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Civil Indian Policy and Aboriginal-White Relations in Nineteenth  
Century Canada: A Cultural Genocide?

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Thesis Submitted for the degree of MA by Research

September 2014

## Contents

Abstract.....	ii
Acknowledgements.....	iv
Introduction. An overview of Canada’s Nineteenth Century Civil Indian Policy .....	1
Chapter 1. Parameters for genocide: The Treaty .....	22
Chapter 2. Genocide by missionary endeavours: a benevolent intention? .....	53
Chapter 3. Legislation: Consolidating Cultural Genocide .....	95
Conclusion.....	125
Bibliography .....	131

## Abstract

This dissertation examines the development of Indian Policy by the British Imperial Government in North America following its transition from the military to the civil branch of government. Through detailed analysis of primary and secondary material it will argue that there was a determined effort by the Church and State to destroy, in whole or in part, the social, political, spiritual, and other cultural traditions of the indigenous peoples in Canada. The dissertation will contextualise the Victorian ideology of superiority, and will provide a fresh outlook on the aboriginal-white relationship as it developed in the settlement era of Canadian expansion. The dissertation's overall argument is that the culturally destructive intentions of Eurocentric policy makers and evangelisers should be seen as a kind of "cultural genocide", because they imposed measures to dismantle forms of indigenous culture, with the intent of transferring or assimilating the physical person, as an individual, into the settler society.

The dissertation explores different forms of genocide from the definition ratified at the *Convention on the Prevention and Punishment of the Crime of Genocide 1948* which focused solely on physical destruction. These forms of cultural destruction include political, spiritual, and economic genocide. The dissertation develops the argument that cultural genocide was limited to article 3 (e), and should include other aspects of destruction that undermined First Nations' traditions, such as: forms of government, gender roles, economic pursuits, ceremonies, and spiritual beliefs.

An introduction contextualizes Eurocentricism, the ideology of superiority based upon European socio-political and religious belief, and the changing white perception of

aboriginals from warrior to “expensive social nuisance”<sup>1</sup>. A chapter on the Church-State effort to civilize the ‘Indian’ reveals how philanthropic measures intended to assist indigenous people were ultimately hindered by the assumption of Victorian superiority. Two further chapters – one an in-depth analysis on ‘Indian’ legislation, the other on historic treaties– highlight that economic prerogatives for a coast-to-coast settler society undermined Native sovereignty. The dissertation concludes that the Aboriginal-white relationship deteriorated as a result of the Civil Indian Policy; Indigenous people became wards of the State, were reduced spiritually and morally to a sub-human status; and were economically demoted to a peasant class that barely survived maybe?

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<sup>1</sup> John Leslie, “The Bagot Commission: Developing a Corporate Memory for the Indian Department”, *Historical Papers*, Vol.17, No.1 (1982), p.32

## Acknowledgements

I must first and foremost thank my parents Bill and Gill Twist. Their love, care, and confidence in me has undoubtedly empowered me to through this dissertation. Without their support this project would never have even begun.

Secondly I would like to thank the entire History and American Studies department at Canterbury Christ Church University. In particular my supervisors Dr. Sam Hitchmough and Dr. Nick Witham who were always on call to assist with the demands of my research and directing me to resources and archival material, and also Dr. Zalfa Feghali and Dr. Lydia Plath who provided encouragement and enthusiasm.

## A note on some phrasing: Indian or indigenous, white or Euro-Canadian?

Within Native studies the terms that are used to define people of different races have often come under close scrutiny. As Berkhofer so poignantly states: “Since the original inhabitants of the Western Hemisphere neither called themselves by a single term nor understood themselves as a collectivity, the idea and the image of the Indian must be a White conception”.<sup>2</sup> The term Indian has “stuck” since Columbus mistakenly referred to the Taino people as Indians as he assumed he landed on islands in Asia.<sup>3</sup> Overall there is no definitive term. Some authors choose to use tribal names such as Sioux, but this is problematic as they are European labels that in many cases are names referred to by rival tribes.<sup>4</sup> In a similar sense, the term ‘Indian’ is a manufactured title placed upon indigenous people by Europeans; they are colonizing a label, which makes them problematic. Contemporary writers do not have a fixed term, as some of the people whom they refer to approve of the terms whilst others disapprove of them. Terms that have become more fashionable include American Indian, First Nation or Native American. In the case of this dissertation, First Nation targets specifically those of Indian, Inuit and Metis descent in Canada. However, whilst First Nation highlights the idea that aboriginals were there first, countering the traditional history of the nation, I believe it is too politically charged, and undermines the diversity of different tribal cultures. Patricia Olive Dickason uses the term “Amerindian” to try and alleviate the political sensitivity, but this is still a blanket term for all people of aboriginal descents across a vast land. Since she states that Amerindian is a translation of

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<sup>2</sup> R. Berkhofer, *The White Man’s Indian* (New York: Random House Inc., 1977), p.1

<sup>3</sup> David Reynolds, *America: Empire of Liberty* (London: Penguin Books, 2010) pp.10-11

<sup>4</sup> Hugh Brogan, *The Penguin History of the USA*, 2<sup>nd</sup> ed. (London: Penguin Books, 2001) pp.4-5

aboriginal, I will simply be using the term 'aboriginal' as well as indigenous.<sup>5</sup> The two terms aboriginal and indigenous will be used interchangeably throughout this dissertation as they are more matter of fact terms which illustrate that the people who occupied the lands in North America have been there since time immemorial, and are not terms that result from recent or historical events such as the Red Power Movement or from the White Paper protests during the 1960s and 1970s. In addition, tribal names such as Ojibwa shall be used where appropriate if discussing individual tribes, even though such names can be seen as problematic as stated previously. Further to this, in talking about those from Europe, the terms Euro-Canadian shall be used to talk about the specific people residing in Canada that are of European descent, whereas Eurocentric shall be used in relation to the ideologies or beliefs that are shared with European Victorian culture.

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<sup>5</sup> Olive P. Dickason and William Newbigging, "The Problem of Interpretation", *A Concise History of Canada's First Nations* (Don Mills: Oxford University Press, 2010), p.xi



## Materials Used

One objective of this dissertation is to work as a bench-mark for the study of other aboriginal-colonizer relations. In this sense, the evidence used in this dissertation serves as a case study for further study in the history of cultural repression through the colonizing period, and can even extend into post-colonial society. The sources used in the history of Canadian-aboriginal history are a combination of primary and secondary materials. The primary sources are a mixture of government reports, particularly Indian Department. Unfortunately, as stated in the Bagot Commission, poor administration of the early Indian department meant that much of the early data on the conditions of tribes is relied upon this single report.

That being said, the Bagot Commission is very comprehensive in statistical data, and contains a variety of scribed interviews and testimonials from Indian agents and missionaries from various aboriginal villages across Canada East and Canada West. Although these types of reports and commissions do not necessarily reveal the full extent of aboriginal feeling, they do enlighten us as to the ideological framework in which political and religious Eurocentric people were operating in their dealing with the Indigenous people in colonial Canada. As historic enquiry relies much on written or physical sources, it is still, to an extent a discipline that has been colonized. By this, aboriginal agency, or sources of aboriginal ownership, particularly oral accounts are much more difficult to assess.

Those that are used in this dissertation, however, such as the accounts in Alexander Morris's *The Treaties of Canada* do help to reveal aboriginal attitudes towards imperialism. In addition, missionary accounts, particularly the Society for Converting and Civilizing the Indians of Upper Canada provide an insight into the intriguing relationship that developed

between the Church and aboriginal. These types of sources have been put under much speculation. Whether or not missionaries were agents of cultural destruction or cultural transformation, their accounts are “crucial to understanding cross-cultural encounters” throughout colonial times between colonized and colonizer.<sup>1</sup> These accounts, including Egerton Ryerson Young’s *On the Indian Trail – Stories of Missionary Work among Cree and Salteaux Indians*, whilst subject to much speculation of authenticity and accuracy, nevertheless offer, again, an insight into ways in which the indigenous people attempted to adapt to changes in their world.<sup>2</sup>

Further to this, I have used a rich bank of secondary resources that lay a foundation of theoretical frameworks and histories of the themed period. J.R Miller’s *Skyscrapers Hide the Heaven’s and Compact, Contract and Covenant* are examples of works that go into great detail of the relationship between natives and newcomers since contact. He, in particular, highlights cross cultural misconceptions between indigenous and European perceptions towards the need to educate aboriginals. At the Grand Council of Orillia, for example, Miller argues that the Indigenous people sought to appropriate European style education to adapt to new economic circumstances within their own socio-political and cultural structures, whereas European representatives sought assimilation as a humane way of saving indigenous people by denying the continuation of those structures.<sup>3</sup>

The history of contact throughout the rise of the settlement era in Canada is fit into the frameworks provided by George E. Tinker in *Missionary Conquest*. Tinker argues that the migration of Europeans to the New World affected indigenous political, economic, social

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<sup>1</sup> Kate Flint, “Indians and Missionaries”, *The Transatlantic Indian 1776-1930* (Woodstock: Princeton University Press, 2009) p.194

<sup>2</sup> *Ibid*, pp. 199-207

<sup>3</sup> J.R Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (UTP: Toronto, 2000) pp.134-135, 141

and religious traditions that formulate the various cultural traits of tribes. I have used these frameworks to look at how the Church and State in particular systematically and systemically thwarted aboriginal agency to adapt European modes of living into their own traditions. Instead, the Church and State's policies to assimilate Indigenous people caused internalized racism by forcing aboriginals to see their traditions as the cause of their suffering.<sup>4</sup> As a result, whether or not intentions were in the interest of Euro-Canadians or the tribes themselves, Indigenous people have been made to feel that they are inadequate in themselves and that they can never truly be, despite all efforts to civilise them, on an equal footing with those of European descent.

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<sup>4</sup> George E. Tinker *Missionary Conquest* (Fortress Press: Minneapolis, 1993) pp.2-3, 5-10

## Introduction: an overview of Canada's Nineteenth Century Civil Indian Policy

As a term Genocide is relatively new, yet its existence has long predated society's acknowledgment. As Lawrence Davidson points out, "so long as victims of physical genocide were non-European, the situation could be rationalised away, or just ignored".<sup>5</sup> This suggests that acts of genocide were a pre-existing phenomenon that was justified by "economic necessity" and "colonial expansion" which allowed for the spread of civilisation.<sup>6</sup> In a general sense the term genocide refers to the physical destruction of a group of people, as defined by the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the United Nations in 1948. As a result of the Nazi holocaust, genocide was merely realised, not discovered. In extension to this, genocide does not merely refer to the physical destruction of a people, but the destruction of their attributes, their characteristics, their rituals, beliefs, economic practices, and means of living: in essence, their culture.

This line of thinking emerged along with the beliefs of Enlightenment thinkers during the eighteenth century. These thinkers challenged the status-quo of religious dogma that professed one true race. The earliest example of this phenomenon in North America came from Joseph-Francis Lafitau, who, in his study of the Iroquois, *Moeurs des Sauvages Americans* (1717-1721), likened the tribe to Ancient societies such as Greek, Roman and Hebrew.<sup>7</sup> Whilst tribal customs were seen as backwards, primitive or 'savage', Indigenous people in North America were increasingly seen throughout the nineteenth century as capable of improvement. In this sense, the aboriginal was seen as malleable. Missionaries

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<sup>5</sup> David Lawrence, *Cultural Genocide* (Rutgers University Press, 2012: London), p. 19

<sup>6</sup> Ibid.

<sup>7</sup> Ronald Niezen, "Learning to Forget" *Spirit Wars: Native North American Religions in the Age of Nation Building* (University of California Press, London: 2000), pp.47-48.

on the front line and government policies from afar reflected this scientifically justified mind-set. Studies such as those conducted by Lewis Henry Morgan promoted a social paradigm in which European civilisation stood as the pinnacle, with upper, middle and lower rungs of barbarism followed by upper, middle and lower rungs of savagery.<sup>8</sup> The 'Indian', depending on the tribe's level of acculturation, or adoption of dominant societal means, was, depending on their perceived level of civility, classed somewhere between upper savagery and lower barbarism.<sup>9</sup> In particular, scientific racism emerged with the acceptance of theories such as evolution that took on a flavour of traditional religious zeal.<sup>10</sup> Morgan concluded that the State should be the proper guardian for the "emancipation" of Indigenous people from their cultures and assimilation into the dominant society.<sup>11</sup> Theories such as evolution, racism and religion were used as a three pronged attack to subjugate tribal societies, and display them as inferior; justifying the dispossession of their lands and culture in the symbiotic interest of their so-called 'improvement'. It is the forceful attempt by Euro-Canadian religious and political figures to subjugate, undermine and destroy the cultural attributes of the aboriginal inhabitants of what became Canada that will be discussed in this dissertation.

On the other hand, cultural exchange can occur in varying degrees, not necessarily by imposition only. Acculturation is the least intrusive form of cultural exchange, as it occurs by one society adopting means of a more dominant one as it sees fit. This form of piecemeal change can work both ways: reverse acculturation is the process in which a dominant society adopts practices of a less dominant society. Assimilation, on the other hand, is an

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<sup>8</sup> Ibid, p.51

<sup>9</sup> Ibid

<sup>10</sup> Ibid, pp.50-51

<sup>11</sup> Ibid. p.52

intended effort by a dominant society to eradicate all aspects of a weaker one in the hope of absorbing the people of that weaker society into the dominant society.<sup>12</sup> During the nineteenth century in North America religious and state officials promoted assimilation by masking it with terms such as improvement. In relation to Morgan's concept of a rational spectrum of social orders, assimilation by education would be an accepted method through which indigenous people could climb the ladder from "savagery to civilisation".<sup>13</sup> In Canada, legislation would be the means in which to control the rate and level of improvement.

Whilst physical genocide has been well documented by the severe generational population decline in North America, cultural genocide is far more difficult to perceive. Cultural genocide is pacification without the need for physical extermination; presented as a façade of philanthropy. Through the lens of Christianisation and civilisation, cultural genocide became camouflaged by organisations that could control the methods of pacification and termination of cultural attributes whilst at the same time publishing these same measures in the public sphere as good intentions to help galvanize further support. In doing so, it could increase the rate of cultural suffocation. In Canada, this meant that by the turn of the twentieth century Indigenous people had suffered immense hardship, loss of land, loss of autonomy, restrictions on the freedom of movement, the end of traditional subsistence means, and the prohibition of spiritual traditions.

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<sup>12</sup> Ibid, pp. 7-8

<sup>13</sup> Ibid, p.51, see Lewis H. Morgan, *Ancient Society or Researches in the Lines of Human Progress from Savagery through Barbarism to Civilization* (Chicago, 1877), p.3 <https://archive.org/details/ancientsociety035004mbp>, accessed March 5, 2015

The 'solution' to Canada's 'Indian' element illustrated prejudiced views towards traditional tribal life because colonists based it upon intolerance towards First Nation social-political organization, spirituality, nomadic lifestyles, and languages and other customs that create diverse cultures. The Indian administration set about a Civil Indian Policy that aimed to transform aboriginals into citizens by replacing tribal culture with European civilization. In the 1830s the colonial administration experimented in civilisation with the help of missionaries. In 1844 a report by the Bagot Commission concluded that civilisation could successfully rid tribes of traditional customs and bridged the gap between savagery and a civilized society.<sup>14</sup> Through mission societies Indian policy had received "divine authority", and meant that every effort should be made to civilize the 'Indian'.<sup>15</sup> Future policy towards aboriginals across Canada would involve rounding them up on reserves, and forcing them by coercive measures to abandon their traditional habits and take up European modes of living. If civilization efforts failed, it was because indigenous traditions were "incompatible" with white ways rather than poor administration of policy.<sup>16</sup> Yet Euro-Canadians, particularly missionaries, did take responsibility for the increased suffering that threatened the extinction of the 'Indian' as a race since they had brought the diseases, alcohol, and guns that had caused such vast depopulation.<sup>17</sup> This dissertation examines the Civil Indian Policy, started by the British colonial government following the War of 1812, and continued and enhanced by the Canadian Government, to assess the level of intent to destroy tribal cultures. It argues that there was intent to dismantle the varying cultural aspects of the

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<sup>14</sup> National Archives, CO 42/515 "Bagot Commission", *Despatches. Report of the Commission on Indian Affairs, Part 1. 26<sup>th</sup> March, 1844*

<sup>15</sup> Kate Flint, "Indians and Missionaries", *The Transatlantic Indian* (Princeton University: Oxford, 2009), pp.193-194

<sup>16</sup> Rebecca B. Bateman, "Talking with the Plow: Agricultural Policy and Indian Farming in the Canadian and U.S. Prairies", *The Canadian Journal of Native Studies*, Vol.16 No.2 (1996), pp.213-214

<sup>17</sup> Kate Flint, "Indians and Missionaries", *The Transatlantic Indian* (Princeton University: Oxford, 2009), pp.197-199

indigenous population because they were considered inferior by whites who also believed that it was possible for aboriginals to 'improve' socially, morally and intellectually.<sup>18</sup> Such intent should be defined as cultural genocide.

Since Columbus, whites in North America have asserted a superior claim to lands occupied by indigenous people. *Terra Nullius*, the concept that the New World was vacant land, ignored the aboriginal histories and origins with the land, but Indigenous sovereignty and inherent right to un-surrendered lands were recognised by Britain by the Articles of Capitulation (1760) and the Royal Proclamation (1763).<sup>19</sup> The Articles stated that 'Indians' could remain on the "lands they inhabit... (and) shall not be molested on any pretence", and in the Royal Proclamation, land surrenders could only be made by the Crown to convince the tribes of Britain's just and "determined resolution to remove all reasonable cause of discontent".<sup>20</sup> At the turn of the nineteenth century, Indigenous people outnumbered Europeans, which made them essential to colonial military and commercial interests. Therefore, a policy of appeasement that recognised aboriginal inherent rights had to be conceded to maintain peaceful relations and allow colonial interests to be pursued with minimal aboriginal disturbance. This was curtailed during the settlement era, which began in the mid nineteenth century following the decline of the fur trade and proclamation of a 40

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<sup>18</sup> Robert F. Berkhofer Jr, "The idea of Progress and the State of Savagery in the History of Mankind", *The White Man's Indian* (Vintage Books: New York, 1979), pp. 45-53

<sup>19</sup> Alan D. McMillan and Eldon Yellowhorn, *First Peoples in Canada* (Vancouver: Douglas and McIntyre, 2004), p. 62

<sup>20</sup>Public Archives Canada, "Articles of Capitulation between their excellencies Major General Amherst, Commander in Chief of his Britannic Majesty's troops and forces in North America on the one part, and the Marquis de Vaudreuil, &c. Governor and Lieutenant-General for the King in Canada, on the other", *Documents Relating to the Constitutional History of Canada 1759-1791*, part 1, ed. Adam Shortt and Arthur G. Doughty, 2<sup>nd</sup> ed. (Ottawa: Historical Documents Publication Board, 1918), p.33. Accessed July 20, 2014 <https://archive.org/details/documentsrelatin01publuoft>, and "Text of the Royal Proclamation 7<sup>th</sup> October 1763", *Virtual Law Office: Royal Proclamation of 1763* (Bloorstreet, 1996). Accessed Oct. 10, 2013 <http://www.bloorstreet.com/200block/rp1763.htm>



million acre 'fertile belt' by Henry Y. Hind.<sup>21</sup> The idea of 'Manifest Destiny' justified expansion into, and occupation of, aboriginals' lands as God's providence. Scientific racism, which argued that indigenous people were biologically and culturally inferior, combined with a Eurocentric ideology of superiority meant that the Indigenous people had an inferior claim to their lands.<sup>22</sup> The belief that those of European origin were "ordained" to rule North America by a self-proclaimed divine right, justified by white self-portrayal as "dominant" in their morals and mode of occupancy, were epitomized by Philosophers such Emerich de Vattel, speaking on land exemplified this point:<sup>23</sup>

There are others, who, to avoid labour, choose to live only by hunting, and their flocks. This might, doubtless, be allowed in the first ages of the world, when the earth, without cultivation, produced more than was sufficient to feed its small number of inhabitants. But at present, when the human race is so greatly multiplied, it could not subsist if all nations were disposed to live in that manner. Those who still pursue this idle mode of life, usurp more extensive territories than, with a reasonable share of labour, they would have occasion for, and have, therefore, no reason to complain, if other nations, more industrious and too closely confined, come to take possession of a part of those lands.<sup>24</sup>

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<sup>21</sup> David J. Wilshart, "Images and Icons", *Encyclopedia of the Great Plains* (University of Nebraska Press, 2004) p.385, Sarah Carter, *Aboriginal People and Colonizers of Western Canada to 1900* (London: University of Toronto Press, 1999), p.104-105, see also Henry Y. Hind, *Narrative of the Canadian Red River Exploring Expedition of 1857* (Cambridge University Press, 2004)

<sup>22</sup> Robert F. Berkhofer Jr, "Democracy, American Liberty, Indian Policy in the Nineteenth Century", *The White Man's Indian* (Vintage Books: New York, 1979), p.155

<sup>23</sup> Dee Brown, *Bury My Heart at Wounded Knee* (London: Vintage, 1991), p.8

<sup>24</sup> Emerich de Vattel, "The Cultivation of the Soil a Natural Obligation", *The Laws of Nations*, p.81 <http://www.constitution.org/vattel/vattel.htm>

Canadian Indian policy therefore sought to “control” the ‘Indian’.<sup>25</sup> In 1830 the Indian Affairs office was moved from the military to the civilian department of government, as the Indian became militarily and economically otiose. Concern over the ‘vanishing Indian’ ushered in an era of attempts to civilise and therefore save the Indian race. Since whites thought themselves dominant, it was just and right to cleanse the Indian of his “wandering habits”, “superstition and barbarous thought”, than leave them to supposedly vanish in the face of an advancing settlement frontier.<sup>26</sup> The Aboriginal-white relationship worked whilst the two societies remained separate, but ‘cultural plurality’ was not an option.

This application and philosophy behind Canada’s Civil Indian Policy was a form of ‘denationalization’, a concept of genocide. Lemkin argued that such a form of what he called genocide “has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor”.<sup>27</sup> The Gradual Civilization Act (1857) put Eurocentric ideology into practice to nullify indigenous traditions and impose European culture on tribes and assimilate them. A key turning point in Canada’s historic relations with aboriginal people occurred when the Indian administration was transferred to territorial authorities under the British North American Act (1867). Once this occurred, Ottawa increased the pace of civilisation by consolidating early practices and protocol and extending its oppression to tribes that fell under its jurisdiction via treaty and law. Missionization completed the trio of cultural oppression. Missionaries infiltrated tribes

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<sup>25</sup> Andrew Woolford, “Ontological Destruction: Genocide and Canadian Aboriginal Peoples”, *Genocide Studies and Prevention*, Vol.4 No.1 (Genocide Studies and Prevention, 2009), p.84

<sup>26</sup> NA, FO 5/1669, Major Cameron, *Report of the North West Boundary, Lake of the Woods to the Rocky Mountains, 1876* (1876), pp. 253, 261

<sup>27</sup> Raphael Lemkin’s definition in of denationalization in, Bartolome Clavero, *Genocide or Ethnocide, 1933-2007: How to Make, Unmake, and Remake Law with Words*, (Milan: Giuffre, 2008), p. 32

from the seventeenth century.<sup>28</sup> They had proved to whites that the Indian was capable of improvement, and that the evangelical factor created the ideal civilized Indian.<sup>29</sup>

## Forms of genocide

The most physically and culturally destructive policy that the Canadian government pursued under its humanitarian banner was through the education indigenous people. By the end of the nineteenth century education was seen as the most efficient form of cultural genocide: “education alone can change barbarism to civilization”.<sup>30</sup> Education, by contrast, was used to “eliminate” traditional languages, customs, and ways of life.<sup>31</sup> The belief that “aggressive civilisation to accomplish colonial goals... was futile in the case of adults” meant that although the current generation of indigenous people were doomed, the next generation could be salvaged.<sup>32</sup> In short, this was the clearest form of physical and cultural genocide. The intent may not have been to destroy the entire indigenous child population, but “serious bodily” and “mental harm” was inflicted in a system that “deliberately” produced conditions of life that meant the physical destruction in “part” and cultural destruction in full in which children were “forcibly” taken from their families.<sup>33</sup> As the Dominion issued an official apology in 2008, and created a truth and reconciliation committee to investigate the

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<sup>28</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: University of Toronto Press, 2000), p.19

<sup>29</sup> *Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements), Reprinted with comments by the Aboriginal Protection Society* (London, 1837), pp.vii, ix, 59, 60, 67. Accessed June 10, 2014. <http://archive.org/stream/reportparliament00britgoog#page/n6/mode/2up>

<sup>30</sup> NA, FO 5/1669 “Remarks upon the past, present and future of the North West Canadian Indians”, *America, North West Boundary, Lake of the Woods to the Rocky Mountains, Major Cameron’s Report, 15 June 1876*, Appendix 24A (1876), p.243

<sup>31</sup> Andrew Woolford, “Ontological Destruction: Genocide and Canadian Aboriginal Peoples”, *Genocide Studies and Prevention*, Vol.4 No.1 (Genocide Studies and Prevention, 2009), p.84

<sup>32</sup> M. Castellano, L. Archibald and M. Degane, *From Truth to Reconciliation: Transforming the Legacy of Residential Schools* (Ottawa: Aboriginal Healing Foundations, 2008), pp.1-2

<sup>33</sup> “Article 2 sections B, C and E”, *Convention of the Prevention and Punishment of the Crime of Genocide, Adopted by Resolution 260 (III) A of the United Nations General Assembly on 9 Dec 1948* (Organization of American States, 2014). Accessed March 10, 2012. [http://www.oas.org/dil/1948\\_Convention\\_on\\_the\\_Prevention\\_and\\_Punishment\\_of\\_the\\_Crime\\_of\\_Genocide.pdf](http://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf)

damages caused by the residential school system, this dissertation will not focus on genocide through the use of schools.<sup>34</sup> This is because the general opinion over the role and intent of residential schools has been, and is continuing to be, revised.<sup>35</sup> Education as a right, however, was supported by indigenous leaders because it was a means in which to revitalize their traditions within a new societal context.<sup>36</sup>

Education as a means of genocide however does bridge the gap between physical and cultural genocide. Raphael Lemkin's views on the dissipation of culture were compromised at the genocide convention by post-colonial nations.<sup>37</sup> Post-colonial nation states argued that genocide should focus on "physical destruction".<sup>38</sup> Canada in particular reserved the right to remove cultural genocide, thereby reducing the definition of genocide to mass homicide.<sup>39</sup> This was an important development. Revoking and compromising the culturally destructive aspect of genocide reduced the seriousness with which such acts would be interpreted.<sup>40</sup> In the 1960s, ideas about cultural destruction were provided to try and understand the indigenous experience. Hobart and Brant's cultural replacement theory was the attempt to "replace" traditional cultures with "a modern one... without thoughtfully

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<sup>34</sup> Stephen Harper, *Statement of Apology – to Former Students of Indian Residential Schools* (Ottawa, 2011). Accessed March 15, 2014. <http://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>

<sup>35</sup> See Shelagh Rogers, Mike DeGagne, Jonathan Dewar and Glen Lowry, *Speaking My Truth: Reflections on Reconciliation & Residential School* (Aboriginal Healing Foundation: Ottawa, 2012)

<sup>36</sup> J.R Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000), p.143, see also J.R Miller, *Shingwauk's Vision: A History of Native Residential Schools* (Toronto: UTP, 1996), pp.84-86

<sup>37</sup> Robert Davis and Mark Zannis, *The Genocide Machine in Canada* (Montreal: Black Rose Books LTD, 1973), pp.20-22

<sup>38</sup> *Convention on the Prevention and Punishment of the Crime of Genocide, Adopted by resolution 260 (III) A of the United Nations General Assembly on 9 December 1948* (Organization of American States, 2014). Accessed March 10, 2012 [http://www.oas.org/dil/1948\\_Convention\\_on\\_the\\_Prevention\\_and\\_Punishment\\_of\\_the\\_Crime\\_of\\_Genocide.pdf](http://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf)

<sup>39</sup> Robert Davis and Mark Zannis, *The Genocide Machine in Canada* (Montreal: Black Rose Books LTD, 1973), pp.20-22

<sup>40</sup> Ibid, and Shamiran Mako, "Cultural Genocide and Key International Instruments: Framing the Indigenous Experience", *International Journal on Minority and Group Rights*, V.19 (Leiden: Martinus Nijhoff publishers, 2012), p.176

considering the articulation and interactive efforts” on those subjected to change.<sup>41</sup> In addition, Ralph Linton’s directed cultural change theory stated that a dominant culture actively “interferes” with a submissive one.<sup>42</sup> These forms of cultural interference with intent to disrupt and replace cultural and social traditions, this dissertation argues, align themselves with the intent to destroy the cultural fabric of a group. As Berry argues “perhaps the most important form of social identity is one that links individuals to some large collectivity such as nation, culture, or ethnic group”.<sup>43</sup> The way in which aboriginals were pulled towards Victorian ideals but were never quite able to reach them arguably left them in a state of cultural limbo. In addition, some Metis were unrecognised by the Dominion within the parameters of Indian Policy.<sup>44</sup> The government, its Indian department, Indian agents and Church missionaries of varying denomination ultimately held a myopic view that could not incorporate cultural pluralism.

Some believe that genocide has corrupted the interpretation of history, and few examples of pure genocide actually exist.<sup>45</sup> However, nation states such as Canada attempted to focus genocide on physical destruction because they believed that to include a more substantial definition of cultural destruction would implicate their historic policies towards indigenous people. By limiting the culturally destructive aspects of genocide to section 3 (e), colonial nation states such as Canada masked their historic crimes.<sup>46</sup>

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<sup>41</sup> C.W. Hobart and C.S. Brant, “Eskimo Education, Danish and Canadian: A Comparison”, *Canadian Review of Sociology and Anthropology*, Vol.3 (1966), p.48

<sup>42</sup> Ralph Linton, *Acculturation in Seven American Indian Tribes*, (Gloucester: Peter Smith, 1963), p.502

<sup>43</sup> J.W. Berry, “Aboriginal Cultural Identity”, *The Canadian Journal of Native Studies*, Vol.19, No.1 (1999), p.3

<sup>44</sup> Alexander Morris, “The Half-Breeds”, *The Treaties of Canada with The Indians of Manitoba and the North-West Territories* (2004). Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>45</sup> Robert Berner, “American Myth: Old, New, Yet untold”, ed. Alan R. Velie, *Native American Perspectives on Literature and History*, (London: University of Oklahoma Press, 1995), pp.65-66

<sup>46</sup> Robert Davis and Mark Zannis, *The Genocide Machine in Canada* (Montreal: Black Rose Books LTD, 1973), pp.21-23

In contrast, some applications of Indian policy, notably those in which tribes actively participated, were constructive. These measures are forms of cultural synthesis which involved “the thoughtfully conceived, carefully implemented introduction of change on a continuing, planned basis, informed by periodic assessment of effects and modified by required effective measures”.<sup>47</sup> This implies that tribes actively sought the modernization of their cultures by borrowing parts of European culture and incorporating them into their existing traditions. John Howison’s observations of tribes in the 1820s suggests that tribes “obstinately refused to assimilate”, but picked aspects of white culture that assisted with their own cultural resurgence.<sup>48</sup> It allowed the struggling cultural group to maintain “autonomy”, and arguably created a more constructive relationship, based on mutuality, between two cultural groups.<sup>49</sup>

Nevertheless, indigenous peoples in settler societies have been the victims of what this dissertation calls “cultural genocide”. This is the “cultural dissipation of a group”, as previously stated.<sup>50</sup> In Canada, the tactics issued by the Colonial and then Dominion Government throughout the nineteenth century coincided with an end to Indian military utility that shifted Indian affairs from the war to civil department in 1830.<sup>51</sup> This turning point represented a shift from cooperation to coercion as the invaders increasingly interfered with day-to-day tribal life.<sup>52</sup> In 1828 Major Darling, the Chief Superintendent of Indians Affairs (1828-30), created a report that cemented the new direction Indian Policy

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<sup>47</sup> David Nock, “Cultural Synthesis and Cultural Replacement”, *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis Vs Cultural Replacement*, (Waterloo: Wilfred Laurier University Press, 1988), p.1

<sup>48</sup> John Howison, *Sketches of Upper Canada, Domestic, Local and Characteristic* (Edinburgh, 1965), p.147

<sup>49</sup> *Ibid*, pp.1-2

<sup>50</sup> Shamiran Mako, “Cultural Genocide and Key International Instruments: Framing the Indigenous Experience”, *International Journal on Minority and Group Rights*, V.19 (Leiden: Martinus Nijhoff publishers, 2012), p.176

<sup>51</sup> Jill St. Germain, *Indian Treaty Making Policy in the United States and Canada, 1867 – 1877* (London: University of Nebraska Press, 2001), p.99

<sup>52</sup> J.R. Miller, “Coercion”, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: University of Toronto Press, 2000)

was to take within the civil realms of Government. Upton calls it the “founding document of the whole civilization programme”, as policy was “based on establishing Indians in fixed locations where they could be educated, converted to Christianity and transformed into farmers.”<sup>53</sup> What is significant about this report was that it emerged in a point of Canadian history where it received “enough support to go forward”.<sup>54</sup> The colonial wars and fur trade economy that defined the earlier aboriginal-white relationship was compromised by the expansion of settler societies. Since Indian utility diminished, First Nations were separated from the goals of Canadian expansion of the mid-to-late nineteenth century. As popular opinion saw the Indian as vanishing, survival rested in discarding what were perceived to be inferior “idle” “habits” of ‘savage’ living in favour of superior European civilisation.<sup>55</sup> Religious and political officials had a keen interest in the Indian condition. In a continuation of the spirit of the Royal Proclamation, they attributed British acts of injuries, oppression, and cruelties to aboriginal destitution.<sup>56</sup> Britain had a responsibility to correct its wrongdoings, and so promoted Indian policy under a ‘humanitarian’ banner. These measures included adopting European economic, political and social pursuits: Christianity, husbandry, individualism and elective democracy.

Traditionally, indigenous people have largely been excluded from writing their own history. Euro-Canadian authors such as George Stanley, Thomas Flanagan, and Marcel Giraud have

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<sup>53</sup> L.F.S Upton, “The Origins of Canadian Indian Policy”, *Journal of Canadian Studies*, Vol.8 No.4 (November 1973), p.57, “Looking Forward Looking Back”, *Report of the Royal Commission on Aboriginal People* (1996), p.224 Christian Aboriginal Infrastructure Developments, accessed Aug. 14, 2014 <http://caid.ca/RRCAP1.9.pdf>

<sup>54</sup> Patricia O. Dickason and William Newbigging, “The ‘Indian Problem’: Isolation, Assimilation, and Experimentation”, *A Concise History of Canada’s First Nations* (Don Mills: Oxford University Press, 2010), p.149

<sup>54</sup> L.F.S Upton, “The Origins of Canadian Indian Policy”, *Journal of Canadian Studies*, Vol.8 No.4 (November 1973), p.57

<sup>55</sup> Edward F. Wilson, *Missionary Work Among the Ojebway Indians*, (Aeterna, 2010), p.38

<sup>56</sup> *Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements), Reprinted with comments by the Aboriginal Protection Society* (London, 1837), pp.vi-vii. Accessed June 10, 2014. <http://archive.org/stream/reportparliament00britgoog#page/n6/mode/2up>

created distorted histories based upon white Western supremacy.<sup>57</sup> In doing so, such histories justified and perpetuated the history of indigenous. Even contemporary white authors that were markedly more sympathetic to Native issues, such as John Maclean in *The Indians of Canada* and Alexander Morris in *The Treaties of Canada*, were limited by being products of a society that was “self-consciously civilized” regarding others as “morally and intellectually inferior”.<sup>58</sup> They thought they were “apostles of civilization, bringing light to enlighten the darkness of ignorance and savagery”, but in fact these agents of Indian Policy relegated aboriginals to a sub-human class and produced a policy that promoted socialized experimentation that subjected tribes to a state of tutelage.<sup>59</sup>

One way in which Euro-Canadian authors perpetuated the justification of a history of oppression towards First Nations was by comparing their treatment to U.S Indian policy. In an article from the *Westminster Review* entitled ‘No Indian Wars in Canada’, the author argued that Canada’s historic treatment of indigenous people has been based on the fact that “Canada has never fought the Indians”.<sup>60</sup> As the article states, Britain was “too poor” following the colonial wars of the eighteenth century to fund an Indian war like the United States’.<sup>61</sup> At its peak “in the 1870s ... the United States was spending \$20 million a year on Indian wars” while the Canadian government’s whole “budget” was by comparison a mere “\$19million”.<sup>62</sup> Canada also believed itself “too proud” to embark on a policy to cleanse the

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<sup>57</sup> Howard Adams, “Criticism of Metis Historiography”, *A Tortured People: The Politics of Colonization* (Penticton, British Columbia: Theytus Books LTD, 1995)

<sup>58</sup> George F.G. Stanley, “As Long as the Sun Shines and the Water Flows: An Historical Comment”, *As Long as the Sun Shines and the Water Flows*, Ed. Ian A.L. Getty and Antoine S. Lussier, (Vancouver: University of British Columbia Press, 1983), p.2

<sup>59</sup> John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy”, *As Long as the Sun Shines and the Water Flows*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.39

<sup>60</sup> “No Indian Wars in Canada”, *Westminster Review*, 1<sup>st</sup> December 1895, New York Times, accessed Nov. 9, 2013. <http://query.nytimes.com/gst/abstract.html?res=9E03EEDB1139E033A25752C0A9649D94649ED7CF>

<sup>61</sup> Ibid

<sup>62</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: University of Toronto Press, 2000), p.162



land of its indigenous inhabitants, preferring a policy of raising Indians to the social and moral standards of European civilization.<sup>63</sup>

Mass immigration made Indian policy important. Aboriginals were not only excluded from participating in white industrialisation, but “became, at best, irrelevant and, at worst, an obstacle” to settlers who sought after fertile soil, investors in the Canadian Pacific Railway, and industrialists who wished to exploit revenues from timber and mining ventures.<sup>64</sup> In a twenty year period in the early nineteenth century, the indigenous population in Upper and Lower Canada had dropped from 18, 000 to 12, 000, whilst the non-native population had doubled between 1818 and 1828.<sup>65</sup> By 1850 Ontario would have a non-native population of over a million.<sup>66</sup> The belief that the Indian would soon ‘vanish’ justified white encroachment and disregarded Indian sovereignty.

Nevertheless policy countered this myth. Missionaries, particularly the Methodists, had proved that aboriginals were capable of adapting and surviving to a new economic order.<sup>67</sup> Since tribes voluntarily conceded some of their customs both aboriginal and non-aboriginal would see traditions as “anachronistic and negligible”.<sup>68</sup> However, those specific customs that were to be voided were open to differing interpretations by the two parties.

Nevertheless, it arguably gave Colonial authorities enough solace to invest in Indian social experimentation. A Parliamentary Grant for Indian Affairs was set at £20, 000, but over three-quarters of it was spent on gifts, maintaining the traditional relationship rather than

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<sup>63</sup> “No Indian Wars in Canada”, *Westminster Review*, 1<sup>st</sup> December 1895 (1895) ed. New York Times

<sup>64</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> Ed. P.112

<sup>65</sup> Patricia Olive Dickason and William Newbigging, *A Concise History of Canada's First Nations*, (Don Mills: Oxford University Press, 2010), p.148

<sup>66</sup> F.L. Barron, “Alcoholism, Indians and the Anti-Drink Cause”, *As Long as the Sun Shines and Water Flows*, ed. A.L. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.192

<sup>67</sup> *Ibid*

<sup>68</sup> *Ibid*

encouraging the cultural transition.<sup>69</sup> Violence, caused by encroachment, could also incite infeasible and regressive expenses. This was the 'Indian problem'.

Herman Merivale, the Assistant Under Secretary of the Colonial Office, presented four options to solve this problem: "extermination, slavery, insulation, and amalgamation".<sup>70</sup>

Extinction would involve high expense; Britain did have the funds to clear land by extermination.<sup>71</sup> Slavery contradicted philanthropic liberalism, which had become the "dominant political philosophy in Britain during the 1830s" through propaganda by anti-slavery movements, Christian denominations, and humanitarian societies such as the Aboriginal Protection Society.<sup>72</sup>

Instead policy makers chose to insulate indigenous communities to protect them from white vices, and aimed to gradually amalgamate them by training communities in Victorian ideals. This approach was designed to conform to the spirit of the Royal Proclamation that aimed to protect aboriginals from whites. The Reserve system that embodied this policy became a social laboratory for experiments in the gradual euthanasia of North American indigenous cultures. On the one hand they allowed missionaries, teachers, Indian agents, and farmers to protect aboriginals from white vices that were feared would cause their physical destruction, but they also allowed these agents of civilization policy to enlighten indigenous people in the comforts and material advantages of white civilization at the expense of their traditions. This ideology was embodied in 1838 by Lord Glenelg, who, describing aboriginals

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<sup>69</sup> John Leslie, "The Bagot Commission: Developing a Corporate Memory for the Indian Department", *Historical Papers*, Vol.17 No.1 (1982), p.41, 50

<sup>70</sup> David T. McNab, "Herman Merivale and Colonial Office Indian Policy in the Mid-Nineteenth Century", *As Long as the Sun Shines and Water Flows*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.87

<sup>71</sup> J.R. Miller, *Skyscrapers Hide the Heavens* (Toronto: University of Toronto Press, 2000)

<sup>72</sup> John Leslie "The Bagot Commission: Developing a Corporate Memory for the Indian Department", *Historical Papers*, Vol.17 No.1 (1982), p.33, Maria C. Manzano-Munguia, "Indian Policy and Legislation: Aboriginal Identity Survival", *Studies in Ethnicity and Nationalism*, Vol.11 No.3 (Wiley Online Library, December 2011), p.406

as a “helpless race”, suggested that they needed to be “protected” and raised “in the scale of humanity”.<sup>73</sup> Treaties from the mid to late nineteenth century were designed to buy as much land for as little as possible. Similarly, missionaries proved that aboriginals could accommodate aspects of European culture, and law could shape the assimilative agenda through gradual civilization and enfranchisement. This gave policy makers hope that the Indian could be tamed and reclaimed from a state of barbarism.

The Treaty of Ghent (1814) established “firm and universal peace” between Britain and the US, formally ending the colonial wars.<sup>74</sup> In addition the fur trade declined throughout the nineteenth century due to higher costs and changes in fashion.<sup>75</sup> As a result aboriginals within British North America ceased to be needed as military allies, and their role as fur trappers fell into decline through the growth of settlement and industry in the nineteenth century.

Contemporary commentators described the colonial wars as “among the most atrocious acts, which Christendom has been called to witness”.<sup>76</sup> Yet officials attributed the bloodshed to indigenous culture. Indians experienced “inferiorization” as they lacked the civil Victorian qualities of: order, manners, and industry.<sup>77</sup> Their economic, political, spiritual and social traditions were not only belittled, but were increasingly seen as the cause of their

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<sup>73</sup> Katherine Pettipas, “Imperial Policy and Local ‘Customs’”, *Severing the Ties that Bind: Government Repression of Indigenous Religious Ceremonies on the Prairies* (Winnipeg: University of Manitoba Press, 1994), p.38

<sup>74</sup> *Treaty of Ghent, 1814*, [www.ourdocuments.gov](http://www.ourdocuments.gov) (accessed January 2, 2014)

<sup>75</sup> Harold A. Innis, “Fur Trade”, in W. Stewart Wallace, *The Encyclopaedia of Canada*, Vol. II (Toronto: University Associates of Canada, 1948), pp. 407-411, <http://faculty.marianopolis.edu/c.belanger/quebechistory/encyclopedia/FurTradeCanada.htm> (accessed August 14, 2014)

<sup>76</sup> Frederick T. Gray “Remarks on the Policy and Practice of the United States and Great Britain in their Treatment of the Indians”, *North American Review*, No.4 (Boston, 1827) [eco.canadiana.ca/view/oocihm18622/2?r=0&s=1](http://eco.canadiana.ca/view/oocihm18622/2?r=0&s=1) accessed 10 June 2014

<sup>77</sup> Maria C. Manzano-Munguia, “Indian Policy and Legislation: Aboriginal Identity Survival”, *Studies in Ethnicity and Nationalism*, Vol.11 No.3 (Wiley Online Library, December 2011), p.406

destitution. It fuelled a prophecy that, if left to themselves, aboriginals would soon vanish. In reality weapons and textiles that were traded for furs had become necessities rather than luxuries.<sup>78</sup> Over-hunting and a dependency on trade goods left tribes at the will of Parliamentary policy. This combination of growing dependency towards and lack of utility by the Colonial Office meant that, so far as whites could see, the traditional alliances that formed Indian-white relations became an economic burden. On the other hand, the Church, the government; in Britain and in Canada; as a result of the growth of Victorian idealisms, felt they had a providential duty to support and enlighten aboriginal people suffering from physical and moral destitution. It was largely this schizophrenic approach that gave Indian policy both protective and destructive qualities.

Yet protective measures justified the destruction of native traditions. This intent to oppress and euthanize the socio-political organisation, tribal land base and the spiritual and economic autonomy of tribes through Missions, legislation and treaties was arguably a form of cultural genocide. Tribes pursued treaties to maintain autonomy and demonstrate cultural resiliency against the growing hardships attributed to white industrial expansion.<sup>79</sup> Although whites largely adhered to traditional protocol, treaties were reluctantly made by Canadian officials to isolate tribes in a state of tutelage. Legislation, designed to look like it was protecting tribes from the vices of civilized society restricted movement, imposed municipalities at the expense of hereditary councils, and encouraged assimilation with increasingly coercive methods, particularly towards women. A Church-State pact, based upon similar ideas of how to overcome the 'Indian Problem', encouraged the civilization of

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<sup>78</sup> Fritz Pannekoek, "The Fur Trade and Western Canadian Society 1670-1870", *The Canadian Historical Association*, No.43 (Ottawa, 1987), p.16

<sup>79</sup> James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), p. xiii

tribes by replacing cultural traditions with Victorian ideals; the reserve system greatly encouraged missionary objectives.

It is the argument of this dissertation that missionaries and legislation caused cultural genocide in varying forms: spiritual, political, and economic. Indigenous traditions were propagated as heathen and immoral, which justified their prohibition and limiting the movement of aboriginal people. Legislation undermined tribal autonomy by increasing the powers of Indian Agents, enabling them to interfere with the daily duties of councils.

Though the fur trade persuaded tribes from their traditional economies, that tribes were excluded from partaking in the industrial economy of the Dominion highlighted racist ideologies of 'inferiorization'. Legislation that forbade economic involvement undoubtedly encouraged famine, and proved that Indian policy was not in the best interest of the indigenous population. To create the most efficient machine in which to subjugate the indigenous population to Canada's Civil Indian Policy, the State altered the form of treaties to suit their expansionist means.

## Chapter 1. Parameters for genocide: The Treaty

As the threat of war decreased, the Colonial Government's relations and Canadian Governments became "less interested" in maintaining its traditional relationship that required aboriginals as military units, and, as a consequence, treaties became less and less accommodating.

<sup>85</sup> Through annuities, education and evangelism, the Treaties fostered in an era of civilizing by congregating indigenous people together for more efficient indoctrination.

Treaties were a tool of diplomacy that the Colonial Government continued to use to peacefully extinguish aboriginal land title. The Royal Proclamation (1763) set the precedent for Indigenous land surrenders. It stated that un-surrendered lands and lands outside of the Dominion were "reserved" for aboriginals; only they could choose when to surrender their land and only Crown representatives could purchase land from tribes to avoid fraudulent sales.<sup>86</sup> These parameters were applied to the pre-existing aboriginal-white treaty making relationship. As it began its territorial expansion in the mid-nineteenth century, the Dominion pursued treaties to promote its own economic interests at the expense of aboriginal-white alliances. The Mississauga land surrenders were made to relocate loyalists following the war of 1812. The 1850 Robinson Treaties, and the early Numbered Treaties of the 1870s, exposed the Dominion's recognition of and indifference to inherent Native Rights to lands for occupancy and the resources upon those lands. This chapter will show that treaties were used by the State to dominate tribes rather than establish new nation-to-

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<sup>85</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada*, (UTP: Toronto, 2009), p.102

<sup>86</sup> "Text of the Royal Proclamation 7<sup>th</sup> October 1763", *Virtual Law Office: Royal Proclamation of 1763* (Bloorstreet, 1996). Accessed Oct. 10, 2013 <http://www.bloorstreet.com/200block/rp1763.htm>

nation relationships.<sup>87</sup> Their purpose was to relocate aboriginals away from commercially valuable land for as little money as possible, but there was tacit recognition that treaties could be used to civilize aboriginals.<sup>88</sup> This was pursued not by treaty commissioners, but by indigenous leaders, who did not wish to see their lands consumed by whites without guarantees for investments that would help make tribes self-sufficient once again. As Euro-Canadian society spread westward tribes saw their traditional means of subsistence suffer. Treaties were an opportunity in which aboriginals could co-operate with the white government, adapt to their new environment, and prolong their political, cultural, and spiritual autonomy. Since indigenous people were regarded as inferior, and in need of assistance, they were increasingly seen as a burden on a society that showed little desire to ameliorate indigenous sufferings that were caused by white encroachment.<sup>89</sup> This attitude of indifference was reflected by treaty commissioners', the key negotiators and representatives of the federal government during treaty talks, attempts to limit the demands that tribes made to reduce the financial responsibility that it had over tribes. This combination made treaties dominate and protect tribes. As will be seen in further chapters, state measures perpetuated tribal dependency rather than help to ameliorate their condition.

Treaty annuities differed because treaty commissioners reacted to the demands of tribal representatives. Generally speaking, the tribes who got a better deal were those who demanded more for their lands. Discrepancies between differing treaties of similar eras display this. For example, the Robinson Huron treaty provided a larger annuity of £600

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<sup>87</sup> Jill St. Germain, *Indian Treaty Making Policy in the United States and Canada 1867-1877* (London: University of Nebraska Press, 2001), p.23

<sup>88</sup> Ibid, p.40

<sup>89</sup> Sarah Carter, "Change and Continuity", *Aboriginal People and Colonizers of Western Canada to 1900* (London: UTP, 1999), pp.91-100

compared with the Robinson Superior treaty that was £500.<sup>90</sup> The larger annuity was, according to Treaty Commissioner Robinson, a result of insistent demands by Chiefs Shingwaukonse and Nebennigoebing (Nebenaigoching).<sup>91</sup> More recently, revisionists have accepted that the shrewd and persistent demands of tribal representatives in treaty negotiations were a driving factor behind most, if not nearly all, of the positive terms of treaties from the mid to late nineteenth century. Interestingly however Robinson still claimed the treaties a success as he concluded both treaties £75 within budget.<sup>92</sup>

Similarly Chief Sweet Grass of treaty 3 bargained to get the most compensation for his people's lands. Sweet Grass argued that the land was worth more than what the Dominion had offered as he could "hear the sound of the rustling of the gold beneath his feet".<sup>93</sup> Although tribal land did not provide as it once did, tribes were aware that it had become very valuable to whites. It is not surprising, then, that tribes dealing with the Government regarding the Robinson treaty bargained more confidently. They were only beginning to feel the suffering caused by settlement expansion such as squatting and timber theft. Whilst tribes bargained for as much compensation as possible, commissioners stuck as rigidly as possible to prearranged budgets. The Dominion's prerogative was clearly in pacifying aboriginal unrest at the lowest cost possible, which suggests that even the greatest amounts of compensation did not truly reflect the value of the land that was purchased.

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<sup>90</sup> *Copy of the Robinson Treaty Made in the Year 1850 with the Ojibewa Indians of Lake Superior Conveying Certain Lands to the Crown and Copy of the Robinson Treaty Made in the Year 1850 with the Ojibewa Indians of Lake Huron Conveying Certain Lands to the Crown*, accessed Oct 20, 2013 <http://aadnc-aadnc.gc.ca/>

<sup>91</sup> Alexander Morris, "Letter to the Superintendent General of Indian Affairs from W.B. Robinson, 24<sup>th</sup> September 1850", *The Treaties of Canada* <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>92</sup> Ibid

<sup>93</sup> The Manitoban 18<sup>th</sup> October 1873, Winnipeg in Alexander Morris, "Treaty Number Three, or the North-West Angle Treaty", *The Treaties of Canada with the Indians of Manitoba and the North-West Territories*, accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>



## Establishing Indian Irrelevance

The Treaty of Ghent (1814) and Rush-Bagot Pact (1817) ushered in a significant “turning point”, not only in British-American relations, but in the relationship between whites and their aboriginal neighbours.<sup>94</sup> Diplomats successfully ended the war of 1812 by attempting to establish “perfect reciprocity, Peace, Friendship, and good Understanding between” Britain and the US by reasserting the 1783 Treaty of Peace.<sup>95</sup> Not only did it call an end to the colonial wars in North America by demilitarizing the Great Lakes region,<sup>96</sup> it also called for both nations to “end ... hostilities with all the Tribes or Nations of Indians” that they had fought against, and to revert to a pre-war relationship of peace, providing that the aboriginals “desist from all hostilities”.<sup>97</sup> It limited the lakes Ontario and Champlain to one ship each, and the upper lakes to two.<sup>98</sup> Although the negotiations put an end to decades of hostilities between Britain and the US, it ended the most fundamental role of indigenous people within their national ambitions. With peace more firmly established, the end of the war of 1812 ushered in a period of indigenous “irrelevance”.<sup>99</sup> Aboriginals were no longer essential to colonial interests.

Moreover aboriginals had become an issue. An end to the Napoleonic wars meant that there was less need for a home-guard in Britain, and the new world offered more prosperous opportunities in agriculture whilst back home the agricultural and industrial

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<sup>94</sup> Office of the Historian, *Rush-Bagot Pact, 1817 and the Convention of 1818*, (Bureau of Public Affairs, 2014). Accessed Sep 15, 2014. <https://history.state.gov/milestones/1801-1829/rush-bagot>

<sup>95</sup> *Treaty of Ghent (1814)*. Accessed Jan. 2, 2014. <http://www.ourdocuments.gov>

<sup>96</sup> Office of the Historian, *Rush-Bagot Pact, 1817 and the Convention of 1818*, (Bureau of Public Affairs, 2014). Accessed Sep 15, 2014. <https://history.state.gov/milestones/1801-1829/rush-bagot>

<sup>97</sup> *Article Nine, Treaty of Ghent (1814)*. Accessed Jan. 2, 2014. <http://www.ourdocuments.gov>

<sup>98</sup> Office of the Historian, *Rush-Bagot Pact, 1817 and the Convention of 1818*, (Bureau of Public Affairs, 2014). Accessed Sep 15, 2014. <https://history.state.gov/milestones/1801-1829/rush-bagot>

<sup>99</sup> J.R. Miller, *Sweet Promises*, (UTP: Toronto, 1991), p. xi

worker had been “undermined” by trade laws and the Irish potato famine in 1840.<sup>100</sup> These factors caused a surge in the white population in British North America from 750, 000 to 2.3 million between 1815 and 1850.<sup>101</sup> Whilst the white population was rising, the indigenous population was suffering from severe de-population. Epidemics were a major cause. For example, a smallpox epidemic in 1839 reduced tribal populations by ninety per cent. Under these circumstances, as well as new humanitarian ideologies as will be discussed in the following chapter, the State assumed responsibility to provide living space for immigrants and assist the indigenous people to prevent their physical destruction. Since the Royal Proclamation had established Tribes’ inherent claim to land, the Treaty became the mechanism for acquiring land for settlers.

### Early Settlement Treaties

Even the more destitute tribes of the early land surrenders bargained for the sale of their lands. The Credit River Mississauga chief Ajetance, for example, requested “goods yearly” in addition to the annual presents, and to retain three reserves at Credit River, Sixteen Mile Creek, and Twelve Mile Creek, so they could continue their existence unmolested.<sup>102</sup> What is most revealing about these early encounters is that aboriginals created most, if not all, the terms of treaties of the settlement era. Commissioner William Claus merely responded to the level of demand that they received from tribes, setting a precedent for future treaty commissioners. In the example of the Credit River tribe, their requests were noted, but never acted upon.<sup>103</sup> Claus gave vague responses to that tribal demands would be “faithfully communicated”, but gave no confirmation that such deeds would be executed, and, not

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<sup>100</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (UTP: Toronto, 2009), p.94

<sup>101</sup> Ibid

<sup>102</sup> Robert J. Surtees, “Indian Land Cessions in Upper Canada, 1815-1830”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.77

<sup>103</sup> Ibid, p.76-77

surprisingly, many of these requests by tribes did not appear on treaty documents, nor were they fulfilled.<sup>104</sup> This reactionary mode of conducting treaties with tribes showed the indifference that the State had towards the needs of indigenous people. While on the one hand the State professed a desire to ameliorate their suffering to make them self-dependant, the opportunity to do so via treaties was pursued reluctantly.

Yet because of the scale of their suffering relative to the growth of settlement, the tribes of the early land surrenders could not protest against un-honoured demands. This may have been because the Mississauga did not see white settlers as a threat.<sup>105</sup> Settler pressure was only beginning to become a factor of treaty negotiations.<sup>106</sup> The early Upper Canadian treaties were characterized more by deplorable condition aboriginals lived in following war. Chief Buckquaquet expressed most clearly when he said “from our lands we receive scarcely anything” that his people at Rice Lake were in such a destitute condition that any offer of assistance, not matter how big or small, would be advantageous to the Mississauga.<sup>107</sup> Claus regarded the Mississauga’s as “thin and miserable”, and when Chief Ajetance argued that his tribe would not have their reserved lands for long it suggested that even the tribe believed that their fate was doomed.<sup>108</sup> It was most likely that even though Native demands rose,<sup>109</sup> the Mississaugas were grateful to receive anything from Colonial officials for land that was no longer providing a means of subsistence.<sup>110</sup>

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<sup>104</sup> Ibid

<sup>105</sup> J.R. Miller, *Compact Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p. 91

<sup>106</sup> Ibid, p.90

<sup>107</sup> Minutes of a Council at Smith’s Creek, 5 Nov. 1818, in Ontario Court of Appeal, *The Queen v. Taylor and Williams*, 16 Oct. 1981, *34 Ontario Reports (2d)*, p.363

<sup>108</sup> Robert J. Surtees, “ Indian Land Cessions in Upper Canada, 1815-1830”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.76-77

<sup>109</sup> J.R. Miller, *Compact Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: University of Toronto Press, 2009), p.88

<sup>110</sup> Robert J. Surtees, “ Indian Land Cessions in Upper Canada, 1815-1830”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.76-77

## Diplomatic warfare

By contrast, Treaty 1 and 2 tribes protested when oral promises were not honoured. These ‘outside promises’ included: agricultural implements, livestock, clothes and hunting equipment.<sup>111</sup> To aboriginals oral agreements were just as binding as written ones, if not more so; yet the Dominion only regarded the terms laid out in the treaty document as official. This meant that both parties left the treaty negotiations with vastly differing ideas of what they had agreed upon.<sup>112</sup>

Treaty commissioner S.J. Dawson was one of few Canadian treaty negotiators to recognize the indigenous meaning and intent of the treaty. Germain argues that Dawson’s role as Dominion surveyor meant a closer association allowed him to better understand the native perspective on inherent land rights.<sup>113</sup> It was because of this experience that he urged the Government to seek out treaties as a form of peaceful diplomacy, and also because he recognized the sacredness of treaties to Indians by their mannerisms. He stated that: “they make use of a great deal of allegory, and their illustrations may at times appear childish enough, but, in their actual dealings, they are shrewd and sufficiently awake to their own interests”. In addition, Dawson recognized indigenous ways of preserving their history orally when he stated that the tribal record keepers “who are charged to keep every word in mind” were able to regurgitate “almost verbatim, what I had said to him two years previously”<sup>114</sup>. This greatly challenged the patronizing notion that aboriginals should be

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<sup>111</sup> D.J. Hall, “‘A Serene Atmosphere’? Treaty 1 Revisited”, *The Canadian Journal of Native Studies*, V.5 N.2 (1984), p.328

<sup>112</sup> *Ibid*, p. 330

<sup>113</sup> Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada 1867-1877*, (London: University of Nebraska Press, 2001), p.55

<sup>114</sup> Canada, *Parliament, Sessional Papers*, 1867-68 no.81, p28, 1869, no.42 pp.20-21

dealt with like children, and that the Euro-Canadian administration should not underestimate aboriginal diplomacy.<sup>115</sup>

The clearest treaty that represents this is the Two Row Wampum Treaty between the Dutch and the Haudenosaunee in 1613. The Haudenosaunee recorded the treaty with a wampum belt. The white wampum of the belt symbolized the ocean. There were three rows of white wampum, which signified peace, separated by two rows of purple wampum.<sup>116</sup> Literally, these represented two separate boats: a European ship, and an indigenous canoe.

Figuratively however, since the two rows were parallel, the treaty implied that the worlds of Europeans and Natives would coexist in peace but never interfere with each other's affairs.<sup>117</sup>

Unsurprisingly, Dawson's forewarnings fell on deaf ears. The treaty commissioners in 1871 were ill-prepared to make treaty à la façon du pays, and instead approached the treaty upon the premise that it would be a simple land transaction. Dawson recommended Treaties because of his faith in aboriginals to adhere "most strictly to all its provisions" so long as those provisions were "thoroughly understood".<sup>118</sup> Dawson's method of overcoming the 'Indian element' meant a proactive treaty campaign that could extinguish aboriginal claims to land and compensate tribes accordingly. Instead, the Dominion pursued treaties in a reactionary and reluctant manner. For example, the Robinson treaty only occurred as

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<sup>115</sup> Ibid, p. 38, D.J. Hall "A Serene Atmosphere? Treaty One Revisited", *Canadian Journal of Native Studies*, Vol.4 No.2 (1984), p.323

<sup>116</sup> Ibid, p. 39

<sup>117</sup> Chief Irving Powless Jr, "Treaty Making", pp. 15-34, *Treaty of Canandaigua 1794*, ed. G Peter Jemison and Anna M. Schein (Santa Fe, NM: Clearlight Publishers). Accessed July 5, 2014.

<http://honorthetworow.org/learn-more/history/>

<sup>118</sup> Janet E. Chute and Alan Knight, "Taking up the Torch: Simon J. Dawson and the Upper Great Lakes Native Resource Campaign of the 1860s and 70s", *With Good Intentions: Euro-Canadian and Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006), p. 110

consequence to aboriginal unrest and resistance to an unlawful invasion by mining speculators.

In taking this approach the Dominion completely disregarded “Indian culture, Indian government, or even Indian responsibility”.<sup>119</sup> By allowing surveyors and land speculators on land that had not yet been formerly surrendered under the terms of the Royal Proclamation, they underestimated the ‘Indian element’. In addition, they assumed that under the British North American Act and purchase of Rupert’s land (1869), where-by the Dominion purchased the lands claimed by the HBC following the expiration of its charter for a minor sum of £300, 000, aboriginals would automatically submit to the Dominion as “wards of the State”.<sup>120</sup> The indigenous population was left “full of uneasiness” not only because their lands were purchased from the HBC by the Dominion without their consent; this created much anger, but moreover they now had to contend and establish a relationship with a new European organisation.<sup>121</sup> For this reason, tribes were adamant to resist colonization and safeguard their future. Chief Sweet Grass demonstrated the Indians’ feeling that they were being neglected most clearly: “we heard our lands were sold and we did not like it; we don’t want to sell out lands; it is our property, and no one has a right to sell them”.<sup>122</sup> This message was sent five years before a treaty commission was despatched to the treaty 6 area; it was not until the Dominion feared that an uprising might actually occur following the destruction telegraph poles by aboriginals that they took the aboriginal

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<sup>119</sup> Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada 1867-1877*, (London: University of Nebraska Press, 2001), p.43

<sup>120</sup> Ibid

<sup>121</sup> Alexander Morris, “The Treaties at Forts Carlton and Pitt”, *The Treaties of Canada with the Indians of Manitoba and the North West Territories* (Project Gutenberg, 2004) Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etwex04/tcnnd10h.htm>

<sup>122</sup> Chief Sweet Grass, *messages from the Cree Chiefs of the Plains, Saskatchewan, to His Excellency Governor Archibald*, in Alexander Morris “The Treaties at Forts Carlton and Pitt”, *The Treaties of Canada with the Indians of Manitoba and the North West Territories* (Project Gutenberg, 2004) Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etwex04/tcnnd10h.htm>

claim to land seriously.<sup>123</sup> In this sense, treaties were used by the Dominion to quell aboriginal unrest before it escalated into violence. They were wholly dependent upon the attitude of the local indigenous population. Tribes had to force the Dominions hand into treaty negotiations.

Other tribes across Rupert's land demonstrated their sense of proprietorship.<sup>124</sup> For example, the Gambler, an aboriginal spokesperson of treaty 4, argued that "the Company have stolen our land", and another, Pis-Qua demanded the £300, 000 payment.<sup>125</sup> Tribes across the southern numbered treaties area sent a clear message to the Dominion that "failure to negotiate with them prior to the entry of settlers would lead to difficulties"<sup>126</sup> as this threatened indigenous autonomy.<sup>127</sup> Treaty 1 and 2 were a response not only to the threat that Metis nationalism could become a pan-indigenous movement, but as a "dilatatory" response to the repeated demands by Manitoba Chiefs such as Yellow Quill.<sup>128</sup> In this instance, Yellow Quill nailed a warning to a church door for settlers to stop cutting firewood on his territory. Even though it took time for treaties to materialize, the fact that the Dominion did eventually negotiate with Tribes demonstrates that aboriginals, overall, succeeded in proving their superior claim to the land over the HBC, even though they never received a share of the £300, 000. From this perspective, the HBC charter granted the invasion and theft of around half of Canada by a commercial elite without consulting those

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<sup>123</sup> Ibid

<sup>124</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p.170

<sup>125</sup> "Report of the proceedings. Sep.8<sup>th</sup>, 1874", *Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3. 2014).  
<http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>126</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p.153

<sup>127</sup> Bruce Vandervort, "War on the Canadian Prairies", *Indian Wars of Mexico, Canada and the United States, 1812-1900* (Abingdon: Routledge, 2006), p.213

<sup>128</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p.153

who had inhabited since time immemorial.<sup>129</sup> In Contradicting fashion, the Dominion maintained that the sale to the HBC was legitimate, but did respond to tribal demands for treaties. In this sense the treaties were not just about upholding inherent rights, but displayed an opportunity for tribes bargain their land to secure prosperity for future generations.

Once again, it was Dawson who forewarned the Dominion on how to deal with aboriginals in a respectful, not dilatory, manner. Not only did Dawson recommend treaties, but he also informed the State of their significance in traditions that were crucial to understanding the role of treaties for indigenous people. He stated that they made a “great use of allegory”, were “shrewd and sufficiently awake to their own interests”, would not make accept or make a proposition until it had been “Dully discussed and deliberated upon in Council by all the Chiefs” and, most importantly, that there were “always those present who are charged to keep every word in mind”.<sup>130</sup> Despite this the Dominion altered, without the consent of tribes, the traditional treaty in line with its own obligations, which were simply to acquire as much land for as little money as possible whilst avoid military conflict.

The written treaty displayed a relationship of domination rather than reciprocity. Many of the treaty documents had been “prepared well in advance” of negotiations, thereby suppressing indigenous people’s political voice at the earliest opportunity.<sup>131</sup> According to the written documents, tribes who entered and accepted treaties became subjects of the Crown. By doing so they agreed to “in all respects, obey and abide by the law” and maintain

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<sup>129</sup> Howard Adams, “Fur-Traders Trespass”, *Prison of Grass: Canada from the Native Point of View* (Toronto: New Press, 1975), pp.19-20

<sup>130</sup> Simon J. Dawson, “The Indian Element”, in Dawson and Russel, *The Red River Country*, (Ottawa: Queen’s Printer, 1868), pp, 194-197

<sup>131</sup> Sarah Carter, “Canada’s Colony and the Colonized”, *Aboriginal People and Colonizers of Western Canada to 1900* (London: UTP, 1999), p.118



peaceful relations between themselves, other tribes, and settlers. The Dominion colonized indigenous lands literally and politically using treaties and the British North American Act (1867).<sup>132</sup> Through these measures Tribes had to submit to Dominion law, and the Dominion gave itself far reaching powers over tribal affairs, justifying coercive legislation that will be discussed in Chapter 3.

This interpretation that tribes submitted to the laws and regulations of the Dominion by becoming loyal subjects differed largely from the interpretation by tribal signatories.

Lieutenant Governor Alexander Morris, the Chief negotiator of Treaties 3, 4, 5 and 6, and revised the terms of Treaties 1 and 2, arguably upheld aboriginal protocol to appease tribes so that he could subdue them more easily via his treaty terms. Morris was aware of the significance of aboriginal protocol that included distributing gifts and issuing food to aboriginals, and taking part in ceremonies such as pipe smoking. To take part was to recycle the relationship between Tribe and State. By tribal custom, the use of smoke “invoked the Great Spirit”, making treaties covenants that “bound participants to truth-speaking”.<sup>133</sup> This was a continuation of protocol that arguably helped the Dominion appear as if the terms of treaties were for the aboriginals’ benefit rather than their own. That the Dominion asked tribes to “observe” treaty terms and to “behave themselves”,<sup>134</sup> suggests that they overlooked, or disregarded, the symbolic significance that treaties had towards indigenous cultures.

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<sup>132</sup> ‘Distribution of Legislative Powers’, ch.6 sec 91.24, *British North America Act, 1867*, accessed Jan. 5, 2014. <http://www.legislation.gov.uk/ukpga/Vict/30-31/3/part/VI>.

<sup>133</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p.179

<sup>134</sup> The final clauses of the numbered treaties ordered tribes to submit to the law of the Crown, see Treaty Texts, *Copy of Treaty No.6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions, 1876* (Ottawa: Queen’s Printer, 1964). Accessed Oct. 10, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028710/1100100028783>

Furthermore, the signatures provided by chiefs and head men seriously question to what level aboriginals really understood the white interpretation of treaties. During all of the numbered treaties, the commissioners requested that each band choose a representative speak for their people. This was done to prevent claims that bands had not assented to the terms of the written document, comprehensively extinguishing any tribal protestations.<sup>135</sup> Chief's signatures were "marks", usually an X. The Selkirk Treaty (1817) was signed using the emblems of the bands around the Red River Area, illustrating that Europeans had signed an agreement with not only the tribes, but the whole of creation.<sup>136</sup> Despite later claims by aboriginals in Manitoba that they were misrepresented in the treaty, the use of clan symbols included creation itself in the treaty, making it more authentic and illustrating a deeper understanding of the treaty terms by the signatories.<sup>137</sup>

On the other hand, an "X" was sufficient for the written document. Commissioners used an X because Chiefs lack written motor skills since they did not rely on written language to record important events. They had perfected an oral tradition, which transmitted not only stories but culture: myths, metaphors, symbolisms and language, of a tribe from one generation to another. In addition, traditional record keepers were remarkably good at putting events to memory. Dawson was impressed by which a record keeper was able to record, word for word, a speech he had made two years previous to their following

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<sup>135</sup> Treaty Texts, "Treaty No.1, Articles of a Treaty" par. 4, *Treaties 1 and 2 Between Her Majesty the Queen and the Chippewa and Cree Indians of Manitoba Country Adjacent with Adhesions* (Ottawa: Queen's Printer, 1957). Accessed 10 Oct, 2013. <http://www.aadnc-aandc.gc.ca/eng/1100100028664/1100100028665>

<sup>136</sup> LAC, *Plan of land bought by the Earl of Selkirk from Peguis and other Indians, 18th July, 1817 [showing names and marks of Indian participants]*. Accessed Jan. 10, 2014 [http://www.collectionscanada.gc.ca/databases/indian-reserves/001004-119.02-e.php?&isn\\_id\\_nbr=2756&interval=20&page\\_sequence\\_nbr=1&&PHPSESSID=um40srmuaboqb8gkhqrmipgvm2](http://www.collectionscanada.gc.ca/databases/indian-reserves/001004-119.02-e.php?&isn_id_nbr=2756&interval=20&page_sequence_nbr=1&&PHPSESSID=um40srmuaboqb8gkhqrmipgvm2)

<sup>137</sup> Governor Archibold to Secretary of State for Provinces, *Lower Fort Garry, July 20<sup>th</sup>, 1871* in Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcndd10h.htm>

meeting.<sup>138</sup> That indigenous people had very little, if any, literacy skills would undoubtedly have meant that that they would not have fully understood the written terms of treaties. Even if the terms were explained to them, they may, and in some cases were, differed to what was written on the page. What is more disturbing than the differing versions of treaties to which chiefs believed they were assenting to, was that in some cases their mark was not even made by them.<sup>139</sup> Since the State limited its interpretation of treaties to the written document, any indigenous claim of fraud would be discredited by Federal officials.<sup>140</sup> They could argue that a chief had signed and therefore must have understood and assented to the treaty terms. Aboriginal protocol was subdued by European protocol.<sup>141</sup>

The concept of the Canadian treaties completely subjugated tribes to a state of tutelage under the dependency of the Dominion. Whereas treaties between American Indians and the U.S. Government left reservations as sovereign territory, the treaties between Canadian Indians and the Dominion surrendered the entire land base to the Crown. It then reserved land for the exclusivity of the Indian for their benefit. In earlier treaties there was no specific requirement as to what this land should be used for. This meant that the tribes were able to maintain autonomy as they could use the land for whatever purpose they wished. From treaty 3 onwards, however, reserves were explicitly set aside for “farming lands”<sup>142</sup>. These terms were revised into the treaty 1 and 2 also. Though this may have been in the benefit of the Indian, it certainly restricted their economic ambitions and coincided with Civil Indian

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<sup>138</sup> Simon J. Dawson, “The Indian Element”, in Dawson and Russel, *The Red River Country*, (Ottawa: Queen’s Printer, 1868), pp, 194-197

<sup>139</sup> Neal Macleod, “Rethinking Treaty Six in the Spirit of Mistahi Maskwa (Big Bear)”, *The Canadian Journal of Native Studies*, V.19 No.1 (1999), p.75

<sup>140</sup> Sarah Carter, “Canada’s Colony and the Colonized”, *Aboriginal People and Colonizers of Western Canada* (London: UTP, 1999), p.119

<sup>141</sup> Ibid

<sup>142</sup> Treaty Texts, *Treaty 3 between Her Majesty the Queen and the Salteaux Tribe of the Ojibbeway Indians at the Northwest Angle on the Lake of the Woods with Adhesions, 1873* (Ottawa: Queen’s Printer, 1966) Accessed Oct. 10, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028675/1100100028679>

Policy's assimilative agenda. On the other hand, aboriginals could continue to hunt and fish on unsettled land, but only until the Dominion required it for settlement, mining, lumbering, or other purposes.<sup>143</sup> This shows that treaties encouraged gradual civilization by taking up permanent sedentary living by a means of agriculture in proportion to the rate of non-native settlement. Aboriginals were limited to agricultural pursuits only, as more industrious pursuits were considered far too complex for the 'primitive' plainsman. This was reflected by annuities of tools and seed necessary for husbandry. Treaty 7 tribes were given a choice of stock raising or soil cultivation,<sup>144</sup> but, nevertheless, indigenous economy was restricted by the treaties to farming only.

Not only this, but reserves were by no means the protected lands portrayed by treaties. The nineteenth century treaties required the tribes to "cede, release, surrender and yield up" land in question to the Crown "To have and to hold... to Her Majesty the Queen, and Her successors forever", within which lands were reserved for cultivation.<sup>145</sup> The fact that the tribes did not own the soil their reserves were located on was significant, as it thwarted tribal political action against squatters. Squatters had been an ongoing issue; there was a consensus that they sparked unrest amongst tribes.<sup>146</sup> The Crown reserved the right to deal with squatters as it saw fit. This did not mean the absolute ejection of squatters from

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<sup>143</sup> Treaty Texts, *Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions, 1876* (Ottawa: Queen's Printer, 1964) Accessed Oct, 10, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028710/1100100028783>

<sup>144</sup> Treaty Texts, *Copy of Treaty No.7 between Her Majesty the Queen and the Blackfeet and Other Indian Tribes, at the Blackfoot Crossing of Bow River and Fort Macleod, 1877* (Ottawa: Queen's Printer, 1966) accessed Oct 10, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028793/1100100028803>

<sup>145</sup> These words were used consistently in Treaties 1 to 7, accessed Oct. 20, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1370373165583/1370373202340>, in *The Robinson Treaties* the words used were "voluntarily surrender, cede, grant and convey unto Her Majesty, Her Heirs and successors forever, all their right, title and interest in the whole of the territory above described", but the meanings between the mid to late nineteenth century were consistent nonetheless. In, *Copy of the Robinson Treaty Made in the Year 1850 with the Ojibewa Indians of Lake Huron Conveying Certain Lands to the Crown*. Accessed Oct. 20, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028984/1100100028994>

<sup>146</sup> NA, CO 42/515 "Bagot Commission", *Despatches. Report of the Commission on Indian Affairs, Part 1. 26<sup>th</sup> March, 1844*

reserves. The Bagot Commission recognised the potential positive effects of squatters, as they could set an example for civilized life.<sup>147</sup> Despite the fact that the Dominion established and dispatched the North West Mounted Police to curb the negative impacts of white traders from encroaching upon reserve lands to sell whiskey to aboriginals, in principle tribes had lost their control over who were allowed to trespass on the lands reserved for them as the Mounties became the law enforcers of indigenous people.<sup>148</sup> This epitomized their state of tutelage. The measure was most likely based on the assumption that aboriginals were violent alcoholics and therefore they were as much to blame for their inherent immorality as the whiskey peddlers themselves.<sup>149</sup> This element made gave the West the potential to become an expensive warzone. Despite intentions having some merit, they illustrated the extent of political genocide based upon preconceived stereotypes.

Whilst Tribes became powerless to encroachment, the Crown also granted itself the power to cut up reserves for their own expansionist purposes. The Crown reserved the right to appropriate any reserve lands where “public works or buildings” may be required.<sup>150</sup> This clause was arguably added in to safeguard industrialist interests in the Canadian Pacific Railway. Although “due compensation” would be made to tribes for the usurpation of reserve lands, they had no political voice as they had relinquished “all their rights, titles privileges, whatsoever” to their lands “forever”.<sup>151</sup> A treaty not only subjected Tribes to tutelage, but as wards of the State political autonomy was diminished. Future decisions on

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<sup>147</sup> *ibid*

<sup>148</sup> Sarah Carter, “Canada’s Colony and the Colonized”, *Aboriginal People and Colonizers of Western Canada to 1900*, (London: UTP, 1999), p.129

<sup>149</sup> Daniel Francis, “Red Coats and Redskins”, *The Imaginary Indian: The Image of the Indian in Canadian Culture*, (Arsenal Pulp Press: Vancouver, 1992), pp.62, 63, 64, 67

<sup>150</sup> Treaty Texts, *Copy of Treaty No. 6 between Her Majesty the Queen and the Plain and Wood Cree Indians and other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions, 1876* (Ottawa: Queen’s Printer, 1964)

<sup>151</sup> *ibid*

lands would be made for them, and their prerogatives did not necessarily need to dictate whether their land could be lost. As will be seen in Chapter 3, treaties aligned themselves with the aims of legislation to diminish any aspect of indigenous culture that kept indigenous people separate from the Dominion. The treaties, then, helped to further the oppressive expansion of the Dominion to the far-flung reaches of the North-West territory by dismantling a tribes' right to self-determination.<sup>152</sup>

The role of treaties had drastically altered owing to the new belief that whites had a responsibility to interfere with the indigenous mode of living. Treaty-making was an indigenous creation that whites fitted themselves into in order to establish a peaceful trade relationships.<sup>153</sup> These were essential in the early relationship. There was limited, if any, coercion as whites relied on indigenous people's knowledge to survive. Therefore treaties created socio-political alliances whereby the two parties maintained their autonomy.<sup>154</sup>

### **Indigenous symbolism: undermining Indigenous culture**

Most Treaty records tend to focus on the white prerogatives of acquiring land and setting up reserves in which to move Indians out of the way. A reporter from *The Manitoba* glossed over the symbolic actions of Indian treaty representatives and Chiefs during the negotiation of Treaty One. Though cast in a patronizing tone, aboriginal protocol such as pipe smoking and parades demonstrating prowess were attributes that were integral to the "spirit of the negotiations".<sup>155</sup> In treaty one, while Governor Archibald and Commissioner Simpson wanted to come to an agreement as soon as possible, indigenous delegations frustrated

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<sup>152</sup> Resolution adopted by the General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples" (United Nations, March 2008), p. 3. Accessed March 21, 2014. [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>153</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: UTP, 2009), p.5, 33-34

<sup>154</sup> *Ibid*, p.11, 34, 35

<sup>155</sup> D.J. Hall, "A Serene Atmosphere? Treaty one revisited", *Canadian Journal of Native Studies*, p356

them with traditions of grand oration. For example, four days into negotiations Chief Henry Prince, the son of Chief Peguis, proclaimed that he “spoke for all the Indians” just as his father had during the Selkirk Treaty (1817), and on the fifth day made other efforts to show his allegiance to the British Crown as well as his own authority. All these symbolic efforts were overlooked and underappreciated by Commissioner Simpson, who was “quite ready to finish up matters”, blaming the “delay” completely on the Indians themselves, and hurried chiefs into a decision by threatening them with a take it or leave it one time offer from the State.<sup>156</sup> The commissioners completely failed to adhere or respect aboriginal protocol, but endured it nonetheless. By a lack of respect towards their historic relationship, they showed the Dominion’s ambition to dominate tribes that were an obstacle to westward expansion.

Moreover the treaty commissioners failed to understand that protocol was essential to renew the relationship between the two parties. For example, Ayee-ta-pe-pe-tung could not go into treaty until some of his men who had been imprisoned were released. Though this may be seen as shrewd bargaining, this was to Ayee-ta-pe-pe-tung an “obstacle” that blocked the path to diplomacy. In this sense, the request to release the prisoners from the HBC gaol was a request of a gift from Ayee-ta-pe-pe-tung’s band. Gift was a powerfully symbolic act of kindness.<sup>157</sup> Since the act was granted out of kindness, it could explain why Ayee-ta-pe-pe-tung suddenly opted for the treaty before the promise of agricultural assistance.<sup>158</sup>

Alternatively, he may have opted for the treaty when he felt the offers for his tribe were optimal. With this in mind, Chiefs may not have misunderstood wholly the intention of

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<sup>156</sup> The Manitoban, “Peguis’ Will”, *The Chippewa Treaty 1871*, in D.J. Hall, “A Serene Atmosphere? Treaty one revisited”, *Canadian Journal of Native Studies*, p.350

<sup>157</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (UTP: Toronto, 2009), p.24

<sup>158</sup> The Manitoban, “Three Dollars a Head”, *The Chippewa Treaty 1871*, in D.J. Hall, “A Serene Atmosphere? Treaty one revisited”, *Canadian Journal of Native Studies*, p.353

reserves, but requested reserves of up to two thirds of the land with the intent to bargain for as much land as possible.<sup>159</sup> In any respect, the treaty focused solely on extinguishing any claim to the land which the Indians made, and these “exorbitant” demands for land may have been to induce the commissioners to offer gifts and annuities.<sup>160</sup> The treaty commissioners came to the negotiations with no pre-arranged provisions for Indian well-being; the sole intent was to remove them for as cheaply as possible. Provisions for agricultural assistance and equipment were demanded by the chiefs themselves. If not for the frustration caused by indigenous bargaining, treaties may well have resulted in the total annihilation of tribes as they were herded into reserves and left to fend for themselves without any assistance to adapt by the State.

The most devastating impact of the treaties, however, was not the improvised approach the Dominion took towards them, but the indifference by the Dominion to uphold their obligations. Annuities had positive implications for both Dominion and tribal interests. Lump sum payments for land cession were replaced by annual payments because this could be more economical for the Colonial Authorities in the short and long term<sup>161</sup>. Expenditure for the surrender would be far less, and annuities could be paid for by the sale of ceded land by the Crown to settlers. They could also coincide with civilization policy. John Colborne paid annuities in the form of housing, equipment, and other provisions instead of cash, and to individuals rather than the tribe as a whole.<sup>162</sup> This could encourage the adoption of

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<sup>159</sup> Governor Archibald to the Secretary of State for the Provinces, Lower Fort Garry, July 20<sup>th</sup>, 1871, in Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004) Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>160</sup> Wemyss Simpson to the Secretary of State for the Provinces, Ottawa, November 3<sup>rd</sup>, 1871 in Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>161</sup> Jill St. Germain, *Indian Treaty Making Policy in the United States and Canada 1867-1877* (London: University of Nebraska, 2001), p.21

<sup>162</sup> Olive P. Dickason and David T. McNab, *Canada's First Nations* (Oxford: Oxford University Press, 2009), p.158



agriculture and individualism on small plots of land, freeing up more space for immigrants.

For sceptical whites, annuities could maintain a positive diplomatic relationship with potentially violent enemies whilst undermining their land base and autonomy.

Despite this, perpetual annuities were an obligation that the Dominion had very little intention of submitting to. Colonial authorities desired to rid themselves of all financial responsibility towards Indians. This reflected the intention by the Colonial administration to discontinue the traditional relationship. Indians were no longer needed for colonial interests, but still received annual presents. The relationship was increasingly seen as one of dependency by the Dominion which was growing reluctant to continue, but it could not end all ties with their former military allies so abruptly. Governor General Earl of Elgin remarked that complete withdrawal of Indian financial assistance would cause “much discontent” and “considerable suffering”.<sup>163</sup> If the State wanted to rid itself of responsibility for Indian well-being, it would need to adapt its current mode of practice to help create self-sufficient indigenous communities. Therefore, changes in annuities that discouraged the traditional hunting economy for agriculture was seen as a better investment, and would reduce “eleemosynary” aid, enabling a gradual reduction of the Indian budget<sup>164</sup>. Annuities, then, were by no means for the well-being of the Indian, but to reduce the burden that Indians had become financially on the State. However, by becoming responsible for them, the State, in dictating the form of annuity payments, could undermine tribal traditions that did not adhere to the ambitions of settler expansion. In short, the annuity system demonstrated the control the State had over tribal well-being, and forced tribes to abandon traditional subsistence practices.

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<sup>163</sup> N.A, CO 42/516, *Earl of Elgin to Earl Grey, Copy of Despatch, Government House, Toronto, 21<sup>st</sup> January 1851*, Vol. 2, Appendix 2, pp.2-4

<sup>164</sup> *Ibid*

Yet Colonial Treaty negotiators used the perpetual state of annuities to lure Chiefs into surrendering their lands. To curtail indigenous demands, Alexander Morris often reminded indigenous negotiators that: “what I offer you is to be while the water flows and the sun rises”.<sup>165</sup> He also rebuked indigenous demands because: “in the United States they only pay the Indian for twenty years, and you come here to-day and ask for ever more than they get for twenty years”.<sup>166</sup> Chiefs were not so easily dissuaded by these forms of Canadian smugness. Chiefs such as Mawedopenais recognised the wealth of their peoples’ lands: “The sound of the rustling of the gold is under my feet where I stand”.<sup>167</sup> Chute and Knight argue that the influence of Shingwaukonse was essential to this developed awareness of indigenous peoples’ territorial and sovereign rights in what they call “the most articulate and forceful campaign... ever raised in the Canadas” that culminated in the occupation of Quebec and Lake Superior Mining Association’s “holding at Mica Bay”.<sup>168</sup> Indigenous treaty demands were not so much “extravagant terms”<sup>169</sup> as they were evidence of the acute awareness by tribes of the value, commercial and spiritual, of their land as means to exist. So far as whites were concerned, Indian demands thwarted Dominion profitability and increased their financial responsibility for tribes. Treaties, then, presented an opportunity for Tribes to secure their autonomy by renewing their relationship with the Dominion. In

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<sup>165</sup> Alexander Morris, *The Manitoban Newspaper of the 18<sup>th</sup> October 1873, Winnipeg*, in, Alexander Morris, “Treaty Number Three or the North-West angle Treaty”, *The Treaties of Canada with the Indians of Manitoba and the North West Territory*, (Project Gutenberg, 2004) [web]  
<http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>166</sup> Ibid

<sup>167</sup> Mawedopenais quoted in Alexander Morris, “Treaty Number Three, of the North West Angle Treaty” *Treaties of Canada with the Indians*, 10<sup>th</sup> ed. (Project Gutenberg, 2004). Accessed March 3, 2014.  
<http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>168</sup> Alan Knight and Janet E. Chute “A Visionary on the Edge” and “Taking up the Torch”, *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada*, Celia Haig-Brown and David A. Nock ed. (Vancouver: University of British Columbia, 2006) p. 93-95, 114

<sup>169</sup> Letter from William B. Robinson in Alexander Morris, “The Robinson Treaties” *Treaties of Canada with the Indians*, 10<sup>th</sup> ed. (Project Gutenberg, 2004) Accessed March 3, 2014.  
<http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

doing so, treaties by themselves failed to be a form in which to suppress all the forms of indigenous culture. This would not by any means curtail the Dominion's effort at cultural genocide.

In spite of these assurances, perpetual annuities were a series of broken promises. A unique part of the Robinson Treaties was an escalator clause that could increase the annuity value in proportion with the amount of money the Province created by resource extraction:

"should the Territory hereby ceded... at any future period produce such an amount as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then and in that case the same shall be augmented from time to time".<sup>170</sup> This provision was included to placate Shingwaukonse's resolve to petition directly to the Queen the injuries caused by resource speculators.<sup>171</sup> If the tribe were getting a fair proportion of mining revenues then they could develop with industry and not suffer at its expense. This clause was not adhered to. Ontario had reaped profits "far in excess of the monetary reserves needed for the increase in payments, which led to the Upper Great Lakes Ojibwa to petition for their annuities to rise to \$4 per head."<sup>172</sup> Ontario's Premier Oliver Mowat argued that the Dominion, not the province, was responsible for Indian annuities under the British North American Act 1867.<sup>173</sup> In a Parliamentary speech on the subject, Dawson accused the Dominion of racial discrimination, and argued that "an equal number of poor white men" would make the same public grievances as Chiefs did.<sup>174</sup> On April 16<sup>th</sup> 1894 the Province-Dominion argument was finally settled by An Act for the settlement of

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<sup>170</sup> Treaty Texts, *Copy of the Robinson Treaty Made in the Year 1850 with the Ojibwa Indians of Lake Huron Conveying Certain Lands to the Crown* (Ottawa: Queen's Printer, 1939). Accessed Oct 20, 2013 <http://www.aadnc-aadnc.gc.ca/eng/1100100028984/1100100028994>

<sup>171</sup> Janet E. Chute, *the Legacy of Shingwaukonse*, (Toronto: UTP, 1998), pp.142-143

<sup>172</sup> Janet E. Chute and Alan Knight, "Taking up the Torch", *With Good Intentions*, Celia Haig-Brown and David A. Nock ed. (Vancouver: UBC, 2006), p.117

<sup>173</sup> Ibid

<sup>174</sup> Canada, *House of Commons Debates*, 1886, p.63

certain questions between the governments of Canada and Ontario respecting Indian Lands” which gave the Province of Ontario the power of “concurrence” over future treaties by on behalf of the Crown within its jurisdiction.<sup>175</sup> Ontario acknowledged that it therefore had a responsibility to adhere to the escalator clause and eventually paid escalator arrears in 1896.<sup>176</sup> Friendly whites, such as Dawson, successfully battled against Canadian indifference, securing compensation for “educational and community development”.<sup>177</sup> Although this event illustrated what still remains to be a difficult tri-partisan State-Province-Tribe relationship, overall it revealed white disinterest in the promotion of Native rights. The financial responsibility that resulted from the treaty was inherited by Ontario as a burden because it took funds from white settlers. Annuities were not in the interest of Canada’s industrial expansion but were a placating tactic to allow peaceful land surrender.

While the fulfilment of the Robinson Treaty highlighted Dominion indifference towards its treaty promises, its poor administration of Treaty 6 exhaled it. Treaty 6 Tribes were arguably the most forceful in pursuing a treaty.<sup>178</sup> They blocked Canadian invasion by intimidating geological surveys and disrupting telegraph construction at Fort Carlton.<sup>179</sup> The Dominion was forced to recognise indigenous sovereignty to avoid any further threats of violence.<sup>180</sup> Treaty 6 was significant not because it continued the established policy of

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<sup>175</sup> 54-55 Vic., Cap.5 and 54-55 Vic., Cap3 in Bradford Morse ed., *Aboriginal People and the Law* (Ottawa: Carleton University Press, 1985), p.277

<sup>176</sup> Janet E. Chute and Alan Knight, “Taking up the Torch”, *With Good Intentions*, Celia Haig-Brown and David A. Nock ed. (Vancouver: UBC, 2006), p.121

<sup>177</sup> *Ibid*, pp.120-121

<sup>178</sup> Brian Titely, *The Indian Commissioners* (Edmonton: University of Alberta Press, 2009), p.43

<sup>179</sup> *Ibid*

<sup>180</sup> James Dascuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), p.97

rounding up Indians on reserves with the implicit intent to civilize them, but because the Saskatchewan tribes secured a famine and pestilence relief clause as well as the promise of a medicine chest at each agency house, for the benefit of the Indians<sup>181</sup>. On the one hand, the Government had greater control over the Indians' well-being in health care, but such a measure was largely heralded by tribes as their "best hope for survival in the new economic order on the plains".<sup>182</sup> Such measures exemplified Native demands for security as their demands were not only unprecedented, but were appeased, reluctantly, by Superintendent General of Indian Affairs David Laird and Lieutenant Governor Alexander Morris.<sup>183</sup>

Contrary to the early Euro-Canadian written histories of Canada, Chief Big Bear was arguably more accountable to his people than Chief Sweet Grass. By rejecting treat 6, Big Bear was in fact safeguarding and respecting his tribe's well-being. The rope that hung around Big Bear's neck was a metaphor for the people to whom he was responsible for.<sup>184</sup> Oral tradition suggests that Big Bear was cut out of the discussions because he held more traditional views, whereas Chief Sweet Grass had been Christianized, and held more Eurocentric principles.<sup>185</sup> This lack of recognition towards the indigenous perspective of treaties highlights the attempt by the Dominion to undermine Native Rights at the very least,<sup>186</sup> and at most to undermine indigenous traditions from future Indian-white relations. By

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<sup>181</sup> *Copy of Treaty No.6 between Her Majesty the Queen and the Plain and Wood Cree Indians and Other Tribes of Indians at Fort Carlton, Fort Pitt and Battle River with Adhesions* (Ottawa: Queen's Printer, 1964). Accessed Oct. 20, 2013. <http://www.aadnc-aandc.gc.ca/eng/1100100028710/1100100028783>

<sup>182</sup> James Dascuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), p.98

<sup>183</sup> *Ibid*, p.99

<sup>184</sup> Alexander Morris, "Special Appendix F., Government House, Fort Garry, Manitoba, 4<sup>th</sup> December, 1876, *Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1876* (Ottawa: Maclean, Roger and Co.), pp. 73, 75

<sup>185</sup> Neal Mcleod, "Rethinking Treaty 6 in the Spirit of Mistaki Maskwa (Big Bear), *The Canadian Journal of Native Studies*, V.19, N.1 (1999), p.79

<sup>186</sup> *Ibid*, p.80

upholding his peoples' rights and principles, Big Bear was recorded as a troublesome fellow,<sup>187</sup> and "marginalized from negotiations".<sup>188</sup>

Big Bear could not accept the terms until he they had been discussed fully by his band in council. Reports record Big Bear's response to the treaty as thus:

"I never saw the Governor before; when I heard he was to come, I said I will request him to save me from what I most dread – hanging; it was not given to us to have the rope about our necks"<sup>189</sup>

Lieutenant Governor Alexander Morris misunderstood Big Bear's words to mean that he was literally going to be hanged, rather than as a metaphor for the responsibility that Big Bear had to represent the interests of his band. In fact, Big Bear reiterated, to make his stance clear that: "I am not an undutiful child, I do not throwback your hand, but as my people are not here I do not sign".<sup>190</sup> This adherence to his obligation as chief was ridiculed by Morris, who saw Big Bear as an obstacle to the interests of Canadian expansion. By contrast one could argue that Sweet Grass abused his authority. He accepted treaty six without fully consulting the "prairie Indians", which he claimed to be responsible for. As far as those tribes were concerned, they resented Sweet Grass, and it was one of the reasons

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<sup>187</sup> Alexander Morris, "The Treaties at Forts Carlton and Pitt", *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004) accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>188</sup> Neal Mcleod, "Rethinking Treaty 6 in the Spirit of Mistaki Maskwa (Big Bear), *The Canadian Journal of Native Studies*, V.19, N.1 (1999), p. 80

<sup>189</sup> *Annual Report of the Department of the Interior for the Year Ending 30<sup>th</sup> June, 1876* (Ottawa: Maclean, Roger & Co., 1877), p.75. Accessed Aug. 5, 2014. <http://central.bac-lac.gc.ca/item/?id=1876-IAAR-RAAI&op=pdf&app=indianaffairs>

<sup>190</sup> Alexander Morris, *Government House, Fort Garry, Manitoba 4<sup>th</sup> December, 1876*, in Alexander Morris, "The Treaties at Forts Carlton and Pitt", *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004) accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

why he was “killed by his brother-in-law”.<sup>191</sup> In contrast with the traditional history of the treaties, Big Bear has been arguably falsely accused of not representing his people’s best interests, when he was simply trying to “resist colonization” and maintain political, cultural and cosmological autonomy.<sup>192</sup> This reveals how early Euro-Canadian historians distorted the facts and truths of Big Bear in an attempt to cover the dubious methods in which the Canadian government ratified treaties to subject misrepresented communities, casting them into legal tutelage.

It is not surprising, however, that pro-Euro-Canadian historians favoured Sweet Grass and were vehemently bitter towards Big Bear. It must be remembered that treaties 6 and 7 were arranged more proactively by the Dominion as preventative measures to avoid a pan-Indian alliance following strategic Siouxan victories over the U.S cavalry, as well as establishing Canadian claim to lands west before the U.S.<sup>193</sup> Treaty 6 and Treaty 7 were vitally important to prevent the Cree and Blackfoot confederacy from joining with other militant Indian nations below the 49<sup>th</sup> Parallel, where violence had reached a crescendo following Sittingbull’s victory at the Battle of Little Big Horn.<sup>194</sup> Many Sioux had already migrated from the U.S to Canada, with permission from the North West Mounted Police (NWMP); so long as they refrained from violence. Reports from Indian Affairs, and the fact that they had fled their lands, suggested that they wished to live in peace.<sup>195</sup> The Dominion still feared that the

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<sup>191</sup>Unknown author, “Sweetgrass: Negotiator and Patriot”, *Saskatchewan Indian, Fall 1987*, (The Federation of Saskatchewan Indian Nations, 2003), p.18. Accessed Aug. 18, 2014.

<http://www.sicc.sk.ca/archive/saskindian/a87fall17.htm>

<sup>192</sup> Neal Mcleod, Rethinking Treaty 6 in the Spirit of Mistaki Maskwa (Big Bear), *The Canadian Journal of Native Studies*, V.19, N.1 (1999), p.83

<sup>193</sup> David Mills, *Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1876* (Ottawa, Maclean, Roget & Co.), p. 16

<sup>194</sup> James Daschuk, “The Treaty Period”, *Clearing the Plains: Disease, Politics of Starvation, and Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), p.97

<sup>195</sup> David Laird, *Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1874* (Ottawa, Maclean, Roger & CO.), p.14

Indian wars could spill over the border. Big Bear had already been regarded as a militant chief, and his refusal to sign the treaty heightened the fears of department officials, as to them it suggested an explicit intent to remain hostile towards Canadian expansion. Big Bear's reasons were misunderstood to a point which alienated him forever in the department's eyes. Despite this misunderstanding, that he chose not to sign the treaty until better terms were offered (and they were) illustrated his willingness and ability to uphold his people's rights and the obligation for the Dominion to appease the Indians to avoid the spread of war.<sup>196</sup>

Nevertheless, the Dominion did not concede to Native demands for the benefit of the Indian, but to establish terms "most favourable" for themselves.<sup>197</sup> The high level of nutritional sustenance from the buffalo has revealed that the plains people were some of the best nourished people in the world.<sup>198</sup> In contrast to a promise of relief in times of famine in treaty 6, treaty 7 Indians, anxious about the growing scarcity of buffalo, were reassured that their food supply would be safeguarded from trespassing hunters via an ordinance.<sup>199</sup> For Treaty six Indians, the promise of agricultural equipment meant that in theory they had an alternative economy to revert to. For the Blackfoot confederacy, however, within treaty 7, lacked promises to assist a transition from bison to agriculture. Since annuities were pursued by the tribes, not the Dominion, investment was only provided if tribes demanded it. Treaty 5 exemplified this. The reserves were 160 acres, or even as small as 100 acres per family of five compared to the 640 acres secured under

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<sup>196</sup> Ibid

<sup>197</sup> Brian Titley, *The Indian Commissioners: Agents of the State and Indian Policy in Canada's Prairie West, 1873-1932* (Edmonton: University of Alberta Press, 2009), p.49

<sup>198</sup> Joseph M. Prince and Richard H. Steckel, "Nutritional Success on the Great Plains: Nineteenth-Century Equestrian Nomads," *Journal of Interdisciplinary History* 33 (2003): 367-75

<sup>199</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada*, (Toronto: UTP, 2009), p.183



treaty 3. Likewise, treaty 5 Indians received only a \$5 annuity per head, not the \$12 similarly secured by the tribes of treaty 3.<sup>200</sup> This showed the reactionary methodology the treaty commissioners pursued in making treaties. They went to any lengths to reduce the demands of the tribes, and would not add any additional supervision for additional assistance for indigenous economic stability unless chiefs bargained for them. This approach from the Robinson Treaties onwards illustrated how treaties were confined to reducing the financial burden that the Indians had become on the State as far as possible, rather than an attempt to secure a reciprocal relationship in sharing land and resources.

By Treaty 7, Indian Commissioner David Laird was not prepared to invest in the benevolent development of the Indian in white civilization.<sup>201</sup> Instead, treaty seven promised to use the newly formed North West Mounted Police to prohibited white vices, such as alcohol and buffalo hunters, from infiltrating Blackfoot lands.<sup>202</sup> The ‘Great Annihilation’ of the North American bison, hunted by whites and depopulated by ranchers’ cattle that were infected with Bovine TB, illustrated that the government’s words were bigger than their actions. An unusually warm winter in 1877-78 called “Black Winter” was the final blow to bison populations, which had severe impacts on indigenous health.<sup>203</sup> Combined with the reserve system, overcrowding of traditionally sparsely populated peoples multiplied the effects of disease and starvation as communities’ food sources were limited to infected beef only.<sup>204</sup>

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<sup>200</sup> Alexander Morris, “The Winnipeg Treaty, Number Five”, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3, 2014. <http://www.gutenberg.org.dirs/etext04/tcnnd10h.htm>

<sup>201</sup> Jill St. Germain, *Indian Treaty Making in the United States and Canada 1867-1877* (Nebraska: University of Nebraska Press, 2001), pp.65-66

<sup>202</sup> J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty Making in Canada* (Toronto: UTP, 2009), p.182-183

<sup>203</sup> James Daschuk, *Clearing, “Treaties, Famine, and Epidemic: Transition on the Plains, 1877-1882”, Clearing the Plains: Disease, Politics of Starvation, and Aboriginal Loss of Life* (Regina: University of Regina, 2013), p.102

<sup>204</sup> *Ibid*, pp.99-101

The Dominion had an opportunity to extract more power from tribes. Economic stagnation and severe malnutrition increased the dependency of treaty six and seven tribes on the Dominion. The Dominion's integrity to adhere to its treaty obligations was "half baked", and highlighted the ongoing "moral and legal failures of the crown's treaty commitments".<sup>205</sup> Relief was provided in the form of pacification. Instead of committing to their treaty obligations, the Dominion believed it would be more economically viable to invest in teaching Indians to feed themselves. Although a sensible option in a community with firm foundations, events such as Black Winter urged a short term solution for the preservation of Plains peoples' way of life. The Dominion's action to build stockades and increase security to prevent Indians from accessing food stores that were well supplied was completely counter-active to the immediate needs of the Plains people, and revealed ongoing attempt to inferiorize the Plains people.<sup>206</sup> The Dominion, who by sacred treaty had an obligation to assist their Indian neighbours, unnecessarily allowed those who had no the power to help themselves suffer, and disposed all responsibility for their destitution upon them.

Starvation was a political tactic to undermine Indians of their autonomy. The work for rations scheme forced Indians to adopt white agriculture that was failing. The Home Farm program, a policy to help create Indian self-sufficiency failed abysmally; yet Indians had to waste their time on an unsuccessful economic pursuit just to receive enough rations to survive. If a tribal leader resisted, they were disposed of. Chief Beardy, for example, who refused his annuities because he was dissatisfied with the Dominion's inability to keep to their promises, was removed from his position by the Dominion. Such oppressive measures showed that the Dominion appeased tribes to avoid a costly war. The treaties helped to

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<sup>205</sup> Ibid, p.101

<sup>206</sup> Ibid, pp107, 108, 113

disrupt traditions by rounding up bands on reserves where control could be more easily exerted. The lack of power tribes had over the Dominion if it failed to adhere to its responsibilities illustrates the usurpation of political autonomy. By and large, tribes were victims of a diplomatic war rather than a military war.

Most histories of the treaties between Indians and whites focus on the how much land was supposedly bought in the post Royal Proclamation era as well as what was supposed to be offered to tribes for their mutual benefit. To do so however only perpetuates colonization. That the oral records are only recently being accepted as legitimate and credible sources by academics illustrates the suffocation of indigenous authorship and legitimacy of their own history;<sup>207</sup> and propagates the genocide of their culture. The 'official' histories of the treaty periods from white sources such as Alexander Morris' *The Treaties of Canada* (1880) have continued to colonize indigenous histories in Canada. Not only this, but to suffocate the indigenous perspective in the history of promises in which Indian Nations were supposed to be on equal footing, and to continue to do so by relying solely on these sources, distorts the true intent of the treaties. In effect, it is the inherent intent of Ottawa, who reprinted Morris' tale of the treaties in 1971 and 1991,<sup>208</sup> to destroy in whole the Native perspective of the history of treaty making. This was not only the genocide of language, an intrinsic part of Indian cultural identity, but the continued attempt to thwart the revision of the history of Canada as an imperial nation. As will be seen in the following chapter, missionaries were another source of authorship that undermined the Indian for their own prerogatives. Although treaties may have caused "non-direct cultural change",<sup>209</sup>

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<sup>207</sup> Howard Adams, *A Tortured People: The Politics of Colonization* (Theytus Books: Penticton, 1995), pp.93-95

<sup>208</sup> David T. Mc.Nab, "Treaties and an Official use of History", *Canadian Journal of Native Studies*, Vol.13 No.1 (1993), pp.139-143

<sup>209</sup> J.R. Miller, *Skyscrapers Hide the Heavens* (UTP: Toronto, 2000), p.157

the missionary effect combined with the used of treaty terms were intended to force direct cultural change.

## Chapter 2. Genocide by missionary endeavours: a benevolent intention?

Missionaries were vehement advocates of treaties. They were one example of the mythologized heroic frontiersman that made the attempt to “culturally erase Indians seem morally tolerable”.

<sup>210</sup> They worked both with the State and with tribes to assist in the negotiation of treaty terms. Although they are complemented for their role as translators during negotiations for both the State and Tribes, they also helped tribes formulate the demands that chiefs made, and were heavily influential in persuading chiefs to accept the terms offered. This middle-man role makes the missionary a complex figure, but it highlights the extent to which the Church would go to promote its evangelistic civilization mission. The missionary was the clerical administrator of the Dominion’s Civil Indian Policy because society believed this would produce the most idealistically civilized ‘Indian’ in preparation for assimilation. This role made the missionary, potentially, the most culturally destructive influence on indigenous peoples.

The mid-nineteenth century was coined the “second great awakening” in which missionary operations “transformed” Civil Indian Policy.<sup>211</sup> The Church Missionary Society (CMS) and Wesleyan Missionary Society (WMS) among others fronted a cross-denomination evangelical frontier,<sup>212</sup> from pragmatic Anglicans and Roman Catholic sects to spiritually

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<sup>210</sup> Joy Porter, “Introduction”, *Place and Native American Indian History and Culture*, ed. Joy Porter (Oxford: Peter Lang, 2007), p.24

<sup>211</sup> Robert Berkhofer, Jr (1965) *Salvation and the Savage* (Westport, Connecticut: Greenwood Press Publishers, 1965) pp.1-2

<sup>212</sup> David A. Nock *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis v Cultural Replacement* (Waterloo, Ontario: Wilfred Laurier University Press, 1988), p.20

idealistic Baptists, Methodists, and Presbyterians.<sup>213</sup> This was a religious frontier with an ambition to develop “stations across the continent”<sup>214</sup>, in which the wilderness; the land and its inhabitants; could be tamed and prepared as a sort of Promised Land.<sup>215</sup> To some extent, the missionary effort benefited tribes. They challenged the vanishing Indian trope, and represented and promoted tribal prerogatives.<sup>216</sup> However, this chapter illustrates how these good intentions were thwarted as the interference of missionaries disrupted the Aboriginal way of life, and imposed radical changes based on “scientific evidence” that formulated racist ideologies in which whites were naturally superior, and the indigenous person inferior.<sup>217</sup> The chapter identifies why Missionization was pursued and its positive and negative impacts on those tribes affected in the mid-nineteenth century. Reports from the Grand Council at Orillia (1846) and the ‘Society for Converting and Civilizing the Indians of Upper Canada and Propagating the Gospel Among Destitute Settlers’ (The Society) show not only how Missionaries were agents to the State’s assimilative aims, but how Tribes sought to use their missionaries to achieve cultural revitalization. It also contextualizes the reasons why whites took up missionary duties: to improve their social status as much as assist aboriginals. This discussion is pivotal in order to better understand why replacing indigenous spiritual, economic, social and political customs can be defined as cultural genocide.

1837 marked a significant consolidation in Indian policy philosophy. A report by the House of Commons Select Committee argued that indigenous people in British North America

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<sup>213</sup> John Maclean, *The Indians of Canada, 1889*, (Bibliolife) p.322

<sup>214</sup> Ibid

<sup>215</sup> Joy Porter, “Introduction”, *Place and Native American Indian History and Culture*, ed. Joy Porter (Oxford: Peter Lang, 2007), p.22

<sup>216</sup> Sarah Carter, *Aboriginal People ad Colonizers of Western Canada to 1900*, (Toronto: University of Toronto Press, 1999), p.76

<sup>217</sup> Ibid, p.79

would cease to exist without a drastic change in the aboriginal-white relationship.<sup>218</sup> This idea, called *Fair Dealings*, was fuelled by philanthropic liberalism; a growing belief that indigenous people required protection from the vices of European society, and also that they existed in an “inferior stage of spiritual, mental and social” condition that “needed to be raised up by the adoption of Christian values”.<sup>219</sup> Faith that aboriginals could adopt white habits shaped Indian civil policy in North America after 1812, as the end of the colonial wars meant tribes were no longer relied upon as a military necessity.<sup>220</sup>

Missionization, an evangelical movement aimed at indigenous communities, became a part of Indian policy because Christian teaching combined with civilization was thought to produce the most idealistically civilized Indian.<sup>221</sup> Disease, alcoholism and immoral forms of behaviour were attributed to aboriginals’ “lack of ‘civilized’ habits such as: diet, mode of dress, habitation, and child rearing practices”.<sup>222</sup> Missionaries, then, were heralded as a humane solution to the “Indian problem”.

More recently the role of the missionary has been revised. It has been argued that the missionary was as culturally destructive as the U.S army was physically towards indigenous people in North America. Vine Deloria Jr. called them “one of the major problems of the Indian people” because they dismantled indigenous cultures at the core, and created a

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<sup>218</sup> ‘Effects of Fair Dealings, combined with Christian Instruction on Aborigines’, *Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements) Reprinted with comments by the Aborigines Protection Society* (London, 1837) pp.59-67

<sup>219</sup> Joan Holmes, *The Original Intentions of the Indian Act*, (Ottawa: Joan Holmes and Associates Inc., 2002), p.11

<sup>220</sup> *Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements), Reported with comments by the Aborigines Protection Society* (London, 1837), p. 4. Accessed June 10, 2014.

<https://archive.org/details/reportparliamen00britgoog>

<sup>221</sup> John Maclean, *The Indians of Canada, 1889*, (Bibliolife), pp. 264, 290

<sup>222</sup> Nancy Hudson-Rudd “Nineteenth Century Canada: indigenous place of dis-ease”, *Health and Place*, Vol. 4, No.1 (Elsevier Science, 1998)p.58

cultural “vacuum” that could be filled with European ideology.<sup>223</sup> They attacked traditional forms of culture such as: language, oral traditions, religious beliefs and practices, social organisations, political institutions, traditional modes of behaviour, material culture, and economic pursuits, with the intent on replacing them with Victorian ideals.<sup>224</sup> The most celebrated missionaries, such as James Evans, William Duncan and E.F. Wilson not only learned native vernacular, but created a written forms of native languages.<sup>225</sup> To some extent these efforts preserved native languages, but this was never intended.<sup>226</sup>

Missionaries were encouraged to learn native languages to “reach the hearts of the Indians”, and better communicate the gospel and reason the superiority of white customs.<sup>227</sup> In effect, they learned the language to undermine the culture. The language barrier was an antagonistic element of the Indian problem.<sup>228</sup> If successfully overcome it could greatly increase the efficiency to which indigenous customs could be “undermine[d]” by Europeans’.<sup>229</sup>

Since contact indigenous destitution was attributed to its Non-Christian state. In *Des Sauvages, ou, Voyage De Samuel*, Samuel de Champlain acknowledged that the Aboriginal inhabitants “worshipped one Great Spirit, believed in the immortality of the soul, and had an idea of the Devil”, but no concept of Christ.<sup>230</sup> The first missions began in New France in 1615 by Recollect Missionaries, who believed that a lack of Euro-Christian knowledge and

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<sup>223</sup> Vine Deloria Jr., “Missionaries and the Religious Vacuum”, *Custer died For Your Sins*, (Norman: University of Oklahoma Press, 1988) pp.101-102, 105

<sup>224</sup> Mark Francis, “The ‘Civilizing’ of Indigenous People in Nineteenth Century Canada”, *Journal of World History*,(1998) 9.1 p.52

<sup>225</sup> See James Evans, *The Speller and Interpreter, in Indian and English* (New York, 1837) and E.F. Wilson, *Manual of the Ojebway Language* (Toronto, 1874)

<sup>226</sup> James Evans, *The Speller and Interpreter, in Indian and English* (New York, 1837), p.3

<sup>227</sup> John Maclean, *The Indians of Canada, 1889* (Bibliolife), pp.298-299

<sup>228</sup> Ibid

<sup>229</sup> Ibid

<sup>230</sup> David Fischer, *Champlain’s Dream* (New York: Simon & Schuster, 2008), p.144



customs kept aboriginals in a sub-human state.<sup>231</sup> That Civil Indian Policy sought to “reclaim” the ‘Indian’ from a state of barbarism reflected a continuation of Eurocentric cultural supremacy by religious beliefs, economic practices, sedentary settlement, and modes of behaviour.<sup>232</sup>

### Tri-partite Ambitions

Symbiotic ambitions of the Church and State’s Indian Policy can be seen in the creation of a missionary society in Upper Canada in 1830. Indian affairs had been transferred from the military to civil departments<sup>233</sup>. *The Society for Converting and Civilising the Indian, in Upper Canada*, under the Patronage of Chief Superintendent of Indian Affairs and Lieutenant Governor of Upper Canada Sir John Colborne,<sup>234</sup> linked Anglican evangelism with Colonial civilisation aims. In doing so, the 1830s was a period in which aboriginals was subject to social experimentation. The reserve system, created by treaties, helped to create laboratories for such civilization experiments.

Further evidence of a State-Church alignment came from the first report on the ‘Indian condition’ (1828) by Major General H.C. Darling, the first Chief Superintendent of Indian Affairs.<sup>235</sup> His recommendation focused on reducing the State’s Indian budget. Darling’s report stated that aboriginals could become self-sufficient through Christianization and education exemplified the attitude that replacing indigenous customs could save the race.

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<sup>231</sup> “Part I. C.5 New France, French Traders and Missionaries”, *History of Canada Online*, accessed July 15, 2014. [http://canadachannel.ca/HCO/index.php/5.\\_Fur\\_Traders\\_and\\_Missionaries](http://canadachannel.ca/HCO/index.php/5._Fur_Traders_and_Missionaries)

<sup>232</sup> Sir James Kempt to Sir George Murray, 16 May 1829, *British Parliamentary Papers* (Irish University Press Series), ‘Correspondence and Other Papers Relating to the Aboriginal Tribes in British Possession,’ 1834, no.617, 40-41

<sup>233</sup> J.R Miller *Skyscrapers Hide the Heavens* (Toronto: UTP, 2000) pp.118, 125

<sup>234</sup> Toronto Public Library, *Society for Converting and Civilising, the Indians, in Upper Canada, 20<sup>th</sup> October, 1830, York, Upper Canada*, (Ephemera). Accessed April 3, 2014. <http://www.torontopubliclibrary.ca/detail.jsp?Entt=RDMC-OHQ-EPHE-S-R-480&R=DC-OHQ-EPHE-S-R-480&print=true> referred to as ‘The Upper Canada Society’

<sup>235</sup> Olive P. Dickason and William Newbigging, *A Concise History of Canada’s First Nations*, (Don Mills: Oxford University Press), p.149

<sup>236</sup> Under the guise of ‘philanthropic liberalism’, Darling argued that current policy was an unnecessary expense. Lower Canada Administrator Sir James Kempt argued aboriginals, left in destitution, without religious and civilized knowledge, was a burden on the Imperial Government.<sup>237</sup> The underlying ideology was that aboriginals needed protection from white vices whilst at the same time raised from their inherent inferior position by the adoption of Christian values.<sup>238</sup> Britain was encouraged to “impart” Christianity to those communities it had claimed ward-ship of as evidence of British “superiority”<sup>239</sup>. Missionary societies could promote “kind and beneficial intentions of the government” to reverse the “corrupted” effects of contact.<sup>240</sup> In particular, commentators highlighted the damaging effects of “ardent spirits” as “truly distressing”, as Europeans took “dishonest advantage” of tribal communities.<sup>241</sup> Indeed, at the conclusion of Treaty 3, following the issue of annuities, a reporter noted that HBC and resident traders took “nearly all their money”, the HBC “\$4000 in thirty hours” alone.<sup>242</sup> These traders exploited indigenous ignorance towards money, and forced them into taking credit for necessities.<sup>243</sup> The society therefore put the responsibility of the immoral behaviour of whiskey peddlers on government; that a lack of regulation

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<sup>236</sup> Janet E. Chute *The Legacy of Shingwaukose: A Century of Native Leadership* (Toronto: UTP, 1998) pp.44-45

<sup>237</sup> Sir James Kempt to Sir George Murray, 16 May 1829, *British Parliamentary Papers* (Irish University Press Series), ‘Correspondence and Other Papers Relating to the Aboriginal Tribes in British Possession,’ 1834, no.617, 40-41

<sup>238</sup> John F. Leslie, *Commissions of Inquiry into Indian Affairs in the Canadas, 1828-1858: Evolving a Corporate Memory for the Indian Department* (Ottawa: Treaties and Historical Research Centre, Research Branch, Corporate Policy, Indian Affairs and Northern Development Canada, 1985), p. 39.

<sup>239</sup> *The Upper Canada Society*, (Ephemera) p.5. Accessed April 3, 2014.  
<http://www.torontopubliclibrary.ca/detail.jsp?Entt=RDMC-OHQ-EPHE-S-R-480&R=DC-OHQ-EPHE-S-R-480&print=true>

<sup>240</sup> “Subscription for the Purpose of Civilizing & Converting the Indians and Propagating the Gospel amongst Destitute Settlers in Canada”, *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832), p.31. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

<sup>241</sup> Appendix 3, Rev. J. O’Brien, extract of report, *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832), p.26. Accessed April 3, 2014.  
<http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

<sup>242</sup> The Manitoban, 18<sup>th</sup> October 1873, in Alexander Morris, “Treaty Number Three, or the North West Angle Treaty”, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3, 2014 <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>243</sup> Ibid

allowed traders to exploit tribes. A laissez-faire approach would have been the most inhumane option available to a government that had allowed its people to overexploit the resources that tribes depended upon for survival. Civilisation, then, was a means by which the colonial authorities could reduce its responsibilities towards indigenous peoples in the long term.

It was not surprising that when missionaries approached tribes that understood the linkage between Christianization and the material benefits of civilization they desired to “embrace Christianity with readiness”.<sup>244</sup> The Ojibwa at Sault Ste. Marie were one such tribe. The Society and the HBC believed that since fur-bearing animals had been all but nearly “exhausted” the tribe could “no longer maintain themselves by the produce of the chase”.<sup>245</sup> A mission served a dual purpose of preventing suffering attributed with poverty, by dissuading aboriginals from hunting which would free up land for the non-native settlement.

They also acknowledged a responsibility to assist indigenous people, as destitution was caused by white vices. These included alcoholism, depletion of game, and the spread of European diseases due to encroachment. Darling’s recommendations were accepted as benevolent measures. Commercial interests had taken precedence over indigenous well-being, and this had made tribes dependent on their white neighbours. Fur traders had encouraged over-hunting by distributing guns and ammunition, and the introduction of alcohol and disease had ravished tribal communities.

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<sup>244</sup> *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832), p.19 Accessed April 3, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

<sup>245</sup> Letter from Governor Simson to the Lord Bishop of Quebec, 1<sup>st</sup> Feb, 1832, *The Upper Canada Society Annual Report 1832*, (York: Robert Stanton, 1833), p.15 Accessed April 3, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/37131055292080d.pdf>

Spiritual replacement was essential to the success of civilization policy. As previously stated, commentators agreed that a combination of Christianity and civilization produced the best result. Sir John Colbourne saw the need for Christianization after secular civilization failed. The St. Clair Chippewa, for instance, received “houses, an Indian agent”, and a school.<sup>246</sup> Unfortunately for white politicians the tribe simply accommodated these new ideas into their own cultural conscience. Houses on their own did not tempt tribes into taking up permanent residence. They lacked furnishings and were used as “occasional shelter” rather than sedentary dwellings.<sup>247</sup> Colbourne hoped that by giving the tribes superficial manifestations of European civilization they would naturally discover the benefits and utilize them. Yet without direct intervention tribes could only accommodate European structures into their own traditions, not replace indigenous traditions with Euro-Canadian ones.

By contrast, Church-State policy was far more forceful. It intended to “collect the Indians in considerable numbers”, “settle them in villages”, provide “religious improvement”, “education and instruction in husbandry”, “assistance in building their houses” and provide “seed and agricultural implements”.<sup>248</sup> It was no coincidence that tribes demanded agricultural assistance and reserve land during treaties. This policy showed that Britain was taking responsibility to help indigenous people climb the social ladder to achieve civilized status, but by doing so it confirmed the belief that aboriginals were “primitive people” in the “early stages of civilization”, thereby justifying the coercion of their culture.<sup>249</sup>

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<sup>246</sup> ‘Effects of Fair Dealings, combined with Christian Instruction on Aborigines’, *Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements)*, Reprinted with comments by the *Aborigines Protection Society* (London, 1837) p.65. Accessed June 10, 2014. <https://archive.org/details/reportparliamen00britgoog>

<sup>247</sup> Ibid

<sup>248</sup> Sir James Kempt to Sir George Murray, 16 May 1829, *British Parliamentary Papers* (Irish University Press Series), ‘Correspondence and Other Papers Relating to the Aboriginal Tribes in British Possession,’ 1834, no.617, 40-41

<sup>249</sup> Nancy Hudson-Rudd “Nineteenth Century Canada: indigenous place of dis-ease”, *Health & Place*, Vol. 4. No. 1, Elsevier Science (1998) p.57

Christianization was benevolent only because it “blamed” indigenous traditions for their destitution, justifying cultural destruction on the assumption of white superiority.<sup>250</sup>

Although Darling’s report gave recognition to indigenous devastation by direct contact with white traders and settlers, it was not in the State’s interests to prevent the further growth of white industrial and commercial interests by restricting settlement or economic ventures. Treaties rounded tribes up to free up land for peaceful conquest, and legislation worked to speed up methods of civilization by encouraging assimilation and prohibiting traditional customs.

The promise of tribal self-sufficiency made civilization policy appealing to many tribes who wanted to revitalize their cultures. Chief Shingwaukonse, for example, wanted to create a commercially autonomous Ojibwa nation.<sup>251</sup> To receive the help of the State, he had to accept Christianity, which he and his eldest son did on 19<sup>th</sup> January 1834 at the age of sixty and thirty respectively.<sup>252</sup> So far as State officials were concerned conversion was the missing link between semi-civilized and fully civilized indigenous communities. Reverend Ellis claimed that Christian teaching promoted “civilization of the highest order”.<sup>253</sup> Upon this logic, if a tribe accepted the Gospel it could become fully civilized. Only then would it have the ability to become economically self-sufficient, and thus no longer a burden on the State.

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<sup>250</sup> Ibid, p.58

<sup>251</sup> Mr J.D. Cameron, Missionary, to Captain Phillpotts, Sault Ste Marie, Sept. 26, 1831, Appendix No.1, *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292536d.pdf>

<sup>252</sup> William McMurray, “Account of Baptisms, Marriages, and Funerals at the Mission of Sault St. Mary”, *The Upper Canada Society Annual Report 1835*, (Toronto: Robert Stanton, 1835), p.30 Accessed April 5, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292817d.pdf>

<sup>253</sup> Great Britain, Parliament, House of Commons, Select Committee, Report of the Parliament Select Committee on Aboriginal Tribes (British Settlements), Reprinted with comments by the Aboriginal Protection Society (London, 1837). Accessed June 10, 2014. <https://archive.org/details/reportparliamen00britgoog/p.67>

Whilst in theory these measures appeared simplistic, in practice the missionary had a precarious juggling act to adhere to Church, State, and tribal prerogatives. Most significantly missionaries had the difficult task of promoting state-endorsed assimilation against a tribe's desire to revitalize their culture. Through traditional values which shaped their world understandings, many tribes saw the white man's God as the solution to the suffering that was beginning to occur as consequence of the reduction in fur-bearing animals; the withdrawal of the fur trade economy, depletion of the bison, and an increase in epidemics. To propagate cultural genocide missionaries had to persuade tribes that Euro-Christian traditions would be the panacea to tribal hardships. Tribes like the Sault Ste. Marie Ojibwa acknowledged the power of the white man's God as a provider through their own cultural context. For the Ojibwa, political power and spiritual blessings were intertwined.<sup>254</sup> A chief was not autocratic, but responsible for the well-being of his community,<sup>255</sup> as has been illustrated by Big Bear's refusal to sign Treaty 6.<sup>256</sup> This cosmological perspective to the consequence of contact meant that European technology was a solution to survival and sustainability<sup>257</sup>. For Shingwaukonse, the missionary was an intermediate who could reciprocate spiritual worship with temporal assistance.

The difficulty in balancing the prerogatives of the differing parties can be seen by the first permanent missionary to the band at the Sault, Rev. William McMurray. He told the tribe his job was to teach them "how to please the Great Spirit" and "how to pray to Him", focusing

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<sup>254</sup> Janet E. Chute *The Legacy of Shinwaukonse: A Century of Native Leadership*, (Toronto: UTP, 1998) p.18

<sup>255</sup> Ibid, pp.16-17

<sup>256</sup> Chief Big Bear to Alexander Morris in "The Treaties at Fort Carlton and Fort Pitt", *The Treaties of Canada with the Indians of Manitoba and the North West Territories*, (Project Gutenberg, 2004). Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>257</sup> Ibid pp.42-43

on the Church's ambition to save souls only.<sup>258</sup> McMurray was unaware that the tribe had made him accountable to unfulfilled Government promises and the causes of indigenous destitution: "If we (Ojibwa) should see the buildings up ... we would attend to the pursuits of agriculture, and settle upon our lands" ... "It is you (whites) who bring liquors into this country"<sup>259</sup>. Shingwaukonse's bargaining illustrated his desire to maintain autonomy by entering into relationship with the Government on an equal basis. He held the Government responsible for destruction caused by alcohol by rebuking the 'drunken Indian' stereotype: "when we see the white people in the spring, *they* offer us a glass" (emphasis added).<sup>260</sup> He further argued that because Indian agents viewed them as "children", they ignored the true causes of suffering: by an unregulated white frontier of traders.<sup>261</sup> To successfully achieve conversions, McMurray had to balance the needs of the tribes with the demands of the State. Following on from indigenous treaty protocol that dictated that new agreements could not be made until on-going vices had been forgiven, the Ojibwa could not establish a spiritual relationship with whites while past promises remained unfulfilled. This caused disharmony between aboriginals and whites on a physical and spiritual level.

William Duncan's mission town, Metlakatla, epitomized the aims of civilisation in the late nineteenth century, but with limited success. The Tshimshian town of Metlakatla was part of a Church-State Housing reform that showed the symbiotic ambitions of the two white

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<sup>258</sup> Address from the Society For Converting the Indians, &C. To their Red Brethren at the Sault Ste. Marie, *The Upper Canada Society Annual Report 1832*, (York: Robert Stanton, 1833). Accessed April 3, 2014) <http://static.torontopubliclibrary.ca/da/pdfs/37131055292536d.pdf>

<sup>259</sup> Speech of Shingwaukonse to William McMurray, *The Upper Canada Society Annual Report 1833*, (York: Robert Stanton, 1834) Accessed April 5, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/3713105529213d.pdf>

<sup>260</sup> Janet E. Chute, *The Legacy of Shingwaukonse: A Century of Native Leadership* (Toronto: UTP, 1998) p. 52, see Speech of Shingwaukonse to William McMurray, *The Upper Canada Society Annual Report 1833*, (York: Robert Stanton, 1834) Accessed April 5, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/3713105529213d.pdf>

<sup>261</sup> Ibid

institutions. Under the management of John A. Macdonald and Hayter Reed, the objective of the Indian office was to destroy the tribal system “in every possible way” and to “implant a spirit of individualism and responsibility”.<sup>262</sup> Traditional temporary communal living was regarded as culturally backwards, whereas fixed family buildings in blocks showed a socially and spiritually civilized community.<sup>263</sup> Church-State aims were too superficially focused. Whilst homes were built under the European model, “several families still lived under the same roof”<sup>264</sup>. Tribes maintained a level of communalism that was essential to their cultural existence. Yet to live in Euro-Canadian style housing was believed by the Dominion to be a result of successful acculturation. It showed a joint effort of intent to rid aboriginals of their communal traditions because they were seen as a “deeply problematic character of First Nation culture”.<sup>265</sup>

Missionaries had to battle with tribal systems that sought the accommodation of European beliefs and practices. As Chute argues, Chief Shingwaukose’s plan to add European skills to existing traditions was designed to create opportunities for aboriginal self-sufficiency in varying economic forms, including: husbandry, fishing, mining and, most importantly, logging.<sup>266</sup> Shingwaukose was a prime example of a chief who tried to manipulate the state-sponsored missionization to best suit the needs of his people. For example, he accepted the Anglican Church over the more idealistic Methodist and Baptist denominations.<sup>267</sup> This decision reflected native temporal prerogatives above spiritual

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<sup>262</sup> Canada, *sessional papers (No.12), 1890*, 165, Reed to Superintendent General, 31<sup>st</sup> Oct. 1889

<sup>263</sup> Adele Perry, “From “the hot-bed of vice” to the “good and well-ordered Christian home”: First Nations Housing Reform in Nineteenth-Century British Columbia”, *Ethnohistory*, Vol. 50, No.4 (Duke University Press, 2003) pp.591, 592, 593, 600

<sup>264</sup> J.J. Halcombe, *Stranger Than Fiction* (London, 1880) p.118

<sup>265</sup> *Ibid*, p.591

<sup>266</sup> Janet E. Chute, *The Legacy of Shingwaukose: A Century of Native Leadership* (Toronto: UTP, 1998) pp. 45, 54, 75

<sup>267</sup> *Ibid*



salvation. Also, choosing the Church of her Majesty was good diplomacy; it showed a willingness to maintain good relations with the imperial government.

Victorian ideals dictated that North American aboriginals were inherently “primitive”, and not sufficiently advanced to pursue anything other than agriculture. McMurray created a peasant farming class of Ojibwa, restricting Shingwaukonse’s economic aspirations. This was pure ideology: aboriginals, the government thought, had to advance by degrees if they were going to become self-sufficient.<sup>268</sup> This meant mastering husbandry before they could compete with whites commercially.

### Missionary Intent

Many missionaries took up their work not for the benefit of the indigenous communities they served, but to improve their own social status. Many missionaries believed their lives laid in mission work.<sup>269</sup> This may have been because mission work was a “social revolution” that gave men the opportunity to “escape lower class backgrounds”.<sup>270</sup> William Duncan was one such man, who compared his lifestyle prior to ministry to a “dunghill”.<sup>271</sup> Some missionaries were largely opportunistic men, and ministry was a form of social escapism rather than to promote the spiritual and temporal welfare of the tribes they ministered. The Rev. Horndon ideally wanted to work in India, but took an “opening” at Moose Fort in 1851

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<sup>268</sup> C.P. *Sessional Papers* No.23 (34 Vic. 1871) Annual Report for 1870 of the Indian Branch of the Department of the Secretary of State for the Provinces, p.4 :Report of the Deputy-Superintendent-General, William Spragge, 2 Feb 1871

<sup>269</sup> Beatrice Batty, *Forty-Two Years amongst the Indians and Eskimo*, Religious Tract Society, London 1893, ed. Asian Educational Services, (New Delhi, 1996) p.23

<sup>270</sup> David A. Nock, *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis v Cultural Replacement* (Waterloo, Ontario: Wilfred Laurier University Press, 1988), p.11

<sup>271</sup> Jean Usher, *William Duncan of Metlakatla: A Victorian Missionary in British Columbia* (PhD Dissertation, University of British Columbia, 1968), p.8

as it was his first opportunity.<sup>272</sup> This contradicted any benevolent integrity. On the other hand Horndon put the Church's spiritual project above his own ambitions. He wanted to preach in India, but his decision to take up the position at Moose Fort suggests his desire to preach to any primitive people. To some extent, Horndon put evangelical prerogatives that "compelled (society) to bring the world to Christ" first.<sup>273</sup> However, in doing so he homogenized all aboriginal people as primitive, ascertaining Euro-Christianity as the supreme belief system and social order, and relegating "primitive" customs to immorality.

On the other hand there were some missionaries, such as E.F. Wilson, the missionary at the Garden River Reserve, who for the most part did intend to assist aboriginals rather than his own self. Wilson already had a prosperous background, and so did not need to do mission work to climb the social ladder. His had an Oxbridge family history and "his great grandfather had founded the Church Missionary Society".<sup>274</sup> He also acquired, firsthand, a perspective of tribal needs in 1868, after spending six weeks at a reserve where he became "infatuated with the Indians".<sup>275</sup> Wilson could have lived a comfortable life in a quiet country parish, but a desire for a "wild free life", combined with following the family traditions in the clergy, and his already established social position, meant that frontier missionary work was the perfect opportunity in which he could rebel from the monotony of traditional English life whilst maintaining his social status.<sup>276</sup> Wilson was more likely to have had benevolent intentions towards indigenous well-being when he embarked since he did not need to further himself.

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<sup>272</sup> Ibid, pp.23-24

<sup>273</sup> Ibid, p.19

<sup>274</sup> David A. Nock, *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis v Cultural Replacement* (Waterloo, Ontario: Wilfred Laurier University Press, 1988), pp.11, 13, 18

<sup>275</sup> Edward F. Wilson, *Missionary Work Among the Ojebway Indians* (Marston Gate: Aeterna, 2010), p.1

<sup>276</sup> David A. Nock, *A Victorian Missionary and Canadian Indian Policy: Cultural Synthesis v Cultural Replacement* (Waterloo, Ontario: Wilfred Laurier University Press, 1988), pp. 13, 18

Despite this speculation, it was aboriginal agency; their perception of the missionary; that most clearly reveals whether missionization was an attempt at cultural genocide. The way in which Wilson, like other missionaries, tried to assert their beliefs and customs as superior was met with scepticism. The Ojibwa constantly suspected that Wilson's intentions were to improve his own position at the expense of the tribes: "He (Ojibwas) won't believe you are acting for his good [and] not your own profit".<sup>277</sup> Despite this missionaries believed that they knew what was in the tribes' best interest. This was based on the popular opinion that the 'Indian' was physically and morally "deficient" compared to white society.<sup>278</sup> Missionary societies argued that a laissez-faire approach would lead to ruin because indigenous people lacked the "knowledge of true Religion" and "the comforts of civilized life".<sup>279</sup> Although Missionaries professed that cultural replacement was in the best interest of the indigenous population, they failed to appreciate how radical a change it was for communities to cope with. The social and spiritual changes "demanded" a drastic shift in the basic value system of tribal cultures.<sup>280</sup> When progress was not as swift, it was misunderstood as primitive inferiority rather than their will to resist or difficulty to adjust. This misunderstanding only increased the rate of coercion.

On the other hand, the will to enlighten heathens does indicate good intentions. To take up a mission post was not an easy decision. Religious men had to 'go native', as they gave up migrated away from civilized society to a "primitive style of living".<sup>281</sup> The extreme climate would have been a factor in itself to put off a missionary who could have had a comfortable

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<sup>277</sup> 'Shall We Keep On?' *Algoma Missionary News and Shingwauk Journal*, 6.1, 1st October (1883) accessed July 20, 2014. <http://www.torontopubliclibrary.ca/detail.jsp?Entt=RDM1766782&R=1766782>

<sup>278</sup> Robert Berkhofer Jr. *The White Man's Indian*, (New York: Random House, Inc, 1979), pp.25-27

<sup>279</sup> *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832) p.7. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

<sup>280</sup> Robert Berkhofer, *Salvation and the Savage*, (Westport, Connecticut: Greenwood Publishing, 1965), pp75-77

<sup>281</sup> Edward F. Wilson, *Missionary Work Among the Ojebway Indians*, (Aeterna 2010) p.38

parish lifestyle. Long winters from October to April meant “cyclonic winds” and blizzards in temperatures ranging from “thirty to sixty below zero”.<sup>282</sup> Egerton Ryerson Young felt a calling towards North American aboriginals before and during these intense conditions and challenges. He believed it a blessing to be “in perils oft for His Glory” as the hope of salvation was more than enough to justify all “hardships and dangers”.<sup>283</sup>

Ultimately, missionaries chose their office due to a combination of humanitarianism and derogative prejudices towards aboriginals and their customs. Wilson, believed it was necessary to educate aboriginals in arts of civilization because their traditions were a “hindrance” that left them, “immoral”, “idle, and good for nothing”.<sup>284</sup> To do nothing, Wilson believed, would be to allow the ‘Indian’ to “dwindle away”, but to interfere was, in principle, “humane”.<sup>285</sup> Personal motivations, such as Young’s and Wilson’s, demonstrate sincere and humane concerns. In a society that asserted itself as God’s chosen people, missionaries, called Black Coats by some indigenous people, were a divine force; armed not with artillery like the American Blue Coats or British Red Coats; but with the Gospel, who waged war on what they believed was the root cause of Indian destitution; their culture.

### Full Scale Genocide

It was not until the 1840s that the State had established an official strategy for civilizing indigenous people. The Bagot-Commission (1842-44) assessed, and came to positive conclusions about, the effectiveness of the social experiments of the 1830s. It stated that aboriginals under the influence of missionaries were semi-civilized: “[The Indians] possess

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<sup>282</sup> E. Young, *On the Trail – Stories of Missionary Work among Cree and Salteaux Indians* (Filiquarian Publishing, 1923) pp. 10-11, 23-24

<sup>283</sup> Ibid, p.11

<sup>284</sup> PAC, RG10, Vol. 1959, File, 4764 *Edward F. Wilson to Prime Minister Alexander Mackenzie, 9<sup>th</sup> April 1875, Indian Affairs, 1875*, pp.1-2

<sup>285</sup> Ibid p.2

all the higher attributes of the mind; their perceptions of religion and their sense of moral obligations are just... their powers for imitation are great"<sup>286</sup>. The commission acknowledged the ability of aboriginals to adapt and acculturate, but argued that their suffering was due to cultural deficiencies: "they are sensible of the superiority of the whites, and of the disadvantages under which they themselves labour, from their want of knowledge"<sup>287</sup>. It ignored the fact that intensive commercial exploitation by the fur trade had reduced the supply for traditional economic pursuits and rendered them destitute. It recommended that missionization be intensified with the intent of assimilating indigenous people. This new assimilative aspect of civilisation policy was what made the work of the missionary a form of cultural genocide. Previously, missionaries sought to enlighten tribal communities and teach them the arts of European culture. During this period the tribes had maintained control over the speed and extent to which they adopt white customs.<sup>288</sup> Now amalgamation by assimilation would be more vigorously pursued to provide the "only possible Euthanasia" of indigenous customs.<sup>289</sup> It was civilisation and Christianization at its extremity. In order to suppress indigenous traditions tribes had to be maintained in a state of tutelage. This meant that no page could be left unturned. Cultural replacement would be far more wide-reaching, replacing all traditions with the "language, arts and customs of civilized life"<sup>290</sup>. The commission regarded traditions as "deficient" because of the self-

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<sup>286</sup> NA, CO 42/515 "Bagot Commission", *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 3, 26<sup>th</sup> March, 1844*, p.2

<sup>287</sup> Ibid

<sup>288</sup> John S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change", *As Long as the Sun Shines and Water Flows*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), pp.56-57

<sup>289</sup> H. Merivale, *Lectures on Colonization and Colonies* (New York, 1967), p.521

<sup>290</sup> Ibid, pp.1, 3

proclaimed superiority of European civilization, which “emphasised the necessity” for Christianization and civilization.<sup>291</sup>

Missionaries in Upper and Lower Canada judged levels of civilization by European ideals. This included the: religious denomination, number of built houses, amount of land cleared, quantity of animals, quantity and types of produce, gender roles, among other civilized characteristics as judged by white officials. For example, at Amherstburgh the Huron (Wyandot) showed progress because they practiced sedentary living, built log houses, professed Christianity, and farmed “like whites” in which the men did the majority of the work, hunting only “occasionally”.<sup>292</sup> The Chippewa of the same area however were seen in a “difficult and inferior condition” because they maintained traditional hunting, gender roles and spirituality<sup>293</sup>. Tribes who had conformed to civilized standards were regarded positively, and those who resisted or struggled with the radical demands were cast negatively.

### Civilisation: Ideology of Destruction

Some believed that civilization needed to be instilled before successful conversion could occur: “the Gospel, plain and simple as it is, and fitted by its nature for what it was designed to effect, *requires an intellect above that of a savage to comprehend*. ... such men must be taught a previous lesson, and *first of all be instructed in the emollient arts of life*” (emphasis

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<sup>291</sup> Mark Francis, “The ‘Civilizing’ of Indigenous People in Nineteenth-Century Canada”, *Journal of World History*, 9.1 (University of Hawai’i Press, 1998) pp.57. Accessed Oct. 7, 2013.

<http://www.jstor.org/stable/20078713>, and Robert Berkhofer Jr., *Salvation and the Savage* (Westport, Connecticut: Greenwood Press, 1965), p.16

<sup>292</sup> NA, CO 42/516, “Bagot Commission”, “Chippewas, Hurons, Shawnees & Munsees at Amherstburgh & Point Pelee’, evidence from Superintendent Ironsides, Reverend F. Mock, Reverend B. Light” *Despatches. Report of commission on Indian Affairs, part 2. Appendix 1* 26<sup>th</sup> March, 1844, pp.171-175

<sup>293</sup> Ibid

added).<sup>294</sup> In addition, missionary societies believed that without the knowledge of civilized habits aboriginals could never truly understand the Gospel: “Experience has taught this Society, and others of a similar nature, that attempts to propagate the Gospel among natives of the wilderness, *in their wild savage state*, will be to little purpose” (emphasis added).<sup>295</sup> Others believed that the “power of God”<sup>296</sup> was more important than human agency in civilizing aboriginals; integral to the successful dispossession of seemingly primitive traditions, and acceptance of civilized modes of behaviour: “Instead of waiting till Civilization fit out Indian neighbours for the gospel, let us try whether the gospel will not be the most successful means of civilizing them”.<sup>297</sup> The debate of conversion for civilization versus civilization for conversion was arbitrary. Although ministers may have argued one over the other, all gave recognition that one could not exist in exclusion of the other; Christianization and civilization went hand in hand. Yet this recognition shows a systematic approach to the destruction of indigenous traditions.<sup>298</sup> While Black Coats bickered, they agreed by consensus firstly that indigenous people needed to be taught European civilization at the expense of their own traditions, because their traditions represented their inherent inferiority, and secondly that successful Missionization would, for the benefit of aboriginals, involve cultural genocide.

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<sup>294</sup> Bishop Warburton in Thaddeus M. Harris, *A discourse, Preached Nov. 6, 1823*, (Boston, 1823) p.8

<sup>295</sup> John Lathrop, *A Discourse before the Society for Propagating the Gospel among the Indians and Other in North America, delivered on the 19<sup>th</sup> of January, 1804*, (Boston, 1804). Accessed June 25, 2014. <https://archive.org/stream/adiscoursebefor00amergoog#page/n12/mode/2up>

<sup>296</sup> John M. Mason, *Hope for the Heathen: A Sermon, Preached in the Old Presbyterian Church, before the New York Missionary Society at Their Annual Meeting, November 7, 1797*, (New York, 1797) pp.41-44

<sup>297</sup> Robert Berkhofer Jr., *Salvation and the Savage* (Westport, Connecticut: Greenwood Press, 1965), pp.4-6 and

John M. Mason, *Hope for the Heathen: A Sermon Preached in the Old Presbyterian Church, before the New York Missionary Society at Their Annual Meeting, November 7, 1797*, (New York, 1797) p.43

<sup>298</sup> Robert Berkhofer Jr., *Salvation and the Savage*, (Westport, Connecticut: Greenwood Press, 1965), pp.5-6

Nevertheless, tribes were not powerless victims. As increased numbers of immigrants encroached further upon Indian resources tribes began to actively utilize the missionary. Tribal leaders sought to accommodate some aspects of white culture and technology to prolong their own cultural existence. Cultural synthesis required mutual cooperation from both parties, and most specifically maintained tribal autonomy.

Similarly, denominational battles occurred between Protestant and Roman Catholics. The Society, being Anglican, regarded aboriginals who followed the Roman Catholic order as being semi-civilized, as Catholic ideology was considered a “great... evil”, though it did provide Indians with “a considerable degree of religious knowledge”.<sup>299</sup> Wilson was “disappointed to discover” that the Fort William aboriginals were Catholic, and felt that Catholicism greatly hindered the work of the Anglican CMS because, he argued, Catholicism teaches “people to depends on the priest for everything”, whereas Protestantism liberated indigenous spiritually, and was theologically more in-keeping with the ideas of philanthropic liberalism to create self-sufficient indigenous communities.<sup>300</sup> The society may have been pleased that aboriginals had been made aware of the Christian God, and Catholic Missionaries may have also induced aboriginals to take up a sedentary lifestyle similar to their own ambitions. However, so far as Protestant Missionaries were concerned the Catholic Church would not save the indigenous soul.

Regardless of these theological discrepancies, the government saw spiritual intervention in general as beneficial. In a letter from Superintendent of Indian affairs Thomas G. Anderson to Lieutenant Governor of Upper Canada John Colborne, Anderson had noticed the positive effects that Christianization had on Tribes. He saw a ripple effect of evangelism from

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<sup>299</sup> Ibid.

<sup>300</sup> E.F. Wilson, *Missionary Work Among the Ojebway Indians*, (Aeterna Publishing, 2010), p.31, 45, 63



Christian Indians to Pagan at the annual gift giving at Penetanguishine, as aboriginals who “witnessed the advantages of their civilized friends” sought out “the same assistance”.<sup>301</sup> He noted that Indians under his jurisdiction that had been “demoralized” by “unjust” settler harassment still could adapt to white modes of living.<sup>302</sup> So far as Anderson was concerned, the issue was not that indigenous people were inferior, but that they were consistently subjected to and exploited by neighbouring whites. It was no wonder then that Anderson, under the guise of philanthropic Christian zeal felt “induced” to pursue the relocation all the Indians.<sup>303</sup> It was not only argued to be a “serious obligation” that put itself in line with the Church societies, but one that Anderson saw as possible as he saw that indigenous people, if protected from the vices of whites, were “not a degraded race” but morally “pure” and active in their want for an education in reading and writing.<sup>304</sup>

Native agency also showed how close Anderson was to understanding indigenous concern during this period. A grand council of chiefs of Upper Canada at Orillia (1846) revealed to several tribes of Indians the Government’s new phase in Indian policy following the Bagot Commission. The commissioners suggested that government intentions were to produce autonomous and self-sufficient indigenous communities. The council assessed that under a state of tutelage civilisation had succeeded up to a point, but to make Indians “independent and happy”, more extreme measures were required.<sup>305</sup> Indians were required to assist,

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<sup>301</sup> Letter to Sir John Colborne from Captain Anderson, Coldwater, 24<sup>th</sup> September 1835, Appendix A, *The Upper Canada Society Annual Report 1835*, (Toronto: Robert Stanton, 1835) pp.94, 96. Accessed April 5, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292817d.pdf>

<sup>302</sup> Ibid

<sup>303</sup> Ibid, p.97

<sup>304</sup> Ibid

<sup>305</sup> “Opening Speech by Captain Thomas G. Anderson”, *Minutes of the General Council of Indian Chiefs and Principal Men, Held at Orillia, Lake Simcoe, Narrows, on Thursday 30<sup>th</sup> and Friday 31<sup>st</sup> July 1846, on the proposed removal of the smaller Communities and establishment of Manual Labour Schools* (Montreal: Canadian Gazette, 1846), pp.6

most notably financially, in their own civilisation.<sup>306</sup> Anderson encouraged the tribes to “cultivate the soil”, abandon nomadic hunting, congregate on “large settlements”, and instil individualism and industry by encouraging “each man” to “put up his own house”.<sup>307</sup> Tribes were encouraged to invest one quarter of their annuities into the construction and maintenance of Manual Labour Schools on their land.<sup>308</sup> The Rev. McIntyre argued that such measures were “benevolent intentions of the Government” that had an “earnest desire for” the “welfare” of indigenous people.<sup>309</sup> Furthermore, the Rev. William Case argued that there was “no reason why the Red Man should not be as comfortable, respectable and happy as the white man”, and believed that the next generation of aboriginals would be able to take care of their own affairs without the paternal assistance of the Government.<sup>310</sup> This suggested that the direction of Church-State civilisation was intended to create indigenous communities that maintained their sovereignty.

Despite the use of interpreters, it is not fully clear what the entire council felt towards Civil Indian Policy.<sup>311</sup> If it could not be translated, then it is likely that some of the indigenous dialogue was not fully understood by the Church and State officials. Interpretation was selective. This may have been because interpreters lacked the vernacular skills. However, the Rev. Peter Jones, a Welsh-Metis Methodist preacher from the Mississauga Indians, would have been able to appropriately convey the majority of the indigenous dialogue.<sup>312</sup> Only Christian Indians’ words were effectively recorded, propagating the good intentions of

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<sup>306</sup> *Minutes of the General Council of Indian Chiefs and Principle Men, Held at Orillia, Lake Simcoe, Narrows, on Thursday 30<sup>th</sup> and Friday 31<sup>st</sup> July, 1846*, p.5

<sup>307</sup> *Ibid* pp.5-6

<sup>308</sup> *Ibid*

<sup>309</sup> *Ibid*, Rev. McIntyre, p.10

<sup>310</sup> *ibid*, Rev. William Case, pp.9-10

<sup>311</sup> *ibid*, pp. 9, 14

<sup>312</sup> Patricia O. Dickason and William Newbiggin, *A Concise History of Canada’s First Nations* (Don Mills: Oxford University Press, 2010), p.150

the church and state. Christian Indian Chief Joseph Sawyer for example supported the civilisation measures: "I should prefer seeing them (Indians) working in the fields, to seeing them pursuing the game".<sup>313</sup> In addition Chief Jacob Crane believed that Government policy and intentions were "very good".<sup>314</sup> 'Uncivilized' Indians were subjected to inferior status; as far as European record keepers were concerned, their apprehension was irrational and immoral. Chief Meshukwutoo was dismissed by Anderson because "he (was) not a Christian".<sup>315</sup> The State could not only argue that its Civil Indian Policy was for the best interest of the Indian, but by selective interpretation, accepting only Christianized Indians' views, they helped to make policy appear as non-directed cultural change. This distorts civilisation as a form of cultural synthesis, because it shows Indian nations unanimously embracing Civil Indian Policy.

Nevertheless, what was recorded does reveal the "surprising" intent behind the tribal nations to cooperate with civilisation policy.<sup>316</sup> Tribes had accepted that a drastic socio-economic change was inevitable. The Mohawk address stated that hunting had become "unprofitable", and that indigenous people were equally capable, physically and mentally, as whites.<sup>317</sup> Since whites obtained wealth through industry, the chiefs at the Council believed that they could, with initial guidance, obtain an equal share of that wealth.<sup>318</sup> Tribes accepted the demands of the Church and State not because they wished to stay in tutelage, but because with assistance in adopting agricultural sedentary practices they could

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<sup>313</sup> "A Speech by Joseph Sawyer", *Minutes of the General Council of Indian Chiefs and Principle Men, Held at Orillia, Lake Simcoe, Narrows, on Thursday 30<sup>th</sup> and Friday 31<sup>st</sup> July, 1846*, p.16

<sup>314</sup> *ibid*, p.20

<sup>315</sup> *ibid*, p.15

<sup>316</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> Ed. (Toronto: UTP, 2000), p.134

<sup>317</sup> "Mohawk Address", *Minutes of the General Council of Indian Chiefs and Principle Men, Held at Orillia, Lake Simcoe, Narrows, on Thursday 30<sup>th</sup> and Friday 31<sup>st</sup> July, 1846*, pp.11-12

<sup>318</sup> *Ibid*, Chief Joseph Sawyer, pp.9-10

<sup>318</sup> *Ibid* "Mohawk Address" p.16

lift themselves out of tutelage. The tribes, therefore, cooperated on the basis that they would regain their prosperity and maintain independence as promised by Anderson, and not assimilate.<sup>319</sup> This shows that to some extent tribesmen were active participants in their own civilisation. However they acted on the basis that they would retain their distinctive cultural traits, and maintain complete sovereignty. Whilst reserves accelerated the rate of civilisation, and missionaries could work as the agents of civilisation, tribes could still maintain to a large extent the rate and style of cultural adaptation. It was legislation, as will be seen in the next chapter, which reveals the comprehensive intent by the State to completely dissolve the cultural traditions of Canada's indigenous population.

### Missionary Organizations

Mission societies believed that the power of the Gospel would be the solution. That it was the Society for *Converting and Civilizing* the Indians, and not civilizing and converting reveals the church's preference for Christianization. Though a debate raged about methodology – should missionaries convert to civilize or civilize to convert? – there was a consensus that the two were “entirely unable to separate.”<sup>320</sup> Tinker argues that “after surviving and then successfully repelling” the Ottoman Empire, Eurocentrics presumed an “inherent superiority of... culture... and religion” which when combined created “its notion of civilization”.<sup>321</sup> European culture was therefore the benchmark of civilisation.<sup>322</sup> When missionaries looked upon indigenous communities they could not help but measure them against the standards of their own society.<sup>323</sup> Priests, politicians and other white commentators degraded

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<sup>319</sup> Ibid. T.G. Anderson, p.6, also see J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000), pp.134-135

<sup>320</sup> Ibid, p.10

<sup>321</sup> George E. Tinker, *Missionary Conquest: The Gospel and Native American Genocide* (Minneapolis: Fortress Press, 1993) pp.8-9

<sup>322</sup> Robert Berkhofer, *Salvation and the Savage* (Westport, Connecticut: Greenwood Publishing, 1965) p.11

<sup>323</sup> Ibid, p.11

indigenous culture, excluding the 'Indian' in his natural state from the "future political or economic plans for the development of the British North American Colonies".<sup>324</sup> By doing so, they described aboriginals at best as uncivilized men of a "higher moral elevation" in comparison with themselves, and at worst as having little "capacity for improvement" with "less readiness to receive it".<sup>325</sup>

This consolidated racial and cultural superiority. To call indigenous societies primitive or savage subjugated beliefs, behaviour and institutions. Pearce declared that the savage and civilised societies were separated by "centuries of cultural history" and "different environmental situations."<sup>326</sup> Aboriginals had missed out on the rise of Eurocentricism, but missionaries were on hand to assist Indian progression. Religious and state officials alike were strong believers who conversion could raise the savage through the rungs of barbarity to full civilized status. Missionaries were extending their own cultural experience to others around the world that had been isolated from it. This meant that they were not innocent or systemic in the system of cultural genocide. Though culturally destructive, one must acknowledge that missionaries were a product of anthropological negligence. They saw indigenous people through a myopic lens of their own cultural experience and a literal account of a God. This meant that Euro-Canadians, as well as missionaries, disregarded "other people's beliefs as factually wrong".<sup>327</sup> Though it does not excuse them, it is important to note that some missionaries, as products of their society, may truly have

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<sup>324</sup> David T. McNab, "Herman Merivale and Colonial Office Indian Policy", *As Long as the Sun Shines and Water Flows* (Vancouver: UBC Press, 1983), p.87

<sup>325</sup> H. Merivale, *Lectures on Colonization and Colonies* (New York, 1967), p.511

<sup>326</sup> Roy Harvey Pearce, *The Savages of America: A Study of the Indian and the Idea of Civilization* (Baltimore, 1953) p.103

<sup>327</sup> James Wilson, *The Earth Shall Weep*, (Grove Press: New York, 1998), p.9

believed that they were providing a service that could completely ameliorate the destitute conditions aboriginals faced.

That being said, the consequences of conversion and civilization have more recently been perceived as wholly destructive without any original benevolence. The measuring of other societies by western civilisation was to create an “illusion” of “inferiority”.<sup>328</sup> That the indigenous way of life was deemed racially inferior to that of the Euro-Canadian contradicted the original aims of delivering the gospel to him. If aboriginals were originally deemed racially inferior, then the physical extermination of indigenous people would surely have succeeded. In contrast social orders of the old and new worlds were separated by their own cultural experiences.<sup>329</sup> Aboriginal people were not considered biologically inferior, but had missed enlightenment. The fact that aboriginals were deemed inferior illustrated the cultural uncertainty of white society.<sup>330</sup> To define oneself, one had to create an ‘otherness’. In this sense, the ‘Indian’ embodied that form of “other” for natural differences. Inferiority was applied either as a product of contact or a pre-existing sense of superiority as a result of their own cultural experience. In either case, missionaries arrived with preconceived ideas that people who were different temporally and spiritually were deficient, and in need of enlightening in aspects of European civilization to progress. By encouraging tribes to mimic the behaviour and occupations of the ideal civilized European, missionaries extended Colbourne’s intention to exterminate indigenous traditions that failed during secular

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<sup>328</sup> George E. Tinker, *Missionary Conquest: The Gospel and Native American Cultural Genocide* (Minneapolis: Fortress Press, 1993) p.3

<sup>329</sup> Roy Harvey Pearce, *The Savages of America: A Study of the Indian and the Idea of Civilization* (Baltimore, 1953) p.103

<sup>330</sup> Mark Francis, “The ‘Civilizing’ of Indigenous People in Nineteenth-Century Canada”, *Journal of World History*, Vol.9. No.1 (University of Hawai’i Press, 1998), p.56. Accessed Oct. 7, 2013 <http://www.jstor.org/stable/20078713>

civilisation policy. This cultural replacement, justified on false ideas of indigenous inferiority, was cultural genocide.<sup>331</sup>

At the most extreme even “systemic”, or unintentional, acts of cultural change by missionaries can still be seen as cultural genocide.<sup>332</sup> This interpretation views benevolent intentions as a facade, as attempts to elevate the temporal condition of indigenous people involved the destruction, in “whole or in part”, of indigenous cultural identities.<sup>333</sup> From this perspective the missionary was simply an agent of the State’s Civil Indian Policy. Evangelism, Deloria argues, “did more to open” up land than any other group.<sup>334</sup> Deloria was most likely alluding to the missionary’s influence during treaties. During Treaty 7 the Rev. John McDougall informed the Blackfeet confederacy that the commissioners were approaching. His son, Rev. George McDougall, worked as an interpreter during the negotiations.<sup>335</sup> It must be stated that missionaries were to an extent at odds with state prerogatives. Living space for immigrants for example was not a feature of mission society aims, only indigenous “temporal as well as spiritual welfare”.<sup>336</sup> Their role as mediators between the tribes and Dominion did give missionaries, however, an opportunity to acquire resources to advance

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<sup>331</sup> George E. Tinker, *Missionary Conquest: The Gospel and Native American Cultural Genocide* (Minneapolis: Fortress Press, 1993) pp. 4-5

<sup>332</sup> Ibid. p.5

<sup>333</sup> Article 2, *Convention on the Prevention and Punishment of the Crime of Genocide*, United Nations General Assembly, 9 Dec 1948. Accessed Oct. 10, 2013. [http://www.oas.org/dil/1948\\_Convention\\_on\\_the\\_Prevention\\_and\\_Punishment\\_of\\_the\\_Crime\\_of\\_Genocide.pdf](http://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf)

<sup>334</sup> Vine Deloria Jr., *Custer Died For Your Sins: an Indian Manifesto* (London: University of Oklahoma Press, 1988) p.102

<sup>335</sup> Letter by David Laird in Alexander Morris, “Treaty Number Seven; Or the Blackfeet Treaty”, *The Treaties of Canada with the Indians of Manitoba and the North West Territory* (Project Gutenberg, 2004). Accessed, March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tennd10h.htm>

<sup>336</sup> “Subscription for the Purpose of Civilizing & Converting the Indians and Propagating the Gospel amongst Destitute Settlers in Canada (Circulated in Britain)” *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832) p.32. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

their missions, and they undoubtedly influenced the type of demands made by tribes.<sup>337</sup>

Chief Henry Prince of the Christian Ojibwa's of St. Peters, for example, requested agricultural assistance and the promise for provisions and education in treaty 1.<sup>338</sup> Not surprisingly, these were "integral aspects" of missionary work.<sup>339</sup> Although "half-breeds" such as Charles Nolin were vitally important in convincing chiefs to accept treaty terms, the Missionary was arguably more important because of the terms that Tribes demanded.<sup>340</sup>

The reserve system proved this. Missionaries could manage their congregations more easily if they were physically restricted. Tribes that migrated every winter to hunt limited the missionary's influence and authority over tribal beliefs and behaviour. The reserve system made it easier to exploit, as it imposed sedentary lifestyle that allowed for greater interference by the Black Coats in the day-to-day lives of aboriginals. In short, imprisoning aboriginals on reserve lands intensified civilization policy, and restricted tribal economies to agriculture. In this sense, missionaries were complicit, not systemic, to Civil Indian Policy. As missionization spread into more remote areas, or as aboriginals were rounded up on reserves, their efforts to produce cultural replacement were both consolidated and intensified.<sup>341</sup>

Missionaries, then, induced tribes to unwittingly remove themselves onto reserves.

Missionaries helped the peaceful invasion of indigenous lands succeed, and subjected aboriginals to tutelage. Whilst tribes, during treaties, may have made requests to maintain

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<sup>337</sup> Jill St. Germain, 'The Role of "Others"', *Indian Treaty-Making Policy in the United States and Canada 1867-1877* (London: University of Nebraska Press, 2001) pp.66-71

<sup>338</sup> Request by Henry Prince, *The Manitoban*, 5 and 12 August 1871 in D.J. Hall (1984) "A Serene Atmosphere"? *Treaty 1 Revisited*, *The Canadian Journal of Native Studies*, V.4 N.2, p.355

<sup>339</sup> *Ibid*, pp.68-69

<sup>340</sup> Alexander Morris, "Treaty Number Three, Or the North-West Angle Treaty", *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Project Gutenberg, 2004). Accessed March 3, 2014. <http://www.gutenberg.org/dirs/etext04/tcnnd10h.htm>

<sup>341</sup> Egerton Ryerson Young (1923) *On the Indian Trail – Stories of Missionary Work among the Cree and Salteaux Indians*, (Filiquarian Publishing, 1923) p.26



their autonomy, the results indicated that treaties were a catalyst that diminished much of their control. This intent, regardless of whether it was in the tribes' interest, meant missionaries were complicit agents in the state's acts of genocide of indigenous peoples' cultures.<sup>342</sup>

By Britain's expansion and self-proclaimed "superiority" the Society exclaimed it had a duty to evangelize and bring "the comforts of civilized life" to indigenous people.<sup>343</sup> The Church could save more souls, gain more followers, and become more influential by following the Imperialistic growth of Britain into unchartered territory. By expanding its jurisdiction under the British North America Act and the purchase of Rupert's Land, the Dominion sought to concentrate large bodies of aboriginals on isolated lands or reserves. This had the dual effect of enabling a more efficient application of civilization measures by creating indigenous communities modelled on white townships whilst also freeing up land for white settlement.<sup>344</sup> As John Webster Grant puts it: although expensive, missionization appealed to Parliament because it "promised an ultimate saving by helping indigenous people towards self-sufficiency" whilst opening "Indian hunting grounds to white settlement".<sup>345</sup> By creating linkages, state endorsed missionary societies could relocate aboriginals on reserves

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<sup>342</sup> Article 3, Section E, *Convention on the Prevention and Punishment of the Crime of Genocide*, United Nations General Assembly 9 Dec 1948, accessed Oct. 10, 2013  
[http://www.oas.org/dil/1948\\_Convention\\_on\\_the\\_Prevention\\_and\\_Punishment\\_of\\_the\\_Crime\\_of\\_Genocide.pdf](http://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf)

<sup>343</sup> *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832) pp.5, 7. Accessed April 3, 2014.  
<http://static.torontopubliclibrary.ca.da.pdfs/37131055292536d.pdf>

<sup>344</sup> Joan Holmes, *The Original Intentions of the Indian Act* (Joan Holmes & Associates Inc.: Ottawa, 2002), pp.11-12

<sup>345</sup> John Webster Grant, *Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1534*. (Toronto: UTP, 1984), p.82

or mission villages and discourage aboriginals from “migratory habits”<sup>346</sup> that had been encouraged by the Hudson’s Bay traders.<sup>347</sup>

This appeared to be a natural step in the development of the caricatured tutelage Indian.

Governor Simpson of the HBC favoured establishing a test mission at Sault Ste. Marie because the indigenous people there had “so much exhausted (the) fur bearing animals that the natives can no longer maintain themselves by the produce of the chase”.<sup>348</sup> Since aboriginal people around the Upper Great Lakes region could no longer create a profit for the HBC, they were rendered a useless commodity by Bay officials. By discarding them to the ward-ship of the Society, the HBC made it appear as if they were offering support to aboriginals whose infrastructure had been destroyed by encouraging over-exploitation.

Aboriginals in every sense were seen as a vulnerable and childlike class of people that could not take care of themselves. The fur trade economy had fractured their subsistence to the point that even the chiefs recognised, through either want or necessity, a benefit in accepting religious help.

For the society, Christianisation and civilization were symbiotic. To succeed in religious conversion, the Society needed to aid in the temporal well-being of aboriginal groups.

Similarly, for tribes to understand the teachings of the gospel to a sufficient level, it was believed that they needed to learn the habits of the Christian society. This meant that through issuing civilized comforts, such as farming equipment, houses, and education such as reading and writing, as well as churches, aboriginals could learn the benefits of

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<sup>346</sup> *The Upper Canada Society Annual Report 1831*, (York: Robert Stanton, 1832) p. 6. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292536d.pdf>

<sup>347</sup> NA, FO 5/1669, Major Cameron, *America, North West Boundary, Lake of the Woods to the Rocky Mountains*, 15 June 1876 (1876), p.146

<sup>348</sup> *The Upper Canada Society Annual Report 1832*, (York: Robert Stanton, 1833), p.13. Accessed April 3, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292080d.pdf>

Christianity, and would see it hand in hand with European civilization. Missionaries toured the home districts and indigenous lands, and determined the civilised status of communities. Communities that had essences of civilized status, but still needed 'improving', were those such as the tribes at Coldwater and Southern Orillia. At both settlements the children followed their parents during the hunt. This meant that there were "scarcely any children" attending the schools established for their religious instruction.<sup>349</sup> How could religious conversion take place when indigenous people clung to their cultural traditions? Ensuring the instillation of religious instruction depended upon drawing Indians away from their traditional ways of life such as migratory hunting; this caused families to leave for extended periods of time, disconnecting them from the evangelical work of the missionary.

It would be inaccurate to suggest that the Indigenous people clung to all their traditional on the basis of principle. On the contrary the Sault Ojibwa were also aware that their hunting grounds could no longer be relied upon for subsistence: "Formerly our lands had enough of game, and other animals for us to subsist upon, but at present we cannot procure enough from them to support us"<sup>350</sup>. Therefore, when Mr Cameron of the Society was scouting for a suitable location for their first mission station, he found the Sault Ojibwa "disposed to embrace Christianity with readiness",<sup>351</sup> and McMurray found the Chiefs in "great

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<sup>349</sup> Letter from Adam Elliot to the Rev. Charles Mathews, 22<sup>nd</sup> Oct. 1833, *The Upper Canada Society Annual Report 1833*, (York: Robert Stanton, 1834), pp. 35-37. Accessed April 3, 2014.

<http://static.torontopubliclibrary.ca/da/pdfs/37131055292130d.pdf>

<sup>350</sup> The Speech of Shingwaukonse in response to the address from the SCCIUC, *The Upper Canada Society Annual Report 1833*, (York: Robert Stanton, 1834), p.50. Accessed April 3, 2014.

<http://static.torontopubliclibrary.ca/da/pdfs/37131055292130d.pdf>

<sup>351</sup> *Upper Canada Society Annual Report, 1832*, p.19

satisfaction” because the society offered them physical security through religious instruction.<sup>352</sup>

Spiritual and temporal well-being may have been symbiotic, but the society favoured spiritual salvation over physical aid. In their declaration, the Society promoted the aim to “convert the Heathen, and to educate them *in the principles of our truly Apostolic Church*” (emphasis added).<sup>353</sup> In addition McMurray was dispatched to establish a school for “Christian instruction” as opposed to teaching indigenous people how to farm.<sup>354</sup>

Evangelism was more important to mission than improving the Indians’ standards of living through husbandry. Even when the need to aid and assist tribes physically was mentioned the society always put Christianization before civilization, highlighting their prerogative to “bring the Indians of this country to the knowledge of the true *Religion*, and the comforts of civilized life”<sup>355</sup>. The Society believed that to prepare aboriginals successfully for the afterlife they needed to learn “how to pray to Him”, and to develop the correct friendship with God to gain passage to heaven; in essence they needed to change their mode of behaviour, their social structure and their moral perceptions in conformity to Anglican doctrines.<sup>356</sup>

Promoting physical civilization was an after-thought. It was believed that if aboriginal people of Upper Canada could conform to Anglican principles they would be blessed by the “Great Spirit... now and forever”.<sup>357</sup>

What is striking was the emphasis on social change. It is clear that the society believed that the Ojibwa of the Sault needed to completely reform their social and moral perspective. The

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<sup>352</sup> *ibid*, 1833, p.9

<sup>353</sup> *Society for Converting and Civilizing the Indian in Upper Canada, 20<sup>th</sup> October, 1830*, accessed April 3, 2014. <http://static.torontopubliclibrary.ca/da/images/LC/ohq-ephe-s-r-480.jpg>

<sup>354</sup> *Upper Canada Society Annual Report, 1833*, p.14

<sup>355</sup> *ibid*, 1832, p.7

<sup>356</sup> “Address from the SCCIUC to the Indians at the Sault St. Marie”, *Upper Canada Annual Report, 1833*, p.21

<sup>357</sup> *ibid*

temporal benefits of agricultural assistance would be reactionary to their spiritual salvation. For the older generation it was difficult to “submit” to the rigid and paternalistic instruction of religious authorities since they had lived “free and unrestrained”<sup>358</sup> “from their youth up”.<sup>359</sup> Instead of illustrating that the benefit of agriculture produced self-sufficiency as a means to induce aboriginals into conversion, missionaries became more preoccupied in simply saving aboriginal souls. In many places, the priest based the success of a mission on the number of souls saved. At Sault Ste. Marie, Mr Cameron expressed that Christianisation was occurring with “rapid progress”, as “fifty souls” had already been saved<sup>360</sup>. Had the missionaries extended the olive branch and supplied suffering communities with the tools to encourage self-sufficiency as a blessing from their Christian God, then there may have been a greater chance of co-operation from the more sceptical aboriginals. Native communities were largely disinterested in the paternal tone of missionary speeches that belittled them, and more interested in a missionary that could assist in the material benefits that would help make tribal communities thrive.

Nevertheless, through “true missionary zeal”<sup>361</sup> the missionary could identify the temporal concerns which if solved could serve as a catalyst for tribal conversion. Rev. G Archbold, who “resided” with tribes on the north shore of Lake Huron, helped establish good relations between the Bands and the Society, which linked back to the Imperial Government.<sup>362</sup>

These linkages were crucial if tribes wanted to remain loyal to the Crown for the annual presents and would be vital for gaining assistance in adopting agriculture. Therefore, to

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<sup>358</sup> “Appendix 1, Letter from Mr J.D. Cameron to Captain Phillpots, Sault Ste. Marie, 26<sup>th</sup> September, 1831”, *Upper Canada Annual Report, 1832*, p.21

<sup>359</sup> *ibid*, p.7

<sup>360</sup> Appendix 2, Letter from Mr J.D. Cameron to Captain Phillpots, Sault Ste. Marie, January 3<sup>rd</sup>, 1832, SCCIUC annual report, 1832, p.23

<sup>361</sup> *ibid*,

<sup>362</sup> *ibid*

receive aid and assistance in a world in which the commercial fur business was fast declining to the advancement of immigrant settlers, accepting the Christian god was based upon an indigenous perception of reciprocity.

Archbold's successor, J.D Cameron, found the aboriginal people he visited at Sault Ste. Marie, Manitoulin Island and Mississauga all willing to "embrace Christianity" and its "creed" by accepting sedentary settlement and the establishment of schools.<sup>363</sup> Taking into account Simpson's comment on tribal degradation, tribes arguably embraced Christianity not for individual salvation, but to secure the necessary resources that would prolong their physical and cultural existence.<sup>364</sup> Shingwaukonse made it clear that his tribe were willing to follow Anglicanism provided that the "houses... together with a meeting house (church), and a school house" that were promised by the Government were actually built.<sup>365</sup> If the missionary was too focused on the salvation of a heathen's soul, and refused to aid tribal temporal issues, then the tribe could look towards another denomination that was less spiritually idealistic. John Colborne responded to Shingwaukonse's plea by appropriating "one hundred and fifty pounds" from the Indian department to build the promised houses.<sup>366</sup> It was largely because of this response that Shingwaukonse declared his loyalty to the Queen's church and state: "(I) am now ready, and will attend to his (McMurray) religion and no other", with the following of his entire tribe<sup>367</sup>. This meant that for the society to succeed in converting aboriginals of Upper Canada to Christianity, with the ambition of expanding under a national missionary society, they had to balance the spiritual and

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<sup>363</sup> Ibid, pp.19, "Appendix 1, Letter from Mr J.D. Cameron to Captain Phillpots, Sault Ste. Marie, 26<sup>th</sup> September, 1831", pp.21-22

<sup>364</sup> Governor Simpson to Lord Bishop of Quebec, 1<sup>st</sup> Feb 1832, *Upper Canada Society Annual Report, 1833*, p.15

<sup>365</sup> Chief Shingaukonse, *Upper Canada Annual Report, 1833*, p.51

<sup>366</sup> *Upper Canada Annual Report, 1833*, p.11

<sup>367</sup> Chief Shingwaukonse, *Upper Canada Annual Report, 1833*, p.54

temporal assistance based upon the demands of the tribe.<sup>368</sup> Without adhering to the physical needs of the tribe, such as assisting their mode of subsistence, and helping them to settle into a sedentary lifestyle, tribes did not feel any obligation to listen to the wishes of religious authorities who were more focused upon saving souls before providing relief. Such shrewd negotiation skills, similar to those in treaty negotiations, illustrated that whilst Indians maintained a decent amount of physical comfort they could control, to an extent, how much of Euro-Canadian values to adopt.

Missionaries largely misunderstood tribal gratitude for submission. Missionaries put the success of their work down to the fact that tribes had abandoned heathen customs.

Patronizing tones in missionary narratives showed the extent in which scientific racism was the main driving force that kept the missionary going in such harsh conditions. That the old Indian trail was “fast disappearing” was a Black Coat “success” suggests that missionaries sought to destroy any and all traces of Indian identity under a presumption that it was for the good of the Indian.<sup>369</sup> The Rev. E.F. Wilson created the Shingwauk Home for boys and Wawanosh Home for girls because of his personal views that Indian culture was the cause of their suffering.<sup>370</sup> This reinforced the ideology that indigenous innate primitiveness was the cause of their destitution. Cultural genocide was, therefore, masked by humanitarianism. Though the ‘Indian’ survived, his identity was challenged, his traditions damned, and his culture attacked.

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<sup>368</sup> *Upper Canada Annual Report, 1832*, p.11

<sup>369</sup> *Ibid*, p.1

<sup>370</sup> E. Wilson, *Missionary Work Among the Ojebway Indians* (Marston Gate: Aeterna, 2010) p. iii

This did not mean that Indigenous people had control over the society, indeed far from it. Mission societies depended upon “extraneous support”.<sup>371</sup> For its aim to convert Indians to succeed, it needed to be “properly supported”.<sup>372</sup> Circulars like the Algoma Missionary News and personal accounts such as Egerton Ryerson Young’s *On the Indian Trail* “furnished a major source of information about native peoples” that dramatized the advantages of Christian contact.<sup>373</sup> Prominent donors, including the Archbishop of Canterbury, who subscribed £20 per annum for the Society called their aims “laudable”.<sup>374</sup> To some extent, this choice of words may have been used to simply imply the huge scale of the Society’s operation. On the other hand, laudable was an appropriate term as the Society’s goals were overwhelmingly far reaching. By its second year of operation the Society funds were already too “insufficient” to carry out the dual prerogative of preaching to Indians and destitute settlers.<sup>375</sup> Their subscription had decreased from £192 13s in 1832 to £157 5s 6d in 1833.<sup>376</sup> Through circulations that went to the “friends of the Establishment” back in England, and by giving annual services in Lower Canada, the Society was able to acquire additional donations by keeping citizens up to date with the progress of their mission.<sup>377</sup> Backers to philanthropic mission societies could come in a variety of forms, from the Bank of Upper Canada to collections from local parish communities such as St James’ Church (York).<sup>378</sup>

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<sup>371</sup> Algoma Missionary News and Shingwauk Journal, April 1<sup>st</sup> 1877, Shingwauk Home (Sault Ste. Marie 1877). Accessed July 20, 2014. <http://www.torontopubliclibrary.ca/detail.jsp?Entt=RDM1766782&R=1766782>

<sup>372</sup> *Society for Converting and Civilizing the Indians in Upper Canada, October 20<sup>th</sup>, 1830*, accessed April 3, 2014. <http://static.torontopubliclibrary.ca/da/images/LC/ohq-ephe-s-r-480.jpg>

<sup>373</sup> Kate Flint, ‘Indians and Missionaries’, *The Transatlantic Indian 1776-1930*, (Oxford, Princeton University Press, 2009) p.195

<sup>374</sup> “Letter from The Archbishop of Canterbury to the Lord Bishop of Quebec, 19<sup>th</sup> June 1831”, *Upper Canada Annual Report, 1832*, p.34 and “subscriptions”, p.35

<sup>375</sup> Second Annual report of the SCCIUC, 1833, p.18

<sup>376</sup> First annual report of the SCCIUC, 1832, p.39 and Second annual report of the SCCIUC, 1833, p.26

<sup>377</sup> *Upper Canada Annual Report, 1833*, pp.46, 65

<sup>378</sup> “Abstract of the cash account, for the year ending October, 1833”, *Upper Canada Annual Report, 1833*, p.65



Despite these efforts to maintain economic control over their mission, the society constantly struggled with maintaining sufficient finances. By 1837 the Society was complaining about a “lamentable falling off in the number of Subscribers”.<sup>379</sup> As a result the extended mission on Manitoulin Island, which was dreamed to be the final location of all the Indians of the Upper Great Lakes, had to be funded by the Government “with the exception of £75 ... as part of the allowance to the Missionary” the Rev. Mr Elliot.<sup>380</sup> As a substantial financial backer, the state had a substantial influence over the ambitions of missionization. Missionary societies would have to appease state prerogatives.

Missionaries, then, had little choice but to become agents of the Dominion’s Civil Indian Policy. When Ottawa was granted authority over “Indians, and lands referring to Indians” in the British North American Act (1867), the missionary became an agent of Canadian Indian policy.<sup>381</sup> Missionization spread in relation with the development of Civil Indian Policy.<sup>382</sup> By the 1880s, the self-appointment of Prime Minister John A Macdonald as Superintendent General of Indian Affairs brought the work of religious societies under Government control under a policy coined ‘The Bible and the Plough’. This reinforced Indian policy that believed complete assimilation could only be achieved by the “euthanasia of savage communities”.<sup>383</sup> To instil civilized ideologies such as individualism, indigenous people were encouraged to farm on individual plots of land, live in family dwellings, and take up wage labour and European gender roles. For aboriginals, communal land-holding and spiritual ceremonies

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<sup>379</sup> *Upper Canada Annual Report, 1836* (Toronto, Robert Stanton, 1837), p.22. Accessed April 6, 2014. <http://static.torontopubliclibrary.ca/da/pdfs/37131055292767d.pdf>

<sup>380</sup> *Ibid*, p.16

<sup>381</sup> ‘Distribution of Legislative Powers”, ch.6 sec 91.24, *British North America Act, 1867*, accessed Jan. 5, 2014 <http://www.legislation.gov.uk/ukpga/Vict/30-31/3/part/VI>.

<sup>382</sup> Mark Francis, *The ‘Civilizing’ of Indigenous People in Nineteenth-Century Canada*, *Journal of World History*, 9.1 (1998) p.81 [web] <http://www.jstor.org/stable/20078713>

<sup>383</sup> J.R. Miller, *Sky Scrapers Hide the Heavens*, 3<sup>rd</sup> ed. University of Toronto Press (Toronto, 2000) p.282

became “essential to the preservation of their identity”.<sup>384</sup> Attacking these final aspects of indigenous existence was to consolidate cultural genocide.

As the centre of Imperial operations, during a philanthropic revitalisation, Britain was encouraged to “impart” Christianity to those communities it had claimed ward-ship of as evidence of British “superiority”.<sup>385</sup> The Society could promote the “kind and beneficial intentions of the government” to reverse the “corrupted” effects of contact.<sup>386</sup> In particular, the society highlighted the damaging effects of “ardent spirits” as “truly distressing” as Europeans took “dishonest advantage” of indigenous communities, swindling the presents that they needed to survive for liquor.<sup>387</sup> The society therefore put the responsibility of the immoral behaviour of whiskey peddlers on the state, as a lack of regulation allowed traders to exploit tribes.

The medicine men were the antithesis to missionaries; they were regarded as the source of tribal destitution. As Maclean states, the medicine men united “religion and medicine in their practice”.<sup>388</sup> To overthrow their authority, missionaries would have to falsify their supernatural powers. They were belittled as “conjurers” who deceived their tribes using “charms” to falsely prevent diseases, and led ceremonies such as the sun dance that were seen as “revolting” “abominations”, “degrading superstition”, and “retrograding” progress.<sup>389</sup> To expose medicine men as frauds, Young kept a “small assortment of

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<sup>384</sup> Ibid, p.256

<sup>385</sup> *Upper Canada Annual Report, 1832*, p.5

<sup>386</sup> Ibid, “Subscription for the Purpose of Civilizing & Converting the Indians and Propagating the Gospel amongst Destitute Settlers in Canada”, p.31

<sup>387</sup> Ibid, Appendix 3, “Rev. J. O’Brien, extract of report”, p.26

<sup>388</sup> John Maclean, *The Indians of Canada, 1889* (Bibliolife), p.94

<sup>389</sup> E. Young, *On the Trail – Stories of Missionary Work among Cree and Salteaux Indians* (Filiquarian, 1923) p.26  
E. Wilson, *Missionary Work among the Ojebway Indians* (Marston Gate: Aeterna, 2010) p.27, John Maclean, *The Indians of Canada, 1889* (Bibliolife) p.289, E. Young, *On the Trail – Stories of Missionary Work among Cree and Salteaux Indians* (Filiquarian, 1923) p.26, 99-101

medicines” that could be used when traditional cures failed.<sup>390</sup> When Young successfully cured a sick aboriginal woman, her husband proclaimed that “as your medicine is stronger than that of the medicine men of our religion, your religion must be better than ours... we want to sit at your feet, and learn of this new way”.<sup>391</sup> Even the most defiant aboriginal person who rejected white culture could be induced by the power of medicine.<sup>392</sup> To gain more followers, Young challenged the status quo. If his medical miracle worked, aboriginals would believe he had more divine power, and would therefore listen to him over the traditional spiritual leaders.<sup>393</sup> Therefore by using medicine successfully the missionaries could challenge the traditional belief system and obtain substantial authority and influence. With greater influence the missionary could put a stop to any practice he deemed to reflect a ‘savage’ culture. Traditional ceremonies were suppressed or replaced with Christian festivals.<sup>394</sup> Black Coats supported Indian policy that sought to legislate conversion by repressing traditions.<sup>395</sup> The Sun dance, Thirst dance, and Potlatch, were outlawed in the amended Indian Acts by request of Indian Agents and Black Coats as they were seen as “the most formidable of all obstacles in the way of the Indians becoming Christian, or even civilized”<sup>396</sup>. Though the amended Indian Acts prohibited traditional ceremonies, it was missionaries undermined them.<sup>397</sup> If a ceremony was had civilized traits, like the “New moon and the First-Fruits” feasts, then missionaries would adapt them to Christian

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<sup>390</sup> Ibid, p.11

<sup>391</sup> Ibid

<sup>392</sup> Ibid, p.11

<sup>393</sup> Ibid, pp.16-17

<sup>394</sup> Ibid, pp.26, 46

<sup>395</sup> J.R. Miller, “Owen Glendower, Hotspur, and Canadian Indian Policy”, *Sweet Promises*, ed. J.R. Miller (Toronto: UTP, 1991) p. 330

<sup>396</sup> Ibid, pp.327-330, see also Nancy Hudson-Rudd, *Nineteenth century Canada: indigenous place of dis-ease, Health and Place*, Vol.4, No.1 (Elsevier, 1998) p.61, J.R Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000) p.261

<sup>397</sup> Ibid, p.262

ideology.<sup>398</sup> According to missionary publications these festivals were great successes. They helped consolidate a love of Christ by locating the feast in a Church, and compromised the aboriginal love for festivals by allowing the act but replacing any traditional meaning with that of civilised society. The more accommodating measure was arguably more humane, and showed that missionaries may not have been completely in the business of cultural extermination. That the New Year's feast was organised through a "great Indian council" and matters were decided by unanimous vote illustrates how the tribe were able to maintain a level of political and cultural autonomy.<sup>399</sup> In addition, the communal system was maintained, as hunters "who promised a large contribution were not able to bring much", and others that "promised beaver" came upon "reindeer" by chance, reveals the fluid nature in which donations of meat were fulfilled.<sup>400</sup> This shows that although missionaries had changed the purpose of festivals, their nature remained the same.

Some positive aspects of civilisation were appropriated into tribal society, as can be seen by a new appreciation for the sick, elderly and wounded. Young proclaimed that the Gospel had caused a "transformation of the heart"<sup>401</sup> that struck a new appreciation for people who were traditionally excluded from the tribe. One example includes a grandmother of the tribe who was too old and weak to make the six mile journey to the Church in which the feast was taking place.<sup>402</sup> Instead of neglecting "afflicted" peoples, aboriginals under Young gave loving messages of sorrow to the old woman.<sup>403</sup> Extra emphasis on the gospel was undoubtedly responsible for the social change because it shows the success of conversion.

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<sup>398</sup> Egerton Ryerson Young, *On the Trail, Stories of Missionary Work among Cree and Salteaux Indians*, Filiquarian (1923) pp.26, 46, 48

<sup>399</sup> Ibid, p.46

<sup>400</sup> Ibid, p.47

<sup>401</sup> Ibid, p.49

<sup>402</sup> Ibid, p.46

<sup>403</sup> Ibid, p.49

To show more civilized qualities served to promote the hope across the Atlantic that the 'savage' race could be tamed and be reclaimed from the ranks of 'barbarism', which would have helped to fuel assimilative Indian policy.

The missionization of the Indian continues to be a difficult piece of history to unravel. Many missionaries challenged the outright racists who used science to claim that the 'Indian', among other non-whites, were inferior and doomed to extinction. In addition, it was an opportunity for individuals to rise in their own social status by doing good works, and those, like Wilson, who did not need to, display the good intent of some whites. Ultimately, however, the intent to create civilized Christian people out of aboriginals was in itself an act of cultural genocide. Missionaries blended scientific racism with their own humanitarian concerns for Indian well-being, which created a prerogative to improve the spiritual and temporal conditions. Whilst this may appear positive, the fact that this was founded upon ideas of Eurocentricism underpins a motive to replace the traditions of a suffering people with those of a dominant people. Although missionaries learned from, and appreciated a great deal about, indigenous forms of existence, they nevertheless relegated many of these traditions in favour of their own assumed supreme understanding of the world. A silver lining that can be found within this complex history is that the Indian was by no means a helpless victim to missionization. It is from this angle that the languages, customs, beliefs and spirituality; which underpinned their entire social organisation and understanding of the "natural order" of the world around them; were synthesised with European beliefs and modes of living to revitalize their culture in a new environment.<sup>404</sup> That being said, the missionary did much work to radically change the social organization indigenous communities. They imposed a patriarchal system, vehemently belittled anything that

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<sup>404</sup> James Wilson, *The Earth Shall Weep*, pp.6-7

differed from Victorian ideals, and challenged the practices and economy that were so intertwined with native identity and caused physical and emotional difficulties in which communities experienced physically and emotionally. Missionaries were also integral to treaties that stripped tribes from their ancestral lands during treaty negotiations, assisting with the state's application of its Civil Indian Policy.

If conducted on the basis of mutual cooperation Civil Indian Policy could have been successful for both parties. Tribes wanted to participate in the new industrial economic order that was sweeping over their lands. For many of the chiefs cultural synthesis was the solution to ameliorate their increasing suffering. As a result of cooperative investment to make Indians self-sufficient autonomous nations, Parliament could have reduced its Indian grant without negatively impacting tribes.

### Chapter 3. Legislation: Consolidating Cultural Genocide

Whilst tribes were given some flexibility to negotiate treaties and mission programs, legislation was by far the most coercive and culturally destructive asset of Civil Indian Policy. The Indian Act (1876) and its amendments consolidated the Dominion's suppression of indigenous cultures.

<sup>405</sup> Indian legislation was founded upon Eurocentricism, an ideology in which people of European descent believed they were "culturally and politically superior to all other peoples in the world", and Indians "an untaught, unwary race".<sup>406</sup> Legislation emasculated aboriginals whilst excluding Metis, made aboriginals appear culturally inferior, and relegated them to a sub-human or semi-civilized status in preparation for assimilation. Ideologically, legislation was similar to that existing at the same time in the United States: that the only good Indian was a *culturally* dead Indian.<sup>407</sup> Laws subjugated indigenous political institutions, reduced tribal autonomy, suppressed religious ceremonies, excluded economic participation, and forced, via enfranchisement, the complete abandonment of indigenous ways of life. By doing so, legislation allowed Canada to colonize indigenous lands and facilitate cultural genocide. By analysing the provisions of acts towards indigenous communities throughout the expansion period of the nineteenth century, and responses to such legislation, this chapter argues that the Canadian government developed and

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<sup>405</sup> Joan Holmes, *The Original Intentions of the Indian Act*, materials for a conference held in Ottawa April 17-18 2002 (Pacific Business and Law Institute, 2002) p.4

<sup>406</sup> Howard Adams, "Eurocentricism", *A Tortured People, the Politics of Colonization* (Penticton: Theytus Books LTD, 1995) pp.25-26

Olive P. Dickason and William Newbigging, *A Concise history of Canada's First Nations*, 2<sup>nd</sup> ed. (Don Mills, Ontario: Oxford University Press, 2010), p.168

<sup>407</sup> Daniel Francis, *The Imaginary Indian: The Image of the Indian in Canadian Culture*, (Vancouver: Arsenal Pulp Press, 1992), pp.59-60, taken from General Sheridan's remark, "The only good Indians I ever saw were dead", which transcended into the phrase "the only good Indian is a dead Indian" in Dee Brown, "The Only Good Indian is a Dead Indian", *Bury My Heart At Wounded Knee* (London: Vintage Books, 1991), pp.171-172

consolidated a policy to suppress First Nations into ward-ship, and offered liberty through enfranchisement, the acquisition of private property; the final step towards perceived civilised status.<sup>408</sup>

### Protecting Against White Vices

Sir George Murray ordered Indian Affairs to move from the military to the civil branch of Government to intentionally interfere with aspects of indigenous traditions.<sup>409</sup> This was initially done to protect aboriginals against the vices caused by contact with whites as discussed previously. Laws did initially protect indigenous rights by prohibiting squatters and whiskey peddlers. Protective measures intended to keep these white vices away from indigenous people to allow for their undisturbed progression.

Early legislation did, to some extent, uphold Natives' inherent rights to lands, but these were arguably compromised by the overall ambition of amalgamation by assimilation. These measures, though, were intended to protect aboriginals from suffering that was caused by white encroachment, such as squatters and whiskey peddlers. Laws prohibiting encroachment were produced to reinforce the Royal Proclamation that lands "not having been ceded to, or purchased by Us (British), are reserved to them (aboriginals)".<sup>410</sup> This gave tacit recognition to indigenous people's inherent right to land. It was important to uphold aboriginals' rights to land to establish friendly relations with tribes. Treaties following the Royal Proclamation separated Crown and aboriginal lands, making a clear distinction

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<sup>408</sup> Lewis H. Morgan, *Ancient Society or Researches into the Lines of Human Progress from Savagery through Barbarism to Civilization* (Chicago, 1877) <https://archive.org/details/ancientsociety035004mbp> accessed March 5, 2015

<sup>409</sup> NA, CO 42/515 "Bagot Commission", "History of the Relations between the Government and the Indians", *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 1, 26<sup>th</sup> March, 1844* pp.7-8

<sup>410</sup> "By The King, A Proclamation, George R", *The Royal Proclamation, 7th October 1763*, accessed July 3, 2014. [http://avalon.law.yale.edu/18th\\_century/proc1763.asp](http://avalon.law.yale.edu/18th_century/proc1763.asp) 3



between the lands that whites should not occupy. For example the Rice Lake Treaty No.20 made with the Chippewa (Ojibwa) Nation had clear demarcations of surrendered land:

A tract of land situate between the western boundary line of the Home District, commencing in the western division line of the Midland District at the north-west angle of the Township of Rawdon; then north sixteen degrees west thirty three miles, or until it strikes the line forty five; then along said line to a bay at the northern entrance of Lake Simcoe; then southerly along the water's edge to the entrance of Talbot River, then up Talbot River to the eastern boundary line of the Home District; then along said boundary line south sixteen degrees east to the townships of Darlington, Clark, Hope, and Hamilton to the Rice Lake; then along the southern shore of the said lake and of the River Trent to the Western division line of the Midland District; then north sixteen degrees west to the place of beginning, containing about one million nine hundred and fifty-one thousand acres."<sup>411</sup>

This development from subjective boundary lines, like the 'Gunshot Treaty' that defined the boundaries of surrendered land upon the distance in which a gunshot could be heard,<sup>412</sup> to explicit boundary parameters should have made it clear what lands settlers had a right to settle upon, and enable Indian Affairs officials to differentiate what lands aboriginals maintained a legal right to. Later treaties in Upper Canada and the numbered treaties would surrender full areas of land, and indigenous people would be given a piece of land reserved to their exclusivity, to be held "in trust", and to be used "for the benefit of the tribe".<sup>413</sup>

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<sup>411</sup> Treaty Texts – Upper Canada Land Surrenders, *Rice Lake Treaty No.20*, (1818). Accessed Nov. 12, 2013. <https://www.aadnc-aandc.gc.ca/eng/1370372152585/1370372222012#ucls18>

<sup>412</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000)p. 104

<sup>413</sup> NA, CO 42/515, "Bagot Commission", "Present Mode of Conducting Indian Affairs, with Recommendations, Land Title", *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 3, 26<sup>th</sup> March, 1844*, p17-18

Lands held in trust meant that the Crown had an obligation to defend the tribes from invasion from the tide of immigration.<sup>414</sup>

In fact, the need for measures against non-native intrusion was a response to aboriginal complaints of encroachment. By the early 1800s the Mississaugas had demanded proof in “writing to show” to non-natives to prevent encroachment because of the strains on their resources.<sup>415</sup> Encroachers “cut great quantities of timber” and infringed upon their fisheries, “worsening” their means of subsistence.<sup>416</sup> Miller argues that many later loyalist settlers were in fact “land hungry American farmers” and, after 1820, immigrants from Britain started arriving at an alarming rate.<sup>417</sup> The changing demographics redefined the landscape, these people would have brought their preconceived ideas if indigenous people with them too. Between 1821 and 1851 the white population of British North America rose from 750 000 to 2.3 million, reducing the Native population to a minority.<sup>418</sup> Not only would the unprecedented number of whites strain resources, but as invaders it would put native and non-natives in competition for resources. As aboriginals increasingly became a minority group, their needs were superseded.

This can be seen by the progression of attempts to uphold Indians’ rights to land. The ‘Proclamation to Protect the Fishing Places and Burying Grounds of the Mississaugas’ acknowledged that encroaching settlers caused “depredations”, “annoyances” and “uncivil treatment” to the tribes, but its rhetoric was “ineffective” in preventing further

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<sup>414</sup> Ibid “Protection of Reserves”, p.23

<sup>415</sup> LAC, CO 42, 351, Colonial Office Correspondence, Upper Canada, 1811, Despatches, reel B295, pp.138-9, Minutes of a Meeting with the Mississauga Indians on the River Moira, Smith’s Creek, 24 July 1811

<sup>416</sup> Ibid , see also J.R Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada*, (Toronto: UTP, 2009) pp.88-90

<sup>417</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000), p.116

<sup>418</sup> Ibid, p.116-117

encroachment.<sup>419</sup> This was most likely because the tribes had become a minority group, and therefore an inconvenience to the capitalist demands of the majority.

However, acts that restricted non-natives from assisting tribes to uphold their territorial rights demonstrated the Dominion's ambition to conquer the land by undermining the inherent rights of indigenous people. An Act to Make Better Provision for the Administration of Justice in the Unorganized Tracts of Country in Upper Canada was one such act that extended Canadian jurisdiction over its subjects to those that were on lands not yet surrendered with the specific intent on stopping non-native sympathisers joining or forming a native rights group.<sup>420</sup> This act came out of the Upper Great Lakes Ojibwa and Metis who struggled to uphold their prerogatives from mining encroachment. Chief Shingwaukonse had a vision that minerals would be the new source of wealth for tribes in the changing economic climate.<sup>421</sup> This vision was threatened by a "cosmological disruption" when government-supported mining companies sent geologists and surveyors, such as Alexander Vidal, to trespass on un-surrendered land with the intent to extract the wealth without Native consultation for a bigger profit.<sup>422</sup> Economic prerogatives took precedence over the Royal Proclamation's intent to preserve peaceful relations between aboriginals and whites.

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<sup>419</sup> Proclamation of Peter Russell, President, Administering the government, 14 Dec, 1797, in *The Correspondence of the Honourable Peter Russel with Allied Documents Relating to His Administration of the Government of Upper Canada during the Official Terms of Lieut.-Governor J.G. Simcoe While on Leave of Absence*, ed. E.A. Cruikshank, 3 vols (Toronto: Champlain Society, 1932-6), 2:41, see also Peter Schmalz, *The Ojibwa of Southern Ontario* (Toronto: UTP, 1991) p.106

<sup>420</sup> *An Act to Make Better to Make Better Provision for the Administration of Justice in the Unorganized Tracts of Country in Upper Canada, Monday 11<sup>th</sup> April 1853, Friday 15<sup>th</sup> April 1853, General Richards, 1<sup>st</sup> session, 4<sup>th</sup> Parliament, 16 Vic, No.340, John Lovell (Quebec, 1853). Accessed June 30, 2014.*  
[http://eco.canadiana.ca/view/oocihm.9\\_06300/3?r=0&s=1](http://eco.canadiana.ca/view/oocihm.9_06300/3?r=0&s=1)

<sup>421</sup> Alan Knight and Janet E. Chute, 'A Visionary on the Edge', *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006) p.90

<sup>422</sup> *Ibid*, pp.90-92

A non-native prospector who entered into a reciprocal agreement with the Ojibwa, Allan Macdonnell, became a “spokesman” for Native rights.<sup>423</sup> Trusted by Shingwaukonse, even with hesitancy from notable band members such as one of the chief’s sons Ogista, Macdonnell successfully gained widespread media coverage of the corporate invasion in the *Montreal Gazette* after Lord Elgin ignored tribal led petitions against the invaders.<sup>424</sup> He also became the representative of the tribe in negotiations with Vidal, where he pressed that his concern was for the economic future of the Ojibwa people.<sup>425</sup>

Lastly, MacDonnell showed his integrity to fight for Native rights by being part of the party that occupied Mica Bay. In fact Macdonnell believed his presence was vital to preserve peace between aboriginals and miners.<sup>426</sup> Macdonnell created the “most articulate and forceful campaign for Native resource Rights ever raised in the Canadas”, and was heralded as a “champion of Native Rights”.<sup>427</sup> Aboriginals were prepared to assert their territorial rights against white encroachment.<sup>428</sup> This success thwarted Euro-Canadian ambitions. As a result, the State had to accommodate aboriginal demands to shares from the revenue of mineral sales via the Robinson Treaties. This was the special annuity escalator clause in which the size of annuity was supposed to rise in proportion to mining revenues.<sup>429</sup> Elgin

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<sup>423</sup> Janet E. Chute, *The Legacy of Shinwaukonse: A Century of Native Leadership* (Toronto: UTP, 1998), p. 130

<sup>424</sup> Alan Knight and Janet E. Chute, ‘A Visionary on the Edge’, *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006) p.92

<sup>425</sup> Janet E. Chute, *The Legacy of Shinwaukonse: A Century of Native Leadership* (Toronto: UTP, 1998), pp.129-130

<sup>426</sup> Alan Knight and Janet E. Chute, ‘A Visionary on the Edge’, *With Good Intentions: Euro-Canadian & Aboriginal Relations in Colonial Canada*, ed. Celia Haig-Brown and David A. Nock (Vancouver: UBC Press, 2006), pp.91-97

<sup>427</sup> *Ibid*, p.93, and *Montreal Gazette*, 23<sup>rd</sup> November 1849

<sup>428</sup> J.R. Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000), p.137

<sup>429</sup> ‘Copy of the Robinson Treaty Made in the Year 1850 with the Ojibewa Indians of Lake Huron Conveying Certain Lands to the Crown’, *Treaty Texts – Ojibewa Indians of Lake Huron*, accessed Oct 20, 2013. <http://www.aadnc-aadnc.gc.ca/eng/1100100028984/1100100028994>, ‘Copy of the Robinson Treaty Made in the Year 1850 with Ojibewa Indians of Lake Superior Conveying Certain Lands to the Crown’, *Treaty Texts –*

saw the situation as an unnecessary conflict, and suggested that a treaty should have been made pro-actively to “investigate thoroughly and extinguish all Indian claims before” encroachment proceeded.<sup>430</sup> That a treaty was eventually negotiated shows that the Ojibwa had a completely legitimate appeal to illegal encroachment as dictated by the Royal Proclamation. Macdonnell’s success, however, was bitter sweet. The Act over the unorganized tracts prohibited any future non-Native sympathizers from engaging with and promoting Native rights as it was deemed a “disturbance of public peace”.<sup>431</sup> Missionaries were excluded from this, as their missions displaced native rights for Euro-Canadian interests. This act represented indifference to Indian needs.

In addition, a proclamation under Charles II in 1670 meant that the Ojibwa who wanted to participate in the nation should have been embraced. The general response by most tribes throughout Canada, such as the Grand Council of Orillia, and tribes’ demand for treaties shows that “they wanted education and resource development”<sup>432</sup> as it could revitalize their “traditional culture within an agricultural context”.<sup>433</sup> They did not wish to be a part of an assimilative agenda that encompassed the “total abandonment of their culture”.<sup>434</sup>

Canadian officials, indifferent to indigenous well-being, pursued their own economic progress. This was cemented in the Act by subjugating Native rights by forbidding white Indian-activists from promoting native prerogatives. In addition, by extending jurisdiction

*Ojibwa Indians of Lake Superior*, accessed Oct. 20, 2014. <http://www.aadnc-aadnc.gc.ca/eng/1100100028978/1100100028982>

<sup>430</sup> Lord Elgin to Lord Grey, 23 Nov. 1849, in A.G. Doughty, *The Elgin-Grey Papers, 1845-1852* 4 vols. (Ottawa: King’s Printer, 1937), 4: appendix 7, pp.1485, 1486

<sup>431</sup> *An Act to Make Better to Make Better Provision for the Administration of Justice in the Unorganized Tracts of Country in Upper Canada, Monday 11<sup>th</sup> April 1853, Friday 15<sup>th</sup> April 1853, General Richards, 1<sup>st</sup> session, 4<sup>th</sup> Parliament, 16 Vic, No.340, John Lovell (Quebec, 1853). Accessed June 30, 2014. [http://eco.canadiana.ca/view/oocihm.9\\_06300/3?r=0&s=1](http://eco.canadiana.ca/view/oocihm.9_06300/3?r=0&s=1)*

<sup>432</sup> PAC, RG10, V258, Part 2, *Memorial to His Excellency Sir Edmund Walker Head from the Oneida Indians of Muncey Town and Other Bands on the River Thames, 1858*

<sup>433</sup> John S. Milloy, “The Early Indian Acts: Developmental Strategy and Constitutional Change”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.60

<sup>434</sup> John S. Milloy, “The Early Indian Acts”, *Sweet Promises*, ed. J.R. Miller (Toronto: UTP, 1991) p.149

over un-surrendered land, the Dominion assumed tacit responsibility for aboriginals yet to come under Crown protection.

Though settlers and some officials may have begun to view the 'Indian' as a 'problem', the Indian Office chose to uphold the "special status"<sup>435</sup> of aboriginals under its jurisdiction of the Royal Proclamation, and produced legislation to prevent white encroachment. The 'Act for the better protection of the Lands and Property of the Indians in Lower Canada' and 'Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury' attempted to maintain friendly relations between the Crown and its aboriginal neighbours. The acts recognised that in Lower Canada indigenous peoples had suffered because whites "appropriated" their lands.<sup>436</sup> In Upper Canada indigenous people was duped to sell land to individuals who were not Crown representatives.<sup>437</sup> Reaffirming the principles of the Royal Proclamation, the acts put tribal lands under Crown authority to be held "in trust... for the benefit" of the tribes.<sup>438</sup> It gave the commissioner and Superintendent General of Indian Affairs jurisdiction over Crown lands to "defend" the tribes' land rights.<sup>439</sup> It also realigned land surrenders under the Royal Proclamation by outlawing any land surrenders that did not have the monarchy's

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<sup>435</sup> John L. Tobias, 'Protection, Civilisation, Assimilation: An Outline History of Canada's Indian Policy', *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. J.R. Miller (Toronto, UTP, 1991), p.127

<sup>436</sup> Vic 14, Cap 42, "An Act for the better protection of the Lands and Property of the Indians in Lower Canada, 10<sup>th</sup> August 1850", *Provincial Statutes of Canada*, Earl of Elgin, 3<sup>rd</sup> session of the 3<sup>rd</sup> Provincial Parliament of Canada (1850) Accessed Nov. 10, 2013.

<http://signatoryindian.tripod.com/routingusedtoenslavethesovereignindigenouspeoples/id16.html>

<sup>437</sup> Vic 14, Cap 74, "An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied by them from trespass and injury, 10<sup>th</sup> August 1850," *Provincial Statutes of Canada*, Earl of Elgin, 3<sup>rd</sup> session of the 3<sup>rd</sup> Provincial Parliament of Canada (1850). Accessed Nov. 10, 2013

<http://signatoryindian.tripod.com/routingusedtoenslavethesovereignindigenouspeoples/id15.html>

<sup>438</sup> Vic 14 Cap 42, "An Act for the better protection of the Lands and Property of the Indians in Lower Canada, 10<sup>th</sup> August 1850", *Provincial Statutes of Canada*, Earl of Elgin, 3<sup>rd</sup> session of the 3<sup>rd</sup> Provincial Parliament of Canada (1850). Accessed Nov. 10, 2013.

<http://signatoryindian.tripod.com/routingusedtoenslavethesovereignindigenouspeoples/id16.html>

<sup>439</sup> Ibid

approval under the “Privy Seal”.<sup>440</sup> This was advantageous to tribes. Such separatist measures, forbidding encroachers from stealing and occupying tribal lands and voiding all land sales not made with a Crown representative, would assist tribes in maintaining a land base, releasing the pressure on resources on the lands that were reserved for their exclusivity.

This only had a limited success, as assimilative Indian policy over-ruled Native land rights within the legislation. The superintendent general and Indian commissioner were given discretionary powers to grant licenses to encroachers.<sup>441</sup> Though squatters were seen as a detriment to tribal conditions, they could be given land title if encroachment was “beneficial” to the tribe.<sup>442</sup> Such discretion was in keeping with the recommendations of the Bagot Commission to reduce the stewardship of the Dominion. This reflected the overriding ambition of Indian policy to “gradually reclaim (aboriginals) from barbarism”.<sup>443</sup> The assimilative aims of the Dominion arguably restricted the Indian Office’s ability to fully represent tribal interests. Since theirs would uphold communal social organisation and hereditary chieftainships, commissioners would have allowed encroachment as squatters could set an example, which, they assumed, was in the indigenous population’s best interest. Tribal autonomy eroded as commissioners were given overriding power of the affairs on the lands reserved for their exclusivity.

Discretion to eject squatters reflected the overall intention of the Dominion to take control of every aspect of tribal life. Legislative interference was to usurp political, economic, and

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<sup>440</sup> *Vic. 14, Cap. 74, 1850*

<sup>441</sup> *Ibid* sec.10

<sup>442</sup> NA, CO 42/516 appendix 1, “Present mode of conducting Indians Affairs, with recommendations, Management of Lands, Protection of Reserves”, *Despatches. Report of commission on Indian Affair, Volume 2, Section 3, 26<sup>th</sup> March, 1844*

<sup>443</sup> Sir G. Murray to Sir J. Kempt, 25 Jan. 1830, *British Parliamentary Papers* (Irish University Press Series), ‘Correspondence and Other Papers Relating to Aboriginal Tribes in British Possessions’, 1834, no.617, 88

spiritual autonomy from tribes by imposing direct cultural change based on a belief it would enable physical survival. If General Amherst used germ warfare to eradicate Delaware opposition indefinitely,<sup>444</sup> Canadian Indian legislation sought to wipe out indigenous traditions permanently under a 'blanket of benevolence'. Milloy argues that pre-confederated Canada maintained a nation-to-nation relationship with tribes. Prior to the Gradual Civilization Act (1857), tribes still maintained a level of control over the degree and direction of cultural change in the hands of tribal councils.<sup>445</sup> Legislation became more interfering incrementally throughout the mid-to-late nineteenth century, suggesting that the long-term goal was to dislodge aboriginals from their culture, force them into adopting Euro-Canadian culture ready to be integrated. Prime Minister John A. MacDonald boasted that "the great aim of our legislation has been to do away with the tribal system and assimilate indigenous people in all respects with the inhabitants of the Dominion, as speedily as they are fit for the change".<sup>446</sup>

Legislation, then, was the means by which the Dominion would facilitate the means and rate of cultural genocide. The stronger the Indian office became, the more it took away tribal autonomy. Masked under the need to protect aboriginals on their reserves from settler molestation, the 'Crown Lands Protection Act' gave Indian commissioners the power to give "notice" of removal to settlers on reserve lands.<sup>447</sup> 'The Act for the Protection of Indians in Upper Canada' gave "effectual powers" to Indian commissioners to remove squatters.<sup>448</sup>

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<sup>444</sup> James Wilson, *The Earth Shall Weep: A History of Native America* (London: Grove Press, 1998), p.127

<sup>445</sup> John S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change", *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), pp.56-57

<sup>446</sup> Return to an Order of the House of Commons, 2 May 1887, Canada Sessional Papers (No. 20b) 1887, 37

<sup>447</sup> 'An Act for the protection of the lands of the Crown in the province from trespass and injury', 12 Vict. Sec. 1-2 (1849). Accessed May 10, 2014. [http://eco.canadiana.ca/view/oocihm.9\\_04153/4?r=0&s=1](http://eco.canadiana.ca/view/oocihm.9_04153/4?r=0&s=1)

<sup>448</sup> *Vic. 14, Cap. 74, section 10, 1850*



Immediately tribes were at the will of Indian Office officials to enforce treaty obligations.

Tribal political power was challenged by the Dominion's.

Though this may have appeared to uphold indigenous rights, these provisions were still assimilative. The Bagot Commission argued that squatters, whilst generally a nuisance, could remain if they were "beneficial" by encouraging civilized habits such as individual land ownership for agricultural pursuits.<sup>449</sup> Since the commissioner had the power to remove squatters, Imperial interests were safe-guarded at the expense of the tribe. Encroachment could be permitted if the State believed it assisted in ameliorating the indigenous modes of living. Such discretion thwarted tribes' inherent and treaty rights to their land. This not only conflicted with the Dominion's Treaty obligations, but by announcing measures that attacked the traditional political structures and cultural practice of communal living were for the benefit of the 'Indian', illustrated their belief that Eurocentric ideology was culturally superior.

To consolidate the Dominion's authority over tribes as it began to expand west, Parliament created the Secretary of State. The Secretary of State was also the Superintendent General of Indian affairs and Commissioner of Indian lands.<sup>450</sup> As the Dominion acquired more land via treaty, it consolidated its rule over tribes by increasing the Secretary of State's jurisdiction.<sup>451</sup> Following Treaties 1 and 2, the powers of the Superintendent General were extended to Manitoba and British Columbia. Elected by the Governor General, not indigenous people, this rank created an authoritarian leader over those tribes within the

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<sup>449</sup> NA, CO 42/515 "Bagot Commission", "Protection of Reserves", *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 3, 26<sup>th</sup> March, 1844*,

<sup>450</sup> 'An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands', Cap. 42 (1868)

<sup>451</sup> 'An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia' Cap. 21 (1874)

Dominion. Such a measure to exert power over tribes without representation undoubtedly promoted Ottawa's interests.

Indian affairs were relegated as a minor domestic affair under the British North America Act (1867). The Dominion was granted, by Parliament; control over "Indians and Lands reserved for the Indians."<sup>452</sup> That Indian affairs were shovelled off to Ottawa showed a lack of interest in Native rights by the Colonial Government. Further, land and aboriginals were inextricably linked. The 'Indian', so far as Eurocentrics were concerned, was an obstacle from the money making land along the fertile belt. Euro-Canadians declared that since they could use the land better, they had a more significant right to it. By grouping Indian affairs with Ordnance Lands, the Dominion made no secret that its intent was to try to take the aboriginal lands.

Isolation on reserves, combined with the oppressive Indian Act, was designed to keep tribes "in a condition of tutelage", with the intent to "lift" aboriginal people out of an innate sense of oppression, so far as the state saw it, by taking up the "privileges and responsibilities of full citizenship".<sup>453</sup> In effect, aboriginals were rounded up into small settlements where their traditions could be comprehensively attacked. That this was based on the assumption that State and indigenous interests were "alike" may have had some merit, due to tribal demands for treaties and use of missionaries.<sup>454</sup> However, as can be seen by the previous chapters, tribes had no desire to assume white responsibilities, especially at the expense of their own customs. Therefore, the Indian Acts at the very least misunderstood indigenous intentions. Yet the State's drive to assimilate Indians in the face of tribal opposition suggests that the State was aware of indigenous intentions to synthesize Euro-Canadian practices

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<sup>452</sup> 'Distribution of Legislative Powers', ch.6 sec 91.24, *British North America Act, 1867*, accessed Jan. 5, 2014 <http://www.legislation.gov.uk/ukpga/Vict/30-31/3/part/VI>.

<sup>453</sup> D. Laird, "The Indian Act", *Annual Report of the Department of the Interior for the Year Ended 30<sup>th</sup> June, 1876* (Ottawa: Maclean, Roger & Co., 1877), p.16

<sup>454</sup> Ibid

into their own culture. Treaty commissioners argued that tribes existed in a “semi-civilized” state.<sup>455</sup> They assumed further interference was required if Indian affairs was to finally cease to exist.<sup>456</sup> Such paternalism turned constructive measures into destructive measures.

### “Legal” Indians

As the assimilative agenda dominated legislative activity – and with separatist measures in place that appeared to uphold Native rights – the main aim of Indian legislation was to eradicate the ‘Indian’ as a distinct cultural group. One way of doing this was to establish a legally defined Indian, and then, when the definition became too inclusive, reduce the parameters of those who could qualify.<sup>457</sup> By doing so the Dominion created status and non-status Indians: those that were recognized by the Dominion and those that were not. Non-status Indians were excluded from the aboriginal-white relationship, and women, regardless of race, were defined by their husband’s status, destroying traditional forms of lineage.<sup>458</sup> Only ‘registered Indians’ would be entitled to Dominion provisions. Legal definition was a glaring example of how the Dominion created its own rules to reduce its financial responsibility to aboriginal people without regard for their well-being.

The first attempt to repress cultural distinction was in the Act for the Protection of the Indians in Upper Canada.<sup>459</sup> This act defined Indian status as people who inhabited “Indian lands and engaged in the pursuit of agriculture as their then principal means of support” and any person married to an Indian<sup>460</sup>. This definition of Indian identity reduced the

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<sup>455</sup> NA, CO 42/515 “Bagot Commission”, *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 3, 26<sup>th</sup> March, 1844*, p.2

<sup>456</sup> *Ibid*, p.1

<sup>457</sup> Patricia O. Dickason and William Newbiggin, *A Concise History of Canada’s First Nations* (Don Mills, Oxford University Press, 2010), p.169

<sup>458</sup> *Ibid*

<sup>459</sup> *Vic. 14, Cap. 74, 1850*

<sup>460</sup> *Ibid*. s.5

complexities of tribal life. Euro-Canadians defined Indians through their sense of superior civilization as semi-civilized beings that had replaced nomadic hunting with sedentary agriculture.<sup>461</sup> Yet this early interpretation of indigenous identity from a Euro-Canadian perspective lacked any rigid parameters to significantly repress indigenous identity. The extended kinship system of band affiliation could be largely maintained, as a person married to a 'status Indian' was considered Indian also; in keeping with tribal traditions. Early parameters were limited and broad, but the assimilative agenda under the guise of social progress was certainly present.

Economic safeguarding was masked with the continuation of protective language. It justified a necessity for stricter parameters on 'status Indians' so the Superintendent General, or any "Subordinate Superintendent of Indian Affairs", knew which band members were under their jurisdiction.<sup>462</sup> Most aboriginals in Upper Canada visited the annual gift giving ceremony at Manitoulin Island. So far as the Dominion was concerned, 'visiting Indians' from the United States were not their responsibility.<sup>463</sup> Colonial officials linked the "influx" of 'visiting Indians' to the increase in its budget for gifts and annuities.<sup>464</sup> Therefore the measure deterred visiting Indians as they would not be recognised as subjects of Her Majesty, and forbade them a share of the annual gifts. To define aboriginals in this way safeguarded British Indians' annual gifts, and also freed up the 'burden' that was a vastly increasing budget by the Indian Office. This showed that Indian policy was dedicated to

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<sup>461</sup> Ibid

<sup>462</sup> Ibid

<sup>463</sup> Olive P. Dickason and David T. McNab, *Canada's First Nations: A History of Founding Peoples from Earliest Times*, 4<sup>th</sup> ed. (Oxford, Oxford University Press, 2009), p.219

<sup>464</sup> NA, CO 42/515 "Bagot Commission", "Present Mode of Conducting Indian Affairs, with recommendations", *Despatches. Report of the Commission on Indian Affairs, Volume 1, Section 3, 26<sup>th</sup> March, 1844*, pp.8, 14 (The commission reported that Indian expenses had increased from £11462 to 14376 between 1836 and 1843, but the number of Indians receiving gifts at annual gift giving ceremonies had doubled from 9073 to 18310 between 1834 and 1842)

reducing the Dominion's financial responsibility on tribes. Yet the act also suggests that First Nations could not take care of themselves. To be defined meant an identity was imposed upon the individual, threatening tribal political autonomy.

This created a problem for the Dominion's assimilative ambitions. It wanted to assimilate aboriginals as speedily as possible, but officials believed that indigenous people needed a steady pace in which to adapt. Legislation assumed "that Indian society and culture was inferior to the settler society"; based on Eurocentricism; and assume on behalf of the 'Indian' that aboriginals sought civilized status.<sup>465</sup> At every revision, distant government policies were enacted that bypassed Native consultation on their self-identification.<sup>466</sup> The preamble to the Act for the Gradual Civilization of the Indian Tribes in the Canadas (1857) revealed the ideological basis of all future Indian affairs legislation that Indians needed and wanted to become civilized like whites:

Whereas it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and Her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it.<sup>467</sup>

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<sup>465</sup> Joan Holmes, *The original Intentions of the Indian Act* (Ottawa: Joan Holmes & Associates Inc., 2002), p.19

<sup>466</sup> Patricia O. Dickason and William Newbiggin, *A Concise History of Canada's First Nations* (Don Mills: Oxford University Press, 2010), p.169

<sup>467</sup> "An Act to encourage the gradual Civilization of the Indians Tribes in this Province, and to amend the Laws respecting Indians, 10 June 1857", *Statutes of the Province of Canada* Vic. 20 Cap. 26, ed. Sir Edmund Walker Head, Toronto, accessed Oct. 4, 2013.  
<http://signatoryindian.tripod.com/routingusedtoenslavethesoveriegnindigenoupeoples/id15.html>

The act was the first real step towards a “developmental strategy designed to secure more readily the Christianization and civilization of native people”.<sup>468</sup> Parameters on indigenous identity were therefore created with the intention of obliterating cultural, political, and spiritual autonomy because they were regarded as inferior. Simply put, the intention of the Dominion was to indigenous traditions that did not fit with its own, and commit cultural genocide by dislocating aboriginals from them.

As indigenous identification was intended as a scaffold for assimilation, it thwarted cultural synthesis. This therefore created an Indian class that was like a peasant class; whose economic base relied solely on farming. Once created, aboriginals were forced to remain in this bottom class state if they wished to hold onto their cultural identities. Since Indian policy sought since the beginning of the civilization era was to gradually reclaim aboriginals “from the ranks the state of barbarism” by “introducing amongst them the industrious and peaceful habits of civilized life”, aboriginals were constantly coerced to replace their traditions with European modes of behaviour.<sup>469</sup> As consequence of this intent, the creation of an Indian class was a mode of oppressive cultural genocide.

From legal to biological parameters of ‘indigenism’, the introduction of a blood quantum was a repressive measure by the Dominion to restrict those of aboriginal heritage that could be included in treaty negotiation and receive treaty rights. The *Gradual Civilization Act* declared that an Indian needed to have “Indian blood or intermarried with Indians”, and be “acknowledged as members of Indian Tribes or Bands residing upon lands” not yet

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<sup>468</sup> John S. Milloy, “ The Early Indian Acts: Developmental Strategy and Constitutional Change”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.58

<sup>469</sup> Sir G. Murray to Sir J. Kempt, 25 Jan. 1830, *British Parliamentary Papers* (Irish University Press Series), ‘Correspondence and Other Papers Relating to Aboriginal Tribes in British Possessions’, 1834, no.617, 88

surrendered or reserved for Indian occupation.<sup>470</sup> By amending blood quantum provisions and extending the Dominion's jurisdiction of the blood quantum law, the government increased its repressiveness with the hope of reducing the number of Indians entitled to treaty annuities and provisions, thereby reducing the supposed burden that Indians had apparently become by being the original occupiers of valuable soil. The *Gradual Enfranchisement Act* (1869) amended the Indian blood rule, requiring an individual to have at least one-quarter Indian blood to be considered Indian by the Dominion.<sup>471</sup> It also severely oppressed women of both Native and non-Native descent by imposing a patriarchal system: "Any Indian woman marrying any other than an Indian, shall cease to be an Indian".<sup>472</sup> These amendments to 'official' Indian identification were extended to Manitoba and British Columbia in the *Indian Amendment and Extension Act* (1874), before being extended to all Dominion lands in the comprehensive *Indian Act* (1876). To define who an Indian was by biological standards completely usurped Native understandings of their own tribal affiliations. Traditional extended kinship networks that had functioned to create socio-political alliances through marriages and adoptions were disrupted by the Dominion. To further limit those eligible under treaty, the metis received an ultimatum in the amended Indian Act (1880) that they either opted in or out as Indians, but not as their own distinct cultural identity.<sup>473</sup> Whilst extended kinship was embracing of others and inclusive, the blood quantum provision sought to exclude band members for mixed descent, and neglected members that had been acculturated into tribal life. In addition, by giving metis an ultimatum, the Dominion failed to recognize them as a legitimate ethnic group, with their

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<sup>470</sup> *Gradual Civilization Act, 1857, Vic. 20, Cap. 26*

<sup>471</sup> *Ibid*, S.4

<sup>472</sup> *Ibid*, s.6

<sup>473</sup> "An Act to Amend the Indian Act, 1880", Chap. 17, accessed June 1, 2014. [https://www.aadnc-aadnc.gc.ca/DAM/DAM-INTER-HQ/STANGING/texte-text/d80c28\\_1100100010273\\_eng.pdf](https://www.aadnc-aadnc.gc.ca/DAM/DAM-INTER-HQ/STANGING/texte-text/d80c28_1100100010273_eng.pdf)

own cultural consciousness. The ambition of the Dominion, by creating a legal definition and then restricting those who fitted into it, was ultimately to extinguish the Indian as an ethnic group by legal means. This form of legal oppression was a clear example of cultural genocide by political means. Although the intent may have been to reduce the financial responsibility the Dominion had towards the indigenous population, by so forcefully determining, at their own will, who was an Indian, the Dominion sent a clear message that it wanted to eradicate the Indian despite their own claims.

Since before contact, band affiliation was recognised through extended kinships. This meant that people from a particular band or tribe could still be recognised as a part of another band or tribe by tribal treaties, marriages, or adoption. The Euro/Canadian legislative definition was destructive in that it helped to create a homogenous Indian identity. What may have been a de facto view of North American Aboriginal peoples had now become de jure. The effect, however, was the creation of status, or “registered”, and non-status Indians<sup>474</sup>. That an individual could see themselves as Indian by their way of life, and even by his or her own people, but not by Indian affairs officials, meant that the Dominion’s perception was imposed on tribal identities, undermining their political and cultural autonomy. The purpose may have been to restrict those who were eligible to receive treaty annuities. Tribal populations could be threatened as generations were increasingly forced to assimilate into Euro-Canadian culture. Though it could not completely destroy an entire community, it could form substantial cracks in the foundation of tribal societies. The intent to disrupt tribal autonomy by dislocating members by biological justification was publicly open. Prime Minister John A. Macdonald stated that “the great aim of our legislation has

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<sup>474</sup> Olive P. Dickason and David McNAb, *Canada’s First Nations*, Oxford University Press (Oxford, Oxford University Press, 2009) p.219



been do away with the tribal system, and assimilate the Indian people in all respects with the inhabitants of the Dominion".<sup>475</sup> This was by far enough intent to destroy aboriginal cultures, and rebuild their physical selves with Euro-Canadian social and cultural forms.

### Cultural destruction for assimilation

To define what made someone Indian justified the act's aim to protect indigenous people from molestation by keeping encroachers off reserves.<sup>476</sup> By making an explicit legal definition the Dominion could enfranchise, or assimilate, socially 'progressed' Indians. This was a significant turning point that revealed, once and for all, the way in which the Dominion would administer cultural genocide. In a comprehensive packet, enfranchisement could destroy all the diverse characteristics of indigenous cultures in one strike. This seems contradictory; legal distinctions were made to then be removed, but it revealed the entirety of the Dominion's assimilative agenda that had aimed for complete control over reserves, political institutions, and economic pursuits.<sup>477</sup> In effect, the Dominion highlighted the differences between 'savage' and 'civilised'. It argued that once the savage traits had been removed, the individual would cease to be recognised as an Indian. Encouraging cultural destruction "by degrees to mingle with the white race in ordinary avocations of life", then, was meant to assist the 'Indian'; by eradicating forms of indigenous identity to a culturally vacant shell; to be remoulded in attributes European civilization.<sup>478</sup> From this perspective, creating a legal dichotomy of Indian and non-Indian, savage and civilised, the Government

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<sup>475</sup> *Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking back. Volume 1. Ottawa: the Royal Commission on Aboriginal Peoples, 1996. 250*

<sup>476</sup> *Vic. 14, Cap. 74, 1850*

<sup>477</sup> John S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change" *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.58

<sup>478</sup> William Spragge, *Report of the Indian Branch of the Secretary of State for the Provinces, 1870* (Ottawa: I.B. Taylor, 1872), p.5. Accessed July 13, 2014. <http://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/first-nations/indian-affairs-annual-reports/Pages/item.aspx?IdNumber=113>

not only promoted the destruction of all things culturally aboriginal, but did so under the banner of benevolence.

By making an explicit legal Indian definition the Dominion could use enfranchisement to legally assimilate satisfactorily civilized aboriginals. Enfranchisement was a ritual in which an Indian agent, Governor, or Missionary would examine an Indian candidate for official civilized status.<sup>479</sup> To replace one's aboriginal heritage with Canadian citizenship, an Indian male over "twenty-one years of age", had to demonstrate that he was: fluent and literate in "english or the french language", with discretion; "sufficiently advanced in the elementary branches of education"; "of good moral character"; "free from debt"; involved in "industrious habits" and "capable of managing his own affairs".<sup>480</sup> Enfranchisement was the process in which an aboriginal individual sacrificed his cultural heritage and identity for Canadian citizenship, an "enfranchised Indian" would therefore "no longer be deemed an Indian".<sup>481</sup> This became the end goal of the Gradual Enfranchisement Act, which extended enfranchisement to all indigenous people under the jurisdiction of the Secretary of State.<sup>482</sup> The factors that determined enfranchisement were the antithesis of civilized society. Enfranchisement for civilization was contradictory and "silly" because instead of removing legal distinctions between Indians and Canadian citizens, it actually established them, and in

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<sup>479</sup> Ibid, Sec. III

<sup>480</sup> Ibid, sec. III, IV

<sup>481</sup> Sir Edmund Walker Head, 'An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians', 10<sup>th</sup> June 1857, Vic 20, Cap, 25, *Statutes of the Province of Canada Passed in the Twentieth Year of the Reign of Her Majesty Queen Victoria*, (Toronto, 1857), Sec. II, III

<sup>482</sup> An Act respecting the Civilization and Enfranchisement of certain Indians, Vic.22 Cap.9 (Toronto, 1859), and *An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42, 22<sup>nd</sup> June 1869* (2010). Accessed June 14, 2014. <http://www.aadnc-aadnc.gc.ca/1100100010204/1100100010206>

fact set standards, like literacy, far beyond the reach of the best Euro-Canadian.<sup>483</sup> That only a male could apply for enfranchisement at the age of twenty one and partake in agriculture rather than hunting undermined the matriarchal lineage, traditional gender roles, and rites of passage into manhood for tribes. That a wife of an enfranchised Indian lost her Indian status, or could reclaim it by marrying an Indian, highlights that imposition of patriarchal society and subjugation of Indian women's rights.<sup>484</sup> European languages were given official status over traditional languages, which encouraged education policies such as Manual Labour schools, which taught curriculums similar to common schools and laid the foundations for cultural dislocation. Legislation to encourage civilization then complimented Missionary prerogatives, and illustrated the Church-State pact on civilizing the Indian as a moral and political responsibility.

That Enfranchisement was encouraged reveals the intent of the Dominion to completely cleanse indigenous cultural traditions and attributes. enfranchisement began as a voluntary venture as it was available to any Indian male between the ages of twenty one and forty, "desirous of availing himself" of the oppression of Indian legislation.<sup>485</sup> Yet the voluntary aspect was the undoing of Indian Policy. It has been noted that only one man, Elias Hill, was granted enfranchisement between 1857 and 1876.<sup>486</sup> A limited number of aboriginals saw any appeal in enfranchisement. To encourage indigenous people to take up individual plots of land for the men *only* to farm on was a drastic enough cultural shift, but to offer enfranchised Indians land "no more than fifty acres" *from* his band's reserve was a violation

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<sup>483</sup> J.R Miller, *Skyscrapers Hide the Heavens*, 3<sup>rd</sup>, ed. (Toronto: UTP, 2000) pp.139-140, see also John L. Tobias, 'Emergence of Civil Indian Policy: Protection Civilisation, Assimilation: An outline History of Canada's Indian Policy', *Sweet Promises*, ed. J.R. Miller (Toronto, UTP 1991) p.130

<sup>484</sup> *An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31<sup>st</sup> Victoria, Chapter 42, 22<sup>nd</sup> June 1869*, sec. VIII (2010). Accessed June 14, 2014. <http://www.aadnc-aadnc.gc.ca/1100100010204/1100100010206>,

<sup>485</sup> *Ibid*, sec.IV

<sup>486</sup> Royal Commission on Aboriginal Peoples, *Looking Forward, Looking Back*, pp146-147

of treaty promises, and was far less land than what new white settlers received.<sup>487</sup> This encouraged the piecemeal dismantling of the reserve system, which was wholly illegitimate Royal Proclamation as land was appropriated by a Provincial official. Not surprisingly the Six Nations band to which Elias Hill belonged to refused to grant him an allotment from their reserve following his approved enfranchisement. In fact, many tribal leaders openly dissuaded their band members from seeking enfranchisement as it was not in the interest of the cultural revitalization.<sup>488</sup> Furthermore, enfranchised men were still regarded as inferior. When they arrived, European settlers received far more land and assistance than those of aboriginal decent making the effort to adapt to new economic circumstances.<sup>489</sup> Instead of recognising that aboriginals had far less opportunity in the land that they could settle on and its quantity in comparison to European settlers, tribes were blamed for their own demise. Early historians such as G.F.G Stanley argued a contemporary belief that aboriginals suffered not because of racially disparate rules, but because they were innately “tradition-bound, static, and incapable of change and innovation”.<sup>490</sup> This paradox of enfranchisement illustrated the underlying racism of Canada by whites towards the land’s indigenous people.

It was not long before officials realized enfranchisement was a dead letter.<sup>491</sup> Tribes recognized the intent to “break them to pieces”; this most likely referred to the aim of eroding the reserve land base but also could suggest the social organisation and cultural

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<sup>487</sup> “An act to encourage the gradual civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians”, 10<sup>th</sup> July, 1857, Vic.20 Cap.26, *Statutes of the Province of Canada passed in the Twentieth Year of the Reign of Her Majesty Queen Victoria* (Toronto, 1857) sec.VII

Sarah Carter, *Aboriginal People and Colonizers of Western Canada* (London: UTP, 1999), p.137

<sup>488</sup> John S. Milloy, “Early Indian Acts: Developmental Strategy and Constitutional Change”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.61

<sup>489</sup> Sarah Carter

<sup>490</sup> Ibid, pp.134-135

<sup>491</sup> PAC, RG10, J. Gilkinson to the Chief Superintendent of Indian Affairs, 4 March, 1863 (1863)

traditions of tribes. As Miller argues, tribes rejected the “refashioning” of their existence.<sup>492</sup>

Assimilative policy was to Indians culturally destructive, and the reinforcement of civilization for assimilation and enfranchisement showed increasing coercion.<sup>493</sup> That the Act’s

provision was thwarted in this respect shows how tribes were successfully resisting some assimilative measures. In addition, enfranchised Indians would become liable to taxes.

These two measures contradicted the traditional relationship between tribes and Crown.

Civilization policy from the mid-nineteenth century seriously began to threaten the relationship between aboriginals and their land by encouraging them to abandon communal land occupancy and “cease being Indian”.<sup>494</sup>

Instead of repealing enfranchisement, the Dominion not only continued to pursue it, but forced it upon Indians against their will. Aboriginals who achieved a “professional degree as minister, lawyer, teacher, or doctor” could bypass enfranchisement’s probationary period.<sup>495</sup> To stay Indian, then, meant to be restricted to lower rungs of society. This not only perpetuated the Indian as an inferior class, but meant that a band member could only progress by relinquishing all ties with his heritage. Enfranchisement was cultural blackmail.

Despite clear disapproval by tribes, such a measure illustrated the change in the aboriginal-white relationship from nation-to-nation to Dominion domination.<sup>496</sup> Resistance was

“interpreted as demonstration of the fact that the Indian needed more direction and

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<sup>492</sup>PAC, RG10, V245, Part 1, *D. Thorburn to R. Pennefather, 13 Oct. 1858* (1858) [National Archives of Canada, RG 10, Records of the Department of Indian Affairs, vol. 245, part 1, 145510-11, Minutes of Great Council, 20-29 Sept. 1858 (1858), see also, John S. Milloy, “The Early Indian Acts: Developmental Strategy and Constitutional Change”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), p.59 and J.R Miller, *Sky Scrapers Hide the Heavens*, 3<sup>rd</sup> ed. (Toronto: UTP, 2000), p.136

<sup>493</sup> *Ibid*, p.142

<sup>494</sup> *Ibid*. p.143

<sup>495</sup> John L. Tobias, “Protection, Civilization, Assimilation: An Outline of Canada’s Indian Policy”, *As Long as the Sun Shines and Water Flows*, ed. Ian A.L. Getty and Antoine S. Lussier (Vancouver: UBC Press, 1983), p.44

<sup>496</sup> John S. Milloy, “The Early Indian Acts: Developmental Strategy and Constitutional Change”, *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (Vancouver: UBC, 1983), pp.59-62

guidance".<sup>497</sup> Chiefs were the scapegoat for enfranchisement's failure. The Dominion argued that aboriginals did want enfranchisement, but that "traditional authority" blocked the path. The Dominion reacted to tribal political traditions, arguing that they were an obstacle that kept the Indian in an inferior state. To solve the issue, and speed up enfranchisement, the entire tribal political system would need to be overturned with institutions that could be controlled more easily by the Dominion.<sup>498</sup> Indigenous self-government was "sacrificed" for the Dominion's assimilative agenda that sought the cultural destruction of the Indian.<sup>499</sup>

Moreover, the Superintendent General usurped political autonomy over tribes. When treaties were made, tribes did not relinquish their socio-political organization, in fact they entered into treaties to safe-guard self-determination.<sup>500</sup> By contrast, aboriginals were excluded from the creation of the Superintendent General; illustrating that such a position opposed the traditional tribal authoritative positions.

As municipalities were forced on tribes, the Superintendent General of Indian affairs was given near autocratic control over the functions of tribal government. Among many powers granted, he could create individual land holdings and determine the use of resources such as issuing licenses for timber cutting.

In fact, the Superintendent General could enforce compulsive enfranchisement, bypassing any form of native consultation<sup>501</sup>. Hereditary chiefs were to be replaced by ones elected in council by a majority of males over twenty one. One form of resistance by tribal men was to

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<sup>497</sup> John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy", *Sweet Promises*, ed. J.R. Miller (Toronto, UTP, 1991), p.133

<sup>498</sup> John S. Milloy, "The Early Indian Acts: Developmental Strategy and Constitutional Change", *As Long as the Sun Shines and Water Flows*, ed. Ian A. Getty and Antoine S. Lussier (UBC, 1983), pp.61-62

<sup>499</sup> *Ibid*, p.63

<sup>500</sup> Joan Holmes, *The Original Intentions of the Indian Act*, (Ottawa: Joan Holmes & Association Inc., 2002), p.6

<sup>501</sup> Patricia O. Dickason and William Newbigging, *A concise History of Canada's First Nations*, p.241

simply vote for their hereditary chief, but the Superintendent General had the power to remove any native official on flimsy discretion such as “immoral” behaviour. This was a firm case of political genocide. The entire tribal political system was entwined, like all other aspects of tribal life, with the spiritual. Chiefs and head men were chosen either through their clan ties or through traditional acts of honour and bravery. Women were completely devoid of any decision making duties, and the responsibilities of bands on reserves were severely reduced. These measures were forms of political and cultural genocide. The elected system was a “means to destroy the last vestige of the old tribal system, the traditional political system”.<sup>502</sup> The Council was merely a puppet government, subservient to Dominion prerogatives, and elective systems were imposed regardless of any protest.<sup>503</sup>

The Superintendent General’s authority increased at the expense of tribal autonomy. This was political genocide. The powers over the tribes did not concern only land, but the oppression of tribal autonomy. He could decide the shape of government, remove Chiefs, and grant licenses to settle or extract resources from a reserve, authorize surveys, force allotment, veto a tribe’s decision to surrender land, grant enfranchisement. The purpose was to impose changes over tribal traditions that were not in keeping the expansion of the Dominion. It sought to repress indigenous traditions to make them a spectacle of cultural inferiority, and justify the assimilative policy of enfranchisement as in aboriginals’ best interest. This fell in direct contrast with the very treaties that tribes and the Dominion had agreed upon. If missionaries were systemic agents of cultural genocide, encouraging Indians to adopt European habits based upon Eurocentric ideology, then the Indian office was

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<sup>502</sup> John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy”, *Sweet Promises*, ed. J.R. Miller (Toronto: UTP, 1991), p.134

<sup>503</sup> *Ibid*

enforcing cultural genocide by imposing legislative measures that undermined their obligation to respect tribes as sovereign nations.

## Spiritual Genocide

Legislation completed its genocide of Native traditions by imposing spiritual genocide, the attempt to usurp the “spiritual solidarity” of a group, through the prohibition of ceremonies.<sup>504</sup> The potlatch, sun dance, and other dances were banned as they promoted “pagan beliefs and were anathema to the development of a concept of private property”.<sup>505</sup> Even John Maclean, who was more sympathetic to the indigenous perspective, believed the potlatch was “retarding the progress of the Indian”.<sup>506</sup> Further, such ceremonies did not follow the Christian teaching, or honour the Christian God. Such behaviour was evidence of Native barbarism, and Tribes could not be talked out of performing their rituals they would have to be forcibly prohibited.

Following the wrongly named North-West Rebellion (1885), in which sporadic unrest ensued due to a starvation and a series of broken promises by the Dominion,<sup>507</sup> the white legislature, instead of assisting starving aboriginals, increased its level of repression.<sup>508</sup> To discourage annual ceremonies a pass system was enforced through the Indian Advancement Act (1884). This apartheid system used the NWMP to prohibit Indians from leaving their reserves without permission.<sup>509</sup> Some ‘Mounties’ suspected the legality of such repression,

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<sup>504</sup> George E. Tinker, *Missionary Conquest* (Minneapolis: Fortress Press, 1993) p.7

<sup>505</sup> *Ibid*, p.135

<sup>506</sup> John Maclean, *The Indians of Canada, 1889* (Bibliolife), p.15

<sup>507</sup> See J.R Miller, “The North-West Rebellion” *Skyscrapers Hide the Heavens*, 3rd ed. (Toronto: UTP, 2000), Howard Adams, “Causes of the 1885 Struggle”, *Prison of Grass: Canada from the Native Point of View* (Toronto: New Press, 1975), and James Daschuk, “Dominion Administration of Relief”, *Clearing the Plains: Disease, Politics of Starvation, and Loss of Aboriginal Life* (Regina, University of Regina Press, 2013)

<sup>508</sup> Daniel Francis, “Redcoats and Redskins”, *The Imaginary Indian, The Image of the Indian in Canadian Culture* (Vancouver: Arsenal Pulp Press, 1992), pp.68-69

<sup>509</sup> Daniel Francis, “Red Coats and Redskins” *The Imaginary Indians: The Image of the Indian in Canadian Culture* (Vancouver: Arsenal Pulp Press, 1992), p.69



but nevertheless carried out the order.<sup>510</sup> MPs were to push any legislation that would end “Indian cultural distinction”.<sup>511</sup> By the end of the nineteenth century, Indian prisons were social laboratories. This was a two pronged attack on tribal cultures, preventing large gatherings for ceremonies, and small hunting parties who persisted on continuing their traditional form of subsistence.<sup>512</sup> Indian policies overall revealed indifference to Indian well-being. Many communities turned to religion to find ways to cope with the increasing repression, in the hopes of holding onto some part of their culture.<sup>513</sup> The Dominion, however, remarked that such forms of cultural revitalisation retarded the Indian’s progress, and made them “unsettled and anxious to emulate the deeds of their forefathers”.<sup>514</sup> The solution, therefore, would be complete repression of all customs deemed primitive. Though officials may have argued that this was in the best interest, such measures arguably increased feelings of hostility as the traditional nation to nation relationships were replaced by one in which the tribes were subjected to tutelage. By the end of the nineteenth century hope for cultural synthesis was arguably lost.

Overall, legislation developed along the lines of the relationship between the tribes. Whilst Indian Affairs was officially under the military department, and the colonial office was reliant upon indigenous people as a force, Indian policy favourably upheld native rights to self-determination and land. Even in the early settlement era policies reflected a sense that tribes should have the ability to express themselves, as legislation tried to prohibited and

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<sup>510</sup> James Daschuk, “The Nadir of Indigenous Health”, *Clearing the Plains: Disease, Politics of Starvation, and Loss of Aboriginal Life* (Regina, University of Regina Press, 2013), p.172

<sup>511</sup> Brian Titley, *The Indian Commissioners: Agents of the State and Indian Policy in Canada’s Prairie West 1873-1932* (Edmonton: University of Alberta, 2009), p.46

<sup>512</sup> John L. Tobias, “Protection, Civilization, Assimilation: An Outline History of Canada’s Indian Policy”, *Sweet Promises*, ed. J.R. Miller (Toronto: UTP, 1991), p136

<sup>513</sup> James Daschuk, “The Nadir of Indigenous Health”, *Clearing the Plains: Disease, Politics of Starvation, and Loss of Aboriginal Life* (Regina, University of Regina Press, 2013), p.169

<sup>514</sup> Ibid

quell trespassing that could have led to violent unrest. Change occurred mid-way through the nineteenth century. As tribes became the minority in Upper Canada, their rights became secondary to settlers. When the Dominion was granted the responsibilities over Indian Affairs in the British North American Act, it viewed the aboriginals not as equal partners of the land, but as children that needed caring for and obstacles to white industrial expansion. A combination of philanthropic liberalism and ethnocentric ideology helped to create laws that encouraged the dismantling of Indians as Indians.<sup>515</sup> Policy was expanded and consolidated in relation to the westward expansion of the Dominion, culminating in the Indian Act of 1876. Legislation restricted Indians physically, spiritually, economically and politically. It is ironic that the purpose of the Bagot Commission was to consolidate the Indian department, with the view that it would eventually become non-existent within a short period. Enfranchisement may have been the realization of this. The department's purpose even into the twentieth century was to "continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department".<sup>516</sup> In contrast, the Indian department became more substantial, which exists to this day under the banner of the Aboriginal Affairs and Northern Development Canada. This title is in-keeping with the spirit of the British North American Act that links aboriginals and their lands. Even today, the Canadian government's relationship with its aboriginal neighbours is dependent upon the value of the land which such communities inhabit.

Early acts such as the Act for the Better Protection of the Land and Property of the Indians in Lower Canada, and the Act for the protection of the Indian in Upper Canada from

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<sup>515</sup> Patricia O. Dickason and William Newbigging, *A Concise History of Canada's First Nations* 2<sup>nd</sup> ed. (Oxford: Oxford University Press, 2010) p.242

<sup>516</sup> E. Brian Titley, *A Narrow Vision*, (UBC Press, 1986), p.50

Imposition, and the Property Occupied and Enjoyed by them from Trespass and Injury (1850) were largely a response to the growing pressures of encroachment, and upheld Indian land rights that were recognised in the Royal Proclamation (1763). These two earlier laws on Indian affairs however did, for the first time, create a legal definition for indigenous people. To do so was to establish a precedent for subsequent laws on Indian affairs that focused more on assisting the indigenous people in their destiny to be absorbed into the dominant society by restricting the parameters what made an individual an 'Indian'. The *Gradual Civilisation Act* (1857) and the *Indian Act* (1876) redefined the legal distinction of an Indian in more narrow terms, and also as a subjugated 'other' from the dominant society. This drive can be seen as a result of the experimentation period in the early nineteenth century. The *Bagot Commission* (1842-4) declared that the most effective policy towards First Nations was that of assimilation through education in agriculture for their self-sufficiency rather than separation that had been trialled, and rebuked, by Sir Francis Bond Head's relocation of all aboriginals in Upper Canada to Manitoulin Island in 1836. The Bagot Commission set the paternal standard in that Aborigines needed assistance if they were going to survive extinction, and subsequent legislation had been worded in ways that justified attacking tribal autonomy as protecting indigenous people. Like the treaties, legislation also was used to tighten the Dominion's grip on land title, which then extended to all aspects of day to day Aboriginal life. In protective jargon the land protection acts (1850) began a comprehensive 'in trust' system that began by stating that the Crown owned all the land and reserved a section for its Aborigines. The *Transfer to Canada of Indian Affairs and the Management of Indian Lands and Property act* (1860) and *British North America Act* (1867) gave control of all indigenous matters to Ottawa as well as other sections of Dominion life. In a single seal First Nations suddenly had new masters, and were

not consulted or even aware that this had happened. Enfranchisement, in theory, was to be the most destructive form of assistance by granting full citizenship by relinquishment of an individual's Indian-ness. Its voluntary form undermined its efforts, as only "one man, Elias Hill ... is known to have accepted the invitation".<sup>517</sup> It was through the creation of the Superintendent General though that First Nation autonomy was crippled the most. Under the *Indian Act* (1876), this individual had an authoritarian amount of control over First Nations' lives through the pass system (Indian Act 1885), political institutions, reserve lands and resources, and finances. By the end of the nineteenth century, First Nations were battling to hold onto their lands, resources, rituals and status, as the Government had forced its way into every aspect of First Nation life with the aim of undermining it.

The measures imposed on aboriginals caused direct cultural change, and were based on the belief that the tribal system held them back from social progress.<sup>518</sup> The Superintendent General became an authoritarian leader; the communal living system was uprooted; a pass system was introduced to restrict Indian movement preventing spiritual practices, and Indians were forbidden from selling surplus grain to markets. A blood quantum was introduced that completely changed the perception of Indian identity; all in the name of progress. Tribal autonomy was uprooted: politically, economically, and spiritually, with the intent of subjugating the Indian as an inferior class. The only opportunity of prosperity for Indians was to abandon their traditions and cultural identity through Enfranchisement. These oppressive measures can be nothing other than cultural genocide.

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<sup>517</sup> *Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples: Looking Forward, Looking back*. 1. (Ottawa: the Royal Commission on Aboriginal Peoples, 1996). Accessed Feb. 27, 2014. <http://www.aadnc-aandc.gc.ca/eng/1100100014597/1100100014637>

<sup>518</sup> Canada, *Sessional Papers (No.12)*, 1890, 165, Reed to Superintendent General, 31 Oct. 1889

## Conclusion

This dissertation has drawn out some specific attacks by the colonial administration upon the cultural survival of indigenous peoples during nineteenth century Canadian history. It has examined the objectives and motivations of missionization, and the extent to which religious societies, as a part of the broader movement of philanthropic liberalism of the early to mid-nineteenth century, sought to control the cultural revival of indigenous peoples in Upper Canada and throughout the North West Territories as the Dominion expanded. It has shown that religious officials had a desire to extend their influence and power across the entire empire, as they believed it was a divine instruction given to them. Their intentions may have been pure, in that they sought to rejuvenate peoples that were subjected to hardships, but their underlying philosophy undermined this positive impact. The belief that indigenous' spiritual belief, economic practices and social organisation were not only inferior, but also the cause of aboriginal destitution, justified social experiments in religious forms of civilization.

The state was by no means innocent to the civilization experiment. Its policy explicitly stated that it had a responsibility to reclaim aboriginals from their self-destructive tendencies. The State and Church arguably pursued the same goal, but whilst Missionary societies were largely, but not entirely, preoccupied with the saving of souls, the State imposed measures of economic, political, social and spiritual disruption, with the intent of dominating and destroying those forms of primitiveness that were inadequate with Victorian ideals. Not only this, the Indian "element" was entirely viewed as an obstacle to the growth and expansion territorially of the newly formed Dominion in 1867. White industrial and settler needs were put ahead of the rights and privileges that Natives not only deserved but had

already established via treaty. Legislation was the key to the coercion of indigenous people. Laws sought to control the relationship between aboriginals and settlers. They set regulations towards the boundaries of reserve lands and prohibited the trade and sale of alcohol. In addition, the NWMP did help to counter the whiskey trade that had spilt across the 49<sup>th</sup> parallel as a result from US military occupation on their frontier.<sup>519</sup>

The treaties, whilst not themselves a form of cultural genocide, were catalysts towards colonial goals, and a method in which the Colonial officials could, on behalf of the crown, appease and quell Native disturbances. The reactionary way in which the Government pursued treaties is testament to their lack of appreciation towards their indigenous subjects, and rather displayed their intent to prevent warfare as far as possible to reduce financial expense. Yet their appreciation for aboriginal protocol suggests that Government approached the native element tentatively. In light of the Indian wars to the south, the Dominion had seen the implications that an all-out military campaign would have upon aboriginal-white relations. Adhering to indigenous demands and protocol was less to do with honouring Native rights, and more to do with preventing unnecessary expenditures in military campaigns. Canadians judged their policy against that of the United States, appearing smug that their Indian policy was extraordinarily more peaceful and cheaper. Yet they failed and continue to fail to realize the cultural devastation that their policy had the potential of causing.

Treaties effectively rounded up tribes, creating laboratories for social experiments. The scientists were missionaries. Missionaries attempted to replace traditional cultural values with their own Victorian ideals. Some customs were embraced by tribes, peaceful relations

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<sup>519</sup> Sarah Carter, *Aboriginal People and Colonizers of Western Canada* (Toronto: UTP, 1999), pp.127-128

between a tribe and their missionary illustrated cultural synthesis. Yet tribes that sought to keep hold of their traditional modes of subsistence and spiritual beliefs were further restricted by legislation. Legislation restricted Native mobility to exercise their traditions through the pass system, and it sought to extinguish the Indian as a racial group, assimilating them in Euro-Canadian society. Biological racism was used to redefine members of bands, creating status and non-status Indians to reduce expenditure. Women were completely objectified. Enfranchisement attacked the Reserve land base, and threatened any social mobility within a tribe with the loss of indigenous identity. This combination of measures meant that if aboriginals were to survive in a new economic and social order, they would have to relinquish their traditions, beliefs, customs, and mode of living, and walk the path of the white man. When added to the physical destruction of indigenous people in Canada by subjugation, hunger, sickness, and death, the relationship between Indians and whites reflected a “shameful episode” in Canadian History.<sup>520</sup>

Another conclusion that can be drawn from this study is the mode in which indigenous people have been defined. In Ronald Niezen highlights that indigenous people have a shared experience globally, in that they have all survived the efforts and effects of “colonial upheaval”.<sup>521</sup> In particular he notes that what has been discussed in the three above chapters in fact shapes indigenous identity, and can be used as a framework to study any group of peoples that refer to themselves as indigenous. These common characteristics of indigenous historical experience that include land exploitation, spiritual repression and political suffocation have, ironically, given birth to a new global identity that stands in the

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<sup>520</sup> James Daschuk, “The Nadir of Indigenous Health”, *Clearing the Plains: Disease, Politics of Starvation, and Loss of Aboriginal Life* (Regina: University of Regina, 2013), p.172

<sup>521</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (London: University of California Press, 2003) pp.4-5

face of unanimity. The term *indigenous*, whilst itself all encompassing, serves as a global label for “the clearest expression of human diversity”.<sup>522</sup> Yet it must be remembered that these characteristics are defined by the dominant of colonial aggressors: “Their territories are imposed upon them by extractive industries; their beliefs and rituals are imposed upon by those who would convert them; and their independence is imposed upon them by states striving for political and territorial control”.<sup>523</sup> Indigenism, I contest, is the galvanisation of aboriginal people; as a form of resistance in itself to the pacification of diverse cultures. It not only shows how indigenous people have survived and to some extent thrived, but as a form of indendity reveals the truth of histories of cultural genocides.

To put this dissertation into perspective, the current Government and Aboriginal relationship is strained.<sup>524</sup> Government actions seek to undermine indigenous peoples’ right to self-determination and land whilst openly acknowledging that said right.<sup>525</sup> Surveyors for “fracking” sites have replaced those for agricultural settlements. These sites cross over the remaining remnants of tribal land bases, and threaten the health and well-being of indigenous peoples in the twenty first century. Bill C-45 (2012) reformed land surrender procedures in the Indian Act,<sup>526</sup> and jeopardized water cleanliness through the Navigable Waters Protection Act (2012) and Canadian Environmental Assessment Act (2012).<sup>527</sup> These

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<sup>522</sup> Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (London: University of California Press, 2003) p. 2

<sup>523</sup> Ibid, pp. 2-5

<sup>524</sup> James Anaya, *Report of the Special Rapporteur on the rights of indigenous peoples*, A/68/317 Human Rights Council, 27<sup>th</sup> Session (United Nations, May 2014), p.7. Accessed May 30, 2014. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/427/10/PDF/N1342710.pdf?OpenElement>

<sup>525</sup> Ibid, pp.5-7

<sup>526</sup> Changes to subparagraph 39(1) (b) (ii), Subsection 39 (2) and (3), and Subsection 40, Eliz. 60-61, Chap. 31, Division 8, “Indian Act, Amendments to the Act” *Statutes of Canada 2012*, accessed April 10, 2014, <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5942521>

<sup>527</sup> Eliz 60-61, Chap. 31, sections 4 (1), 9 (1), and 26, Division 18, “Navigable Waters Protection Act”, and, section 63, Division 21, “Canadian Environmental Assessment Act, 2012” *Statutes of Canada 2012*. Accessed



laws threaten native rights to land and water in favour of transnational corporations' interests in resource exploitation, and allow them to bypass expensive forms of responsible waste management. Environmental securities have arguably been compromised for the sake of profiteering. In 2013 Lake Winnipeg was named the "most threatened lake", and further exploitation may increase the pollution the surrounding water systems further.<sup>528</sup> When First Nations have resisted this neo-colonial, or corporate colonial invasion, the Government has reacted, like the Robinson and numbered treaties, with "modern treaties" and "termination" to acquire their remaining land bases, ending the Indian element once and for all.<sup>529</sup> Whilst capitalist economies rely on producing and exporting, this exploitation comes at the expense of the inherent rights that are safeguarded by the UN's declaration to recognize "the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic, and social structures and from their cultures, spiritual traditions, histories, and philosophies, *especially their rights to their land, territories and resources*".<sup>530</sup> Today, modern treaties and new legislation complete the cultural destruction with intent of "full and final Settlement".<sup>531</sup> The measures are a continuation of the Canada's Civil Indian Policy that seeks to displace indigenous peoples from their remaining land bases and "Transform" them into comparable Canadian citizens. They seek to acquire the remaining land and bypass native consultation to allow industrial action that could be potentially devastating to tribal communities. To be an Indian is still to

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April 10, 2014.

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5942521>

<sup>528</sup> "Threatened Lake of the Year 2013: Lake Winnipeg in Canada", *Global Nature Fund* (2014). Accessed Sep. 17, 2014. <http://www.globalnature.org/ThreatenedLake2013>

<sup>529</sup> Russ Diabo, "Canada: Prime Minister Harper Launches First Nations 'Termination Plan'", *Global Research*, (2013). Accessed May 10, 2014. <http://www.globalresearch.ca/canada-prime-minister-harper-launches-first-nations-termination-plan/5318362>

<sup>530</sup> Resolution adopted by the General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples" (United Nations, March 2008),p.2 emphasis added

<sup>531</sup> Union of British Columbia Chiefs, *Certainty: Canada's Struggle to Extinguish Aboriginal Title* (Vancouver, 2014) accessed Sep. 22, 2014. <http://www.ubcic.bc.ca/Resources/certainty.htm#axzz3ABiQbbTc>

be to a large extent excluded from participation in the nation. Whilst some tribes are keen to co-operate with transnational corporations in resource exploitation, it is those that refuse it that are being targeted by neo-colonial efforts that attack their political autonomy. In effect, what this dissertation helps to reveal is that the current relationship between Indians and whites today is rooted in the ideas and actions taken in the nineteenth century settlement era. Though the cultural genocide of the Indian people may have failed, it existed, and continues to exist today.

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