not as yet assumed by Government) have sent word to the Indians, to come & receive their rents, in produce, wheat, oats, potatoes, etc, - - But the Indians having been informed by me, of the report of the Committee of the Executive Council, given on that Subject dated 17th June 1839 - are adverse to go & receive the same, without the sanction of Their Father the Governor General.

-At the same time they Pray of me, to use my Interest & Intervene with Their Father to allow them for this year, or until the Busyness, in regard to their hunting grounds is finally settled (according to the Report and opinion of the Executive Council) -

They represent that they are poor & destitute...

[Document No. 176]

18. Mr. Justice Macaulay's 1839 a report "Regarding the Present Condition and Future Management of the Indian Tribes, their Property and Affairs" included the following remarks bearing on the Algonquin claim to islands in the Ottawa:

They claim by virtue of immemorial usage all the lands on both sides of the Ottawa and Little River as far as Lake Nipissing, the general boundaries of which they described being 117 leagues in length, and embracing the tributary streams.

They desire the expulsion of all Intruders and Squatters, and solicit leave to occupy the Island of Allumets in the Ottawa as affording an eligible residence.

Great complaints are also made of Intrusions in all directions upon the more remote Hunting grounds. All this requires attention, and if a compromise is not at once effected, further investigation should take place, at present the principal points in the official letters from Lower Canada and in the Indian Memorials seem to remain unanswered. Considering the extensive Lumber trade carried on in the Wilds on both sides of the Ottawa beyond the inhabited parts of the Province, it is hopeless to think of preventing the destruction of Game which such inroads must occasion and it behoves the Government I think at once to compound with the proper Parties for the Cession of all this Territory and in short for all the unconceded lands embraced by the Great Lakes and the Ottawa as far as Lake Nipissing or at all events to a wide extent, if competent persons can be found to treat for the same, extinguishing the Indian Title for a fair equivalent, as the only means of relieving them from the exigencies in which they must inevitably be placed. The sales of Licenses to cut Timber would afford funds to meet the charge. I of course only make the suggestion, feeling that I write very much in the dark respecting local circumstances and the most material facts, essential to the formation of a satisfactory opinion.

With respect to the Lake of Mountain Indians in particular, no better course occurs to me than that suggested in the Report of the Council of Lower Canada, and perhaps the Governments of the Two Provinces, might in concert compound with them for all claims at a fixed yearly stipend, to be contributed in the proportion agreed by each Province respectively.

In this way existing contracts may remain undisturbed and I would recommend a communication with the Indian Department in Lower Canada on the subject. This step is the more important because Lower Canada is confessedly indebted to them and if they intend removing to the Allumets Islands in Upper Canada, the

Annuity to which they may be entitled from that Province should be determined before they withdraw. Their loyalty and gallantry in former wars are favourably spoken of throughout.

[Document No. 173]

19. In their petition dated March 9, 1840, the Algonquin and Nipissing Indians again raised with Lord Sydenham, Governor of Lower Canada, the problem of the rents from the islands of which they were now deprived. They indicated that Dalhousie had granted them permission to lease these islands and that the St. Regis Indians did the same:

Father - We must make you acquainted with another great grievance that we have lately experienced - We beg leave to represent, that for these many years past, we your Children, have been in the habit of receiving certain annual rents, from squatters & other Individuals who have clandestinely taken possession of certain Islands, and divers lots of land on both banks of the River Ottawa (which form part of our hunting grounds from time immemorial, which has never been disputed by Government until recently & not as yet assumed by it) sent word to us in the course of last autumn, to go & receive the annual rents, that they agreed to pay us, for the enjoyment of said Islands & Lots, and for which the squatters have been in the habit of paying us for these many years past - But strange to say - Father - When on the Eve of our departure for that purpose - Our Superintendant came & explained to us - An Extract of a Report of a Committee of the Executive Council of the 17th June 1839 - approved by His Excellency Our Father Sir John Colborne, - which in a manner prohibits us from so doing -

We as Obedient Children, listened to the Order and desisted - But nevertheless we cannot help representing to you Father, that we thought it rather unjust, cruel & hard, to be deprived, all at once of that which we always thought, & were persuaded we were justly entitled to, & have been in the habit of enjoying for many years, without any of our Fathers, your Predecessors forbidding us - far from it, When Our Father the Earl of Dalhousie, when on a voyage up the Ottawa River - in the year 1821 - was applied to (by a person of the name of Joseph La Flamme) for the grant of an Island on the River Ottawa. (for which La Flamme was in the habit of paying an annual rent to the Indians). His Excellency Our Father was pleased to say to him, that that could not be done, they were reserved for the Indians, that they the Indians could not sell them, but might lease them until they were assumed by Government -



Father - We have only you, The representative of Our Good Mother across the Salt Lake - to look up to for Protection - All that we demand of you, is, to render us Justice - We are persuaded Father When you are more acquainted with our deplorable situation - You will immediately listen to the Prayer of your Children who beg & Pray of you to be allowed to go and gather these small rents in question, and that you may be pleased to order one of our Officers to accompany us with authority for so doing - Is it not more Just - Father for us to receive these rents, which we have been accustomed to do than to leave them to the enjoyment of these squatters, and strangers, who have clandestinely taken possession, and settled themselves on part of our hunting grounds in defiance of the Proclamation above mentioned and without the sanction of Government - We have made innumerable complaints against these Intruders, as well as against lumber men - We received many promises from Government that they should be prosecuted & made to remove - But all turned out in smoke. We therefore thought it the best plan, Father; to make up matters with them & leave them in the enjoyment of their several lots & Islands for two or three years at a time for a certain annual remuneration, which most of them annually paid us.

Father - As we have represented above we can no longer depend on the chance for support - We must set ourselves to the hoe - or else starve - we demand your assistance - we beseech you Father to have reference to an approved report of a Committee of the Executive Council, dated 13th June 1837 - Which report (we are informed) with our Petition of that year, was sent to our Great Father The King (But to which we have received no answer) In which it is recommended that your children the Nipissingues & Algonquins, should be placed on the same footing as the Indians of Saint Regis and other Indian Tribes of Upper Canada -

Father - We must inform you, that the Iroquois of Saint Regis, have returned all their Islands in the River St. Lawrence, which they lease and which leases have been approved by the Govt of Upper Canada; & for which they receive annually rent - And besides these Islands, Father! The Iroquois of St. Regis enjoy vast tracts of land on both sides of the River St. Lawrence, which formed part of their hunting grounds (In the same manner as the Islands in the Ottawa, both its banks & tributary streams from the heights of land North & South form the hunting grounds of your children the Nipissingue & Algonquins) and part of which they conceded to the Whites, in farms of a certain Extent and for which they receive a handsome Annual Revenue.

Father - Our Bretheren of Upper Canada receive a very handsome Annual remuneration, in merchandize to a certain amount, for such part of their hunting grounds as has been sold by them to Government - and besides they have retained most tracts of their best lands, for their own Cultivation - Whilst we Father - The Nipissingues & Algonquins who possessed by far the most extensive & richest hunting grounds, have been deprived of the most valuable parts of the same by the Upper Canada Government - Who have made extensive grants of the Territory, on the south side of the River Ottawa, claimed by your Children the Nipissingues & Algonquins without any compensation being made to them - Although in all cases, where lands claimed by other Tribes have been acquired by His Majesty's Government, they have been purchased at a stipulated price -

20. Sydenham replied to these complaints in the letter dated April 23, 1840, in which T.W. Murdock, his Chief Secretary, requested from Lt. Col. Napier information on whether Glenelg's instructions to set apart land for the Algonquins and Nipissings had been carried out:

. . .  
The petitioners further complain that they have been prevented from collecting the rents formerly paid to them on their Lands - This would seem to have been done under an Order-in-Council of the 17th June last, on the principle apparently that as the Indian Tribe are incapable of granting valid Leases their receipt of rent from settlers on their Lands ought not to be recognized. - It is evident however that the Settlers have no claim to be exempted from such payment and I am to desire that you will ascertain and report what is the present number of them and what is the amount which they have stipulated to pay. - If the arrangements in contemplation should place these Indians beyond the reach of want, the profits accruing from the lease or sale of their Lands will become the property of the Crown and would form a fund from which assistance might if necessary be from time to time afforded to them. -  
...

[Document No. 179]

21. Several days later, on April 27, 1840, Hughes submitted the following report on the squatters to Napier:

I have the honor to acknowledge yours of the 24 Instant relative to the Petition recently presented by the Nipissingue & Algonquin Tribes to His Excellency the Governor General -

In obedience to the Commands of His Excellency I beg leave to transmit herewith for His Information a nominal list of such squatters as are known to have settled and taken possession of diverse lots of land and Islands that form part of the hunting grounds of the above mentioned Tribes, not as yet laid out townships or assumed by Government.

These Indians have from time immemorial enjoyed said hunting grounds & were in the habit of receiving a certain annual Remuneration from said Squatters, for said portion of their hunting grounds as they enjoyed - That in Oct. 1838 - this Tribe perceiving that they were much imposed upon by the Squatters, as well as by many of their own young men - It was at the request of the Chief, that Captain Ducharme accompanied a couple of them up the Ottawa as far as Isle aux Allumettes, to ascertain the number of Squatters, that were settled on said hunting grounds and to prevent them being again imposed upon - Capt. Ducharme made out certain leases in the name of the Indians to each squatter for the portion (of the hunting grounds of the Indians) enjoyed by them, for the space of two, three & four years at the rate of one shilling currency per annum per acre - The memorial above alluded to represent the sentiments & wishes of the Nipissingues & Algonquins which they sincerely hope, Their Good Father, His Excellency The Governor General, seeing their destitute situation will sanction.

Attached to the report was a "list of squatters" and the following comments about them:

"...I cannot vouch for the correctness of the statement of land said to be in the possession of each squatter. I am of the opinion that they have double the quantity represented."

[Document No. 180]

22. Superintendent Hughes met with the Algonquins and Nipissings on October 7, 1843, in order to secure information on certain questions which had been raised by the Commissioners appointed by Bagot in 1842. The following extracts of the proceedings concerned the islands:

The Superintendent addressed the Council in the following words -  
Brothers

...The questions put by the Commissioners - I will now put to you, to which I expect an explicit and correct answer. You Ka-on-di-non-ketch understand the french language better than the others of course can give better information & will have it in your powers to represent to your absent colleagues the Chiefs of the different Tribes what has taken place.

The first question I have to put is as follows to which I expect a correct answer.

Question 1 "Whether any and what amount has been paid by the Tenants who occupy the Islands in the Ottawa belonging to the Indian"

This Question being put, Ka-on-di-non-ketch consulted with the others for minute and then requested of me to give them an hour or two to prepare their answer after which, I was sent for and was addressed by Ka-on-do-non-ketch in nearly the following words-

Brother,

Tell the Commissioners that are appointed by our Father to enquire into our affairs that their first Question has made our hearts to dance with joy - our claims from time immemorial are now sanctioned - we are certain that our Good Father will do us Justice - we now answer the Question put to us.

Tell the Commissioners that many & many years to 1838 The Majority of the Squatters, who had settled and taken possession of our Islands situated on the Ottawa as well as of sundry lots of land on both its banks, that form part of our hunting grounds (not as yet assumed by Government) were in the habit of paying us a certain annual remuneration, more or less, for the enjoyment of the same. In Oct. & Nov. 1838 finding that the Squatters were annually increasing our officer Capt. Ducharme, at our request & with your consent Brother, accompanied a couple of Chiefs & two of our principal Warriors, for the purpose of ascertaining how many Squatters had settled on our hunting grounds, without our permission or that of the Government (of which a List was sent to our Father the then Governor General). We requested our officer Captn. Ducharme to make out leases for the term of two, three or four years to such of the Squatters as had settled on our hunting grounds & who wished to retain this enjoyment of the several lots they occupied on our Islands as well as on the Main Shores.

As regards the numbers of acres they said they occupied, we took them at their word, for which they agreed to pay one Shilling per acre per annum for the enjoyment thereof. - We are aware that the leases made out by our Officer are perhaps not correct nor made out in form and that the Squatters may wish to dispute them. If so we are persuaded that our Good Father His Excellency will order that assistance be given as to oblige the squatters to pay what they owe.

Previous to 1838 we can form no idea of what amount we received annually - for the Squatters gave us what they pleased but always a little - In the course of 1838 & 39 we may have received about forty or fifty Pounds Currency. Since 1839 the great majority of the Tenant Squatters, have refused to pay us, any rent whatever - alledging that we can shew no authority from Government to oblige them to pay - But at the same time they tell us, that whenever it may please Our Father The Governor General to appoint an Officer or Agent to act for us they are ready to pay us the arrears of rent due us for the Islands and lots of lands they occupy.

Question 2 "By whom is the money collected, and the mode in which it has been applied."

The Monies received from Tenant Squatters who occupy & are settled on our Islands & lots of lands on both banks of the Ottawa forming part of our hunting grounds from time immemorial (and not as yet assumed by Govt.) have generally been collected by one or two of the Chiefs of the different Tribes each in their turn assisted by one or two of the Warriors. The Tenant Squatters previous to the arrangements made with them in 1838 gave us in a manner what they pleased with the exception of a few honest Squatters, some gave money & others produce such as Corn flour, potatoes, calves, sheep. The monies received were pleased [sic placed] in a Public purse for the use & benefit of the two Tribes, This purse was handed to two Chiefs in charge one of each Tribe appointed by the Council - a certain portion was applied to defray the expences of the Collectors - another part was annually laid aside to defray the cost of a general feast given once a year at the Lake of Two Mountains when both Tribes returned from their hunting grounds & met together in June & July. If then any money remained in the purse, it was applied to defray the expenses incurred by the Chiefs & principal Warriors, in travelling about for the benefit & Interest of the two Tribes. The Produce was generally divided between the old men and women and sick who were unable to endure the fatigues of a Winter campaign but were obliged to remain at one spot where fish could be procured this with the provisions received from the Tenant & such as the Indians near them would give them now & then they made out to pass the Winter.

I certify that the answers given by Ka-on-di-non-ketch as above mentioned are a Interpreter to me and responded to by the rest of the Council.

[Document No. 201]

23. The day after they met with Hughes, the Indians addressed the following petition on the matter of the island rents to Sir Charles Metcalfe, the Governor General:



Yes, Father! You bring us back to life. You have not lost time in submitting to the Commissioners who act on Indian affairs, the brief we placed in your hands a short time ago in which we explained to you the grievances and destitution we have endured for a long time.

By the request these commissioners address to us we see that our Father wishes to disperse the dark clouds we have had for so long before our eyes. The Sun, Father, shines more brightly for us than ever. And the hearts of the Children, the Algonquins and the Nipissings, are more Joyful. We see, Father, that you have the happiness of the Children at heart and want to do them Justice, as is being done to our fellow tribesmen in Upper Canada and Saint-Regis who have received each year payment for the islands and the portion of their hunting grounds the Government has seen fit to appropriate.

Father, we are sending you and the above-mentioned Commissioners a list of those people who have taken possession and are occupying a number of our islands and plots of land, as well as a statement of the sum they owe us since 1838. These people, Father, have become richer at our cost. They have established themselves on our islands and hunting grounds without our permission or that of the Government. They live well, Father, and are at ease. And so, Father, it is only fair that they compensate us for the good we are doing them.

It is true that they (at least most of them) do not refuse to pay us. But they want to know whether we have the right to receive this income and say that if our Father, the Governor General, gives the authorization and appoints an agent to act for our affairs, that they are prepared to pay us what they owe us in return for a receipt from the hands of whomever our Father sees fit to appoint as our agent.

So, Father, we beseech you to think once again of your children, the Nipissings and Algonquins, and to deliver them from destitution as soon as possible by allowing them to receive the money owed to them and, according to their request, to appoint an agent immediately to accompany a few Chiefs and two Warriors with Mr. Ducharme, their interpreter, to collect the said payments for the benefit of their Tribes who are truly utterly destitute.

(Translated from original French)

[Document No. 202]

24. The Bagot Commission report in 1843 described the foundation of the Algonquin and Nipissing claim as follows:

The Claims of These Indians have been repeatedly before the Government and their present distressed Condition Calls for its humane interposition; The nature of their Claims founded on the former occupation and gradual dispossession of the Territory on the Banks and in the Islands of the Ottawa upon the terms of the Proclamation of 1763, and upon the fact of their having, (altho illegally) received Rents for Lands occupied by Settlers in those Islands, gives them a Claim to the favorable consideration of the Government.

[Document No. 195]



25. On August 24, 1844, Superintendent Hughes reported to Napier that a delegation of Algonquins and Nipissings had visited him and had again raised the question of collecting rents:

... on the 22nd Instant, six chiefs of the Algonquin and Nipissingue Tribes - (per margin) paid me a visit, and requested of me to procure them an Interview of Their Father His Excellency -- I informed them that their Father, had at this present moment, a multiplicity of busyness on hand that I feared much, he could not spare time to see them - They replied that they were very sorry for it - that they were too poor, and destitute of means to prolong their stay in town and requested of me to salute Their Father His Excellency on their part. & Represent to him their great poverty, and to pray and beseech him to take their destitute situation into serious consideration - and to be pleased to permit them to go & gather the rents due to them by the squatters on their hunting grounds (as represented in their sundry memorials) and at the same time they pray of Their Good Father, to be also pleased to grant them a document signed by his hand, authorizing them the above mentioned Chiefs, to draw said rents - and they beseech Their Father to be further pleased to allow their Interpt Captn. Ducharme with any other person their Father may be please to appoint to accompany them -

They also beg leave to represent to their Father that the leases granted to the squatters by the Indians expire this year - & the year ensuing.

The following names appeared in the margin;

Algonquins	Nipissings
Kai-yus-ka-watch	Su-wa-we-se-ketch
Ki-conce	Kee-jic-o-mu-witos
Pa-ka-na-wa-tic	Tu-qua-ka-nues

[Document No. 212]

26. The Report on the Affairs of the Indians in Canada tabled in the Legislative Assembly March 20, 1845, makes the following references to the Algonquin claim to the Islands:

In Lower Canada, where settlement had made considerable progress before the conquest, and where civilization and Christianity had been introduced among the Indians, their territorial possessions had at that time become circumscribed within defined limits, and in many instances were held by patents under the French Crown, or individual Seigneurs. Of these reserves the several tribes still retain possession and there is only one section of the country, viz: on the Ottawa, in which the Indians have been dispossessed of their ancient hunting grounds without compensation.

This encroachment, however, was not the act of the Government, but the natural consequence of the extension of the Lumber Trade in that direction, which has gradually cleared the country, destroyed the game, and introduced White Settlers holding possession of the land without any authority on the part of the Government.

The nature of their claim, founded upon the former occupation and gradual dispossession of the territory on the banks and in the islands on the Ottawa, upon the terms of the Proclamation of 1763, and upon the fact of their having (although illegally) received rents for lands occupied by settlers in those islands, gives them a title to the favourable consideration of the Government.  
(Section III, page 41).

[Document No. 223]

27. In August of 1849, the Algonquin and Nipissing Chiefs, addressed James Bruce, Lord Elgin, the Governor General. They repeated their request for receipt of the necessary authority to recover the payment of rents due them from squatters on the Ottawa River.

[Document No. 252]

28. On November 20, 1849, Mr. A. Morin wrote to Major G.E. Campbell, Superintendent of Indian Affairs, on behalf of the Algonquins and Nippisings regarding their claims to islands in the Ottawa River:

The islands or a portion of the islands in the Ottawa have belonged to the claimants for nearly two centuries by special title from the French government. According to the notes sent to me, this title dates from the year 1666 or thereabouts, and should be in the old archives in Quebec City. The claimants ask that a search for this title be ordered and a copy made available to them, particularly as the copy they had, which they entrusted to officers of the Indian Department a few years ago, has been lost with other papers of importance of them. If this title cannot be found, the Government will doubtless see the justice in confirming its existence, as part of the means of subsistence the claimants are seeking.

A portion of these islands, as you know, has until now been leased to various individuals by officers of the Indian Department. This matter having since been neglected, and with only the government able to enforce the performance of these leases, the possessors were allowed de facto to strip the Indians, to whom it would be easy to return their lands.

(translated from French)

A note on the document cover, dated August 2, 1850, states that the matter was referred to the Provincial Secretary, "in order to ascertain whether any steps have been taken by the government in relation to the claim...to certain Islands on the Ottawa".

An unsigned note dated February 2, 1850, is also attached to this record, stating:

I am directed by the G.G. to acknowledge the receipt of your letter of the            submitting certain representations on behalf of the Algonquin and Nipissing Indians of the Lake of the Two Mountains to His Excellency.

The claim preferred by these Indians to some Islands on the Ottawa has been under the consideration of the Provincial Govt, and you will shortly be put in possession of the discussion thereon.

. . . .

(translated from original French)

[Document No. 253]

29. On July 8, 1859, the Assistant Commissioner of Crown Lands in Toronto, wrote R.J. Pennefather, Superintendent General of Indian Affairs, requesting:

... to be informed whether the Islands in the River Ottawa in Front of the Township of Hawkesbury are claimed by the Department as Indian Lands.

[Document No. 281]

30. He repeated his inquiry on July 21, 1859, asking specifically, whether:

... the Islands in question are claimed by or on behalf of any and what Tribe of Indians, and whether any control is exercised over them by the Indian Department, or the rights of the Indians to them have been in any way recognized or asserted.

[Document No. 282]

A further inquiry from Russell on the above matter is dated November 14, 1859. (See document No. 283)

31. On June 15, 1867, J.P. Bureau wrote to the Honorable Mr. Campbell, Commissioner of Crown lands, at the request of the Algonquin Tribe of the Lake of Two Mountains.

... to apply to Government for the rent of the Islands on the River Ottawa occupied to the profit of some Lumber Merchants and on which Slides have been constructed etc, etc.

The Tribe is proprietor of these Islands and it has been understood that the Government would pay annually the rent thereof -

...  
I must remark that Mr. Hamilton one of the Lumber Merchants pays annually the rent of one of those Islands which he occupies.

I must also say that the Tribe desires to settle as soon as possible and to be paid.

[Document No. 303]

32. In a memorandum prepared October 26, 1868, Secretary of State Hector Langevin summarized as follows the Algonquin grievances, including those involving the Islands:

3rd that certain Islands in the Ottawa River have been taken possession of by the Government for public work 36 years ago and no compensation paid to the Indians...

Langevin then stated his belief that the establishment of the River Desert Reserve in 1853 constituted compensation for Indian lands along the Ottawa taken by the Government.

[Document No. 307]

33. In 1898, the brief prepared by the Province of Ontario entitled "Memorandum on the part of Ontario: Respecting the claim Preferred on behalf of the Indians to certain Islands in Georgian Bay and up to 10,000 square miles of the mainland of the Huron and Ottawa Territory" referred specifically to the islands in the Ottawa River:

...  
4. The question of the Indian proprietorship in the Ottawa lands came again before the Executive Council of Lower Canada in connection with an Indian lease of an Island in the Ottawa River, granted in 1818. By Order of the 17th June, 1839, approved by the Governor-General, Sir J. Colborne, wherein also the previous Order in Council of 13th June, 1837, is recited, it is declared

That the lease ... is null and void, inasmuch as the Indians have no right to grant leases or dispose of the lands situated within their ancient hunting grounds...

"That the leases lately given of this island by an officer of the Indian Department to certain occupants is equally irregular and invalid, and that the island should be considered and treated as a part of the waste lands of the Crown, and all intruders ousted who have not a title from the Crown"...

These Indians had granted numerous leases of islands in the river. This one was of Kettle Island, below the Rideau, opposite the Township of Gloucester, and therefore below the southerly limit in that quarter of the Alnwick surrender of 1822. Others were of portions of the Allumettes, opposite to which was the most northerly point of the main shore reached by that surrender; and some may have been still further north.

...

[Document No. 401\*]

34. The issue of rights to the islands in the Ottawa River arose several times in the following years, as a result of various individuals and businesses wishing to acquire such islands, (see for example Documents No. 463 and 464) and also in relation to the payment and receipt of rents for islands opposite Hawkesbury, which had apparently been patented by the Province of Canada to Robert and John Hamilton in May of 1861.

On September 22, 1930, A.F. Mackenzie informed E.O. Bertrand, M.P., that:

... the correspondence on record here shows that the islands in the Ottawa River do not belong to the Indians and are, therefore, not under the control of this Department.

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\*For more detail on this report, including its conclusions, please refer to paragraph No. 261 of the main report.



I may add, for your information, that in May 1861, the Province of Canada issued a patent covering eight islands in front of Lots 9, 10, 11 and 12, in the Township of West Hawkesbury, to Robert Hamilton, of the city of Quebec, and the Honourable John Hamilton, of the Village of Hawkesbury.

...

[Document No. 456]

35. However, notwithstanding the above letter, the Department of Indian Affairs continued to bill and receive rents for these islands. For example, in a letter of March 21, 1944, D.J. Allan, Superintendent, Reserves and Trusts, requested the Hawkesbury Lumber Co. to confirm, in writing,

... that your interest in the Islands for which rent is paid has been transferred.

If you do not wish to have the account for rent continued in your name, I suggest that you should write to the Department giving particulars of the transfer, and requesting a change in billing for the account.

[Document No. 459]

36. Three years later, however, the same Mr. Allan on October 15, 1947, expressed a contrary view. He replied to an application from Israel Desforges thus:

... to purchase a small island in the Ottawa River just East of the Town of Hawkesbury. According to correspondence on record in this office, the islands in the Ottawa River are not under the control of this Department.

I may add that in 1861 a Patent was granted by the Province of Canada covering eight islands in the Ottawa River opposite the Township of Hawkesbury and it may be that the island in which you are interested was included in this patent.

[Document No. 461]

37. In June, 1950, several islands in the Ottawa River near Hawkesbury, formerly claimed and leased by the Algonquins were expropriated by the Hydro Electric Power Commission of Ontario. (See Document No. 471).

38. In a letter dated August 11, 1950 the Hydro Electric Power Commission in accordance with statute, notified the Indian Branch that a deed\* to part of Grand Island, which was included in the land it had expropriated, contained the following reservation:

"SUBJECT NEVERTHELESS to the reservations, provisos and conditions expressed in the original grant thereof from the Crown, and subject also to all and any service, rent, or payment (annual or otherwise) to be made or be payable to or on behalf of any Indians, or Indian Band or Reserve, with respect to said Large of Great Island, or any charge lien, or claim by or on behalf, on any Indians, or Indian Band or Reserve, (if any there be), upon or in respect of said Large or Great Island;"

[Document No. 473]

42. D.J. Allan, Superintendent of Reserves and Trust responded to Hydro in a letter dated 17 August, 1950.

... it may be of interest to you to learn that we make no claim to the islands in the Ottawa River at this point on behalf of any Indians, for the matter of title was considered in 1861 with the result that the Crown Lands Department ruled that the Indians had no claim, and sold the islands to Mr. George Hamilton.

[Document No. 474]

43. The matter of the Department's interest in Grand or Large Island was repeated in a letter of July 9, 1952, and in a reply of July 18, 1952, the Department repeated its opinion that the Indians had no claim (See Document No. 478 & 479). Similarly, in reply to another such inquiry [Document No. 480], the Department reiterated the position it had previously expressed (See Documents Nos. 480 & 481).

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\*Deed No. 3457, Prescott County Registry Office.

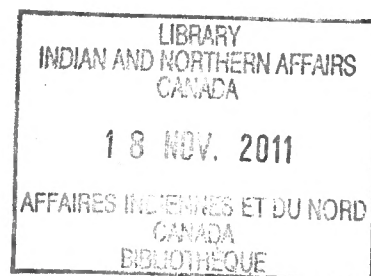
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INDEX TO HISTORICAL DOCUMENTATION

RELATED TO GOLDEN LAKE CLAIM



## GOLDEN LAKE DOCUMENT INDEX

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
1A.	1703	Chiefs of the Algonquins and Nipissings	Governor de Vaudreuil		PAC MG1 v. 22
1B.	March 24, 1721	L.A. de Bourbon	La Chapelle	Deliberations of the Seminary Council	Archives du Seminaire de St. Sulpice, PAC MI 644, No. 37
1C.	30 Aug. 1750		Marquis de la Jonquiere	Public Notice	PAC RG10 v. 267 pp. 101-102
1D.	Sept. 8, 1760	Jeffrey Amherst	Marquis de Vaudreuil	Articles of Capitulation	Canada Parliament. <u>House of Commons Sessional Papers</u> , Vol. XLI No. 7. Sessional Paper No. 18, 1907 pp. 21-29
2.	Oct. 30, 1761	Pierre Roubaud	Sir William Johnson, Superintendent of Indian Affairs, Northern District, North America	Letter	<u>The Papers of Sir William Johnson</u> . Vol. III prepared for publication by the Division of Archives and History Albany: The University of the State of New York 1921. pp. 554-556.
3.	August 5, 1763	Lords of Trade, London	Sir William Johnson, Superintendent of Indian Affairs, Northern District, North America	Letter	<u>Documents Relative to the Colonial History of the State of New York</u> . E.B. O'Callaghan, ed. Albany: Weed, Parsons and Company, Printers 1856 Vol. VII, pp. 535-536.
4.	Nov. 13, 1763	Sir William Johnson, Agent for Indian Affairs in Northern District of America	Lords of Trade	Report on Indian Affairs	<u>Documents Relative to the Colonial History of the State of New York</u> . E.B. O'Callaghan, ed. Vol VII, p.572-584

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
5.	Nov. 18, 1763	Sir William Johnson	Lords of Trade	Memorandum on Six Nations and the other confederacies	<u>The Papers of Sir William Johnson</u> , Vol. IV. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1925, pp. 241-246
6.	Dec. 1, 1763	Major General Thomas Gage	William Johnson	Letter	<u>The Papers of Sir William Johnson</u> , Vol. IV. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1925, pp. 255-256
7.	Dec. 7, 1763	King George III	James Murray, Governor	Instructions	Canada. Parliament. <u>House of Commons Sessional Papers</u> , Vol. XLI, No. 7. Sessional Paper No. 18, 1907, pp. 132-149
8.	Dec. 19, 1763	Six Nations Indians	Sir Wm. Johnson	Speech	<u>The Papers of Sir William Johnson</u> . Vol X. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York. pp. 957-972.



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
9.	Dec. 23, 1763	Sir William Johnson	Thomas Gage	Letter	<u>The Papers of Sir William Johnson</u> . Vol. X. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, pp. 973-976
10.	Dec. 24, 1763	Sir William Johnson; King George III John Johnson	Public	Notice or proclamation publishing the Royal Proclamation; Royal Proclamation of 1763; Note of witness by John Johnson	<u>The Papers of Sir William Johnson</u> , Vol. X. prepared for publication by the Division of Archives and History, Albany: The University of the State of New York., pp. 976-985
11.	Feb. 19, 1764	Sir William Johnson	Thomas Gage	Letter	<u>The Papers of Sir William Johnson</u> , Vol. IV. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1925, pp. 328-333
12.	April 13, 1764	R. Burton, Esqr. Governor of Montreal	-	Ordinance	

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
13A.	July 9-14, 1764	Sir William Johnson/ Guy Johnson	-	Proceedings of a conference	<u>The Papers of Sir William Johnson</u> , Vol. IV. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1925, pp. 466-481.
13B.	Nov. 1764	J. Murray, Governor of Quebec		Ordinance	Sess. Ppr. 29b
14A.	Jan. 31, 1765	Governor Murray	Public	General Proclamation	Canada. Parliament. <u>House of Commons Sessional Papers</u> , Vol. LIX No. 9. Sessional Papers No. 29a, pp. 2-3.
14B.	22 Dec. 1766	Guy Carleton		Proclamation	Sess. Ppr. 29a [1916]
15.	Aug. 6, 1767	Sir Guy Carleton, Lt. Gov., Quebec	Wm. Johnson	Letter	<u>The Papers of Sir William Johnson</u> Vol. XII. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1925, pp. 347.
16.	Sept. 3, 1767	Sir Guy Carleton	Daniel Claus, Deputy to Sir William Johnson	Letter	<u>The Papers of Sir William Johnson</u> , Vol V. Prepared for publication by the Division of Archives and History, Albany: The University of the State of New York, 1927. pp 650-651

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
17.	May 6, 1768	Frederick Christopher Spiesmacher	William Johnson(?)	Letter	<u>The Papers of Sir William Johnson</u> , Vol. XII. Prepared for publication by Milton W. Hamilton, Albany: The University of the State of New York, 1957, pp. 491-492
18.	July 8, 1772	Daniel Claus, Deputy Superintendent of Indian Affairs	Unknown	Letter	<u>The Papers of Sir William Johnson</u> , Vol. XII. Prepared for publication by Milton W. Hamilton, Albany: The University of the State of New York, 1957, pp. 971-973
19. (2 copies)	July 25, 1772	Daniel Claus, Deputy Superintendent of Indian Affairs	Theo. Cramahé, Lt. Gov., Quebec	Letter	P.A.C., M.G. 19, F.1, Vol. 1, pp.137-142
20.	July 26, 1772	D. Claus, D.S.I.A.	Cramahé, Lt. Gov.	Letter	P.A.C., M.G. 19, F.1, Vol. 1, pp. 143
21. (2 copies)	Aug. 6, 1772	T. Cramahé, Lt. Gov. Quebec	D. Claus, D.S.I.A.	Letter	P.A.C., M.G. 19, F.1, Vol. 1, pp. 145-148
22.	Aug. 17, 1772	D. Claus, D.S.I.A.	Canejhsadagey Indians	Letter	P.A.C., M.G. 19, F.1, Vol. 1. pp.149-150
23.	Aug. 20, 1772	D. Claus, D.S.I.A.	General Frederick Haldimand, later Governor of Quebec	Letter	P.A.C., M.G. 19, F.1, Vol. 1. pp. 151-154

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
24.	1774	An Act for making more effectual provision for the Government of the Province of Quebec in North America - ("The Quebec Act")	Public	Act of Parliament	Canada. Parliament. House of Commons Sessional Papers, Vol. XLI, No. 7. Sessional Paper No. 18, 1907. pp. 570-576
25.	25 June, 1776	Sir Guy Carleton, Governor	All officers, Civil and Military	Orders	Canada. Parliament. House of Commons Sessional Papers, Vol. LIV, No. 9. Sessional Paper No. 29a, p. 24
26.	March 29, 1777	Guy Carleton	Public	Legislation	Sessional Paper No. 29a Quebec Ordinances 1768 -9
27.	11 Aug. 1783	Sir John Johnson, Superintendent General of Indian Affairs	Frederick Haldimand, Governor of Quebec	Letter	P.A.C., M.G. 21, ADD MSS 21775 Fl-348v. pp. 152-153
28.	Aug. 18, 1783	Sir John Johnson	Governor Haldimand	Letter	P.A.C., M.G. 21, ADD MSS 21775 Fl -348v., p. 154
29.	Aug. 27, 1783	Governor Haldimand	Lord North, Board of Trade	Letter	E.A. Cruikshank, ed. <u>The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784. A Documentary Record.</u> Toronto: The Ontario Historical Society 1934. Reprint - 1966 p.7

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
30. (2 copies)	Sept. 1, 1783	Governor Haldimand	Sir John Johnson	Letter	P.A.C. M.G. 19, Fl Vol. 3 <u>also</u> P.A.C. M.G. 21, ADD MSS 21775 Fl - 348v, p. 158
31.	15 Sept. 1783	Governor Haldimand	Sir John Johnson	Letter	P.A.C., M.G. 21, ADD MSS 21819 Fl - 319v, p.277
32.	Sept. 15, 1783	Governor Haldimand	Major Ross	Letter	E.A. Cruikshank, ed. <u>The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784. A Documentary Record.</u> Toronto: The Ontario Historical Society, 1934. Reprint - 1966. pp. 11-12.
33.	October 2, 1783	John Collins, Deputy Surveyor	Governor Haldimand	Letter	J.L. Morris <u>Indians of Ontario.</u> Dept. of Lands and Forests, Ontario. Toronto: 1943. P. 8.
34.	Oct. 9, 1783	Capt. W.R. Crawford	Sir John Johnson	Letter	P.A.C., M.G. 21, ADD MSS 21818 Fl - 425v, pp.366
35.	18 Oct. 1783	Sir John Johnson	Governor Haldimand	Letter	P.A.C., M.G. 21, ADD MSS 21818 Fl - 425v, pp. 369-370
36.	23 Oct. 1783	Governor Haldimand	Sir John Johnson	Letter	P.A.C., M.G. 21, ADD MSS 21819 Fl - 319v, p. 284



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
37.	29 Oct. 1783	Lieutenant French	Captain Sherwood and subsequently Deputy Supt. General	Journal of trip submitted as Report to Dept. Supt. General	P.A.C., M.G. 21, ADD MSS 21829 Fl - 77v, pp.18 - 22
38.	Oct. 31, 1783 (received)	Lt. David Jones	Major Jessup	Report	E.A. Cruikshank, ed. <u>The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784. A Documentary Record.</u> Toronto: The Ontario Historical Society, 1934. Reprint - 1966. pp. 18-19.
39.	Nov. 3, 1783	Major Ross	Captain Matthews	Letter	J.L. Morris <u>Indians of Ontario.</u> Department of Lands and Forests. Toronto: 1943. P. 9.
40.	Nov. 6, 1783	Governor Haldimand	Lord North, Board of Trade	Letter	E.A. Cruikshank, ed. <u>The Settlement of the United Empire Loyalists on the Upper St. Lawrence and Bay of Quinte in 1784. A Documentary Record.</u> Toronto: The Ontario Historical Society, 1934. Reprint - 1966. pp. 23-24.
41.	Nov. 17, 1783	Sir John Johnson	General Haldimand	Letter	Ref.
42.	April 2, 1784	Captain John Brant	Governor Haldimand	Letter (translated from Mohawk)	E.A. Cruikshank, <u>The Coming of the Loyalist Mohawks to the Bay of Quinte.</u> Reprinted from the Ontario Historical Society "Papers and Records" Vol. XXVI, 1930, pp. 12-13.

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
43.	April 22, 1784	Governor Haldimand	Sir John Johnson	Letter	E.A. Cruikshank, <u>The Coming of the Loyalist Mohawks to the Bay of Quinte</u> . Reprinted from the Ontario Historical Society, "Papers and Records", Vol. XXVI, 1930, p. 14-15.
44.	22 May 1784 (copy dated 23 March 1791)	Purchase of Tract from Mississauga	Crown	Purchase deed	<u>Third Report of the Bureau of Archives for the Province of Ontario, 1905</u> . Alexander Fraser, ed. Toronto: L.K. Cameron, pp.486-489
45.	August 14, 1784	Capt. Crawford	Sir John Johnson	Letter	J.L. Morris, <u>Indians of Ontario</u> . Department of Lands and Forests. Toronto: 1943. P. 10.
46A.	28 Sept. 1786	Hope		Proclamation renewing leases	Que. Gazette
46B.	1786	A description of land reserved for the Mohawks on the North side of the Bay of Quinte	-	Possibly from a surveyor's notes	<u>Third Report of the Bureau of Archives for the Province of Ontario, 1905</u> . Alexander Fraser, ed. Toronto: L.K. Cameron, p. 453
47.	July 19, 1787	Lord Dorchester (Guy Carleton), Governor Quebec	John Collins, Deputy Surveyor	Letter	<u>Third Report of the Bureau of Archives for the Province of Ontario, 1905</u> . Alexander Fraser, ed. Toronto: L.K. Cameron, p. 453 Also PAC MG30 E66 Vol. 23 File 60

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
48.	Sept. 23, 1787	Treaty at the Carrying Place of the Bay of Quinte (known as the Gunshot Treaty).	Crown and Mississaugas	Treaty	PAC, MG30, E66, Vol. 23 File 60
49.	Sept. 23, 1787	P. Langan, Indian Affairs	Presumably the Governor	Returns of the number of Indians present at the Council at the Carrying Place.	PAC, MG30, E66, Vol. 23 File 60
50.	March, 1791	Deputy Surveyor General, John Collins	Committee on Indian Claims	Transcript of Testimony before the Committee	<u>Third Report of the Bureau of Archives for the Province of Ontario, 1905.</u> Alexander Fraser, ed. Toronto: L.K. Cameron, p. 406
51.	March 25, 1791	Sir John Johnson	John Collins, Deputy Surveyor General	Letter	<u>Third Report of the Bureau of Archives for the Province of Ontario, 1905.</u> Alexander Fraser, ed. Toronto, L.K. Cameron, p. 455.
52.	1791	George III, The Constitutional Act of 1791	Public	Legislation	<u>Canada, Parliament, House of Commons, Sessional Papers, Vol. XLI, No. 7. Sessional Papers No. 18, 1907, pp. 694-708.</u>
53.	July 14, 1791	Algonquin and Nipissing Chiefs	Colonel Campbell, Deputy Superintendent, Indian Dept., Quebec	Speech delivered at Council Meeting (in French, translation of extract)	PAC, RG10, Vol. 8, pp. 8186-8193

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
54.	March 14, 1794	John Graves Simcoe, Lt. Gov. of Upper Canada	Lord Dorchester, Governor of Lower Canada	Letter	<u>The Correspondence of Lieut. Governor John Graves Simcoe, with Allied Documents relating to His Administration of the Government of Upper Canada.</u> Vol. II. E.A. Cruikshank, ed. Toronto: Published by the Society, 1923. pp. 180-181.
55.	Aug. 28-29, 1794	Lord Dorchester, Governor	Indians of the Seven Villages of Lower Canada	Speech	<u>The Correspondence of Lieut. Governor John Graves Simcoe, with Allied Documents relating to His Administration of the Government of Upper Canada.</u> Vol. III. E.A. Cruikshank, ed. Toronto: Published by the Society, 1923. pp. 14-15.
56.	June 10, 1795	Alexander McKee, Deputy Superintendent General of Indian Affairs	-	Memorandum	PAC, MG30, E66, Vol. 23, File 60
57.	July 26, 1795	A.M. McKee, D.S.G.I.A.	Chiefs of the Caughnawagas and of the Lake of Two Mountains, at Lachine	Record of Council Meeting	PAC, RG8, I.A. Vol. 248 pp. 222-224
58.	July 26, 1795	Chiefs of the Seven Villages of Lower Canada	A.M. McKee	Reply of Indians of 7 Villages of Lower Canada	PAC, RG8, I.A. Vol. 248 pp. 230-232
59A.	July 28, 1795	A.M. McKee, D.S.I.A.	Captain James Green, Military Secretary	Letter	PAC, RG8, I.A. Vol. 248, pp. 233-236

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
59B. <sup>1</sup>	7 Aug. 1795	Joseph Chew		Extract of a letter about the Indians of Lake of Two Mountains (original not dated)	PAC RG8 v. 248 pp. 251-254
59B. <sup>2</sup>	3 Apr. 1796	Lord Dorchester	Chiefs of Seven Villages of Lower Canada		Simcoe Pprs. III pp. 14-15
59C.	5 July 1796	Joseph Chew, S.I.A. Montreal	T. Duggan	Letter	Simcoe Pprs. IV, p. 325
60.	July 19, 1798	Algonquin and Nipissing Chiefs, Lake of Two Mountains	Sir John Johnson	Extract from Council; French original and English translation	PAC, RG10, Vol. 494, pp. 31057-31058
61A.	March 10, 1802	Indians at Lake of Two Mountains; Chefs Iroquois	J. Whitlock	Lease	RG10, Vol. 625, pp. 182319-22
61B.	1810	Notes on Indians of Lake of Two Mountains			Archives du Seminaire de St. Sulpice, PAC MI 644, No. 37
61C.	1 May, 1812	G. Prevost, Commander of Forces	Sir John Johnson	Instructions for the good government of the Indian Dept.	PAC RG8 v. 271 (217?)* pp. 28-40a * Mr. Williams to verify
61D.	8 Jan. 1813	Proceedings and Report of confidential Military Board ...	-	Proceedings and Report of confidential Military Board...	PAC RG8 Series C v. 84
61E.	1813	Lt. Col. E. Cruikshank		Book: The Documentary History of the Campaign upon the Niagara Frontier, in the year 1813	Canadian War Museum Library
61F.	1812-1815	L.H. Irving		Book: Officers of the British Forces During the War of 1812-1815	National Museum of Canada Library



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
62.	March 8, 1816	John Ferguson, Resident for Indian Affairs at Kingston	William Claus, Deputy Superintendent General of Indian Affairs	Letter	PAC, RG10, Vol. 32, pp. 18918-18919
63A.	August 5, 1816	Indian Treaties & Surrenders - Mississauga Chiefs	J. Givins, S.I.A., on behalf of the Crown	Surrender	<u>Indian Treaties &amp; Surrenders</u> , Vol. I, Ottawa: Brown Chamberlain, 1891 p. 45
63B.	4 Feb. 1817	Sherbrooke	Lt. Gov. Gore	Letter	PAC RG7 G.14 V. 1
63C.	14 Dec. 1818	Surveyor General, M. Ridout	-	Notice concerning government contract	Ont. Archives RG1 A-1-7 Box 7
64A.	May 31, 1819	Indian Treaties and Surrenders	J. Ferguson, I.I.D., on behalf of the Crown	Publication	Indian Treaties and Surrenders, Vol. I: Toronto, 1971, pp. 62-67 <u>also</u> PAC, RG10, Vol. 597, pp. 46334-46336
64B.	5 Apr. 1820	Sir John Jonson	Col. Darling	Letter	PAC RG8 v. 269 pp. 118-119
65.	Sept. 2, 1820	Algonquin and Nipissing Chiefs, Lake of Two Mountains	Lord Dalhousie, Governor Lower Canada	Land Petition	PAC, RG1, L3L, Vol. 110, pp. 53990-53992
66A.	Feb. 9, 1821	Sir John Johnson, S.G.I.A.	Colonel Darling, Military Secretary	Letter	PAC, RG1, L3L, Vol. 110, pp. 53988-53989

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
66B.	3 Oct. 1821	Amable Chevalier	Governor General	Petition	PAC RG8 v. 264
66C.	4 Oct. 1821	Amable Chevalier	Governor General	Sworn affidavit	PAC RG8 v. 264
67.	Aug. 5, 1822	Colonel Darling, Military Secretary	Sir John Johnson, S.G.I.A.	Letter	PAC, RG10, Vol. 494, pp. 31073-31075
68.	Aug. 9, 1822	William McDolel	Lord Dalhousie, Governor Lower Canada	Petition	PAC, RG8, I.A. Vol. 264, p. 51
69.	Nov. 28, 1822	J.P. Hawkins, Major 68th Rgt. and Lt.-Col. William Smyth, Lieut. 68th Rgt., John Ferguson, I.I.A.	Mississaugas of the Bay of Quinte	Surrender of lands in Midland and Johnstown Districts No. 27 $\frac{1}{2}$	<u>Treaties and Surrenders</u> Vol. 1, Ottawa Brown Chamberlain, 1891, pp. 63-65
70.	Oct. 27, 1823	D.C. Napier, R.A. (Right Arm of Sec. I.A.)	Sir John Johnson, S.G.I.A.	Extract of Letter	PAC, RG8, I.A. Vol. 268, p. 784
71.	Aug. 25, 1824	Sir John Johnson, S.G.I.A.	Col. Darling, Military Secretary	Letter	PAC, RG10, Vol. 494, p. 31077
72.	Oct. 29, 1824	J.M. LaMothe, Capt. Indian Department	A.K. Johnson, Sec. Indian Affairs	Letter	PAC, RG10, Vol. 494, pp. 31054-31056
73.	Nov. 5, 1824	Sir John Johnson	Col. Darling, Military Secretary	Letter	PAC, RG10, Vol. 494, pp. 31027-31032

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
74.	Aug. 4, 1826	Mr. Adams, Surveyor	Mr. Bouchette, Surveyor General	Reference to Map which was not attached to document	RG10, Vol. 494, p. 31078
75A.	Dec. 5, 1826	Algonquins and Nipissing Chiefs of Lake of Two Mountains	Lord Dalhousie, Governor Lower Canada	Petition, with affidavit dated Feb. 19, 1827	PAC, RG10, Vol. 496 pp. 31,458-31,460
75B.	30 Jan. 1827	N.W. Ryland	Maj. Gen. Darling	Letter	PAC RG10 v. 497
76.	Feb. 28, 1827	D.C. Napier, R.A. of Secretary of I.A.	Major General Darling, D.S.G.I.A.	Letter	PAC, RG10, Vol. 496, pp. 31,454-31,456
77A.	4 June, 1827	Lord Goderich	Lord Dalhousie, Governor Lower Canada	Letter	PAC RG8 v. 267 pp. 63-66
77B.	June 11, 1827	J. Givens, S.I.A.	Governor	Proceedings of Council with Mississauga Chiefs from Rice Lakes, Mud Lakes and Crow River	RG10, Vol. 496, pp. 31,591-31,592
78.	June 13, 1827	J. Givens, S.I.A.	Major General Darling	Letter transmitting Council Proceedings	PAC, RG10, Vol. 496, p. 31,590
79A.	July 14, 1827	Lt. Col. D.C. Napier	Mr. Hughes, R.I.D.	Memoranda	PAC, RG10, Vol. 20, pp. 14,107-14,110
79B.	14 July 1827	Lt. Col. D.C. Napier	DIA	Extract from Instructions to officer superintendency issue of presents	PAC RG10 v. 497, p. 31, 734

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
80.	July 20, 1827	James Hughes, R.I.D. (Resident (Agent) Indian Agent)	Lieut.-Col. D.C. Napier	Letter	PAC, RG10, Vol. 497
81.	July 21, 1827	D.C. Napier, R.A. Secretary of I.A.	Major General Darling, D.S.G.I.A.	Letter	PAC, RG10, Vol. 497 pp. 31687-31689
82.	July 22, 1827	Draft Proceedings of a Council held at Caughnawaga	-	Council notes	PAC, RG10, Vol. 20, pp. 14,130-14,132
83.	July 29, 1827	Chiefs of Lake of Two Mountains	Lord Dalhousie, Governor Lower Canada	Copy of a Petition in English and French	RG10, Vol. 497, pp. 31,695-698
84.	Aug. 17, 1827	D. Ducharme, Interpreter Indian Dept.	Colonel D.C. Napier	Letter with attachment	RG10, Vol. 20, pp. 14166-168
85.	Aug. 25, 1827	Col. Napier or J. Hughes	Governor	Minutes of a Conference held at Montreal with Chiefs	PAC, RG10, Vol. 20, pp. 14186-192
86.	Aug. 29, 1827	D.C. Napier, I.A.	Major General Darling, D.S.G.I.A.	Letter	PAC, RG10, Vol. 497, p. 31733
87.	Aug. 29, 1827	Maj. Gen. Darling	Lt. Col. Napier, Indian Dept.	Letter	PAC, RG10, Vol. 20, p. 14196
88.	Oct. 5, 1827	Proceedings of a Grand Council at Caughnawaga	Governor	Transcript of Gen. Darling's address and Indian Chiefs' replies	PAC, RG10, Vol. 20, pp. 14240-14253
89.	Oct. 27, 1827	Major General Darling, S.G.I.A.	Lt. Col. Givins	Letter	PAC, RG10, Vol. 586, pp. 24589-590
90.	March 13, 1828	J. Givens, S.I.A.	Maj. Gen. Darling, D.S.G.I.A.	Letter	RG10, Vol. 791, pp. 7254-7256

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
91A.	July 24, 1828	H.C. Darling, Maj. Gen., Military Secretary	Governor	Report	Imperial Blue Books, GB & Ireland, Vol. 5, Paper No. 617, 1934, p. 22
91B.	10 Oct. 1828	Napier	Couper	Letter	PAC RG8 v. 257 p. 309
91C.	14 Oct. 1828	Napier	Couper	Letter	PAC RG8 v. 267 p. 310-316
91D.	22 Dec. 1828	Algonquins of Three Rivers	His Excellency, Sir James Kempt, Governor	Petition	PAC RG8 v. 267, pp. 483-89.
91E.	26 Dec. 1828	L.T. Duchesnay	Couper	Letter	PAC RG8 v. 267, pp. 485-86
91F.	30 Dec. 1828	L.T. Duchesnay	Couper	Letter	PAC RG8 v. 267
92.	Feb. 18, 1829	Chiefs of the Algonquin Indians, Three Rivers	Sir James Kempt, Administrator Lower Canada	Petition	PAC, RG8, I.A. Vol. 268 pp. 77-78
93.	Feb. 23, 1829	Lt. Col. Duchesnay	Lt. Col. Couper, Military Secretary, H.Q.	Letter	PAC, RG8, I.A. Vol. 268 p. 85
94A.	March 2, 1829	Lt. Col. Napier, Secretary, I.A.	Lt. Col. Couper, Military Secretary, H.Q.	Letter	PAC, RG8, I.A. Vol. 268 pp. 118-126
94B.	18 Mar. 1829	Napier	Couper	Letter	PAC RG8 v. 268 p. 169
94C.	21 Mar. 1829	Napier	Couper	Letter	PAC RG8 v. 268 p. 161-68



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
95.	March 30, 1829	Lt. Col. Napier, Secretary I.A.	Lt. Col. Couper, Military Sec. H.Q.	Letter	PAC, RG8, I.A. Vol. 268 pp. 178-189
96.	April 28, 1829	Algonquin and Nipissing Chiefs of Lake of Two Mountains	Sir James Kempt, Administrator, Lower Canada	Petition	PAC, RG8, I.A. Vol. 267 pp. 90-92
97.	May 5, 1829	Lt. Col. Napier, Secretary I.A.	Lt. Col. Couper, Military Secretary	Letter with Petition	PAC, RG8, I.A. Vol. 267 pp. 93-95
98.	May 29, 1829	C. York (?)	Lt. Col. Couper, Military Secretary	Letter	PAC, RG8, I.A. Vol. 267 pp. 450-457
99.	June 2, 1829	Francois Okjik	-	Declaration	RG8, Vol. 267 <u>or</u> RG8, Vol. 268, pp. 108-109
100.	June 5, 1829	Lt. Col. Napier, Secretary I.A.	Lt. Col. Couper, Military Secretary	Letter	PAC, RG8, I.A. Vol. 267 pp. 103-105
101A.	June 12, 1829	Lt. Col. Napier, Secretary I.A.	Lt. Col. Couper, Military Secretary	Letter	PAC, RG8, I.A. Vol. 267 pp. 106-107
101B.	June 18, 1829	Francois Odjik	D. Ducharme, J.P.	Affidavit	PAC RG8 v. 268, pp. 108, 9
102.	July 2, 1829	Col. Couper, Military Secretary	Sir James Kempt, Administrator	Extract from Letter	PAC, RG10, Vol. 97, P. 40069
103.	Aug. 15, 1829	Lt. Col. D.C. Napier, S.I.A.	Lt. Col. Couper, Military Secretary	Letter	PAC, RG8, I.A. Vol. 268 p. 510
104.	Aug. 16, 1829	From Surveyor General's Office	Lt. Col. York, Civil Secretary	Letter	PAC, RG8, I.A. Vol. 269 pp. 458-459
105.	Aug. 19, 1829	J.B. Ct. de Niverville	Lt. Col. Napier, S.I.A.	Letter	PAC, RG8, I.A. Vol. 269 pp. 551-553

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
106.	Aug. 24, 1829	D. Duchesnay, I.A.	Lt. Col. Couper Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 529-532
107.	Aug. 27, 1829	Lt. Col. Napier, S.I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 554-556
108.	Aug. 27, 1829	D.C. Napier, S.I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 557-558
109.	Aug. 31, 1829	C. Yorke?	The Chief Justice	Letter	PAC, RG8, I.A. Vol. 269 pp. 445-446
110A.	Sept. 1, 1829	Lt. Duchesnay, Secretary of the Indian Dept. at Quebec	Lt. Col. Napier and Lt. Col. Couper	Letter	PAC, RG8, I.A. Vol. 268 pp. 568-570
110B.	2 Sept. 1829	Napier	Couper	Letter	PAC RG8 v. 268 p. 577
111A.	Sept. 15, 1829	C. Yorke	Col. By	Letter	PAC, RG8, I.A. Vol. 269 pp. 447-448
111B.	20 Sept. 1829	Napier			PAC RG8 v. 268
112A.	Oct. 7, 1829	C. Yorke	Alex Henderson	Letter	PAC, RG8, I.A. Vol. 269 p. 449
112B.	14 Oct. 1829	Napier	Couper	Letter	PAC RG8 v. 268 p. 671
113.	Oct. 30, 1829	Duchesnay, Dept. I.A. Quebec	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 737-739

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
114.	Nov. 10, 1829	Lt. Col. Napier, Sec. I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 776-783
115.	Nov. 13, 1829	Lt. Col. Napier, Sec. I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 790-793
116.	Nov. 25, 1829	Lt. Col. Napier, Sec. I.A.	-	Numerical return of Indian Chiefs in Lower Canada	PAC, RG8, I.A. Vol. 268 pp. 822
117A.	Nov. 28, 1829	Lt. Col. Napier, Sec. I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 pp. 829-830
117B.	1 Dec. 1829	Duchesnay	Couper	Letter	PAC RG8 v. 268 pp. 835-37
118.	Dec. 5, 1829	J.B. de Niverville, Interpreter	Lt. Col. D.C. Napier,	Letter	PAC, RG8, I.A. Vol. 268 pp. 898-899
119.	Dec. 11, 1829	Lt. Col. Napier, Sec. I.A.	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 p. 897
120.	Dec. 14, 1829	Duchesnay	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, I.A. Vol. 268 p. 900
121A.	Dec. 1829	Lt. Col. Napier, Sec. I.A.	Governor	Return of Indian Chiefs, District of Montreal	PAC, R.G. 8, Vol. 269, p. 143
121B	11 Jan. 1830	Napier	Couper		PAC RG8 v. 269

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
122A.	Feb. 9, 1830	Lt. Col. Napier, Sec. I.A.	Governor	Nominal return of Chiefs in District of Montreal	PAC, R.G. 8, Vol. 269, pp. 167-168
122B.	5 Mar. 1830	Napier	Couper	Letter enclosing a petition	PAC RG8 v. 269
122C.	6 Mar. 1830	Givens	Napier	Letter	PAC RG8 v. 269
122D.	15 Mar. 1830	Napier	Couper	Letter	PAC RG8 v. 269 p. 233
123.	April 9, 1830	Duchesnay, I.A.	Lt. Col. Couper, Military Secretary	Report	PAC, R.G. 8, Vol. 269, pp. 323-333
124A.	April 20, 1830	William McKay	Lt. Col. Couper, Military Sec.	Letter	PAC, RG8, Vo. 269, pp. 355-357
124B.	1 May 1830	Governor Kempt	Constant Penancy	Certificate of Appoint- ment to Grand Chief	PAC, MG19 f-14
125.	May 25, 1830	Alexander Henderson	Indian Dept.	Letter	PAC, RG8, Vol. 269 pp. 435-436
126.	July 31, 1830	Lt. Col. Couper, Military Sec.	Supt. of Indian Dept.	Letter: extract	PAC, RG10, Vol. 75 p. 32878
127.	Sept. 20, 1830	J. Hughes, Indian Dept.	Ducharme, I.D.	Letter	PAC, RG10, Vol. 97 p. 40073-40074

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
128.	May 26, 1831	William MacKay, Supt. Indian Dept.	Capt. R. Airey, A.M.S.	Letter	PAC, RG10, Vol. 83 pp. 32251-32253
129.	July 17, 1832	Algonquin and Nipissing Indians, Lake of Two Mountains	Lord Aymer, Governor	Petition	PAC, RG10, Vol. 85 pp. 33376-33379
130.	July 24, 1832	R. Bruce, Supt. General, Indian Dept.	Col. Napier	Letter	PAC, RG10, Vol. 84, p. 52952
131.	Aug. 1, 1832	Col. Napier, Secretary, Indian Affairs	Governor in Chief	Petition Memo	PAC, RG10, Vol. 84 pp. 32875-32876
132.	July 1833	Algonquins and Nipissings of Lake of Two Mountains	Lord Aylmer, Governor in Chief	Petition (in French)	PAC, RG10, Vol. 86 pp. 34427-34430
133.	Dec. 5, 1833	Lt. Col. Napier	Lord Aylmer	List of Letters Submitted	PAC, RG10, Vol. 86 pp. 33939-33943
134.	Feb. 15, 1834	James Hughes, Supt. Indian Dept.	Lt. Col. Napier, Sec. Ind. Affairs	Letter	PAC, RG10, Vol. 88 pp. 35066-35068
135.	Feb. 16, 1834	D. Ducharme, I.I.D.	James Hughes, Supt. Indian Dept.	Letter (in French)	PAC, RG10, Vol. 88 p. 35092-35093
136.	Feb. 24, 1834	James Hughes, Supt. Indian Dept.	Lt. Col. Napier, Sect. Ind. Affairs	Letter	PAC, RG10, Vol. 88 p. 35089-35091
137.	March 31, 1834	D.C. Napier, Sec. Indian Affairs	Lord Aylmer, Governor General	List of Letters, petitions, etc.	PAC, RG10, Vol. 88 p. 35095-35098



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
138A.	April 7, 1834	M. O'Sullivan, Solicitor General	R. Airey, Military Secretary	Letter	PAC, RG10, Vol. 88 pp. 35099-35100
138B.	11 July 1834	3 Nipissing Chiefs and Three Algonquin Chiefs	George Hamilton	Lease	Archives of Seminaire de St. Sulpice, MI-644
139.	June 6, 1835	Algonquin and Nipissing Indians, Lake of Two Mountains	Major General Sir John Colborne, Lt. Governor of Upper Canada	Petition, copy of document #139A	PAC, RG10, Vol. 63 pp. 39560-39566
139A.	June 26, 1835	Nipissing and Algonquin Chiefs	Sir John Colborne, Lt. Governor or U.C.	Petition	PAC, RG10, Vol. 90 pp. 36242-36243
140.	August 11, 1835	Givens, Chief Superintendent I.A.	Lt. Col. Napier	Letter transmitting petition of 4 Aug. 1835	PAC, RG10, Vol. 90 pp. 36236-36238
141.	Jan. 19, 1836	James Hughes, Sec. Ind. Dept.	Lt. Col. Napier, Sec. Ind. Aff.	Letter	PAC, RG10, Vol. 91 pp. 37027-37029
142.	Undated	Algonquin and Nipissing Indians, Lake of Two Mountains	Sir John Colborne, Lt. Governor of Upper Canada	Petition	PAC, RG10, Vol. 63 pp. 62,346 - 62,348
143.	Jan. 28, 1836	D.C. Napier, S.I.A.	Lt. Col. Givins, Chief Supt. I.D. of U.C., Toronto	Letter	PAC, RG10, Vol. 596 pp. 45694-45699
144.	Feb. 15, 1836	Lt. Col. J. Givens, Chief Supt., I.D.U.C.	John Joseph Civil Secretary	Letter	PAC, RG10, Vol. 596 pp. 45740-45750

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
145.	Feb. 26, 1836	J. Givins, Chief Supt. I.D.U.C.	Lt. Col. Napier, Sec., I.A.	Letter	PAC, RG10, Vol. 91 pp. 37020-37024
146.	April 13, 1836	J. Givins, Chief Supt. I.D.U.C.	Thos. G. Anderson, S.I.A. at Coldwater	Letter	L.B. III p. 134 (typed copy)
147A.	Aug. 2, 1836	D.C. Napier, S.I.A.	J. Givens, The Chief Supt. Indian Dept., Upper Canada	Letter	PAC, RG10, Vol. 62, pp. 61,600-61,602
147B.	3 Aug. 1836	Hughes	Earl of Gosford, Governor	Report of the Proceedings of a Council	Correspondence Respecting Indians since April 1, 1835 p. 43-44, 50
148.	Oct. 7, 1836	Smith, Chairman	Lord Gosford, Governor and Commissioner L.C.	Report	PAC, RG1, E1, Vol. M, pp. 322-351,
149.	Nov. 27, 1836	James Hughes, S.I.D.		Report	PAC, RG10, Vol. 92 pp. 37655-58
150.	Feb. 8, 1837	Chiefs of Algonquins and Nipissings	Earl of Gosford	Petition	PAC, RG10, Vol. 93 pp. 38040-38046
151.	Feb. 25, 1837	John Davidson, Civil Secretary, British North American Provinces	Chairman of the Executive Council	Letter	PAC, RG10, Vol. 1833 pp. 181761-181762
152.	June 13, 1837	Extracts from Report of the Executive Council	Lord Gosford	Report, extracts	PAC, RG10, Vol. 94 pp. 38,476-477

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
152A.	July 13, 1837	Lord Gosford	Lord Glenelg, Civil Sec., London	Dispatch No. 71 with enclosures	MG11, CO 42, Vol. 272 reprinted in British Parlia- mentary Papers, Colonies Canada, Vol. 12, Session 1839 pp. 255, etc.; enclosure 1 is report of Council
153.	Aug. 22, 1837	James Hughes S.I.D.	Capt. Ducharme, Interpreter, I.D.	Letter	PAC, RG10, Vol. 96 pp. 39550-39551
154.	July 18, 1838	Algonquin and Nipissing Chiefs, Lake of Two Mountains	James Hughes	Petition	PAC, RG10, Vol. 96 pp. 39556-58
155.	July 31, 1838	James Hughes, S.I.D.	Lt. Col. Napier, Secty. Indian Affairs	Letter	PAC, RG10, Vol. 95 pp. 39567-69
156.	Aug. 1, 1838	James Hughes, S.I.D.	Lt. Col. Napier, S.I.A.	Letter	PAC, RG10, Vol. 95 pp. 39552-55
157.	Aug. 7, 1838	Lt. Col. Napier, S.I.A.	Governor General	List of Letters	PAC, RG10, Vol. 97 pp. 38936-38
158.	Aug. 17, 1838	D.C. Napier, S.I.A.	James Hughes	Extract of Letters	PAC, RG10, Vol. 97 pp. 40070-071
158A.	Aug. 22, 1838	Lord Glenelg, Civil Sec., London	Lord Durham, Governor Lower Canada	S.O.S. Dispatch No. 93	PAC, MG11 C043, Vol. 34

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
159.	Sept. 4, 1838	James Hughes, S.I.D.	Lt. Col. Napier, Secty. I.A.	Letter	PAC, RG10, Vol. 96 pp. 39548-39549
160.	Sept. 4, 1838	James Hughes, S.I.D.	Lt. Col. Napier, Secty, Indian Affairs	Letter	PAC, RG10, Vol. 96 pp. 39544-547
161.	Sept. 6, 1838	Nipissing and Algonquin Chiefs, Lake of Two Mountains	Lt. Col. Napier, S.I.A.	Petition	PAC, RG10, Vol. 96 pp. 39542-39543
162.	Sept. 6, 1838	Nipissing and Algonquin Chiefs, Lake of Two Mountains	Major Gen. Sir George Arthur Knight, Lt. Gov. Upper Canada	Petition	PAC, RG10, Vol. 69, pp. 64933-64938
163.	Sept. 7, 1838	Chiefs of the Iroquois Tribe		Declaration	PAC, RG10, Vol. 96 pp. 39539-39541
164.	Sept. 10, 1838	Lt. Col. Napier, S.I.D.	Gov. General	List of Letters for consideration of His Excellency the Governor General	PAC, RG10, Vol. 95 pp. 38944-38946
165.	Sept. 14, 1838	James Hughes, S.I.D.	Lt. Col. Napier Secty. I.A.	Letter	PAC, RG10, Vol. 96 p. 39538
166.	Sept. 20, 1838	James Hughes	Capt. Ducharme	Instructions labelled B enclosed with document 169	PAC, RG10, Vol. 97 pp. 40075-40077

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
167.	Sept. 20, 1838	James Hughes, S.I.D.	Capt. Ducharme	Letter labelled A enclosed with document 169	PAC, RG10, Vol. 97 pp. 40075-40077
168.	1838	Sketch of Agreement for lease of land and Islands given by Nip. and Algonquins to Squatters in the River Ottawa	Squatters	Sample of Lease labelled C enclosed with document 169	PAC, RG10, Vol. 97 pp. 40078-40079
169.	Sept. 26, 1838	D.C. Napier, S.I.D.	Col. Jarvis, Chief Supt. Indian Dept.	Letter	PAC, RG10, Vol. 69 p. 64928-64931
170.	Sept. 28, 1838	Col. Jarvis	McCaulay	Letter	PAC, RG10, Vol. 69 pp. 64926-64927
171.	Transmitted April 10, 1839	James Hughes	Lt. Col. Napier	Enclosed with Doc. 172 Nominal return of Individuals, who have squatted on and taken possession Islands, parts of Islands, and lots of land on both banks of the Ottawa River - claimed by the Nip. & Algonquin Tribes as hunting grounds	PAC, RG10, Vol. 97 pp. 40064-40067
172.	April 10, 1839	James Hughes, S.I.D.	Lt. Col. Napier Secty, Ind. Affairs	Letter	PAC, RG10, Vol. 97 pp. 40059-40063
173.	April 22, 1839	J.B. Macaulay		Report	PAC, RG10, Vol. 117 pp. 168806-168808, 168822, 168864-168868



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
174.	June 17, 1839	J. Stewart, Chairman of a Committee of the Executive Council	Lt. Gen. Sir John Colborne, Gov. Gen.	Report of a Committee of the Executive Council (listed as "approved" in printed copy)	PAC, RG1, E1, Vol. 42 State Book "N", pp. 297-30
175.	July 17, 1839	Algonquins and Nippissings	Earl of Gosford, Governor in Chief of Upper Canada	Petition is Enclosure 18, letter Gosford to Glenelg, in reference cited	Copies of Extracts of Correspondence Since 1st. April 1835, between the Secretary of State for the Colonies and The Governor of the British North American Provinces British Parliamentary Papers, Colonies Canada, Vol. 12, Session 1839 pp. 253 etc.
176.	Oct. 10, 1839	James Hughes, S.I.D.	Major Goidie, Civil Secretary	Letter	PAC, RG10, Vol. 98 pp. 40,669-671
177.	March 9, 1840	Algonquin and Nipissing Indians	Governor General	Petition	PAC, RG10 Vol. 99 pp. 41,092-100
178.	April 23, 1840	Governor General	Algonquin and Nipissing Indians	Letter	PAC, RG10 Vol. 99 p. 41,337-338

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
179.	April 23, 1840	T.W. Murdoch, Chief Secretary to Governor General	Lt. Col. Napier, S.I.A.	Letter	PAC, RG10 Vol. 99 pp. 41,343-349
180.	April 27, 1840	J. Hughes, S.I.A.	Lt. Col. Napier, S.I.A.	Letter	PAC, RG10, Vol. 99, pp. 41,356-363
181.	July 23, 1840	The Union Act, 1840		Act	
182.	July 10, 1841	D.C. Napier, S.I.A.	T.W. Murdoch, Chief Secretary	Letter	PAC, RG10, Vol. 102, pp. 42,429-431
183.	July 19, 1841	T.W. Murdoch, Chief Secretary	Col. D. Napier, S.I.A.	Letter	PAC, RG10, Vol. 102, pp. 42,438-442
184.	Sept. 4, 1841	Extracts of the Proceedings of a Council at Lake of Two Mountains		Proceedings, Extract	PAC, RG10, Vol. 6 pp. 2,915-2,922
185.	Sept. 11, 1841	James Hughes, S.I.D.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 102 pp. 42,566-567
186.	Jan. 14, 1842	D.C. Napier, S.I.A.	T.W. Murdock, Chief Secretary	Letter	PAC RG10 Vol. 6 pp. 2,902-2,914

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
187.	Jan. 20, 1842	T.W. Murdoch, Secretary Chief	Lt. Col. D. Napier, S.I.A.	Letter	PAC RG10 Vol. 6 p. 46,104-106
188.	July 12, 1842	James Hughes and Capt. Ducharme, Interpreter for the Algonquin & Nipissing Indians		Proceedings of a Council	PAC RG10 .. Vol. 6 pp. 3,153-3,156
189.	July 16, 1842	James Hughes, Supt. Ind. Dept.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 6 pp. 3,150-3,152
190.	July 16, 1842	Lt. Col. Napier, S.I.A.	Murdock, Chief Secretary	Letter	PAC RG10 Vol. 6 p. 3,149
191.	July 17, 1842	Indians of Lake of Two Mountains	Bagot, Gov. Gen.	Petition with related correspondence	PAC RG10 Vol. 186 pt. 2 p. 108,566C-566F
192.	July 22, 1842	T.W. Murdock, Chief Secretary	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 102 pp. 46,331-333
193.	July 26, 1842	Col. D.C. Napier Superintendent of Indian Affairs	Interpreter duCharme	Letter	PAC RG10 Vol. 592 #26

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
194.	Dec. 7, 1842	James Hughes, S.I.D.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 597 pp. 46,509-511
195.	1843 (?)	Extract from the Report of the Bagot Commission concerning the Inquiry into Nipissing and Algonquin Claims		Extract of Report tabled in 1845 (doc. 223)	PAC RG10 Vol. 20 pp. 14,366-369
196.	March 22, 1843	James Hughes, S.I.D.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 597 pp. 46,512-515
196a.	July 15, 1843	Col. Jarvis	Rawson W. Rawson	Letter	PAC, RG10, Vol. 137 pt. 1, pp. 78,082-083
197.	July 20, 1843	Rawson, Chief Secretary	Col. Jarvis	Letter	PAC RG10 Vol. 137, pt. 1, pp. 78,079-081
198.	July 21, 1843	Col. Jarvis, S.I.A.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 141 pp. 45,535-537
199.	Aug. 9, 1843	James Hughes, Supt. I.D.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 598 pp. 46,879-881

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
200.	Sept. 8, 1843	James Hughes, Supt. I.D.	Lt. Col. Napier, Secty. I.A.	Letter	PAC RG10 Vol. 598 pp. 46,935-936
201.	Oct. 7, 1843	Recorded by James Hughes, Supt. I.D.		Proceedings of a Council	PAC RG10 Vol. 598 pp. 46,978-981
202.	Oct. 8, 1843	Algonquin and Nipissing Indians, Lake of Two Mountains	Sir Charles T. Metcalf, Gov. Gen.	Petition	PAC RG10 Vol. 598 pp. 46,982-984 and pp. 46,971-974
203.	Oct. 16, 1843	James Hughes, Supt. I.D.	Secretary Indian Affairs	List and Letters	PAC RG10 Vol. 598 pp. 46,996-47000
204.	Oct. 29, 1843	Samuel P. Jarvis, Chief Indian Affairs	Indian Affairs	Letter	PAC RG10 Vol. 186 pt. 2 pp. 108,566I-566K
205.	Nov. 3, 1843	Col. Jarvis, Chief Ind. A.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 141 pp. 45,607-609
206.	Nov. 13, 1843	Col. D.C. Napier, Superintendent of Indian Affairs	Superintendent of Montreal	Letter	PAC RG10 Vol. 592 #96



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
207.	Dec. 7, 1843	James Hughes, Supt. Indian Dept.	S.I.A. Montreal	Letter	PAC RG10 Vol. 135, pt. 1 p. 77,018-023
208.	Dec. 11, 1843	Lt. Col. Napier, S.I.A.	Col. Jarvis, Chief Indian Affairs	Letter	PAC RG10 Vol. 135, pt. 1 pp. 77,012-018
209.	Dec. 16, 1843	Kingston?	Col. Jarvis, Chief Ind. Dept., Kingston	Letter	
210.	March. 14, 1844	Peter Stevens, Chief at Bedford	Col. Jarvis, Chief Dept. Ind. Affairs, Toronto	Census	PAC RG10, Vol. 138 pp. 79,150-151
211.	March 21, 1844	Licence of occupation	Civil Secretary	Licence of occupation	PAC, RG10 Vol. 186, pt. 2 pp. 108,566G-566H also in PAC, RG10 Vol. 119 pp. 523-524
212.	Aug. 24, 1844	James Hughes, Supt. In. Dept.	Lt. Col. Napier Secty. I.A.	Letter	PAC RG10 Vol. 599 pp. 47,498-47,499
213.	Aug. 29, 1844	Col. Jarvis, Chief Secty. I.A.	J.M. Higginson, Civil Secretary	Letter	PAC RG10 Vol. 142 pp. 82,016-019

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
214.	Sept. 12, 1844	J. Kingston	Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 599 pp. 47,524-526
215.	Undated	Pien-chaw-wi-ni-pi-nassi, Bedford Chief	Governor General	Petition	PAC, RG10 Vol. 186, pt. 2
216.	Nov. 8, 1844	Unsigned	-	Summary of petition	PAC RG10 Vol. 186 pt. 2 pp. 108,592-594
217.	Nov. 8, 1844	Jarvis, Chief Supt. I.A.	Lt. Kilburn, Magistrate	Letter	PAC RG10 Vol. 134 pp. 76,227-230
218.	Undated	Indian Department officer, initials J.M.H.	Department Superior signing "C"	Memorandum	PAC RG10 Vol. 186 pt. 2 pp. 108,566L-566N
219.	Dec. 13, 1844	Benjamin Tell	Jarvis, Chief Supt. I.A.	Letter	PAC RG10 Vol. 134 pp. 76,224-226
220.	Jan. 30, 1845	Col. Jarvis	Peter Stevens	Letter	PAC RG10 Vol. 186 pt. 2

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
221.	March 4, 1845	Peter Stevens, Chief at Bedford	Col. Jarvis, S.I.A.	Letter	PAC RG10 Vol. 138 p. 79,431-432
222.	March 4, 1845	Peter Stevens, Chief at Bedford	Col. Jarvis, S.I.A.	Letter	PAC, RG10 Vol. 138 pp. 79,423-430
223.	March 20, 1845	Governor General's Commission Re: The Affairs of Indians in Canada	Charles Bagot, Governor General	Report, selected extracts	<u>Report on the Affairs of the Indians in Canada.</u> Laid before the Legislative Assembly 20 March 1845. Rawson W. Rawson, John Davidson and William Hepburn, Commissioners.
224.	Oct. 2, 1845	P. Richard, Missionary Priest	Col. Napier, S.I.D.	Letter	PAC, RG10, Vol. 601 pp. 48,384-385
225.	Dec. 25, 1845	Pien-chaw-wi-ni-pi (Chief Peter Stevens)	James Higginson, Indian Affairs, Montreal	Petition No. 127	PAC RG10 Vol. 186 pt. 2 pp. 108,571-577
226.	Jan. 12, 1846	J.M. Higginson, Civil Secretary Indian Department	The Com. of Crown Lands	Covering letter for petition No. 127	PAC RG10 Vol. 186 pt. 2 pp. 108,566 ("O")
227.	Feb. 23, 1847	A. Pakinawatik, Algonquin Chief, Lake of Two Mountains	James Bruce, Earl of Elgin, Gov. General	Petition	PAC RG10 Vol. 179 pp. 104,086-088

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
228.	March 13, 1847	Lt. Col. Napier, S.I.A.	George Vardon, S.I.A.	Letter	PAC RG10 Vol. 593 entry 164
229.	March 18, 1847	George Vardon, Asst. Supt. I.A.	Lt. Col. Napier, S.I.A.	Letter	PAC, RG10, Vol. 607 pp. 49,637-638
230.	March 18, 1847	Lt. Col. Napier, S.I.A.	Capt. Ducharme, Interpreter, Indian Dept.	Letter	PAC RG10 Vol. 592 entry 334
231.	July 9, 1847	Lt. Col. Napier, S.I.A.	Major Campbell, Civil Secretary	Letter	PAC RG10, Vol. 164 p. 95,787-95,789 #2600
232.	July 16, 1847	Major Campbell, Civil Secretary	Lt. Col. Napier, S.I.A.	Letter	PAC RG 10 Vol. 164 p. 95,791
233.	Aug. 1847 (no date on document)	Algonquin and Nipissing Tribe of the Lake of Two Mountains	James Bruce, Governor General	Petition	S8A, No. 68, Archives du Séminaire de Saint-Sulpice

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
234.	no date probably 1847, the year following the death of Lord Metcalfe	Algonquin and Nipissing Chiefs	James Bruce, Governor General	Petition	PAC RG10 Vol. 94 pp. 38,450-460
235.	Sept. 25, 1847	Col. D.C. Napier, Superintendent of Indian Affairs	Captain Hughes former Supt. of Indian Affairs	Letter	PAC, RG10 Vol. 592 #408
236.	Sept. 30, 1847	James Hughes	Lt. Col. Napier, S.I.D.	Letter	PAC, RG10, Vol. 604 pp. 49,937-939
237.	Oct. 9, 1847	Lt. Col. Napier, S.I.D.	Major Campbell, Civil Secretary	Letter	PAC, RG10 Vol. 166 pp. 96,801-803
238.	Nov. 14, 1847	James Hughes	Lt. Col. Napier, S.I.D.	Letter	PAC, RG10 Vol. 604 pp. 50,044-46
239.	April 7, 1848	F. Aoustin, Missionary, Lake of Two Mountains	Lord Elgin, Governor General	Letter	PAC RG10 Vol. 170 pp. 98,681-683
240.	April 15, 1848	Lt. Col. D.C. Napier, S.I.D.	Major Campbell, Supt. General	Letter	PAC RG10 Vol. 170 pp. 98,594-595



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
241.	April 24, 1848	Anderson, S.I.A.	Major Campbell, Supt. General Indian Dept.	Letter	PAC RG10 Vol. 186 pt. 2 p. 108,587
242.	May 9, 1848	The number of Algonquin Indians that received Presents at Bedford on Oct. 14, 1846	Dept. of Indian Affairs	Census transmitted with doc. #241	PAC RG10 Vol. 267 pp. 163,425-426
243.	May 15, 1848	Major Campbell, Supt. General	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 605 p. 50,393
244.	Oct. 10, 1848	Indains of the Gatineau and Grand Lake with covering letters from Bishop of Bytown and Father Clement	Lord Elgin, Gov. General	Petition and covering letters	PAC RG10 Vol. 605 p. 50,625-629
245.	July 28, 1849	A. Buchanan, Solicitor	Lord Elgin, Gov. General	Petition	PAC RG10 Vol. 606 pp. 51,119-127
246.	July 31, 1849	A. Buchanan, Solicitor	Major Campbell, Civil Secretary	Letter	PAC RG10 Vol. 606 p. 51,118
247.	Aug. 2, 1849	T. Bouthillier, Assistant Commissioner of Crown Lands	Executive Committee on Land Matters	Report	PAC RG1 E8 Vol. 33
248.	Aug. 7, 1849	Committee of the Executive Council on Land Applications	The Governor General	Report of the Committee of the Executive Council approved by Order-in-Council	PAC RG1 E8 Vol. 33

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
249.	Aug. 15, 1849	Algonquin and Nipissing Chiefs	James Bruce, Gov. Gen.	Petition	PAC RG10 Vol. 179 p. 104,089-094
250.	Aug. 24, 1849	Major Campbell, Supt. Gen., I.A.	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 603 p. 49,303
251.	Aug. 30, 1849	Chief, Lake of Two Mountains	James Bruce, Governor General	Letter	PAC RG10 Vol. 179 p. 104,102-104
252.	Aug. 1849	Nipissing and Algonquin Chiefs	James Bruce, (Lord Elgin) Governor General	Petition	PAC RG10 Vol. 179 p. 104,095-100
253.	Nov. 20, 1849	A. Morin	Major Campbell, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 179 pp. 103,593-600
254.	Dec. 31, 1849	R. Bruce, Supt. General	Lt. Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 603 p. 49,308
255.	Jan. 7, 1850	Lt. Col. Napier, S.I.A.	T. Bouthillier, Asst. Comm. of Crown Lands	Letter	PAC RG10 Vol. 603 p. 49,309-49,310

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
256.	Jan. 7, 1850	T. Bouthillier,	Geo. Vardon	Letter	PAC RG10 Vol. 179 pp. 104,077-078
257.	Jan. 7, 1850	Lt. Col. Napier, S.I.A.	Robert Bruce, Supt. General Indian Affairs	Letter	PAC RG10 Vol. 179 p. 104,075-076
258.	Aug. 10, 1850	An Act for the better protection of the Lands and Property of the Indians in Lower Canada		Act	<u>Consolidation of Indian Legislation</u> , UK and Canada S.C. 1850, Vol. 1, 13 and 14 Vic.
259.	Jan. 25, 1851	Peter Clemo	Chief Supt. I.A.	Petition	PAC RG10 Vol. 186 pt. 2 pp. 108,398A-108,400
260.	Feb. 9, 1851	Algonquin and Nipissing Chiefs, Lake of Two Mountains	House of Commons	Petition	4th Session, 3rd Parliament, 14 Victoria 1951 M1664, No. 77
261.	Feb. 25, 1851	D.C. Napier, S.I.A.	Robert Bruce, Supt. General I.A.	Letter	PAC RG10 Vol. 186 pt. 2 pp. 108,566B
262	Aug. 30, 1851	An Act Setting Aside Lands in Lower Canada for use of Certain Indian Tribes		Act	14 and 15 Victoria, Cap. 105-107 S.C. pp. 2096-2097

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
263.	May 23, 1852	P. Aubert, Interpreter	Col. Bruce, Supt. Gen. I.A.	Letter and Memo in French	RG10, Vol. 601 p. 52,855
264.	July 24, 1852	R. Bruce, Supt. General	Col. Napier, S.I.A.	Letter	PAC RG10 Vol. 609 p. 52,952
265.	Aug. 3, 1852	S.Y. Chesley, Indian Agent	Col. Napier, .SI.A.	Letter with petition	PAC RG10 Vol. 609 p. 52,970-972
266.	Aug. 4, 1852	Governor General's Office	Robert Bruce, S.G.I.A.	Letter	PAC RG10 Vol. 609 pp. 52,973-977
267.	Dec. 29 & 30, 1852	Committee of the Executive Council on Matters of State	The Governor General, The Earl of Elgin	Report of the Committee approved by Order-in-Council	PAC RG 1 E8 Vol. 46
268.	Aug. 9, 1853	Committee of the Executive Council on Land Applications	The Governor General, The Earl of Elgin	Report of the Committee of the Executive Council submitting letter and Schedule of Reserves dated June 8, 1853 approved by Order-in- Council	PAC RG1 E8 Vol. 48

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
269.	1856	Report of the Special Commissioners to Investigate Indian Affairs (R. Pennefather, Froome Talford, and Thomas Worthington)	Government of the Province of Canada	Report	The 1856 Commission Report on Indian Affairs, by Richard T. Pennefather; SGIA, Published 1858
270.	May 25, 1857	Ignace Maikkwa	Comm. of Crown Lands, Toronto	Letter	PAC RG10, Vol. 255, pt. 2 pp. 153,560-564
271.	May 30, 1857	Mr. Egan, M.P.P.	Commissioner of Crown Lands	Letter	PAC RG10, Vol. 255, pt. 2 pp. 153,558-560
272.	July 1857	John A. Snow, town clerk	-	Certification of residence and occupation of land	PAC RG10 Vol. 255, pt. 1 p. 153,557
273.	Sept. 24, 1857	Indians of Golden Lake area	The Administrator of the Government In Council	Petition	PAC RG10 Vol. 245 p. 145,347-349
274.	Nov. 11, 1857	E. Taché, Crown Lands Office	Supt. Indian Affairs, Toronto	Letter	PAC RG10 Vol. 245 pp. 145,340-342



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
275.	May 27, 1858	R. Pennefather, S.G.I.A.	L.V. Sicotte Crown Land Office	Letter	PAC RG10, Vol. 255, pt. 1 pp. 153,555-556
276.	May 15, 1858	T.P. French, Crown Lands Agent	R.T. Pennefather, Chief Supt. of I.A.	Letter	PAC RG10 Vol. 245, pt. 1 pp. 145,344-345
277.	June 14, 1858	L.V. Sicotte, Crown Lands Officer	R. Pennefather, Supt. I. Dept.	Letter	PAC RG10 Vol. 255 pp. 153,552-553
278.	Sept. 21, 1858	T.P. French, Crown Lands Agent	R.J. Pennefather	Letter	PAC RG10 Vol. 245 p. 145,339
279.	Sept. 29, 1858	T. French, Crown Lands Agent	M. Vankoughnet, Comm. Crown Lands	Letter	PAC RG10 Vol. 255, pt. 2 pp. 153,551-552
280.	Jan. 7, 1859	T.P. French, Crown Lands Agent	R.J. Pennefather, Chief Supt. of I.A.	Letter	PAC RG10 Vol. 247 pt. 1 p. 146,717-718
281.	July 8, 1859	M. Russell, Asst. Comm. Crown Lands	R. Pennefather, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 250, pt. 1 pp. 148,777-778

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
282.	July 21, 1859	Crown Lands Dept., Toronto	Supt. Gen. of I.A.	Letter	PAC RG10 Vol. 250, pt. 1 p. 148,779
283.	Nov. 14, 1859	M. Russell, Asst. Comm. Crown Lands	Supt. Gen. of I.A.	Letter	PAC RG10 Vol. 253, pt. 1 p. 151,479
284.	Jan. 31, 1860	Russell, Crown Timber Office, Ottawa	Vankoughnet, Comm. of Crown Lands	Letter	PAC RG10 Vol. 252, pt. 2 pp. 150,896-898
285.	Feb. 7, 1860	H. Bernard, Indian Dept.	R.J. Pennefather, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 252, pt. 2 pp. 150,783-784
286.	May 28, 1860	A. Russell, Crown Lands	Superintendent General of Indian Affairs	Letter	PAO (Ontario Archives) RG1 A-I-2 Vol. 41, p. 488
287.	Aug. 4, 1860	Chief Ignatius Mackwa	R.T. Pennefather, Superintendent of Indian Affairs	Letter with two affidavits	PAC RG10 Vol. 255, pt. 2 pp. 153,547-550
288.	Dec. 17, 1860	Chief Ignatius Mackwa	R.J. Pennefather, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 255, pt. 2 pp. 153,574-576

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
289.	Jan. 10, 1861	S.G. Lynn, Reeve, Gratton and Wilberforce Townships	L. Vankoughnet, Comm. Crown Lands	Letter	PAC RG10 Vol. 255, pt. 2 pp. 153,571-573
290.	Jan. 14, 1861	T. French, Crown Lands Agent	L. Vankoughnet, Comm. Crown Lands	Letter	PAC RG10 Vol. 255, pt. 2 pp. 153,567-570
291.	March 1862	Algonquin and Nipissing Chiefs at lake of Two Mountains	Viscount Monk, Governor General	Petition re: Hunting Rights	PAC RG10 Vol. 291 pp. 195,290-292a L no. 6
292.	July 14, 1862	S.G. Lynn	The Commissioner of Crown Lands, Quebec	Letter	PAC RG10 Vol. 294 pp. 197,111-113
293.	July 21, 1863	Indians of the Village of Two Mountains	Charles Stanley Viscount Monk, Governor General	Petition	PAC RG10 Vol. 2401, file 83,203
294.	Jan. 25, 1864	Wm. McDonfall, Commissioner of Crown Lands	Executive Committee on Land applications	Memo	PAO RG1 A-II-2, Vol. 3 No. 850
295.	Jan. 29, 1864	Order in Council	-	Order in Council	PAO MS9 A-I, Vol. 1 pp. 406-07

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
296.	Feb. 4, 1864	A. Russell, Assistant Commissioner of Crown Lands	T.P. French Crown Land Agent	Letter	PAO RG1 A-I-4, Vol. 32 p. 400
297.	April 5, 1864	M. Spragge, Indian Dept., Quebec	Robert Bell	Letter	PAC RG10 Vol. 2401, file 83,203
298.	Nov. 7, 1864	Robert Bell, and three others.	Alexander Campbell, Comm. of Crown Lands	Letter	PAC RG10 Vol 2401 file 83,203
299.	July 18, 1866	Andrew Russell, Ass. Comm. Crown Lands	James Bangs, Agent for the Algonquin Indians, Arnprior	Letter	PAC RG10 Vol. 2401 file 83,203
300.	July 24, 1866	M. Spragge, D.S.I.A.	-	Memorandum	PAC RG10 Vol. 2401, file 83,203
301.	Aug. 2, 1866	M. Spragge, D.S.I.A.	Russell	Letter	PAC RG10 Vol. 525 pp. 470-471
302.	Aug. 3, 1866	M. Spragge, D.S.I.A.	Chief Michell Besdoront	Letter	PAC RG10 Vol. 525 pp. 472-473

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
303.	June 15, 1867	J.P. Bureau on behalf of the Lake of Two Mountain Tribes	A. Campbell, Commissioner Crown Lands	Letter	PAC RG10 Vol. 309 p. 208,070
304.	July 25, 1868	Chief Samogneche of the Algonquins and Nipissings	Comm. of Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
305.	Aug. 3, 1868	A. Russell, Assist. Commr.	Pon Sogmogneche, Chief	Letter	PAC RG10 Vol. 2401 file 83,203
306.	Aug. 3, 1868	A. Russell, Assist. Commr.	H.L. Langevin, Secretary of State	Letter	PAC RG10 Vol. 2401 file 83,203
307.	Oct. 26, 1868	H.L. Langevin, Secretary of State	-	Departmental Memorandum on petition	PAC RG10 Vol. 2401 file 83,203
308.	Dec. 22, 1869	Joseph Wetongwe, Chief and others	I.W. Sprague, D.S.I.A.	Letter	PAC RG10 Vol. 2329 file 67,071-1
309.	May 19, 1870	Spragge's Report	-	Report	PAC RG10 Vol. 2328 file 67,071-1



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
310.	May 23, 1870	William Spragges, D.S.I.A.	Lt. Governor of Ontario	Letter with map	PAC RG10 Vol. 2328 file 67,071-1
311.	May 27, 1872	Paul de la Ronde Signed by Joseph de la Ronde	Baron Lisgar, Governor General	Petition	PAC RG10 Vol. 2328 file 67,071-1
312.	Sept. 22, 1873	Order in Council, Province of Ontario	-	Order in Council, Provincial, Recorded in binder 46, Folio 204	Provincial Letters Patent Treaties and Surrenders Vol. 11, P. 300-311
313.	Nov. 8, 1873	Census Return of Lake of Two Mountains	Department Indian Affairs	Census Report	PAC RG10 Vol. 195 file 2683
314.	March 20, 1874	Census Return of Golden Lake	Department Indian Affairs	Census Report	PAC RG10 Vol. 1938 file 6642
315.	April 1, 1875	Thomas Kilby	Dept. of Interior, Indian Branch	Testimonial statements	PAC RG10 Vol. 1957 file 4647

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
316.	April 1, 1875	Nihias Makwa	L. Vankoughnet Deputy Superintendency General of Indian Affairs	Letter	PAC RG10 Vol. 1957 file 4647
317.	Undated	L. Vankoughnet	Unknown	Memo	PAC RG10 Vol. 1957 file 4647
318.	April 13, 1875	Superintendent General of Indian Affairs	Secretary of State	Letter	PAC RG10 Vol. 1957 file 4647
319.	April 13, 1875	Superintendent General of Indian Affairs	Nihias Makwa	Letter	PAC RG10 Vol. 1957 file 4647
320.	March 9, 1876	L. Vankoughnet, Dpy. Supt. Genl. of I.A. outlining "Case of Paul de la Ronde.."	Indian Branch, Dept. of the Interior	Memorandum	PAC RG10 Vol. 2328 file 67,071-1
321.	July 28, 1876	P. Moore, Indian Agent	E.A. Meredith, Deputy of the Minister of the Interior	Letter	PAC RG10 Vol. 1994 file 6832
322.	Aug. 18, 1876	R. Meredith, Deputy of the Minister of the Interior	P. Moore, Indian Agent	Letter	PAC RG10 Vol. 1994 file 6832

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
323.	April 15, 1878	Wm. Plummer, Sup. Genl. I.A., Toronto	The Minister of the Interior	Letter	PAC RG10 Vol. 2328 file 67,071-1
324.	May 9, 1878	Minister of the Interior	Wm. Plummer, S.G.I.A.	Letter	PAC RG10 Vol. 2328 file 67,071-1
325.	May 9, 1878	Indian Office	Secretary of State	Letter	PAC RG10 Vol. 2328 file 67,071-1
326.	July 17, 1878	J.B. Echart, Ass. Secretary	Sec. of State	Letter	PAC RG10 Vol. 2328 file 67,071-1
327.	Aug. 1, 1878	L. Vankoughnet	Wm. Plummer, S.G.I.A.	Letter	PAC RG10 Vol. 2328 file 67,071-1
328.	Aug. 27, 1878	Wm. Plummer, Supt. Com. I.A.	Minister of the Interior	Letter	PAC RG10 Vol. 2328 file 67,071-1
329.	June 6, 1879	Wm. Plummer, Supt. Com. I.A.	Minister of the Interior	Letter	PAC RG10 Vol. 2328 file 67,071-1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
330.	July 9, 1879	Indian Affairs Branch	J.C. Atkins, Sec. of State	Letter	PAC RG10 Vol. 2328 file 67,071-1
331.	Oct. 11, 1880	Indians of Golden Lake	Superintendent General of Indian Affairs	Petition	PAC RG10 Vol. 2125 file 23,911
332.	Oct. 18, 1880	Deputy Superintendent General of Indian Affairs	Mr. Kirkpatrick	Letter	PAC RG10 Vol. 2125 file 23,911
333.	Oct. 18, 1880	Deputy Superintendent General of Indian Affairs	Henry George Indian Agent	Letter	PAC RG10 Vol. 2125 file 23,911
334.	Oct. 19, 1880	L. Vankoughnet, Deputy Superintendent General of Indian Affairs	Mr. Benson	Memo	PAC RG10 Vol. 2125 file 23,911
335.	Oct. 28, 1880	Deputy Superintendent General of Indian Affairs	Henry George Indian Agent	Letter	PAC RG10 Vol. 2125 file 23,911
336.	March 1, 1881	Wm. Plummer, Supt. & Commr. I.A.	Supt. General of Indian Affairs	Letter	PAC RG10 Vol. 2328 file 67,071-1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
337.	March 11, 1881	L. Vankoughnet, Dept. Supt. Gen. I.A.	Sir John A. Macdonald, Supt. Gen. I.A.	Memorandum	PAC RG10 Vol. 2328 file 67,071-1
338.	Jan. 31, 1881	Indians of Rouge and North Nation Rivers	Superintendent General of Indian Affairs	Petition	PAC RG10 Vol. 2137 file 27,706
339.	March 15, 1881	Thomas Christie	Superintendent General of Indian Affairs	Letter	PAC RG10 Vol. 2137 file 27,706
340.	March 28, 1881	Superintendent General of Indian Affairs	Thomas Christie	Letter	PAC RG10 Vol. 2137 file 27,706
341.	Sept. 23, 1881	Chippewa and Mississauga Chiefs	Sir John A. MacDonald, Minister of Interior	Petition	PAC RG10 Vol. 2328 file 67,071-1
342.	June 30, 1882	Census Return of Resident and Nomadic Indians in the Dominion of Canada for 1882	Minister Parliament Public	Census Data	Dept. of Indian Affairs Annual Report 1882
343.	Jan. 22, 1884	Wm. McPhee, Indian Agent, Rama	Superintendent General of Indian Affairs	Letter	PAC RG10 Vol. 2328 file 67,071-1



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
344.	Feb. 4, 1884	Alrwick Band	N/A	Band Council Resolution	PAC RG10 Vol. 2328 file 67,071-1
345.	March 11, 1884	John Thackeray, Indian Agent	Superintendent General of Indian Affairs	Letter	PAC RG10 Vol. 2328 file 67,071-1
346.	Oct. 2, 1884	Sam Bray	Deputy Minister	Memorandum	PAC RG10 Vol. 2329 file 67,071-1B
347.	Oct. 2, 1884	L. Vankoughnet, Deputy of the Supt. Gen.	Supt. Gen.	Memorandum	PAC RG10 Vol. 2328 file 67,071-1
348.	Nov. 4, 1886	Nogm-nos-suk-way, Chief	L. Vankoughnet	Letter	PAC RG10 Vol. 2357 file 72,542
349.	Nov. 19, 1886	L. Vankoughnet	Nogn-nak-suk-way, Chief	Letter	PAC RG10 Vol. 2357 file 72,542
350.	Feb. 2, 1888	J.B. Cleak	Hon. M. Bowell	Letter	PAC RG10 Vol. 2401 file 83,203

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
351.	Feb. 16, 1888	L. Vankoughnet, D.S.G.I.A.	Thomas White, Supt. General I.A.	Memorandum	PAC RG10 Vol. 2401 file 83,203
352.	Feb. 24, 1888	Dept. Official	J.B. Cleak	Letter	PAC RG10 Vol. 2401 file 83,203
353.	May 22, 1889	Dept. Official	R. Sedgewick, D.M. of Justice	Letter	PAC RG10 Vol. 2328 file 67,071-1
354.	Jan. 14, 1891	John Thackeray, I.A., Arnprior, Ontario	Deputy Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2329 file 67,071-1B
355.	Feb. 11, 1893	A. White, Asst. Commissioner	A. Irving, Q.C., Osgoode Hall, Toronto	Letter	Irving Papers Mu 1464, Box 26 Items 10-13 Ontario Archives
356.	May 27, 1893	An Act to establish the Algonquin National Park of Ontario	-	Act of Parliament (Provincial)	Statutes of Ontario 56 Vict. Chap. 8
357.	Oct. 2, 1894	Report of the Committee of the Executive Council on Matters of State	G.A. Kirkpatrick Lt. Governor of Ontario	Order in Council establishing Algonquin Park	PAO RG3 31/314

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
358.	Oct. 9, 1894	H. Reed, Acting D.S.G.I.A.	Aubrey White, Asst. Commr., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
359.	Oct. 27, 1894	H. Reed, Acting D.S.G.I.A.	Aubrey White, Asst. Commr., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
360.	Nov. 21, 1894	H. Reed, Acting D.S.G.I.A.	Aubrey White, Asst. Commr., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
361.	Dec. 7, 1894	Aubrey White, Asst. Comm. of Crown Lands	Hayter Reed, Deputy Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
362.	Dec. 12, 1894	E. Bennett, Indian Agent, Castile P.O., Ontario	H. Reed, D.S.G.I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
363.	Dec. 17, 1894	H. Reed, D.S.G.I.A.	E. Bennet, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
364.	Feb. 14, 1895	H. Reed, D.S.G.I.A.	Aubrey White, Asst. Commr., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
365.	April 2, 1895	H. Reed, D.S.G.I.A.	Aubrey White, Asst. Commr., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
366.	April 11, 1895	Aubrey White, Asst. Commr., Crown Lands	Hayter Reed, Deputy Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
367.	May 1, 1895	S. Bray, Indian Affairs	D.C. Scott, 1st class clerk	Memorandum	PAC RG10 Vol. 2328 file 67,071, pt. 1
368.	May 6, 1895	W.D. Hogg, Counsel for The Dominion on behalf of the Chippewa Indians and Mississagua Indians	Board of Arbitration	Statement of Case of the Dominion Vs. Province of Ontario & Province of Canada	PAC RG10 Vol. 2328 file 67,071, pt. 1
369.	June 22, 1895	A. White, Asst. Comm., Crown Lands	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
370.	Sept. 13, 1895	E. Bennett, Indian Agent, Castile, Ontario	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
371.	Sept 16, 1895	H. Reed, D.S.G.I.A.	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
372.	Sept. 26, 1895	H. Reed, D.S.G.I.A.	A. White, Asst. Comm., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
373.	Sept. 30, 1895	A. White, Asst. Comm., Crown Lands	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
374.	Oct. 2, 1895	H. Reed, Dept. Supt. Gen. I.A.	A. White, Asst. Comm., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
375.	Oct. 8, 1895	A. White, Asst. Comm., Crown Lands	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
376.	Oct. 31, 1895	E. Bennett, Indian Agent, Castile, Ontario	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
377.	Nov. 5, 1895	H. Reed, Dept. Supt. Gen. I.A.	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
378.	Nov. 16, 1895	A. White, Asst. Comm., Crown Lands	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
379.	Nov. 23, 1895	H. Reed, Dept. Supt. Gen. I.A.	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
380.	Dec. 4, 1895	E. Bennett, Indian Agent, Castile, Ontario	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
381.	Dec. 9, 1895	H. Reed, Dept. Supt. Gen. I.A.	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
382.	Jan. 14, 1896	Peter Sharbot, Chief	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
383.	Jan. 22, 1896	E. Bennett, Indian Agent, Castile, Ontario	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
384.	Jan. 28, 1896	H. Reed, Dept. Supt. Gen. I.A.	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
385.	Feb. 22, 1896	Peter Sharbot, Chief	Agent Bennett	Letter	PAC RG10 Vol. 2401 file 83,203

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
386.	Feb. 27, 1896	E. Bennett, Indian Agent, Castile, Ontario	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
387.	Jan. 13, 1897	Peter Sharbot, Chief	E. Bennett, Indian Agent, Castile, Ontario	Letter	PAC RG10 Vol. 2401 file 83,203
388.	Feb. 9, 1897	Peter Sharbot, Chief	E. Bennett, Indian Agent	Letter	PAC RG10 Vol. 2401 file 83,203
389.	March 27, 1897	Peter Sharbot, Chief	E. Bennett, Indian Agent	Letter	PAC RG10 Vol. 2401 file 83,203
390.	April 8, 1897	E. Bennett, Indian Agent	H. Reed, Dept. Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
391.	April 15, 1897	W.A. Orr	J.D. McLean	Approved Memorandum	PAC RG10 Vol. 2401 file 83,203
392.	April 15, 1897	J.D. McLean, Acting Secretary	E. Bennett, Indian Agent	Letter	PAC RG10 Vol. 2401 file 83,203

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
393.	May 18, 1897	E. Bennett, Indian Agent	D.S.G.I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
394.	May 21, 1897	J.D. McLean, Acting Secretary	E. Bennett, Indian Agent	Letter	PAC RG10 Vol. 2401 file 83,203
395.	July 15, 1897	E. Bennett, Indian Agent	D.S.G.I.A.	Letter	PAC RG10 Vol. 2401 file 83,203
396.	July 19, 1897	J.D. McLean, Acting Secretary	Aubrey White, Asst. Comm., Crown Lands	Letter	PAC RG10 Vol. 2401 file 83,203
397.	Aug. 19, 1897	A. White, Asst. Comm. Crown Lands	J.D McLean, Acting Secretary	Letter	PAC RG10 Vol. 2401 file 83,203
398.	Aug. 23, 1897	J.D. McLean, Secretary I.A.	E. Bennett, Indian Agent	Memorandum	PAC RG10 Vol. 2401 file 83,203
399.	Sept. 13, 1897	W.D. Hogg, Counsel for Dominion	E.L. Newcombe, Deputy	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1A

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
400.	Aug. 30, 1898	S. Stewart	J.D. McLean, The Secretary	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1
401.	1898	"Confidential Memorandum on the Part of Ontario, Respecting The Claim Preferred on Behalf of the Indians to Certain Islands of the Georgian Bay"...		Memorandum	"Memorandum on the Part of Ontario, on behalf on the Indians to Certain Islands of the Georgian Bay", Warwick Bro's and Rutter, Printers, 1898
402.	Sept. 27, 1898	S. Stewart	J.D. MacLean, The Secretary	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1
403.	March 20, 1899	McKenna and Rimmer, Law Clerks	Supt. Gen. of Indian Affairs	Report	McKenna and Rimmer, "Matters in Dispute Between the Dominion and Ontario", Joint Report to the Superintendent General of Indian Affairs, Government Printing Bureau, Ottawa, 1901, Dept. of Indian Affairs Library - E78.05 M15 C.1 p. 27 also on PAC RG10 Vol. 2328 file 67,071, pt. 1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
404.	Dec. 13, 1902	Frank Pedley, D.S.G.I.A.	F.R. Latchford, Commissioner of Public Works	Letter	PAC RG10 Vol. 2405 file 84,041, pt. 1
404A.	Jan. 28, 1903	W.B. MacLean	Secretary, I.A.	Letter	PAC RG10 Vol. 3033
405.	Feb. 2, 1903	J.W. Kerr, Barrister, County Crown Attorney	Frank Pedley, D.S.G.I.A.	Letter	PAC RG10 Vol. 2328 file 67,071-1
405A.	Feb. 12, 1903	I.A. MacCrae, I.A.	D.S.G.I.A.	Letter	PAC RG10 Vol. 3033
406.	April 8, 1903	James J. Campbell, Dept. I.A.	D.S.G.I.A.	Memorandum	PAC RG10 Vol. 2328 file 67,071-1A
407.	May 15, 1903	George Blaker	Sworn before J.W. Kerr, A. Commr.	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071-1
408.	May 15, 1903	Thomas Marsden and Peter Crow	Sworn before J.W. Kerr, A. Commr.	Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
409.	May 19, 1903	J.W. Kerr, Barrister	Frank Pedley, D.S.G.I.A.	Letter	PAC RG10 Vol. 2328 file 67,071-1
410.	Nov. 17, 1903	W.H. Hunter, Barrister	Frank Pedley, D.S.G.I.A.	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1
411.	Dec. 15, 1903	W.H. Hunter, Barrister	C. Sifton, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2329 file 67,071-1, pt. B
412.	Jan. 6, 1904	W.H. Hunter, Barrister	C. Sifton, Supt. Gen. I.A.	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1
413.	Jan. 26, 1904	Rev. Allen Salt	-	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1 also 67,071, pt. 2
414.	Jan. 30, 1906	John Johnson Pandosh	J.D. McLean, Sect. I.D.	Letter	PAC RG10 Vol. 2328 file 67,071, pt. 1 also 67,071, pt. 2
415.	Dec. 10, 1908	S. Stewart	Deputy Minister, I.A.	Memorandum	PAC RG10 Vol. 2329 file 67,071-2

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
416.	April 26, 1909	S. Bray	Deputy Minister, I.A.	Memorandum	PAC RG10 Vol. 2329 file 67,071-2
417.	Aug. 25, 1911	Henry Simon	Sworn before Chief Kadegegwon and Hamilton Todd, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
418.	Aug. 25, 1911	Chief Thomas Peter Kadegegwon, Christian Island	Sworn before Hamilton Todd, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
419.	Sept., 1911	Joseph Yellowhead, Rama	Unknown	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
420.	Sept. 13, 1911	John Bigwind, Rama	Sworn before Murdoc McKenzie, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
421.	Sept. 13, 1911	James B. Nanigishkung, Rama	Sworn before Murdoc McKenzie, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
422.	Sept. 13, 1911	Joe Cousin, Rama	Sworn before Murdoc McKenzie, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
423.	Sept. 13, 1911	Michael St. German, Rama	Sworn before Murdoc McKenzie, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
424.	Oct. 20, 1911	Chief Charles Bigcanoe, Georgina Island	Sworn before James Yates, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
425.	March, 1912	Mrs. James Ashquabe, Georgina Island	Sworn before Walter Simon, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
426.	March, 1912	Joseph Blackbird, Georgina Island	Sworn before Walter Simon, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
427.	March 11, 1912	Samuel Aissance, Christian Island	Sworn before James Picotte, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
428.	March 11, 1912	Wesley Monague, Christian Island	Sworn before James Picotte, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
429.	March 11, 1912	John Miller, Christian Island	Sworn before James Picotte, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2329 file 67,071, pt. 1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
430.	March 13, 1912	Frank Joe Sah-gah-Sung, Rama	Sworn before M.M. McKenzie, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
431.	March 20, 1912	James Askquabe, Georgina Island	Sworn before Walter Simon	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
432.	April 7, 1915	Declaration of the Chiefs of Rama	Sworn before Walter Simon	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
433.	May 10, 1915	Jonathan York, Rama	Sworn before Charles Myers, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
434.	May 10, 1915	Jane Kenice, Rama	Sworn before Charles Myers, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
435.	May 10, 1915	Mary Ann Young, Rama	Sworn before Charles Myers, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
436.	May 12, 1915	Thomas Marsden, Alnwick	Sworn before William Coyle, Justice of Peace	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
437.	July 17, 1915	George Goose, Port Perry	Sworn before Hubert Ebbels, Commr., Sup. Court Ontario	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
438.	July 22, 1915	Peter Monague, Christian Island	Sworn before James Picotte, Indian Agent	Sworn Declaration	PAC RG10 Vol. 2328 file 67,071, pt. 1
439.	Nov. 23, 1916	R.V. Sinclair	E.L. Newcombe, Depty. Minister of Justice	Report on Chippewa and Mississauga Claim	PAC RG10 Vol. 2328 file 67,071-1
440.	Jan. 8, 1920	W. Stuart Edwards, Asst. D.M. Justice	D.S.G.I.A.	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 2
441.	Feb. 9, 1920	W. Stuart Edwards, Asst. D.M. Justice	D.S.G.I.A.	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 2
442.	April, 1923	C. Stewart on behalf of the Dominion Gov't and B. Bowman, Minister of Lands and Forests, Prov. of Ontario	-	Memorandum of Agreement between Dominion of Canada and Province of Ontario	PAC RG10 Vol. 2329 file 67,071-2
443.	June 23, 1923	G.G. Kezar, Asst. Clerk of the Privy Council	Supt. Gen. of Indian Affairs	Report	PAC RG10 Vol. 2329 file 67,071-2



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
444.	Aug. 16, 1923	J. Lyons, Minister, Dept. Lands and Forests, Ontario	D.C. Scott, Supt. Gen. Dept. I.A.	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 2
445.	Aug. 22, 1923	Stewart, S.G.I.A.	Governor General	Land Claim	PAC RG10 Vol. 2330 file 67,071-3, pt. 2
446.	Aug. 31, 1923	Clerk of the Privy Council	Supt. Gen. of Indian Affairs	Minutes of a Meeting of the Committee of the Privy Council approved by Order-in-Council	PAC RG10 Vol. 2330 file 67,071-3, pt. 2
447.	Sept. 1923	Indian Witnesses	M. McFadden and Sinclair	Testimony at hearings before the Commissioners enquiring into the validity of the Chippewa Claim	PAC RG10 Vol. 2331 file 67,071-4-A
448.	Oct. 10, 1923	P. Pelletier, Asst. Under Secretary of State	S.G.I.A.	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
449.	Oct. 10, 1923	Treaty Commission	James Lyons, Minister of Lands and Forests, Ontario	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
450.	Oct. 15, 1923	I.E. Weedon, Solicitor for Mississauga Indians	A.S. Williams, Indian Dept.	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
451.	Oct. 18, 1923	Secretary of the Indian Commission	Surveys Branch	Memorandum	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
452.	Oct. 18, 1923	Unsigned copy; probably Chas. Stewart, S.G.I.A.	James Lyons, Minister of Lands and Mines	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
453.	Nov. 6, 1923	James Lyons, Minister of Lands and Mines	Charles Stewart, Supt. Gen. of Indian Affairs	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
454.	Dec. 1, 1923	Commissioners - A. Williams, R. Sinclair and U. McFadden	S.G.I.A. and Minister of Lands and Forests	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
455.	Dec. 4, 1923	A. Williams, Chairman of Commission	G. Howard Ferguson, Prime Minister, Ontario	Letter	PAC RG10 Vol. 2330 file 67,071-3, pt. 1
456.	Sept. 22, 1930	A.F. MacKenzie, Secretary	E.O. Bertrand, M.P., House of Commons	Letter	Indian Affairs File 1/35-14-1
457.	March 29, 1933	C.H. Armstrong, Armstrong and Sinclair, Barristers and Solicitors	J.C. Caldwell, Dept. of Indian Affairs	Letter	Indian Affairs File 1/35-14-1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
458.	Sept. 16, 1936	Director	Elie Bertrand, M.P. L'Original, Ontario	Letter	Indian Affairs File 1/35-14-1
459.	March 21, 1944	D.J. Allan, Superintendent Reserves and Trust	Hawkesbury Lumber Co. Ltd.	Letter	Indian Affairs File 1/35-14-1
460.	April 3, 1944	The Hawkesbury Lumber Co.	Superintendent, Reserves and Trusts, Indian Affairs	Letter	Indian Affairs File 1/35-14-1
461.	Oct. 15, 1947	D.J. Allan, Superintendent, Reserves and Trusts	M. Israel Desforbes, Hawkesbury, Ontario	Letter	Indian Affairs File 1/35-14-1
462.	Nov. 12, 1947	Minutes of Meeting of the Committee of the Privy Council	-	Minutes of Meeting	MNR Indian Lands File #185226
463.	Dec. 17, 1947	Elie O. Bertrand, M.P., Prescott	D.J. Allan, Supt., Reserves and Trusts	Letter	Indian Affairs File 1/35-14-1
464.	Jan. 6, 1948	D.J. Allan, Supt. Reserves and Trusts	B.W. Waugh, Surveyor General	Memorandum	Indian Affairs File 1/35-14-1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
465.	March 15, 1948	Deed for Land	Crown	Land Deed	MNR Indian Lands File File #185226
466.	May 17, 1948	Reckzine and Reckzine Lauer and Lauer	Crown	Quit Claim Deed	MNR Indian Lands File File #185226
467.	Dec. 15, 1948	Order in Council	N/A	Order in Council	MNR Indian Lands File File #185226
468.	Jan. 27, 1950	J. McDonald, Reserves and Trusts	L. Brown, Reserves and Trusts	Memorandum	Indian Affairs File 1/35-14-1
469.	Feb. 18, 1950	D.J. Allan, Supt., Reserves and Trusts	Messrs. Bruneau and Holtby, Hawkesbury	Letter	Indian Affairs File 1/35-14-1
470.	March 2, 1950	D.J. Allan, Supt., Reserves and Trusts	Messrs. Bruneau and Holtby, Hawkesbury	Letter	Indian Affairs File 1/35-14-1
471.	July 20, 1950	The Hydro-Electric Power Commission of Ontario	The Indian Affairs Branch of the Dept. of Mines and Resources	Notice of Expropriation	Indian Affairs File 1/35-14-1

Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
472.	Aug. 9, 1950	D.J. Allan, Supt., Reserves and Trusts	Secretary, The Hydro-Electric Power Commission of Ontario	Letter	Indian Affairs File 1/35-14-1
473.	Aug. 11, 1950	W.E. Raney, Assistant Property Solicitor	Dept. of Citizenship and Immigration	Letter	Indian Affairs File 1/35-14-1
474.	Aug. 17, 1950	D.J. Allan, Supt., Reserves and Trusts	W.E. Raney, Hydro-Electric Power Commission	Letter	Indian Affairs File 1/35-14-1
475.	Aug. 18, 1950	W.E. Raney, Hydro-Electric Power Commission of Ontario	D.J. Allan, Supt., Reserves and Trusts	Letter	Indian Affairs File 1/35-14-1
476.	Undated	A.E. St. Louis, Archivist	-	Memorandum/Report entitled <u>Early History of the Algonquin Indians of Golden Lake</u>	Treaties and Historical Research Collection, D.I.A.N.D.
477.	Dec. 27, 1951	A.E. St. Louis, Archivist	-	Memorandum/Report entitled <u>Ancient Hunting Grounds of the Algonquin and Nipissing Indians</u>	Treaties and Historical Research Collection, D.I.A.N.D.
478.	July 9, 1952	Haldane M. Howe, Howe, McKenna and Howe, Barristers and Solicitors	Dept. of Indian Affairs, Ottawa	Letter	Indian Affairs File 1/35-14-1



Document Number	Date	Author or Title of Document	Recipient	Type of Document	Reference
479.	July 18, 1952	Acting Superintendent, Reserves and Trusts Division	Howe, McKenna and Howe, Barristers and Solicitors	Letter	Indian Affairs File 1/35-14-1
480.	March 7, 1961	J.U. Parent, Clerk-Treas., Corporation du Canton de Clarence	Dept. of Indian Affairs, Ottawa	Letter	Indian Affairs File 1/35-14-1
481.	March 21, 1961	W.C. Lethune, Chief, Reserves and Trusts	J.U. Parent, Clerk-Treas.	Letter	Indian Affairs File 1/35-14-1
482.	1943	J.L. Morris	-	Book - Sections on "Purchase from the Iroquois of right of way to Ottawa river"; "Purchase from the Mississaugas; Indians of Upper Canada" and explanation of the map	J.L. Morris, <u>Indians of Ontario</u> Department of Lands and Forests. Toronto: 1943 p. 16-19
483.	1978	Gordon M. Day and Bruce G. Trigger	-	Book - Section on Algonquins	<u>Handbook of North American Indians</u> William C. Sturtevant, ed., Vol. 15, Washington, Smithsonian Institute
484.	1966	Jacques Rousseau and George W. Brown	-	Book: Chapter entitled <u>"Indians of N.E. North America"</u>	<u>Dictionary of Canadian Bio- graphy</u> , ed. George W. Brown, U. of Toronto, Press & Presses de l'Université de Laval; vol. 1, pp. 5-12

MAPS

DOCUMENT NUMBER	DATE	AUTHOR OR TITLE OF DOCUMENT	RECIPIENT	TYPE OF DOCUMENT	Reference
M1	9 October 1783	Crawford Purchase - probably compiled by E.A. Cruikshank	-	Map	NMC H2 400 1783
M2	1790	Plan of a part of His Majestys Province of Quebec from Montreal Westward	-	Map	NMC F 400 1790
M3	1792	Land Purchased from Indians	-	Map	NMC H3 400 1792
M4	1817	Plan of the Principal Settlements of Upper Canada	-	Map	NMC H2 400 1817
M5	1818-1822	Map of part of north shore of Lake Ontario showing lands surrendered by the Indians	-	Map	NMC H3 400 1818-1822
M6	c.1840	Principal Surrenders of Indian Lands in Upper Canada prior to 1840	-	Map	NMC F400 c.1840
M7	1847	Plan shewing the different Surrenders made by the Indians in Upper Canada to the Crown	-	Map	NMC H3 400 1847 Originally published as Appendix No. 70 in: <u>Appendix to the Journals of the Legislative Assembly,</u> Province of Canada. V.6No.1 A-T. 1847; Appendix T: Report on the Affairs of Indians in Canada.

DOCUMENT NUMBER	DATE	AUTHOR OR TITLE OF DOCUMENT	RECIPIENT	TYPE OF DOCUMENT	Reference
M8	1850	Map of Central Ontario showing the boundaries of the provisional agreements for the purchase of lands from the Indians	-	Map	MNC H1 400 1850
M9	1943	Compiled Plan of the Indian Treaties and Purchases in the Province of Ontario, to accompany the Book, titled <u>Indians of Ontario</u> , by J.L. Morris	-	Map	J.L. Morris, Indian of Ontario. Department of Lands and Forests. Toronto: 1943
M10	February 22, 1883	Plan of Indian Reservation South Algona [Algoma] Golden Lake Indian Reserve #39; Copy of original plans of 1857 of Township of Algona in Crown Lands Dept., Toronto	-	Plan of Reserve	MNR Surveys and Mapping Branch, Plan #Y45-27

THE ALGONQUIN COMPREHENSIVE CLAIM

TO THE OTTAWA VALLEY

A Summary of Anthropological

Articles Collected in Response to the

Claim Presented by the Golden Lake Band of Ontario

November, 1986

## THE ALGONQUINS COMPREHENSIVE CLAIM TO OTTAWA VALLEY

### INTRODUCTION

The following study represents an attempt to summarize some of the critical anthropological writings about the Algonquins of the Ottawa Valley and their neighbours.\* There is a fairly extensive body of such literature which summarizes years of anthropological field work among the Algonkians as a whole. Much of this work, however, has centred on the debate over the origins of the Northeast Algonkian family hunting territories, and the relationship of these people to the fur trade. In consequence, the information bearing most directly on the pre-contact period questions basic to determining the validity of the Golden Lake Band's comprehensive claim (see Appendix 1), is a secondary consideration in these texts.

The information on the claimed area in the post-contact period, in particular the 18th and 19th centuries, is well documented in the historical reports, based on primary documents, prepared by the two governments examining the Golden Lake Band claim. These reports are:

1. Hansen, Lise C.  
1986 Research Report---The Algonquins of Golden Lake Indian Band Land Claim. Toronto: Ministry of Natural Resources, Office of Indian Resource Policy.
2. Specific Claims Branch, INAC  
1986 Golden Lake Band Aboriginal Title Claim - Draft Historical Report. Ottawa: INAC, Specific Claims Branch.

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\*An annotated bibliography listing all the secondary sources consulted follows the text of this study.



Question 1: What is the date of the first European assertion of sovereignty over the claimed area?

In trying to discover the date of the first European assertion of sovereignty over the claimed area (described in Appendix 2), various encyclopedias and history books were consulted.

Black (1980:14) notes that Cartier did not enter the Ottawa River drainage system in 1534, and that this explorer encountered Iroquoians, rather than Algonquins, at the site of present day Montreal. It was, in contrast, Champlain who, during his 1613 voyage up the Ottawa River (see map in Morison 1972:141, Appendix 3), first discovered the Algonquins inhabiting the Ottawa Valley. In the years to follow this initial contact, Champlain was to foster an alliance with these Algonquins, and on this alliance the fur trade industry would be based.

Morison's account of Champlain's 1613 westward voyage through the Ottawa Valley contains two references to the symbolic assertion of French sovereignty over the area now being claimed by the Algonquins of Golden Lake. The first mention (Morison 1972:140) states, "entering Lac des Chats, the party spent a night and set up a cross. The second reference (Ibid.:143) says, "now convinced that he could never reach lake Nipissing or Hudson Bay that season, Champlain set up a cross of white cedar with the arms of France, on the north shore of Lower Allumette Lake, just behind a beautiful sand beach, a perfect canoe landing."

In describing such symbolic gestures, Jaenen (1984:22) notes that the French erected crosses in Brazil to indicate their intent to impose French laws, customs and the Catholic religion, as well as to make a formal claim to the land.\* He then describes France's "aggressive approach" in the 16th century to taking possession of land in the New World to her "policy of pacification" in the 17th century. Champlain's Commissions of 1612 and 1625 and the Articles establishing the Company of New France in 1627, Jaenen observes, did not refer specifically to the

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\* In contrast, Slattery opines (in Morison 1972:23) that Cartier planted many crosses on his travels, but most were navigational markers, religious symbols or commemorative pillars, rather than symbols of sovereignty.

acquisition of title or the assertion of sovereignty by France. Instead, they simply gave the Company full title to the colony and gave Indians the rights of natural French subjects (Ibid.:24 & 25). Slattery (quoted in Jaenen 1984:38) notes in this connection that French sovereignty was thus founded on incorporating Indian Nations under French rule while recognizing their possessory and territorial rights:(1)

France was primarily concerned with extending its dominions in America by incorporating Indian nations under French rule, rather than acquiring lands for settlement. This extension of French authority could best be accomplished by cementing links with independent groups through treaties of friendship and alliance, to be followed hopefully by their acquiescence in the Crown's rule. Wherever necessary force might be resorted to. But in general dispossession of the Indian was not the goal. To the contrary, the aim was to attach the Indian nations to the French Crown as subjects and vassals, and thereby obtain dominion over their territories. The Crown's rights to the soil were to be held, not to the exclusion of the indigenous peoples, but through them. This approach was consonant with the economic gains initially sought from the establishment of French colonies in America, which centred upon the fur trade, and depended upon the Indians' retention of their hunting territories.<sup>56</sup>

(Document No. 19)

Given, then, the manner in which in the 17th century the French, in claiming new lands, extended their rule, and given the alliance Champlain built between the French and the Algonquins living at that time in the area now claimed, it may be stated that the assertion of French sovereignty, stemming from Champlain's initial voyage and contact, occurred in 1613.

Question 2 : At the time of that assertion, which aboriginal groups were using and occupying the claimed area?

Trying to distinguish all the aboriginal groups using and occupying the entire claimed area at the time of early French contact by Champlain is not an easy task. Attached as Appendix 4 is a map identifying the tribal territories of Northeast America as a whole. Appendix 5 is Jenness' map showing the distribution of the eastern Algonkian tribes in 1525 A.D.. On this map the

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(1) Jaenen notes (1984:25) that as trade, explorations and missions advanced into the interior, formal assertions of sovereignty did occur.



group known as Algonquin-proper<sup>(2)</sup> is indicated as occupying the approximate area of the claim. The tribes shown on this map are described also by Hessel, (1982:37) who provides the following helpful breakdown within the large Algonkian and Iroquoian linguistic groups in the 19th century:

ALGONKIAN AND IROQUOIAN TAXONOMY

NORTH AMERICAN INDIANS

made up of major linguistic groups, including

ALGONKIAN

IROQUOIAN

Including these tribes  
(speakers of one language):

MONTAGNAIS

ETCHEMINS (=MALECITE)

ABENAKI

MICMAC

NIPISSINGS

OTTAWA

OJIBWA

CREE

ALGONKIN (sometimes called  
Algonkin-proper)

and other

ALGONKIN Bands included:

Kichesippirini (Island Algonkins, = erroneously: Allumettes, etc.)

Weskarini (Petite Nation, = Iroquet's band, etc.)

Kinouchepirini (Quenongebin, Keinouche, Kinouche, etc.)

Nibachis band

Matou-ouescarini (Madawaska)

Sagaigunini (Sagnitaouigama)

Otagouttouemin

(and probably others)

Including these tribes  
(speakers of one language):

HURONS

TOBACCO (=PETUN)

NEUTRAL

ERIE

MOHAWK

ONONDAGA

ONEIDA

(sometimes called

CAYUGA

SENECA

IROQUOIS

(FIVE NATIONS)

Iroquois-proper)

and others

(Document No. 18)

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(2) cf. Hessel's list of band names on the following page.

On the table below, Hessel (Ibid.:16) also indicates the various names in French, English and Huron by which the Algonkin-proper bands were recorded in the 17th century:

(glue on table of Algonkin Bands  
recorded in 17th century) (Hessel)

Algonkin bands recorded in the 17th century

Algonkin	Huron	French	English	Comments
Kichesippirini (Kichesipiriniwak) (sic JR 29, 145)	Monkeronons	Algoumequins de l'Isle Nation de l'Isle Sauvages de l'Isle Gens de l'Isle	Island Algonkins Island Indians Algonkins of the Island Gentry of the Island	kije sibi = great river irini = people
Weskarini Ouescharini Ouasouarini Ouaouechkairini (JR 18, 229)	Ononchateronon Ouionontateronon	Petite Nation Petite Nation des Algoumequins Iroquet "Onontchataronons or Iroquet nation" (JR 29, 145)	Little Nation (Iroquet Band)	ouescharini = people of the fish totem
Keinouche Kinonche Keinonche Quenongebin Kinouchepirini				kinozha = pickerel
Wawiechkariniwak (JR 29, 145) - mistaken for Weskarini ?	Kinouchebiriniwak (JR 29, 145)			
		Nibachis	(Nibachis Band)	
Matoueskarini (Mataouchkarini = JR 18, 229) Mataouchkairiniwak (JR 29, 145) (Sagaignini) (Sagahiganirini) Sagahiganiriniwak (JR 29, 145) (Sagnitaouicame) = listed separately from above in JR 18, 229			(Madawaska Band) (Lake Band)	matoua = narrows; sagaignun = lake
Otaguottaouemin Ountchatarouongwa (listed JR 18, 229, but probably Huron word for Weskarini) (to the south of the Island")				

On my seeing they were unalterably bent & determined upon what they said, I desired them to wait at least untill I had your Answer upon their Speech; to which they reluctantly and with murmuring consented:

Now to tell my Mind candidly & impartially about the Matter, I won't pretend Sir but there may be great reason to suspect those Indians being influenced & talked to by the Traders of their Village, and I believe in particular by one Mr. Beaubien de Riviere, there being none of them would stick at any thing when guided by Self Interest; But it is likewise to be considered, that in Reality the Indians have lost many of their People by the Sale of Liquor in those places, and no later than 3 weeks ago the wife of a Nipisin Chief, heretofore a sober Woman, perished by Liquor at Coulonge.

Also their proposing certain Marts or places of Trade above their Village, whereby the Traders among them may be undersold & loose their Custom, again removes that Suspicion in great Measure, and reduces their Complaints to real Motives of Grievance. Besides I well remember that about 10 years ago the same Mr. DeRiviere & others, upon the same Complaints & trading at the same places were by Order of General Gage brought down with all their Effects to Carillon and the Indians then were easy until the Garrison at Carillon was removed & the civil Government took place when they had Reason again to renew their Complaints again & have continued to this day, so that it cannot be said to be a thing lately put in their heads. For no Liquor being allowed to be sold them heretofore by the Traders under the french Government and consequently no accidents happened on that Acct. this sudden change of Rum Trade under our Government could not but sensibly strike & surprize them, and I sincerely believe that most Indians, knowing the bad Effect Liquor has upon them in particular, do wish it out of their Way often, but when they know it to be near them have not the power to refrain from it or be easy untill they have it.

"And therefore in my opinion if the few Traders who cause this Disturbance, and by all acc'ts are people of indifferent Characters, were desired to come to Carillon until His Majestys pleasure was known it would settle the Affair at once. Were there such urgent Complaints about the vending of Rum by the Traders in York Province, I conceive Sir Wm. Johnson would not hesitate to lay them before the Governor for Redress, and at the same time report it to the Secretary of State, which is as far as I think he would choose or well could medle in Trade, But the Indian Nations about Cataracqui, Niagara, Detroit & etc. having allways carried on a Trade in that and other Commodities with the York Traders at Oswego, when under the french Government. and therefore expect it now from them of Course, when on the other hand the Traders of Canada were always restricted in the Sale of Liquors to the Indians living on the Communication of the Grand River and therefore it became a Surprize upon them to have it at once so plentiful among them whereby they are enticed to Extravagancies which occasion so many Accidents and of course bring on their Complaints.

Moreover I believe the charge of the Albany and Schenectady Peoples/:who are the only ones to carry on the Indn. Trade in York Prov:/sending such great Quantities of Rum to the Indn. Country if fairly examined into, would prove greatly exaggerated, and I think they trade as much in dry Goods/:except Ammunition/than the Traders in this Province, witness the large Cargoes imported by only 2 or 3 of them by the Way of Quebec at the Time of Non-Importation in the Colonies.



You will think my Story long & tedious, but how can it well be otherwise where Indian Speeches are in the case, I therefore conclude with one more talk from S. Atanas & Francois Vincent of Lorette, who conscious of there Coups last Summer at Quebec beg to be forgiven & they allowed to go home from Town unmolested.

[Document No. 19]

24. The following day, July 26, 1772, Claus again wrote to the Lieutenant Governor regarding the complaints:

After closing my Letter a Deputation from the Nipisins & Alkonkins of the Lake of the 2 Mountains arrived here, and in behalf of their reserve. Nations told me by a string of Wampum, that having after my Departure reconsidered my Discourse and Observations upon your Letter touching their Affairs; It was thought necessary to send said Deputies after me/being two of their heads/before I dispatched my Letter to you, and to assure me that they would patiently wait for your Answer & Sentiments upon their Speech of Fryday last.

For were it not for the unhappy Consequences resulting to them from the Sale of Liquor in their Places destined for hunting, they would not care how many Traders did come there with dry Goods, but the Misfortune was that the people in general resorting there had as little command over themselves in selling Liquor, as the Ind'ns had in drinking it.

[Document No. 20]

25. On August 6, 1772, Claus received from Lieutenant Governor Cramahé the following reply to his letters:

I am glad to find by your Postscript of 26th. July, that the Indians of the Lake of two Mountains were moderated, and thereby afforded me an Opportunity of transmitting to them, through You, my Sentiment upon that general Subject of Complaint, the selling of Rum, in Respect whereof however, since my Entrance upon the Administration of Government, no particular Representation has ever been made to me by them, at least that I at present recollect.

It has been the Wish and Desire of those who were at the Head of Affairs here, to make some wholesome Regulations for limiting the Quantity of Spirits to be allowed every Trader to send up, in Proportion to the Number of his Engage's, Canoes, and Value of their Cargoes; the Difficulty of doing this upon strict Principles of Equity and Justice, without hurting or discouraging Trade, as well as other Circumstances, relative to the Government itself, have hitherto prevented their Designs being carried into Execution.

However provided the aforementioned Indians keep themselves quiet, and do not meddle with the Traders, the Matter respecting their hunting Grounds shall be made the Object of our Deliberations immediately upon Mr. Hey's Return from the Assize at Montreal, when we shall have procured all the necessary Lights and Information for that Purpose; I propose going up in September, but should Business, contrary to my present Expectations, detain me, I shall request of Mr. Hey to enquire there into the particular Grievances they complain of, and to consult upon the Measures to be taken for removing them; I wish it was convenient for you to wait his or my Arrivals -

You seem to have mistaken my Meaning in my last Letter, it never was my Intention to enter into a Discussion of the State of the Indian Trade carried on from our respective Provinces, which might, I believe be ascertained with a greater Degree of Certainty by other means then that you pointed out; my only Motive for what I therein mentioned was, that it appears to me, much of the present Dissatisfaction amongst the Upper Country Indians arises from the prodigious Quantity of Rum sent up, and the frequent Impositions upon them by the Vendors of it; And that I am firmly persuaded if some Method is not fallen upon to restrain this pernicious Trade, it will, 'eer long, be productive of evil Consequences to both Provinces -

[Document No. 21]

26. The Indians from the Lake of Two Mountains continued to urge their complaints to the Lieutenant Governor through Colonel Claus. The Governor's reply, which indicates that the Indians had referred to the protection promised them in the Proclamation, was relayed back to them by Col. Claus in a letter dated 17 August, 1772. Claus wrote:

I am to salute you from the Gov. of Quebec who has received your Speech delivered me when last at your Town and desires me to acquaint you that you must be sensible this Government having from the Beginning endeavoured to remedy your Complaint against the selling of Rum in your Country & is sorry these Endeavours not having hitherto had the wished for Effect, however he hopes & desires you will keep your selves easy & quiet a little longer & not meddle with the Traders he being determined with the rest of the Judge at Quebec to make your late Complaints the Object of their Deliveration after first informing themselves and inquiring more minutely into the Nature of your particular Grievances, & see them redressed -

Brethn.

By these Strings of Wampum I advise you to give Ear & comply with the Governors desire it being not so easy a matter to put an immediate Stop to Grievances concerning a whole Province particularly in a free Government. as the English is; And you may likewise rely on my laying your Complaints before Sr. Wm. Johnson your Chief immediately after my Return home who you may be sure will leave nothing untried that may contribute towards your peace &

Tranquility, I must inform you of your being wrong & mistaken of presuming to take upon you the executive power of the Govern. Proclamation as you told me Brother, and if you have said paper properly explained to you, you will find my words to be true, and therefore your acting contrary to the meaning of the paper would be rash & attended with disagreeable Consequences, so that you best make yourselves easy, for a little while longer.

[Document No. 22]

26. Several days later, on August 20, 1772, Claus sent the following letter on the matter to Frederick Haldimand:

Upon the Receipt of your favour of the 6th Inst. I intended sending immediately the Interpreter. Fr. Jean Rousseau to the Lake of the 2 Mounts. with a Message containing the substance of that part of your Letter which which regarded those Indians, but unexpectedly he was seized with the Meazels which laid him up for some Days, and Last Monday finding himself able to go with said Message I despatched him accordingly and he returned yesterday with an answer to me from the Indians put in writing by the Priest of which the enclosed is a true copy.

I should be very happy if that Duty w'ch is pointed out from home for the Northern Depart. of Indn. Affs. were to detain me so long as to have the Pleasure of seeing you or Mr. Hay at Montreal but having chiefly gone thro it already and having accomplished it in a few days when I will agreeable to my Orders be obliged to return in order to avoid unnecessary Expense. With Regard to the Traders frequenting the Grand River I cannot think of any other Method of settling that affair than by having a Post for Trade established at Carillon for those that trade between that & Lake Nipisin, of which I spoke to Gen. Carleton some years ago.

Indian Trade as you well know having been detached from the Superintend'ts Department by a Report of the Board of Trade to His Majesty, it would have been an Act of Imprudence on me to enter ex officio into a Discussion of its present state in the respect'v'e Provinces. What I mentioned therefore in my last was merely my private Sentiments ab't it which if agreeable to you I shall always take the Liberty of giving as far as I know I am capable & that with Candor & Impartiality tho they be points of Indn Matters that come sometimes not immediately under the Province of the Superintendants. Could therefore the respective Provinces. coincide in the Regulation of Indian Trade and stop Rum from the Indians entirely, there would I fear be as much Dissatisfaction among the upper Nations about it as it seems there is, now they have it; for Instance in the years 1761 & 2 Sir Jeffery Amherst restricted it so far as not to let any pass by Oswego which occasioned such a clamour among the Nations beyond it that I am not sure whether it did not make them enter the heartier into that Indn War. All I believe the Indians in general mean by their Noise is to have it sold to them at the Garrisons or trading posts & not to be carried after them to their hunting grounds which evidently must be destructive to themselves as well as the Interest of the Furr Trade.

. . . .

While writing this an Indn chief from the Lake delivered me an other letter from those Indns a Copy of wch I have likewise annexed. I have had a Conversation with the Bearer of it who is a principal Man & stirs most in the affair; he promised me to quiet Matters for this fall & winter and told me the Indns would be all gone in a few -

A marginal note at the bottom of the first page reads:

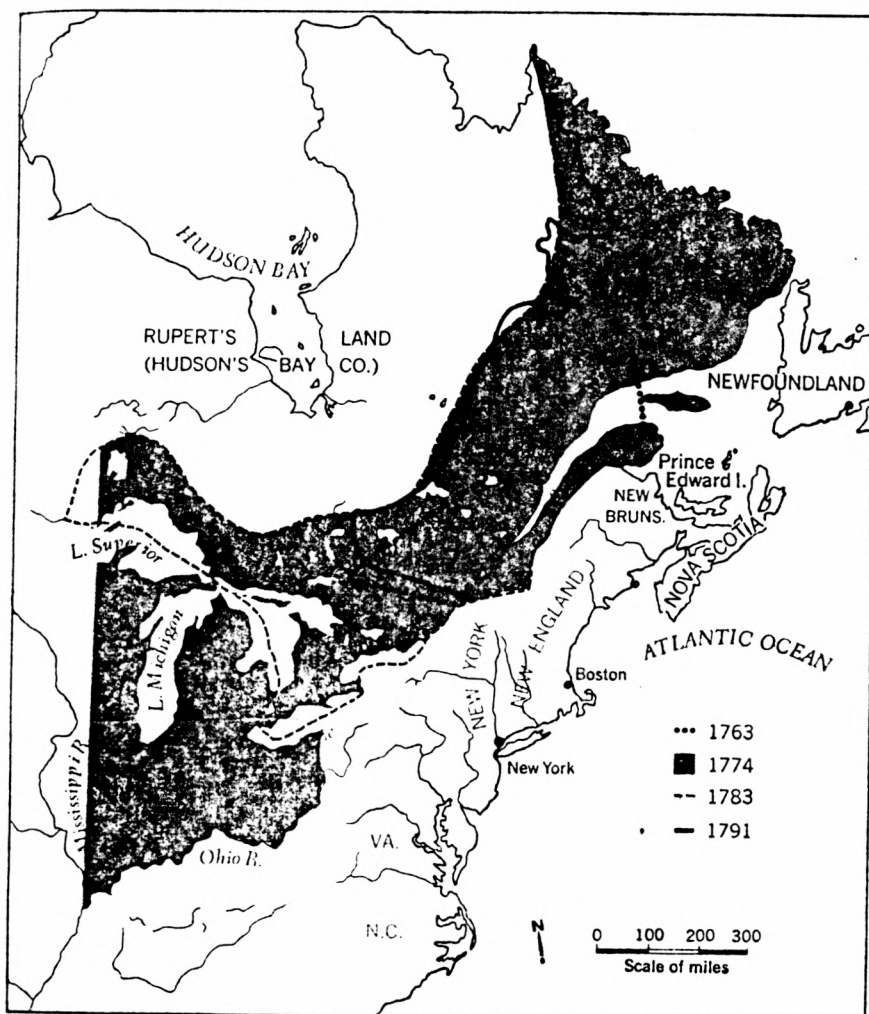
I however I am almost persuaded sure that they Inds be quiet for the present untill they have a satisfactory Answer Upon their Complaint which they expect early in the Spring.

[Document No. 23]

28. In 1774, through the Quebec Act, the boundaries of the Province of Quebec (which included much of what was to become the provinces of Upper and Lower Canada) were extended to include all of the lands covered by this claim. The Act also included the following provisions:

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to make void, or to vary or alter any Right, Title, or Possession, derived under any Grant, Conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in Force, and have Effect, as if this Act had never been made.

[Document No. 24]



Source: Edgar McInnis, Canada A Political and Social History. Holt, Rinehart and Winston of Canada, Limited, Toronto 1969, at p. 161.



29. On the 25th of June, 1776, Sir Guy Carleton now serving a second term as Governor of Quebec issued yet another proclamation to restrict the liquor trade in the Ottawa Valley.

To all Officers Civil & Military & others whom these Orders may Concern.

Whereas great Inconveniences and disorders have arisen from the selling of Rum or other Spirituous Liquors to the Indians, particularly on the river of Ottawas, against which divers & repeated orders have been given, notwithstanding which Information hath been received that many ungovernable & interested persons still continued to carry those pernicious commodity's among the Indians, to the destruction of these People & in contempt & violation of said orders: Be it known therefore that from & after the Publication of this notice, if any person be found disposing of, or in any manner furnishing rum or other Spirituous Liquors, without express License under my hand & Seal for so doing to the Indians; All Casks & Vessels of such persons, containing Rum or other Spirits shall be staved & the Liquor destroyed; & if at the end of three days after the notification of these our orders, any Rum or other Spirits be found in the possession of any person trading among the Indians, without said express License not only such Rum or other Spirits but all other their Goods & Merchandise shall be seized & themselves committed close prisoners, to be dealt with as the King's Courts of Justice or of Police shall adjudge. And all Officers as well Civil as Military are hereby directed & required at their peril to see this our orders obey'd & strictly put in execution particularly on the great River of the Otawas & up the River St. Maurice according to its true Intent & meaning.

[Document No. 25]

30. The following year, on March 29, 1777, legislation was enacted "to prevent the selling of strong liquors to the Indians in the province of Quebec." This legislation included the following article:

#### ART. III

From and after the publication of this ordinance, it shall not be lawful for any person to settle in any Indian village or in any indian country within this province, without a licence in writing from the governor, lieutenant governor, or commander in chief of the province for the time being, under a penalty of ten pounds for the first offence, and twenty pounds for the second, and every other subsequent offence.

[Document No. 26]



IV. THE CRAWFORD PURCHASE OF 1783 AND THE LANDS CLAIMS BY THE  
ALGONQUINS

31. In 1783, the Imperial government endeavored to find new territories on which to settle the loyalists - both the Whites and the Mohawks led by Brant. In the summer of that year, Sir John Johnson, the Superintendent General of Indian Affairs, dealt with the matter in a letter dated August 11 to the Governor General, Frederick Haldimand. In this letter he reported his meeting with the Mississaugas concerning the Mohawks who were said to favour settling at Cataraqui near the Bay of Quinte. The Mississaugas, however, who claimed that area as part of their own hunting grounds, had raised objections:

I have the honor to transmit herewith the Proceedings of the ... [meeting] ... with the Missasagas at Carleton Island, ... your Excellency will Observe that some uneasiness has arisen among them in consequence of a Report prevailing that a Number of the Six Nations intended Settling in the Neighbourhood of Cataraqui - they seem to have no objection to White People settling there, but say that If their Brothers the Six Nations come there, they are so numerous they will Overrun their hunting Grounds, and Oblige them to retire to New and Distant Grounds not so good or convenient to them - these objections however may easily be removed by a purchase of some part of their country as Your Excellency may think Necessary, for the use of the Mohawks and others who may wish to Establish themselves on that side of the Lake I should imagine a purchase of the Lands Including the Islands from the Bay of Kenty Downwards, and Including the Crown Lands, would be Sufficient to answer every purpose both for Loyalists and Indians -

[Document No. 27]

32. On August 18, Sir John wrote to Governor General Haldimand about lands suitable for the white settlers and proposed exploration of the lands between the Ottawa and St. Lawrence Rivers:

From the Conversation I had with Your Excellency on the Subject of Settling the Provincials and Loyalists on this River [the St. Lawrence] and the Lands between it and the Grand [Ottawa] River, and at the request of Majors Gray and Jessup, I would be glad to send an Officer and part of each corps intermixed up each River, to a River that takes its rise nearly opposite to Oswegatchie and Empties itself into the Grand River, and is Navigable for Batteaux near sixty Miles - Should Your Excellency Approve of this step, they will be able to make a Satisfactory report of the Quantity and Quality of the Lands, and what Water Communications there may be from River to River, and should their report prove favorable/of which there can be little doubt/it will be the Means of encouraging many Who would otherwise be looking out elsewhere, to Settle there, and from all that I can learn if proper encouragement and Assistance is given it may become a very respectable Frontier settlement.

(The River referred to is the South Nation)

[Document No. 28]

33. On August 27, 1783, Governor Haldimand sent a report of Johnson's meeting with the Six Nations at Niagara to Lord North at the Board of Trade. In the accompanying letter, he refers to the proposed settlement of Mohawks near Cataraqui, and to the necessary preparations for a settlement of Loyalists in the same area.

... I consider the Inclination, which the Mohawks have to settle on the North side of Lake Ontario, near Cataraqui, is a fortunate Circumstance, and shall continue to adopt every measure with the other Indian Nations ...

[Document No. 29]

34. On September 1, 1783 the Governor General Haldimand informed Sir John of his intention to have lands surveyed at Cataraqui and to proceed as Johnson had suggested and purchase land from the Mississaugas.

I purpose, about the latter part of this week, to send off a Surveyor and proper Persons to explore, and mark out Lands for the intended Settlement at Cataraqui it will therefore be necessary, at the same time, agreeably to the Opinion expressed in your Letter of the 11th Ultimo, to take the proper steps to satisfy the Mississague Indians for the Tract of Country intended to be settled by the Mohawks & any of the Six Nations who shall wish to accompany them and you will please to give such Directions in this Business as will best tend to give satisfaction to the Parties concerned, and make the Purchase as little expensive to Government as possible. -

[Document No. 30]

35. Two weeks later Haldimand followed up on Johnson's proposal to explore areas suitable for white settlers, informing him that the land between the Ottawa River and Cataraqui (near Kingston) would be investigated by Lieutenant Gershom French. In a letter dated September 15, 1783, he wrote:

Being extremely anxious to obtain the best Information possible respecting the Country upon the Ottawa River, as well as the Distance, from Cataraqui and the Nature of the Soil between, those Places - I have ordered Lieut. French of Major Jessup's Corp. to undertake this service... my meaning is to obtain the most universal Information I possibly can, and then to Divide every local advantage amongst the Loyalists in proportion to their claims but with impartiality.

[Document No. 31]

36. Lieutenant French's Journal of his trip, dated Oct. 29, was submitted to his superior Captain Sherwood and forwarded as a report to the Superintendent General.

[Document No. 37]

37. A supplementary report dated the 31st, was also submitted by Lt. David Jones of Major Jessup's regiment. This officer had separately explored the lands on both sides of the Ottawa as far as the Chaudière Falls.

[Document No. 38]

38. On September 15, 1783, Governor Haldimand wrote to Major Ross suggesting that Johnson treat with the Mississaugas to purchase land on the north side of Lake Ontario.

In a few Days Lieut. French of Major Jessups Corps will leave Montreal with a Party of Loyalists, to examine the great River Ottawa, and when at a proper Distance, to endeavour from thence to fall upon Cataraquis, -

From the Report of Sir John Johnson I have reason to expect that the Mohawks and some other Tribes of Savages will establish themselves near the Bay of Kintie, and I understand that it is their wish to have the Loyalists in their Neighbourhood, all which I think will be an Advantage, by rendering the Settlement respectable, and consequently secure - The Only difficulty seems to be, giving uneasiness to the Missisagues, as they claim The Northern Part of Lake Ontario, to avoid which I have directed Sir. J. Johnson to treat with them on this Matter and if necessary to make such purchases as the King's Service may require, which he tells me will be easily accomplished."

[Document No. 32]

39. On October 2nd, 1783, John Collins, Deputy Surveyor, reported to Governor Haldimand:

I waited on Major Ross and shewed him my instructions. He advised that as the lands proposed for Townships were not yet purchased from the Savages, I should stop a few days until that was done as a person was sent to bring them in for that purpose.

[Document No. 33]

The Township of Kingston was subsequently laid out by John Collins in November, 1783. (See Document No. 39)

40. Later that month, Captain W.R. Crawford reportedly obtained a surrender of these lands from a group of Mississauga Indians who had assembled at Carleton Island in the St. Lawrence River. On October 9, 1783, Crawford forwarded the following report on the proceedings to Sir John Johnson:

According to your directions I have purchased from the Mississaguas all the lands from Toniata or Onagara River to a river in the Bay of Quinte within eight leagues of the bottom of the said Bay including all the Islands, extending from the lake back so far as a man can travel in a day. The Chiefs claiming the land at the bottom of the Bay could not be got together at the present. I believe their land can be got nearly on the same terms I bought this when I see them.

The consideration demanded by the Chiefs for the lands granted is that all the families belonging to them shall be clothed and that those that have not fusee shall receive new ones, some powder and ball for their winter hunting, as much coarse red cloth as will make about a dozen coats and as many laced hats. This I have promised they should receive as soon as I could get it and hope you will send the articles mentioned soon as convenient.

The lands below the Fort was claimed by old Menas who commonly resides at Conasodanya [Lake of the Two Mountains]. I have agreed for his right with the rest. This man has been of much service to me at this time. He has received a small belt for his family, a large one was delivered for the other Chiefs concerned in the sale, with the usual ceremony, to be kept in the nation a memorial to their children, that they may learn what their fathers have done at this time, & c.

The Mississaugas appear much satisfied that the white people are coming to live with them. Three Onondaga Chiefs lately from Montreal were present and approved much of what the Mississaugas had done. Not a word was said in regard to the Mohawks. If any written obligation is wanted from them let it be sent up and I will get it executed.

[Document No. 34]

The actual surrender or purchase document for the lands dealt with by Crawford has never been located. Nor has there been found a record of any subsequent meeting between Crawford and the unidentified "Chiefs claiming the land at the bottom of the Bay".

41. Nine days later on October 18, 1783, Sir John Johnson transmitted Crawford's letter to Governor Haldimand.

. . .

I transmit herewith Captain Crawfords letter relative to the purchase of the Lands from the Missasagas, which I hope will prove Agreeable to your Excellencys Wishes, and I shall be glad to receive directions concerning the Deed of Cession necessary to be executed upon the occasion.

. . .

[Document No. 35]

Haldimand acknowledged receipt of the above letter (see Document No. 36) but did not make any comment or requests.

42. On November 3, 1783, Major Ross wrote to Captain Mathews, reporting on the purchase made by Crawford and facilitated by Mississauga Chief Mynass (probably "old Menas" referred to in Crawford's report).

I had the honor to receive your letter of the 15th Ultimo. The lands have been purchased from the Mississagas which bargain was much facilitated by an old Chief of them "his name is Mynass." As soon as the purchase was made (which up the Lake extends about 45 miles) I sent some officers of the Garrison to explore the Country." "The lands in general are of a better quality than those reported by Lieut. French, on the Banks of the River Ganenencui, which he has described as very barren. They did not touch upon that River - the Indians would go no further."

[Document No. 39]

43. On November 6, 1783, Governor Haldimand sent Lt. French's report to Lord North, Board of Trade. He communicated his intention of proceeding with the Loyalist settlement at Cataraqui, and announced the successful purchase of lands from the Mississaugas.

. . .



I enclose a Copy of the Report and two Plans which will give your Lordship a better Idea of the Country than words can... I foresee great advantages from this Settlement. The Six Nations wish it, the Royalists settled together in numbers will form a respectable Body ... and even advantages with regard to the Fur Trade may result from the Settlement at Cataraqui. The lands contiguous to the Fort, I have, to avoid any difficulty purchased from the Messessaga Indians for an inconsiderable Sum ...

[Document No. 40]

44. Shortly thereafter, on November 17, 1783 Sir John Johnson wrote to Governor Haldimand regarding the role of the above noted "Menas", who claimed land from the River Tomato (sic Toniato? see para. 56) to Cataraqui between the St. Lawrence and the Ottawa River.

The Indian Chief Mynas has not only been usefull in facilitating the purchase of the lands from the Missasagas, but has sold his own lands from the River Tomato to Cataracqui including all the Country between the River St. Lawrence and the Grand River [Ottawa River], for which he and his family are promised to be Cloathed during his life, he has already received it for this Winter, with some cash -

[Document No. 41]

45. The way was now clear for the new Mohawk settlements in the area purchased. Most of the Mohawks, however, (under Joseph Brant) decided to move to lands near Niagara, and the government thus made several other purchases from the Mississaugas in that region. Only the band led by Capt. John (Brant) took up the offer of settling on the Bay of Quinte, near present day Shannonville. They communicated their decision to General Haldimand on April 2, 1784.

...  
Now with regard to our new settlements some of Niagara propose to look towards Oswego, or grand river in Lake Erie, but we of Le Chine according to our first agreement intend to settle at Caderoghkon - ... We understand you have allowed us about 7000 Acres ... we hope you will let us fix our Boundary at a Meadow in the Bay of Quinte to extend to the largest Creek or River [now called Salmon river] emptying in that Bay towards the west ... the Quantity of Land allotted us you will allow is rather small, we hope therefore you will please to enlarge it.  
...

[Document No. 42]

46. Governor Haldimand agreed to the Mohawks' request, and, in fact, on April 22, 1784, in a letter to Sir John Johnson, stated it was "not his intention to restrict them to the 7000 acres mentioned in their letter ... and whatever addition shall be deemed necessary...shall be made."

[Document No. 43]

47. The exact location and extent of the Crawford purchase of 1783 has long been debated. Since no surrender or purchase document has been located, historians have attempted to reconstruct it as best they can, relying on the various references to the purchase. Unfortunately, however, there are considerable variations, and inconsistencies in these references as the following paragraphs indicate.

48. On August 14, 1784, in a letter to Sir John Johnson, Captain Crawford reported thus on the extent of his purchase in a letter to Sir John Johnson;

A few days before Mr. Conolly arrived the Indians above the Bay of Quinte came down for their presents for the land I purchased last.

With some difficulty I satisfied them, except some Arms, which we are now able to give them when they call for them. These people were the last that has or had any demand on us for lands (their number I enclose). The purchase now extends on the Lake, 36 miles above the head of the Bay of Quinte.

[Document No. 45]

49. A copy of 1786 description of land reserved for the Mohawks on the north side of the Bay of Quinte includes a reference to a purchase of land from the Mississauga Nation. This description is not signed and the map showing the west boundary of the purchase ("on back") of the original has not been located.

A description of the Land reserved for the Settlement of the Mohawk Nation, Situated on the North side of the Bay of Quinte Containing about twelve Miles in front, and in depth to the West Boundary of the purchase made by the Crown from the Missisaga Nation. Bounded in front on the South by the Bay of Quinte including a small Island called Johns Island, which lies opposite the Mohawk Village, and on the west by the mouth of Angoasoka River (now called the Shannon) and the Township of Thurlow, on the East by the mouth of Bowens Creek, and the township of Richmond and on the North by the West Boundary of the Purchase made by the Crown, from the Missisaga Nation. (on back) Description of the Land reserved for the Mohawks on the North side of the Bay of Quinte, 1786.

(Document No. 46B)

50. A letter dated July 19, 1787 from Lord Dorchester (Guy Carleton) directed Deputy Surveyor John Collins to assist Sir John Johnson in purchasing land on the north shore of Lake Ontario. The above Surveyor's description, indicating that the purchase would be made from Mississauga Indians, was also sent to John Johnson (See doc. 46A).

. . .

It being thought expedient to join the Settlements of the Loyalists near Niagara to those West of Cataraqui: Sir John Johnson has been directed to take such steps with the Indians concerned, as may be necessary to establish a free and amicable right for Government to the interjacent Lands, not yet purchased, on the North of Lake Ontario, for that purpose as well as to such parts of the Country, as may be necessary on both sides of the proposed communication from Toronto to Lake Huron.

As you have been employed in the former purchase made of the Indians in that country, you will give every assistance and information to Sir John, who will correspond with you on the subject.

[Document No. 47]

51. A surrender document taken at the Carrying Place of the Bay of Quinte dated September 23, 1787, appears in the record. The description of the land ceded was left blank. This document includes the following note:

The blanks in this document were left open, probably to obtain further information, and remain in that state. Among the Indians it was termed the "gunshot treaty" from their belief that the land ceded was to extend as far inland as the sound of a gun-shot could be heard from the shore on Lake Ontario.

[Document No. 48]

52. Some years later (June 10, 1795), Interpreter Nathaniel Lines recounted his memory of this surrender in a memo sent by A. McKee, D.S.G.I.A.

Mr. Nathaniel Lines Indian Interpreter at Kingston says he was present at the Bay of Quinti when he witnessed the Blank Deed supposed by him at the time to be a proper Deed of Conveyance of Lands from the Missisagas resorting to the Bay of Quinti the Rice Lake and Lake La Clie - Commencing at the Head or Carrying Place of the Bay of Quinti to a creek called Tobeka from seven to fourteen miles above Toronto with a Reservation of the Rice Lake and of a certain place which Mr. Lines does not recollect between the said Rice Lake and Lake Ontario, but the lands intended to be sold and purchased at that time are connected all the way in front on Lake Ontario running in Depth 10 or 12 miles nearly as far as the Rice Lake and above the Rice Lake a Common days Journey back as far as Toronto.

Mr. Lines further says that Sir John Johnson Mr. Collins the Surveyor and several others were present, and that immediately after the delivery of the goods which were the Consideration for the Lands he Mr. Lines was Called to witness the Blank Deed (now shewn to him but supposed to have been regularly drawn) and he further says he saw the Indians make their marks upon the slips of Paper which wafered (sic) on the Deed before the marks were made thereon.

[Document No. 56]

53. Another reference to the location of the Crawford Purchase is found in the Third Report of the Ontario Bureau of Archives. It is a transcript of information given by the deputy Surveyor General to the Committee on Indian Claims in 1791:

The Chairman as Deputy Surveyor General laid before the Committee a sketch of the land claimed by Captain John and other Mohawks and informed me that in the year 1787 he surveyed the Townships of Thurlow and Richmond on the north side of the Bay of Quinty leaving between them a tract or space of about twelve miles front on the said Bay for Captain John and about twenty families of the Mohawk Nation who had then settled themselves on it. The tract is bounded easterly by the line of the Township of Richmond and westerly by that of Thurlow, to run northerly as far as it may please Government to assign. This tract is a part of a purchase made in 1784 by Captain Crawford of the Indian department by Order of Sir John Johnson from the Missisague Nation by deed bearing date \_\_\_\_\_\* which deed, it seems by Sir John's letter of 25th Ma. 1791, is still in the hands of Captain Crawford.

[Document No. 50]

left blank in original document

54. That letter to which Deputy Surveyor John Collins (Document No. 50) referred stated as follows:

. . . .

- I received your letter by Post - and now send you a Copy of the Deed of Purchase of the land, on the Grand River &c with the best description of the Purchase near Toronto and up to the Rice Lake that I am able at present to furnish you with, as I never received any Deed from Crawford of the Purchase he made about Kingston and the Bay of Quinte, and the Deed I had drawn up at the Head of the Bay was left in your own hand, to fill up the Courses, since which I have never seen it.

(P.S. - The Indians have no other Claims than those of Brants and Johns Tracts. If I recollect right, the Course running from the head of Lake Ontario to the River La Tranche, is wrongly Expressed in the Deed, as by Running a North West Course it is thought it will not intersect any part of that River, and the Intention was that it should.

(On back) Montreal 25 March 1791 - Sr. John Johnson - Inclosed purchase 22d May 1784 from Missisague Indians.\*

[Document No. 51]

No record has been located which indicates efforts made by Sir John to obtain the deed from Crawford.

55. Many years after Crawford made this purchase, John Ferguson, the Resident for Indian Affairs at Kingston, reported his recollection of it to William Claus, Deputy Superintendent of Indian Affairs. His letter, dated March 8, 1816, indicated that Crawford had purchased land "from Water to Water," ... from the St. Lawrence to the Ottawa River from the Indians.

If my memory serves me right, the lands lying between the Thames (Gananaqui or somewhere near that quarter, and the River Trent at the head of the Bay of Quinte, which tract embraces what was formerly the District of Micklenburgh as I believe, was all purchased by the agreement made in 1783 or 4, by the late Captain Crawford, from the Saint Lawrence to the Ottawa River. I remember to have heard Capt. Crawford say to the then commanding officer here, that the lands were purchased from Water to Water. I also delivered a large quantity of Provisions upon the occasion. I also recollect that on September 1787 when Sir John Johnson, Colonel MacDonnell, Mr. Langan and Mr. Collins were at the Carrying Place at the head of the Bay of Quinte, making the purchase of the shore along Lake



Day and Trigger's map which is attached as Appendix 6 demarcates the locations within the Ottawa valley of these 17th century Algonquin-proper bands. These authors (1978:792-793) describe as follows the territory occupied by these Algonquins:

The Algonquins had the Montagnais as their neighbors to the east, with the Saint Maurice River apparently being the boundary between these two groups (JR 23:303-305). In earlier times, the Saint Lawrence Iroquoians had lived to the south. Culturally, as well as linguistically, the Algonquins closely resembled their nearest neighbors to the west, the Nipissings and Ottawas, more than the Montagnais to the east. It is unclear how far north the Algonquins extended, or whether, at the time of contact, the various bands living in the lake Timiskaming and Abitibi region should be classified as Algonquin, Cree, or Montagnais.

From south to north, the bands that are clearly attested as having inhabited the Ottawa Valley are the following (with the spellings of the early sources): The Weskarini (Wescarini) or Petite Nation, who lived in the vicinity of the Rouge, Petite-Nation, and Lièvre rivers (fig. 1); the Matouwekarini in the Madawaska River Valley; the Keinouche (Pike), who may be the same as the Quenonbegin, or Champlain's People of Nibachis in the Muskrat Lake region; the Kichesipirini (Big River People), whose main encampment was on Morrison's Island; and the Otaguottouemins (Kotakoutouemi), who lived in the upper part of the valley (Champlain 1922, 1936 2:264-277, 3:38; JR 18:229, 29:145).

Another Algonquin group was the Onontchataronon, or People of Iroquet, who seem to have lived in the valley of the South Nation River in Eastern Ontario, who may or may not have been part of the Weskarini. This band, who are known only by their Iroquoian name, were reported to have incorporated some of the people of the Hochelaga when the latter were dispersed from the Saint Lawrence Valley (Trigger 1972:77-80). The names of other Algonquin groups have been recorded, some of whom may have lived in the Ottawa Valley and along the Saint Maurice River.

The Algonquins had a special interest in Trois Rivières; and as early as the 1620s, after peace had been restored in this area, a mixed group of Algonquins and Montagnais settled there and planted crops (Sagard-Théodat 1866:846). Pierre Charlevoix recorded a tradition that the Petite Nation were so called because they were the remnant of a larger group, whose power had been broken when many of their warriors were slain in an encounter on the Bécancour River near Trois Rivières. This too suggests that the Algonquins may have had a more easterly distribution in the Saint Lawrence Valley prior to European contact, as does the tradition of living by tidal waters remembered by the Algonquins of Maniwaki (Speck 1929:107-108).

(Document No. 11)

Speck ( 1929:97-101 ) writes as follows about the Algonquins of Maniwaki:

The Indians now comprising the River Desert Bands are the collected debris of the Algonquin proper who, by the clear evidence of tradition and history, resided until about 1850 on the lower Ottawa River and north of the St. Lawrence eastward to and beyond Montreal. In the general dispersion of the historically famous Algonquin nation, much confusion has been left behind as to how far eastward and southward this people extended at the time of the arrival of the first Europeans. And next we are left in ignorance, so far as recorded facts are concerned, as to where they fled as the Ottawa and St. Lawrence valley country became embroiled in the conflicts between the French and Iroquois, and later became colonized by settlers. Contemporary French records are replete with tribal names assigned to Algonquin groups in the area concerned. Some of these names may be traced among existing Algonquin bands, others seem still to remain inscrutable puzzles. An especial difficulty arises when the attempt is made to affiliate them, in respect to their culture properties, with adjoining bands and nations lying to the north and east.

We may assume on reasonable grounds that the Algonquin, at the opening of the colonial period, early in the seventeenth century, were in possession of territory north of the Ottawa - perhaps also south of it - east of the region occupied by the Huron and north of the vanguard of the Iroquois.

The Jesuit Relations of 1642 contain reference to an Algonquin group between the St. Lawrence and Ottawa Rivers, called by the Huron Onontchataronon. This Algonquin group is referred to as being accustomed to winter in the neighbourhood of the Huron and as having been formerly one of the most flourishing tribes.

(Document No. 32)



Question 3: Was the occupation exclusive to any one group?

It is evident, from the texts quoted above, that Algonquins, or Algonkin-proper bands, were inhabiting the claimed area at the time of early French explorations. It is noted, moreover, that distinct groups occupied separate tributaries of the Ottawa River. Trigger and Pendergast (1978:358) have characterized each of the communities as a separate, unilineal band. There is evidence also, however, of encroachment by other aboriginal groups on the claimed area. For example, it has been suggested by Day and Trigger that the Algonquin village located on Morrison's Island was established in an attempt to escape the invading Iroquois: According to these authors, (1978:793):

Iroquois raiding parties, travelling north along the Rideau to attack Indians living in, or using, the lower part of the Ottawa River Valley, may account for the tendency of the people living in this area to locate their summer camps along tributaries flowing into the Ottawa River rather than to have them along the Ottawa itself.

(Document No. 11)

While this statement is indicative of an Iroquoian presence upon the lands of the Ottawa Valley, a pre-contact Huron presence in the Ottawa Valley has been discounted by Heidenreich (1978:385):

Although the Huron had close relations with the Ottawa Valley Algonquins, notably the Kichesipirini and Weskarini who sometimes wintered in eastern Huronia, it is doubtful whether the Huron did much travelling on the Ottawa River prior to the development of the fur trade.

(Document No. 15)

One must conclude from the above-cited texts, therefore, that while it is possible to assert that Algonquin groups occupied the Ottawa Valley at the time of the French assertion of sovereignty, their exclusive use of the claimed area is not entirely self-evident.

Questions 4 & 5: If this occupation was not exclusive to any one group, were there any areas within the claimed area where the occupation was exclusive, and did it remain so? If, at the time of assertion of sovereignty over the claimed area, one group was exclusively using and occupying the claimed area, did any other organized societies later use and occupy the claimed area.?

In order to draw conclusions on the use - exclusive or otherwise - of the claimed area, one must examine the studies which describe the manner in which the Indians identified with this culture group actually occupied their territory. There is, in fact, no dearth of writings on this subject since one of the hotly debated issues in North American anthropology has been the aboriginality of the northeastern Algonkian territorial hunting system and the generalization of this system among all the Algonkian tribes (see Brasser n.d.; Cooper 1939; Davidson 1926; Hallowell 1949\*; Hickerson 1967; Speck 1915a, 1915b, 1926; Speck and Eiseley 1939). Speck (1915a:289) was the first contemporary anthropologist to point out that among the Indians of the northeast, individual families or clans had definite claims to their individual tracts within the territory occupied by their tribes. He states:

There is, indeed, considerable significance in the fact that these tracts were remotely inherited in the families and that they were well known by definite bounds not only among the owners but among the neighbouring groups. In many cases they were also associated with certain social clan groupings within the tribe. It would seem, then, that such features characterize actual ownership of territory.

(Document No. 27)

Speck (1915a:290) defined thus the family hunting group:

...let me define the family hunting group as a kinship group composed of folks united by blood or marriage, having the right to hunt, trap, and fish in a certain inherited district bounded by some rivers, lakes, or other natural landmarks. These territories, as we shall call them, were, moreover, often known by certain local names identified with the family itself. The whole territory claimed by each tribe was subdivided into tracts owned from time immemorial by the same families and handed down from generation to generation. The almost exact bounds of these territories were known and recognized, and trespass, which, indeed, was of rare occurrence, was summarily punishable. These family groups or bands form the social units of most of the tribes, having not only the ties of kinship but a community of land and interests. In some tribes these bands have developed into clans with prescribed rules of marriage, some social taboos and totemic emblems. Such, then, is the general aspect of this institution.

(Document No. 27)

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\* See p. 35 in particular concerning the similarity of land tenure systems among all Algonkians.



In his other 1915 study (1915b,m document no. 28), Speck illustrated his thesis by presenting a table of the hunting territories claimed by each family in the Timagami, Timiskaming, Kipawa and Domoine Algonquin bands of the Upper Ottawa Valley, north of the area subject to the present claim. In a later study, however, (1926:328) Speck noted that not all individual or family hunting territories were well-defined since some locations overlapped and interchanged.

In the lower Ottawa Valley, in the area subject to this claim, the advent of the fur trade increased the hostility between the Algonquins and Iroquois. The Algonquin-French alliance and the Algonquin role as middleman in the fur trade led to friction and warfare between the two and finally caused various Algonquin groups to relocate. Day and Trigger (1978:794) note:

By the early 1640s the Weskarinis were being compelled to seek refuge among the Kichesipirinis, whose territory had hitherto escaped attack by the Iroquois. Soon, the Kichesipirinis themselves were seeking refuge, in times of crisis, at the French settlements along the Saint Lawrence.

(Document No.11 )

According to Day and Trigger (1978:794) the warfare caused Algonquin occupation of the Ottawa Valley to be interrupted for a twenty-five year period:

Unfortunately, very little is known about the Algonquins between 1650 and 1675, which was the period of their temporary dispersal from the Ottawa Valley. Some Algonquins retired to the lake Saint John region and were still there in 1710 (Rochemonteix 1904:98,108). The Kichesipirinis were still at Morrison's Island in 1650 and inspiring respect with their 400 warriors. When the French retreated from the Huron country that year, Tessouat is reported to have had the Superior of the Jesuit mission suspended by his ampits because he refused to offer him the customary presents for being allowed to travel through Algonquin territory (Perrot 1864:95). Others joined the mission at Sillery and were mostly destroyed by an epidemic by 1676. Still others, encouraged by the French, remained at Trois Rivières (Rigaud de Vaudereuil and Bégon 1722); Lahontan 1905:50, JR63:71); and their settlement at nearby Point-du-Lac remained until about 1830, when the last 14 families, numbering about 50 (Tuckerman 1821:42), moved to Oka. The Suplician Mission of the Mountain was founded at Montreal in 1677, and some Algonquins settled there together with Iroquois converts. In 1704 a separate Algonquin mission was founded at Sainte-Anne-du-bout-de-l'île under François-Sadturnin Lascaris d'Urfé; and in



1721 a new mission was formed at Lake of Two Mountains, where the Algonquins were brought together with Iroquois and Nipissings (Cuoq 1894:170). Additional Algonquins joined this mission in 1742 (O. Maurault 1930:18).

(Document No. 11)

Hessel (1982:24-26) also agrees that an original Algonquin tribe, the Kichesippirini band, did control possession of Morrison Island at the time of sovereignty assertion. This band also had, he notes, a settlement on the mainland of Allumette Lake. Their strategic position on this island permitted them to be middlemen in the fur trade and to collect tolls from the passing canoers (Ibid:26).

Hessel (1982:32-33) also states, however, that while " the main bands (of Algonquins) likely stayed in the Ottawa Valley until after 1650 ", the increased fear of Iroquois raids caused many of the Kichesippirini to move to the French mission of Sillery and Three Rivers and to the Ville Marie settlement as early as 1642:

Between 1630 and 1640, many Algonkins, mainly of the Kichesippirini and Weskarini bands, left their traditional territory along the Ottawa and moved to the relative safety of Three Rivers. There, close to the French, they considered themselves not only safe from Iroquois raids, but also at an advantage in terms of trade. They no longer had to make the arduous and long journey up and down the Ottawa River. These people, most of whom became more or less converted to Christianity, abandoned their middlemen role, hunted and trapped in the vicinity of Three Rivers and traded with the French directly. It is likely, however, that the main bands stayed in the Ottawa Valley until shortly after 1650.

(Document No. 16)

The Kichesippirini band was massacred at Three River by the Mohawks in 1647 (Ibid:50). The ensuing warfare between the Algonquins and Iroquois makes it almost certain, Hessel feels, that the original Algonquin hunting territories could not have been maintained after that date. He (1982:54) summarizes thus the fate of these aboriginal Algonquins:

Some Algonkins probably fled far away into the backwoods, far north to escape extinction. Others sought refuge with the French, along with their converted cousins at the Jesuit missions of Three Rivers and Sillery. The Jesuit Relations tell us of the remnants. Although after the 1660s their former band affiliation becomes a matter of speculation

and although the term "Algonkin" often included Nipissings, Ottawas, Montagnais and other Algonkian-speaking Indians living at these missions, it can be assumed that most of the Algonkins mentioned in reports from Three Rivers and Sillery were survivors of bands from the Ottawa Valley.

Thus in the latter half of the 17th century, 50 years after the first European travelled up the Ottawa, the aboriginal population of the Ottawa Valley had been scattered. Some had fled north and perhaps a few 100 souls clung miserably to their French protectors.

Between 1650 and 1675, virtually no Algonkins were found along the Ottawa River, although some may have remained in the remote tributary valleys. Even in the 1680s, there was no evidence of Algonkins engaged in the fur trade. The Ottawa Indians, originally from Manitoulin Island and the area around Michimilimackinac, controlled the fur trade on the Ottawa River between 1681 and about 1686 (Innis, pp. 43-58). During those few years, the French referred to the Great River of the Algonkins as the River of the Ottawas (Outaouais). Although the Ottawas never lived near the Ottawa River or the Ottawa Valley, the name remained, while the original name was forgotten.

(Document No. 16)

Hessel (Ibid:72-73) adds, however, that Algonquin family groups continued to exist in the Ottawa Valley and the valleys of the Rideau, Mississippi, Madawaska, Bonnechère, Nation, Lièvre, Gatineau and Coulange tributaries, trading at the Northwest Company and Hudson Bay posts. Jenness apparently agrees, for when describing Iroquois - Algonquin relations (1955:276) he writes:

In the seventeenth century the Iroquois drove the Algonquin bands along the Ottawa to the north and east away from the lower Ottawa and St. Lawrence Rivers, but when the power of the Iroquois declined they gradually drifted back to their old territories."

Jenness thus agrees that the Algonquin occupation of the Ottawa Valley was interrupted for a time.

In view of the texts cited above, it is not possible to state categorically that any of the Algonquin groups had the sole uninterrupted use of the claimed area after the French asserted sovereignty. In the mid 17th century, other groups, it appears, could also claim occupation of parts of the Ottawa Valley. During the 18th and 19th centuries, in addition, the occupation of the claimed area by other organized Indian groups in addition to the Algonquins, has been



well documented. (See the reports prepared by the Province of Ontario and by the Specific Claims Branch on the Golden Lake Band's claim to the Ottawa Valley). In this connection the reader is referred to the passages in the Specific Claims report mentioned in the answer to Question 6 below.

Question 6 : In particular, did any of the aboriginal groups with whom the government took treaties that covered the claimed area have an interest in that area?

A. The Treaties Taken

The history of the treaties taken by government which may, or do, overlap with the area now claimed is discussed in detail in several chapters of the Draft Historical Report on the Golden Lake claim prepared by specific Claims Branch. The first of such treaties, the Crawford Purchase of 1783 and the so-called Gun-Shot treaty of 1787, both being agreements made by the government with the Mississaugas, are described in Chapter IV of that report. Paragraph 55 of Chapter IV describes most particularly the area possibly overlapping with the land now claimed by the Algonquins as their aboriginal territory. Chapter VIII of the same report deals with the competing claims of the other tribes in the 1820's to the same land, and Chapter X then deals with the land surrenders of 1819 and 1822, both of which were also taken from the Mississaugas. In the same chapter (and at the end of the preceding one) paragraphs 145 through 152 discuss the Algonquins protests against these surrenders. Chapter XI of the report describes the manner in which the Algonquins continued to reiterate those protests. Finally, Chapter XVI of the report deals with the claims of the Mississaugas and the Chippewas to lands in Southeastern Ontario, and with the actions taken by the government between 1869 and 1923 when the Williams Treaties with the Mississaugas and Chippewas were signed.

B. The interest of the Mississaugas and Chippewas in the areas which they surrendered and which are claimed by the Algonquins as their traditional territory

In the chapters of the report cited above, all the documents indicating the tribal interests, as understood by both the Indians and the government in the period following the Proclamation of 1763, were quoted in full. These documents, while they do not provide evidence of the use and occupation of the

claimed area by the Mississaugas and Chippewas at the time of first contact - the early 1600's, do frequently indicate that, in the 18th and 19th centuries, the government acted without knowledge of the written records of the 1600's. They indicate also that the government, in taking surrenders from the Mississaugas and Chippewas in the claimed area, apparently assumed that the mere presence of these tribes on the land demonstrated their traditional or aboriginal interest in that land. That assumption, however, is not supported by either the records of the 1600's or modern anthropological studies. These studies indicate, instead, that whatever interest the Chippewas and Mississaugas held in the claimed area flowed from their presence there at the time the surrenders were taken, rather than from an aboriginal interest in that land.

The aboriginal territory of the Mississaugas and Chippewas, according to contemporary anthropologists, was not in the Ottawa River Valley. Hessel (1983:53-54) notes that the Mississauga Indians were a branch of the Ojibwa who had migrated to Southern Ontario in the late eighteenth century, but who had "never set foot in the Ottawa Valley". The contemporary anthropologist, E.S. Rogers, (1978:770) is not so categorical. He remarks on the difficulty of identifying the aboriginal territory of the Ojibway people, to whom the Chippewas and Mississaugas belong, in these terms:

Materials relating to the Southeastern Ojibway are limited in content, scattered in a multiplicity of diverse publications and archival repositories, and often ambiguous as to whether the author does indeed refer to the Southeastern Ojibway. This is especially true of earlier sources.

Source material for the period of initial contact is sparse. Champlain (1922-1936) and Sagard-Théodat (1939) most likely met Ojibway along Georgian Bay but recorded no information that can be clearly attributed to them. The Jesuits (JR 1896-1901) give only brief accounts of Algonquins at this time with little indication of who might be considered Ojibway.

The record improves somewhat for the period of dispersal (1650-1760). The Jesuits with few exceptions give the most information both historical and ethnographic. Their accounts relate primarily to the first half of the period, little attention being given the Ojibway during the last half.



Rogers notes also the confusions that arise when one attempts to identify positively each aboriginal group at each point in time. (Ibid.: 768 & 769). Referring to the synonymy of Ives Goddard, he makes the following points:

Although the Indian groups now referred to as Chippewa, Ojibwa and Saulteaux descend from closely related bands that were living in a fairly compact area in the mid-seventeenth century, at no time has there been a single distinctive name for these groups alone. In the early period they were included under the general labels Algonquin and Ottawa (JR 54:127), which in narrow usage were proper only to these other groups. Their modern names were originally those of specific bands. Since the scope of reference of some of these names changed through time it is generally much easier to trace the history of the forms of the names than to specify the exact reference of each name at every point in time. Accordingly, information of the latter sort is at a minimum in this discussion.

Most Ojibwa speakers use the self-designation anissina pe, which often has the more general meanings 'Indian' or 'human being' (Baraga 1878 1880 2:38; Bloomfield 1957). Some northern Ojibwa use of the form anissinini (Evelyn Todd, personal communication 1975). These words etymologically mean 'ordinary man, ordinary person'.

The three band names that have expanded the scope of their reference are (in their modern forms) Chippewa, Ojibwa, Mississauga and Saulteaux.

Chippewa/Ojibwa. Chippewa( 'chipe,wu 'chipe,wo older 'chipe,wa ) and Ojibwa ( o'jibwa o'jibwe) are variant English renderings of the self-designation ocipwe. The spelling Chippewa is preferred for groups in the United States and southern Ontario and Ojibwa, or especially in Canadian usage Ojibway, for those in the rest of Canada. Ojibwa is also the linguistic cover term used for the language spoken, in numerous local varieties , by all groups under discussion. The most consistent native explanation connects the word with a root meaning 'puckered up', the reference being to the form of Ojibwa moccasins (Keating 1824, 2:151). The folk etymology that connects the latter part of the word with apwe 'he roasts' (Warren 1885:36) is linguistically impossible. The band that originally bore this name is mentioned in 1670 as the Outchibous (JR 54:132), who together with the other bands had recently united with the People of the Sault (Saulteaux). A report of 1667 implies that les outchibouec and les sauteurs were synonymous terms even then (JR 51:60).

. . .

Mississauga (,mise'sogu). This term was at first the name of a band near the Mississauga River on the northern end of Lake Huron but later came to be used for most of the Southeastern Ojibwa (P.J.Robinson 1965:64;



Morris 1943:7,9; Chamberlain 1888). Variants are: Oumisagai, 1640 (JR 18:230); Michisaguck, 1648 (JR 33:148); Michesaking, 1658 (JR 44:250); Mississaguc, 1670 (JR 54:132); les peuples de Mississagues, 1671 (JR 55:100); Missisakis, 1683 (JR 62:202); Massesagues, 1761 (MHSCser 4, 5:541); Messassagas, 1746 (NYCD 6:322); Missasagas, 1749 (NYCD 6:538). The meaning of the name is 'river with several outlets' (Chamberlain 1888:150). The interpretation 'eagle totem' (P.Jones 1861:164) is not a translation but a description of uncertain significance.

. . .

In the twentieth century the name Mississauga in its broadest sense has been widely replaced by Eastern Ojibwa (Radin 1924:49 ; Bloomfield 1957) and Southeastern Ojibwa (perhaps first in Dunning 1959:5).

Despite the difficulties, Rogers nevertheless concludes (Ibid.: 761 & 762) as follows on the aboriginal territory of the Mississauga and Chippewa Ojibways:

Within a century after European contact, Ojibwa (o'jibwä or o'jibwe) began to expand into southern Ontario and Michigan from a "homeland" that is difficult to define with any precision on the basis of cultural or linguistic data. It is reasonably certain that their homeland was somewhere within an area extending from the east shore of Lake Huron, and a short distance along the northeast shore of Lake Superior and onto the Upper Peninsula of Michigan. (Figure 1).

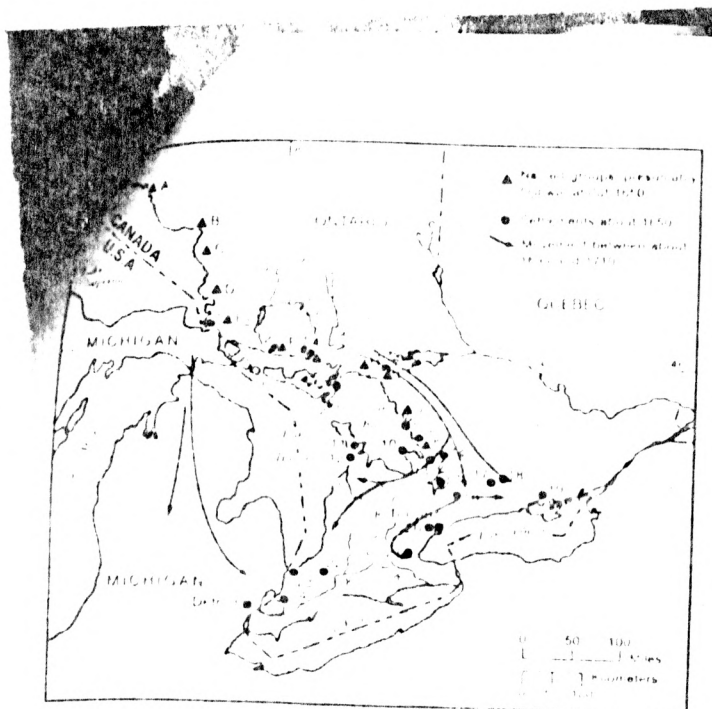


Figure 1 : Southeastern Ojibwa locations about 1650 - 1850. Named groups, presumably Ojibwa, about 1650: A. Marameg; B. Ojibwa; C. Mantouck D. Noquet; E. Saulteaux; F. Mississauga; G. Amikwa; H. Nikikouek; I. Achihgouan; J. Outchougan; K. Ouasouarini. The locations of these early groups are uncertain; at least some of A - D were probably on the Upper Peninsula of Michigan. Settlements about 1850: 1. Sault Sainte Marie; 2. Blind River;

. . .

3. Serpent River; 4. Spanish River
5. Manitowaning; 6. Wikwemikong; 7. Pickerel;
8. Parry Island; 9. Moose Deer Point;
10. Christian Island; 11. Cape Croker;
12. Saugeen; 13. Matchedash; 14. Rama;
15. Georgina Island; 16. Scugog; 17. Alnwick;
18. Chemong; 19. Rice Lake; 20. Credit;
21. New Credit; 22. Chippewas of the Thames;
23. Sarnia; 24. Walpole Island.

cf. Ritzentahler (1978:745).

Rogers (Ibid.: 762) finally adds:

By the early part of the eighteenth century, Ojibwas were well established in the country to the south of their former homeland.

(Document No. 26)

Stone and Chaput agree with Rogers that the "original homeland" of the Chippewas was probably in the Georgian Bay area. They write (1978:602) as follows:

Samuel de Champlain first saw Lake Huron in 1615 while travelling in the Nipissing - Huron region. His reports and those of Gabriel Segard-Théodat in the 1620s contain many scattered comments about Indians to the west and north of Georgian Bay. From these accounts, for example, Champlain (1922 1936, 3:40, 41, 119, 120) and Segard-Théodat (1939:86-87), and those in the Jesuit Relations (JR 1896 - 1901), certain generalizations can be drawn about the Great Lakes Indians during the early part of the seventeenth century.

Small bands were frequently mentioned, many of which would appear in the later decades as part of the Ottawa and Chippewa tribes.

(Document No. 37)

Apart from these specific references to the contact period, the other articles examined contained only scanty mention of where these two groups, the Chippewas and Mississaugas, originally were located. They deal primarily with the Chippewas and the Mississaugas in the 18th and 19th century and describe their migrations south and west at that time. Stone and Chaput (1978:604), for example, note that the establishment of a French trading post at Detroit in 1701, Fort Pontchartrain, attracted "villages of Chippewa, Potawatoni, Huron, Fox, Sauk and Miami. From time to time bands of Shawnee, Mississauga, and other tribes would trade there." They add that large numbers of Chippewas were settled near Saginaw Bay on the Michigan side of Lake Huron by the early 1700s. Afterwards, by the 1780s, the location of European settlements was a



determining factor in where specific Indian tribes located. "Thus Ottawa, Chippewa, and Huron bands", they write, "are noted in southeastern Michigan and adjacent Ontario. Smaller groups of Chippewa were also at Mackinac, Chequamegon, Sault Sainte Marie, along the western shore of Lake Superior, and in the Saginaw, Michigan, area." These groups again, the authors state, relocated in the 1800s. (Ibid:605 & 607)

Hickerson, in his study of the Chippewa of Rainy Lake in the post-contact period, (1967:43), states that the fur trade, being the root cause of warfare, alliances and depletion of resources, indirectly affected the location of aboriginal groups. He notes that, "much of the region occupied by Chippewa and related Algonkians in historical times was not occupied by them in aboriginal times." In his background notes to the Chippewa, Hickerson (1967:45) describes thus their location in the eighteenth century:

The first effect of this breach, (of the Chippewa - Dakota Alliance) however, was the settlement by a group of Chippewa in 1736 of the Vermilion River district west of Lake Superior not far east of Rainy Lake (Burpee, 1927, pp. 233-234, 238). This was the first reference to Chippewa occupying any area west of Lake Superior, a movement which incidentally represented the first step of a series of moves which resulted, by the late 18th century, in Chippewa occupying such major regions as northern Minnesota and western Wisconsin and, by the 19th century, prairie and plains areas even farther west. Rainy Lake itself for a while had been occupied by the Monsoni branch of the Cree, so that now Chippewa and Cree were close neighbors (Burpee, 1927, pp. 224, 292-293). Over the following period the Chippewa and Cree of western Lake Superior and the international border region waged relentless war against the Dakota to the south over the protestations of the French who feared that Indian wars would have a deleterious effect on their trade and exploration (Burpee, 1927, pp. 258 ft.).

(Document No. 18)

By the mid-1760s, Hickerson continues, the Chippewas had replaced Cree as far west as Rainy Lake (Ibid:46). He states:

By 1775, Chippewas had again spread westward, and it was soon after that, by the early 1708's, that substantial Chippewa populations had spilled over from western Lake Superior and the border region to occupy lake sites in the headwaters regions of Mississippi and Red Rivers (ef. Hickerson, 1962, 12). The reports for 1775 of the fur trader, Alexander Henry, who traveled west from Grand Portage along the usual trading route, give an indication of the hazardous and rough life being led by the

Chippewas of the border region over the past years. Henry found three settlements of Chippewa west of Lake Superior. The first he encountered was at Lac La Croix, just east of Rainy Lake. Here, in Henry's words,...there was formerly a large village of Chippewas, now destroyed by the Nadowessies [Dakota] I found only three lodges, filled with poor, dirty and almost naked inhabitants, of whom I bought fish and wildrice, which latter they had in great abundance. When populous, this village used to be troublesome to the traders, obstructing their voyages, and extorting liquor and other articles. [Henry, 1901, p. 238-239; brackets mine.]

West of Rainy Lake, at the junction of the Rainy and Big Fork Rivers, there was a village of 50 lodges of Chippewa from whom Henry bought new canoes.

They insisted further on having goods given to them on credit, as well as on receiving some presents. The latter they regarded as an established tribute paid them on account of the ability which they possessed, to put a stop to all trade with the interior. I gave them rum, with which they became drunk and troublesome; and in the night I left them. [Ibid., p. 240]

At the entrance to Lake of the Woods, farther west, Henry found a village of 100 people where he obtained fish and also "ceremonious presents", consisting of provisions including wildrice. Here Henry was at relations with the people of the village. Henry in return provided ammunition and other articles, and rum. The Indians became drunk and traded bushels of wildrice for more rum and other goods. After a night of debauchery Henry departed with great speed to avoid the difficulties which he feared would accrue from the behaviour of his men with the women of the village (Ibid. pp. 241-242).

(Document No. 18)

According to Hickerson, therefore, the Chippewas expanded during the 18th century westward from their base in the region of eastern Lake Superior. Hickerson's 1967 study does not make any mention of Chippewas using or occupying any part of the claimed area in the Ottawa Valley. Similarly, the maps in Laviolette (1957:88-93; document no. 24) showing the locations of Ontario aboriginal groups, indicate the Chippewas occupying an area south of the 45th parallel. (Map No. 2).

A.E. St. Louis, the departmental archivist, (1951:4-5) describes an invasion of the Mississaugas into the old Neutral and Huron territory. His text is based on interesting Indian accounts of the events in the late 1600's and explains the Mississaugas' interest in the claimed area as an interest



acquired through conquest and their peace treaty with the Iroquois in the early 18th century:

At the end of the seventeenth and at the beginning of the eighteenth century, a sub-tribe of the Chippewas, whose original habitat was then south of the Mississauga River, on the north shore of Lake Huron and on Manitoulin Island, began to drift toward the south-east into the region from which the Hurons and the Neutrals had been driven by the Iroquois in 1648-49. Unlike the Hurons who were largely hunters, fishermen and tillers of the soil, these Mississaugas were fighting men and the Iroquois now met a foe worthy of the name.

According to Johnson Paudash,\* tradition has it that after the Mohawks had exterminated the Hurons, there came down from the Mississauga River 1500 warriors of the Mississauga Nation under the leadership of his great Grandfather's grandfather, O-ge-mah-be-nak-ke or Bald Eagle. Warfare during the 17th century between these two nations is said to have continued many years, with what is today the province of Ontario as the chief battle ground.

The Iroquois were finally driven down the Rice Lake chain along the Trent River and after a desperate battle which took place in the neighbourhood of Kingston in 1705, the invaders were forced back into their own country south of Lake Ontario. The Mississaugas carried this war into the Iroquois cantons and, to prevent the extermination of one or the other of the two nations, a peace treaty was drawn up and signed by the chief men of the belligerent nations under which the Mississaugas were granted sole possession of the territory to the north of Lake Ontario and Lake Erie.

The Mississaugas on the conclusion of peace returned to Canada and settled permanently in the lower part of the province which had come into their possession by right of conquest.

In 1720, the French established a station at the west end of Lake Ontario for the purpose of stimulating trade with the Mississaugas. The exchange of the Indians' peltries for such articles as they needed, took place every spring and fall and, as it is still the practice, credit was given, or taken, if for one reason or another any of the Indians had not sufficient in furs to pay in full for the supplies of blankets etc., which they required. Thus, in the course of time the place where these undertakings were made became known as the "Credit River" - the place where credit was obtained.

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\* St. Louis' reference is RG 10, Volumes 10 & 11



By 1686, another trading centre came to be frequented at the focal point of the trade routes. The meeting place was called "Toronto" - an Indian word meaning "where many people meet." The first building - a fort erected by the French in 1759 consisted of a log house surrounded by a palisaded fence also of logs.

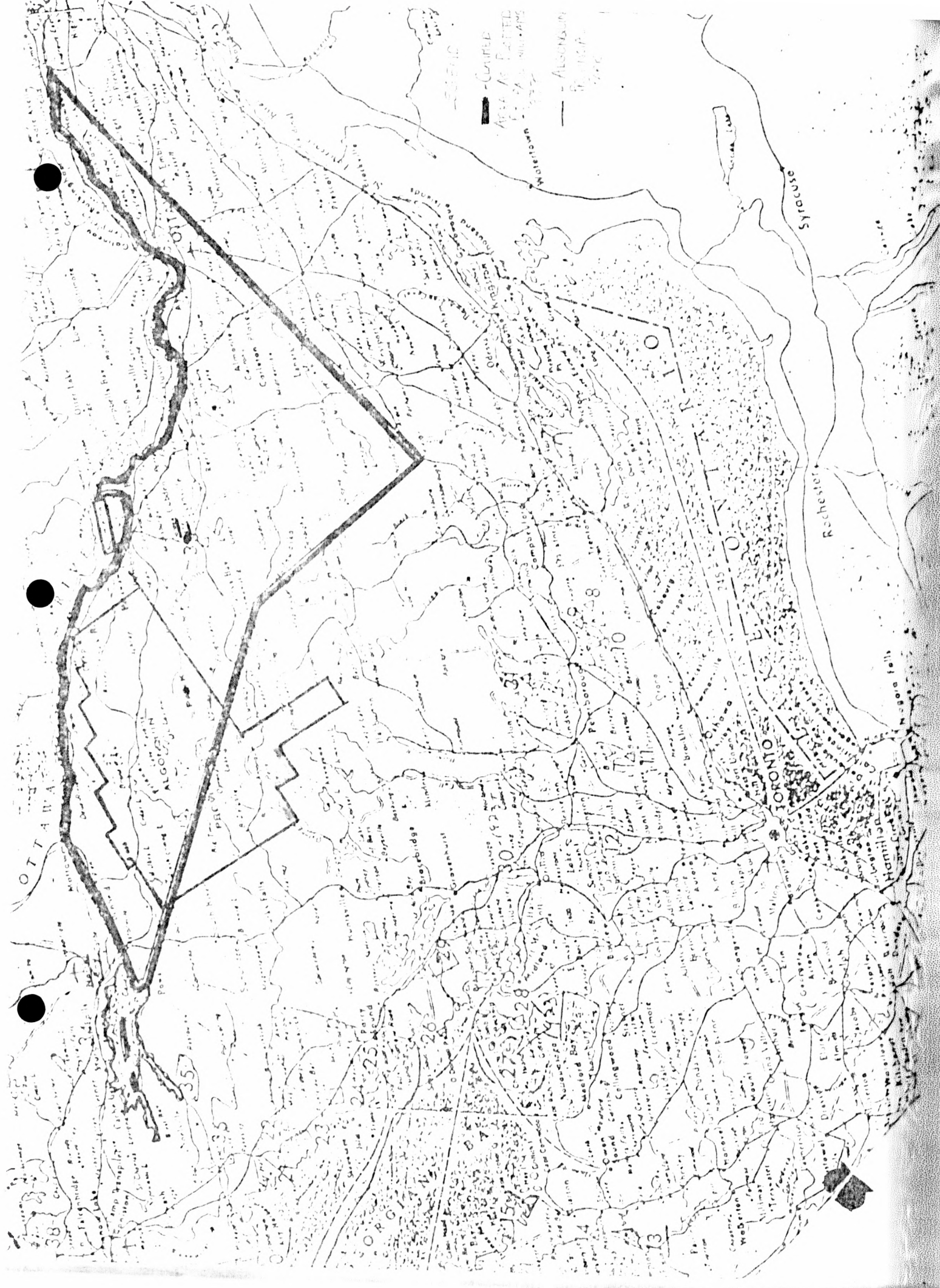
Near the close of the first half of the century (1746-50), having joined the Iroquois in the war against the French, the

Mississaugas were compelled by the latter, who were aided by the Ottawas, to abandon their country. However, they soon after returned to Canada and occupied their former hunting grounds, their ancient possessions to which after the conquest the British Government recognized their claims.

(Document No. 36)

If Paudash's version of events is correct the interest of the Mississaugas in the claimed area was, therefore, an interest in land "which had come into their possession by right of conquest."





— CUTTED  
AREA IN FILL  
— ALGONQUIN

OTTAWA

TORONTO

St. Lawrence

Hamilton

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35

23

23

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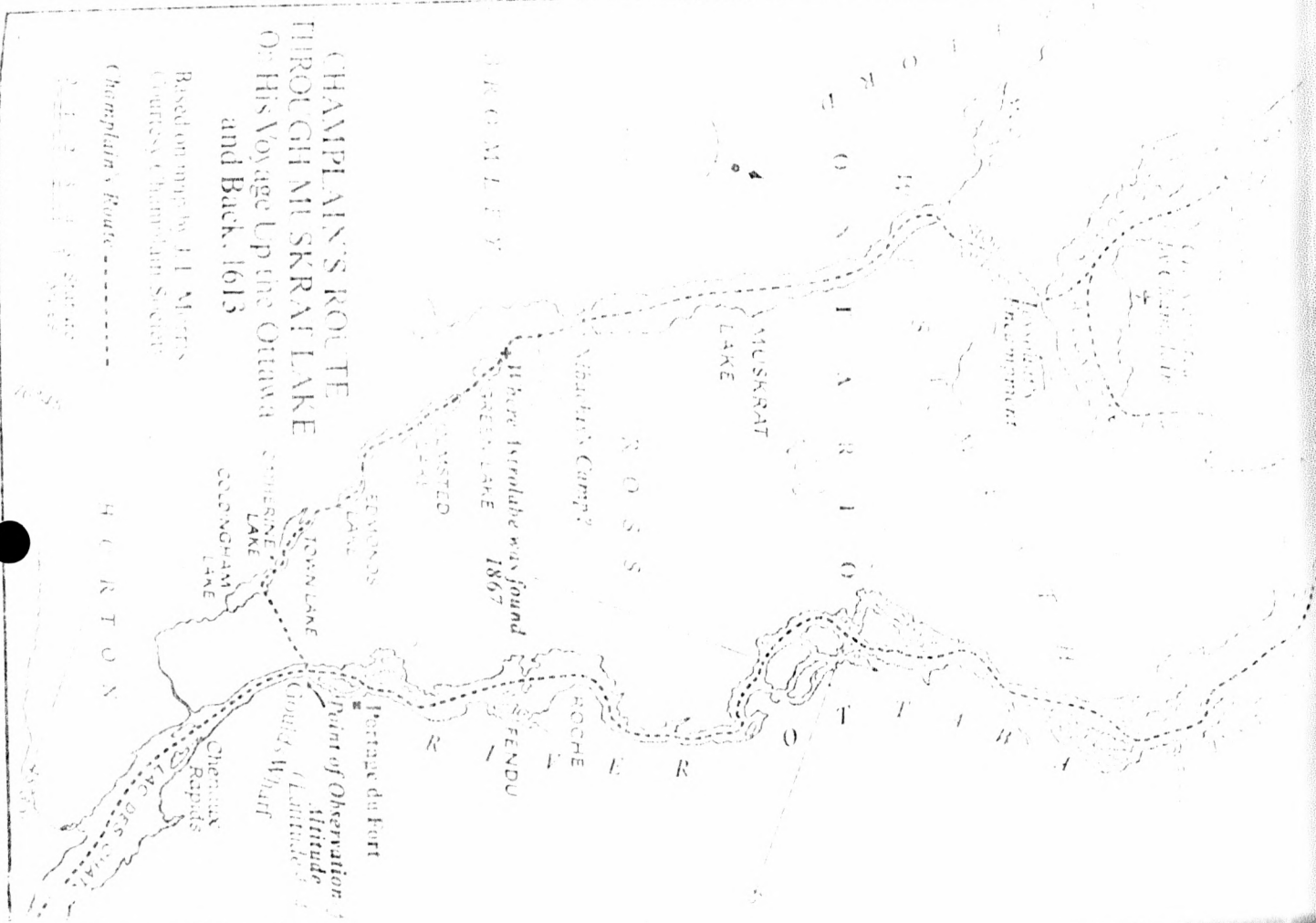
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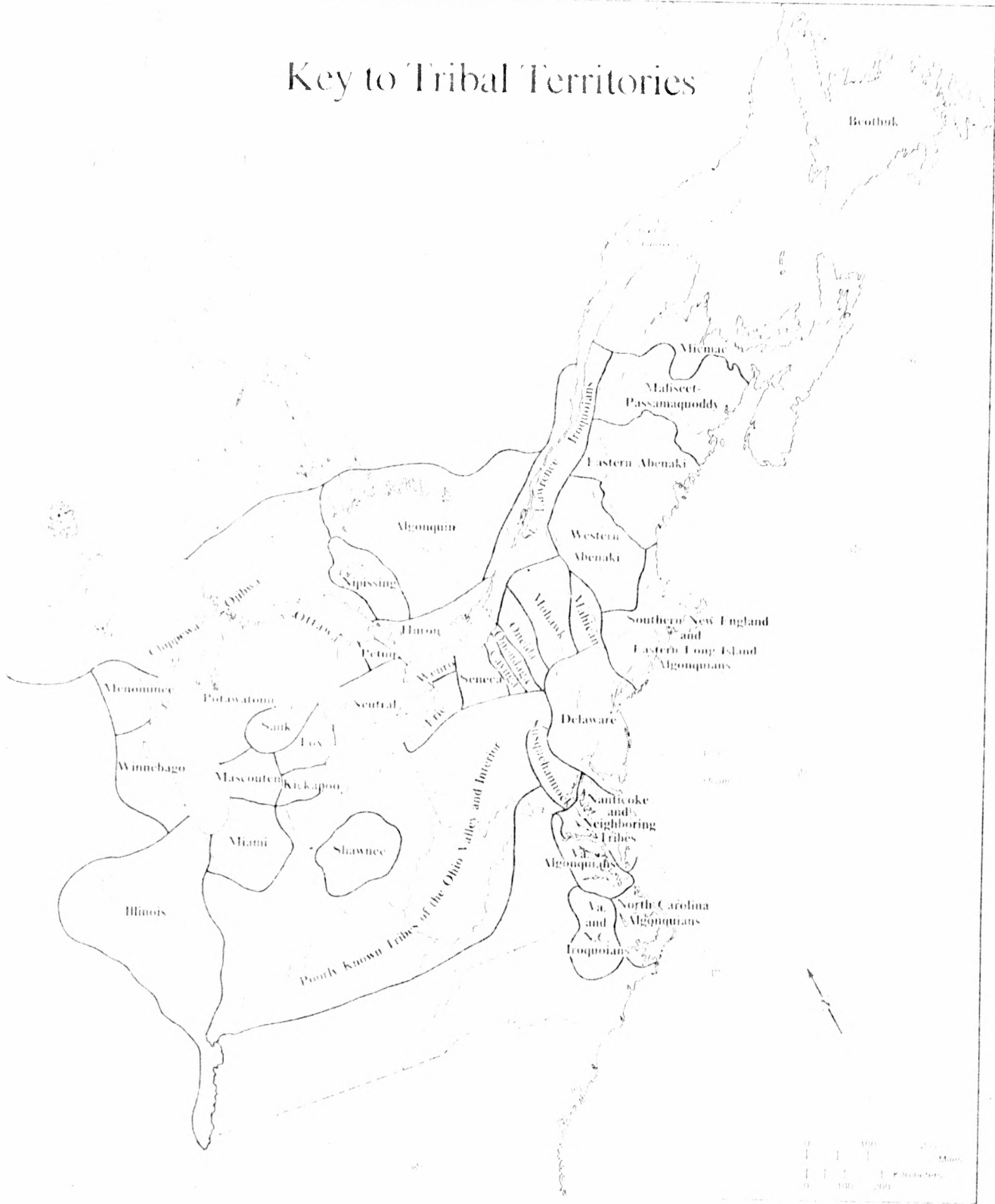
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Barthélemy Lac des Chaux, the heavy, square, mustachioed man across. At the northern end, on the left side of the river, the guide, they portaged from a point now called Grand Abbayé near Por rage du Fort to the thin chain of lakes and streams between the present Collongnan and Cithernée lakes. The carry required on each day and was very exhausting. Champion himself, tired three afternoons, three paddles, his elbow and "pawnee" (his *baguettes*) and the younger French men were sore from the weight. Even so, and he, we were not at all tired at the end of the journey, but by "the burdens." Portage parties was no more than the paddles, as it got them into a maddening race to get ahead of them, then a dozen or more others would come pouring rapids on the Chaux.



# Key to Tribal Territories

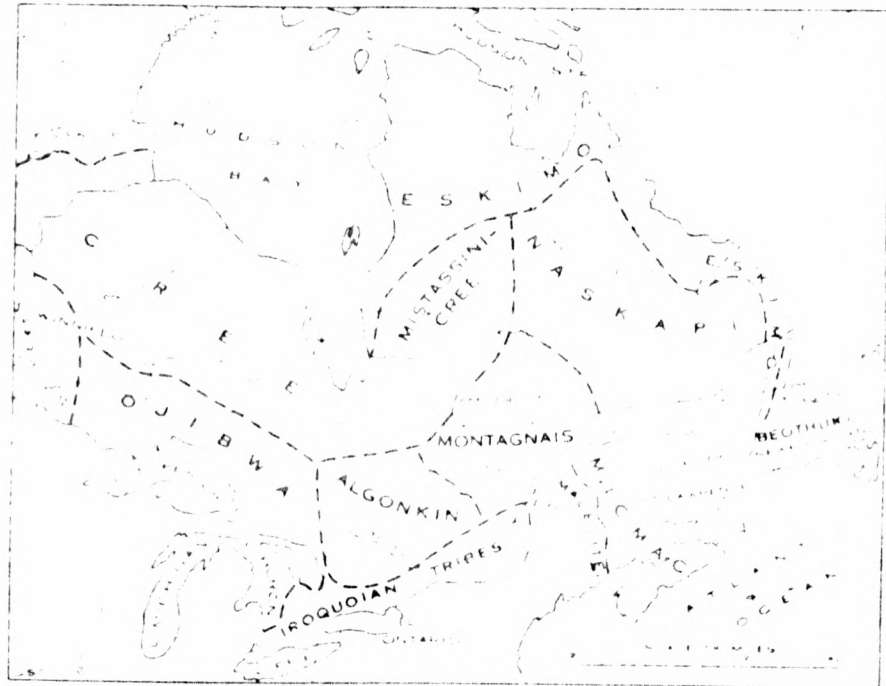


SOURCE: HANDBOOK OF NORTH AMERICAN INDIANS, VOL. 15, (EASTERN), WASHINGTON: SMITHSONIAN INSTITUTION, 1978. P. 12.



APPENDIX 5

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Approximate distribution of the eastern Algonkian tribes in 1525 A.D.



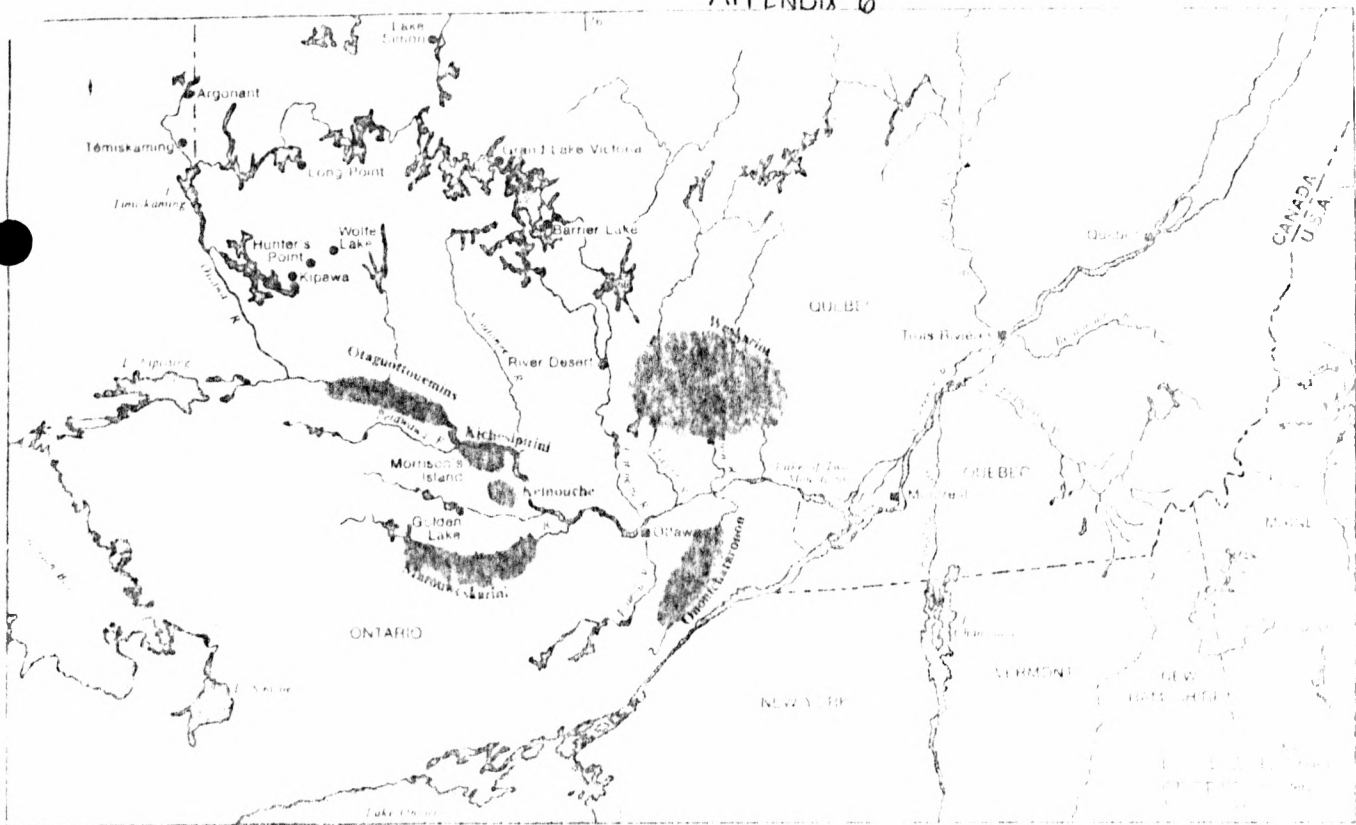


Fig. 1. Bands of the Ottawa valley in the early 17th century and Algonquin reserves in 1970.

encounter on the Bécancour River near Trois Rivières. This too suggests that the Algonquins may have had a more easterly distribution in the Saint Lawrence valley prior to European contact, as does the tradition of living by tidal waters remembered by the Algonquins of Maniwaki (Speck 1929:107-108).

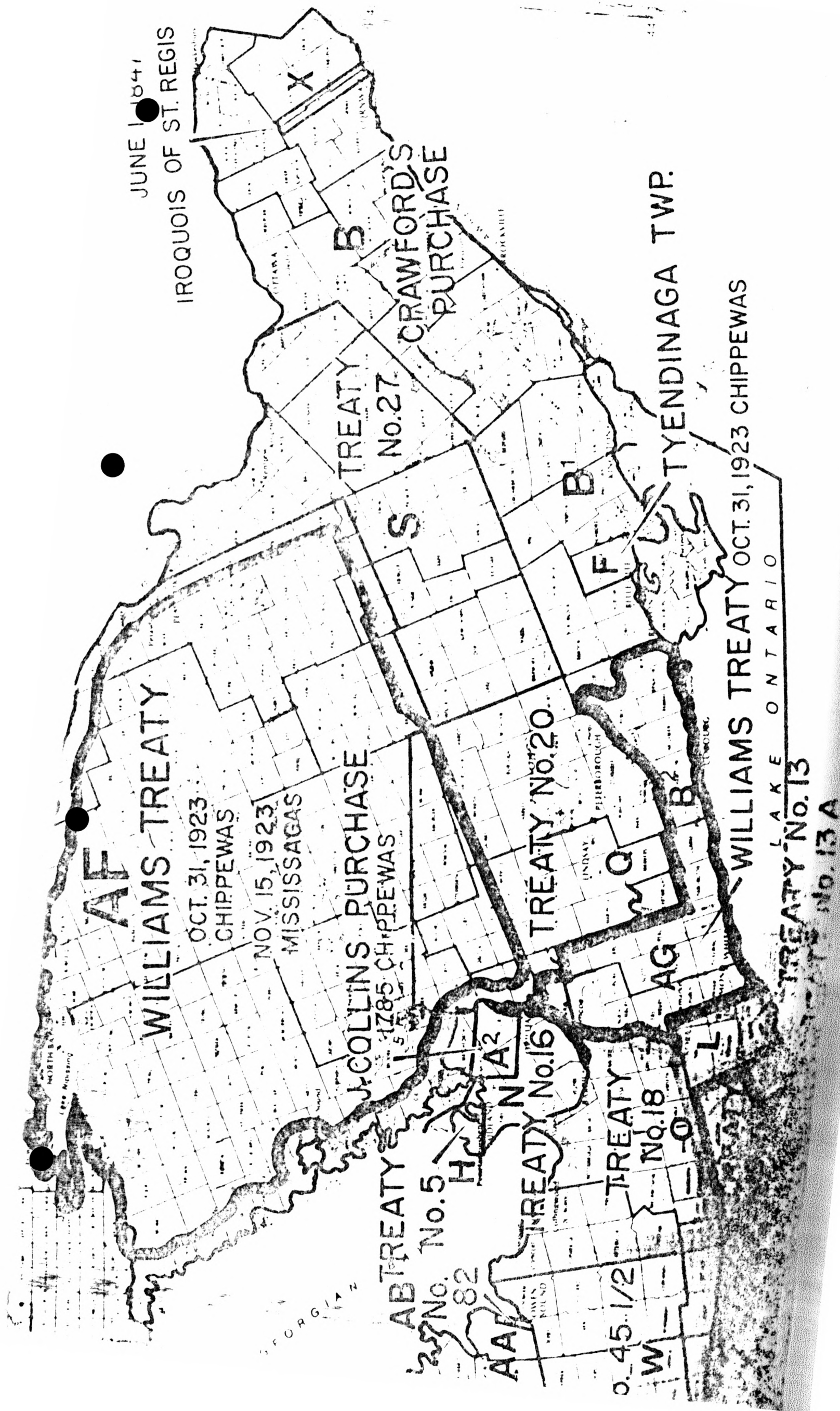
### History

The Algonquins first appear in history at Tadoussac in 1603 participating, with the Montagnais and Etchemins, in a celebration of victory over the Iroquois (Champlain 1922-1936, 1:96ff.). It appears that they had been at war with the Iroquois since about 1570 (*ibid.*, 5:78), had begun to trade with the French some time before this at Tadoussac (Biggar 1965:47), and had entered into an alliance with the Montagnais to oppose the Iroquois (Champlain 1922-1936, 1:107-109). It is possible that even earlier they occupied parts of the Saint Lawrence valley and were living in a peaceful relationship with the Saint Lawrence Iroquoians. The tradition recorded by Perrot (1864:9-12) suggests such a coexistence of Algonquins and an Iroquoian group at some period in prehistory.

The hostilities between the Algonquins and the Iroquois may have arisen from the Iroquois desire to obtain trade goods directly from the French. In 1603 the Hurons and Algonquins were coming to Quebec by the northern

route rather than along the Saint Lawrence, but subsequent French assistance helped them to inflict major defeats on the Iroquois in 1609 and 1610 and to reopen the Saint Lawrence trade route. In 1613 Samuel de Champlain pushed up the Ottawa River and left an account of his visit to Tessouat's village on Morrison's Island. These Algonquins, Champlain was given to understand, had withdrawn up the Ottawa to this strong point on account of the Iroquois menace. Iroquois raiding parties, traveling north along the Rideau to attack Indians living in, or using, the lower part of the Ottawa River valley, may account for the tendency of the people living in this area to locate their summer camps along tributaries flowing into the Ottawa River rather than to have them along the Ottawa itself.

Until 1615 the Algonquins played a major role in supplying their Huron allies with European trade goods. This relationship was especially close with the Arendionnon tribe, in whose territory considerable numbers of Algonquins spent the winter, exchanging French trade goods for Huron corn. So long as the Iroquois continued to block the Saint Lawrence River, the Algonquins were living astride what was by far the easiest trade route into the interior and thus were anxious to protect their role as middlemen between the French and the tribes who lived around the shores of Lake Huron. The Arendionnon, who were the most powerful and commercially oriented of the Algonquin bands, were particularly anxious to prevent



JUNE 1 1841  
IROQUOIS OF ST. REGIS

AF  
WILLIAMS TREATY  
OCT. 31, 1923  
CHIPPEWAS

NOV. 15, 1923  
MISSISSAGAS

J COLLINS PURCHASE  
NOV. 15, 1923  
MISSISSAGAS

CRAWFORD'S  
PURCHASE

TYENDINAGA TWP.

WILLIAMS TREATY OCT. 31, 1923 CHIPPEWAS

L A K E O N T A R I O

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FILE



ALGONQUINS (GOLDEN LAKE) COMPREHENSIVE CLAIM

REFERENCES CITED

1. Black, Meredith Jean  
1980 Algonquin Ethnobotany: An Interpretation of Aboriginal Adaptation in Southwestern Quebec. Ottawa: National Museum of Man, Mercury Series, Canadian Ethnology Service, Paper No. 65.

Chapter 2, "History and General Characteristics of the Bands", provides the reader with a general historical overview of the Algonquin bands, including River Desert, the Upper Ottawa bands and the Obedjiwan Cree band. The chapter contains a map of trading forts and settlements (1540-1700) and one of trading posts (1700-1972). The chapter is well-researched and the sources are reliable. This study was also the subject of Black's doctoral dissertation at the University of Michigan.

2. Bond, C.C.J.  
1966 The Hudson's Bay Company in the Ottawa Valley. The Beaver, Outfit 296, Spring.

A somewhat romanticized account of the early beginnings and development of the fur trade in the Ottawa Valley, but it is important for the information it contains about the settlement of whites in the area and the location of trading posts.

3. Brasser, T.J.  
n.d. Leadership among the northeastern Algonkians of Canada. No publishing information available.

The paper draws together the recorded literature on the Abitibi Indians of Quebec. Included in the section on the cultural background is general information on the Algonkians as a whole. Of particular importance is the characterization of the main political-economic unit. Brasser is a respected anthropologist and he cites major works in this area of study.



Government  
of Canada

Gouvernement  
du Canada

APPENDIX 1

MEMORANDUM

NOTE DE SERVICE

TO  
À

Christine Hughes

FROM  
DE

Gail Hinge

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE
YOUR FILE / VOTRE RÉFÉRENCE
DATE 30 August 1986

SUBJECT  
OBJET

Questions for research respecting the comprehensive

claim to the Ottawa Valley by the Algonquins (Golden Lake).

Please respond to the following questions, using secondary sources.

In responding to each question, cite the sources of your information and append copies of all articles, or chapters of books, consulted (unless too lengthy). Also prepare a bibliography, offering critical comments on the sources used. This information is required by 31 August 1986.

1. What is the date of the first European assertion of sovereignty over the claimed area?
2. At the time of that assertion, which aboriginal groups were using and occupying the claimed area?
3. Was this occupation exclusive to any one group?
4. If not, were there any areas within the claimed area where the occupation was exclusive, and did it remain so?
5. If, at the time of assertion of sovereignty over the claimed area, one group was exclusively using and occupying the claimed area, did any other organized societies later use and occupy the claimed area?
6. In particular, did any of the aboriginal groups with whom the government took treaties that covered the claimed area have an interest in that area?

*Vetted with Justice  
(Marie Lefebvre)*

4. Brasser, T.J.  
\* 1978 Early Indian-European Contracts. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 78-87

The Smithsonian Institution's collected works in the Handbook of North American Indians<sup>1</sup> series have been acclaimed as the hallmark of anthropological studies of individual geographic area, in North America. Composed of contributions from recognized contemporary experts, each chapter presents an ethnological portrait of the group using data collected from reliable sources. In this chapter, Brasser discusses the history of early Indian-European contacts. Refer to the influence of the fur trade on Native definitions of territoriality.

5. Chamberlain, A.F.  
1888 Notes on the History, Customs, and Beliefs of the Mississauga Indians. Journal of American Folk-Lore 1 (2): 150-160.

This article which presents an often ethnocentric account of the Mississauga Indians, mention the locations where these files were found.

6. Cooper, John M.  
1939 Is the Algonquin Family Hunting Ground System Pre-Columbian American Anthropologist 41:66-90.

A topic of consuming passion for many anthropological studies has been that of the northeastern Algonkian family hunting ground system. Cooper uses his fieldwork among the Têtes de Boule and Cree of the upper St. Maurice River, Quebec, and examples drawn from other anthropological writings, to discuss whether the Algonkian land holding system is one of ownership or of territorial sovereignty.

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<sup>1</sup> All articles extracted from the Handbook of North American Indians are indicated with an asterick. It is to be noted that some small details on the Algonquins have been questioned by Maniwaki Indians.



7. Davidson, D. Sutherland  
1926 The Family Hunting Territories of the Grand Lake Victoria Indians. In Atti Del XXII Congresso Internazionale degli Americanisti (International Congress of americanists--22nd Congress). Rome 2:69-95.

A fairly complete study of the family hunting territories of the Grand Lake Victoria Indians. A sketch map showing the boundaries of hunting territories is included and explained with the assistance of a complementary chart showing family groups and land holdings. Contains references to the Algonkian culture in general.

8. Davidson, D.S.  
1928 Family Hunting Territories of the Waswanipi Indians of Quebec. Indian Notes 5 (1):42-59.

The publication, Indian Notes, from the Museum of the American Indian in New York, frequently featured articles written by renowned anthropologists of the day on various Algonkian bands. In this article, Davidson discusses the family hunting territories of the Waswanipi Cree. A map which is included shows their territories in relationship to surrounding Cree and Algonkian bands.

9. Day, Gordon M.  
\* 1978a Nipissing. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 787-791.

This well-written and complete article is important to the issues of the claim because of the inextricable way in which the Algonquins and Nipissings were related, especially as recorded in the historical documents. Day provides a good summary of Nipissing settlement locations and interaction with surrounding groups.

10. Day, Gordon M.  
\* 1978b Western Abenake. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 148-159.

The Western Abenakis played an important role in the early history of New France and their relationships with their Algonquin and Nipissing neighbours are discussed by Day.

11. Day, Gordon M. and Bruce G. Trigger  
\* 1978 Algonquin. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 792-797.

This article is essential to any study of the Algonquins. It succinctly details their location of settlement, relationships with neighbouring groups and history. A useful map has the bands of the Ottawa Valley in the early 17th century plotted on it. Some small details are contested by the Maniwaki Indians.

12. Fenton, William N. and Elizabeth Tooker  
\* 1978 Mohawk. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 446-480.

As the Mohawks were the long-time enemies of the Algonquins, Fenton and Tooker analyze the cause of this rivalry, the effect of the continuing conflict on territory definition and fur trade policy. The contact of the two groups at the mission settlements also is discussed.

13. Francis, Daniel  
1983 A History of the Native Peoples of Quebec, 1760-1867.  
Ottawa: Indian and Northern Affairs Canada.

Chapter 1 is an overview of the Native peoples of Quebec. In chapter 2, "Indian Administration, 1760-1845", specific mention is made of the situation at Lake of Two Mountains, where the Algonquin and Nipissing lived. Chapter 3, "The Creation of Reserves", outlines the problems caused by the encroachment of whites onto the traditional Native hunting grounds and the eventual formation of reserves in Quebec.

14. Hallowell, A. Irving  
1949 The Size of Algonkian Hunting Territories: A Function of Ecological Adjustment. American Anthropologist 51:35.-45.

This article is another treatment of the territorial hunting system of the Northwestern Algonkians. Hallowell uses an ecological approach to examine the controlling factors of the hunting territory system. He uses the Grand Lake Victoria of Quebec and the Berens River Indians of Manitoba as case studies to discuss the mean size of their hunting grounds and supporting demographic variables.

15. Heidenreich, Conrad E.  
\* 1978 Huron. In Handbook of North American Indians, vol. 15  
(Northeast). Washington: Smithsonian Institution. Bruce  
G. Trigger, vol. ed. pp. 368-388.

Although this article mainly concerns the activities at Huronia, it does include (pp. 379, 384ff.) some mention of interaction with Algonquins, especially concerning trade and warfare.

16. Hessel, Peter D.K.  
1982 The Algonquin Tribe. Ottawa: National Capital  
Commission, Public Activities Branch, Research Monographs.

A detailed study, which tends to emphasize linguistic traits, but it provides a very complete history of the Algonquins based on reliable sources of information, although references are not always cited in the text. Gordon Day and Jim Wright, noted anthropologist and archaeologist, are acknowledged for reading the text, thus giving the study greater credibility. Hessel concentrates on the original tribal affiliations, their locations and results of the Iroquoian wars. The Golden Lake and River Desert bands are also highlighted in two separate chapters and the establishment of missions is discussed.

17. Hessel, Peter D.K.  
1983 The Algonkins of Golden Lake. The Beaver, Outfit 314 (3):  
52-57, winter.

A brief history of the Algonquins in general, leading up to a study of the contemporary Golden Lake reserve inhabitants.

18. Hickerson, Harold  
1967 Land Tenure of the Rainy Lake Chippewa at the Beginning of  
the 19th Century. Smithsonian Contributions to  
Anthropology 2 (4): 41-63.

This is another study on the subject of land tenure among the northeastern Algonkians in the years from 1793-1826. The case study of the Chippewa is useful in determining the lifestyle and location of the Chippewa in relation to the claimed area. Hickerson is a noted anthropologist, particularly for his work with the Chippewa.

19. Jaenen, Cornelius  
1984 The French Relationship with the Native Peoples of New France and Acadia. Ottawa: Indian Northern Affairs Canada, Research Branch.

The relevant part of this of this study is Chapter 2, "French Sovereignty and Native Nationhood" (pp. 22 ff.). Although New France is the focus of this study, interesting arguments are raised concerning aspects of French sovereignty in general. The role of the missionary and the fur trade are highlighted. Jaenen consulted a wide variety of sources in researching this chapter.

20. Jenness, Diamond  
1955 The Indians of Canada (3rd ed.). Ottawa: Minister of Northern Affairs and National Resources. National Museum of Canada Bulletin 65, Anthropological Series No. 15.

The noted anthropologist, Jenness, gives a concise history of the Algonkins, including a map showing the approximate distribution of the eastern Algonkian tribes in 1525.

21. Johnson, Frederick  
1928 The Algonquin at Golden Lake, Ontario. Indian Notes 5 (2):173-178.

A brief ethnography of the Golden Lake Algonquin, describing the boundaries between their territories and that of their neighbours.

22. Johnson, Frederick  
1930 An Algonkian Band at Lac Barrière, Province of Quebec. Indian Notes 7 (1):27-39.

A sketch of the culture of the Lac Barrière Algonquins, including a discussion of territorial locations and relationships with neighbours.

23. Laviolette, Gontran  
1955 Notes on the Aborigines of the Province of Quebec. Anthropologica (1):198-211.

A demographic profile of the Native people living in Quebec, adjacent islands and the coast of Labrador.

24. Laviolette, Gontran  
1957 Notes on the Aborigines of the Province of Ontario. Anthropologica (4):79-106.

Contains a schedule of Indian reserves in Ontario, location map and lists of agreements, treaties and purchases 1783-1930.

- 24A. Morison, Samuel Eliot  
1972 Samuel de Champlain: Father of New France. Boston:  
Little, Brown and Company.

Chapter 9, "First Western Explorations", describes Champlain's 1613 voyage up the Ottawa River and the Indians he encountered. A map of this journey is found on p. 141. This chapter helps to address the issue of assertion of French sovereignty.

25. Ritzenthaler, Robert E.  
\* 1978 Southwestern Chippewa. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 743-759.

An authoritative study of the southwestern Chippewa. The section entitled History provides information useful to determining the location of Chippewa hunting territories in relation to the area claimed by the Algonquins.

26. Rogers, E.S.  
\* 1978 Southeastern Ojibwa. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 760-771.

This chapter contains useful references concerning historical location, land cessions (Mississauga and Chippewa). A detailed list of sources is provided.

27. Speck, Frank G.  
1915a The Family Hunting Band as the Basis of Algonkian Social Organization. American Anthropologist 17: 289-305.

The paper investigates the family group as the primary social unit among hunting tribes of the northeast Woodlands. Speck, an authority on this issue which raises controversy among anthropologists, uses several Algonkin bands as examples to illustrate his contention that the family group is the key element in utilizing the hunting territory.



28. Speck, Frank G.  
1915b Family Hunting Territories and Social Life of Various Algonkian Bands of the Ottawa Valley. Ottawa: Department of Mines, Geological Survey, Memoir 70, No. 8, Anthropological Series.

Speck's study focusses on the Timiskaming, Timagami, Dumoine River and Kipewa bands of Algonquins in Northern Ontario and in particular, their territorial hunting divisions. A map of the hunting locations and charts showing family groups are included also. Speck's work shows how Algonquin hunting territories were controlled.

29. Speck, Frank G.  
1926 Land Ownership among hunting peoples in primitive America and the world's marginal areas. In Atti del XXII Congresso Internazionale degli Americanisti (International Congress of americanists—22nd Congress). Rome 2:323-332.

A global view of Speck's family hunting territory thesis with case studies drawn from the Algonkians.

30. Speck, Frank G.  
1927a Huron Hunting Territories in Quebec. Indian Notes 4 (1):1-12.

Notes on the hunting practices of the Huron form the basis of this article. A map illustrates the hunting districts of the Huron of Lorette. The article is useful because of the information it provides concerning close neighbours of the Algonquins.

31. Speck, Frank G.  
1927b River Desert Indians of Quebec. Indian Notes 4 (3): 240-252.

Although the article concentrates heavily on the material culture of this Algonquin group, information is provided on the subject of their territory and relationship to neighbours.

32. Speck, Frank G.  
1929 Boundaries and Hunting Groups of the River Desert Algonquin. Indian Notes 6 (2): 97-120.

Of particular significance in this article is a map showing the location of the River Desert (Maniwaki) Algonquin and neighbouring bands, Têtes de Boule, Barrière and Grand Lake Victoria. A key article in delineating band boundaries and accounting for migration. Geneological charts are used to help complete the story.

33. Speck, Frank G. and Loren C. Eisely  
1939 Significance of Hunting Territory Systems of the Algonkian  
in Social Theory. American Anthrolopologist 41:269-280.

Another article on the Algonkian hunting territory systems; it draws together various arguments and includes examples.

34. St. Louis, A.E.  
(circa 1951) Memorandum: Early History of the Algonquin Indians of  
Golden Lake. Ottawa: Treaties and Historical Research  
Centre (INAC).

Archivist A.E. St. Louis has compiled various primary documents relating to the history of the Algonquins at Golden Lake and has added his own interpretation of various events. One drawback of this paper is that there is no "Reference Cited" section.

35. St. Louis, A.E.  
1950 Memorandum: The Crawford Purchase, Indian Surrender No.  
13, commonly called the Gunshot Treaty, the Toronto  
Purchase, the Bay of Quinte Purchase, made 23rd September,  
1787 at "The Carrying Place"; confirmed at the River  
Credit on the 1st August, 1805, and finally completed by  
the four Mississauga Bands of Eastern Ontario in 1823.

St. Louis' summary of the events surrounding the Crawford Purchase.

There is no "References Cited" section.

36. St. Louis, A.E.  
1951 Memorandum: Ancient Hunting Grounds of the Algonquin and  
Nipissing Indians Comprising the Watersheds of the Ottawa  
and Madawaska Rivers.

St. Louis' historical account, supported by documents, of the Algonquin and Nipissing Indians' hunting territories. A very useful document which would be of greater value if the references were properly cited.

He defines the hunting territories of the Mississaugas and of the Algonquins/Nipissings and uses the documents to prove that the lands surrendered by the Mississaugas were traditional Algonquin/Nipissing lands conquered by the Mississaugas.



37. Stone, Lyle M. and Donald Chaput  
\* 1978 History of the Upper Great Lakes Area. In Handbook of the North American Indian, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 602-609.

Stone and Chaput describes in some detail the establishment of the French presence in the Upper Great Lakes region and the resulting implications for the Indians with the development of the fur trade. The British Regime (1760-1796) is introduced next and they discuss the effects of British rule on the Native peoples. The period from 1796 to the 1800s, when the Americans gained greater control completes their historical narrative.

38. Trigger, Bruce G.  
\* 1978 Cultural Unity and Diversity. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 798-804.

In this chapter, Trigger employs an historical approach, which sees traditional boundaries as changing through time, to classify the early historic cultures of the Eastern Woodlands. Some useful information is provided concerning settlement patterns in the historic period.

39. Trigger, Bruce G. and James F. Pendergast  
\* 1978 Saint Lawrence Iroquoians. In Handbook of North American Indians, vol. 15 (Northeast). Washington: Smithsonian Institution. Bruce G. Trigger, vol. ed. pp. 357-361.

This historical study of the Saint Lawrence discusses the interaction between the Algonquins of the Ottawa Valley and the Iroquoians. The authors suggest that the St. Lawrence Iroquois may have joined the Abenaki and Ottawa valley Algonquins, particularly the Onondachatarons.

Golden Lake Band  
Aboriginal Title Claim  
Draft Historical Report

FOR DISCUSSION PURPOSES ONLY

Specific Claims Branch

March 1986

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

I. THE INDIAN PRESENCE IN THE OTTAWA VALLEY: THE ALGONQUIN INDIANS  
PRIOR TO 1763

1. The following synopsis of the history of the Algonquin Indians prior to 1763, taken verbatim from Handbook of North American Indians, describes the Algonquin presence in the Ottawa Valley.

Language

The name Algonquin has been derived from the Maliseet elakomkwik 'they are our relatives (or allies)' (Day 1972:228). The English pronunciation is either al'ganjkwin or al'ganjkin ... Even the early writers extended the term to denote a wide variety of Algonquian-speaking peoples in eastern Canada, to the consequent confusion of historians. Today, the term Algonquin is used to signify a group of closely related bands that inhabited the Ottawa valley and adjacent regions to the east in the first half of the seventeenth century.

Territory

The Algonquins had the Montagnais as their neighbors to the east, with the Saint Maurice River apparently being the boundary between these two groups (JR 23:303-305). In earlier times, the Saint Lawrence Iroquoians had lived to the south. Culturally, as well as linguistically the Algonquins closely resembled their nearest neighbors to the west, the Nipissings and Ottawas, more than the Montagnais to the east. It is unclear how far north the Algonquins extended, or whether at the time of contact, the various bands living in the Lake Timiskaming and Abitibi region should be classified as Algonquin, Cree or Montagnais.

From south to north, the bands that are clearly attested as having inhabited the Ottawa valley are the following (with the spellings of the early sources): the Weskarini (Wescarini) or Petite Nation, who lived in the vicinity of the Rouge, Petite-Nation, and Lièvre rivers (fig. 1); the Matouweskarini in the Madawaska River valley; the Keinouche (Pike), who may be the same as the Quenon-gebin, or Champlain's People of the Nibachis in the Muskrat Lake region; the Kichesipirini (Big River People), whose main encampment was on Morrison's Island; and the Otaguottouemins (Kotakoutouemi), who lived in the upper part of the valley (Champlain 1922 - 1936, 2:264-277, 3:38; JR 18:299, 29:145). Another Algonquin group was the Onontchataronon, or People of Iroquet, who seem to have lived in the valley of the South Nation River in eastern Ontario, and who may or may not have been part of the Weskarini. This band, who are known only by their Iroquoian name, were reported to have incorporated some of the people of Hochelaga when the latter were dispersed from the Saint Lawrence valley (Trigger 1972:77-80). The names of other Algonquin groups have been recorded, some of whom may have lived in the Ottawa valley and along the Saint Maurice River.



The Algonquins had a special interest in Trois Rivières: and as early as the 1620's after peace had been restored in this area, a mixed group of Algonquins and Montagnais settled there and planted crops (Sagard-Theodat 1866:846). Pierre Charlevoix recorded a tradition that the Petite Nation were so called because they were the remnant of a larger group, whose power had been broken when many of their warriors were slain in an encounter on the Becancour River near Trois Rivières. This too suggests that the Algonquins may have had a more easterly distribution in the Saint Lawrence valley prior to European contact, as does the tradition of living by tidal waters remembered by the Algonquins of Maniwaki (Speck 1929:107-108).

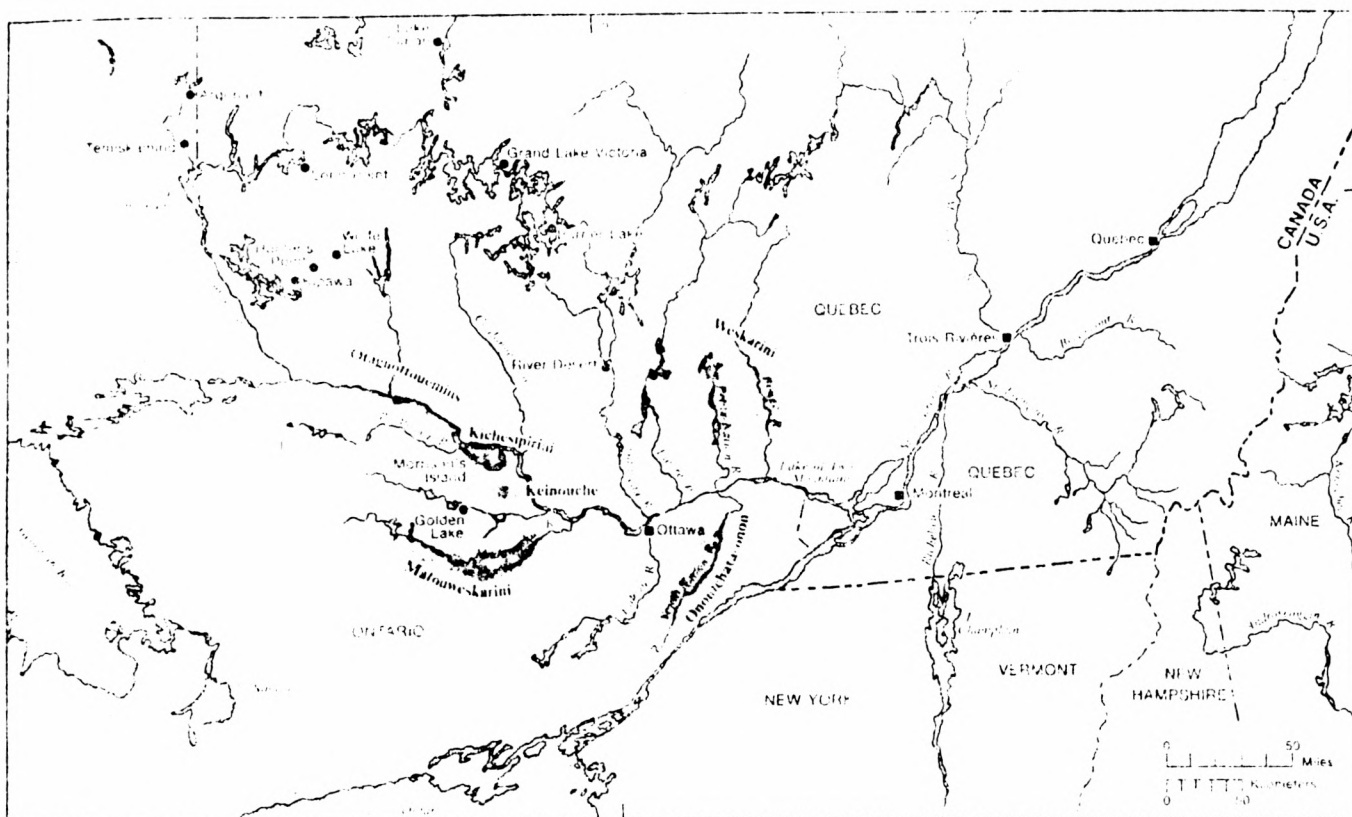


Fig. 1. Back of the Ottawa valley in the early 17th century and Algonquin reserves in 1770

Source: Handbook of North American Indians, p. 793.

### History

The Algonquins first appear in history at Tadoussac in 1603 participating, with the Montagnais and Etchemins, in a celebration of victory over the Iroquois (Champlain 1922-1936, 1:96ff.). It appears that they had been at war with the Iroquois since about 1570 (ibid. 5:78), had begun to trade with the French some time before this at Tadoussac (Bigger 1965:47), and had entered into an alliance with the Montagnais to oppose the Iroquois (Champlain 1922-1936, 1:107-109). It is possible that even earlier they occupied parts of the Saint Lawrence valley and were living in a peaceful relationship with the Saint Lawrence Iroquoians. The tradition recorded by Perrot (1864:9-12) suggests such a coexistence of Algonquins and an Iroquoian group at some period in prehistory.

The hostilities between the Algonquins and the Iroquois may have arisen from the Iroquois desire to obtain trade goods

directly from the French. In 1603 the Hurons and Algonquins were coming to Quebec by the northern route rather than along the Saint Lawrence, but subsequent French assistance helped them to inflict major defeats on the Iroquois in 1609 and 1610 and to reopen the Saint Lawrence trade route. In 1613 Samuel de Champlain pushed up the Ottawa River and left an account of his visit to Tessouat's village on Morrison's Island. These Algonquins, Champlain was given to understand, had withdrawn up the Ottawa to this strong point on account of the Iroquois menace. Iroquois raiding parties, traveling north along the Rideau to attack Indians living in, or using, the lower part of the Ottawa River valley, may account for the tendency of the people living in this area to locate their summer camps along tributaries flowing into the Ottawa River rather than to have them along the Ottawa itself.

Until 1615 the Algonquins played a major role in supplying their Huron allies with European trade goods. This relationship was especially close with the Arendaronon tribe, in whose territory considerable numbers of Algonquins spent the winter, exchanging French trade goods for Huron corn. So long as the Iroquois continued to block the Saint Lawrence River, the Algonquins were living astride what was by far the easiest trade route into the interior and thus were anxious to protect their role as middlemen between the French and the tribes who lived around the shores of Lake Huron. The Kichesipirini, who were the most powerful and commercially oriented of the Algonquin bands, were particularly anxious to prevent Champlain from traveling to the Huron country and encouraging the Huron to trade directly with the French. Although unable, in the long run, to prevent the development of this relationship or to restrain the Huron, who were more numerous and powerful than they were, the Algonquins bitterly resented what the French had done to them. They therefore took advantage of every opportunity to harass Huron traders and to stir up trouble between them and the French. This, more than anything else, made it necessary for the French to have their agents living with the Huron, to encourage them to trade and to travel with them through Algonquin territory.

In the 1620s Iroquois attacks against the Algonquins were inhibited by the armed Frenchmen traveling to and from the Huron country, and the Algonquins even enjoyed a certain amount of peace with the Iroquois until 1627. In order to bolster their own position, the Algonquins attempted repeatedly to put the French at a disadvantage by playing them off against the Dutch traders at Fort Orange, but on each occasion Mohawk jealousy prevented the Algonquins from achieving their goal. In 1634 the Algonquins concluded another peace treaty with the Mohawk that Oumasasikweie, one of the headmen of the Kichesipirini, and Tessouat, the principal headmen of this band, hoped would permit their people to travel through the Mohawk country to trade with the Dutch. When Oumasasikweie and some of his companions attempted to do this, however, they were promptly slain by the Mohawks, who had no desire to permit the Dutch to establish trading relations with these fur-rich northern tribes. This incident led to a new outbreak of war between

the Algonquins and Mohawks that, because of the growing Mohawk need for furs, turned into a life-and-death struggle, in which the greater number of firearms available to the Iroquois gradually gave them the upper hand. By the early 1640s the Weskarinis were being compelled to seek refuge among the Kichesipirinis, whose territory had hitherto escaped attack by the Iroquois. Soon, the Kichesipirinis themselves were seeking refuge, in times of crisis, at the French settlements along the Saint Lawrence. In spite of this, the Algonquin retained their reputation for being proud and independent.

In 1645 the French initiated peace proposals to the Iroquois and convened a council that included the Hurons, Montagnais, Attikamegues, and Algonquins and confirmed a peace that included a private deal between the French and the Iroquois abandoning the non-Christian Algonquins (JR 27:247-305, 28:149-51). Some Algonquins moved to the Jesuit mission at Sillery after its establishment in 1637, but Trois Rivières seems to have remained the focus of the more easterly Algonquin bands. The peace of 1645 allowed the Iroquois to hunt on the edges of Algonquin territory, a concession they took full advantage of, killing more than 2,000 deer the first winter (JR 28:287). But in 1646 the Mohawks broke the peace and, by treachery, succeeded in killing Simon Piskaret, the most renowned Algonquin warrior, and killing or capturing two unsuspecting hunting parties from Trois Rivières (Perrot 1864:106-109). Thus reduced in numbers, the eastern Algonquins sought assistance from the Attikamegues, the Montagnais, the Micmacs, and the Nipissings. Nothing came of this combination; Perrot blamed the failure on lack of coordination, since he regarded the Algonquins as much better warriors than the Iroquois (Perrot 1864:109-110).

Unfortunately, very little is known about the Algonquins between 1650 and 1675, which was the period of their temporary dispersal from the Ottawa valley. Some Algonquins retired to the Lake Saint John region and were still there in 1710 (Rochemonteix 1904:98,108). The Kichesipirinis were still at Morrison's Island in 1650 and inspiring respect with their 400 warriors. When the French retreated from the Huron country that year, Tessouat is reported to have had the superior of the Jesuit mission suspended by his armpits because he refused to offer him the customary presents for being allowed to travel through Algonquin territory (Perrot 1864:95). Others joined the mission at Sillery and were mostly destroyed by an epidemic by 1676. Still others, encouraged by the French, remained at Trois Rivières (Rigaud de Vaudreuil and Bégon 1722; Lahontan 1905:50; JR 63:71); and their settlement at nearby Point-du-Lac remained until about 1830, when the last 14 families, numbering about 50 (Tuckerman 1821:42), moved to Oka. The Sulpician Mission of the Mountain was founded at Montreal in 1677, and some Algonquins settled there together with Iroquois converts. In 1704 a separate Algonquin mission was founded at Sainte-Anne-du-bout-de-l'île under François-Saturnin Lascaris d'Urfé; and in 1721 a new mission was formed at Lake of Two Mountains, where the Algonquins were brought together with Iroquois and Nipissings (Cuoq 1894:170). Additional Algonquins joined this mission in 1742 (O. Maurault 1930:18).

The Algonquins who were apparently frequenting Trois Rivières in 1684 accompanied Joseph-Antoine Le Febvre de LaBarre to his council with the Iroquois at Fort Frontenac (Lahontan 1905:50-51, 733: JR 63:67). In the last quarter of the seventeenth century, whatever hunting territory the Algonquins may have had south of the Saint Lawrence River began to be taken over by Abenakis. Before 1670 Sokokis had settled on the Saint François River, and in 1704 Father Sébastien Rale brought eastern Abenakis from the Androscoggin River to Bécancour (Charland 1964:18, 37-38). These Abenakis asked permission of the Algonquins to settle (Speck 1928b:173). Algonquin and Abenaki relations were thenceforth good, and at some point they made a treaty agreeing to regard the Saint Lawrence River as the dividing line and asserting that the land north of the river had always been Algonquin country (Duchesnay 1829:531). Their territories extended to the Sainte-Anne-de-la-Bérade River on the east and north to the vicinity of Coucoucache.

After the great peace between the Iroquois and the French and their allies in 1701, trade, often clandestine, was carried on between the northern Indians and Albany. It had begun for the Algonquins at Montreal at least as early as 1715 (Faillon 1850-1865, fol. E:173). During the frequent conflicts with the English, the Algonquins were constant allies of the French. Their warriors were at Fort Necessity, Lake George, Monongahela, Fort Edward, Schenectady, Fort Orange, and the Plains of Abraham among other battles (O. Maurault 1930:27). In 1752 the Algonquins of Lake of Two Mountains were living with, yet distinct from, the Nipissings and Iroquois in houses of squared timbers. Together with the Nipissings they numbered 113 warriors. They were not cultivating the land, but they were making a good living from their furs, which they obtained in the winter 250 to 300 leagues from the village. Much of their trade was with Albany at this time (Franquet 1889:42-49, 121). Sometime in the mid-eighteenth century, the Algonquins of Two Mountains became members of the so-called Seven Nations of Canada, a confederacy of French mission Indians.

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#### Culture

Evidence concerning the nature of Algonquin culture is extremely limited. Considerable information about Algonquin tribes is contained in Perrot (1864), Raudot (1904), and the Jesuit Relations (JR), but it is seldom possible to assign details to the Algonquins specifically. Moreover, data obtained by anthropologists in the twentieth century cannot be attributed with certainty to the Algonquins of the contact period. It is likely that the various seventeenth-century bands were made up of patrilineal extended families, although it is less certain whether each band constituted a single exogamous clan of the type that Hickerson (1970:42-50) has reconstructed for the precontact Ojibwa and Ottawa. The members of these bands appear to have lived in a single community during the warmer months of the year, when fishing was good, and to have either dispersed or sent out hunting parties to obtain



food during the winter. Henry (1969:23) found the classic family hunting system in strict operation among the Lake of Two Mountains Algonquins in 1761, much as it was remembered by Speck's informants in 1913 at Temiskaming, Kipawa, and Lac Dumoine (1915:6-7). Historical references to group hunting by Algonquins can perhaps be explained as reactions of temporarily displaced groups exploiting a new and perhaps controversial territory (Lahontan 1905:46; Marie de l'Incarnation 1967:315).

Although the growing season was too short for corn to provide a reliable source of food in most parts of the Ottawa valley, the seventeenth-century Algonquins practiced a simple type of swidden agriculture wherever suitable soil was available. Fields were cleared by burning tracts of pine forest and were then planted with corn, beans and squash. Shortly after A.D. 1600, peas, which had been obtained from European traders, were also being grown. In general, the subsistence economy of the Algonquins resembled that of the Nipissings and Ottawas, and together these three groups represented the northernmost penetration of a marginally agricultural economy in eastern North America.

The seventeenth-century Algonquins shared other traits with the Algonquian and Iroquoian peoples of the less rigorous environment of the Eastern Woodlands to the south and west of them, and probably more specifically with the Huron, with whom they traded. Like the Hurons, but unlike the Montagnais, the Algonquins fished through the ice by means of nets in the winter (JR 8:39). This method may have been possible because the Algonquins were able to obtain Indian hemp nets from the Hurons, who are known to have supplied them to the Nipissings and their other Algonquian speaking neighbors who lived around the shores of Georgian Bay. Like the Hurons, the Algonquins also ate dogs, which the Montagnais regarded as a shameful practice (JR 9:111). The Algonquins entertained their guests in the same manner as the Hurons, with the host tending his guests but not eating any food himself. Councils were also conducted in the Huron manner with tobacco being smoked in silence before any important issue was discussed. Algonquin use of turtle-shell rattles in a curing ceremony also suggests itself as a borrowing from the Hurons (Sagard-Théodat 1939:65). The Algonquins constructed longhouses, but this was not an exclusively Iroquoian trait and even the Montagnais erected such structures in some of their summer camps along the Saint Lawrence. The graves of prominent individuals were covered with painted wooden structures shaped like a ridged roof. These were about seven feet long and four feet wide, and at one end they had a wooden upright bearing a figure that represented the deceased. Franquet (1889:48-49) has left a detailed account of a dance he witnessed at Two Mountains in 1752. In the nineteenth century, splint basketry was probably borrowed from the Iroquois or the Abenaki.

Whatever the character of the contact-period Algonquin culture, twentieth-century fieldwork among Algonquin bands shows them sharing much of the inventory of traits characteristic of the other boreal forest peoples as



outlined by Flannery (1946). Among these are: a supreme being who is owner of everything; a trickster-transformer culture hero; the Windigo; the pa kahk, a disembodied starveling; the pakwacininiwak, a race of powerful little men; shamanism and the shaking tent; the dream vision quest; scrying and scapulimancy. Their world view is purely that of a hunting-fishing people. Material culture items included the birchbark canoe; snowshoes; toboggan; rectangular bark hunting camps; birchbark containers sewed with spruce roots; porcupine quillwork in the south; moosehide tumplines; basswood bags, mats, and temporary tumplines; deer and moosehide clothing; cradleboards and blanket hammocks; moccasins of beavertail and deernose types (Hatt 1916:171-178, 167-169); bows, preferably of hop hornbeam. Knowledge of plants and their properties was extensive. Maple sugar was made by some bands.

[Document No. 483].

2. In addition to the sources cited in the above synopsis, others from the archives of the Seminary refer to the sulpicians' grouping a number of Algonquins and Nipissings at Lake of the Two Mountains and, subsequently, to their residing there for about two months of the year, while continuing to hunt in their traditional areas along the Ottawa River and its tributaries the rest of the time.

[Document No. 1B]

3. Other sources also mention indirectly the Abenaki's use of the Algonquin hunting grounds on the Ottawa River. One such, which reports the Indian alliances emerging in the 1760's and the disquiet they caused, is a letter to Sir William Johnson, Superintendent of Indian Affairs Northern District, dated Oct. 30, 1761 from Pierre Rubaud. He writes:

The Abinaquis have hardly shown themselves at St. Francis this Summer, they did not delay to go to Caghnawago, where in concert with the Iroquois they have held frequent Councils. The Subject of those Councils was upon Speeches brought to them from the Ohio by some Ottawawas and even by the Cherokees from Carolina. These speeches are to reunite all the Indians in the same Sentiment and to prevail on them to live nearer to them so that even the most part of the Abinaquis are gone hunting upon the Ottawawa River, in short to be the readier at hand in the Spring to decide what is to be done, which is another Reason to make me wish of having an interview with you as nothing is more prejudicial to the Service as such Journeys of Indians to strange Nations. Good Policy should mistrust such Assemblies or Meetings. That we would make the Abinaquis a faithfull People is to draw them to their native Country, some to Acadia and others to Albany where they came from, nothing would be more easier than to persuade them to that.

[Document No. 2]

II. INDIAN POLICY IN THE 1760'S

A) The Articles of Capitulation of 1760

4. In 1760, Montreal, the last stronghold of the French in North America, fell to be British. The Articles of Capitulation signed on September 8, 1760, included the following provisions regarding the Indians allied with the French:

ARTICLE XL

The Savages or Indian allies of his most Christian Majesty, shall be maintained in the Lands they inhabit; if they chose to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion and shall keep their missionaries.

[Document No. 1D]

B) Principles of Management outlined by the Lords of Trade

5. In a letter to Sir William Johnson, dated August 5, 1763, the Lords of Trade in London requested a report on Indian affairs and outlined general principles for the management of the Indian Nations.

His Majesty having been pleased upon our report to him of the arrangements necessary to be taken in consequence of the Cessions made to His Majesty in America by the late Definitive Treaty of Peace, to direct that the Agents for Indian Affairs should correspond with Us in all matters regarding their departments, and should transmit all such information as we should require from them, we take this opportunity of acquainting you with His Majesty's commands, not doubting of a regular and exact continuance on your part of that correspondence with this Board which has already produced so much usefull information and intelligence of the true state of Indian Affairs.

A regular and constant correspondence upon these points, at all times usefull and important, is now become essentially necessary from the great number of hitherto unknown tribes and nations, which are now under His Majesty's immediate protection, and the necessity there is of speedily falling upon some method of regulating the Indian commerce and policy, upon some more general and better established system than has hitherto taken place.

It is with a view to this object that we have proposed to His Majesty that a proclamation should be issued declaratory of His Majesty's final determination to permit no greatness of lands nor any settlement to be made within certain fixed bounds under pretence of purchase or any pretext whatever, leaving all the territory within these bounds free for the hunting grounds of the Indian Nations, and for the free trade of all his subjects.

In what manner this free trade is to be regulated, and by what general plan the interests and politics of the Indians are to be formed and directed, will in a great measure depend upon such opinions and proposals as we shall receive from you and His Majesty's Agent for the Southern district, upon this subject: and therefore we desire you will apply your utmost thought and attention to this important object, and that you will as soon as possible transmit to us a very full and particular report of the present actual state of Indian Affairs within your department, describing with as much accuracy as possible the several Nations or Tribes of Indians, their different interests claims and dispositions, and stating the true causes of their present apparent discontents, with your opinion by what means those causes may be removed and the public tranquillity restored, and what will, in your judgment, be a proper plan for the future management and direction of these important interests, to the satisfaction of the Indians, the benefit of free trade, and the security and interests of His Majesty's dominions.

[Document No. 3]

C) The Proclamation of 1763

6. On October 7, 1763 King George III issued a Royal Proclamation to establish governments in the territories which Britain had acquired through the Treaty of Paris. The Proclamation contained the following provisions regarding the Indians:

WHEREAS We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to Our Crown by the late Definitive Treaty of Peace, concluded at Paris, the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of Our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which much accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of Our Privy Council, to issue this Our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of Our said Privy Council, granted Our Letters Patent, under Our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Granada and limited and bounded as follows; viz

First. The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid river St. John...

And whereas it is just and reasonable, and essential to Our Interest, and the Security of Our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under Our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them as their Hunting Grounds. We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also, that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present and until Our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of Our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial Leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of Our interests, and to the great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those Parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colonies respectively within which they shall lie; and in Case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; And We do, by the Advice of Our Privy Council, declare and enjoin, that the trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians, to take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the Said Trade.

And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies respectively, as well those under Our immediate Government as Those under the Government and Direction of Proprietaries, to grant such Licences, without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever, as well Military as those employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under proper Guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at Our Court at St. James's the 7th Day of October, 1763, in the Third Year of Our Reign.

[Document No. 10]



7. On November 13, 1763 Sir William Johnson sent the requested report to the Lords of Trade. He described the territories claimed by the various tribes of Indians in his jurisdiction. First Johnson described the land of the Five Nations Confederacy (Mohawks, Onandagas, Senecas, Oneidas and Cayugas - later known as the Six Nations when the Tuscaroras were admitted) which this group claimed as original proprietors; then he described the land which they claimed by "right of conquest": This latter description includes part of the area involved in this claim.

In right of conquest, they claim all the Country (comprehending the Ohio) along the great Ridge of Blew Mountains at the back of Virginia, thence to the head of Kentucke River, and down the same to the Ohio above the Rifts, thence Northerly to the South end of Lake Michigan, then along the eastern shore of said lake to Missillimackinac, thence easterly across the North end of Lake Huron to the great Ottawa River, (including the Chippawae or Mississagey Country) and down the said River to the Island of Montreal. - However, these more distant claims being possessed by many powerful Nations, the Inhabitants have long began to render themselves independant by the assistance of the French, and the great decrease of the Six Nations; but their claim to the Ohio, and thence to the Lakes is not in the least disputed by the Shawanese Delawares ettc, who never transacted any Sales of Land or other matters without their consent, and who sent Deputys to the grand Council at Onondaga on all important occasions.

Johnson also indicated that members of the Ottawa Confederacy inhabited lands north of Lake Ontario, and referred to the difficulty of collecting accurate information about scattered tribes.

... as the Western Indians or Ottawas Confederacy, were but newly received into our alliance, I have only taken upon me to ascertain the numbers of them residing in the neighbourhood of the several outposts lately taken, as reported by my deputies, who performed tours amongst them, and given the best General Computation I have met with of the rest of their Confederacy, who live so scattered about the North of Lakes Ontario, Erie and Huron, and even about the Lakes, Superior and Michigan, that no particular account can as yet be procured of them.

[Document No. 4]

8. Johnson also enclosed an "Enumeration of Indians within the Northern Department" with his report to the Lords of Trade. He lists the Algonkins among the "Indians allied with the Six Nations" (Mohawks, Oneidas, Tuscaroras, Onondagas, Cayagas, and Senecas), and refers to their residence at the Lac des deux Montagnes.

Names	Number of Men	Situation	Remarks
Canasadagas Arundacs Algonkins	150	These three Nations reside together, at the Lac de Montagnes at the mouth of the Ottawa River near Montreal.	All these Nations [Caghnawagas, Canasadagas, Arundacs, Algonquins] are in alliance with the Six Nations and warmly attached to the British Interest, as are all the other Indians in Canada - Caughnawaga is the seat of a Mission, as is the village of Lac du (sic) des deux Montagnes.  (There are several other Nations to the Northward, who avoid any connection with the white people; and as they have no fixed residence, their numbers, though considerable, can not be ascertained).

Two groups of Mississaugas are listed as members of the "Ottawa Confederacy, comprehending the Twightwees etc."

Name	Number of Men	Situation	Remarks
Chipeweighs, or Missisagais: in the neigh- borhood of Detroit	820	Resided above the Detroit, now probably in arms with the rest.	These are the most numerous of all the Ottawa Confeder- acy and have many villages about Lakes: Superior, Huron, Erie etc. whose numbers cannot at present be ascertained with exactness.
In the neighborhood of Michili- mackinac	400	Had several different villages in that country, and the environs of the Lake Huron.	

Johnson's lists also include references to Ottawas and Chippewas that were thought to reside near the Ottawa River. These people were listed among the "Miamis or Twightees"

Names	Number of Men	Situation	Remarks
Ottawas. Chipeweighs, etc.	4,000	Residing thro'all the extent of Country, from the Lakes, to the great ottawa River and abt lake Superior, etc.	This is the most exact computation which can be made of these numerous people, who are scattered throughout the Northern Parts, and who having few places affixed residence, subsisting entirely by Hunting, cannot be ascertained as those of their confedaracy residing near the out Forts.

[Document No. 4]

9. On November 18, 1763, Sir William Johnson included a "Memorandum on Six Nations And Other Confederacies" with a letter sent to the Lords of Trade. This memorandum states where various members of the Indian Confederacies lived, and includes the following mention of the Indians at Lake of Two Mountain under the Six Nations Confederacy:

[Canasad]agas Near the mouth of  
the Ott[awa] at Lac de du Montagnes  
3 Villages  
Arundacks, Algonkins,  
Iroquois, or 6 Nations  
called Canasadagas

[Document No. 5]

10. Apparently, however, Johnson wished corroboration from the Indians, themselves, about the lands they claimed. At a meeting held the next month, on Dec. 19, at Johnson Hall, he asked the Six Nations for that information. Their description included the territory encompassed by this claim:

Sir William desired to know from the Sachims of the Six Nat. then present at his House how far their Claims, or Bounds extended, as well what was Originally theirs, as what they claimed by Conquest. To which they said they would take some time to Consider amongst themselves, and would then give him an Answer

P:M: - The Sachims, and Headmen of Parties came in, and Conoquieson Speaker of Oneida after telling Sir William, and all present, the many Nations they had conquered, and the Cause of Quarrel, which they had handed down from Father to Son, said that from Albany down to the Sea side was conquered by their Ancestors, except what was sold by the Original Proprietors to the English, before their Quarrel with them. Thence away to the Catabaw Country, from thence to the Mississippi, and along that River to the Country of Adonissaiy, thence to the North end of Lake Michigan, Lake Huron, the Ottawa River down to Montreal from the Mouth of the River Sorrel to Lake Champlain, from thence to Lake George, Fort Edward and to Albany. -

. . . .

[Document No. 8]

11. Thomas Gage, military governor of Montreal, transmitted the Royal Proclamation of 1763 to Sir William Johnson on December 1, 1763, with a letter pointing out the significance of the regulations referring to the Indian Tribes.

By the October Mail which arrived last Night, I received Several printed Copys of His Majesty's Proclamation to make known the Arrangements which His Majesty had thought proper to make in Consequence of the Cessions Made to the Crown of Great Britain in America, by the late Treaty of Peace with France. I think it right to enclose you one of those Copys of the Said Proclamation, for your Information of the Regulations which have been made, & particularly as they are So very favorable to all the Indian Tribes, a proper Explanation of the Articles which concern them, I imagine Must have great Influence over their Minds, and induce them to a Conviction that His Majesty is well disposed to favor and protect Them. I am certain you will make the best Use of every particular which relates to the Indians, & that it's needless to say more to you on that Head.

. . . .

[Document No. 6]

12. On December 7, 1763, Governor James Murray received the Royal Instructions regarding Indians and Indian lands in the colony of Quebec. Paragraphs 60 through 63 read as follows:

. . . .

60. And whereas our Province of Quebec is in part inhabited and possessed by several Nations and Tribes of Indians, with whom it is both necessary and expedient to cultivate and maintain a strict Friendship and good Correspondence, so that they may be induced by Degrees, not only to be good Neighbours to Our Subjects, but likewise themselves to become good Subjects to Us; You are therefore, as soon as you conveniently can, to appoint a proper Person or Persons to assemble, and treat with the said Indians, promising and assuring them of Protection and Friendship on Our part, and delivering them such Presents, as shall be sent to you for that purpose.

61. And you are to inform yourself with the greatest Exactness of the Number, Nature and Disposition of the several Bodies or Tribes of Indians, of the manner of their lives, and the Rules and Constitutions by which they are governed or regulated. And You are upon no Account to molest or disturb them in the Possession of such Parts of the said Province, as they at present occupy or possess; but to use the best means You can for conciliating their Affections, and uniting them to Our Government, reporting to Us, by Our Commissioners for Trade and Plantations, whatever Information you can collect with respect to these People, and the whole of your Proceedings with them.

62. Whereas We have, by Our proclamation dated the seventh day of October in the Third year of Our Reign, strictly forbid, on pain of our Displeasure, all Our Subjects from making any Purchases or Settlements whatever, or taking possession of any of the Lands reserved to the several Nations of Indians, with Whom We are connected, and who live under Our Protection, without Our especial Leave for that Purpose first obtained; It is Our express Will and Pleasure, that you take the most effectual Care that Our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon your Government be carried on in the Manner, and under the Regulations prescribed in Our said Proclamation.

63. You are to use your best Endeavours in improving the Trade of those Parts, by settling such Orders and Regulations therein, with the Advice of Our said Council, as may be most acceptable to the Generality of the Inhabitants. And it is Our express Will and Pleasure, that you do not, upon any Pretence whatever, upon pain of Our highest Displeasure, give your Assent to any Law or Laws for setting up any Manufactures and carrying on any Trades, which are hurtful and prejudicial to this Kingdom; and that You do use your utmost Endeavours to discourage, discountenance and restrain any Attempts which may be made to set up such Manufactures, or establish any such Trades.

. . . .



In 1768 Murray's successor, Guy Carleton, received identical instructions.

13. On December 23, 1763, Sir William Johnson acknowledged receipt of a copy of the Royal Proclamation from General Thomas Gage:

Your Excellencys favours of the 30th. Ult. and 1st. of this Inst. were accompanied with two letters from the Lords of Trade the one of September. & the other of the 10th. of Octbr. last enclosing me the Kings Proclamation and expressing the approbation of his Majesty & his Ministers, and that of their Lordships on my late representations, and his Majestys orders that I should cause the Proclamation therewith transmitted to be made pu[b]lick & Strictly complied with throughout my Jurisdiction. -

I am hopefull that on receipt of my last letter, there Lordships will be able still farther to contribute towards the salutary Points in view relative to Indians. This Proclamation does not relieve their present grievances which are many, being calculated only to prevent the like hereafter, altho there are numberless Instances of Tracts wh. have indeed been purchased, but in the most illegal & fraudulent manner, all which demands redress. I have at this Meeting made the best use in my power of his Majestys Proclamation for the convincing the Indians here of his gracious & favourable disposition to do them Justice, & shall communicate the same to all the rest. -

[Document No. 9]

14. The next day Sir William Johnson drafted a notice to publicize the contents of the Proclamation. In addition to the text, Johnson included the following comments:

I DO, in Obedience to His Majesty's Command give this public Notice to all Persons residing within my Jurisdiction, (being that Country justly Claimed by the Six Nations, their Allies and Dependants) that I will, to the Utmost of my Power, cause the same to be observed: And I do strictly enjoin all such Persons to pay due Obedience thereto.

GIVEN under my Hand and Seal at Arms, at Johnson-Hall, the 24th Day of December 1763, in the Fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of Great Britain, France and Ireland; King, Defender of the Faith, and so forth.

At the bottom of the document the following undated marginalia was added by John Johnson:

At the earnest Request of the Algonkins  
I put my name to this \*

[Document No. 10]

15. Two months later, on February 19, 1764, Sir William Johnson wrote to Thomas Gage giving his opinion on the best type of Treaty to obtain from the Indians. He suggested that a number of demands be made on the various nations, including:

. . . .  
That the Misisaga's &ca living on the N side of  
Ontario Guarranty the Communication down the R. St.  
Lawrence to Oswegatchy\*\*...

[Document No. 11]

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\* See also para. 153.

\*\* [Note: Oswegatchy was located near present-day Ogdensburg.]

III. REFERENCES TO THE ALGONQUINS AND THEIR HUNTING GROUNDS IN  
DOCUMENTS CONCERNING GOVERNMENT REGULATION OF THE LIQUOR TRADE  
ALONG THE OTTAWA RIVER AND THE RELATION OF THESE INDIANS TO THE  
GOVERNMENT IN THE YEARS IMMEDIATELY FOLLOWING THE PROCLAMATION

16. On April 13, 1764, Governor Burton of Montreal, apparently in response to complaints from both Indians and Missionaries, issued the following ordinance. It was intended to deal with a major problem - the regulation of trade between Indians and non-Indians, and, very particularly, the elimination of the trade in liquor along the Ottawa River:

I Do hereby declare to all Merchants, & Traders, that for the greater safety & conveniency of sd. interior Branch of Trade, I have established a Post at Carillon upon the Ottawa, or Grande Rivière, & another at the Cedars upon the St. Lawrence, as far, & within which Posts all His Majesty's Subjects have leave to trade & traffick with the Indians, openly and freely without being provided with any passes from Me for that purpose, taking care not to encroach upon the Rights, & Privileges of the different Seigneurs, or others settled in the different Manors, & parishes within the said Posts, expressly forbidding all Traders to sell, & retail to the Indians, or others in those Parts any Gun Powder, firearms, ammunitions, or spirituous Liquors. Whoever shall be convicted of having done so, or of doing it, shall upon conviction forfeit all the goods, & effects in His, or their Canoe, or Battoe, one half to the King, the other Half to the Informer. Except he, or they should be provided with a particular leave signed by Me for that Purpose.

I Do likewise most expressly forbid all Merchants, & Traders to pass beyond the established Posts above mentioned, without a pass signed by Me for so doing, whoever shall be caught attempting passing the said Posts, or found beyond said Limits, shall forfeit all His goods, Merchandises, Canoe, or Battoe, the half to the King, & ye other half to the Seizors, & be liable besides to the other forfeitures, & punishments mentioned in the Proclamations issued heretofore concerning Trade with the Indian Nations.

[Document No. 12]

17. The question of reopening the river trade arose soon afterwards, however, namely, at the "Conference with Foreign Nations" held between July 9 and 14, 1764. The main purpose of this conference was to achieve peace among the warring Nations, but at this gathering Johnson received various submissions from the

participants requesting ammunition, clothing, liquor, and the re-opening of trade. The Algonkins are listed among the Nations of the Six Nations Confederacy present at the Conference.

NATIONS AT THE GENERAL MEETING  
A.D.

The Several Nations who attended this General Meeting July 1764.

Mohawks	Nanticokes	
Oneidaes	Canoys	
Tuscaroras	Mohicanders	
Onondagaes	Algonkins	The
Cayugaes	Nipissengs	Six Nation
Senecas		Confederacy
Coghnowageys		
Ganughsadageys		

[Document No. 13A]

18. The following year, on January 31, 1765, Governor Murray issued a general proclamation on the matter, in accordance with the provisions of the Royal Proclamation:

Whereas His Majesty, by His Royal Proclamation, given at St. James's, the seventh Day of October, One Thousand Seven Hundred and Sixty-three, in the Third Year of His Reign, hath thought fit to Declare and Enjoin. That the Trade with the several Nations or Tribes of Indians, with whom he is connected, and who live under his Protection, should be free and open to all his Subjects whatever. Provided, That every Person who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade, from the Governor or Commander in Chief of His Majesty's Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as His Majesty shall, at any Time think fit by His Royal Order, or by His Commissaries to be appointed for that Purpose, to direct and appoint for the Benefit of the said Trade: And that the Governors or Commanders in Chief, of His said Colonies respectively, should grant such Licences without Fee or Reward: taking especial Care to insert therein a Condition that such Licence shall be Void, and the Security Forfeited, in Case the Person to whom the same is granted, shall refuse or neglect to observe such Regulations as His Majesty shall think proper to prescribe as aforesaid. And Whereas all Hostilities with the several Indian Nations who lately appeared in Arms against His Majesty, are ceased, and a friendly Intercourse between His Majesty's Subjects and them is thereby happily restored:

[Document No. 14A]

19. These attempts to regulate the sale of spirits were apparently unsuccessful. On August 6, 1767, Sir Guy Carleton, Lieutenant Governor of Québec, wrote to Sir William Johnson concerning the many continuing complaints about the liquor trade made to him by the Indians of the Lake of Two Mountains. Carleton stated his decision to appoint a resident officer there to keep the peace.

Many Representations having been made to me by the Indians of the Lake of the two Mountains, that several Persons have been guilty of vending spirituous Liquors to their young Men, which has been attended with such pernicious consequences, that no less than five Murders have been lately committed among them, owing to the dismal and never failing Effects of these inebriating Liquors, upon those unhappy Creatures; and the Interposition of the Civil Magistracy of that District, tho' strongly urged to exert their Authority in this Matter, having by some Means or other, hitherto proved ineffectual, I have determined to send an Officer, whom I have invested with the Commission of the Peace, to reside in their Village, and hope this Measure will be attended with the desired Effect -

[Document No. 15]

20. Sir William Johnson's Deputy, Daniel Claus, expressed apprehensions regarding possible complaints from the Indians about stationing an officer and a party of soldiers at the Lake of Two Mountains, as Carleton had suggested in previous correspondence. On Sept. 3, 1767, Carleton reassured Claus that the Indians, themselves, had requested such a measure to control abuses by liquor traders:

... And the second of the 24th. instant expressing your Apprehensions that my sending an Officer and a Party of Soldiers to the Indians of the Lake of the two Mountains<sup>1</sup> will give Jealousy and Umbrage to the Savages and may occasion Disputes and procure Complaints and Requests to have them removed.

I shall in all my Transactions with the Indians think myself obliged to you for your Opinion and advice not doubting but it will be such as seems to you best, and most likely to produce Good Order and Tranquility and give all reasonable Content to the Indians.

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Editorial Note on document No. 16:

<sup>1</sup> At the mouth of the Ottawa river, the residence of the Canasadagas, the Arundacs and the Algonkins, who were in alliance with the Six Nations.



It is from the repeated Prayers and urgent Requests of these very Indians that this party has been sent up and not till after many Reproaches [ ] and for suffering their People to be ruined [ ] Retailers of Spirits which, besides its poison[ous ] occasioned their Young Men to committ many [ ] and Murders which you must have heard a gr[eat ] of had it not been for your long absence from the [Province].

To prevent all such Misfortunes for the future Captn. Schlosser has got a Commission of the Peace, with Orders to put the Ordinances in Force, against such Retailers of spirits in any of the Indian Villages near the lake of the two Mountains. within the Province: all such Village I intend he should visit wherever be his chief Place of Residence, which I have not as yet fixed but he is to report to me the Place, he judges most proper it: In all things he is to consult with you, Sir, who I am persuaded He will find ready, to give all the Information in your power and such Advise as you judge best for the public Tranquity: He has likewise my Directions to Correspond with Sr. Johnson.

If after all the Indians request the [ ] Removal, they much (sic must) take the Consequences. [ ] ensue as I have done my Duty and [ ] other Means likely to remove those [ ] they have so loudly complained.

[Document No. 16]\*

21. Other reports also indicate that spirits still continued to reach the Indians along the Ottawa River. Among them is a letter sent by Frederick Christopher Spiesmacher, probably to Sir William Johnson, (?) dated May 6, 1768. It relates information he received from the Ottawa Nation from the Grande Riviere (Ottawa River) thus:

...About the 18th inst. the Ottawa Nation from the Grand Riviere<sup>4</sup> and Abrecros<sup>5</sup> headed by La Force<sup>6</sup>, and a Chief of the Grand Riviere arrived here without Arms. The Chiefs in Council acquainted me that several nations had got giddy headed, but that they were determined to hold a fast Friendship for us, begged of us to be continually on our Guard for fear of a Surprize from others.

...

[Document No. 17]

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Editorial Notes on document No. 17

4. The Ottawa River.
5. Arbres Croche, immediately north of Little Traverse Bay, on the northwest corner of the peninsula of Michigan.
6. An Ottawa Chief.

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\*The blanks in the text of this document indicate missing words in the original.

22. On July 8, 1772, Daniel Claus reported on trouble between the Indians at Lake of Two Mountains and traders who brought liquor to their Hunting Grounds. He notes that the Indians claimed and occupied hunting grounds which extended from the Long Sault to Lake Nipissing.

... there being [a]\* great Doings here between some Traders of this Place (Mr. Chin being at the head) and the Indians of the Lake or Caneghsadagey. The latter after several Years Application to prevent Traders from coming amongst Indians (them) to their hunting Grounds<sup>3</sup> wch. they have always occupied and claimed from the Long Sault or fall in Outawa or grand River, to Lake Nipisin where no Traders ever resorted to in the time of the french and seeing their Ruin drawing near and no Prospect of Redress the 3 Nats. agreed in Council to send 3 Canoes manned to the Number of 25 Men and bring down 2 or 3 of those Traders with their Merchandise and wch. was executed & the Frontiers safely & quickly conducted to the End of the Montreal. The Reasons the Indians give of their disliking Traders on their hunting Grounds are, Their bringing Liquor with them by which they prevent them to follow their hunting and their [young] people knowing [where] Liquor [is to be had] being so near to be had whenever they have a Beaver Skin &ca. they go and drink it & thereby their families are left destitute of Necessaries throughout the whole Year, the Love of Liquor also tempts them to rob their Neighbours hunting Ground & [getting] has occasioned several Murders among themselves [hunt]ing game out of season to the prejudice [of trade] of their hunt...

... These and many more are their Reasons of Complaint all which I have laid before Govr. Carleton<sup>4</sup> and last Year Lt. Govr. Cramahes<sup>5</sup> seemingly to no purpose so that the Indns. at last were compelled to the above Expedient in their own Defence; but the Traders abuse them and defy them to hinder them & that they would go there armed & repell love by force, wch. are silly [expressions and have been told the Indns who are very warm about & dare them in their Turn, so that if Government. dont interfere [those] such perhaps may [get] draw and Indn. war upon them wch. these Rumsellers dont care for so their Interest is served [suffers] [and] was it even all the Trade in the upper Countries knocked up and the Crown put to a great expense wch. soon would be the Case if any [thing should happen] Insult should be offered the Arundan & Skaghgaere Nations at Caneghsady who are connected with all the upper Nations<sup>6</sup>. I plainly foresee that the Trade must soon be confined to the Posts after all the Lies of the Canada Traders to the contrary tho they brag away that they will cut out all the other Colonies in Indn. Trade & if the Ottawa River should be stopped up it would be all over with them;...

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Editorial Notes on document No. 18

3. On the margin at this point is written: "for me as well as for the Govn. of the Province. himself."
4. Governor Guy Carleton.
5. Hector Theophilus Cramahé, appointed in 1771; Lieutenant Governor of the Province of Quebec.
6. "I have cautioned them and they have promised me not to be the Agressors." Footnote at bottom of the letter.

\* Words in brackets are crossed out in manuscript.

[Document No. 18]

23. It appears that the above-noted ordinance and proclamations still did not resolve the problem. On July 25, 1772, Daniel Claus Deputy Superintendent General of Indian Affairs, again advised Lieutenant Governor Hector Theophilus Cramahé of friction between Indians and traders along the Ottawa River:

. . . .

Last Thursday I had a Conference with the Indians of the Lake of 2 Mount when I acquainted them with the Paragraph of your letter relative to their late Behaviour to some Traders in the Grand River [Ottawa River], dwelling a good while upon the Subject when next Morning, they in a full Council and in the presence of Lt. Col. Templer gave the following Answer. "That they had repeatedly laid their Complaints before the respective Governors of this Province, but seemingly to no purpose, and likewise some years ago represented their case to Lord Adam Gordon, who then visited them on his Way to England and promised to lay their complaints & Belts of Wampum in person before His Majesty. And having but th'other day seen a paper, by which they found His Majesty the great King of England did enjoin all his Subjects in this Province not to interrupt or molest the Indians in their hunting Grounds on any Account whatsoever/: which paper I found to be General Carleton's Proclamation of Oct. 1766/ and for which they could not be sufficiently thankfull to His Majesty, But seeing little or no Regard was paid to said paper by his Subjects here, they were now determined themselves to protect their said hunting grounds, by virtue of that Paper, and that therefore if any Traders intended to deal with them in their District which they claimed from the Long Sault above Carillon to Lake Nipissin, they had no objection to their assembling at Carillon or anywhere below it, on the South side of the Grand River, but not above that, and then with dry goods only & no Spirituous Liquors, and the Traders going into the upper Country not to bring bulk or sell or dispose of Liquors to Indians within their District; For it being full time for them to look about themselves and guard against their utter Ruin & Destruction, their Village being already thinned by the many losses they these several years past sustained by the enormous Sale of Liquor to them and that at a time when they should follow their Hunting, upon which depended the Subsistance of themselves & Families throughout the year, and which, if neglected must make them miserable at least for that Time.

"In order therefore to prevent which Nuisance, as they were soon going upon their Winters hunt, they intended first to clear their hunting grounds all the way to Lake Nipissin, of any Traders that may reside thereupon, and so follow their hunting peaceably & quietly, to the better interest of themselves & the Ind'n Trade in general, and so they finished."